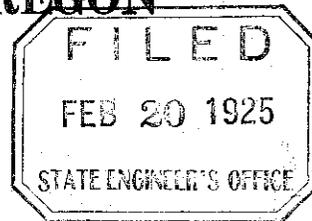


BEFORE THE STATE ENGINEER OF OREGON



Count

In the Matter of the Determination of the Relative Rights
to the Waters of Denio Creek
and its tributaries.
a Tributary of Nothing

STATEMENT AND PROOF OF CLAIM

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

Denio

I, the undersigned, of Harney County, 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.— Santiago Madariaga
(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.— Yes.

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

A.— A vested right, based upon the use of all of said water
since about 1886, for irrigation and stock purposes

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

A.— Initiated by making dam and ditch and use since 1886
(Appropriation, diversion and use, etc.)

5. Q.—State the date of the initiation of such water right. A.— About 1886

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.— By constructing dam and ditch about 1886, as near as can be
ascertained by diligent inquiry. By irrigating lands since that date
and raising alfalfa, garden truck, grain and wild hay. Some land irrigated
for pasture. During early spring, fall and winter months, land used for
pasture and if any water is in creek it is necessary for stock
This ditch was recorded about 1887 in Grant County at that time.

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

A.— about 1886

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.— A diverting dam was built in creek and water conveyed to
and around land to be irrigated. Ditch not named, but designated on map
as ditch No. 1. A lower ditch to irrigate some lands in Nevada construct-
ed in 1887. Designated on map as ditch No. 2

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

A.— Claimant owns all of said ditch.

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

A.—Soil under ditch No. 1, is a sandy loam, Alfalfa, grain garden and wild hay raised.

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.—About March 1st. water is used upon meadow; About April 1st water is used upon grain and alfalfa until it quits, which is about June 1st. Any surplus water is used for pasture lands and meadow and when stock is in pasture during whole of year, water is used for same

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.—From 3 to 4 acre feet is necessary to harvest crop.

*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?

* In case there is objection to the official plat 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 of said ditch and irrigated lands, with affidavit of surveyor thereto giving date of survey. Such map should be on tracing linen, on a scale of two inches to the mile (40 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.—

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

† 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.—

24. Q.—Describe the nature of the works by which the power is to be 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.—Oregon; S $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; Lots 2, 3, 4 of Section 20, T. 41 S. R. 35 T., Willamette Mer. Nevada; Lot 2, NW $\frac{1}{4}$ Sec. 3; Lots 1, 2 & 3 Sec. 4 of T. 47 N., R. 30 E. by old survey and by new U. S. Survey as Tract No. 37, of Secs 3 & 4, T. 47 N., R. 30 E., all of Mount Diablo Meridian.

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

A.—I own all of land and water rights.

29. Q.—Name at least three witnesses who will substantiate the statements herein made by you. Give their postoffice addresses.

A.—Robert A. Denio, of 812 6th St., Modesto, Calif. one of the owners of said land; Thomas Dufferrena, Denio, Oregon, a former owner, from whom I obtained the above information and can find no one else at the present time who is familiar with the place

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

A.—I have had said land surveyed by Horace H. Sheldon, a State Water Right Surveyor of Nevada, who has prepared a map of said lands which said map I have filed in your office. Proofs of Appropriation (Copy) is also filed, the originals of which are filed in Nevada with State Engineer for Nevada lands 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.

Signature
Santragata Macdonaga
Signature of Claimant, or Agent Making Proof.

Subscribed and sworn to before me this 19th day of November, 1924

Phillip H. Grove
Notary Public

Filed: _____, 192

My Commission expires Feb. 8, 1927

Fees paid: _____, \$ _____

State Engineer.

AUTHORIZATION OF AGENT

_____, of _____,
State of _____, do hereby make and appoint _____
_____, of _____, 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 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.

THE STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

From DENIO CREEK
Name of natural water source

Through Ditch No. 2
Name of ditch, flume, or pipe line

Santiago Madariaga, the undersigned, being first
duly sworn, deposes and says that the facts relative to the appropriation of water by
himself are full and correct to the best of his
knowledge and belief.

If proof is not made by claimant, deponent should state on this line by virtue of what authority he represents the claimant

(1) Name of claimant Santiago Madariaga
Address Denio, County of Harney
State of Oregon

(2) The means of diversion employed Dam and ditch
Dam and ditch, pipe line, flume, etc.

