

CFR 0636

Harold and Beth Rowen

BAKER

APPLICATION FOR CENTURY FARM HONORS

Deadline for filing applications - May 1, 1985

PLEASE TYPE OR PRINT:

Your name (Mr., Mrs., Ms.) Harold
Mr. & Mrs. (Con) Rowen

Your address: RR. 1 Box 212 Halfway 97834
Street, Route, or Box Town Zip

Location of Farm: Halfway Baker
Address County

To qualify as a Century Farm, a farm must have not less than 10 acres with a gross income from farm use of not less than \$500 per year for three out of the five years immediately preceding application for Century Farm Honors. Does your farm meet this qualification? Yes

Name of family member who was founder or original owner of farm James McNuff
then Edward L. McNuff and then Harold & Beth Rowen

Year founder settled on farm 1883 Where did he come from? Indiana

Who farms the land today? Harold (Con) and Beth Rowen

Relationship to original owner? Beth is a granddaughter

Are any of the original buildings still in use? If so which ones? Yes

The Barn, Granary, Machine Shed

If you know crops or livestock raised on farm one hundred years ago, please list:

Hay, cattle, garden, many flowers
grain

What do you raise on farm today? Hay, grain (barley, wheat, or
oats may be rotated) cattle

How many generations live on the farm today (Names)? Harold and Beth Rowen

1 generation

How many times has the original farm been divided? none

Do you declare that the statements made above are accurate and correct to the best of your knowledge? Yes

Please return form to: Harold Rowen Beth L. Rowen
Signature of Owner

Elizabeth W. Buchler, Field Historian
Oregon Historical Society
1230 S.W. Park Avenue
Portland, Oregon, 97205

CFR0636

Ade 5/7/85

CERTIFICATION OF OWNERSHIP OF CENTURY FARM

I hereby certify that the farm for which _____

(owner's Name and Address)

is applying for Century Farm Honors has been in his family
continuously for one hundred or more years.

(County Recorder/Clerk)

Date

our Co. Clerk of Baker Co - Julia Woods
placed the seal and her signature
on the document showing where
James Mc Nutt paid his final sum
of \$6⁰⁰ on his homestead claim on
Nov. 12, 1888. This was the only
document - other than the water right
claim dtd. 1883 that was filed in Baker Co.
Lucille Waepf
Baker Co. Historical Society

Baker Co
Rowen 8

[4-007.]

HOMESTEAD.

APPLICATION }
No 2300 }

Land Office at La Grande Or

Apr 9, 1883.

I, James Mc Nutt, of Union Co-
Oregon, do hereby apply to enter, under Section 2289,

Revised Statutes of the United States, the N 5 1/4 S 1/4 Sec 4
SE SE 4 of Section 5 1/4, in Township 8 South of
Range 46 E W W, containing 160- acres.

James Mc Nutt

Land Office at La Grande Or

Apr 9, 1883

I, Henry N. Dwight, REGISTER OF THE LAND OFFICE,

do hereby certify that the above application is for Surveyed Lands of the class
which the applicant is legally entitled to enter under Section 2289, Revised
Statutes of the United States, and that there is no prior valid adverse right
to the same.

Henry N Dwight

Register.

HOMESTEAD.

[AFFIDAVIT.]

Land Office at Le Grand Or

Apr 9th, 1883

See note, which Clerks of the Courts and Registers and Receivers will read and EXPLAIN THOROUGHLY to persons making application for lands where the affidavit is made before either of them. (See directions to Land Officers on Duplicate Receipt.)

I, James Mc Nutt, of Union Co Oregon having filed my application, No. 2300-, for an entry under Section No. 2289, Revised Statutes of the United States, do solemnly swear that I am a Native Born Citizen of the United States 49 years of age that I made settlement on the land described in my application hereunto on 1st Sept 1882 and have lived continuously with my family on the land since that date that said application, No. 2300, is made for the purpose of actual settlement and cultivation; that said entry is made for my own exclusive benefit, and not directly or indirectly for the benefit or use of any other person or persons whomsoever; and that I have not heretofore had the benefit of the homestead laws.

James Mc Nutt

Sworn to and subscribed this 9th day

of April 1883, before

Geo. B. Lurvey
Receiver of the Land Office.

NOTE.—If this affidavit be acknowledged before the Clerk of the Court, as provided for by Sec. 2294, U. S. Revised Statutes, the Homestead party must expressly state herein that he or some member of his family is residing upon the land applied for, and that bona fide improvement and settlement have been made. He must also state why he is unable to appear at the Land Office.

Timber land embraced in a homestead, or other entry not consummated, may be cleared in order to cultivate the land and improve the premises, but for no other purpose. If after clearing the land for cultivation, there remains more timber than is required for improvement, there is no objection to the settler disposing of the same. But the question whether the land is being cleared of its timber for legitimate purposes is a question of fact which is liable to be raised at any time. If the timber is cut and removed for any other purpose it will subject the entry to cancellation, and the person who cut it will be liable to civil suit for recovery of the value of said timber, and also to criminal prosecution under Section 401 of the Revised Statutes.

America,

Greeting:

Land Office of the Oregon to the Act of Congress Public Domain

consummated, in Township Indians in

Land Office by the

and Moore

with the appurtenances and to his agricultural, manure with such water rights courts, and also sub- rom, should the same

PRESIDENT OF THE

Patent, and the said

month

the year of our Lord

the one hundred

Secretary

the General Land Office



The United States of America,

To all to whom these Presents shall come, Greeting:

Patent Certificate No. 1561
Application No. 300

Whereas, There has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at La Grande, Oregon, whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862, To cause Homesteads to actual Settlers on the Public Domain and the acts supplemental thereto, the claim of James M. Nutt

has been established and duly consummated in conformity to law, for the North half of the south west quarter and the south west quarter of the south west quarter of Section four and the south east quarter of the south east quarter of Section five in Township eight south of Range forty six east of Willamette Meridian in Oregon containing one hundred and sixty acres

according to the Official Plat of the survey of ^{the} said Land, returned to the General Land Office by the Surveyor General.

Now know ye that there is, therefore, granted by the United States unto the said James M. Nutt

the tract of Land above described: To have and to hold the said tract of Land, with the appurtenances thereof, unto the said James M. Nutt and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or entered the premises hereby granted, as provided by law.

In testimony whereof, Benjamin Harrison, PRESIDENT OF THE UNITED STATES OF AMERICA, has caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the ninth day of January, in the year of our Lord one thousand eight hundred and ninety and of the Independence of the United States the one hundred and fourteenth

By the President: Benjamin Harrison
By M. M. Keas, Secretary
J. M. Townsend, Recorder of the General Land Office

L.S.

BUREAU OF LAND MANAGEMENT

**OREGON STATE OFFICE
825 N.E. MULTNOMAH
P.O. BOX 2965
PORTLAND, OREGON 97208**

**I CERTIFY THIS REPRODUCTION IS A COPY OF
THE OFFICIAL RECORD ON FILE IN THIS OFFICE.**

Shirley M. ...
AUTHORIZED SIGNATURE

4/29/83
DATE

PAGE 1 **OF** 1

is a correct copy of the record, and the whole of such, as it appears of record in my office and in my custody.

Witness my hand and official seal this 3 day of May 1902.

John M. Gilson
Recorder of Conveyances.

The United States of America,

to

James Mc Nutt,

Final Receiver's Receipt No. 1861

Application No 2300,

Homestead (Duplicate)

Receiver's office La Grande Or. Nov. 12 1889,

Received of James McNutt the sum of six Dollars ¹¹ ___ cents being the balance of payment required by law for the entry of N 1/2 SW 1/4 and SW 1/4 SW 1/4 Sec. 4 and S.E. 1/4 Sec 1/4 of section 5 in Township 8 S of Range 46 E, containing 160 acres under section 2291 of the revised Statutes of the United States.

