

IN THE CIRCUIT COURT OF THE STATE OF OREGON, IN AND FOR  
THE COUNTY OF HARNEY

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In the Matter of the Determination )  
of the Relative Rights of the Various )  
Claimants to the use of the Waters ) NO.  
of the Silvies River and its Tributaries. )

*Falsification begins p. 138*

DECREE ON MANDATE

This matter, having heretofore regularly been heard and considered by the Circuit Court of the State of Oregon, for Harney County, and the said Court having duly and regularly made its findings of fact and decree, and certain claimants being dissatisfied therewith having appealed from the same to the Supreme Court of the State of Oregon, the matter was thereupon heard and argued before said Court and submitted; after due consideration the said Court found that there was partial error as alleged in said appeal, and did thereupon

ORDER, ADJUDGE AND DECREE that the decree of the said Circuit Court be modified, and did thereupon issue its mandate directed to said Circuit Court which is on file herein, and it appearing that the claimants affected are entitled to judgement in accordance with said decree and mandate, which mandate is as follows:

*(pages 77 to 109)*

*See June District R. 115-07-27  
(June, 1925)*

*Alvin R. Lee Co  
County of Harney  
Rights of water  
Rights in general  
Ditto: demand  
p. 126  
p. 134  
p. 136  
p. 130*

BE IT REMEMBERED that at a term of the Supreme Court of the State of Oregon, held at the Supreme Court Room in the City of Salem, on the first Monday of March, 1925,

On this Friday the 2nd day of October, 1925, the same being the 49th judicial day of said term, there were present:

Thomas A. McBride, Chief Justice,  
Henry J. Bean, Associate Justice,  
George M. Brown, Associate Justice,  
George H. Burnett, Associate Justice,  
John L. Rand, Associate Justice,  
Oliver P. Coshaw, Associate Justice,  
Harry H. Belt, Associate Justice,  
Arthur S. Benson, Clerk,

whereupon the following proceedings were had:

IN THE MATTER OF THE DETERMINATION OF THE ) RELATIVE RIGHTS OF THE VARIOUS CLAIMANTS TO ) THE USE OF THE WATERS OF <u>SILVIES RIVER</u> , ) AND ITS TRIBUTARIES, )	IN BANO.  Appeal from Harney County.
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This cause having at Salem, on the sixth day of November, 1924, been duly tried, argued and submitted to the Court upon all the questions arising upon the transcript record and evidence, and then reserved for further consideration; and

An opinion having been rendered in this cause on the 23rd day of June, 1925, and the matter having been fully considered, it is now ORDERED, ADJUDGED AND DECREED by the Court that there is partial error as alleged. It is, therefore, ORDERED, ADJUDGED AND DECREED by the Court that the Decree of the Court below be and the same is in all things affirmed, except so far as the same is hereinafter expressly modified.

1.

PACIFIC LIVE STOCK COMPANY'S AWARDS FOR LANDS IN SILVIES VALLEY

In lieu of the awards fixed by the Court and Water Board, the awards to the Pacific Live Stock Company for the irrigation of its lands in Silvie Valley are hereby modified as set forth in the following tabulation; and the said Pacific Live Stock Company is granted awards for the irrigation of its lands as hereinafter described, with priorities and amounts as follows:

SILVIES RIVER - 1-1

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Pacific Live Stock Company Burns, Oregon.	1888		70	Irrigation	Owens Ditch	Camp Creek	40 acres in SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> Section 25, T. 17 S.R. 31 E.W.M. 30 acres in SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> Section 26, T. 17 S.R. 31 E.W.M.
	1906		95	Irrigation	Owens Ditch	Camp Creek	35 acres in SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> Section 34, 30 acres in SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> Section 34, 20 acres in SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> Section 34, 10 acres in SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> Section 34, T. 17 S.R. 31 E.W.M.
	1889		150	Irrigation	Camp Creek Ditch	Camp Creek, Silvies River	30 acres in NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> Section 35, 40 acres in SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> Section 35, 30 acres in SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> Section 35, 10 acres in NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> Section 35, 40 acres in NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> Section 35, T. 17 S.R. 31 E.W.M.
				(Schroeder Appropriation)			
	1889		388	Irrigation	Miller, Mason & Potter Ditches	Silvies River	35 acres in NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> Section 36, 40 acres in SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> Section 36, 40 acres in NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> Section 36, 40 acres in SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> Section 36, 40 acres in NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> Section 36, 40 acres in NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> Section 36, 40 acres in SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> Section 36, 35 acres in SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> Section 36, 40 acres in SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> Section 36, 38 acres in NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> Section 36, T. 17 S.R. 31 E.W.M.
				(Miller Appropriation)			
	1888		140	Irrigation	Cottonwood Creek	Cottonwood Creek, Silvies River	30 acres in NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> Section 1, 30 acres in SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> Section 1, 25 acres in NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> Section 1, 40 acres in NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> Section 1, 15 acres in SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> Section 1, T. 18 S.R. 31 E.W.M.
	1887		144	Irrigation	Dams & ditches	Bridge and Poison Creeks	40 acres in NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> Section 18, 25 acres in NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> Section 18, 40 acres in SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> Section 18, 39 acres in NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> Section 18, T. 18 S.R. 32 E.W.M.
	1888		1951	Irrigation	Eyers East & West side ditches	Silvies River	10 acres in NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> Section 24, 18 acres in SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> Section 24, T. 18 S.R. 31 E.W.M.  36 acres in NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> Section 24, 39 acres in SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> Section 24, 38 acres in SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> Section 24, 35 acres in NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> Section 24, 20 acres in SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> Section 24, 40 acres in SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> Section 24, 40 acres in NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> Section 24,  SILVIES RIVER - 2

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Pacific Live Stock Company							39 acres in NW 1/4 SE 1/4 29 acres in SW 1/4 SE 1/4 30 acres in SE 1/4 SE 1/4 Section 25, T. 18 S.R. 31 E.W.M.
(Continued)							40 acres in NE 1/4 NE 1/4 10 acres in NW 1/4 NE 1/4 40 acres in SW 1/4 NE 1/4 30 acres in SE 1/4 NE 1/4 40 acres 1/4 NE 1/4 NW 1/4 32 acres in NW 1/4 NW 1/4 32 acres in SW 1/4 NW 1/4 40 acres in SE 1/4 NW 1/4 40 acres in NE 1/4 SW 1/4 40 acres in NW 1/4 SW 1/4 Section 35, T. 18 S.R. 31 E.W.M.
							38 acres in SW 1/4 SW 1/4 40 acres in SE 1/4 SW 1/4 30 acres in NE 1/4 SE 1/4 40 acres in NW 1/4 SE 1/4 40 acres in SE 1/4 SE 1/4 40 acres in SE 1/4 SE 1/4 Section 36, T. 18 S.R. 31 E.W.M.
							8 acres in NE 1/4 SW 1/4 14 acres in NW 1/4 SW 1/4 15 acres in SE 1/4 SW 1/4 Section 18, T. 18 S.R. 32 E.W.M.
							24 acres in NW 1/4 NE 1/4 25 acres in SW 1/4 NE 1/4 29 acres in NE 1/4 NW 1/4 10 acres in NW 1/4 NW 1/4 24 acres in SW 1/4 NW 1/4 39 acres in SE 1/4 NW 1/4 38 acres in NE 1/4 SW 1/4 25 acres in NW 1/4 SW 1/4 23 acres in SW 1/4 SW 1/4 40 acres in SE 1/4 SW 1/4 10 acres in NW 1/4 SE 1/4 Section 19, T. 18 S.R. 32 E.W.M.
							30 acres in NE 1/4 NE 1/4 40 acres in NW 1/4 NE 1/4 5 acres in SW 1/4 NE 1/4 10 acres in SE 1/4 NE 1/4 40 acres in NE 1/4 NW 1/4 26 acres in NW 1/4 NW 1/4 28 acres in SW 1/4 NW 1/4 40 acres in SE 1/4 NW 1/4 34 acres in NE 1/4 SW 1/4 38 acres in NW 1/4 SW 1/4 35 acres in SW 1/4 SW 1/4 40 acres in SE 1/4 SW 1/4 15 acres in NE 1/4 SE 1/4 38 acres in NW 1/4 SE 1/4 40 acres in SW 1/4 SE 1/4 25 acres in SE 1/4 SE 1/4 Section 1, T. 19 S.R. 31 E.W.M.
							8 acres in SE 1/4 SE 1/4 Section 11, T. 19 S.R. 31 E.W.M.
							38 acres in NE 1/4 NW 1/4 38 acres in SE 1/4 NW 1/4 25 acres in NW 1/4 SW 1/4 35 acres in SW 1/4 SW 1/4 Section 12, T. 19 S.R. 31 E.W.M.
(NOTE: 65 acres in NE 1/4 NW 1/4 and SE 1/4 NW 1/4 also irrigated from Wintermeir dam under priority date of 1899)							
				82	SILVIES RIVER - 3.		

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Pacific Live Stock Company (Continued)							22 acres in NW1/4 NW1/4 Section 13, T. 19 S.R. 31 E.W.M. 12 acres in NE1/4 NE1/4 9 acres in SE1/4 NE1/4 Section 14, T. 19 S.R. 31 E.W.M.
	1888		78.4	Irrigation	Jump Creek Ditch	Jump Creek, Silvies River	40 acres in NE1/4 NW1/4 38 acres in SE1/4 NW1/4 Section 12, T. 18 S.R. 31 E.W.M.
	1888		260	Irrigation	Flat Creek Ditch	Flat Creek	32 acres in NE1/4 SW1/4 21 acres in NW1/4 SW1/4 40 acres in NE1/4 SE1/4 39 acres in NW1/4 SE1/4 8 acres in SW1/4 SE1/4 40 acres in SE1/4 SE1/4 Section 13, T. 18 S.R. 31 E.W.M. 40 acres in NE1/4 NE1/4 40 acres in SE1/4 NE1/4 Section 24, T. 18 S.R. 31 E.W.M.
	1883		236.5	Irrigation	Trout Creek	Trout Creek, Silvies River	40 acres in NW1/4 NE1/4 27.5 acres in SW1/4 NE1/4 40 acres in SE1/4 NE1/4 40 acres in NE1/4 NW1/4 12 acres in SE1/4 NW1/4 17 acres in NE1/4 SE1/4 Section 13, T. 19 S.R. 31 E.W.M. 20 acres in SW1/4 NW1/4 40 acres in NW1/4 SW1/4 Section 18, T. 19 S.R. 32 E.W.M.
	Jan. 19 1891		91	Irrigation	Trout Creek	Trout Creek	24 acres in NE1/4 NE1/4 Section 13, T. 19 S.R. 31 E.W.M. 28 acres in SW1/4 SW1/4 39 acres in SE1/4 SW1/4 Section 18, T. 19 S.R. 32 E.W.M.
	Oct. 1 1892		18	Irrigation	Trout Creek	Trout Creek	18 acres in NE1/4 SW1/4 Section 18, T. 19 S.R. 32 E.W.M.
	1899		60	Irrigation	Dams and ditches	Hall Creek	25 acres in SE1/4 SE1/4 Section 25, 20 acres in NW1/4 NW1/4 Section 36, 15 acres in NW1/4 SW1/4 Section 25, T. 18 S.R. 31 E.W.M.
	1899		85	Irrigation	Payne Creek	Payne Creek	30 acres in SW1/4 SW1/4 5 acres in SE1/4 SW1/4 Section 17, T. 18 S.R. 31 E.W.M. 15 acres in SE1/4 SE1/4 Section 18, T. 18 S.R. 31 E.W.M. 5 acres in NW1/4 NW1/4 Section 29, T. 18 S.R. 31 E.W.M.
			83		SILVIES RIVER - 4.		

Name and Postoffice Address of Appropriate	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Pacific Live Stock Co. (Continued)	1905		30	Irrigation	Old Ditch	Spring Creek	10 acres in NW <sup>1</sup> SE <sup>1</sup> 10 acres in SW <sup>1</sup> SE <sup>1</sup> Section 7, 10 acres in NW <sup>1</sup> NE <sup>1</sup> Section 18, T. 18 S.R. 31 E.W.M.
<u>D.L. CAMBLIN MODIFICATIONS</u>							
The awards for D.L. Camblin are modified in accordance with the following tabulation, which are awarded him in lieu of the awards made by the Court and Water Board.							
Camblin, D.L. Seneca, Oregon.	1886		50.1	Irrigation	Flat Creek Ditch	Flat Creek	20.6 acres in NW <sup>1</sup> NE <sup>1</sup> 29.5 acres in SW <sup>1</sup> NE <sup>1</sup> Section 13, T. 18 S.R. 31 E.W.M.
(NOTE: The land in NW <sup>1</sup> SE <sup>1</sup> also has a water right from Jump Creek under date of 1913)							
	1886		22.73	Irrigation		Silvies River	11.1 acres in SW <sup>1</sup> SE <sup>1</sup> 17.63 acres in SE <sup>1</sup> SE <sup>1</sup>
	1886		36.97	Irrigation	Jump Creek Ditch	Jump Creek	18.47 acres in NW <sup>1</sup> SE <sup>1</sup> 18.50 acres in SW <sup>1</sup> SE <sup>1</sup>
	1888		10	Irrigation	Bridge Creek	Bridge Creek	10 acres in E. of river Section 12, T. 18 S.R. 31 E.W.M.
(NOTE: The land in the NW <sup>1</sup> SE <sup>1</sup> also has a water right from Silvies River under date of 1913. All of Camblin's land on east side of River has a water right date of 1886.)							
SILVIES RIVER - 5.							

AWARDS TO WALTER CROSS, NELLIE HARDESTY, CORA M. SHEPHARDAND JESSIE J. SHEPHARD

The rights of Walter Cross for 287 acres of land from East Trout Creek and Trout Creek, with a priority of 1883, and of Nellie Hardesty for 54 acres of land from Trout Creek and small streams, with a priority of 1883; and of Cora M. Shephard and Jessie J. Shephard, co-owners for 55 acres of land from Trout Creek, with a priority of 1883, as the same have been tabulated and allowed by the Court and Water Board, shall be deemed prior in time to the awards heretofore tabulated and allowed to the Pacific Live Stock Company for its lands which have been given a water right from said Trout Creek.

## IV.

AWARDS TO PETER CLEMENS (J. C. CLEMENS SUCCESSOR IN INTEREST)AND FRANK J. WHITING, WM. M. STEWART AND J. T. BAKER.

(a) The award to the lands listed under the claim of Peter Clemens (J.C. Clemens successor in interest) for 555 acres as specified on page 34 of the decree of the Circuit Court, shall be April 21st, 1884.

(b) The award to Frank J. Whiting for 160 acres of land in Section 34, T. 22 S.R. 31 E.W.M., irrigated from Poison Creek, as listed on page 95 of the decree of the Circuit Court, shall be for a date of priority of September 20, 1884.

(c) The award to Wm. M. Stewart for 260 acres, irrigated from Poison Creek and a branch of Foley Slough, and from springs listed on page 89 of the decree of the Circuit Court, shall be 1884, but shall be deemed subsequent to and subordinate to the awards made to J. C. Clemens, as successor in interest of Peter Clemens and Frank J. Whiting for 160 acres in Section 34, T. 22 S.R. 31 E.W.M.

(d) The award to J. T. Baker for 320 acres irrigated from Poison Creek for lands listed on page 28 of the decree of the Circuit Court shall have a priority date of 1884, but shall be deemed subsequent to and subordinate to the awards made to J. C. Clemens as successor in interest of Peter Clemens and Frank J. Whiting for 160 acres in Section 34, T. 22 S.R. 31 E.W.M.

In all other respects the awards to said claimants as made by the Circuit Court are affirmed.

## V.

JAMES H. BUNYARD LANDS.

In lieu of the awards made by the Circuit Court, there shall be awarded to the land listed under the James H. Bunyard claim and under the claim of Mary Bunyard, Administratrix of the Estate of James H. Bunyard, deceased, an award tabulated as follows:

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
<p>ry Bunyard, Administratrix of the Estate of James H. Bunyard, deceased, Successor in interest, Burns, Oregon.</p>	<p>1889</p> <p>1898</p>		<p>165.95</p> <p>318.70</p>	<p>Irrigation</p> <p>Irrigation</p>	<p>Marrs Co.</p> <p>Marrs Co.</p>	<p>Main</p> <p>Main</p>	<p>41.13 acres in NE1/4NW1/4 (Lot 6)</p> <p>41.52 acres in NW1/4NW1/4 (Lot 7)</p> <p>40 acres in SW1/4NW1/4</p> <p>43.30 acres in NW1/4SW1/4 (Lot 2)</p> <p>40 acres in NE1/4SE1/4</p> <p>40 acres in SE1/4SE1/4</p> <p>40 acres in SW1/4SE1/4</p> <p>40 acres in NW1/4SE1/4</p> <p>Section 1, T. 24 S.R. 31 E.W.M.</p> <p>39.64 acres in NE1/4NE1/4 (Lot 1)</p> <p>39.64 acres in NW1/4NE1/4 (Lot 8)</p> <p>39.51 acres in SW1/4NE1/4 (Lot 7)</p> <p>39.51 acres in SE1/4NE1/4 (Lot 2)</p> <p>Section 7 T. 24 S.R. 32 E.W.M.</p>
<p>VI.</p> <p>AWARDS TO THE BURNS FLOUR MILLING COMPANY, A CORPORATION</p> <p>In lieu of the awards made by the Circuit Court, the award to this claimant</p> <p>shall be modified as follows:</p>							
<p>Burns Flour Milling Company, a corporation</p>	<p>1884</p> <p>1901</p> <p>1884</p>		<p>57.2</p> <p>26.7</p>	<p>Irrigation</p> <p>Irrigation</p> <p>Power 159 E.P.</p>	<p>Burns Flour Mill Co.</p> <p>Burns Flour Mill Co.</p> <p>Burns Flour Mill Co.</p>	<p>Main</p> <p>Main</p> <p>Main</p>	<p>10 acres in SW1/4NE1/4 (Lot 3)</p> <p>1 acre in SW1/4SW1/4</p> <p>11.7 acres in SE1/4SW1/4</p> <p>9 acres in NW1/4SE1/4 (Lot 4)</p> <p>25.5 acres in SW1/4SE1/4 (Lot 5)</p> <p>Section 36, T. 22 S.R. 30 E.W.M.</p> <p>3.5 acres in NE1/4NE1/4 (Lot 1)</p> <p>8.5 acres in NW1/4NE1/4 (Lot 2)</p> <p>9.7 acres in NE1/4NW1/4 (Lot 3)</p> <p>5 acres in NW1/4NW1/4 (Lot 4)</p> <p>Section 1, T. 23 S.R. 30 E.W.M.</p> <p>Place of use of power: Lot 5, Section 36, T. 22 S.R. 30 E.W.M.</p>
<p>SILVIES RIVER - 7.</p>							



VII.