(3) The date of the survey of ditch, canal, or pipe line was

(4) The construction of the ditch or other works was begun 1887
and completed same year

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom 1
feet, width on top 2 feet, depth 1 feet, on a grade of 1.0 feet per thousand feet.

(6) The conduit has (has not) been enlarged.
NOTE—If enlargement or extension of ditch was made, supply information under (7) and (8)

(7) The work of enlargement of the ditch or canal was begun
and completed

(8) The dimensions of the ditch or canal as enlarged are: Width on bottom feet, width on
top feet, depth feet, on a grade of feet per thousand feet.

(9) The claimant is (is not) an owner in the above-described conduit.
All
If claimant is an owner in the conduit, state interest held on this line

(10) The nature of the title to the land for which the water right is claimed is
Patent

(11) Crops of Wild hay and pasture
have been grown upon the land irrigated.

(12) The water has been used for irrigation from March 1st to September 1st
of each year. Day of month Day of month

(13) The water was first used for irrigation by claimant or his grantors in the year 1887
when 44.74 acres were irrigated in the Tract No. 37 of Sec. 3 & 4
T. 47 N., R. 30 E.,

(14) The additional number of acres first irrigated in subsequent years was as follows:

Year	acres in the	of Sec.	T.	R.	E.
	acres in the	of Sec.	T.	R.	E.
	acres in the	of Sec.	T.	R.	E.
	acres in the	of Sec.	T.	R.	E.
	acres in the	of Sec.	T.	R.	E.
	acres in the	of Sec.	T.	R.	E.
	acres in the	of Sec.	T.	R.	E.
	acres in the	of Sec.	T.	R.	E.
	acres in the	of Sec.	T.	R.	E.
	acres in the	of Sec.	T.	R.	E.
	acres in the	of Sec.	T.	R.	E.
	acres in the	of Sec.	T.	R.	E.
	acres in the	of Sec.	T.	R.	E.
	acres in the	of Sec.	T.	R.	E.
	acres in the	of Sec.	T.	R.	E.
	acres in the	of Sec.	T.	R.	E.

Remarks: 44.74 acres in Tract No. 37 has been constantly used ever since and including the year 1887.
 Append a sheet if necessary

(15) The maximum acreage irrigated in any year was 44.74 acres.

(16) The water claimed has ~~(was not)~~ been used for irrigation each and every year since the right was initiated.
 Strike out one not wanted

(17) The years during which no water was used for irrigation or during which the full water right was not used were Always some water used each year, depending upon amount in stream
 If water was not used, or used in reduced quantity at any time, full information as to causes and duration of non-use should be given, appending a sheet if necessary

(18) The claimant's water right was (was not) recorded in the office of the County Recorder of _____ County, said record being at page _____ of Book _____ of _____, and being a claim for _____ of water for the irrigation of _____ acres of land in the following legal subdivisions:

NOTE—Failure to record in the county in no way invalidates a water right, but if ditch or right was so recorded, supply full information under (19)

(19) The map provided by the State Engineer and attached hereto as a part of this proof is hereby accepted as correctly showing the ditch lines or irrigation works diverting or conveying the water claimed and the lands irrigated.

(20) Water from the source given and through the works described is also used for the following purposes other than irrigation: Stock purposes

(21) The character of the soil is loam The soil needs 4 acre-feet
(Sandy, gravelly, loam)
per annum to properly irrigate the crops. A continuous flow of EX 1 to 6 cubic feet of water per second, during the irrigation season of 1 to 6 months, is needed to irrigate each 100 acres of land.

(22) Remarks: This stream is a small mountain stream, seasonable in its flow and as a rule there is no water after June 1st to irrigate this land. This is the reason a larger amount of water is necessary during the irrigation season in order to thoroughly soak this land.

Santiago Madrigal

Subscribed and sworn to before me this 19th day of November, 1925

Phyllis H. Grove
Notary Public in and for the County of Harney
My commission expires Feb. 8, '27

This part of form to be left blank by claimant

Filing Serial No. **01873**

STATE OF NEVADA
PROOF OF APPROPRIATION OF
WATER FOR IRRIGATION

Water Source.....

Through.....

Claimant.....

Filed in the office of the State Engineer on

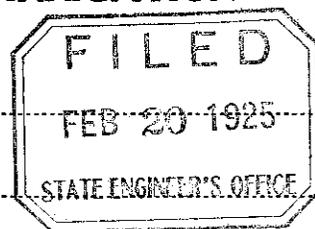
....., 192.....

State Engineer

Certificate No. issued hereunder

....., 192.....