\$6

Received for writing testimony 12 fo. at 22 1/2 ⁶ \$2.25 J.T. Outhouse Receiver,
Recorded Nov. 4th 1889, at 5 oclock AM, A.T. Neill County Clerk,
described from volume N of deeds page 237 Union County Records,
STATE OF OREGON, County of Baker, ss.

J.T. Outhouse Receiver,

\$2.25 J.T. Outhouse Receiver,



I hereby certify that I have compared the with-
strument with the original instrument now on
file in my office, and find it is a true and correct copy of
the same and of the contents thereof.

State of Oregon, }
County of Union: } ss

I, the undersigned, Recorder of Conveyances of Union County,
Oregon, hereby certify that the above described instrument
is a correct copy of the original, and the whole of such, as it appears of
record in my office and in my custody.

Dated 4-24, 1902 *Julia Wood* County Clerk

Witness my hand and official seal this 3 day of May 1902.

John M. Gilson
Recorder of Conveyances.

The United States of America,

to

Reuben, Reed,

Final Receiver's receipt, No. 2091 Application No 4206

Homestead (Duplicate)

Receiver's Office La Grande Oregon October 18th 1889,

Received of Reuben Reed, the sum of Four Dollars 43 cents, being the balance of payment re-
quired by law, for the entry of Lot 1, SE ___ NE ___ and NE ___ SE ___ of section 5 in Township 8,
S of Range 46 E containing 160 acres under section 2291 of the revised Statutes of the United States.

10380
Halfway, Ore.
(Proof #245)

10380

domestic
and stock

Creek
trib. of
Pine Cr.

20 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 32,
T. 7 S. R. 46 E. W. M.

1910

21

"

5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$
16 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 32,
T. 7 S. R. 46 E. W. M.

10390
Adden, W.M.
Halfway, Ore.
(Proof #246)

1889

20

Irrigation
domestic
and stock

Clark
Curry

Pine
Creek

20 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 26,
T. 7 S. R. 45 E. W. M.

10391
Innon, J. F.
Carson, Ore.
(Proof #248)

1904

2.1

Irrigation
domestic
and stock

Private

Pine
Creek

1.2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$
0.9 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 15,
T. 7 S. R. 45 E. W. M.

(NOTE: This claim is covered by Permit No. 1039,
Certificate No. 1644 --- See Paragraph 65.)

10392
Allen, Joe
Pine, Ore.
(Proof #249)

1885

35.2

Irrigation
domestic
and stock

McMullen
Slough

Pine
Branch

35.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 23,
T. 8 S. R. 46 E. W. M.

10393
Att, E. L.
Halfway, Ore.
(Proof #251)

1883

5

Irrigation
domestic
and stock

McNutt

Spring
Branch

5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 4,
T. 8 S. R. 46 E. W. M.

10394
(Proof #250)

1884

57

Irrigation
domestic
and stock

Marshall-
say and
McNutt

Clear
Creek
trib. of
Pine Cr.

39 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$
18 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 4,
T. 8 S. R. 46 E. W. M.

1910

14

14 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 4,
T. 8 S. R. 46 E. W. M.

10395
Att, J. O. X
Halfway, Ore.
(Proof #253)

1883

10

Irrigation
domestic
and stock

McNutt

Clear
Creek
trib. of
Pine Cr.

10 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 5,
T. 8 S. R. 46 E. W. M.

10396
(Proof #252)

1885

35

Irrigation
domestic
and stock

McNutt

Clear
Creek
trib. of
Pine Cr.

35 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 4,
T. 8 S. R. 46 E. W. M.

1910

3.6

3.6 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 4,
T. 8 S. R. 46 E. W. M.

10397
(Proof #251)

1896

20

Irrigation
domestic
and stock

Irwin

Also see West
Gatchy or West

Pine
Creek

20 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 5,
T. 8 S. R. 46 E. W. M.

10398 - 0000. 1/16/81
Lhorn, Albert Sy. Or. v. 34 p. 246
Halfway, Ore.
(Proof #255)

1882

6

Irrigation
domestic
and stock

Akers

Clear
Creek
trib. of
Pine Cr.

6 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 32,
T. 7 S. R. 46 E. W. M.

1883

75

35 acres in Lot 1,
(NE $\frac{1}{4}$ NE $\frac{1}{4}$)
40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 5,
T. 8 S. R. 46 E. W. M.

WARRANTY DEED

James McNutt and Ann McNutt,
husband and wife,

to

Edward L. McNutt

Book "55" Deeds, page 28

Dated October 24, 1894

Recorded June 10, 1903

Consideration \$1000.00

Bargain, sell and convey:

The North half of the Southwest quarter
of Section 4 in Township 8 South of Range
46 East of the Willamette Meridian in Un-
ion County, Oregon, containing 80 acres.

The said Edward L. McNutt assuming a cer-
tain mortgage on the Northwest quarter of
the Southwest quarter of said Section, town-
ship and Range and dated October 23, 1894
given for 3 years at 10 per cent. per an-
num on \$300.00 to Sam'l V. Dearth.

COVENANTS:

Owners in fee simple; free from all incumbrances,
except as above mentioned; warrant and defend.

WITNESSES:

Two

(Signed) JAMES McNUTT (SEAL)

ANN McNUTT (SEAL)

Regularly acknowledged October 24, 1894, before
Chas. B. Orsi, Notary Public for Oregon.

This Indenture, made this 11th day of June A. D. 19 41

X by and between MAE EDWARDS and EMILY McNUTT,

the duly appointed, qualified and acting administratrices of the estate of E. L. McNutt,

deceased, late of the County of Baker State of Oregon, the party^{ies} of

X the first part, and HAROLD ROWEN and BETH L. ROWEN, husband and wife,

of the County of Baker State of Oregon, the party^{ies} of the second part

WITNESSETH:

That, Whereas, on the 10th day of April 19 41 the County Court of the State of Oregon, for Baker County, made an order authorizing the administratrices to sell certain real property of said deceased, upon the terms and conditions in said order set out, which said order of sale is entered in volume No. "33" of the Journal of the said County Court on page 494 thereof.

And, Whereas, under and by virtue of said order of sale, and pursuant to legal notice given thereof, the said party of the first part on the 22nd day of May 19 41 at the front door of the Baker County Court House on the east side thereof, at Baker, in Baker County, Oregon, between the hours of nine o'clock in the morning and four o'clock in the evening of the same day, offered for sale in separate parcels at private sale for cash or credit or both

and subject to confirmation by said County Court, the said real estate described in said order of sale; and at such sale the said party of the second part^{ies} become the purchaser of the real property herein-after described for the sum of Sixty-five Hundred and no/100ths Dollars, they being the highest and best bidders and that being the highest and best sum bid therefor.

And, Whereas, the said County Court, upon due and legal return made by said party^{ies} of the first part, under said order of sale, did, on the 11th day of June 19 41 make an order confirming said sale, and directing conveyances to be made to said purchasers which said order of confirmation is entered in volume No. "33" of the Journal of said County Court on page 589 thereof.

