

STATE ENGINEER  
PRELIMINARY  
NOV 10 1917  
OREGON

# BEFORE THE STATE ENGINEER OF OREGON

Grant ..... Count .....

In the Matter of the Determination of the Relative Rights to the Waters of JOHN DAY RIVER and its Tributaries, a Tributary of Columbia River.

## STATEMENT AND PROOF OF CLAIM

#1.

(The claimant must submit separate proof as to each ditch through which a water right is claimed.)

I, the undersigned, of BURNS, Oregon, being called as a witness in support of this statement of claim, and being first duly sworn, testify as follows:

1. Q.—What is claimant's name and postoffice address? If a corporation, give the place of incorporation and the authority by which you make this proof.

A.— Claimant, O. M. Corwin, of Minneapolis, Minnesota, who  
(If this proof is made by you as agent, or attorney, the written authorization therefor must be signed by the claimant upon the back hereof.)  
has signed authorization for undersigned as agent and attorney

*by C. B. McConnell - Agt.*

2. Q.—Do you claim a right to the waters of the above named stream or a tributary thereof? If from a tributary, give its name.

A.— Yes, Canyon Creek and its tributaries, and springs in  
N.W.N.W. - Sec. 19 - 15 - 32

3. Q.—What is the nature of the right or use on which this claim to the waters of said stream is based?

A.— Irrigation and domestic use, including stock water  
(Irrigation, power, mining, domestic, stock, etc.)

4. Q.—How was such right initiated, or upon what is it based?

By appropriation, diversion and use and by sub-irrigation  
A.— by predecessor in interest of claimant, Ralph Byram, who  
(Appropriation, diversion, and use, etc.)  
settled up and commenced taking the benefits of use of water in

5. Q.—State the date of the initiation of such water right. A.— 1873

6. Q.—What steps were taken by this claimant or his predecessor in interest to initiate said right? Answer fully, attaching separate sheet if necessary.

By applying for entry on land before government survey was  
A.— made, followed by entry, fencing, pasturing the land, cutting  
hay and reaping the benefits of natural overflow and subirrigated  
land, followed by construction of dams and ditches to divert the  
water as same became necessary, and appropriating and using the  
water for irrigation and domestic purposes.