THE STATE OF NEVADA
 PROOF OF APPROPRIATION OF WATER FOR IRRIGATION



From Denio Creek
Name of natural water source

Through Ditch NO. 1.
Name of ditch, flume, or pipe line

Santiago Madariaga, the undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by himself are full and correct to the best of his knowledge and belief.

If proof is not made by claimant, deponent should state on this line by virtue of what authority he represents the claimant

(1) Name of claimant Santiago Madariaga

Address Denio, County of Harney

State of Oregon

(2) The means of diversion employed dam and ditch
Dam and ditch, pipe line, flume, etc.

(3) The date of the survey of ditch, canal, or pipe line was _____

(4) The construction of the ditch or other works was begun 1890
 and completed same year

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom 3

feet, width on top 5 feet, depth 1 feet, on a grade of 10 feet per thousand feet.

(6) The conduit ~~has~~ (has not) been enlarged.

NOTE—If enlargement or extension of ditch was made, supply information under (7) and (8)

(7) The work of enlargement of the ditch or canal was begun _____
 and completed _____

(8) The dimensions of the ditch or canal as enlarged are: Width on bottom _____ feet, width on top _____ feet, depth _____ feet, on a grade of _____ feet per thousand feet.

(9) The claimant is ~~(not)~~ an owner in the above-described conduit.

All

If claimant is an owner in the conduit, state interest held on this line

(10) The nature of the title to the land for which the water right is claimed is _____

Patent

(11) Crops of alfalfa, grain, garden, wild hay and pasture have been grown upon the land irrigated. until it stops coming down. From July 1st

(12) The water has been used for irrigation from March 1st to Sept. 1st
Day of month Day of month
 of each year.

(13) The water was first used for irrigation by claimant or his grantors in the year 1890

when 26.22 acres were irrigated in the Tract No. 37 of Sec. 3 & 4

T. 47 N., R. 30 E.

(14) The additional numbe. of acres first irrigated in subsequent years was as follows:

1895.....38.16.....acres in the Tract No. 37 of Sec. 3 & 4, T. 47 N., R30 E.
 Year

.....acres in the.....of Sec....., T....., R..... E.

Remarks: The lands irrigated in 1895, being 38.16 acres have
 Append a sheet if necessary
 been in grain part of the time. The balance of the time land was
 used for pasture and is now in pasture being irrigated from the
 overflow, (when any) from the alfalfa and grain lands above.

(15) The maximum acreage irrigated in any year was 64.38 acres.

(16) The water claimed has ~~has not~~ been used for irrigation each and every year since the right was
 initiated. Strike out one not wanted

(17) The years during which no water was used for irrigation or during which the full water right was
 not used were.....
 If water was not used, or used in reduced quantity at any time, full information as to causes and duration
 of non-use should be given, appending a sheet if necessary

(18) The claimant's water right was (was not) recorded in the office of the County Recorder of
 County, said record being at page.....of Book.....of
 and being a claim for.....
 of water for the irrigation of.....
 acres of land in the following legal subdivisions:

NOTE—Failure to record in the county in no way invalidates a water right, but if ditch or right was so recorded, supply full information under (19)

(19) The map provided by the State Engineer and attached hereto as a part of this proof is hereby accepted as correctly showing the ditch lines or irrigation works diverting or conveying the water claimed and the lands irrigated.

(20) Water from the source given and through the works described is also used for the following purposes other than irrigation: stock purposes

(21) The character of the soil is loam (Sandy, gravelly, loam) The soil needs 4 acre-feet per annum to properly irrigate the crops. A continuous flow of 2 cubic feet of water per second, during the irrigation season of about 3 months, is needed to irrigate each 100 acres of land.

(22) Remarks: This stream is a small mountain stream, seasonable in its flow and as a rule, there is little water after June 1st to irrigate this land. This is the reason that a larger amount of water is necessary during the irrigating season in order to get a second crop, and thoroughly soak the land.

Santiago Madariaga

Subscribed and sworn to before me this 19th day of November, 1924

Phyllis H. Grove

Notary Public in and for the County of Harney

My commission expires Feb 8, 1927

This part of form to be left blank by claimant.

Filing Serial No. 01873

STATE OF NEVADA
PROOF OF APPROPRIATION OF
WATER FOR IRRIGATION

Water Source.....

Through.....

Claimant.....

Filed in the office of the State Engineer on

....., 192.....

State Engineer.

Certificate No. issued hereunder

....., 192.....

RECEIVED
FEB 20 1925
STATE ENGINEER
CARRINGTON