Now, Therefore, the said party of the first part^{ies} pursuant to the order last aforesaid, and for and in consideration of the sum of Sixty-five Hundred and no/100ths Dollars to them in hand paid by the said party of the second part^{ies} the receipt whereof is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell and convey unto the said party^{ies} of the second part^{ies} by the entirety, their heirs and assigns forever, all the right, title, interest and estate of the said E. L. McNutt,

deceased, at the time of his death, and all the right, title and interest that the said estate by operation of law or otherwise, may have acquired other than, or in addition to, that of said intestate at the time of his death, in and

to that certain lot, piece or parcel of land situate, lying and being in the County of — Baker —
State of Oregon, and better known and described as follows, to-wit:

The North half ($N\frac{1}{2}$) of the Southwest quarter ($SW\frac{1}{4}$) of Section Four (4), in
Township Eight (8) South of Range Forty-six (46) East of the Willamette Meridian,
including any and all waters, water rights, water privileges, ditches and ditch
rights thereunto belonging or in anywise appertaining;



together with the tenements, hereditaments and appurtenances whatsoever thereunto belonging, or in
anywise appertaining.

To Have and to Hold, all and singular the above mentioned and described premises, together
with the appurtenances, unto the said parties of the second part, /- ^{by the entirety,} their — heirs and assigns, to
— ~~and~~ their sole use, benefit and behoof forever.

In Witness Whereof, the said parties ^{ies} of the first part ha^{ve} hereunto set
— their — hands and seals the day and year first above written.

Executed in the presence of

Jan Heiler
Caroline J. Pelling

Anna Edwards (SEAL)

Emily McNutt (SEAL)

Administratrices of the Estate of

E. L. McNutt,
Deceased.

STATE OF OREGON.

County of Baker } ss.

This Certifies, That on this 11th day of June 19 41,
before me, a Notary Public in and for the said County and State, personally appeared the
within named MAE EDWARDS and EMILY McNUTT,

 are
who ~~is~~ known to me to be the persons described in and who executed the foregoing deed as the
administratrices of the said estate of E. L. McNutt, deceased, and acknowl-
edged to me that they as the administratrices of the estate of E. L. McNutt,
 deceased, executed the same freely and voluntarily for the uses and purposes
therein mentioned.

In Witness Whereof, I have hereunto set my hand and Notarial
Seal the day and year last above written.

 Notary Public for Oregon.

My Commission Expires June 12, 1943,

COMPARED INDEX

Deed

ADMINISTRATOR OR EXECUTOR

MAE EDWARDS and EMILY McNUTT,

administratrices

of the Estate of

E. L. McNUTT,

Deceased.

TO

HAROLD ROWEN and BETH L. ROWEN,

husband and wife.

STATE OF OREGON,

Talbot County, } ss.

I certify that the within instrument of writing was received and filed for record on the *11* day of *June* A. D. 19*41*, at *11:15* o'clock, *9* M., and recorded on page *266* in Book *130* Records of Deeds of said County.

Witness my hand and seal of County affixed.

A. G. Campbell Clerk.

By *Daisy Tice* Deputy.

FROM THE OFFICE OF

M. Cooper
HILLNER, GRANT & FUCHS,
Talent, Oregon.
the Talbot - Oregon -

ORDER CONFIRMING SALE OF REAL
PROPERTY, entered June 11, 1941
at 9 A. M. in Vol. "33" Records
of Probate, at page 589, is as
follows:

(TITLE OF COURT AND CAUSE.)

NOW AT THIS TIME, this 11th day of June, 1941, the above
entitled matter comes on for hearing upon the report of sale of
Mae Edwards and Emily McNutt, the duly and regularly appointed,
qualified and acting administratrices of the estate of E. L. McNutt,
deceased, for an order confirming the sale of said administratrices
of the hereinafter described real estate, and it appearing to the
Court as follows:-

That pursuant to an order of the above entitled Court in
the above entitled matter, bearing date of April 10th, 1941, wherein
and whereby the above entitled Court directed and ordered that the
following described property, situate in Baker County, State of Or-
egon, and more particularly described as follows, to-wit:

The East half ($E\frac{1}{2}$) of the Southwest quarter ($SW\frac{1}{4}$),
and the Northwest quarter ($NW\frac{1}{4}$) of the Southwest
quarter ($SW\frac{1}{4}$) of Section Four (4), and the North-
east quarter ($NE\frac{1}{4}$) of the Northwest quarter ($NW\frac{1}{4}$),
SAVE and EXCEPTING THEREFROM public highways and
school site, of Section Nine (9), all in Township
Eight (8) South of Range Forty-six (46) East of
the Willamette Meridian, together with any and all
waters, water rights, water privileges, ditches
and ditch rights thereunto belonging or in anywise
appertaining,

be sold either in one parcel or two or more separate parcels, at pri-
vate sale for cash, or credit, or both, the said administratrices
did duly and regularly cause to be published in the Baker Democrat-
Herald, a newspaper of general circulation, printed and published

at Baker, in Baker County, Oregon, due and regular notice of said sale, once each week for four successive weeks and in five regular issues of said newspaper, to-wit: in the issues of said newspaper of April 21st, and 28th, and May 5th, 12th and 19th, 1941. That due proof of the publication of said notice has been heretofore duly and regularly filed herein.

That pursuant to said order the said administratrices did duly and regularly cause to be posted on said April 21st, 1941, in three public and conspicuous places in Baker County, Oregon, to-wit: one on the bulletin board attached to and in front of the City Hall in Baker, Baker County, Oregon, and one on the bulletin board at the main entrance of the Baker County Court House in said Baker, Baker County, Oregon, and one on the bulletin board attached to and in front of the building formerly used as the United States Postoffice in said Baker, Baker County, Oregon, near the southeast corner of the intersection of Main Street and Broadway therein, a copy of said notice so published as aforesaid, and that the said notices and each thereof were so posted so as to be easily seen and read by the public, in plain view, face outward and about five feet above the ground and remained so posted for more than four weeks from the said April 21st, 1941. That due proof of the posting of said notices has been heretofore duly and regularly filed with the Clerk of the above entitled Court.

That the said notices and each thereof, so published and so posted as aforesaid, stated that the said administratrices would on and after Wednesday, the 21st day of May, 1941, at the hour of two

o'clock in the afternoon of said day, sell, at the front door of the Baker County Court House on the east side thereof, at Baker, in Baker County, Oregon, either in one parcel or in two or more parcels, at private sale for cash or credit or both, to the highest bidder, under and by virtue of said order, the said above described premises, and that pursuant to said order and the said notices, the said administratrices did on the 22nd day of May, 1941, at the hour of two o'clock in the afternoon of said day, at said front door of the said Baker County Court House, sell at private sale to Harold Rowen and Beth L. Rowen, husband and wife, for the sum of \$6500.00, in cash, the North half ($N\frac{1}{2}$) of the Southwest quarter ($SW\frac{1}{4}$) of Section Four (4), in Township Eight (8) South of Range Forty-six (46) East of the Willamette Meridian, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, including any and all waters, water rights, water privileges, ditches and ditch rights thereunto belonging or in anywise appertaining.

That the said Harold Rowen and Beth L. Rowen, husband and wife, were the highest and best bidders at said sale and that the said sum was the highest and best sum bid for the said real estate so sold to the said Harold Rowen and Beth L. Rowen, husband and wife. That the said sale was duly and regularly made and in all respects as in said order and as in said notices stated, and as by law required. That the said administratrices have made due and diligent effort to sell all of the said above described real estate for the highest price obtainable and that the said purchase price above mentioned was and is the highest price that the administratrices could

could obtain for the said real estate so sold to the said Harold Rowen and Beth L. Rowen, husband and wife, and that in the making of said sale the said administratrices have acted for the best interests of said estate. That pursuant to said order of April 10th, 1941, the said administratrices did duly and regularly make and file the additional bond as provided in said order and which said bond was duly and regularly approved and that the said bond was so executed and filed prior to the said administratrices proceeding with the sale of said real estate.