AWARDS TO THE PACIFIC LIVE STOCK COMPANY IN HARNEY VALLEY

In lieu of the awards fixed by the Court and Water Board, the awards to the Pacific Live Stock Company for the irrigation of its lands in Harney Valley are hereby modified as set forth in the following tabulation; and the said Pacific Live Stock Company is granted awards for the irrigation of its said lands as hereinafter described, with priorities and amounts as follows:

SILVIES RIVER - 8.

SILVIES RIVER - 8.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Pacific Live Stock Company, Burns, Oregon.	1887		2.4	Irrigation		Silvies	2.4 acres in NW 1/4 NE 1/4 Section 28, T. 22 S.R. 30 E.W.M.
	(NOTE: The balance of the land described by claimants in this claim is tabulated under the Harney Valley Dam, Ditch and Irrigation Company.)						
	1888		471	Irrigation	Warm Springs Hotchkiss & Thornburg dams	Silvies & Warm Springs	40 acres in NE 1/4 NE 1/4 40 acres in SE 1/4 NE 1/4 40 acres in SW 1/4 NE 1/4 40 acres in NW 1/4 NE 1/4 28 acres in NE 1/4 NW 1/4 35 acres in NW 1/4 NW 1/4 31 acres in SW 1/4 NW 1/4 37 acres in SE 1/4 NW 1/4 40 acres in NE 1/4 SW 1/4 20 acres in NW 1/4 SW 1/4 40 acres in NE 1/4 SE 1/4 40 acres in NW 1/4 SE 1/4 40 acres in SE 1/4 SE 1/4 Section 36, T. 23 S.R. 30 E.W.M.
	1885		1280	Irrigation	Potter Swamp Dam & Sage Hen Creek Ditches	Silvies & Sage Hen	40 acres in NW 1/4 NE 1/4 40 acres in SW 1/4 NE 1/4 40 acres in SW 1/4 SW 1/4 40 acres in SE 1/4 SW 1/4 40 acres in NW 1/4 SE 1/4 40 acres in SW 1/4 SE 1/4 Section 12, 40 acres in NE 1/4 NE 1/4 40 acres in SE 1/4 NE 1/4 40 acres in SW 1/4 NE 1/4 40 acres in NW 1/4 NE 1/4 40 acres in NE 1/4 SE 1/4 40 acres in SE 1/4 SE 1/4 Section 13, T. 24 S.R. 30 E.W.M.
							40 acres in NW 1/4 NW 1/4 40 acres in SW 1/4 NW 1/4 40 acres in NE 1/4 SW 1/4 40 acres in SE 1/4 SW 1/4 40 acres in SW 1/4 SW 1/4 40 acres in NW 1/4 SW 1/4 40 acres in NE 1/4 SE 1/4 40 acres in SE 1/4 SE 1/4 40 acres in SW 1/4 SE 1/4 40 acres in NW 1/4 SE 1/4 Section 7, 40 acres in NE 1/4 NE 1/4 40 acres in NW 1/4 NE 1/4 40 acres in NE 1/4 NW 1/4 40 acres in SE 1/4 NW 1/4 40 acres in SW 1/4 NW 1/4 40 acres in NW 1/4 NW 1/4 40 acres in NE 1/4 SW 1/4 40 acres in SE 1/4 SW 1/4 40 acres in SW 1/4 SW 1/4 40 acres in NW 1/4 SW 1/4 Section 18, T. 24 S.R. 31 E.W.M.
	1895		160	Irrigation	Potter Swamp Dam & Sage Hen Creek Ditches	Silvies & Sage Hen	40 acres in NE 1/4 NE 1/4 40 acres in SE 1/4 NE 1/4 40 acres in NE 1/4 SE 1/4 40 acres in SE 1/4 SE 1/4 Section 12, T. 24 S.R. 30 E.W.M.
							SILVIES RIVER - 9.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Piece of Use
Pacific Live Stock Company (Continued)	1887		490	Irrigation	Homer Mace ditch dams, in Lampshire Newman & McGlimmery and Foley Sloughs	Silvies	40 acres in NE-NE- 13 acres in NW-NE- 21.5 acres in SW-NE- 40 acres in SE-NE- 28 acres in NW-NW- 10.5 acres in SW-NW- 17 acres in SE-NW- 40 acres in NE-SW- 40 acres in SE-SW- 40 acres in SW-SW- 40 acres in NW-SW- 40 acres in NE-SE- 40 acres in SE-SE- 40 acres in SW-SE- 40 acres in NW-SE- Section 16, T. 23 S.R. 31 E.W.M.
	1887		160	Irrigation	Hanley Drain & Upper & Embree Slough	Silvies River	40 acres in SW-SE- 40 acres in NE-SE- 40 acres in NW-SE- 40 acres in SE-SE- Section 26, T. 23 S.R. 31 E.W.M.
	1887		640	Irrigation	Hanley Drain & Upper & Embree Slough	Silvies	40 acres in NE-NE- 40 acres in SE-NE- 40 acres in SW-NE- 40 acres in NW-NE- 40 acres in NE-SE- 40 acres in SE-SE- 40 acres in SW-SE- 40 acres in NW-SE- 40 acres in SE-SW- 40 acres in SW-SW- 40 acres in NW-SW- 40 acres in NE-NW- 40 acres in SE-NW- 40 acres in SW-NW- 40 acres in NW-NW- Section 36, T. 23 S.R. 31 E.W.M.
	1887		768.5	Irrigation	Smith & Clemmons & Homer Mace Slough	Silvies	40 acres in NE-NE- 40 acres in SE-NE- 40 acres in SW-NE- 40 acres in NW-NE- 40 acres in NE-SE- 40 acres in SE-SE- 40 acres in SW-SE- 40 acres in NW-SE- Section 24, T. 23 S.R. 31 E.W.M.  40 acres in NE-NE- 40 acres in NW-NE- 30.5 acres in NE-NW- 26 acres in NW-NW- 40 acres in NE-SW- 40 acres in NW-SW- 40 acres in SW-SW- 32 acres in SE-SW- 40 acres in NE-SE- 40 acres in SE-SE- 40 acres in SW-SE- 40 acres in NW-SE- Section 4, T. 24 S.R. 31 E.W.M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Pacific Live Stock Company (Continued)	1889		320	Irrigation	Smith Clemmons & Homer Mace Slough	Silvies	40 acres in NE 1/4 NW 1/4 40 acres in SE 1/4 NW 1/4 40 acres in SW 1/4 NW 1/4 40 acres in NW 1/4 SW 1/4 40 acres in NE 1/4 SW 1/4 40 acres in SE 1/4 SW 1/4 40 acres in SW 1/4 SW 1/4 40 acres in NW 1/4 SW 1/4 Section 34, T. 23 S.R. 31 E.W.M.
	1895		131.5	Irrigation	Smith Clemmons & Homer Mace Slough	Silvies	40 acres in SW 1/4 NE 1/4 40 acres in SE 1/4 NE 1/4 11.5 acres in SW 1/4 NW 1/4 40 acres in SE 1/4 NW 1/4 Section 4, T. 24 S.R. 31 E.W.M.
	1900		640	Irrigation	Smith & Clemmons & Homer Mace Slough	Silvies	40 acres in NE 1/4 NE 1/4 40 acres in NW 1/4 NE 1/4 40 acres in SE 1/4 NE 1/4 40 acres in SW 1/4 NE 1/4 40 acres in NE 1/4 SE 1/4 40 acres in NW 1/4 SE 1/4 40 acres in SW 1/4 SE 1/4 40 acres in NE 1/4 SW 1/4 40 acres in SE 1/4 SW 1/4 40 acres in SW 1/4 SW 1/4 40 acres in NW 1/4 SW 1/4 40 acres in NE 1/4 NW 1/4 40 acres in NW 1/4 NW 1/4 40 acres in SW 1/4 NW 1/4 40 acres in SE 1/4 NW 1/4 40 acres in SE 1/4 SE 1/4 Section 33, T. 23 S.R. 31 E.W.M.
	1887		673	Irrigation	Mace-Dewitt Hanley & Hill dams & Chapman slough	Silvies	40 acres in NE 1/4 SW 1/4 40 acres in NW 1/4 SW 1/4 40 acres in SW 1/4 SW 1/4 40 acres in SE 1/4 SW 1/4 40 acres in NE 1/4 SE 1/4 40 acres in NW 1/4 SE 1/4 40 acres in SW 1/4 SE 1/4 40 acres in SE 1/4 SE 1/4 Section 2, 40 acres in NE 1/4 SE 1/4 40 acres in NW 1/4 SE 1/4 40 acres in SW 1/4 SE 1/4 40 acres in SE 1/4 SE 1/4 Section 10, 40 acres in NE 1/4 SE 1/4 40 acres in NW 1/4 SE 1/4 40 acres in NE 1/4 S W 1/4 40 acres in NW 1/4 SW 1/4 Section 11, 1.5 acres in NW 1/4 SW 1/4 12.5 acres in SW 1/4 SW 1/4 19 acres in SE 1/4 SW 1/4 Section 13, T. 24 S.R. 31 E.W.M.  SILVIES RIVER - 11.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Pacific Live Stock Company  (Continued)	1888	631.5		Irrigation	Mace DeWitt Hanley & Hill dams & Chapman slough	Silvies	40 acres in SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> Section 1. 31.5 acres in NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 40 acres in NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 40 acres in SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> Section 12, 40 acres in NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 40 acres in NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 40 acres in SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 40 acres in SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> Section 11, 40 acres in NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 40 acres in NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 40 acres in SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 40 acres in SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 40 acres in NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 40 acres in NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 40 acres in SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 40 acres in SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> Section 10, T. 24 S.R. 31 E.W.M.
	1893	203		Irrigation	Mace DeWitt Hanley & Hill dams & Chapman slough	Silvies	22.5 acres in NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 39 acres in NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 21 acres in SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 19.5 acres in SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 9.5 acres in SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> Section 12, 36 acres in NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 38 acres in NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 7.5 acres in SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 10 acres in SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> Section 14, T. 24 S.R. 31 E.W.M.
	1894	97.5		Irrigation	Mace, DeWitt Hanley & Hill dams & Chapman slough	Silvies	34.5 acres in NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> 16.5 acres in NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> Section 7, T. 24 S.R. 32 E.W.M.  34.5 acres in NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> 12 acres in NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> Section 12, T. 24 S.R. 31 E.W.M.
	1897	255		Irrigation	Mace, DeWitt Hanley & Hill dams & Chapman slough	Silvies	40 acres in SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> 40 acres in SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> 40 acres in SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> 40 acres in SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> Section 11, 1.5 acres in NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 18 acres in NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 14.5 acres in SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 33 acres in SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 7.5 acres in NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> 1 acre in SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> Section 14, 18.5 acres in NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 1 acre in NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> Section 24, T. 24 S.R. 31 E.W.M.
	1887	91.5		Irrigation	Marrs ditch & dam	Silvies	20 acres in NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 24 acres in NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 10 acres in SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 37.5 acres in SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> Section 7, T. 24 S.R. 32 E.W.M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cable Feet Per Record	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Pacific Live Stock Company (Continued)	1895		624.5	Irrigation	Dams & ditches	Silvies River & Chapman Slough	38 acres in SW-SE-1 Section 15, 38 acres in NE-NE-1 40 acres in NW-NE-1 40 acres in SW-NE-1 40 acres in SE-NE-1 15 acres in NW-NW-1 14.5 acres in SW-NW-1 6.5 acres in NW-SW-1 40 acres in NW-SE-1 40 acres in NE-SE-1 40 acres in SE-SE-1 40 acres in SW-SE-1 Section 22, 5.5 acres in SW-NE-2 21.5 acres in NW-NW-1 25 acres in SW-NW-1 9.5 acres in SE-NW-1 31 acres in NE-SW-1 39 acres in NW-SW-1 38.5 acres in SW-SW-1 9 acres in SE-SW-1 28 acres in SW-SE-1 10 acres in NW-SE-1 15.5 acres in SE-SE-1 Section 23, T. 24 S.R. 31 E.W.M.
	1906		115	Irrigation	Dams & ditches	Silvies River & Chapman slough	11 acres in NE-NE-1 17.5 acres in NW-NW-1 9.5 acres in NW-SW-1 22 acres in SW-SW-1 Section 16, 12 acres in NW-NE-1 24.5 acres in SW-NE-1 2 acres in NE-NW-1 6 acres in NW-NW-1 10.5 acres in SE-NW-1 Section 21, T. 24 S.R. 31 E.W.M.
	1895		437	Irrigation	Cronin & Rimrock dams	Silvies River & Chapman slough	17 acres in NW-NE-1 35 acres in SW-NE-1 18 acres in SE-NE-1 35 acres in NE-NW-1 1 acre in NW-NW-1 20 acres in SW-NW-1 30.5 acres in SE-NW-1 39 acres in NE-SE-1 36.5 acres in NW-SE-1 11.5 acres in SW-SE-1 31 acres in SE-SE-1 Section 25, 11.5 acres in SW-NE-1 8 acres in NE-NW-1 29 acres in NW-NW-1 20 acres in SW-NW-1 34 acres in SE-NW-1 40 acres in NE-SE-1 20 acres in NW-SE-1 Section 26, T. 24 S.R. 31 E.W.M.
							SILVIES RIVER - 13.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Pacific Live Stock Company (Continued)	1904		111.5	Irrigation	Cronin & Rim-Rock dams	Silvies River & Chapman slough	34 acres in NE-SW 32.5 acres in NW-SW 35 acres in SW-SW 10 acres in SE-SW Section 28, T. 24 S.R. 31 E.W.M.
	1883		1576	Irrigation	Elk Poudjé & Foley dams	Silvies	12 acres in SW-SW 11.5 acres in SE-SW 17 acres in SW-SE 10 acres in SE-SE Section 29, 22.5 acres in SW-SW 2.5 acres in SE-SW 6 acres in SW-SE 7.5 acres in SE-SE Section 30, 36 acres in NE-NE 40 acres in NW-NE 40 acres in SW-NE 40 acres in SE-NE 38 acres in NE-NW 12 acres in NW-NW 37 acres in SW-NW 40 acres in SE-NW 40 acres in NE-SW 40 acres in NW-SW 10 acres in SW-S 8.5 acres in SE-SW 40 acres in NE-SE 40 acres in NW-SE 26 acres in SW-SE 40 acres in SE-S E Section 31,  36 acres in NE-NE 40 acres in NW-NE 40 acres in SW-NE 36 acres in SE-NE 40 acres in NE-NW 36 acres in NW-NW 40 acres in SW-NW 40 acres in SE-NW 40 acres in NE-SW 40 acres in SE-SW 40 acres in SW-SW 40 acres in NW-SW 30 acres in NE-SE 40 acres in NW-SE 40 acres in SW-SE 18 acres in SE-SE Section 32, T. 24 S.R. 32 E.W.M.  38 acres in NE-NE 37 acres in SW-NE 21.5 acres in NE-NW 5.5 acres in NW-NE 40 acres in SE-NE 40 acres in NW-NW 40 acres in SW-NW 37.5 acres in SE-NW 17.5 acres in NE-SW 5 acres in NW-SW 38 acres in NE-SE 35 acres in NW-SE 9.5 acres in SE-SE Section 36, T. 24 S.R. 31 E.W.M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Pacific Live Stock Company, (Continued)	1885		442	Irrigation	School-teachers ditch, dams, Chapman Slough & Big ditch	Silvies	10 acres in NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 1.8 acres in SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 27.5 acres in NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> 7 acres in NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> 2 acres in SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> 20 acres in NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> 31 acres in SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> 40 acres in SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> Section 26, T. 24 S.R. 31 E.W.M.  40 acres in NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 31 acres in NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 12 acres in SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> Section 27, 40 acres in NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 15 acres in SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> Section 35, T. 24 S.R. 31 E.W.M.  7 acres in SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> 24 acres in SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> Section 11, T. 25 S.R. 31 E.W.M.  6 acres in NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 14 acres in NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> Section 5, T. 25 S.R. 32 E.W.M.  2 acres in SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> 8 acres in SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> 11.5 acres in NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> 1 acre in NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> 34 acres in SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> 40 acres in SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> Section 7, T. 25 S.R. 32 E.W.M.
	1891		359	Irrigation	School Teachers ditch, dams Chapman Slough & Big ditch	Silvies	10 acres in NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 34 acres in SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 1 acre in SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 22.5 acres in NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> 5 acres in SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> Section 5, 8 acres in NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 7 acres in SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 12 acres in NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> 9 acres in SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> 12 acres in SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> 34 acres in NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> 29.5 acres in NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> 11.5 acres in SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> 35 acres in SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> Section 6, 12 acres in NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 10.5 acres in SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 6 acres in SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 3.5 acres in NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 35 acres in NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 35 acres in SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 19 acres in SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 1.5 acres in NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> 6 acres in NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> Section 7, T. 25 S.R. 32 E.W.M.
	1897		1611.5	Irrigation	School teachers ditch dams Chapman slough & Big ditch	Silvies	3.5 acres in SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 12.5 acres in NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 32 acres in NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 36 acres in SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 35 acres in SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 5 acres in NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> 7.5 acres in NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> 14.5 acres in NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> 24 S. 31 E Section 27, SILVIES RIVER - 15.



Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cable Feet Per Record	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Pacific Live Stock Company (Continued.)							<p>5 acres in NW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>  12 acres in SE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>  Section 26,  21.5 acres in NW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>  7.5 acres in SW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>  20 acres in SE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>  Section 35,  T. 24 S.R. 31 E.W.M.</p> <p>13 acres in SW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>  6.5 acres in NE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>  24 acres in NW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>  11.5 acres in SW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>  6 acres in SE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>  35.5 acres in NE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>  31 acres in NW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>  40 acres in SW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>  40 acres in SE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>  10 acres in NE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>  32 acres in NW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>  32.5 acres in SW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>  18 acres in SE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>  Section 12,  30 acres in NE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>  35 acres in NW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>  40 acres in SW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>  40 acres in SE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>  30 acres in NE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>  20 acres in NW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>  40 acres in SW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>  40 acres in SE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>  40 acres in NE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>  40 acres in SE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>  40 acres in SW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>  40 acres in NW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>  30 acres in NE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>  28 acres in NW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>  25 acres in SW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>  27 acres in SE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>  Section 13,  33 acres in NE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>  2 acres in NW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>  20 acres in SW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>  37 acres in SE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>  20 acres in NE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>  37 acres in NW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>  18 acres in SW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>  32 acres in SE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>  Section 14,  37.5 acres in NE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>  25 acres in NW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>  2 acres in SW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>  24 acres in SE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>  Section 23  25 acres in NE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>  38 acres in NW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>  38 acres in SW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>  10 acres in SE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>  32 acres in NE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>  33 acres in NW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>  30 acres in SW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>  26 acres in SE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>  15 acres in NE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>  20 acres in NW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>  Section 24,  T. 25 S.R. 31 E.W.M.</p> <p>16.5 acres in NW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>  12 acres in NW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>  19 acres in SE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>  Section 4,  SILVIER RIVER - - 16.</p>
	1887		1868	Irrigation	Cronin ditch, west Fork Slough and numerous small ditches	Silvies	

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Pacific Live Stock Company, (Continued)							<p>25 acres in NE-SW 12 acres in NW-SW 27 acres in SW-SW 40 acres in SE-SW 8.5 acres in NE-SE 22.5 acres in NW-SE 40 acres in SW-SE 24 acres in SE-SE Section 8, 10 acres in NW-NE 35 acres in SW-NE 20 acres in SE-NE 10 acres in NE-NW 2.5 acres in NW-NW 9 acres in SW-NW 40 acres in SE-NW 40 acres in NE-SW 24.5 acres in NW-SW 39 acres in SW-SW 40 acres in SE-SW 40 acres in NE-SE 40 acres in SE-SE 40 acres in SW-SE 40 acres in NW-SE Section 9, T. 25 S.R. 32 E.W.M. 10 acres in NW-SW 40 acres in SW-SW 40 acres in Section 10, NW-NW 40 acres in SW-NW 20 acres in NE-SW 40 acres in NW-SW 40 acres in SW-SW 40 acres in SE-SW 15 acres in SW-SE Section 15, 25 acres in NE-NE 40 acres in NW-NE 40 acres in SW-NE 40 acres in SE-NE 40 acres in NE-NW 40 acres in SE-NW 40 acres in SW-NW 40 acres in NW-NW 31.5 acres in NE-SW 40 acres in NW-SW 14 acres in SW-SW 12 acres in SE-SW 39 acres in NE-SE 36 acres in NW-SE 10.5 acres in SW-SE 2 acres in SE-SE Section 22, 35 acres in SW-NE 25 acres in SE-NE 40 acres in NE-NW 20 acres in NW-NW 40 acres in SW-NW 40 acres in SE-NW 38 acres in NE-SW 31 acres in NW-SW 8 acres in SE-SW 40 acres in NE-SE 40 acres in NW-SE 20 acres in SW-SE 39.5 acres in SE-SE Section 23, T. 25 S.R. 32 E.W.M. 40 acres in NE-NE 40 acres in SE-NE SILVIES RIVER - 17.</p>
	1898	3348.5		Irrigation	Cronin ditch West Fork Slough and numerous small ditches	Silvies	

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount, Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Pacific Live Stock Company, (Continued)							40 acres in SW:NE: 40 acres in NW:NE: 40 acres in NE:NW: 37.5 acres in NW:NW: 40 acres in SW:NW: 40 acres in SE:NW: 40 acres in NE:SW: 40 acres in SE:SW: 40 acres in SW:SW: 40 acres in NW:SW: 40 acres in NE:SE: 40 acres in SE:SE: 40 acres in SW:SE: 40 acres in NW:SE: Section 16, 30 acres in NE:NE: 40 acres in NW:NE: 40 acres in SW:NE: 40 acres in SE:NE: 40 acres in NE:SW: 40 acres in SE:SW: 40 acres in NW:SW: 40 acres in NE:SW: 40 acres in SE:SW: 40 acres in SW:SW: 40 acres in NW:SW: 40 acres in NE:SE: 40 acres in SE:SE: 40 acres in SW:SE: 40 acres in NW:SE: Section 17, 40 acres in NE:NE: 40 acres in SE:NE: 40 acres in SW:NE: 40 acres in NW:NE: 28 acres in NE:NW: 5 acres in NW:NW: 30 acres in SW:NW: 40 acres in SE:NW: 40 acres in NE:SW: 40 acres in SE:SW: 40 acres in SW:SW: 40 acres in NW:SW: 40 acres in NE:SE: 40 acres in SE:SE: 40 acres in SW:SE: 40 acres in NW:SE: Section 18, 40 acres in SE:NE: 40 acres in NW:NE: 15 acres in SW:NE: 35 acres in SE:NE: 35 acres in NE:NW: 20 acres in NW:NW: 20 acres in SW:NW: 20 acres in NE:SW: 40 acres in NW:SW: 8 acres in SW:SW: 13 acres in SE:SW: 40 acres in NE:SE: 34 acres in NW:SE: 13 acres in SW:SE: 12 acres in SE:SE: Section 19, T. 25 S.R. 32 E.W.M.  SILVIES RIVER = 18.



Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Pacific Live Stock Company (Cont.)	1886	485	Irrigation	Boat Ford dams & slough	Silvies		40 acres in NE-NE-1 33 acres in NW-NE-1 5 acres in SW-NE-1 40 acres in SE-NE-1 37 acres in NE-NW-1 3 acres in NW-NW-1 19 acres in SW-NW-1 29 acres in SE-NW-1 16 acres in NE-S-W-1 12 acres in NW-SW-1 18 acres in SE-SW-1 40 acres in NE-SE-1 18 acres in NW-SE-1 40 acres in SW-SE-1 40 acres in SE-SE-1 Section 4, 40 acres in NE-NE-1 30 acres in NW-NE-1 20 acres in SE-NE-1 5 acres in NE-NW-1 Section 9, T. 25 S.R. 32 E.W.M.
	1893	741.5	Irrigation	Boat Ford dams & slough	Silvies		34 acres in NE-NW-1 22 acres in NW-NW-1 19 acres in SW-NW-1 39 acres in SE-NW-1 21 acres in NE-SW-1 17 acres in NW-SW-1 10.5 acres in SW-SW-1  30 acres in SE-SW-1 40 acres in NE-SE-1 34 acres in NW-SE-1 36 acres in SW-SE-1 32.5 acres in SE-SE-1 Section 28, T. 24 S.R. 32 E.W.M.  25 acres in NE-NE-1 39 acres in NW-NE-1 40 acres in SW-NE-1 40 acres in SE-NE-1 35 acres in NE-NW-1 22 acres in NW-NW-1 3 acres in SW-NW-1 25 acres in SE-NW-1 2 acres in NE-SW-1 4 acres in NW-SW-1 25 acres in SE-SW-1 30.5 acres in NE-SE-1 36 acres in NW-SE-1 40 acres in SW-SE-1 40 acres in SE-SE-1 Section 33, T. 24 S.R. 32 E.W.M.
	1893	211.5	Irrigation	Haynes dam	Silvies		4 acres in NE-SW-1 12 acres in SE-SW-1 5.5 acres in SW-SE-1 36 acres in SE-SE-1 Section 21, 35 acres in SW-NW-1 39 acres in NE-SW-1 40 acres in NW-SW-1 40 acres in SW-SW-1 Section 27, T. 24 S.R. 32 E.W.M.  SILVIES RIVER - 20.

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Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount, Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Pacific Live Stock Company (Continued)	1886		737	Irrigation	Slough in center of Section 34, T. 24 S. R. 32 E.	Silvies	6 acres in NE 1/4 SW 1/4 35 acres in NW 1/4 SW 1/4 39 acres in SW 1/4 SW 1/4 17 acres in SE 1/4 SW 1/4 Section 34, T. 24 S.R. 32 E.W.M.  40 acres in NE 1/4 NE 1/4 40 acres in SE 1/4 NE 1/4 40 acres in SW 1/4 NE 1/4 40 acres in NW 1/4 NE 1/4 40 acres in NE 1/4 SE 1/4 40 acres in SE 1/4 SE 1/4 40 acres in SW 1/4 SE 1/4 40 acres in NW 1/4 SE 1/4 40 acres in NE 1/4 SW 1/4 40 acres in SE 1/4 SW 1/4 40 acres in NW 1/4 SW 1/4 40 acres in NE 1/4 NW 1/4 40 acres in SE 1/4 NW 1/4 40 acres in SW 1/4 NW 1/4 40 acres in NW 1/4 NW 1/4 Section 3, T. 25 S.R. 32 E.W.M.
	1887		58	Irrigation	Dam in Sec. 35 T. 24 S. R. 32 E.	Silvies	1.5 acres in NW 1/4 SW 1/4 22 acres in SW 1/4 SW 1/4 30.5 acres in SE 1/4 SW 1/4 4 acres in SW 1/4 SE 1/4 Section 36, T. 24 S.R. 32 E.W.M.
	1886		1112	Irrigation	Square Well slough & Slough thru SW 1/4 Sec. 35. T. 24 S. R. 32 E.	Silvies	1.5 acres in NW 1/4 NE 1/4 35.5 acres in SW 1/4 NE 1/4 21 acres in SE 1/4 NE 1/4 24 acres in NE 1/4 NW 1/4 40 acres in NW 1/4 NW 1/4 40 acres in SW 1/4 NW 1/4 30 acres in SE 1/4 NW 1/4 40 acres in NE 1/4 SW 1/4 40 acres in SE 1/4 SW 1/4 40 acres in NW 1/4 SW 1/4 40 acres in NE 1/4 SE 1/4 40 acres in SE 1/4 SE 1/4 40 acres in SW 1/4 SE 1/4 40 acres in NW 1/4 SE 1/4 Section 2, 40 acres in NE 1/4 NE 1/4 40 acres in SE 1/4 NE 1/4 40 acres in SW 1/4 NE 1/4 40 acres in NW 1/4 NE 1/4 40 acres in NE 1/4 NW 1/4 40 acres in SE 1/4 NW 1/4 40 acres in NW 1/4 NW 1/4 40 acres in SW 1/4 NW 1/4 40 acres in NE 1/4 SW 1/4 30 acres in NW 1/4 SW 1/4 40 acres in SE 1/4 SW 1/4 40 acres in NE 1/4 SE 1/4 40 acres in SE 1/4 SE 1/4 40 acres in SW 1/4 SE 1/4 40 acres in NW 1/4 SE 1/4 Section 10, T. 25 S.R. 32 E.W.M.
							SILVIES RIVER - 21.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Pacific Live Stock (Company)  (Continued)	1887		3586.5	Irrigation	Black slough	Silvies	22 acres in NE-NE- 32 acres in NW-NE- 40 acres in SW-NE- 40 acres in SE-NE- 26 acres in NE-NW- 1.5 acres in NW-NW- 5 acres in SW-NW- 28 acres in SE-NW- 35 acres in NE-SW- 32 acres in NW-SW- 40 acres in SW-SW- 40 acres in SE-SW- 40 acres in NE-SE- 40 acres in SE-SE- 40 acres in SW-SE- 40 acres in NW-SE- Section 1, 40 acres in NE-NE- 40 acres in SE-NE- 40 acres in SW-NE- 40 acres in NW-NE- 40 acres in NE-SE- 40 acres in SE-SE- 40 acres in SW-SE- 40 acres in NW-SE- 40 acres in NE-SW- 40 acres in SE-SW- 40 acres in SW-SW- 40 acres in NW-SW- 40 acres in NE-NW- 40 acres in SE-NW- 40 acres in SW-NW- 40 acres in NW-NW- Section 11, 40 acres in NE-NE- 40 acres in SE-NE- 40 acres in SW-NE- 40 acres in NW-NE- 40 acres in NE-SE- 40 acres in SE-SE- 40 acres in SW-SE- 40 acres in NW-SE- 40 acres in NE-SW- 40 acres in SE-SW- 40 acres in SW-SW- 40 acres in NW-SW- 40 acres in NE-NW- 40 acres in SE-NW- 40 acres in SW-NW- 40 acres in NW-NW- Section 12, 40 acres in NE-NE- 40 acres in SE-NE- 40 acres in SW-NE- 40 acres in NW-NE- 40 acres in NE-SE- 40 acres in SE-SE- 40 acres in SW-SE- 40 acres in NW-SE- 40 acres in NE-SW- 40 acres in SE-SW- 40 acres in SW-SW- 40 acres in NW-SW- 40 acres in NE-NW- 40 acres in SE-NW- 40 acres in SW-NW- 40 acres in NW-NW- Section 13, 155- 32 E SILVIES RIVER - 22.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Pacific Live Stock Company (Continued.)							40 acres in NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 40 acres in SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 40 acres in SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 40 acres in NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 40 acres in NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> 40 acres in SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> 40 acres in SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> 40 acres in NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> 40 acres in NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> 40 acres in SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> 40 acres in SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> 40 acres in NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> 40 acres in NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 40 acres in SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 40 acres in SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 40 acres in NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> Section 14, T. 25 S.R. 32E.W.M.  40 acres in NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 40 acres in SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 40 acres in SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 40 acres in NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 40 acres in NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 40 acres in SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 20 acres in NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> 40 acres in NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> 40 acres in NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> 25 acres in SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> 40 acres in SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> Section 15, 40 acres in NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 40 acres in NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 5 acres in SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 15 acres in SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 20 acres in NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> Section 23, T. 25 S.R. 32 E.W.M.

SILVIES RIVER - 23.



# VIII.

## CHARLES MCPHEETER'S CLAIM.

In lieu of the award made by the Circuit Court for this claimant, the said claimant will be given an award in accordance with the following tabulation:

McPheeters, Charles E., Burns, Oregon.	1908	160	Irrigation	Welcome McPheeters Creek and Poison slough	Poison Creek and Poison slough	40 ac in NE1/4NW1/4 40 ac in NW1/4NW1/4 40 ac in SW1/4NW1/4 40 ac in SE1/4NW1/4 Section 33, T. 25 S.R. 32 E.W.M.
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# IX.

## J. W. BIGGS' CLAIM

The award to this claimant with the number of acres found by the Court and Water Board is affirmed. The date of priority of 1886, however, is not supported by competent testimony. Within sixty (60) days after the filing of the Mandate herein in the Circuit Court, the claimant J. W. Biggs may apply to said Court for an order referring his claim to the State Engineer; in order that evidence may be taken in the regular way to fix the proper date of priority; that upon same being fixed it shall be inserted in this Decree, and the Supreme Court is authorized to correct the Decree accordingly; that if said application is not made within the time specified, the priority for such land shall be 1893.

# X.

## G. H. LEONARD CLAIM

In lieu of the award made by the Circuit Court, the award to this claimant shall be in accordance with the following tabulation:

Leonard, 1900 C.H., Burns, Oregon.	260	Irrigation	Jordan	E.Fork Silvies	40 acres in NE1/4SW1/4 40 acres in SE1/4SW1/4 40 acres in SW1/4SW1/4 40 acres in NW1/4SW1/4 Section 10, 10 acres in NE1/4NE1/4 10 acres in NW1/4NE1/4 40 acres in SW1/4NE1/4 40 acres in SE1/4NE1/4 Section 9, T. 25 S.R. 32 E.W.M.
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# XI.

## H. A. DILLARD CLAIM

In lieu of the award made by the Circuit Court, the award to this claimant shall be in accordance with the following tabulation:

H. A. Dillard, Burns, Oregon.	1885	80	Irrigation	Burnt Smith	Trout Creek Dillard Creek	10 acres in SW1/4SE1/4 Section 18, 25 acres in NW1/4NE1/4 30 acres in SW1/4NE1/4 15 acres in SE1/4NE1/4 Section 19, SILVIES RIVER - 24.
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XII.

HULL HOTCHKISS CLAIM.

In lieu of the award made by the Circuit Court and the Water Board, the award to this claimant shall be in accordance with the following tabulation:

Hull Hotchkiss, Burns, Oregon.	1901	50	Irrigation	Dams & sloughs	Emi- grant Creek & Hay Creek	25 ac in NE 1/4 Section 27, 25 ac in NW 1/4 Section 26, T. 20 S.R. 29 E.W.M.
	1891	80	Irrigation	Hotchkiss	Main	6 ac in NE 1/4 35 ac in SW 1/4 40 ac in SE 1/4 Section 25, T. 23 S.R. 30 E.W.M.
	1886	110	Irrigation	dams & ditches	Emi- grant Creek & Yellow Jacket Creek	20 ac in SW 1/4 40 ac in NE 1/4 20 ac in NW 1/4 30 ac in SE 1/4 Section 22, T. 20 S.R. 29 E.W.M.
	1886	159.29	Irrigation	Hotchkiss	Main	40 ac in NE 1/4 39.62 ac in NW 1/4 39.67 ac in SW 1/4 40 ac in SE 1/4 Section 30, T. 23 S.R. 31 E.W.M.
	1886	160	Irrigation	Hanley Mace Hotchkiss	Main	40 ac in NE 1/4 40 ac in SE 1/4 40 ac in SW 1/4 40 ac in NW 1/4 Section 32, T. 23 S.R. 31 E.W.M.
	1886	160	Irrigation	Hanley Mace Hotchkiss	Main	40 ac in NE 1/4 40 ac in SE 1/4 40 ac in SW 1/4 40 ac in NW 1/4 Section 32, T. 23 S.R. 31 E.W.M.

XIII.

CLAIM OF THE SILVIES RIVER IRRIGATION COMPANY

Finding 15 of the Decree of the Circuit Court as the same fixes the rights of this Company, shall be modified to read as follows:

15.

That the Silvies River irrigation Company filed a statement and proof of claim in the above entitled proceeding, claiming a water right initiated under two notices of appropriation, recorded July 23, 1901, and signed by the Harney Valley Improvement Company, and a third notice of appropriation recorded July 24, 1901, signed by the Harney Valley Improvement Company, and a notice of appropriation recorded October 7th, 1907, signed by the Silvies River Irrigation Company, and an amended notice recorded the 29th day of October, 1907, signed by the Silvies River Irrigation Company.

That the lands to be irrigated under said notices were described as follows: All of T. 23 S.R. 32 E., all of T. 24 S.R. 32 E., all of T. 24 S.R. 33 E.W.M., and sections 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 22, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, T. 23 S.R. 33 E., also Sections 1, 2, 3, 4, 5, 6, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, T. 24 S.R. 32 E.W.M.

That construction upon the ditch to irrigate said lands was begun in good faith after the posting of said notice and prior to the 29th day of March, 1908. SILVIES RIVER - 25

That on or about the 29th day of March, 1908, the Pacific Live Stock Company began a suit in the Circuit Court of the United States for the District of Oregon against the Silvies River Irrigation Company and the Harney Valley Improvement Company, and said Silvies River Irrigation Company and the Harney Valley Improvement Company were enjoined from proceeding with the work of construction; that said suit was tried in said Court and said Silvies River Irrigation Company and Harney Valley Improvement Company were enjoined from proceeding with such construction, but the right was reserved to them and to each of them to apply to said Circuit Court of the United States for the District of Oregon, at any time after said decree for the vacation of the injunction, if it should thereafter be determined in some appropriate proceeding that there is any surplus water subject to appropriation by them or either of them, and said suit was thereupon appealed to the Circuit Court of Appeals for the Ninth Circuit, which Court reversed and remanded said cause with directions to allow the parties a reasonable time to take proceedings before the State Water Board of the State of Oregon, and in the event that they did not proceed thereunder within a reasonable time to require all parties interested to interplead and for a lower court to proceed to a determination of the issues between them in accordance with the laws of the State of Oregon. The parties have never proceeded further with said suit, but the proceedings before the State Water Board were instituted and all parties interested have appeared and filed claims thereunder, and the rights of said Silvies River Irrigation Company and Harney Valley Improvement Company under such appropriation notices are herein determined as follows:

That the rights of the Harney Valley Improvement Company shall be as tabulated in the tabulation hereinafter contained.

