

- 10. 7

BEFORE THE STATE ENGINEER OF OREGON

Gilliam

Count y

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

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

I, the undersigned, of Condon, 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.— John J Monahan

(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.)

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.— Six mile a tributary of Rock Creek

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

A.— stock purposes

(Irrigation, power, mining, domestic, stock, etc.)

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

A.— appropriation and use

(Appropriation, diversion and use, etc.)

5. Q.—State the date of the initiation of such water right. A.— 1880

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.

A.— claimant and his predecessors in interest have used the
waters of six mile for stock purposes ever since settling in this
section of the country.

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

A.— 1880

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.— used only for stock purposes. No ditches.

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

A.— sole owner of lands.

10. Q.—State the date of the beginning of construction. A.— none

11. Q.—State the date of completion. A.—

12. Q.—State the dimensions of the ditch canal or pipe line as originally constructed, just below the wasteway or headgate.

A.—Width (top)feet; width (bottom)feet;
depthfeet; grade, or fall in feet per 1,000 feet,feet.

13. Q.—If said ditch has been enlarged, state the date of beginning and completion of each enlargement, and its dimensions as enlarged.

A. — none

First enlargement—Width (top)feet; width (bottom)feet;
depthfeet; grade, or fall per 1,000 feet,feet.

Second enlargement—Width (top) feet; width (bottom) feet;
depth feet; grade, or fall per 1,000 feet, feet.

14. Q.—State the area of land which your ditch, as originally constructed, was intended to irrigate. A.—none.....acres.

15. Q.—If water is used for irrigation, state the number of acres reclaimed and irrigated the first year. A.—none

16. Q.—How many acres were irrigated each subsequent year up to and including the present year? A.—~~the whole acres which have not been irrigated so far but~~
~~the water at a time by means of a small ditch, as six mile runs~~
~~right through the lands.~~

17. Q.—How many acres were irrigated after the first enlargement of said ditch? After each successive enlargement?

A. —

18. Q.—Give the number of acres irrigated under said ditch at the present time in each smallest legal subdivision (40-acre tract), using the following form. (The lands have been surveyed and are shown on the plat of the State Engineer, which you may examine at the time of the hearing. Your answer to this question should conform to those maps, unless you object to the same and submit maps of your own showing such information. No proof will be accepted which does not answer this question in detail.) (Attach separate sheet if necessary.)

A. —

[illegible]

Total..... acres.

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

A. — volcanic ash (alfalfa can be raised on the 10 acres)

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 until July. stock is watered all the year round.

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. — Sufficient quantity to keep continuous flow of water thru

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

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 3.8 (one cubic foot per second falling 3.8 feet equals one theoretical horsepower).

A. — no

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. — no

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. — no

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. — no

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

$W\frac{1}{2}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ of SE $\frac{1}{4}$ Section 11 TP 4, S R 22				
N $\frac{1}{2}$ of N $\frac{1}{2}$ Fractional	1	"	4	" " 22
E $\frac{1}{2}$ of E $\frac{1}{2}$, E $\frac{1}{2}$ of W $\frac{1}{2}$ & W $\frac{1}{2}$ of NE $\frac{1}{4}$	2	"	4	" " 22
Lot 4	6	"	4	" " 23
S $\frac{1}{2}$ of NW $\frac{1}{4}$; N $\frac{1}{2}$ of SW $\frac{1}{4}$; SE $\frac{1}{4}$ of SW $\frac{1}{4}$	18	"	4	" " 23
1-2 = 80.99 A. & NE $\frac{1}{4}$ of NW $\frac{1}{4}$	19	"	4	" " 23
SE $\frac{1}{4}$ of SW $\frac{1}{4}$	1	"	4	" " 22
E $\frac{1}{2}$ of W $\frac{1}{2}$; W $\frac{1}{2}$ of NE $\frac{1}{4}$ & SE $\frac{1}{4}$ of NE $\frac{1}{4}$	12	"	4	" " 22
N $\frac{1}{2}$ of NW $\frac{1}{4}$	13	"	4	" " 22
W $\frac{1}{2}$, SE $\frac{1}{4}$ & W $\frac{1}{2}$ of NE $\frac{1}{4}$	14	"	4	" " 22
NE $\frac{1}{4}$ and N $\frac{1}{2}$ of SE $\frac{1}{4}$	22	"	4	" " 22
All	23	"	4	" " 22
S $\frac{1}{2}$ of NW $\frac{1}{4}$; SW, W $\frac{1}{2}$ of SE $\frac{1}{4}$ & SW $\frac{1}{4}$ of NE $\frac{1}{4}$	24	"	4	" " 22
W $\frac{1}{2}$ of E $\frac{1}{2}$ & W $\frac{1}{2}$	25	"	4	" " 22
NE $\frac{1}{4}$ of NW $\frac{1}{4}$, NE $\frac{1}{4}$, E $\frac{1}{2}$ of SE $\frac{1}{4}$	26	"	4	" " 22
N $\frac{1}{2}$ of NW $\frac{1}{4}$; SW $\frac{1}{4}$ of NW $\frac{1}{4}$ & NW $\frac{1}{4}$ of NE $\frac{1}{4}$	36	"	4	" " 22

421 acres tillable
4157 acres non tillable

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

John J. Monahan
Signature of Claimant, or Agent Making Proof.

Subscribed and sworn to before me this 15th day of June, 1927

Bennett

[or]

Notary Public for Oregon.

My commission expires July 6 1927.

AUTHORIZATION OF AGENT

I, John J. Monahan, of Condon,
State of Oregon, do hereby make and appoint D.N. Mackay
of Condon, 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.

John J. Monahan
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, June 25th, 1927.

Fees paid:

Irrigation acres, \$

Power, H. P., \$

Other use, Stock, \$5.00

Recording certificates, \$1.00

Total, \$6.00

Receipt No. 32.

Chas. Luper
State Engineer.