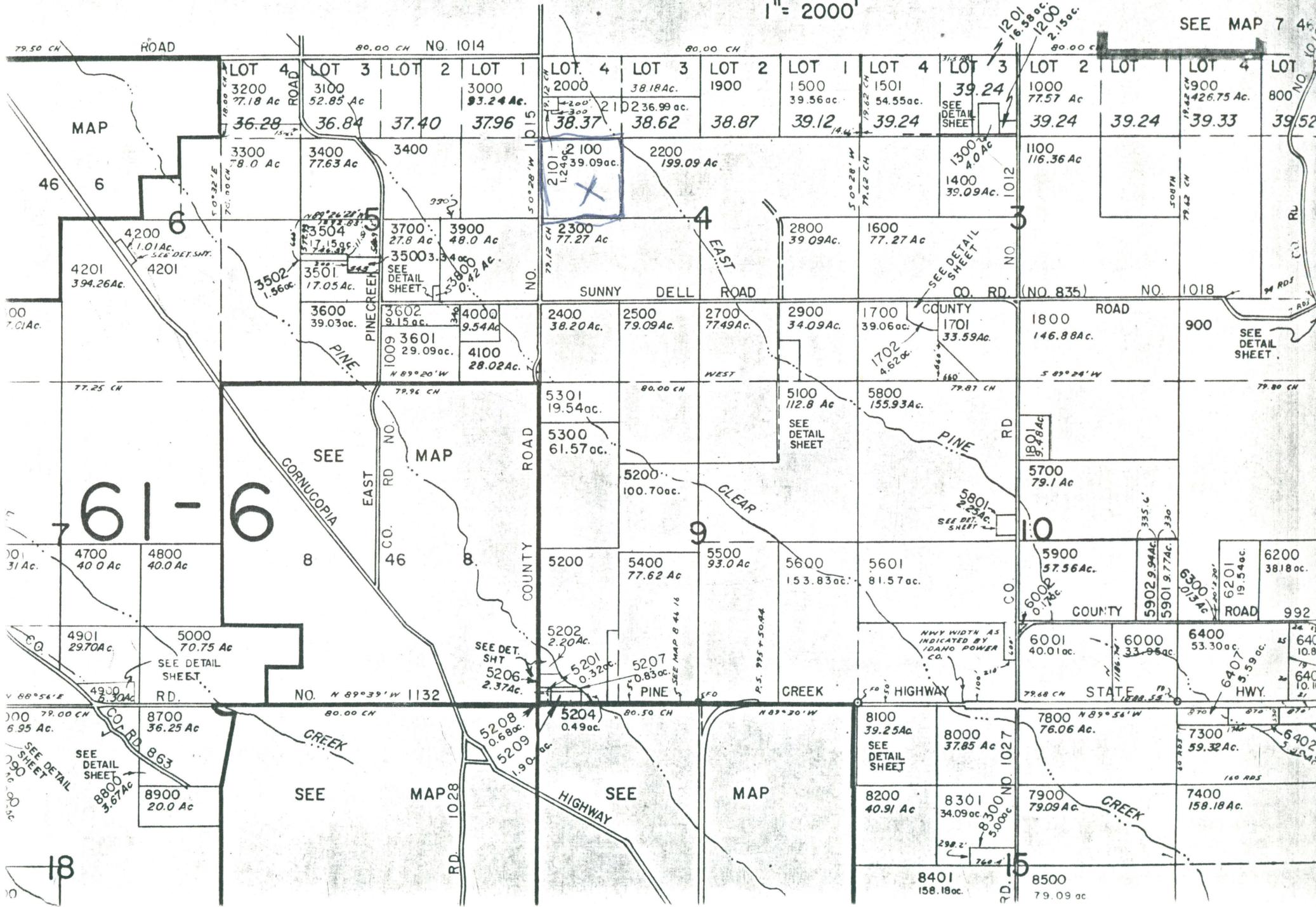
That the said administratrices did on the 26th day of May, 1941, duly file with the Clerk of the above entitled Court their report of said sale; that more than fifteen days have elapsed since said last mentioned date and that no objections have been made or filed against the said sale, or to the confirmation thereof, and that the said sale was in all respects duly and regularly had and made.

And the Court being at this time fully advised in the premises, it is, therefore, CONSIDERED, ORDERED, ADJUDGED and DECREED that the said sale aforesaid was in all respects duly and regularly had and made, and that the said sale be and the same is hereby confirmed, and that the said sale be and the same is hereby confirmed, and that the said administratrices make and execute to the said Harold Rowen and Beth L. Rowen, husband and wife, a deed of conveyance of said real property so sold to them, and deliver the same upon the payment of the purchase price.

T 8 S R 46 E WM
BAKER COUNTY

1" = 2000'

SEE MAP 7 46



BEFORE THE STATE ENGINEER OF OREGON

Baker County

In the Matter of the Determination of the Relative Rights to the Waters of Pine Creek and its Tributaries, a Tributary of Snake 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 Stalway, 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 post office address? If a corporation, give the place of incorporation and the authority by which you make this proof.

A.— E. L. Mc Nutt, Stalway, Ore.

(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, spring branch creek tributary.

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, domestic and stock.

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

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

A.— appropriation, domestic and stock.

(Appropriation, diversion and use, etc.)

5. Q.—State the date of the initiation of such water right. A.— 1883.

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.

Predecessor in interest of claimant James Mc Nutt entered upon S 1/4 NW 1/4 and NW 1/4 Sec. 4, T. 8 S., R. 46 E., N. M., at a point 269 feet west of SW corner of SE 1/4 of NE 1/4 of said Sec. 4, and appropriated the entire flow of what is known as Spring Branch creek, a small stream having its source in springs rising on said S 1/4 NW 1/4 and said NW 1/4 SW 1/4, and at said time built and constructed a ditch diverting its entire flow thereat to and upon the NE 1/4 SW 1/4, Sec. 4, T. 8 S., R. 46 E., N. M., where said entire appropriation has been applied to beneficial use each year since said date.

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

A.— 1883.

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.— Mc Nutt Ditch.

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

A.— Sole owner.

[Proof No. 254]

the owners of the respective tracts of real estate situated in Baker County, Oregon, hereinafter particularly described and set forth, ever since the respective **IN THE CIRCUIT COURT OF THE STATE OF OREGON** said respective lands of **FOR THE COUNTY OF BAKER** have been

Walter A. Gover ----- Plaintiff,
vs.

Bion T. Acers; Nellie Acers; Catherine Alvord; J. R. Barclay; N. D. Brown; J. M. Boyer; Mrs. M. E. Boyles; George R. Crego; F. N. Crow; Egbery Coffinberry; and Emma Coffinberry his wife; S. V. Dearth; George Dearth; Mrs. Inez M. Flynn; Ed. R. Greener; Ola Greener; A. P. Greener; William Hewitt; Cecil Hewitt; Ikey Hewitt and Ernest Hewitt, heirs at law of Isaac Hewitt deceased; Melinda Hunsaker; A. L. Hudson; Nancy J. Hewitt; John H. Irwin; Bartley Irwin; John S. Gulick; Lorena B. Koopman; M. E. Krigbaum; E. H. Kinsey; Lena La Mott; William Meyers; Louis H. Meyers; and Mrs. Louis H. Meyers his wife; E. L. McNutt; J. W. Neet; Henry Mehlhorn; Edward Melhorn; Mrs. Louis Melhorn; Warren Makinson and Lille Makinson his wife; Charles H. Mills; Williams Muncey; S. A. Perry; J. W. McBeth; Mrs. A. L. Marshall; William Malone; Bruce Pancake; R. A. Pierce; Joseph R. Ritter; Jas. P. Ritter; Harry D. Robertson; H. W. B. Robinson and Lulu Robinson his wife; W. D. Robinson; John T. Robertson; O. R. Schmidt; Cloma C. Sanders; John E. Steele; A. B. Turner; Ross Turner; H. E. Thayer; Mrs. George B. Tedrow; D. J. Thomas; Arthur H. Williams; Sam J. Weymer; C. L. Whiteley; J. P. Walsh; Isaac England; Harry E. Shepard, Louis L. Sheperd, Delbert P. Shepherd, Violet L. Shepard, Lilah Shepherd, James Marion Shepard, Elton C. Shepard, Forrest L. Shepard, Alva O. Shepard, and Joseph L. Shepard, heirs at law of Joseph Shepard, deceased; Ethel M. Steele; Mary O. Robinson; Lucian Boyer; W. E. Leep; Dudley D. Day; W. N. Wilson; Nellis V. McNutt; Eva L. Sullivan; Mrs. George Dearth; J. O. McNutt.