7. Q.—When was water first used for irrigation, or other beneficial purposes?

A.— 1873

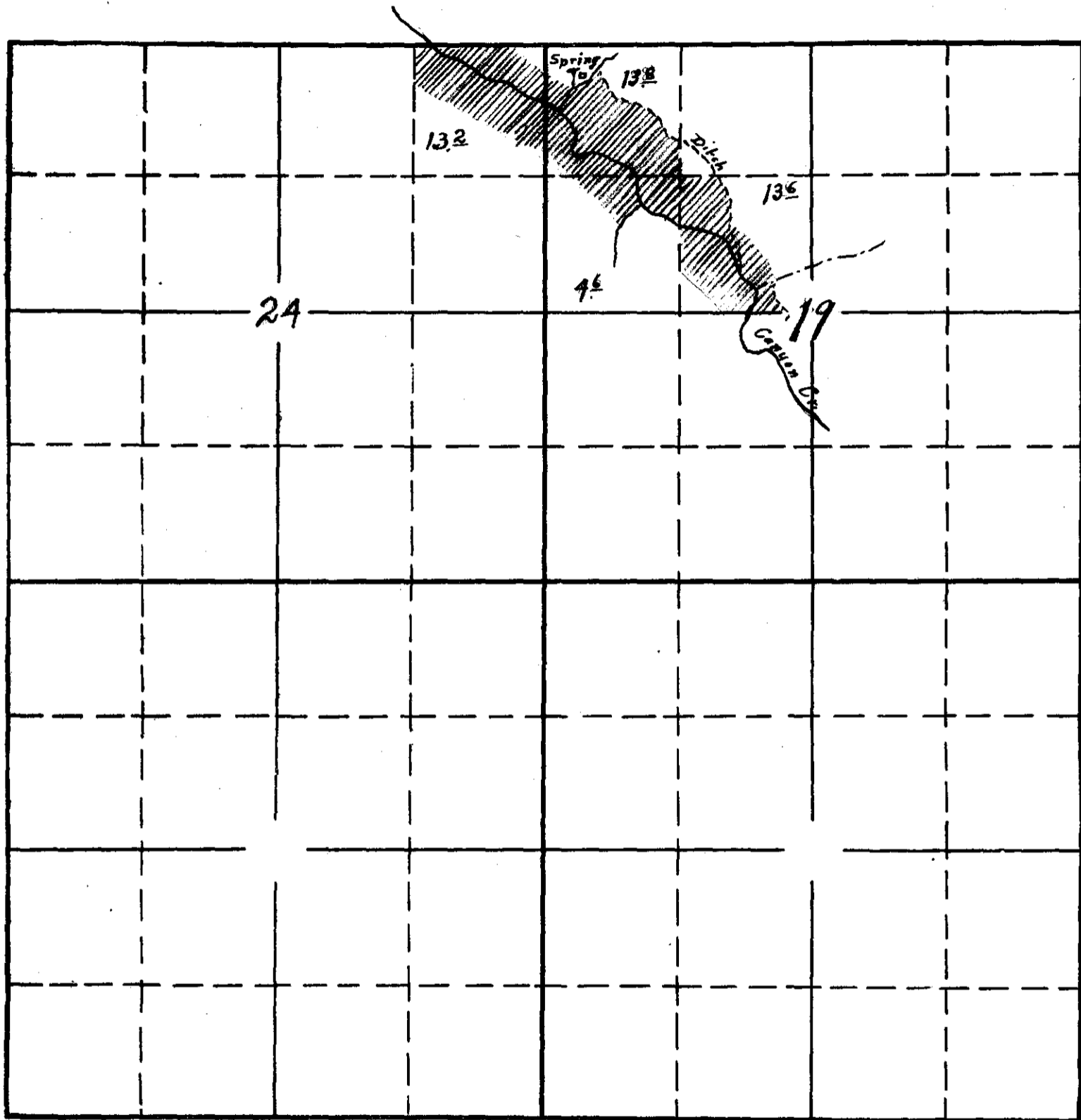
8. Q.—State the means of utilizing such water, giving the name by which the ditch is most commonly known, if a ditch is used.

A.— By means of sub-irrigation, overflow and by constructing  
dams and ditches, some of which were later known as John A. Miller  
ditches.

9. Q.—State the interest claimant has in such ditch, with the names of any other water users interested therein.

A.— Owner.





T.15 S. R. 31 E.

T.15 S. R. 32 E.

R  
T.D.  
Sec.

(5)

270

19. Q.—State the character of the soil and kind of crops cultivated.

A. — Sandy loam with gravelly subsoil. Alfalfa, grain, timothy clover, and wild meadow hay, garden crops, etc.

20. Q.—When does the irrigating season begin and when does it end, and if water is used for other purposes, during what months is it used?

A. — March 1st to September 30. Water used for domestic and stock water the entire year.

21. Q.—What amount of water do you estimate is necessary for the proper irrigation of the lands which you are irrigating or propose to irrigate, or for any other purpose for which a right is claimed?

A. — 4 acre feet per acre delivered on the land, 0.1 second feet for domestic and stock water.

22. Q.—Do you accept the maps prepared by the State Engineer as showing correctly the location of said ditch and the lands irrigated therefrom?

NOTE—In case there is objection to the official plat or a part thereof the parties objecting must, when giving proof, file a written statement of the reasons therefor, and must, within thirty days, file with the State Engineer a map covering the part objected to, with affidavit of surveyor thereto giving date of survey. Such map should be on tracing linen preferably on a scale of four inches to the mile (20 chains to one inch), and should have marked thereon, within each 40-acre legal subdivision, the area of land which is irrigated. Such map should correspond in size to legal cap paper so as to be easily filed with the claim.