That the Silvies River Irrigation Company has a valid appropriation under the amended notice of appropriation of water filed for record on the 29th day of October, 1907, and having a priority date for such appropriation of the 17th day of October, 1907. That the lands to be irrigated are such as described in the notice and hereinbefore described in this finding. That none of such lands are now irrigated, and said Silvies River Irrigation Company shall be entitled to divert water for the irrigation of such lands under and in accordance with said priority date. The water master shall regulate such diversion in accordance with such date of priority, and shall not permit any diversion of any water by said Company at any time when such diversion would interfere with the rights of any water users having an earlier date of priority than such company.

Upon the filing of this mandate in the Circuit Court, the said Silvies River Irrigation Company shall have the right to apply to the Circuit Court to fix a date in the future when actual construction work must begin on its appropriation and when it must be completed and water put to a beneficial use. The Circuit Court, if it deems same advisable, may refer the matter to the State Engineer under Section 5717 of Oregon Laws.

The water under such appropriation shall not be applied upon any land other than that upon the land for which the same was appropriated, except that the place of use may be changed upon proper application and permit from the State Engineer.

That in lieu of the lands proposed to be irrigated in Sections 35, 21 and 19, and a portion of 17, T. 23 S. R. 33 E. W. M., the said Company may apply to the State Engineer to irrigate other lands described as follows:

Section 16 T. 23 S. R. 31 E. W. M.  
 Section 4 T. 24 S. R. 31 E. W. M.  
 Section 6 T. 24 S. R. 32 E. W. M.  
 Section 7 T. 24 S. R. 32 E. W. M.  
 Section 24 T. 24 S. R. 31 E. W. M.  
 Section 16 T. 24 S. R. 31 E. W. M.  
 Section 14 T. 24 S. R. 31 E. W. M.  
 Section 13 T. 24 S. R. 31 E. W. M.  
 Section 12, T. 24 S. R. 31 E. W. M.

and if sanctioned by the State Engineer, such change may be made, but the same shall not affect any prior right decreed herein but shall be subordinate thereto.

#### XIV.

##### MODIFICATION OF FINDING 19.

That Finding 19 of the Decree of the Circuit Court be modified as herein provided. That the same be stricken from the Decree of said Circuit Court and the following inserted in lieu thereof:

The water master shall distribute

SILVIES RIVER - 26.

the water for the lands described in these findings and in this decree, in accordance with this decree. The parties whose rights are adjudicated herein, and each of them, are herein, and each of them are hereby, directed and required to regulate, operate and construct and maintain their dams, ditches, canals, headgates, measuring devices, reservoirs and other works of all kinds and description, used for the purpose of distributing or aiding in the distribution of the waters of Silvies River system, to or upon the lands described in these findings and this decree in such manner as to enable the water master to divert and apportion the water for said lands in accordance with the dates of priority of the several water users awarded a water right herein.

"In all cases of construction or reconstruction or repairs of dams, canals, ditches, headgates, laterals, or other irrigation works, or systems for appropriating water, or in changing streams, sloughs, branches or depressions used as ditches, or as a means of conducting water from the river for any of the land awarded a right herein, in order to place such slough or branch stream or ditch on the line of the land over which the same runs, or to straighten the same, or for any purpose, the water user making such change, or building such works or system shall perform such work so as not to hinder or prevent the flow of water to any of the land awarded a right herein. And in the case of such change or reconstruction, a new ditch, flume or conduit for water shall be furnished to take the place of the old, so that the various water users awarded a right herein shall be afforded a means of conducting their water equal to the old method before such change, upon their contributing an equitable part of the labor and expense thereof. In cases where the water formerly ran wholly or in part over one owner's land to that of another without a regular ditch or other artificial works, and it becomes necessary or convenient to build a ditch or other works, the labor and expense thereof shall be equitably borne by the interested parties. Such work of regulation and construction to be done under the guidance and direction of the State Engineer and Water Master: all such new ditches or conduits to be of the size and dimension as directed by the Water Master or State Engineer. All to the end that the waters of Silvies River and its tributaries may be distributed in accordance with this decree."

XV.

MODIFICATION OF FINDING 23.

That Finding No. 23 as the same appears in the Decree of the Circuit Court be stricken therefrom. That if there be any decrees or agreements on file which have not been considered and passed upon by the Circuit Court, the said Court within sixty days after the going down of this mandate shall pass upon such decrees as are presented to it, and make such changes and corrections in the decrees as may be proper as the result of the construction and adjudication of such decrees as may be called to its attention.

XVI.

MODIFICATION OF FINDING 27.

Finding No. 27 of the Decree of the Circuit Court is hereby modified by striking therefrom the following sentence:

"That a right to store water is a separate and distinct right from the right to use such water for irrigation, and a water right for irrigation does not give the water user entitled thereto the right to store such water."

XVII.

MODIFICATION OF FINDING 32.

Finding No. 32 as prepared by the Circuit Court shall be stricken from said decree, and the same modified by inserting in lieu thereof a finding as follows:

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"That in the tabulation hereinafter set forth wherein the rights of diversion are placed from any sloughs that receive their water from the main stream of the Silvie's River or its tributaries, such diversion shall be considered as being from said main stream of Silvie's River or its tributaries, as the case may be."

XVIII.

MODIFICATION OF FINDINGS 33 and 34, WITH REFERENCE TO THE  
DUTY OF WATER.

That Findings Numbered 33 and 34 as the same now appear in the Decree of the Circuit Court be stricken from said decree and that the said decree be modified and that there be inserted in lieu of such findings, a finding in the words and figures as follows:

"That all lands in Harney Valley irrigated or to be irrigated from Silvie's River or its branches or tributaries, and all lands not in Harney Valley irrigated or to be irrigated from Silvie's River, are entitled to not to exceed one-eightieth of one cubic foot of water per second for each acre of such lands, and not to exceed three acre feet per acre. It appearing that during the spring and early summer there is a large flow of water in Silvie's River and its tributaries, and that heretofore the water users have used a large head of water during such time and should be permitted to continue the use of more than one-eightieth of a cubic foot per acre in order to approximate the quantity to which they are entitled for the irrigation season; therefore, the right to the use of water from Silvie's River and its tributaries, except as modified by special findings herein, shall be limited to the diversion of not to exceed one and one-half acre feet per acre during any period of thirty days, prior to June first of each year, and thereafter not to exceed one acre foot per acre during any period of thirty days, provided that the total quantity of water diverted during the irrigation season shall not exceed three acre feet per acre, and that the rate of flow shall not exceed one-fortieth of a cubic foot per second per acre, except where rotation is practiced as herein provided.

The above provisions shall be in effect for a period of three years after the filing of this mandate in the Circuit Court. That from and after said date all lands in Harney Valley, irrigated or to be irrigated from Silvie's River or its branches or tributaries, and all lands not in Harney Valley irrigated, or to be irrigated from Silvie's River are entitled to not to exceed one-eightieth of one cubic foot of water per second for each acre of such lands; provided that the total quantity of water diverted during an irrigation season shall not exceed two acre feet per acre; that all lands not in Harney Valley, irrigated or to be irrigated from tributaries of Silvie's River are entitled to not exceed one-sixtieth of one cubic foot of water per second for each acre of such lands, provided that the total quantity of water diverted during an irrigation season shall not exceed two acre feet per acre; provided, however, that when the ditches, canals, headgates, measuring devices, and other irrigation systems necessary to permit a determination with reasonable accuracy of the amount of water necessary for the irrigation of such lands shall be constructed and actual tests have been made, the amount allowed by this decree may be changed by the Circuit Court and the duty of water will be left open for further determination at a future time.

That the quantity of water to which all of such lands are entitled shall be measured at the respective headgate of the division, ditch or lateral of said claimants from which the water is to be used on the land to be irrigated. Provided, however, that until such time as the ditches, canals, headgates or levees or any of them or any other works which may be necessary to permit a determination with reasonable accuracy of the amount of water diverted and used upon any tract or tracts of land

in Harney Valley, shall be constructed, the water for the irrigation of such tract or tracts for which no such measuring devices or controlling works are provided shall be measured at some proper and convenient point or points as near as may be to the lands to be irrigated. Such point or points of measurement shall be subject to change from time to time as changed conditions make such changes convenient or expedient, and the water for the irrigation of such tract or tracts for which no measuring devices or controlling works are provided shall be distributed to those entitled to its use by the regulation of dams, headgates or other works or devices for controlling or influencing the flow of the water, as nearly as may be in accordance with the priorities of the respective rights; subject, however, to the provisions of the decree hereinafter referred to and other findings herein. That the quantity of water herein specified to which any of such lands are entitled shall include the supply furnished or which may be or become available to any tract on account of the irrigation of other lands.

(34)

That the irrigation season, during which the water users from Silvies river and its tributaries shall be entitled to the use of the water for irrigation purposes, extends to March 20th to September 1st of each year; provided, however, that as irrigation depends upon climatic conditions and changes in the season, the season hereby fixed shall not prevent water users awarded a right herein to use the water of Silvies River and its tributaries for the purposes of irrigation according to their relative rights of priority, and in quantities in accordance with this decree, at other times when such use will be beneficial to the land and the crops grown thereon when the ground is not frozen and the same can be used without needless waste. "

#### XIX.

##### MODIFICATION OF FINDING 35.

That the decree of the Circuit Court be further modified by striking out paragraph 35 and inserting in lieu thereof a new paragraph as follows:

"In this proceeding in all cases wherein a water right has been awarded for lands to which the water has not been applied completely to a beneficial use the respective claimants shall be and they hereby are allowed five years from the date of the entry of the mandate herein in the Circuit Court, or such further time as may be allowed by the State Engineer to make a complete beneficial use of the water."

#### XX.

##### MODIFICATION OF FINDING 26.

That finding 26 as the same appears in the decree of the Circuit Court be modified to read as follows:

"In all cases in this decree wherein the right to use water out of more than one stream or branch of a stream is confirmed for the same land, and the amount of water to be taken from each respective stream or branch is not determined herein, the matter of determining the quantity of water to be taken from each stream or branch for such land shall be left open for the Circuit Court to determine after actual experiment and use of the water upon the lands have been made so that an equitable apportionment of the amount to be used from each stream or branch can be made with a reasonable degree of accuracy, which cannot be done at the present time."

XXI.

CLERICAL AND SIMILAR MATTERS IN DECREE.

Following Paragraph 35 of the decree of the Circuit Court a new paragraph is added to said decree, as follows:

(A) That the Circuit Court shall make corrections of any clerical errors in these proceedings within six months from the date of filing this mandate in said Court.

(B) That in the decree of the Circuit Court and in the mandate of this Court modifying same, the figures in the column headed "Amount Cubic Feet Per Second" shall not be deemed controlling but the matter shall be controlled by the provisions of Paragraph 33 of the Decree of the Circuit Court as modified by the foregoing provisions of this mandate. In view of the fact that the duty of water and the amount of cubic feet per second per acre in subject to being changed in the future, the Circuit Court, or the State Engineer, under the directions of said Court, are hereby authorized to correct the tabulations in accordance with the Decree of said Court; when the duty of water is fixed and determined, such correction may be made on the original decree of the Circuit Court as modified if the Court deem same expedient.

(C) If by this modification of the decree of the Circuit Court certain paragraphs and findings have been eliminated and others added this necessitating a change in the numbering of the paragraphs and findings in order to keep consecutive numbers, the Circuit Court in its decree to be entered in accordance with this mandate, is authorized to make such changes. The references herein to the paragraphs and findings of the Circuit Court refer to the numbering in the original decree of that Court."

XXII.

WASTE OF WATER.

Following the preceding paragraph of this mandate, a new paragraph is added to the decree of the Circuit Court as follows:

"Commencing three years after the filing of this mandate in the Circuit Court, any and all waste in the use of water by the parties awarded a right to the use of water from Silvies River, its tributaries, branches or sloughs, is hereby strictly enjoined and inhibited."

With and subject to the modifications herein mentioned, the decree of the Circuit Court is affirmed.

Each of the parties to pay his, her or its respective costs.

And it is further ordered that this cause be remanded to the Court below from which this appeal was taken, with directions to enter a decree in accordance herewith and to carry out the directions herein contained."

---

NOW, THEREFORE, based on said mandate, and in accordance therewith, it is CONSIDERED, ORDERED, ADJUDGED AND DECREED as follows:

1.

That on the 18th day of November, 1911, there was filed in the office of the State Water Board of Oregon, a petition signed by R.R. Sitz, Fred Otley and M. B. Hayes, water users on said stream, requesting a determination of the relative rights of the various claimants to the waters of said stream, and that said petitioners were users of the waters of the said Silvies River and its tributaries, a tributary of

Malheur Lake. That thereupon the said State Water Board, after a full investigation

and due consideration of said petition, finding the facts and conditions such as to justify the making of a determination of the relative rights of the various claimants of said stream and its tributaries, made and entered an order in the records of said office, fixing a time and place for the beginning and making of such an examination of said stream by the State Engineer, as would enable the said Board to determine the rights of the said claimants, and also the time and place for the beginning and taking of testimony by the Superintendent of Water Division No. 2. That the said time and place when said State Engineer, or his assistants should begin the examination of said stream was set by said Board, for Thursday, the 22nd day of August, 1912, and the time when the Superintendent of Water Division No. 2, should attend and take the testimony of the various claimants was set by order of said Board on Monday, the 26th day of August, 1912, at Seneca, Harney County, Oregon, and on Wednesday and Thursday, the 28th and 29th days of August, 1912, at the Court House at Burns, Harney County, Oregon, and on Saturday the 31st day of August, 1912, at Lawen, Harney County, Oregon, and from Thursday the 5th day of September, to Thursday the 5th day of December, 1912, at the office of the Superintendent of Water Division No. 2, at La Grande, Union County, Oregon.

2.

That a notice was prepared by said Board setting forth the date when the State Engineer, or his assistants, would begin the investigation of the flow of said stream and the ditches diverting water therefrom, and the time and place certain when the Superintendent of Water Division No. 2 would begin the taking of testimony as to the relative rights of the various claimants to the waters thereof, and said notice was published in the Harney County news, a newspaper published weekly at Burns, Harney County, Oregon, and of general circulation in the Counties of Grant and Harney, Oregon, for a period of 2 consecutive weeks, beginning on the 17th day of July, 1912, and ending on the 24th day of July, 1912, the date of the last publication of said notice being more than 30 days prior to the date fixed for the making of said examination and measurement of said streams and ditches by the State Engineer, and for the beginning of taking of testimony by the Division Superintendent.

3.

That prior to the 11th day of July, 1912, the Superintendent of Water Division No. 2, did send by registered mail, to each person, firm and corporation claiming a right to the use of the water of said stream, or any tributary thereof,



and to each person, firm and corporation owning or being in possession of land bordering on or having access to said stream or its tributaries, insofar as said claimants, owners, firms or corporations, in possession, could be reasonably ascertained, a similar notice to such published notice, setting forth the date when the State Engineer would commence the examination of said stream and its tributaries, and the ditches diverting water therefrom, and the time and place certain when the Superintendent did enclose with each of said notices a blank form upon which the said claimants or persons in possession, should present in writing all the particulars necessary for the determination of his rights to the waters of said stream, or a tributary thereof, under oath. That due proof of publication of said notice and of the sending of said notice by registered mail has been made, and is duly filed and is now a part of the record hereof,

4.

That at the time specified in said original notice, a duly qualified assistant of the State Engineer of the State of Oregon, did proceed to make an examination of the said stream and its tributaries, and all of the ditches diverting water therefrom, and of the lands irrigated and susceptible to irrigation from said ditches and canals, together with the measurements thereof, which observations and the measurements were made a matter of record in the office of the State Engineer, and the State Engineer did prepare a plat and a map on a scale of measurement of 2 inches to the mile, showing with substantial accuracy the course of said stream and its tributaries, and the location of the various ditches diverting water therefrom, and the legal subdivisions of land which had been irrigated or which were susceptible to irrigation from said ditches and canals already constructed, blue prints and copies of said maps and information duly certified to by the State Engineer being now on file herein, and a part of the records hereof.

5.

That the following named persons, firms and corporations, were duly notified by registered mail, and by publication of said notice, as hereinbefore set forth, but that each and all of them although so notified, have failed, neglected, and refused to appear herein, and submit proofs of their rights to said stream, if any they have or claim, and that such parties are in default and that said default should be, and hereby is, entered against them, to-wit:

Baker, Grace; Baker, T. G.; Baker, A.D.; Bailey, William; Becker, T.G.; Brewer, C.; Brown & Summerville; Bowen, J.F.; Boker, F.J. Burrows, Dr. R.D.; Clark, E.M.; Caldwell, Ella; Cowing, Mrs. A.A.; Coleman, W.J.; Crowley, F.; Cross, J.L.; Cox, Dave; Davis, M.; Dixon, H.; Drinkwater, R.; Evans, Elsie; Egtley, M.N; Frink, P.F.; Garrett, J.H; Ganlin, Herman; Garrett, J.C.; Gray, P.H.; Graves, J.E; Gray, W; Gettings, B; Gettings, Bessie, Gowan, A.W; Groves, Sam; Harkey, Martha; Harkey, H.J.; Harding, Wm. & Co; Hardesty, K.H.; Hawkins, E.F.; Haskel, T.; Haskel, M.J.; Hall, E; Heintz, J.J.; Heitt, Hill, N; Hopkins, Mandana; Hogg, S; Holagate, R.S.; Hull, Ira; Jones Estate; Jordan, J.H.; Jordan, J.M.; Jordan, J.O; Jordan, Ed; Jordan, Ben, Kelly, Mrs. H.; Lampshire, S; Lemon J; Livey, H; Londer, C; Lochead, Ella; McGee, S.D; McGell, E.E; McMenomy, T; McNulty, J.M; Mars, W.H; Miller, Wm; Miller, C.F; Mier, R.L.; Nelson, L; Nickless, Fred; Card, N.O; Card, Jas. Estate; Oregon Industrial Company; Oregon Div.Co; Pastar, O.W; Parker, T.M.; Parker, W.B; Parrott, W.E; Panit, J.A; Peterson, L.N; Pierce, Andrew J; Riggs, E; Riggs, Chas; Robinett, J.J; Rutherford, Chas. P; Stratton, C; Swevenger, P.L; Smith, J.; Smith, N.A.; Smith, H; Smith, M.V; Southwick, E.J; Stuffield, E; Varien, A.L; Varian, W.N; Voegtly, C.H.; Washburn, Joe; Whiting, A.B; Whiting, Schuyler; Whiting, Fone; Wicklow, F.M; Wingfield, Thos; Wintermeiter, J; Wood, T.H; Young, G.W.