Defendants.

DECREE

NOW on this 7th day of April, 1915, this cause coming on for decree, and a trial having been duly had and evidence procured in support of all the allegations of the complaint and answer herein, and each, every and all of the parties to this suit heretofore duly made and filed herein a stipulation, and the court having heretofore duly made and filed herein Findings of Fact and Conclusions of Law, and based upon all such findings and conclusions, stipulation, evidence, trial, and the records and files, and the Court being fully advised in the premises:

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED, That Clear Creek is a perennial stream of running water with well defined banks and channel and is situated in Baker County, Oregon, in what is known as Pine Valley; That said stream heads in the mountains and runs in a Southerly direction into Pine Creek a tributary of Snake River,

and that said stream furnishes varying amounts of water during all times of each and every year; that each, all and every of the parties to this suit are the owners of and in the possession of, and they and their respective grantors and predecessors in interest have been the owners of the respective tracts of real estate situated in Baker County, Oregon, hereinafter particularly described and set forth, ever since the respective dates hereinafter mentioned, and that said respective lands of each and every of the parties to this suit have been during all of said respective periods and now are under good cultivation and are used in the growing thereon of hay, grain and vegetables and other crops, and that said respective lands have been so used and cultivated each and every year since said respective dates hereinafter mentioned and set forth, by and with the use of the waters of Clear Creek and to the extent of the respective quantities of water hereinafter particularly set forth; That each, every and all of the respective parties to this suit, and their respective grantors and predecessors in interest, at the said respective dates hereinafter set forth, made the said respective appropriation and the whole thereof, of the waters of Clear Creek for use upon their said respective lands for the irrigation thereof and for domestic and stock purposes, and that said lands and the whole thereof are naturally dry and arid and require artificial irrigation to render the same productive, and that said respective appropriations and each and every thereof are necessary for the irrigation, use and enjoyment of said respective lands by the respective parties to this suit;

AND IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That each, all and every of the parties to this suit be and they hereby are decreed to be the owners of the following respective tracts of land situated in Baker County, Oregon, together with the right to the use of the waters of Clear Creek thereon and as appurtenant thereto for the irrigation thereof and for domestic and stock purposes to the respective extent and amounts thereof and as of the respective dates of appropriation and priority, as follows, to-wit:

the year 1870, 20 inches for use on the NE¹/₄ of the SE¹/₄, and 20 inches on the NE¹/₄ and the SE¹/₄ of the NE¹/₄ of Section 23, Township 2, S. R. 40, E. T. N.

Ship-2- S. R. 40, E. T. N.

To Mary G. Robinson
To F. M. Crow

30 inches measured under six inch pressure as of the year 1870, for use upon the NW $\frac{1}{4}$ of Section 15, Township 8, S. R. 46, E. W. M.

To A. P. Granger
To Mrs. Louis Melhorn

35 inches measured under six inch pressure, as of the year 1870, 20 inches for use upon the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 14, and 15 inches to be used upon the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 23, Township 8, S. R. 45, E. W. M.

To Eva L. Sullivan
To Henry Melhorn

35 inches measured under six inch pressure, as of the year 1870; 15 inches to be used on the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 14, and 20 inches on the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 23, Township 8, S. R. 45, E. W. M.

To Robert Warrinderry
To M. E. Krigbaum

25 inches measured under six inch pressure, as of the year 1870, to be used on the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 22, Township 8, S. R. 46, E. W. M. and the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 15, Township 8, S. R. 46, E. W. M.

To Lorena B. Koopman

25 inches measured under six inch pressure, as of the year 1870, 12 $\frac{1}{2}$ inches to be used on the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 15, and 12 $\frac{1}{2}$ inches on the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 22, Township 8, S. R. 46, E. W. M.

To Harry Shepard,
Louis L. Shepard,
Delbert P. Shepard,
Violet L. Shepard,
Lilah Shepard,
James Marion Shepard,
Elton C. Shepard,
Forrest L. Shepard,
Alva O. Shepard, and
Joseph L. Shepard heirs
at law of Joseph Shepard, deceased,

Also 30 inches measured under six inch pressure, as of the year 1870, for use upon the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 5.

5 inches measured under six inch pressure as of the year 1870, to be used on the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 20, Township 8, S. R. 46, E. W. M.

To John H. Lynch
To C. L. Whiteley

Also 75 inches measured under six inch pressure, as of the year 1870, to be used on the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 23, Township 8, S. R. 46, E. W. M. and under six inch pressure as of the year 1870, 20 inches to be used on the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 14, Township 8, S. R. 46, E. W. M.

30 inches measured under six inch pressure as of the year 1870, 10 inches to be used on the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, and 20 inches on the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 14, Township 8, S. R. 46, E. W. M.

To J. W. Munkata
To J. S. Gulick

15 inches measured under six inch pressure as of the year 1873, to be used on the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 23, Township 8, S. R. 46, E. W. M.

To Walter A. Gover

100 inches measured under six inch pressure as of the year 1874, to be used on the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 14, the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 13, Township 8, S. R. 46, E. W. M.

To Louis Meyers and Mrs. Louis Meyers his wife

Also 80 inches measured under six inch pressure as of the year 1886, to be used on the SE $\frac{1}{4}$, and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 13, Township 8, S. R. 46, E. W. M.

To James D. McNutt
To Warren Makinson and
Lillie Makinson his wife

To E. A. Flores
To Edward Melhorn

To Mrs. M. M. Boyles
To Bartloy Irwin

To Malinda Hunsaker
To Ross Turner

To Catherine Girard
To O. R. Schmidt

To Mrs. Geo. E. Tatrov
To A. L. Hudson

To H. V. B. Robinson and
Ida Robinson his wife

X To Nellie McNutt

To Mrs. A. L. Marshallsay

To S. V. Dearth

X To E. L. McNutt

To John B. Steale

To Ola Greener

To William Hewitt, Cecil
Hewitt, Ivey Hewitt, and
Earnest Hewitt, heirs at
law of Isaac Hewitt, decd.

To Joseph R. Ritter

35 inches measured under six inch pressure,
75 inches measured under six inch pressure,
as of the year 1883, to be used upon Lot 1
and the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 5, Town-
ship 8, S. R. 46, E. W. M.

45 inches measured under six inch pressure,
as of the year 1883, 25 inches to be used
on the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 9, Town-
ship 8, and 20 inches on the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$
of Section 4a Township 8, S. R. 46, E. W. M.

20 inches measured under six inch pressure,
as of the year 1883, to be used on the NE $\frac{1}{4}$
of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 29, Town-
ship 7, S. R. 46, E. W. M.

30 inches measured under six inch pressure,
as of the year 1883, 8 inches to be used
on the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and 22 inches on the
NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 29, Township
7, S. R. 46, E. W. M.