A. — Yes, except that all irrigated land is not shown.

23. Q.—If water is used for power, state the total fall utilized and the theoretical (not actual) horsepower developed.

NOTE—Theoretical horsepower equals total quantity claimed in cubic feet per second, times fall in feet, divided by 8.8 (one cubic foot per second falling 8.8 feet equals one theoretical horsepower).

A. — No power

24. Q.—Describe the nature of the works by which the power is developed, the place where located, and state whether the water is returned to the stream after use and at what point.

A. — -----

25. Q.—If for mining purposes, describe the location and character of the mines to be served and state whether after use the water is returned to the stream and at what point.

A. — -----

26. Q.—If water is used for mining or power purposes, state whether there are any diversions between the point of your diversion and the return of such water to the stream.

A. — -----

27. Q.—Give description of your land as it appears in your deed. (Attach separate sheet if necessary.)

A. — SE $\frac{1}{4}$  NW $\frac{1}{4}$  and W $\frac{1}{2}$  NW $\frac{1}{4}$  Sec. 19. T. 15 S. R. 32 E and NE $\frac{1}{4}$  NE $\frac{1}{4}$  sec. 24 T. 15 S. R. 31 E, and other land adjoining and covered in other parts of this claim

28. Q.—What interest have you in the lands irrigated or place where the water is used?

A. — Owner

29. Q.—What additional evidence have you attached hereto or submitted herewith?

A. — Map showing lands irrigated. Certified copies of Land Entry and

Notices of Water Rights, marked Exhibit "A", and made part of claim; Five additional claims for owner of ranch known as the William Byram Ranch, making a total of 347 acres claimed irrigated

(If the witness finds the space insufficient to properly answer any question, he should attach hereto said answer on a separate sheet or sheets. A corporation supplying water for irrigation to lands not its own should attach to its proof a complete list of the persons owning the lands so supplied with the correct description of the lands owned by each such person in each smallest legal subdivision. Certified copies of records and such evidence as the claimant may desire to submit should be attached to this proof and marked for identification as exhibit "A," "B," "C," etc.)

I hereby certify upon oath that the foregoing statement and answers are true as I verily believe.

*C. B. McConnell*

Signature of ~~Claimant~~ Agent Making Proof.

Subscribed and sworn to before me this 28th day of September, 1927.

*[Signature]*  
State Engineer.

[or]

NOTARY PUBLIC FOR OREGON Notary Public for Oregon.  
MY COMMISSION EXPIRES MAY 25, 1929 My commission expires.....

AUTHORIZATION OF AGENT

I, O. M. Corwin, of Minneapolis,  
State of Minnesota, do hereby make and appoint  
C. B. McConnell, of Burns, Oregon, my agent  
and attorney for me and in my name, place and stead, to make and submit the within Statement  
and Proof of Claim.\*

And I hereby designate said agent as the proper party upon whom lawful and valid service may be made of all process and notices in any contest commenced by or against me, in the within entitled matter, and said agent is hereby duly authorized to appear in any and all such contests as my true and lawful agent and attorney, giving and granting unto my said attorney full power and authority to do and perform all and every act necessary and requisite to be done in the premises, as fully as I might or could do if personally present, hereby ratifying and confirming all my said agent shall lawfully do by virtue of this power.

*[Signature]*  
Signature of Claimant.

\* Claimant should cross out the second paragraph of the Authorization if he does not desire the agent to appear for him in the proceeding after the filing of this claim.

Filed, Sept. 30, 1927.

Fees paid:  
Irrigation ..... acres, \$.....  
Power, ..... H. P., \$.....  
Other use, ..... \$.....  
Recording certificates, \$.....  
Total, ..... \$.....  
Receipt No. ....

(See other Claim)

*[Signature]*  
State Engineer.

Exhibit "A"

R. Byram

NOTICE

Is Hereby given that I Ralph Byram have this eleventh (11) day of January 1873 located and entered of record in the office of the County Clerk of Grant County State of Oregon, one quarter Section of land for agricultural purposes, said quarter Section of land is bounded and described as follows to wit: Commencing at a point on the South side of Canyon Creek about two hundred yards above the Spring known as Warm Spring, and extending down said Canyon Creek eight hundred and eighty yards to a stake, from thence North eight hundred and eighty yards, thence East eight hundred and eighty yards, thence South eight hundred and eighty yards to the point of beginning. Said Warm Springs are situated on Canyon Creek Grant County Oregon about twelve miles up said Canyon Creek from the town of Canyon City.