6.

That upon the completion of the taking of testimony by the Superintendent of Water Division No. 2, said Superintendent did, on the 22nd day of November, 1913, give notice by registered mail to each of the various claimants to the waters of said stream and its tributaries, that at the time and place named in said notice, to-wit: Beginning on Wednesday the 3d day of December, 1913, and ending on Monday the 22nd day of December, 1913, (Sundays excepted) from 9 to 12 o'clock A.M. and from 2 to 5 P.M., at the following named places in Harney and Union Counties, Oregon, to-wit: At the Court House in the City of Burns, Harney County, Oregon, from Wednesday the 3rd day of December, 1913, until Thursday the 11th day of December, 1911, incl., and at the office of the Superintendent of Water Division No. 2, in the City of La Grande, Union County, Oregon, from Monday the 15th day of December, 1913, until Monday, the 22nd day of December, 1913, incl., all of said evidence would be open to inspection of the various claimants or owners, and that said Division Superintendent did, in accordance with said notices, attend at said times and places and keep said evidence open to inspection for a period of fifteen days, and said notice did also state therein the County in which the

determination of the said Water Board would be held, by the Circuit Court of the State of Oregon, to-wit: Circuit Court of the State of Oregon for Harney County; due proof of the holding of said inspection and of the sending of said notices, by registered mail, being filed herein.

That upon the opening of said statements and proofs of claimants for inspection, the following claimants applied for filing claims, and such applications were duly granted and the following claims were filed, to-wit:

C.C. Hankins, G.W. Hankins, G.W. & J.P. Hankins, Wm. Hanley Co., John R. Jenkins, G.C. Kaufman, Martin A. Lucas, Ellen Martin, Lillian McRae, Executrix of Kenneth E. McRae, Estate., Mary McCoy, George J. Parker, Chas. E. Peterson, L. E. Hibbard.

7.

That the statements and proofs of claimants to the use of the waters of said stream and its tributaries, were filed with the Superintendent of Water Division No. 2, by the following named persons, firms and corporations, to-wit:

Aldrich, Dessie E, Admr.  
Estate of E.F. Aldrich  
Aumsas, C.B.

Bartlett, D. L. Jr.

Baker, E.D.

Baker, Frank

Baker, J.T.

Barnes, Gail H.

Barnes, Jos. H.

Barnes, Jos. T.

Bennett, Robt.

Bennett, Wm.

Biggs, J.W.

Blott, W.L.

Brown, Ben

Brown, L.M. Sam

Mothershead, C.H.

Leonard, and M.B.

Holliday

Brown, N. & Sons

Bunyard, Jas. H.

Burns Flouring Mill Co.

Bulkeley, E.C.

Byrd, Julian

Byram-Marsden Livestock Co.

Cooper & Dodge

Craddock, Dave

Craddock, Dave

Craddock, Ben

Craddock, George

Craddock, John

Creasman, John C.

Cross, Walter

Crowder, W.E.

Culp, Caledonia

Lanby, R.

Dalton, James M.

Denstedt, Ferdinand

DeWolf, Lorenzo G.

Dickinson, Frank E. & Leona Hansen, H.J.

Dillard, H.A. - R. Harney Valley Dam, Ditch &

Dixon, Mary Ellen Irrigation Company

Donovan, Tim

Dunten, Thomas F.

Goodman, W. Austin

Graves, David S. Est.

Graves, David S. Est.

Graves, Ethel B.

Gray, P.H. & M.E.

Gray, Vivian V.

Guernsey, Almond B.

Hagey, Flora

Hankins, C.C.

Hankins, G.W.

Hankins Bros. (G.W. & J.P.)

Hanley, Wm. Co.

Harney Valley Improvement Co.

Hansen, H.J.

Harney Valley Dam, Ditch &

Irrigation Company

Harkey, Lena B.

Harkey, Mrs. Mary J.

Eberle, J.A.

Exworthy, Joseph

Fenwick, Melvin

Finke, Paul T.

Foley, J.C.

Frey, George

Garrett, John H.

George, Adam F. & Mary I.

Glaze, Ann

Camblin, L.L.

Campbell, B.F.

Carey & Moss

Catterson, David N.

Clemens, Lotta

Clemens, Peter

Cobb, O.H.

Hass, R.L.  
 Haynes, Belle  
 Hays, Edith  
 Hayes, Izora S.  
 Hayes, Marcellus, B.  
 Hayes, Scott  
 Helmick, David E.  
 Henderson, James H.  
 Hendricks, Glen O.  
 Hendricks, J.R.  
 Herburger, Anna C.  
 Hill, Joseph H.  
 Hill, Ora  
 Hoff & Perry  
 Holgate, D.L.  
 Hopper, E.  
 Hotchkiss, Hull  
 Howser, Thos. G.  
 Hoyt, J.O.  
 Herberger, B.C.  
 Hudspeath, Green, Estate  
 Huston, Walter E.

Matney, T.F.  
 Mac Rae, Kenneth, E. Est.  
 McConnell, C.B. & Emory  
 & Leonard Cole  
 McCoy, Mary  
 McGee, Frances  
 McKinnon, Jap.  
 McKinnon, R.J.  
 McPheeters, Charles E.  
 Miller, Charles T.  
 Miller, F.S.

Smith, W.E.  
 Smith, W.T. (Heirs of)  
 Southworth, Edward I.  
 Southworth, Minnie  
 Southworth, Webster S.  
 Southworth, W.S. & Sons  
 Spurlock, A.C. & C.A.  
 Spurlock, Chas. A.  
 Sproul, Ira  
 Stewart, William M.  
 Stewart, James H.  
 Stratton, D.  
 Stratton, Emmitt L.  
 Stratton, J.J.  
 Stratton, L.M.  
 Stratton, L.M. & Elmira J.  
 Sturtevant, Grant  
 Stratton, Lucinda  
 Swain, Albert S.  
 Swearingen, Frank L.  
 Swinney, E.L.  
 Sweek, C.A. & Ella E.

Card, J.A.  
 Oliver, J.C.  
 Oregon. & Wes. Col Co.  
 Otley, Ida J.  
 Otley, Fred  
 Otley, Fred Jr.  
 Owens, Chas. W.

Parker, S.A.  
 Parker, George J.  
 Parker, C.E.  
 Parker, J.M.  
 Parker, L. A.  
 Peterson, Charles R.  
 Pacific Live Stock Co.

Thompson, Grant  
 Thornburg, Carey  
 Thornburg, Ester M.  
 Thornburg, Lee R.

Jackson, Frank O.  
 Johnson, Chas. J.  
 Johnson, Lloyd L.  
 Jones, Jennie  
 Jordan, Daniel W.

Kaufman, G.C.  
 Kellar, Ernest  
 Kellar, Margaret  
 Kelley, Maria  
 King, Sam'l  
 Korten, C.A.

Rector, J.P.  
 Rembold, Gustav A.  
 Rembold, Gustav A. & Sam  
 Mothershead  
 Reyvaan, E.C.  
 Ruh, Herman

Varien, Daniel & Daniel N.  
 Arien as Admr. of Est. of  
 J.L. Varien  
 Varien, Edith and D.N. Varien  
 Admr. of J.L. Varien Est.  
 Varien, Margaret

Lampshire, J.J.  
 Leonard, C.H.  
 Levens, H.C.  
 Lewis, Simon  
 Lincoln, W.H.  
 Lincoln, William H.  
 Rice, Marion, Est.  
 Lucas, Martin A.  
 Enig, Henry  
 Lunaburg, Fred

Salisbury, C.M.  
 Schmidt, Mrs. Wilhelmina  
 Scheckel, John  
 Scheckel, Phillip  
 Sols, F.O.  
 Shepard, Co. A.M. & Jessie J.  
 Silvies River Irr. Company  
 Simmons, H.B.

Walker, Charles  
 Weitenhiller, P.S.  
 Welcome, J.C. Jr. Welcome  
 A.C. & Welcome, J.C. Sr.  
 Welcome, Frankie C.  
 Welcome, J.O. Jr & Allen Jones  
 Welcome, A.C. & J.L. Gault  
 Welcome, J.C. Jr. J.L. Gault  
 & A.C. Welcome  
 Welsh, Wm. & Mary Lemmons  
 Welsh, Wm.  
 Wintermier, A.  
 Whiting, Frank  
 Whiting, Ida & Geo. E.  
 Whitney, Alfred B.  
 Williams, Frank J.  
 Young, A.E.

Mace, F.L.  
 Mace, Homer B.  
 Martin, Ellen  
 Matney, Julia

Sitz, John L.  
 Sitz, Blanche  
 Sitz, R.R.  
 Skotternd, A.O.  
 Smith, P.G. & Julien Byrd  
 Smith, C.G.  
 Smith, P.G.

8.

That within five days after the close of the public inspection of the statements and proofs of claim of the various claimants to the use of the waters of said river and its tributaries, notice of contests were filed by the following named contestants against the following named contestees.

Contest #1, Pacific Livestock Company, contestant, vs. C.B. Ausmus, contestee.

Contest #2, Pacific Livestock Company, contestant, vs. E.D. Baker, contestee; Contest #3 Pacific Livestock Company, contestant, vs. Frank Baker, contestee; Contest #4, Pacific Contest #5, Pacific Livestock Company, contestant, vs. J.T. Baker, contestee; Livestock Company, contestant, vs. J.T. Baker, contestee; Contest #6, Pacific Livestock Company contestant, vs. Gail H. Barnes, contestee; Contest #7 Pacific Livestock Company, contestant vs. Joseph T. Barnes, contestee; Contest #8, Pacific Livestock Company, contestant vs. Joseph T. Barnes, contestee; Contest #9, Pacific Livestock Company, contestant vs. Robert Bennett, contestee; Contest #10, Pacific Livestock Company, contestant, vs. J.W. Biggs, contestee; Contest #11, Pacific Livestock Company, contestant, vs. W.L. Blott, contestee; Contest #12, Pacific Livestock Company, contestant vs. Ben Brown, contestee; Contest #13, Pacific Livestock Company, contestant, vs. L.M. Brown, and Sam Mothershead, contestees; Contest #14, Pacific Livestock Company, contestant, vs. L.M. Brown and Sam Mothershead, contestees; Contest #15, Pacific Livestock Company vs. N. Brown & Sons, contestees; Contest #16, Pacific Livestock Company, contestant vs. N. Brown & Sons, contestees; Contest #17, Pacific Livestock Company, contestant, vs. N. Brown & Sons, contestees; Contest #18, Pacific Livestock Company, contestant, vs. James H. Bunyard, contestee; Contest #19, Pacific Livestock Company, contestant, vs. Ben Brown, for Burns, Flouring Mill Co., contestees; Contest #20, Pacific Livestock Company, contestant vs. Julian Byrd, contestee; Contest #21, Pacific Livestock Company, contestant, vs. E.F. Campbell, contestee; Contest #22, Pacific Livestock Company, vs. Lotta Clemens, contestee; Contest #24, Pacific Livestock Company, contestant, vs. Peter Clemens, contestee; Contest #25, Pacific Livestock Company, contestant vs. O. H. Cobb, contestee; Contest #26, Pacific Livestock Company, contestant, vs. Cooper & Dodge, contestee; Contest #27, Pacific Livestock Company, contestant vs. John C. Creasman, contestee; Contest #28, Pacific Livestock Company, contestant, vs. W.E. Crowder, contestee; Contest #29, Pacific Livestock Company, contestant, vs. Caledonia Culp, contestee; Contest #30, Pacific Livestock Company, contestant, vs. L.B. Culp for Caledonia Culp, contestee; Contest #31, Pacific Livestock Company, contestant, vs. Jas. M. Dalton, contestee; Contest #32, Pacific Livestock Company, contestant vs. Ferdinand Denstedt, contestee; Contest #33, Pacific Livestock Company, contestant, vs. Frank B. Dickinson and Leona R. Dickinson, contestees; Contest #34, Pacific Livestock Company, contestant, vs. H.A. Dillard, contestee; Contest #35, Pacific Livestock Company contestant, vs. Mary E. Dixon, contestee; Contest #36, Pacific Livestock Company, contestant vs. Tim Donovan, contestee; Contest #37, Pacific Livestock Company, contestant, vs. J.A. Eberle, contestee; Contest #38, Pacific Livestock Company, contestant, vs. Melvin Fenwick, contestee; Contest #39, Pacific Livestock Company, contestant, vs. Paul T. Finke, contestee; Contest #40, Pacific Livestock Company, contestant, vs. J.C. Foley, contestee; Contest #41, Pacific Livestock Company, contestant, vs. George Frye, contestee; Contest #42, Pacific Livestock Company, contestant, vs. John H. Garrett, contestee; Contest #43, Pacific

Company, contestant, vs. Adam F.B. George and Mary George, contestees, Contest #44, Pacific Livestock Company, contestant vs. Ann Glaze, Dora Templeton, Warren, Maggie and Prince Glaze, contestees; Contest #45, Pacific Livestock Company, contestant, vs. Wm. Austin Goodman Contestee, Contest #46, Pacific Livestock Company, contestant, vs. Ethel B. Graves, Adm'r. of Estate of David S. Graves, Estate, contestees; Contest #47, Pacific Livestock Company, contestant, vs. P. H. & M.E. Gray, contestees; Contest #48, Pacific Livestock Company, contestant, vs. Vivian V. Gray, contestee; Contest #49, Pacific Livestock Company, contestant, vs. Flora Haggy, contestee; Contest #50, Pacific Livestock Company, contestant vs. Wm. Hanley Co. contestee; Contest #51, Pacific Livestock Company, contestant, vs. K.J. Hansen, contestee; Contest #52, Pacific Livestock Company, contestant, vs. Nellie L Hardesty, contestee; Contest #53, Pacific Livestock Company, contestant, vs. Harney Valley Dam, Ditch & Irrigation Co., contestee; Contest #54, Pacific Livestock Company, contestant, vs. Lena B. Harkey, contestee; Contest #55, Pacific Livestock Company, contestant, vs. Mary Harkey, contestee; Contest #56, Pacific Livestock Company, contestant, vs. R.L. Haas, contestee; Contest #57, Pacific Livestock Company, contestant, vs. Belle Hayes, Contestee; Contest #58, Pacific Livestock Company, contestant, vs. Edith Hayes, contestee; Contest #59, Pacific Livestock Company, contestant, vs. Izora B. Hayes, contestee; Contest #60, Pacific Livestock Company, contestant, vs. Marcellus B. Hayes, contestee; Contest #61, Pacific Livestock Company, contestant, vs. Scott Hayes, contestee; Contest #62, Pacific Livestock Company, contestant, vs. Jas. H. Handerson, contestee; Contest #63, Pacific Livestock Company, contestant, vs. Glenn O. Hendricks, contestee; Contest #64, Pacific Livestock Company, contestant, vs. J.R. Hendricks, contestee; Contest #65, Pacific Livestock Company, contestant, vs. Joseph H. Hill, contestee, Contest #66, Pacific Livestock Company, contestant, vs. Harney Valley Improvement Company, contestee; Contest #67, Pacific Livestock Company, contestant, vs. Ora Hill, contestee, Contest #68, Pacific Livestock Company, contestant, vs. Hull Hotchkiss, contestee; Contest #69, Pacific Livestock Company, contestant, vs. Thos. G. Howser, contestee; Contest #70, Pacific Livestock Company, contestant, vs. J.O. Hoyt, contestee; Contest #71, Pacific Livestock Company, contestant, vs. Robert Hudspeath, Adm'r of Green Hudspeath, deceased, contestee; Contest #72, Pacific Livestock Company, contestant, vs. Walter E. Huston, contestee, Contest #73, Pacific Livestock Company, contestant, vs. Frank C. Jackson, contestee; Contest #74, Pacific Livestock Company, contestant, vs. Chas. J. Johnson, contestee; Contest #75, Pacific Livestock Company, contestant, vs. Lloyd L. Johnson, contestee; Contest #76, Pacific Livestock Company, contestant, vs. Jennie Jones, contestee; Contest #77, Pacific Livestock Company, contestant, vs. Daniel W. Jordan, contestee; Contest #78, Pacific Livestock Company, contestant, vs. Mariah Kelley, contestee; Contest #79, Pacific Livestock Company, contestant, vs. Samuel King, contestee; Contest #80, Pacific Livestock Company, contestant, vs. Chas. S. Korten, contestee; Contest #81, Pacific Livestock Company, contestant, vs. J. J. Lampshire, contestee; Contest #82, Pacific Livestock Company,

contestant, vs. C.H. Leonard, contestee; Contest #83, Pacific Livestock Company,  
contestant, vs. H.C. Levens, contestee; Contest #84, Pacific Livestock Company,  
contestant, vs. Simon Lewis, contestee; Contest #85, Pacific Livestock Company,  
contestant vs. Henry Luig, contestee; Contest #86, Pacific Livestock Company, contestant,  
vs. Fred Lunsberg, contestee; Contest #87, Pacific Livestock Company, contestant, vs. F.L.  
Mace, contestee; Contest #88, Pacific Livestock Company, contestants, vs. Emery Cole,  
Leonard Cole and C.B. McConnell, contestees; Contest #89, Pacific Livestock Company,  
contestant, vs. Homer B. Mace, contestee; Contest #90, Pacific Livestock Company,  
contestant, vs. Ellen Martin, contestee; Contest #91, Pacific Livestock Company, contestee,  
vs. Julia Matney, contestee; Contest #92, Pacific Livestock Company, contestant, vs. T.F.  
Matney, contestee; Contest #93, Pacific Livestock Company, contestant vs. Mary McCoy,  
contestee; Contest #94, Pacific Livestock Company, contestant, vs. Frances E. McGee,  
contestee; Contest #95, Pacific Livestock Company, contestant, vs. Jap McKinnon, contestee;  
Contest #96, Pacific Livestock Company, contestant, vs. R.J. McKinnon, contestee; Contest  
#97, Pacific Livestock Company, contestant, vs. Chas. E. McPhester, contestee; Contest #98,  
Pacific Livestock Company, contestant, vs. Chas. T. Miller, contestee; Contest #99, Pacific  
Livestock Company, contestant, vs. F.S. Miller, contestee; Contest #100, Pacific Livestock  
Company, contestant, vs. Harry Carey and E.B. Moan, contestees; Contest #101, Pacific  
Livestock Company, contestant, vs. J.A. Card, contestee; Contest #102, Pacific Livestock  
Company, contestant, vs. Mrs. Mary A. Card, contestee; Contest #103, Pacific Livestock  
Company, contestant, vs. Oregon & Western Colonization Company, contestee; Contest #104, Pacific  
Livestock Company, contestant, vs. Ida J. Otley, contestee; Contest #105, Pacific Livestock  
Company, contestant, vs. Fred Otley, Jr. & Fred Otley, contestee; Contest #106, Pacific  
Livestock Company, contestant, vs. Fred Otley, contestee; Contest #107, Pacific Livestock  
Company, contestant, vs. C.E. Parker, contestee; Contest #108, Pacific Livestock Company,  
contestant, vs. J.M. Parker, contestee; Contest #109, Pacific Livestock Company, contestant,  
vs. L. A. Parker, contestee; Contest #110, Pacific Livestock Company, contestant, vs.  
James Pirie, contestee; Contest #111, Pacific Livestock Company, contestant, vs. J.P.  
Rector, contestee; Contest #112, Pacific Livestock Company, contestant, vs. Gustav A.  
Rembold, contestee; Contest #113, Pacific Livestock Company, contestant, vs. Gustav. A.  
Rembold, contestee Mothershead, contestees; Contest #114, Pacific Livestock Company,  
contestant, vs. E.C. Reynvaan, contestee; Contest #115, Pacific Livestock Company,