25 inches measured under six inch pressure,
as of the year 1883, 15 inches to be used
on the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 4, and
10 inches on the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section
9, Township 8, S. R. 46, E. W. M.

70 inches measured under six inch pressure,
as of the year 1883, for use on the E $\frac{1}{2}$ of
the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 30, and the
W $\frac{1}{2}$ of the NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of
Section 31, Township 7, S. R. 46, E. W. M.

10 inches measured under six inch pressure,
as of the year 1883, to be used on the
SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 5, Township 8,
S. R. 46, E. W. M.

20 inches measured under six inch pressure,
as of the year 1884, for use on the NE $\frac{1}{4}$ of the
SE $\frac{1}{4}$ of Section 5, Township 8, S. R. 46, E. W. M.

8 inches measured under six inch pressure,
as of the year 1884, for use on the NE $\frac{1}{4}$
of the NE $\frac{1}{4}$ of Section 9, Township 8, S. R.
46, E. W. M.

57 inches measured under six inch pressure,
as of the year 1884, 18 inches to be used
on the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, and 39 inches on the
NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 4, Township 8,
S. R. 46, E. W. M.

35 inches measured under six inch pressure,
as of the year 1884, 15 inches to be used
on the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and 20 inches on the
SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 9, Township 8,
S. R. 46, E. W. M.

25 inches measured under six inch pressure,
as of the year 1885, for use on the E $\frac{1}{2}$ of
the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 31, Township
8, S. R. 46, E. W. M.

To James O. McNutt

35 inches measured under six inch pressure, as of the year 1885, to be used on the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 4, Township 8, S. R. 46, E. W. M.

To R. A. Pierce

20 inches measured under six inch pressure, as of the year 1885; 10 inches to be used on the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, and 10 inches on the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 32, Township 7, S. R. 46, E. W. M.

To Mrs. M. E. Boyles

10 inches measured under six inch pressure, as of the year 1885, for use on the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 6, Township 8, S. R. 46, E. W. M.

To Malinda Hunsaker

10 inches measured under six inch pressure, as of the year 1885, to be used on the W $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, Township 8, S. R. 46, E. W. M.

To Catherine Alvord

60 inches measured under six inch pressure, as of the year 1886, 30 inches to be used on the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, and 30 inches on the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 30, Township 7, S. R. 46, E. W. M.

To W. D. Robinson

To Mrs. Geo. B. Tdrow

23 inches measured under six inch pressure, as of the year 1886, 14 inches to be used on the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, and 9 inches on the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, Township 8, S. R. 46, E. W. M.

To Clara Sanders

To H.W.B. Robinson and
Inlu Robinson his wife

30 inches measured under six inch pressure, as of the year 1886, 27 inches to be used on the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, and 3 inches on the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 9, Township 8, S. R. 46, E. W. M.

To E. H. Kinsey

85 inches measured under six inch pressure, as of the year 1886, to be used on the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ and the S $\frac{1}{2}$ of the NW $\frac{1}{4}$, Section 14, Township 8, S. R. 46, E. W. M.

To A. B. Turner

30 inches measured under six inch pressure, as of the year 1886, 15 inches to be used on the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, and 15 inches to be used on the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 31, Township 7, S. R. 46, E. W. M.

To George E. Gregg

To John E. Steele

15 inches measured under six inch pressure, as of the year 1889, to be used on the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 19, Township 7, S. R. 46, E. W. M.

To Isaac Hewitt

To William Hewitt, Cecil
Hewitt, Icey Hewitt, and
Earnest Hewitt, heirs at
law of Isaac Hewitt, dec.

10 inches measured under six inch pressure, as of the year 1886, for use on the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Township 7, S. R. 46, E. W. M.

10 inches measured under six inch pressure, as of the year 1890, to be used on the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, of Section 29, Township 7, S. R. 46, E. W. M., and 10 inches on the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 29.

To Joyd Boyer

5 inches measured under six inch pressure, as of the year 1890, for use on 5 acres in the NE Corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 32, Township 7, S. R. 46, E. W. M.

To William Malone

60 inches measured under six inch pressure, as of the year 1890, for use on the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 32, Township 7, S. R. 46, E. W. M.

To J. R. Barclay

37 inches measured under six inch pressure, as of the year 1890, for use on the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 32, Township 7, S. R. 46, E. W. M.

To Nancy J. Hewitt

10 inches measured under six inch pressure, as of the year 1891, for use on the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 6, Township 8, S. R. 46, E. W. M.

To S. A. Perry

10 inches measured under six inch pressure, as of the year 1891, for use on the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 31, Township 7, S. R. 46, E. W. M.

To W. D. Robinson

50 inches measured under six inch pressure, as of the year 1891, for use on the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, Township 8, S. R. 46, E. W. M.

To Cloma Sanders

18 inches measured under six inch pressure, as of the year 1891, for use on the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 5, Township 8, S. R. 46, E. W. M.

To J. D. Neet

36 inches measured under six inch pressure, as of the year 1893, for use on the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 32, Township 7, S. R. 46, E. W. M.

To Eben T. Acers

20 inches measured under six inch pressure, as of the year 1894, for use on the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 29, Township 7, S. R. 46, E. W. M.

To H. E. Thayer

10 inches measured under six inch pressure, as of the year 1894, for use on the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 20, Township 7, S. R. 46, E. W. M.

To George R. Grego

20 inches measured under six inch pressure, as of the year 1894, for use upon the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 29, Township 7, S. R. 46, E. W. M.

To Isaac England

25 inches measured under six inch pressure, as of the year 1894, for use on the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the Township 7, S. R. 46, E. W. M.

To Arthur Williams

30 inches measured under six inch pressure, as of the year 1894, 20 inches to be used on the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ in Section 29, Township 7, S. R. 46, E. W. M. and 10 inches on the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 29.

To Ethel M. Steele

George Mearns his wife

20 inches measured under six inch pressure, as of the year 1894, for use on the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 30, Township 7, S. R. 46, E. W. M. Section 19, Township 7, S. R.

To Lucian Boyer

Charles H. Mills

15 inches measured under six inch pressure, as of the year 1901, for use on 15 acres in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 24, Township 7, S. R. 46, E. W. M.

To W. E. Leep

Nellie Acers

50 inches measured under six inch pressure, as of the year 1895, for use on 50 acres in the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 24, Township 7, S. R. 45, E. W. M.

To Dudley D. Day

H. D. Mason

5 inches measured under six inch pressure, as of the year 1901, for use on 5 acres in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 24, Township 7, S. R. 45, E. W. M. for use on the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 24, Township 7, S. R. 46, E. W. M.

To W. N. Wilson

William Lynette

5 inches measured under six inch pressure, as of the year 1901, for use on 3 acres in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 24, Township 7, S. R. 45, E. W. M. 20 inches to be used on the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 24, Township 7, S. R. 46, E. W. M.

To Mrs. Inez M. Flynn

D. J. Kismet

25 inches measured under six inch pressure, as of the year 1895, for use on the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and on the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 29, Township 7, S. R. 46, E. W. M.

To William Meyers

John F. Robertson

To J. P. Walsh

15 inches measured under six inch pressure, as of the year 1895, for use on the W $\frac{1}{2}$ of the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 29, Township 7, S. R. 46, E. W. M.

To Harry D. Robertson

25 inches measured under six inch pressure, as of the year 1895, for use on the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 29, Township 7, S. R. 46, E. W. M.

To Lena La Mott

and every of the

39 inches measured under six inch pressure, as of the year 1895, for use on the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 30, Township 7, S. R. 46, E. W. M.

To Sam J. Weymer

appropriation, to the right

16 inches measured under six inch pressure, as of the year 1895, for use on the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 30, Township 7, S. R. 46, E. W. M.