January 11th 1873

Ralph Byram

Received for record January 14th 1873

Recorded in Vol. 1, page 315, of Miscellaneous Records of Grant County, Oregon.

R. Byram

NOTICE

I the undersigned do claim the water flowing in the channel of what is known as Meadow Creek in Grant County Oregon the said water to be taken out about one half mile from mouth of said stream in a ditch running in a northerly direction about one and a half miles to the pre-emption Land claim of the undersigned; the same being described as follows to wit: SE $\frac{1}{4}$  SW $\frac{1}{4}$ , NW $\frac{1}{4}$  SE $\frac{1}{4}$  and S $\frac{1}{2}$  SE $\frac{1}{4}$  Sec. 15, T. 15, S. R. 31 E. W. M.

R. Byram

Rec'd for Record Mar. 3, 1886

Recorded in Vol. B, page 141, of Water Rights Records of Grant County, Oregon.

Geo. S. Byram (Sugar Loaf Gulch) "Sugar Loaf"

Notice of Location of Water Right

State of Oregon )

:ss

County of Grant )

To All Whom It May Concern: Notice is hereby given that I, George S. Byram, being a citizen of the United States, over the age of twenty one years, have this day located and claimed and by these presents do locate and claim all the waters of this Sugar Loaf Gulch for irrigating and domestic purposes, said water to be taken from said Gulch or stream on Lot 4 of Sec. 7 Township 16, South Range 32 East W. M. and that I intend to construct and maintain a reservoir on said lot 4 for the purpose of catching and holding the waters of said gulch to be used as I desire; said waters to be conveyed to and upon Sec. 13 in Tp. 16 S. R. 31 E. W. M. and Section 18 Tp. 16 S. R. 32 E. W. M. for the purpose of irrigating the said lands.

Said ditch to be known as the "Sugar Loaf Ditch"

Located this 4th day of October, 1901.

Geo. S. Byram

Locator and Claimant

Rec'd for Record Oct. 4<sup>th</sup> 1901.

Recorded in Volume C, page 61, of Water Rights Records of Grant County, Oregon.



Wm. Byram

"Darlington Gulch"

Notice of Location of Water Right

Notice is hereby given that I, William Byram, a citizen of the United States over the age of twenty one years, have this day located and claimed, and by these presents do locate and claim, all the water flowing in this stream known as "Darlington Gulch", a tributary of Canyon Creek in Grant County, Oregon, said water to be taken from said "Gulch" near the center of Section 17 Tp. 15 S. R. 32 E. W. M. and conveyed to and upon the  $W\frac{1}{2}$   $SW\frac{1}{4}$  Sec. 17, the  $SE\frac{1}{4}$  of  $SE\frac{1}{4}$  Sec. 18, and the  $NE\frac{1}{4}$   $NE\frac{1}{4}$  Sec. 19 Tp. 15, S. R. 32, E. W. M. there to be used by me for irrigating and domestic purposes.

Dated this 4<sup>th</sup> day of August, 1902.

Wm. Byram

Locator.

Rec'd for Record Aug. 4, 1902, at 9 A. M.

Recorded in Vol. C, page 97, of Water Rights Records of Grant County, Oregon.

Byram Brothers

"Antelope Creek"

Notice of Water Right Location

Notice is hereby given that we, Byram Brothers, claim 200 inches of the waters of this "Antelope" Creek, said water is taken out from said stream on the NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Sec. 33, Tp. 16, S. R. 32, E. W. M., and is conveyed and used upon the E $\frac{1}{2}$  of SE $\frac{1}{4}$  the NW $\frac{1}{4}$  of SE $\frac{1}{4}$  and the N $\frac{1}{2}$  of SW $\frac{1}{4}$  of Sec. 28, Tp. 16, S. R. 32, E. W. M., and there to be used by said Byram Bros. for irrigation and domestic purposes.