contestant, vs. Herman Ruh, contestee; Contest #116, Pacific Livestock Company, contestant, vs. C.M. Salisbury, contestee; Contest #117, Pacific Livestock Company, contestant vs. Wilhelmina Schmidt, contestee; Contest #118, Pacific Livestock Company, contestant vs. Cover M. Shepard and Jesse J. Shepard, contestees; Contest #119, Pacific Livestock Company, contestant, vs. H.B. Simmons, contestee; Contest #120, Pacific Livestock Company, contestant, vs. J.L. Sitz, contestee; Contest #121, Pacific Livestock Company, contestant, vs. Blanche Sitz, contestee; Contest #122, Pacific Livestock Company, contestant, vs. R.R. Sitz, contestee; Contest #123, Pacific Livestock Company, contestant, vs. A.O. Skotternd, contestee; Contest #124, Pacific Livestock Company, contestant, vs. P.G. Smith and Julian Byrd, contestees; Contest #125, Pacific Livestock Company, contestant, vs. C.G. Smith, contestee; Contest #126, Pacific Livestock Company, contestant vs. P.G. Smith, contestee; Contest #127, Pacific Livestock Company, contestant, vs. W.E. Smith, contestee; Contest #128, Pacific Livestock Company, contestant, vs. Field E. Smith, Estelle Grace Smith Sellers, Oliver T. Smith, Britta E. Smith, Guiser, Anna E.J. Smith, Lillian E. Smith Storer, John Flemmon Smith, Myrtle Beatrice Smith, Kate Inez Smith, Ida May Smith, Albertha Bell Smith, and Mary Catherine Smith, contestees; Contest #129, Pacific Livestock Company, contestant vs. A.C. Spurlock contestee; Contest #130, Pacific Livestock Company, contestant, vs. Chas. A. Spurlock, contestee; Contest #131, Pacific Livestock Company, contestant, vs. Jas. E. Stewart, contestee; Contest #132, Pacific Livestock Company, contestant, vs. Grant Sturevant, contestee; Contest #133, Pacific Livestock Company, contestant, vs. Wm. M. Stewart, contestee; Contest #134, Pacific Livestock Company, contestant, vs. Alberta S. Swain, contestee; Contest #135, Pacific Livestock Company, contestant, vs. Frank I. Swearingen, contestee; Contest #136, Pacific Livestock Company, contestant, vs. Silvies River Irrigation Company, contestee; Contest #137, Pacific Livestock Company, contestant, vs. C.A. and Ella S. Swack, contestees; Contest #138, Pacific Livestock Company, contestant, vs. E.L. Swinney, contestee; Contest #139, Pacific Livestock Company, contestant, vs. E.P. Sylvester, contestee; Contest #140, Pacific Livestock Company, contestant, vs. Grant Thompson, contestee; Contest #141, Pacific Livestock Company, contestant, vs. Carey Thornburg, contestee; Contest #142, Pacific Livestock Company, contestant, vs. Esther M. Thornburg, contestee; Contest #143, Pacific Livestock Company, contestant, vs. Lee R. Thornburg, contestee; Contest #144, Pacific Livestock Company, contestant, vs. Daniel N. Varien, contestee; Contest #145, Pacific Livestock Company, contestant, vs. Edith Varien and D.N. Varien, Admr. of J.L. Varien, contestees; Contest #146, Pacific Livestock Company, contestant, vs. Henry Vulgamore, contestee; Contest #147, Pacific Livestock Company, contestant, vs. Charles Walker contestee; Contest #148, Pacific Livestock Company, contestant, vs. P.S. Weitenheiller, contestee; Contest #149, Pacific Livestock Company, contestant, J.C. Welcome, Jr., A.C. Welcome, and J.C. Welcome, Sr. Contestees; Contest



#150, Pacific Livestock Company, contestant, vs. Frankie C. Welcome, contestee; Contest #151, Pacific Livestock Company, contestant, vs. J. C. Welcome, Jr., and Allen Jones, contestees; Contest #152, Pacific Livestock Company, contestant, vs. A. C. Welcome and J. L. Gault, contestees; Contest #153, Pacific Livestock Company, contestant, vs. J. C. Welcome, Jr., J. L. Gault and A. C. Welcome, contestees; Contest #154, Pacific Livestock Company, contestant, vs. Frank Whiting, contestee; Contest #155, Pacific Livestock Company, contestant, vs. Ida Whiting and George E. Whiting, contestees; Contest #156, Pacific Livestock Company, contestant, vs. Alfred B. Whitney, contestee; Contest #157, Pacific Livestock Company, contestant, vs. Frank J. Williams, contestee; Contest #158, Pacific Livestock Company, contestant, vs. A. E. Young, contestee; Contest #159, Pacific Livestock Company, contestant, vs. Dessie E. Aldrich, contestee; Contest #160, Pacific Livestock Company, contestant, vs. W. D. L. Bartlett, Jr., contestee; Contest #161, Pacific Livestock Company, contestant, vs. Wm. Bennett, contestee; Contest #162, Pacific Livestock Company, contestant, vs. Byram-Maraden Livestock Company, contestee; Contest #163, Pacific Livestock Company, contestant, vs. E. G. Bulkley, contestee; Contest #164, Pacific Livestock Company, contestant, vs. D. L. Camblin, contestee; Contest #165, Pacific Livestock Company, contestants, vs. Ben Craddock, contestee; Contest #166, Pacific Livestock Company, contestant, vs. Dave Craddock, contestee; Contest #167, Pacific Livestock Company, contestant vs. George Craddock, contestee; Contest #168, Pacific Livestock Company, contestant, vs. John Craddock, contestee; Contest #169, Pacific Livestock Company, contestant, vs. Walter Cross, contestee; Contest #170, Pacific Livestock Company, contestant, vs. R. Danby, contestee; Contest #171, Pacific Livestock Company, contestant, vs. Lorenzo G. DeWolf, contestee; Contest #172, Pacific Livestock Company, contestant, vs. Thos F. Dunten, contestee; Contest #173, Pacific Livestock Company, contestant, vs. Joseph Exworthy, contestee; Contest #174, Pacific Livestock Company, contestant, vs. Almond B. Gernsey, contestee; Contest #175, Pacific Livestock Company, contestant, vs. David E. Helmick, contestee; Contest #176, Pacific Livestock Company, contestant, vs. Anna C. Herburger, contestee; Contest #177, Pacific Livestock Company, contestant, vs. B. C. Herburger, contestee; Contest #178, Pacific Livestock Company, contestant, vs. D. L. Holgate, contestee; Contest #179, Pacific Livestock Company, contestant, vs. Wm. Hoff and J. B. Perry, contestee; Contest #180, Pacific Livestock Company, contestant, vs. E. Hopper contestee; Contest #181, Pacific Livestock Company, contestant, vs. John L. Hopper, contestee; Contest #182, Pacific Livestock Company, contestant, vs. Ernest Keller, contestee; Contest #183, Pacific Livestock Company, contestant, vs. Casper Koshler, contestee; Contest #184, Pacific Livestock Company, contestant, vs. W.H. Lincoln, contestee; Contest #185

Pacific Livestock Company, contestant, vs. E. Danby, Adm't of Marian Luce, contestee;  
 Contest #186, Pacific Livestock Company, contestant, vs. J.C. Oliver, contestee;  
 Contest #187, Pacific Livestock Company, contestant, vs. Chas. W. Owen, contestee;  
 Contest #188, Pacific Livestock Company, contestant, vs. John V. Scheckel, contestee;  
 Contest #189, Pacific Livestock Company, contestant, vs. Phillip Scheckel, contestee;  
 Contest #190, Pacific Livestock Company, contestant, vs. F.C. Sels, contestee; Contest  
 #191, Pacific Livestock Company, contestant, vs. Margaret Keller, contestee; Contest  
 #192, Pacific Livestock Company, contestant, vs. Minnie Southworth, contestee; Contest  
 #193, Pacific Livestock Company, contestant, vs. Edward I. Southworth, contestee; Contest  
 #194, Pacific Livestock Company, contestant, vs. Walter S. Southworth, contestee; Contest  
 #195, Pacific Livestock Company, contestant, vs. W.S. Southworth & Sons, contestees;  
 Contest #196, Pacific Livestock Company, contestant, vs. Ira Sproul, contestee; Contest  
 #197, Pacific Livestock Company, contestant, vs. D. Stratton, contestee; Contest #198,  
 Pacific Livestock Company, contestant, vs. Emmitt I. Stratton, contestee; Contest #199,  
 Pacific Livestock Company, contestant, vs. J. J. Stratton, contestee; Contest #200,  
 Pacific Livestock Company, contestant, vs. L.M. Stratton, contestee; Contest #201, Pacific  
 Livestock Company, contestant, vs. Lucinda Stratton, contestee; Contest #202, Pacific  
 Livestock Company, contestant, vs. Wm. Welsh, contestee; Contest #203, Pacific Livestock  
 Company, contestant, vs. A. Wintermeier, contestee; Contest #203, A. Pacific Livestock  
 Company, contestant, vs. G. C. Hankins, contestee; Contest #204, Pacific Livestock  
 Company, contestant, vs. Alfred B. Whitney, contestant, vs. Julia Matney, contestee;  
 Contest #205, H.B. Simmons, contestant, vs. Pacific Livestock Company, contestee;  
 Contest #206, J. P. Rector, contestant, vs. Pacific Livestock Company, contestee;  
 Contest #207, Gustav A. Rembold, contestant, vs. Pacific Livestock Company, contestee;  
 Contest #208, James M. Dalton, contestant, vs. William Henley Company, Harney Valley  
 Improvement Company, a corp., & Oregon Western Colonization Co., a corp., contestees;  
 Contest #209, Paul T. Finke, contestant, vs. Claim of John H. Garrett, deceased, J.W.  
 Garrett, Mary White, Mattie Morris, Theodosia Cave, Laura McLain, Florence Scruggs,  
 Nannie Hunt, Veva Garrett, Veva Garrett, heirs at law of John H. Garrett, deceased,  
 contestees; Contest #210, Henry Luig, contestant, vs. Pacific Livestock Company, contestee;  
 Contest #211, Henry Luig, contestant, vs. Oregon & Western Colonization Company, a corp.,  
 and E.D. Baker, contestees; Contest #212, Henry Luig, contestant, vs. Harney Valley  
 Improvement Co., a corp., Oregon & Western Colonization Company, a corp., contestee;  
 Contest #213, Homer B. Mace, and J. A. Eberle, contestants, vs. William Henley Company,  
 a corp., Harney Valley Improvement Co., a corp., & Oregon & Western Colonization Co.,  
 contestees; Contest #214, Homer B. Mace & J. A. Eberle, contestants, vs. Pacific  
 Livestock Company, contestee; Contest #215, Harney Valley Dam, Ditch & Irrigation Co.,

a corp., J.O. Foley, J. J. Lampshire, Simon Lewis, Henry Vulgamore, M. B. Hayes, and Melvin Fenwick, contestants; vs. William Hanley Co., a corp. contestee; Contest #216, Harney Valley Dam, Ditch & Irrigation Company, a corp., J. O. Foley, J. J. Lampshire, Simon Lewis, Henry Vulgamore, M.B. Hayes, and Melvin Fenwick, contestants, vs. Harney Valley Improvement Co., contestee; Contest #217, Phillip Scheckel, contestant, vs. Ben Craddock, contestee; Contest #218, William Southworth, Edward Southworth, Minnie Southworth, and Webster Southworth, co-partners as William Southworth & Sons, contestants, vs. Pacific Livestock Company, a corp., contestee; Contest #219, William Southworth, Edward Southworth, Minnie Southworth & Webster & Southworth, co-partners as William Southworth & Sons, contestants, vs. William Hanley & Co., a corp., contestee; Contest #220, John V. Scheckel, contestant, vs. Ben Craddock, contestee; Contest #221, J.C. Oliver & Sons, a co-partnership consisting of J. C. Oliver, Frank Oliver and Herman Oliver, J.C. Oliver, Frank Oliver, Herman Oliver, Ira Sproul, David E. Helmick, G.E. Keller, Margaret Keller, Almond B. Guernsey, Lorenzo G. DeWolf, Thomas F. Dunten, and W.H. Lincoln, contestants, vs. the Pacific Livestock Company, a private corporation contestee; Contest #222, J.C. Oliver & Sons, a co-partnership consisting of J. C. Oliver, Frank Oliver and Herman Oliver, J. C. Oliver, Frank Oliver, and Herman Oliver, Ira Sproul, David E. Helmick, G. E. Keller, Margaret Keller, Almond B. Guernsey, Lorenzo G. DeWolf, Thomas F. Dunten and W.H. Lincoln, contestants, vs. William Hanley & Company, contestees; Contest #223, Walter Cross, Lawrence Shepard, Nellie Hardesty, and H. A. Dillard, contestants, vs. Pacific Livestock Company, a corporation, contestees; Contest #224, The Silvies River Irrigation Company, a corporation, contestant, vs. The Pacific Livestock Company, contestee, Contest #225, The Harney Valley Improvement Company, a corporation, vs. the Pacific Livestock Company, a corporation, contestee; Contest #226, Emory Cole, Leonard Cole and C. B. McConnell, contestants, vs. C.B. Ausams, Adam F.B. George, Mary George, Ethel Graves, Ethel B. Graves, as Adm'r of the Estate of David S. Grave, deceased, Herman Ruh, I.M. Brown, Samuel Mothershead, David N. Catterson, O.H. Cobb, P.H. Gray, M.E. Gray, Vivian Gray, Izora S. Hayes, James H. Henderson, Glenn O. Hendricks, Dan'l W. Jordan, C.E. Leonard, Chas. J. Johnson, Lloyd L. Johnson, Chas. F. Miller E. Carey and Z.B. Moss, J. A. Card, Mary A. Card, Ida T. Otley, Fred Otley, Fred Otley, Jr. G. A. Rembold and Samuel Mothershead, John I. Sitz, Blanche Sitz, R. R. Sitz, A. C. Spurlock, Chas. A. Spurlock, Albert S. Swain, Grant Thompson, Frankie C. Welcome, A. C. Welcome, and J.L. Gault, J.C. Welcome, J. L. Gault and A. C. Welcome, contestees; Contest #227, Emory Cole and Leonard Cole and C. B. McConnell, contestants, vs. J.T. Baker, J.W. Biggs, W.L. Blott, N. Brown & Sons, Lottie Clemens, Lloyd B. Culp, Caledonia Culp, Ferdinand Denstedt, Mary E. Dixon, Tim Donovan, H. J. Hansen, Lena B. Harkey, Mary J.

Harkay, Hull Hotchkiss, W.E. Huston, Jennie Jones, C. A. Korten, J.J. Lampshire, H. C. Levens, Fred Lunaburg, F.L. Mace, Homer C. Mace, F.S. Miller, G.A. Rebold, A.O. Skotternd, P.G. Smith and Julian Byrd, P.G. Smith, C.G. Smith, Frank L. Swearingen, J.C. Welcomes, and Allen Jones, Frank Whiting, Frank J. Williams, Geo. A. Young, and A.E. Young, Frank O. Jackson, Ellen Martin, Chas. E. McPheeters, Dan'l Varien, Edith Varien, J.C. Welcomes, Jr., J.C. Welcomes, Sr., and A.C. Welcomes, Dan'l H. and Margaret Varien, contestees; Contest #228, Emory Cole, Leonard Cole, and C.B. McConnell, contestants, vs. Jas. H. Bunyard, John O. Greaseman, Jas. M. Dalton, J.A. Eberle, Ann Glaze, Jos. H. Hill, Thos. G. Howser, Rob't. Hudspeath, Henry Luig, Frances McGee, T.F. Matney, Jas. Pirie, Jas. H. Stewart, Jos. T. Barnes, Belle Hayes, Edith Hayes, Marcellus B. Hayes, Scott Hayes and J. P. Rector, contestees; Contest #229, Emory Cole, Leonard Cole and C.B. McConnell, contestants, vs. Pacific Livestock Company, a corp., contestees; Contest #230, Emory Cole, Leonard Cole, C. B. McConnell, contestants, vs. The Silvies River Irrigation Company, contestee; Contest #231, Emory Cole, Leonard Cole and C. B. McConnell, contestants, vs. Oregon & Western Colonization Company, a corporation, contestee; Contest #232, Emory Cole, Leonard Cole and C.B. McConnell, Contestants, vs. E.D. Baker, Peter Clemens, Mary E. McCoy, Wm. M. Stewart, Ben Brown, Wm. Austin Goodman, Henry Luig, H.B. Simmons, Field E. Smith, and Jas. H. Stewart, contestees; Contest #233, Emory Cole, Leonard Cole and C.B. McConnell, contestants, vs. The William Hanley Company, a corporation, contestee; Contest #234, Emory Cole, Leonard Cole and C.B. McConnell, contestants, vs. Harney Valley Improvement Company, a corporation, contestee; Contest #235, Emory Cole, Leonard Cole and C.B. McConnell, contestants, vs. W.E. Crowder and P.S. Weittenheiler, contestees; contest #236, F.L. Mace, H.C. Levens, Hull Hotchkiss, A.E. Young, P.G. Smith, Carey Thornburg and Robert Hudspeath, contestants, vs. the William Hanley Company, contestees; Contest #237, George W. Young, and P. G. Smith, contestants, vs. H. C. Levens, contestee; Contest #239, F.L. Mace, C.H. Levens, Hull Hotchkiss, A.E. Young, P.G. Smith, Carey Thornburg, and Robert Hudspeath, contestants, vs. Lotta Clemens, contestee; Contest #239, F.L. Mace, H.C. Levens, Hull Hotchkiss, A.E. Young, P.G. Smith, Carey Thornburg, and Robert Hudspeath, contestants, vs. E.B. Mace, contestee; Contest #240, F.L. Mace H.C. Levens, Hull Hotchkiss, A.E. Young, P.G. Smith, Carey Thornburg, and Robert Hudspeath, contestants, vs. the Harney Valley Improvement Company, contestee; Contest #241, William Austin Goodman, contestant, vs. Oregon-Western Colonization Company, contestee; Contest #242, Ben Brown, and William Austin Goodman, contestants, vs. The Oregon Western Colonization Company, a corporation, contestee; Contest #243, R.R. Sitz, Grant Thompson, J.C. Welcomes, Jr. A.C. Welcomes, J.L. Gault, Sam Mothershead, G.A. Rembold, A.S. Swain, Lloyd Johnson, Leon M. Brown, C. H. Leonard and M.B. Holliday, contestants, vs. Scott