34 inches measured under six inch pressure, as of the year 1886, for use on the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 30, Township 7, S. R. 46, E. W. M.

parties to this suit whose

except that any and all app

Greek made in the same year

of time and right but not as to amount

upon the lands of all the

about the 1st day of April, and ends about the 1st day of October,

Also 6 inches measured under six inch pressure, as of the year 1895, for use on the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 30, Township 7, S. R. 46, E. W. M. deemed to be equal as to priority

of time and right but not as to amount that the irrigating season upon the lands of all the parties to this suit ordinarily commences about the 1st day of April, and ends about the 1st day of October,

and that at the said respective dates of appropriation of the
To George Dearth & Mrs. George Dearth his wife 10 inches measured under six inch pressure,
as of the year 1897, for use on the SW $\frac{1}{4}$ of
the NE $\frac{1}{4}$ of Section 19, Township 7, S. R.
46, E. W. M.

were at said time and place, were subject to appropriation, diversion and use for irrigation,
To Charles H. Mills 3 inches measured under six inch pressure,
as of the year 1897, 1 inch to be used on
the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, and 2 inches on the SE $\frac{1}{4}$
of the SW $\frac{1}{4}$ of Section 19, Township 7, S. R.
46, E. W. M.

AND IT IS FURTHER ORDERED, that all and every of the parties to this suit, who are owners of sub-
To Nellie Acers 46 inches measured under six inch pressure,
as of the year 1899, 23 inches for use on
the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, and 23 inches on the
SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 29, Township
7, S. R. 46, E. W. M.

and any and all persons claiming by, through or under them or any
To N. D. Brown 40 inches measured under six inch pressure,
as of the year 1899, for use on the NW $\frac{1}{4}$ of
the SE $\frac{1}{4}$ of Section 30, Township 7, S. R. 46
E. W. M. interfering with the free,
forever prohibited from in any

To William Muncey 40 inches measured under six inch pressure,
as of the year 1898, 20 inches to be used
the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and 20 inches on the
SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 32, Township 7,
S. R. 46, E. W. M. waters of prior

waters of said Clear Creek and
every of the parties to this
To D. J. Thomas 40 inches measured under six inch pressure
as of the year 1904, 20 inches for use on
the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and 20 inches on the SE $\frac{1}{4}$
of the NE $\frac{1}{4}$ of Section 15, Township 8, S.
R. 46, E. W. M.

before set forth to the extent
pective appropriations above
To John T. Robertson 10 inches measured under six inch pressure
as of the year 1905, for use on the NE $\frac{1}{4}$ of
the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 30, Townshi
7, S. R. 46, E. W. M.

a water commissioner or ditch
Judge of this Court, each and
To Ed. R. Greener 8 inches measured under six inch pressure
as of the year 1909, for use on the NE $\frac{1}{4}$ of
the SE $\frac{1}{4}$ of Section 16, Township 8, S. R.
46, E. W. M. Clear Creek and the

AND IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That
each all and every of the parties to this suit be and hereby is
decreed to be prior in time and prior in right to the use and en-
joyment of the waters of Clear Creek to the extent of his said
appropriation, to the right of any and all the remainder of the
parties to this suit whose appropriation is subsequent in time,
except that any and all appropriations of the waters of said Clear
Creek made in the same year shall be deemed to be equal as to priority
of time and right but not as to amount; that the irrigating season
upon the lands of all the parties to this suit ordinarily commences
about the 1st day of April, and ends about the 1st day of October,

and that at the said respective dates of appropriation of the waters of said Creek, the said several respective amounts thereof, were at said time and place, wholly free and unappropriated and were subject to appropriation, diversion and use for irrigation, domestic and stock purposes.

AND IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That each, all and every of the parties to this suit, who are owners of subsequent appropriations of the waters of said Clear Creek and its tributaries as hereinabove particularly mentioned and set forth, and any and all persons claiming by, through or under them or any or either thereof, by and they hereby are enjoined, restrained and forever prohibited from in any manner interfering with the free, unobstructed and uninterrupted use, diversion and enjoyment of said waters of said Clear Creek and its tributaries by each, all and every of the parties to this suit who are the owners of prior appropriations of the waters of said stream as in this decree hereinbefore set forth to the extent and amounts of their said respective appropriations aforesaid.

AND IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That a water commissioner or ditch tender shall be appointed by the Judge of this Court, each and every year after the entry of the decree herein for the irrigating season for the lands covered, watered and irrigated by the waters of said Clear Creek and the ditches taken therefrom, said water commissioner to be appointed as hereinafter provided.

AND IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That the owners of said water rights be and they hereby are authorized and empowered at an annual meeting called for that purpose, to elect annually for a period of one year a committee of three of said water owners, said committee to be so elected by a majority of the water users or owners, it being understood that in determining what a majority of said water users or owners of water rights shall be, that it shall mean a majority of the number of inches or shares of water as hereinabove determined and not a mere

(Signed) Chester Anderson,

majority of the individual owners of water rights; that said committee when so elected shall have the power and right to transact any and all business incident to the management and control of the waters of said creek and the ditches therefrom to the end that a water commissioner may be appointed; his duties defined; his salary determined; the period of his employment fixed; the manner and method of collecting any and all necessary funds for the payment of said commissioner and other expenses which said funds shall be paid pro rata by the respective owners of said water rights in proportion to acreage irrigated, and generally said committee shall have the right and power to any and all things to the end that each and every of the said owners of said water rights may have the use and enjoyment of the same in the order of their respective

STATE OF OREGON,

priorities and amounts as hereinbefore decreed; that the Judge of this Court shall appoint a water commissioner whenever said committee shall apply to this Court for that purpose; that said committee shall have the first right to designate the name of said water commissioner, the amount of his compensation, and the period for which he shall be employed, each and every year, and that said committee so designating the same shall be binding and obligatory upon the Judge of this Court, and that such

committee so failing to apply or designate to the Judge of this Court, the said Judge may have and hereby is given the right and authority to name a suitable water commissioner, fix the date of his employment both beginning and ending, and the amount of his compensation, and determine how the same shall be paid.

AND IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That any water commissioner hereafter duly appointed by the Judge of this Court shall be by the virtue of his appointment, an officer of this Court and it shall be the duty of such water commissioner to divide and apportion the waters of said stream according to all the rights and interests of all the parties to this suit as hereinbefore set forth and decreed, and to do and perform any and all other duties which may from time to time be ordered by this Court; that each of the parties to this suit pay his or her own costs.

(Signed) Gustav Anderson,

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STATE OF OREGON, }
County of Baker, } ss.

I, the undersigned, County Clerk for Baker County, State of Oregon, and ex-officio Clerk of the Circuit Court for said County and State, do hereby certify that the foregoing copy of Decree

has been by me compared with the original Decree

in the case wherein Walter A. Geyer

~~is~~ is plaintiff and Blair T. Acers, et al

are ~~is~~ defendant s.

and that it is a true and correct copy of said original Decree

and of the whole thereof, as the same appears on file and of record in my office and now in my official care and custody.

Witness my hand and seal of the Circuit Court this 17th day of July A. D. 1925

A. B. Loubs Jr. Clerk
By J. Sturgill Deputy

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

A.— *Loam and gravel. Hay and grain and pasture.*

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.— *April 1st to Nov. 1st.*

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.— *One Minus such under six inch pressure per acre.*

*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 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.

†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.— *N E 4 S W 4 of Sec. 4, Tp. 8 S., R. 46 E., N. M.*

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

A.— *owner in fee simple.*

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

A.— *H. K. Oliver, M. Updike and J. St. Chandler, all of Halfway, Ore.*

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

A.— *None.*

(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.

E L McCulloch

Signature of Claimant, or Agent Making Proof.

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

Chas. J. Shelton

State Engineer.

Filed: July 20, 1925

Notary Public for Oregon.

Fees paid: _____, \$ _____

My commission expires May 26, 1928.

Chas. J. Shelton

State Engineer.

AUTHORIZATION OF AGENT

I, _____, 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.

Biography of the McNutt Family

James McNutt, born 2-5-1825 in Indiana, married Ann Cameron, born 3-23-1844 in Indiana. Both are buried in the Pine Haven Cemetery in Halfway, OR.. James died 6-27-1906 and Ann died 12-26-1908. They had 10 children.

Their first born was Anna Laura McNutt (Elgin) B. 4-17-1863
D. 10-5-1891

Edward Leon McNutt, B. 3-17-1869, D. 1940

May McNutt (Edwards), B. 1869, D. 1947

Naomi Pearl McNutt (Dertch), B. 1871, D. 1939

Bertha McNutt (Carter), B. ? D. ?

Daisy McNutt (Getchell)

Merritt McNutt

James Oliver McNutt, B. 4-7-1879, D. 2-?-1930

Nellie Violet McNutt, B. 4-7-1881, D. 3-21-1954

Effie McNutt, B. 8-13-1883, D. 11-11-1894

Traveling by horse drawn covered wagons, from Indiana to Oregon in 1863, James and Ann McNutt came into Pine Valley and camped near a stream in a pretty spot. They decided to file for their homestead on the land where they were camped. Later their descendants wished that they had chosen a place that was less rocky and more fertile!

Their application #2300, was approved, and they started making the improvements on the land by building a house, grainery, sheds and a barn. They built well and the grainery, barn and equipment shed are still standing. They also dug the "McNutt Ditch" for irrigation. It was not until Nov. 12, 1888 that James made the final payment of \$6.00 and received his receipt # 1861 from the La Grande, OR. Receiver's Office. The United States Patent on the land was granted to him on January 9, 1890. His water rights date back to 1883 when he first took up the homestead.

The land passed to their eldest son, Edward L. McNutt June 10, 1903. James was never married and had no heirs. On April 10, 1941, Beth and Con (Harold) Rowen purchased the land after her Uncle's death.

Beth McNutt Rowen grew up on the land and raised her own family on the land. She and Con have a married son, Kelly L. Rowan. He and his wife Sue have three children, Casey Lee, Cammie Janell and Jason Reagan Rowan. They also have a married daughter, Gayla. She and her husband Kerry Macomber have a daughter, Lexy Lynn Macomber.

Beth is the daughter of James Oliver McNutt, B. 4-7-1879, D. 2-1930. and his wife, Emily Malinda (Thomas) McNutt. B. 12-21-1886, D. 4-14-1963. She has one brother James Edwin McNutt, B. 11-18-1918, Beth was born 4-22-1916, and her husband Con was born 5-31-1908. They presently reside on the land.

5-9-85
Haeftway, OR.
97834

Dear Elizabeth,

Enclosed is the following information that I promised to send on the application for the Century Farm award on the "James McNett" farm.

I have written to the Wash. D.C. National Archives requesting a copy of the original application # 2300 filed by James McNett. Due to the May 1st deadline for submitting the info. to you - I sent all the other documents that I had. It will take weeks to get the copy from Wash. D.C. The application form

Was given to the Rowens
 9 months ago - but
 Con Rawan has had
 3 surgeries since then.
 only last week - he
 had cancer of the Prostrate
 surgery. It has been
 difficult for Beth to get
 the information we
 needed. She, herself,
 had a vision problem
 develop suddenly. So
 they're had a trying time.

When I receive the
copy of the Homestead
application filed by
James M^e Mitt, I'll
send a copy to you
for your files. Baker
Co. Historical Society
will also make an
award to the Ravens.

If I can be of any
further help - please
let me know. Thanks!

Lucille Wolfe
Box 47, Rt. 1
Halfway, OR,
97834
Ph. 742-7857

Dear Elizabeth —

The following information is submitted for Beth and Con Rowen of Halfway, OR., to establish their place as a "Century Farm".

The chain of ownership passes from Beth's grandfather

① James Mc Nutt

to
his son —

② Edward L. Mc Nutt

to
his (James) grand-daughter

③ Beth (Mc Nutt) Rowen

Beth is the daughter of James
Mc Nutt's son Oliver Mc Nutt

I have copies that I'm sending to you in this envelope of the following items.

U S Patent to the land

copy of final payment by James M^c Nutt on his Homestead - application # 2300.

copy of Warranty Deed signed by James M^c Nutt & his wife Ann M^c Nutt - sold to their son Edward L. M^c Nutt - dtd. 6-10-1903

copy of Deed, signed by the sisters of Edward L. M^c Nutt, who administered his estate - selling the property to Beth & Con Rowan - dtd. 6-11-1941.
Beth & Con still live there.

Copies of Water rights dated 1883 - given to Edward L. Mc Nutt - on behalf of James Mc Nutt, awarded by Court Action.

Copy of a map showing the location of the property. James Mc Nutt - B. D. Ann Mc Nutt

James Mc Nutt came to Pine Valley (Halfway) OR. from Indiana. He and his wife Ann - had 10 children.

- ① Edward L.
- ② J. Oliver
- ③ Mae (Edwards)
- ④ Emily Mc Nutt
- ⑤
- ⑥
- ⑦
- ⑧
- ⑨
- ⑩

Can send later also Birth & Death dates for James & Ann Mc Nutt

Both James Mc Nutt and wife
Ann Mc Nutt are buried
in the Haezeway Cemetary.
"Pine Haven Cemetary" - as is

Edward L. Mc Nutt - their son. He
never married. His 2 sisters,
Mae Mc Nutt (Edwards) and Emily
Mc Nutt settled Edward L. Mc Nutt's
estate.

Beth (Mc Nutt) Rowan, daughter
of James Oliver Mc Nutt - lived
on an adjoining farm, to the
place she now lives. Her
son and family help farm
the place, and her daughter
and family also live on the
farm in a trailer - but are
employed elsewhere. Beth is a
retired school teacher & her daughter -
in-law Sue Rowan is a public school

teacher in Halfway, Or. now.

The family is a close-knit one, and they participate in the Baker Co. Fairs and Rodeos and Parades, and Rawans continue to farm, and raise cattle and horses and crops - just as Beth's grandfather James did.

If I can be of further help in anyway - please let me know.

Sincerely,

Lucille R. Wolfe
Box 47 - Rt. 1
Halfway, Or.
97834

Halfway, OR.
July 26, 1985

Dear Elizabeth,

Will you please be kind
enough to include these
copies of the original
application & affidavit,
on the James McNitt
Homestead file? ✓
done

Cow & Beth Rowan are
so pleased to receive
this recognition of
their farm.

I have not heard
when they plan the recog-
nition dinner in Baker.
Carol Shurrub has been on vacation
and so have I.

Sincerely,
Lucille Wolfe

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July 31, 1985

Mrs. Donald J. Wolfe
Plum Blossom Ranch
Rt. 1 Box 47
Halfway, Oregon 97834

Dear Lucille:

Thank you so much for sending along the supplemental materials for the James McNutt Homestead file. We have filed them together with the rest of the information in our archives.

We have been trying to contact Carolyn Sherreib to find out the date for the presentation, but no luck so far. We do know that she and Mr. Adler are working out the details and we will be notifying the award recipients as soon as we know.

Thank you for your ongoing interest in the Century Farm Awards!

Sincerely,

Elizabeth Buehler
Field Historian

EB:cw