Said ditch has been constructed and in constant use for two years last past by us, and we intend to continue the use of the same.

All parts of said ditch is in Grant County, Oregon.

Dated this 4th day of August, 1902.

Byram Brothers,  
Locators.

By Wm. Byram

Rec'd for Record Aug. 4, 1902 at 9 A. M.

Recorded in Vol C, page 97, of Water Rights Records,  
Grant County, Oregon.

Wm. Byram et al            Water Right            Bear Creek

Notice of Location of Water Right

NOTICE IS HEREBY GIVEN, That William Byram, Walter L. Marsden, and George S. Byram the undersigned, have this day located 800 inches of the water of this stream, known as Bear Creek said water to be diverted from the main channel at the point of this notice and commencing at the S.E.4 Sec. 16 \_\_\_ S. R. 33 on the East side of the creek to be conducted by means of ditches and flumes upon the S.W.4 N.E.4 & S.2 N.W.4 Sec. 17, & S.E.4 N.E.4 Sec. 18, Tp. 16 S. R., 32 E. W. M. owned by William Byram; N.W.4 S.W.4 Sec. 17 & N.2 S.E.4 S.E.4 S.E.4 & S.W.4 Sec. 18 Tp. 16 S. R. 32 E. W. M. owned by Walter L. Marsden and S.E.4 Sec. 13 Tp. 16 S. R. 31 E. W. M. owned by George S. Byram said waters to be used for irrigation purposes.

Dated this 16<sup>th</sup> day of April 1903.

William Byram

Walter L. Marsden

George S. Byram  
Locators.

Received for record April 17th, 1903

Recorded in Vol. C, page 164, of Water Rights Records, Grant County, Oregon.

No 3826 Ralph Byram Water Right Byram Gulch

Notice of Location of Water Right

Notice is hereby given that I Ralph Byram a citizen of the United States, have this day located three hundred inches of the water of this creek known as Byram Gulch.

Said waters to be diverted from the main channel \_\_\_ the point of this notice and to be conducted by means of ditches and flumes to a point near Whiskey Gulch said waters to be used for mining and domestic purposes.

Witness my hand this 23rd day of April A. D.  
1906.

Witness

Ralph Byram

Clay Todhunter

Locator.

Received for record April 23rd 1906, at 4-1 P. M.

Recorded in Vol. C, page 235, of Water Right Records of Grant County, Oregon.

#7821 Carrie E. Byram Round Mountain Gulch

Notice of Location of Water Right

NOTICE IS HEREBY GIVEN, That Carrie E. Byram the undersigned, have this day located 100 inches of the water of this stream known as Round Mountain Gulch said water to be diverted from the main channel at the point of this notice and to be conducted by means of ditches and flumes upon the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , N $\frac{1}{2}$  NW $\frac{1}{4}$  Section 17, NE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 18, Township 16 South Range 32 E. W. M. claimed by Carrie E. Byram said waters to be used for irrigation purposes.

Dated this 26 of September 1908.

Witnesses: Carrie E. Byram

Ralph J. Byram Locator

Geo. S. Byram

Received for record September 28th, 1908 at 8 A. M.

Recorded in Vol. C, page 270, of Water Rights Records, Grant County, Oregon.

STATE OF OREGON

County of Grant

} ss.

I, Bessie Powell, County Clerk for Grant County, State of Oregon,

Ex-Officio Recorder and Custodian of the Records

for said County and State, do hereby certify that the foregoing copy of Notices of Location  
of Water Rights--Ralph Byram et al

has been by me compared with the original Notices of Location of Water Rights  
and that it is a true and correct transcript of said  
originals and of the whole thereof, as the same appear on file and of record at my office  
and in my official custody.

In Testimony Whereof, I have hereunto set my hand and affixed my official seal,

this 16<sup>th</sup> day of September, 192 7.

Bessie Powell

Clerk

By

Hilda McCulloch  
Deputy.