Hayes, contestee; Contest #244, Ferdinand Denstedt, Charles McPheeters, Daniel N. Varien, J. C. Welcome, Jr., Frank O. Jackson, W.M. Stewart, J. T. Baker, N. Brown & Sons, composed of N. Brown, Ben Brown and Leon M. Brown, contestants, vs. C. A. Korten, contestee; Contest #245, Ferdinand Denstedt, Charles McPheeters, Daniel N. Varien, J. C. Welcome, Jr., Frank O. Jackson, W.M. Stewart, J. T. Baker, N. Brown & Sons, composed of N. Brown, Ben Brown and Leon M. Brown, contestants vs., P. S. Weittenhiller, contestee; Contest #246, J. C. Welcome, Jr., N. Brown, Ben Brown, Leon M. Brown, Allen Jones, Jennie Jones, Grant Thompson, J. C. Welcome, Sr., A.C. Welcome, E. P. Sylvester, James Pirie, T. F. Matney, T. G. Howser, M. B. Hayes, J. Lampshire, J. T. Barnes, J. H. Bunyard, H. J. Hansen, W.M. Stewart, R.R. Sitz, Blanche Sitz, J. T. Baker, D. N. Varien, F. O. Jackson, C. E. McPheeters, Caledonia Culp, Charles Walker, C. E. Parker, E.L. Swinney, J.L. Gault, J.M. Parker, Sam Mothershead, G. A. Rembold, W.A. Goodman, A.S. Swain, Lloyd Johnson, M. B. Holliday, C. B. Ausmus, Daniel, Jordan, C.H. Leonard, contestants, vs. The William Hanley Company, a corporation, contestee; Contest #247, J. C. Welcome, Jr., N. Brown & Sons, Ben Brown, Leon M. Brown, Allen Jones, Grant Thompson, J. C. Welcome, Sr., A.C. Welcome, E. P. Sylvester, James Pirie, T. F. Matney, T. G. Howser, M.B. Hayes, J. Lampshire, J.T. Barnes, H.H. Bunyard, H. J. Hansen, W.M. Stewart, R.R. Sitz, Blanche Sitz, J.T. Baker, D.W. Varien, F.O. Jackson, C.E. McPheeters, Caledonia Culp, Charles Walker, C.E. Parker, E.L. Swinney, J.L. Gault, J.M. Parker, Sam Mothershead, G.A. Rembold, W.A. Goodman, A.S. Swain, Lloyd Johnson, M.B. Holliday, C.B. Ausmus, Daniel Jordan, C.H. Leonard, contestants, vs. The Pacific Livestock Company, a corporation, contestee; Contest #248, J.C. Welcome, Jr., N. Brown, Ben Brown, Leon Brown, Allen Jones, Jennie Jones, Grant Thompson, J. C. Welcome, Sr., A.C. Welcome, E.P. Sylvester, James Pirie, T.F. Matney, T.G. Howser, M.B. Hayes, J. Lampshire, J.T. Barnes, J. H. Bunyard, J. J. Hansen, W.M. Stewart, R. R. Sitz, Blanche Sitz, J.T. Baker, D.N. Varien, E. O. Jackson, C.E. McPheeters, Caledonia Culp, Charles Walker, C.E. Parker, E.L. Swinney, J.L. Gault, J.M. Parker, Sam Mothershead, G.A. Rembold, W.A. Goodman, A.S. Swain, Lloyd Johnson, M.B. Holliday, C.B. Ausmus, Daniel Jordan, C.H. Leonard, contestants, vs. Harney Valley Improvement Company, a corporation, contestee; Contest #249, J. C. Welcome, Jr., N. Brown, Ben Brown, Leon Brown, Allen Jones, Jennie Jones, Grant Thompson, J. C. Welcome, Sr., A. C. Welcome, E. P. Sylvester, James Pirie, T.F. Matney, T. G. Howser, M.B. Hayes, J. Lampshire, J. T. Barnes, J. H. Bunyard, H. J. Hansen, W.M. Stewart, R.R. Sitz, Blanche Sitz, J.T. Baker, D. N. Varien, E.O. Jackson, C.E. McPheeters, Caledonia Culp, Charles Walker, C. E. Parker, E.L. Swinney, J.L. Gault, J.M. Parker, Sam Mothershead, G.A. Rembold, W.A. Goodman, A.S. Swain, Lloyd Johnson, M. B. Holliday, C.B. Ausmus, Daniel Jordan, C.H. Leonard, contestants, vs. The Oregon Western Colonization Company, a corporation, contestee; Contest #250, F.L. Mace, H.C. Levens, Hull Hotchkiss, A.E. Young, P.G. Smith, Carey Thornburg, and Robt. Hudspeath, contestants, vs. Oregon Western Colonization Co., a corp., contestee;

Contest #251, C. A. Sweek and Ella S. Sweek, contestants, vs. Oregon Western Colonization Company, contestee; Contest #252, C. A. Sweek and Ella S. Sweek, contestants, vs. Burns Flour Milling Co., contestee; Contest #253, C.A.Sweek, and Ella S. Sweek, contestants, vs. William Hanley Company, a corporation, contestee; Contest #254, Dave Craddock, George Craddock, John Craddock, Ben Craddock, Wm. Bennett, Ida B. Bennett, and A. Wintermeier, contestants, vs. Pacific Livestock Company, a corporation, contestee; Contest #255, Dave Craddock, George Craddock, John Craddock, Ben Craddock, Wm. Bennett, Ida B. Bennett and A. Wintermeier, contestants, vs. the William Hanley Company, a corporation, contestee; Contest #256, William E. Smith and Timothy Donovan, contestants, vs. The Pacific Livestock Company, a corporation, contestee; Contest #257, William E. Smith and Timothy Donovan, contestants, vs. The William Hanley Company, contestee; Contest #258, Joseph H. Hill and James H. Bunyard, contestants, vs. Pacific Livestock Company, a corporation, contestee; Contest #259, Joseph H. Hill and James H. Bunyard, contestants, vs. the William Hanley Company, a corporation, contestee; Contest #260, Pacific Livestock Company, contestant, vs. G. W. Hankins, contestee; Contest #261, Pacific Livestock Company, contestant; vs. G.W. Hankins and J.P. Hankins, contestees; contest #262, Pacific Livestock Company, contestant vs. Chas. R. Peterson, contestee, Contest #263, Pacific Livestock Company, contestant, vs. M.A. Lucas, contestee; Contest #264, in re. Lillian McRae, Contest #265, in re. Harney Valley Improvement Company.

9.

That after the filing of said contests the Superintendent of Water Division No. 2, did fix the time and place for the hearing of each and every of said contests and served notice of hearing of said contests on each of the parties to each and every of said contests, which said notices of hearings set the date for said hearing at more than thirty days and less than sixty days from the date said notice of hearing was served upon each of said parties. That due proof of service has been filed herein;

That said Superintendent of Water Division No. 2 did, at the time so set by said notices, begin the taking of testimony upon said contests, and did continue the said taking of said testimony upon said contests from time to time until each and every of said contests were fully heard, settled or otherwise disposed of.

That thereafter exceptions were filed by various water users to the Order of Determination of the Board, duly bringing said matters for consideration of the Circuit Court for Harney County, and it thereafter appearing that it was necessary to remand the proceedings to the said Water Board. On November 6, 1919, an order remanding the order to the Board for the taking of certain testimony before a referee was duly made. That said testimony was taken, reported to the Board and further findings therein made by the said Board, and the findings and tabulation herein made by the Court include findings on matters contained in the original hearing, as well as upon the later hearing.

That each and all of the contests and exceptions filed herein involve the dates of appropriation, the acreage irrigated, together with the amount of water necessary to irrigate the land. That the date of the appropriation and acreage irrigated by each of the claimants to the use of water of said River is hereby established as set forth in the tabulation hereinafter contained. That the amount of water necessary to irrigate said lands is hereby established as set forth in the Court's general finding upon the duties of water. That any question arising especially to any contest, exception or claim, if not wholly settled by the general findings, are hereby settled by a special findings:

That Silvies River and its tributaries flow through three agricultural valleys; Bear Valley near the headwaters of the stream, Silvies Valley immediately below, and Harney valley, the most important of the three, lying adjacent to Malheur Lake, into which Silvies River empties. That the almost simultaneous melting of the snow on all parts of the drainage area gives rise to excessive floods during the spring season. That the waters of the stream are used to a limited extent for the irrigation of lands in Bear Valley and Silvies Valley, but the irrigation of lands in these valleys is of comparatively small importance as compared to the irrigation of lands in Harney Valley, not only on account of the much larger area involved in the latter valley, but also because water used in the upper valleys to a large extent finds its way back into the channel of Silvies River and is available for use in Harney Valley. That the stream passes through a narrow gorge between Silvies Valley and Harney Valley, and then spreads out upon the practically level lands of Harney Valley.

That in Harney Valley during the spring of each year and while the stream is at its flood, a large amount of water overflows the banks of Silvies River and the various sloughs. That this overflow is aided by the placing of dams in the river and sloughs, also diversions are made into irrigation ditches by means of putting dams in the river and

sloughs and a large amount of land is irrigated by means of placing dams in the river and sloughs, so as to hold the water up for the sub-irrigation of adjoining lands. That the placing of these dams in the river and sloughs holds the water from flowing down the particular channel in which the dam is placed and causes such water to overflow its banks and flow into other channels. Thus by putting in or taking out dams water can be turned from Silvies River to Poison Creek and from Poison Creek to Silvies River, and water can be thrown from the West fork to the East fork of Silvies River or vice versa or water can be thrown into various sloughs from any particular water channel. That the water flows from one tract to another on its course down Harney Valley, and is used many times before it finally reaches Malheur Lake. In fact all irrigated lands in Harney Valley, except these for which the water is subject to control and measurement, may be regarded as being under one general system, the water for which is delivered at a point above Burns and the waste therefrom flowing into Malheur Lake.

13.

That Melville Fenwick, J. C. Foley, Ora Hill, Simon Lewis, J. J. Lampshire, Henry Vulgamore, and the Pacific Livestock Company have each filed statements and proofs to water for certain lands for which the Harney Valley Dam, Ditch & Irrigation Company has filed a statement and proof of claim. That Henry Vulgamore has succeeded to the rights of Melville Fenwick and M. B. Hayes has succeeded to the rights of Ora Hill. The description of all of the land so claimed in said statements and proofs is hereinafter tabulated under the name of Harney Valley Dam, Ditch & Irrigation Company and not under the individual name.

14.

That Albert S. Swain filed statement and proof of claim for 10 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$  and 30 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 5, T. 23 S.R. 31 E.W.M., that in such claim he states that such land had not been irrigated since 1900 and the testimony taken was to the effect that such land had not been irrigated since 1900, and said rights have therefore been abandoned, and are not tabulated herein.

15.

That the Silvies River Irrigation Company filed a statement and proof of claim in the above entitled proceeding, claiming a water right initiated under two notices of appropriation, recorded July 23, 1901, and signed by the Harney Valley Improvement Company, and a third notice of appropriation recorded July 24, 1901, signed by the Harney Valley Improvement Company, and a notice of appropriation recorded October 7th, 1907, signed by the Silvies River Irrigation Company, and an amended notice recorded the 29th day of October, 1907, signed by the Silvies River Irrigation Company.

That the lands to be irrigated under said notices were described as follows: All of T. 23 S.R. 32 $\frac{1}{2}$  E., all of T. 24 S.R. 32 $\frac{1}{2}$  E., all of T. 24 S.R. 33 E.W.M.,

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and Sections 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 22, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, T. 23 S.R. 33 E., also Sections 1, 2, 3, 4, 5, 6, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, T. 24 S.R. 32 E.W.M.

That construction upon the ditch to irrigate said lands was begun in good faith after the posting of said notices and prior to the 29th day of March, 1908. That on or about the 29th day of March, 1908, the Pacific Livestock Company began a suit in the Circuit Court of the United States for the District of Oregon against the Silvies River Irrigation Company and the Harney Valley Improvement Company, and said Silvies River Irrigation Company and the Harney Valley Improvement Company were enjoined from proceeding with the work of construction; that said suit was tried in said Court and said Silvies River Irrigation Company and Harney Valley Improvement Company were enjoined from proceeding with such construction, but the right was reserved to them and to each of them to apply to said Circuit Court of the United States for the District of Oregon, at any time after said decree for the vacation of the injunction, if it should thereafter be determined in some appropriate proceeding that there is any surplus water subject to appropriation by them or either of them, and said suit was thereupon appealed to the Circuit Court of Appeals for the Ninth Circuit, which Court reversed and remanded said cause with directions to allow the parties a reasonable time to take proceedings before the State Water Board of the State of Oregon, and in the event that they did not proceed thereunder within a reasonable time to require all parties interested to interplead and for a lower court to proceed to a determination of the issues between them in accordance with the laws of the State of Oregon. The parties have never proceeded further with said suit, but the proceedings before the State Water Board were instituted and all parties interested have appeared and filed claims thereunder, and the rights of said Silvies River Irrigation Company and Harney Valley Improvement Company under such appropriation notices are herein determined as follows:

That the rights of the Harney Valley Improvement Company shall be tabulated in the tabulation hereinafter contained.

That the Silvies River Irrigation Company has a valid appropriation under the amended notice of appropriation of water filed for record on the 29th day of October, 1907, and having a priority date for such appropriation of the 17th day of October, 1907. That the lands to be irrigated are such as described in the notice and hereinbefore described in this finding. That none of such lands are now irrigated, and said Silvies River Irrigation Company shall be entitled to divert water for the irrigation of such lands under and in accordance with said priority date. The water master shall regulate such diversion in accordance with such date of priority, and shall not permit any diversion of any water by said Company at any time when such diversion would interfere with the rights of any water users having an earlier date of priority than such company.

Upon the filing of this decree in the Circuit Court, the said Silvies

River Irrigation Company shall have the right to apply to the Circuit Court to fix a date in the future when actual construction work must begin on its appropriation and when it must be completed and water put to a beneficial use. The Circuit Court, if it deems same advisable, may refer the matter to the State Engineer under Section 5717 of Oregon Laws.

The water under such appropriation shall not be applied upon any land other than upon the land for which the same was appropriated, except that the place of use may be changed upon proper application and permit from the State Engineer.

That in lieu of the lands proposed to be irrigated in Sections 35, 21, and 19, and a portion of 17, T. 23 S.R. 33 E.W.M., the said company may apply to the State Engineer to irrigate other lands described as follows:

Section 16, T. 23, S.R. 31 E.W.M.  
Section 4, T. 24, S.R. 31 E.W.M.  
Section 6, T. 24, S.R. 32 E.W.M.  
Section 7, T. 24, S.R. 32 E.W.M.  
Section 24, T. 24, S.R. 31 E.W.M.  
Section 16, T. 24, S.R. 31 E.W.M.  
Section 14, T. 24, S.R. 31 E.W.M.  
Section 13, T. 24, S.R. 31 E.W.M.  
Section 12, R. 24, S.R. 31 E.W.M.

and if sanctioned by the State Engineer, such change may be made, but the same shall not affect any prior right decreed herein but shall be subordinate thereto.

16.

That statements of proof of claim have been filed and the rights claimed therein have not been tabulated in the tabulation hereinafter contained as follows, to-wit:

W. E. Crowder for the  $\frac{W}{2}$  of Section 13, T. 23 S.R. 31 E.W.M., for water from Poison Creek Slough; Vivian V. Gray for the  $\frac{NE}{4}$  of Section 4, T. 25 S.R. 32  $\frac{1}{2}$  E.W.M., for water from the east fork of the Silvies River; James H. Stewart for the  $\frac{SE}{4}$  of Section 28, T. 24 S. R. 31 E.W.M., and the  $\frac{E}{2}$   $\frac{SW}{4}$  and the  $\frac{SW}{4}$   $\frac{SE}{4}$  of Section 17, T. 24 S.R. 22 E.W.M., for waters from Silvies River; P. S. Weitenheller for Section 21, T. 23 S.R. 32 E.W.M. That it appears from the evidence that no beneficial use of water had been made upon the lands of said claimants and each of them, nor had any appropriation of water been made for lands or any part of them and the claims of said claimants in their several statements and proofs and each thereof are hereby denied and said claimants can only acquire rights in the said waters of Silvies River by securing a State Engineer's permit.

17.

That State Engineer's permits have been secured by claimants in these proceedings as follows:

Frank E. Dickinson and Leona R. Dickinson, permits Nos. 177 and R. 147; Almond B. Guernsey, Enlargement permit No. 3; J.O. Hoyt, permits Nos. 347 and 348; W.H. Lincoln, permit No. 681; C. B. McConnell, Emory Cole and Leonard Cole, (Harney Valley Basin Development Co. successors in interest) Reservoir permits Nos. 233, 235, 236, and 237; Pacific Live Stock Company permits Nos. 2366 and 2367; Field E. Smith, Estella Grace Smith-Sellers, Oliver T. Smith, Britta E. Smith-Gaiser, Anna E. J. Smith, Lillian M. Smith-Stout, John Flemon Smith, Myrtle Beatrice Smith, Kate Inez Smith, Mary Katherine Smith, Alberta Belle Smith, heirs of William T. Smith, deceased, permit No. 1083.

That each and all of said claimants shall have such rights as they are entitled to upon the final proof of the application of water to beneficial use in accordance with the law applicable to said permits.

18.

That an agreement has been filed herein by the Pacific Live Stock Company and Austin Goodman, wherein said Austin Goodman is to receive water from a certain spring arising on the E $\frac{1}{2}$  SE $\frac{1}{4}$  of Sec. 35, T. 23 S.R. 30 E.W.M. to irrigate the S $\frac{1}{2}$  SW $\frac{1}{4}$  and the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 36, T. 23 S.R. 30 E.W.M. and all waste water to be turned to the lands of the Pacific Live Stock Company in Sec. 36, T. 23 S.R. 30 E.W.M. The Water Master shall distribute said water in accordance with said agreement.

19.

The Water Master shall distribute the water for the lands described in these findings and in this decree, in accordance with this decree. The parties whose rights are adjudicated herein, and each of them, are herein, and each of them are hereby, directed and required to regulate, operate and construct and maintain their dams, ditches, canals, headgates, measuring devices, reservoirs and other works of all kinds and description, used for the purpose of distributing or aiding in the distribution of the waters of Silvie's River system, to or upon the lands described in these findings and this decree in such manner as to enable the Water Master to divert and apportion the water for said lands in accordance with the dates of priority of the several water users awarded a water right herein.

In all cases of construction or reconstruction or repairs of dams, canals, ditches, headgates, laterals, or other irrigation works, or systems for appropriating water, or in changing streams, sloughs, branches or depressions used as ditches, or as a means of conducting water from the river for any of the land awarded a right herein, in order to place such slough or branch stream or ditch on the line of the land over which the same runs, or to straighten the same, or for any

purpose, the water user making such change, or building such works or system shall perform such work so as not to hinder or prevent the flow of water to any of the land awarded a right herein. And in the case of such change or reconstruction, a new ditch, flume, or conduit for water shall be furnished to take the place of the old, so that the various water users awarded a right herein shall be afforded a means of conducting their water equal to the old method before such change, upon their contributing an equitable part of the labor and expense thereof. In cases where the water formerly ran wholly or in part over one owner's land to that of another without a regular ditch or other artificial works, and it becomes necessary or convenient to build a ditch or other works, the labor and expense thereof shall be equitably borne by the interested parties. Such work of regulation and construction to be done under the guidance and direction of the State Engineer and Water Master; all such new ditches or conduits to be of the size and dimension as directed by the Water Master or State Engineer. All to the end that the waters of Silvies River and its tributaries may be distributed in accordance with this decree.

20.

That a decree of the Circuit Court of the State of Oregon for Harney County wherein R. R. Sitz was plaintiff and A. S. Swain was defendant was filed in these proceedings, which said decree affects the lands tabulated herinafter under the names of R. R. Sitz and A. S. Swain; that said lands are irrigated by means of a dam owned and operated upon the lands of said A. S. Swain; in the operation of said dam the water is held up by such dam while the lands are being irrigated and the water is turned loose by taking out such dam whenever the lands of said A. S. Swain are fully irrigated without regard as to whether or not the lands of said R. R. Sitz are fully irrigated.

21.

That a decree of the Circuit Court of the State of Oregon for Harney County wherein Homer B. Mace was plaintiff and F. L. Mace was defendant was filed in these proceedings wherein it was decreed that water for the irrigation of the SE $\frac{1}{4}$  of Section 20, T. 23 S. R. 31 E. W. M. should be allowed to flow from the east fork of Silvies River through a natural slough heading on Lot 3 of said section 20, and the water master shall regulate the flow of water to said lands in accordance with said decree.

22.

That the Circuit Court of the State of Oregon for Harney County, referred the suit of the Pacific Live Stock Company, a corporation, plaintiff, vs. Burns Flour Milling Company, a corporation, defendant, to the State Water Board under and by virtue of section 6635 of Lord's Oregon Laws; that the determination of the rights of said parties in these findings shall be taken and considered as a settlement of said suit.

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In the tabulation hereinafter contained, the Pacific Live Stock Company is given an award for 236.5 acres in part from Trout Creek, for lands in Sec. 13, T. 19 S.R. 31 E. W.M., Sec. 18, T. 19 S.R. 32 E.W.M., with a priority date of 1883; Walter Cross is given an award for 287 acres for lands in Sections 5 and 6, T. 20 S.R. 32, E.W.M., and Sec. 31, T. 19 S.R. 32 E.W.M. with a priority date of 1883. Nellie Hardesty is given an award for 54 acres in Sec. 7, T. 20 S.R. 32 E.W.M., with a priority date of 1883; and Cora M. Shephard and Jessie J. Shephard, co-owners, are given an award for 55 acres in Sec. 7, T. 20 S.R. 32 E.W.M., with a priority date of 1883, all from Trout Creek.

Insofar as Trout Creek is concerned, while all parties have a priority of 1883, the rights of said Walter Cross, Nellie Hardesty, and of Cora M. Shephard and Jessie J. Shephard, co-owners for the lands in this paragraph mentioned, shall be deemed prior in right to the awards tabulated and allowed to the Pacific Live Stock Company for the said 236.5 acres.

The award, as hereinafter tabulated, to Wm. M. Stewart for 260 acres irrigated from Poison Creek, and a branch of Foley Slough, and from springs, with a priority of 1884, shall be deemed subsequent and subordinate to the awards made to J. C. Clemens, as successor in interest to Peter Clemens for 555 acres, given a priority date of April 21, 1884, and to the awards to Frank J. Whiting for 160 acres given a priority date of Sept. 20th, 1884. The award to J. T. Baker, as hereinafter tabulated, for 320 acres irrigated from Poison Creek, given a priority date of 1884, shall be deemed subsequent and subordinate to the awards to the said J. C. Clemens, and to Frank J. Whiting for the lands of said Clemens and Whiting in this paragraph mentioned.

## 24.

That all claimants herein for water for irrigation shall be entitled to use such water for stock and domestic purposes. That the right to the diversion and use of the water for stock and domestic purposes shall be continued by such claimants and such water users at any time during the year and such diversion shall be according to the dates of priority of such claimants, and such use shall be limited to the quantity of water reasonably necessary for stock and domestic purposes; that for stock purposes the amount to be so diverted and used shall not exceed the rate of one tenth of one cubic foot per second for each one thousand head of stock; that during the irrigation season the amount of water diverted for irrigation purposes shall not be increased by any amount to be used for stock and domestic purposes, but the quantity allowed and diverted for irrigation during the irrigation season includes the water for stock and domestic purposes, provided that the right to divert and use water for stock and domestic purposes shall not be construed to mean that during the winter season when the ice is frozen to require or permit an unreasonable quantity of water to be turned down the River or any diversion canal for the purpose of getting the water to the stock. The water for.

stock purposes as well as for irrigation shall be measured at the headgate of the ditch or diversion lateral of each claimant, and whenever it requires more than double the amount of water herein provided at the point of diversion to reach the place of use for stock purposes, it will be construed as requiring an unreasonable amount of water to be turned down for that purpose.

25.

That in all cases where any person, firm or corporation has a right under this decree to supply and deliver water to others and charge for the same, or may hereafter acquire such right, it is the duty of such person, firm or corporation to supply water to any and all persons applying for water who can use water along the line of the works belonging to such person, firm or corporation, or who can be reasonably supplied with water from said works under reasonable and uniform contracts and for reasonable and uniform charges up to the limit of the capacity of said works, so long as said person so taking said water complies or is ready and able to comply with the terms of such contract. Such contract may provide for any reasonable and uniform method of pro rata distribution of water, and such person, firm or corporation may make such reasonable and uniform rules and regulations as may be necessary to facilitate such distribution. In case such contract does not provide for such distribution of water, then such water shall be supplied to the water users in the order of, and according to the date of priority of use upon the land, or at the place upon which such water is to be used, and subject to rotation as in this decree generally provided; provided that no contract shall be made to deliver water to lands or places not theretofore supplied, to such an extent as to deprive any land or place of water which land or place had theretofore been supplied and still has the right to such a supply and unless such land or place where said water is to be used be entitled to such use under a right granted by this decree, by a permit of the State Engineer, or by a water right certificate. All contracts for the use of water giving any preference other than as herein stated, are against the public policy and laws of the State of Oregon, and void.

*water group*

26.

In all cases in this decree wherein the right to use water out of more than one stream or branch of a stream is confirmed for the same land, and the amount of water to be taken from each respective stream or branch is not determined herein, the matter of determining the quantity of water to be taken from each stream or branch for such land shall be left open for the Circuit Court to determine after actual experiment and use of the water upon the lands have been made so that an equitable apportionment of the amount to be used from each stream or branch can be made with a reasonable degree of accuracy, which cannot be done at the present time.

In all cases in these findings wherein a water user has both the right to store water and also the right to use such water for irrigation, he shall have the right to divert such water from the stream, according to the respective priority dates of such rights, and such right to store water may be used to supplement the diversion for irrigation, that is, when the water in said stream becomes so scarce that his right to the diversion of water for such irrigation is cut off, then he shall have the right to use the water so stored by him for the purpose of supplementing the right for irrigation, and of increasing the length of the irrigation season upon the lands for which he has such irrigation right.

## 28.

That in all cases where water is stored by any claimant, said water shall be taken at any season of the year for said storage according to the dates of relative priority, and in case the owner of any reservoir desires to use the bed of any stream as for the purpose of carrying such stored water from the reservoir to the consumer thereof, said owner of such reservoir shall install such headgate and measuring devices as the Superintendent of the Division or the Water Master of the district in which the water is situated and used shall order. Said stored water may be used at any time during the year that the owner thereof may desire. Whenever said owner of such reservoir desires to use such stored water, he shall notify the Water Master of the district in which the stored water is to be used, giving the date when it is proposed to discharge water from such reservoir, its volume, and the names of all persons and ditches entitled to its use. Said water master shall then determine the percentage of loss by seepage, evaporation or other causes, between the place of discharge from the reservoir into the stream, and the place of diversion from the stream, and shall close or so adjust the headgates of all ditches from the stream as will enable those having such right to secure the volume discharged from the reservoir, less the determined loss. That in all cases where reservoirs are built so as to include within their boundaries the bed of any stream, the waters of which are hereinadjudicated and determined, the owner, manager or lessee of such reservoir shall install in the stream above and below said reservoir, such measuring devices as the Superintendent of the Division or the Water Master of the district in which said reservoir is situated may order; the plans for the construction of said measuring devices shall be approved by the State Engineer. The said Water Master shall measure all water of such stream running into said reservoir and shall discharge from said reservoir sufficient water (Not exceeding the volume of water running into said reservoir) to supply such prior rights as may be entitled to use said water; such discharge of water shall only be necessary during the

time or season in which such prior rights are entitled to use the same.

29.

That the rights of appropriation hereby confirmed are appurtenant to the lands herein described for irrigation purposes, and the right of use of the waters of said stream and its tributaries by virtue of such rights of appropriation, are limited and confined to the irrigation of the lands described herein to the extent of said lands as herein set forth, and the priorities herein confirmed confer no right of use of the waters of said stream, and its tributaries, on the lands other than those specified tracts to which such rights of appropriation are herein set forth as appurtenant. The right of a water user to change the place of use of a vested water right, in the manner now or hereafter, provided by law shall not be prohibited or affected by this decree.

30.

That the order of the rights of the respective appropriators of the waters of said stream and its tributaries, and in which order they are entitled to divert and use the said water shall be and is according to the date of the relative priority of the right as herein set forth and determined and the first in order of time according to the date of relative priority shall be and is the first in order of right, and so on, down to the date of the latest priority, and those having prior rights are entitled to divert and use the waters of said stream and its tributaries, when necessary for the beneficial use in connection with the irrigation of their respective lands or other useful and beneficial purposes for which they are decreed a right of use, at all times and against those having subsequent rights, without let or hinderance, and whenever the water is not required by the appropriator having a prior right to its use for the purpose for which said water was appropriated, he must and shall permit it to flow down in the natural channel of the stream as it was wont to flow in its natural course, without hinderance or diversion thereof, and those having subsequent rights are entitled to the use of such water and to divert the same to the extent of their rights of appropriation, according to the order of their priority rights; and at all times the waters diverted shall be beneficially, economically and reasonably used without waste by those having a right to do so by reason of their priority of their rights.

31.

That to get a sufficient head of water, the Water Master of the district in which such water is situated shall arrange such a system or systems of rotation as may be best applicable; first, by giving a greater amount of water for an appropriator for a proportionately less time, provided that the giving of such greater amount does not infringe upon any of the rights confirmed by this decree; second, where two or more



appropriators agree as between themselves as to the manner of said rotation in the use of the water, said Water Master shall distribute the water in accordance with such agreement; third, in the absence of an agreement between such appropriators arranging for such rotation, the said Water Master shall arrange such appropriators in groups or systems of rotation, first giving to the appropriator who is first in priority in such group a quantity of water equal to the combined appropriations of all the appropriators in said group or system for a length of time bearing the same ratio to the whole time required to make the complete rotation through the whole group of appropriators as the appropriation of said first appropriator bears to the combined appropriations of said group, and next serving another appropriator with a like quantity of water for his proportionate time, and so on until all of the appropriators in said group or system are served; then the distribution of water shall be repeated in the same manner throughout the irrigation season; provided always, that such arrangements into groups or systems of rotation shall not interfere with the prior rights of any appropriator, not a member of such group or system, and provided further, that such agreement shall be in writing, and filed by such appropriator with the Water Master.

32.

That in the tabulation hereinafter set forth wherein the rights of diversion are placed from any sloughs that receive their water from the main stream of the Silvies River or its tributaries, such diversion shall be considered as being from said main stream of Silvies River or its tributaries, as the case may be.

33.

That all lands in Harney Valley irrigated or to be irrigated from Silvies River or its branches or tributaries, and all lands not in Harney Valley irrigated or to be irrigated from Silvies River, are entitled to not to exceed one-eightieth of one cubic foot of water per second for each acre of such lands, and not to exceed three acre feet per acre. It appearing that during the spring and early summer there is a large flow of water in Silvies River and its tributaries, and that heretofore the water users have used a large head of water during such time and should be permitted to continue the use of more than one-eightieth of a cubic foot per acre in order to approximate the quantity to which they are entitled for the irrigation season; therefore, the right to the use of water from Silvies River and its tributaries, except as modified by special findings herein, shall be

*Temporary  
Ditch  
for 3 years*

limited to the diversion of not to exceed one and one-half acre feet per acre during any period of thirty days, prior to June first of each year, and thereafter not to exceed one acre foot per acre during any period of thirty days, provided that the total quantity of water diverted during the irrigation season shall not exceed three acre feet per acre, and that the rate of flow shall not exceed one-fortieth of a cubic foot per second per acre, except where rotation is practiced as herein provided.

The above provisions shall be in effect for a period of three years after the filing of this mandate in the Circuit Court. <sup>(Mandate filed in November 9, 1925)</sup> That from and after said date all lands in Harney Valley, irrigated or to be irrigated from Silvies River of (or) its branches or tributaries, and all lands not in Harney Valley irrigated, or to be irrigated from Silvies River are entitled to not to exceed one-eightieth of one cubic foot of water per second for each acre of such lands; provided that the total quantity of water diverted during an irrigation season shall not exceed two acre feet per acre; that all lands not in Harney Valley, irrigated or to be irrigated from tributaries of Silvies River are entitled to not to exceed one-sixtieth of one cubic foot of water per second for each acre of such lands, provided that the total quantity of water diverted during an irrigation season shall not exceed two acre feet per acre; provided, however, that when the ditches, canals, headgates, measuring devices, and other irrigation systems necessary to permit a determination with reasonable accuracy of the amount of water necessary for the irrigation of such lands shall be constructed and actual tests have been made, the amount allowed by this decree may be changed by the Circuit Court, and the duty of water will be left open for further determination at a future time.

That the quantity of water to which all of such lands are entitled shall be measured at the respective headgates of the division, ditch or lateral of said claimants from which the water is to be used on the land to be irrigated, provided, however, that until such time as the ditches, canals, headgates or levees or any of them or any other works which may be necessary to permit a determination with reasonable accuracy of the amount of water diverted and used upon any tract or tracts of land in Harney Valley, shall be constructed, the water for the irrigation of such tract or tracts for which no such measuring devices or controlling works are provided shall be measured at some proper and convenient point or points as near as may be to the lands to be irrigated. Such point or points of measurement shall be subject to change from time to time as changed conditions make such changes convenient or expedient, and the water for the irrigation of such tract or tracts for which no measuring devices or controlling works are provided shall be distributed to those entitled to its use by the regulation of dams, headgates or

other works or devices for controlling or influencing the flow of the water, as nearly as may be in accordance with the priorities of the respective rights; subject, however, to the provisions of the decree hereinafter referred to and other findings herein. That the quantity of water herein specified to which any of such lands are entitled shall include the supply furnished or which may be or become available to any tract on account of the irrigation of other lands.

That the irrigation season, during which the water users from Silvies River and its tributaries shall be entitled to the use of the water for irrigation purposes, extends from March 20th to September 1st of each year; provided, however, that as irrigation depends upon climatic conditions and changes in the season, the season hereby fixed shall not prevent water users awarded a right herein to use the water of the Silvies River and its tributaries for the purposes of irrigation according to their relative rights of priority, and in quantities in accordance with this decree, at other times when such use will be beneficial to the land and the crops grown thereon when the ground is not frozen and the same can be used without needless waste.

34.

In this proceeding in all cases wherein a water right has been awarded for lands to which the water has not been applied completely to a beneficial use the respective claimants shall be and they hereby are allowed five years from the date of the entry of the mandate herein in the Circuit Court, or such further time as may be allowed by the State Engineer, to make a complete beneficial use of the water. *Feb 13, 1916 - making water beneficial.*

35.

(a) That the Circuit Court shall make corrections of any clerical errors in these proceedings within six months from the date of the filing of the mandate herein in this Court, and the right is reserved so to do.

(b) That in this decree, the figures in the column headed "Amount Cubic Feet Per Second" shall not be deemed controlling but the matter shall be controlled by the foregoing provisions of Paragraph 33 hereof, and by the provisions of said mandate. In view of the fact that the duty of water and the amount of cubic feet per second per acre are subject to being changed in the future, this Court, or the State Engineer, under the directions of this Court, if the Court so directs shall correct the tabulations in accordance with the decree and order of this Court; when the duty of water is fixed and determined, such correction may be made on this original decree as modified by said mandate if the Court deem it expedient, and the right is reserved so to do.

36.

Commencing three years after the filing of the mandate herein in this Court, any and all waste in the use of water by the parties awarded a right to the use of water from Silvies River, its tributaries, branches or sloughs, is hereby strictly enjoined and inhibited.

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That the name and address of each appropriator of water from said Silver River and its tributaries, arranged in alphabetical form, together with the date of relative priority of each appropriation, the amount of such appropriation in cubic feet per second, the number of acres to which such appropriation is applied and to which such water is appurtenant, the use or uses for which such water was appropriated and is now applied, and to which such use is limited, the name of the ditch or ditches through which such appropriation is diverted, the name of the stream or streams from which such appropriation is diverted, and the description of the land in the smallest subdivision to which such water is appurtenant, is set opposite the name and address of each appropriator, and is as follows, to-wit: