

That a head of water diverted by the individual appropriators herein-  
after in the tabulation named, shall be governed by the number of acres which  
said appropriators irrigate, and such diversion shall be sufficient in all  
cases to irrigate the lands under irrigation, and where such water is used for  
other purposes than irrigation, the head of water shall be limited to the  
quantity designated in said tabulation; provided, that for Big Creek, Goose  
Creek, Daly Creek, and all gulches and draws that are not regular flowing  
streams, and all such tracts not exceeding 10 acres, the head of water to be  
diverted for the use of irrigation upon any land hereinafter in the tabulation  
described by the water users, shall be limited to such an amount as shall be  
necessary to beneficially irrigate the land, not to exceed one-twentieth of  
a second foot, or its equivalent, two inches under six inch pressure, miners  
measurement to the acre, and for all other streams herein adjudicated, the  
head of water diverted shall be sufficient to beneficially irrigate the lands,  
not to exceed one-fortieth of a second foot, or its equivalent, one inch under  
six inch pressure, miners measurement, per acre, continuous flow; provided fur-  
ther, that the court hereby reserves the jurisdiction to at any time in the  
future make any orders and decrees necessary to cover extraordinary loss by  
seepage and evaporation; provided further, that in all cases where the capacity  
of the ditch does not equal the maximum head of flow here allowed, that this  
finding shall not operate to give any water user or water users using said  
ditch, more water than their present appropriation, and provided further that  
no diversion beneficially used, shall be limited so long as prior appropriations  
are not interfered with.

Vol. 6, page 347

That all claimants herein for water for irrigation shall be entitled  
to use such water for stock and domestic purposes; that the rights of use for  
stock and domestic purposes is hereby confirmed and entitles the owner of such  
right to divert and use such a quantity of water as is reasonably necessary for  
his household and stock use, and for stock use, the amount so diverted and  
used shall not exceed the rate of one fortieth of one cubic foot per second  
for each one thousand (1000) head of stock, and the quantity diverted for  
irrigation purposes during the irrigation season shall include when it is so  
diverted, such an amount as may be reasonably necessary for said stock and  
domestic purposes, and the right to divert and use the waters of said stream  
and its tributaries for stock and domestic purposes continues throughout the  
year.

Sept. 4084 130.0 cane.  
Suffice Cr.  
Sept. 4141 37.5 ac cancelled  
Willow Cr.  
Sept. 4123 42.6 ac cane.  
Willow Cr.  
Sept. 4108 28.5 ac cane  
Ditch John S. H.  
Sept. 4100 25.0 ac mining cancelled  
and 339.6 ac cancelled  
Powder River  
Sept. 4100 2.0 ac cancelled  
Suffice Cr.  
1000 590.7 ac cancelled  
13.0 ac former cancelled  
2.5 ac mining  
OVER 2 Baker Co (7-1-68)

# POWDER RIVER

and Tributaries

Baker County

## Order Record

Vol.

Findings of Board, November 17, 1915. . . . .	2	32
Decree of Court, March 18, 1918. . . . .	5	322
Consolidated Decree, March 18, 1918. . . . .	6	291
Order of Circuit Court Correcting Findings, March 28, 1918. . . . .	5	371
Order of Circuit Court Correcting Decree, May 14, 1918. . . . .	5	373
Order of Circuit Court Correcting Decree, May 23, 1918. . . . .	5	375
Order of Circuit Court Correcting Findings, June 28, 1918. . . . .	5	379
Decree of Court, Chas. N. Gould, March 31, 1919. . . . .	7	404
Order modifying Decree (Charlie D. Dunn) June 16, 1919. . . . .	13	490
Decree of Court, May 4, 1920. . . . .	13	52
Order of Circuit Court Correcting Decree, September 19, 1921. . . . .	6	179
Order of Court, Willow Creek, May 31, 1924. . . . .	7	437
Supplemental Decree of Court (Geo. W. Hutton, C. E. Jones), July 23, 1924. . . . .	7	444
Supplemental Decree of Court (Grover C. Ison) March 22, 1930. . . . .	10	300
Supplemental Decree (Chas. W. Kelly) June 18, 1936. . . . .	12	385
Supplemental Decree (Chas. W. Kelly) May 4, 1939. . . . .	13	1
Decree on Mandate (Kelly Est. vs Perry) February 28, 1942. . . . .	13	502
Supplemental Decree (J. W. Bowles) February 9, 1944. . . . .	14	340
Supplemental Findings of State Engineer, April 5, 1945. . . . .	14	359
Decree of Circuit Court (Inchoate Rights) March 28, 1946. . . . .	14	384
Judgment of Circuit Court construing water rights on Wolf Creek as to lands under priorities (O'Bryant vs Galligan) September 17, 1960. . . . .	16	447
Order of Circuit Court modifying Decree of Mar. 18, 1918 (F. C. Vaughn) dated Oct. 20, 1967. . . . .	16	543 (543)
Order of Circuit Court, Aug. 24, 1967, Modifying Decree entered Mar. 18, 1918. . . . .	16	547

Note: Decree of March 18, 1918, (Vol. 6, p. 291) is a consolidation of the Findings of the State Water Board and Decree of the Circuit Court of the same date. The various decrees entered since the entry of the Consolidated Decree slightly modify such decree. Decree of March 28, 1946 is a complete record of inchoate rights completed.

Note: Numbering machine numbers appearing on the right-hand margin of the findings and decrees herein, indicate the corresponding page numbers as they appear in the recorded volumes.

Certificates of Water Right have been issued and are recorded in the following pages of State Record of Water Right Certificates:

3972 to 4774 inc.	11517, 11576
4777 to 4779 inc.	11577, 12005
4787, 5105, 7569	13430
9167, 9608, 10835	15176 to 15178 inc.
11448, 11454	

RIGHTS ALLOWED AS FOLLOWS:

	POWDER RIVER & TRIBUTARIES ( Except Eagle Creek, Clover Creek, Wolfe Creek and Antelope Creek. )	Wolfe Creek Union County	Antelope Creek Union County
	Baker County	Union County	
IRRIGATION	<del>74,159.02</del> 73,648.23		
" " ( Completed Inchoate Rights. )	<del>74,368.52</del> Acres 4,253.70	1,209.50 acres	5,093.50 acres 380.50 acres 902.00
SUPPLEMENTAL	3,359.15 acres	1,080.00 acres	15.00
Secondary Supp'l.	249.00 acres	112.00 acres	66.00
MINING	43.25 c.f.s.		34.00 c.f.s.
POWER	121.64 c.f.s.	0.25 c.f.s.	
STORAGE	2,811.07 acre-feet	22.00 acre-feet	
" ( Completed Inchoate Rights. )	556.00 acre-feet		3,389.00
MANUFACTURING			0.20 c.f.s. 0.20
MUNICIPAL	59.275 c.f.s.		59.275 c.f.s.
SUB-IRRIGATION	5.00 acres		5.00 acres

AREA IRRIGATED IN WATER DISTRICTS. . . .

District # 2	<del>87,869.59</del> 87,278.80 acres.....	POWDER RIVER & TRIBUTARIES INCLUDING EAGLE CREEK. ( Except Wolfe, Antelope, & Clover Creek )
District # 14	6,376.00 acres.....	WOLFE CREEK, ANTELOPE CREEK, & CLOVER CREEK.

3-31-55  
WAC  
10-22-58  
WAC

Vested  
Comp. Inchoate  
Sub

IRR. Totals  
305.30  
59,846.00  
43,445.00  
5.00  
942,458.59  
93,654.80

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR BAKER COUNTY.

IN THE MATTER OF THE DETERMINATION  
OF THE RELATIVE RIGHTS TO THE USE  
OF WATERS OF ~~FOUNDER RIVER~~ AND ITS  
TRIBUTARIES, A TRIBUTARY OF SNAKE  
RIVER, IN UNION AND BAKER COUNTIES,  
STATE OF OREGON.

Now at this time on this 18th day of March, 1918, this matter came on for hearing before the above entitled court upon the exceptions filed to the findings of the State Water Board of the State of Oregon, and it appearing that the following persons had filed exceptions to said findings, and that there were present Hon. Geo. T. Cochran, Superintendent of Water Division No. 2, representing the State Water Board, and the representatives of the various parties herein named who have filed their exceptions to said findings, as follows, to-wit: C.H. McCulloch, Esq., A. A. Smith, Esq., O. B. Mount, Esq., W. L. Patterson, Esq., W. B. Levens, Esq., C. T. Godwin, Esq., J. J. Heilner, Esq., and Frank B. Mitchell, Esq., C. A. Moore, Esq., S. O. Correll, Esq., and W. H. Strayer, Esq., attorneys representing certain exceptors, and the exceptors to the Findings of the State Water Board having arrived at certain settlements to said exceptions, and in the exceptions where settlement should not be arrived at the court had made its decision in the matter, and which appears in the following Findings and Decree, and the court being fully advised in the premises, here, now, makes the following

FINDINGS OF FACT AND DECREE:

I.

It is hereby CONSIDERED, ORDERED and DECREED,-

That Paragraph #109 of the Findings of the State Water Board shall be modified to read as follows:

In all cases in this decree wherein the right to use water out of more than one stream for the same land is confirmed, the amount of water herein determined for said right may be used out of either or both of said streams, so long as the amount of water taken does not exceed the volume named in this decree, and does not interfere

with other rights of priority, and each stream may be used to supplement the other in furnishing said amount of water, provided that any diversion from any stream shall not exceed the amount of the appropriation from that stream.

That Paragraph #112 of the Findings of the State Water Board shall be modified to read as follows:

That the rights of appropriation hereby confirmed are appurtenant to the lands herein described for irrigation purposes, and the rights of use of the waters of said stream and its tributaries by virtue of such right of appropriation, are limited and confined to the irrigation of the lands herein described 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, and each and every person shall be and hereby is prohibited, restrained and enjoined from diverting and using water from said stream on such other lands without lawful permit.

### III.

That Finding #113 of the State Water Board shall be modified to read as follows:

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 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 time and against those having subsequent rights, without let or hindrance, 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 the natural channel of the stream as it was wont to flow in its natural course, without hindrance 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 so do by reason of their priority of their right, and no rights of appropriation are hereby confirmed to divert a greater quantity of water into the head of the ditch or ditches of the appropriator having a valid right to divert the water, than such appropriator can beneficially use for the purposes to which the water is to be put.

#### IV.

That paragraph #114 of the Findings of the State Water Board shall be modified to read as follows:

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 thereto, either 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, and provided, further, that the amount of water taken by an appropriator does not exceed the amount as found in these findings to be necessary for the irrigation of the land during the irrigation season; second, or in the absence of an agreement between such appropriators arranging for such rotation, the water master of the district in which such stream and its tributaries are situated shall arrange such appropriators in groups or systems of rotation, first giving to the appropriator in such group a quantity of water equal to the combined appropriations as the appropriators in said group or system for the length of time bearing the same ratio to the whole time required to make the complete rotation through the whole group of appropriators, bears to the combined appropriation of said group, and shall next serve another appropriator with a like quantity of water for his proportionate time, and so on, until all 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, that no system of rotation shall be established by the water master without the consent of the water users, except by order of the court, after opportunity to be heard. Third, or, where two or more appropriators agree as between themselves as to the manner of said rotation in the use of water, said water master shall distribute the water in accordance with such agreement; 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 said appropriators with the water master.

That paragraph #115 of the Findings of the State Water Board shall be modified to read as follows:

That the head of water diverted by the individual appropriators hereinafter in the tabulation named, shall be governed by the number of acres which said appropriators irrigate, and such diversion shall be sufficient in all cases to irrigate the land under irrigation, and where such water is used for other purposes than irrigation, the head of the water shall be limited to the quantity designated in said tabulation; provided, that for Big Creek, Goose Creek, Daly Creek, and all gulches and draws that are not regular flowing streams, and all such tracts not exceeding 10 acres, the head of water to be diverted for the use of irrigation upon any land hereinafter in the tabulation described by the water users, shall be limited to such an amount as shall be necessary to beneficially irrigate the land, not to exceed one-twentieth of a second foot, or its equivalent, two inches under six inch pressure, miners measurement, to the acre, and for all other streams herein adjudicated, the head of water diverted shall be sufficient to beneficially irrigate the lands, not to exceed one-fourteenth of a second foot, or its equivalent, one inch under six inch pressure, miners measurement, per acre, continuous flow; provided further, that the court hereby reserved the jurisdiction to at any time in the future make any orders and decrees necessary to cover extraordinary loss by seepage and evaporation; provided further, that in all cases where the capacity of the ditch does not equal the maximum head of flow here allowed, that this finding shall not operate to give any water user or water users using said ditch, more water than their present appropriation, and provided further that no diversion beneficially used shall be limited so long as prior appropriations are not interfered with.

#### VI.

That the exceptions of R. R. Palmer and H. E. Denham to the decree, filed by said R. R. Palmer, and H. E. Denham, are fully settled in the modification of the general Findings of the Board hereinafter set forth.

#### VII.

That the exception of Fred Lamprecht is settled in the tabulation herein set forth and it appearing that such change would effect only G. L. Bowman, and said G. L. Bowman was duly notified by said exceptions and appeared not in opposition to the same, said amendments as to the date in changing the same from 1883 to 1880 is allowed and

settled as set forth in the tabulation hereinafter set forth.

#### VIII

That the exception of S. C. Mann was as to a certain acreage and dates, and such exception is settled as is shown in the tabulation herein set forth.

#### IX.

That the exception of Walburga Lachner is settled by the general modifications of the general findings of the State Water Board herein set forth.

#### X.

That as to the exception of J. W. Adams, Finding #29 of the State Water Board shall be modified so as to read as follows:

Contest #19. Harlow J. Evans, Herman E. Jordan, Mary E. Jordan, John Steiger, J. W. Adams, Wm. T. Buchanan, Martha Buchanan, W. A. Buchanan, Pansy Buchanan, and Hattie Baisley, executrix of the estate of Perry Baisley, deceased, contestants, vs. Pocahontas Farmer's Ditch Company, a corporation, contestee, was heard, and the parties hereto offered evidence and all of the testimony was taken down, reported and filed herein, and it appearing that the lands irrigated by the parties hereto are situated at the foot of Powder River mountains, west of the City of Baker, and from the numerous canyons of said mountains and from the bases thereof, flows numerous streams and numerous springs; that Mill Creek is situated farthest north of said Creeks in question, and is sometimes known as Waggle Creek; then Marble Creek in the center of the district, and Salmon Creek the farthest south in said district. That the waters of Mill, Marble and Salmon Creeks, together with the springs that rise along the side hills have heretofore been used by the irrigators in this district; that all of the waters of Mill Creek can be turned into Marble Creek, and all of the water of Marble Creek can be turned into Mill Creek. That the place of turning the waters of Mill Creek into Marble Creek, or the waters of Marble Creek into Mill Creek, as the irrigators may desire, is located below the Nelson Ditch, but above all of the irrigated lands of said stream; that the waters of Marble Creek can be turned into Salmon Creek at what is known as Kelley Slough, and at a point below where said Mill Creek can be turned into said Marble Creek, and just above the Evans place. That such method has been carried on since irrigation began to be followed to any extent in this district. That the contestants, Harlow J. Evans, Herman E. Jordan and Mary E. Jordan, have a water right out of Mill, Marble and Salmon Creeks for



128.7 acres with a priority of 1864; 8 acres with a priority date of 1875, and 4.78 acres with a priority date of 1906. That contestant John Steigert has a water right out of Salmon Creek, for 80 acres as of a priority date of 1867, and out of Mill or Waggle Creek for 20 acres, of a priority date of 1867, and out of Spring Creek, Landreth Springs and other small springs for 140 acres as of the date of 1867. That the water rights of J. W. Adams for the SW<sup>1</sup>/<sub>4</sub> of Section 24, Twp. 8 S., R. 39 E., N. 4, are as follows: From Mill and Waggle Creek and a stream which is called Spring Creek, under date of 1867, for 110 acres; from Salmon Creek for 50 acres in said SW<sup>1</sup>/<sub>4</sub> with a priority date of 1867, and for the NE<sup>1</sup>/<sub>4</sub> of Section 3, Twp. 9 S., R. 39 E., N. 4, the water right shall be with a priority date of 1867 from Salmon and Spring Creeks, and certain springs located in the E<sup>1</sup>/<sub>4</sub> of SW<sup>1</sup>/<sub>4</sub> of Section 3.

That W. A. Buchanan and Pansy Buchanan have a water right from Salmon Creek for 20 acres as of the date of 1871, and 14 acres as of the date <sup>of</sup> 1873. That W. T. Buchanan and Martha Buchanan have a water right from Salmon Creek for 20 acres as of the date of 1871, and 18 acres as of the date of 1873. That the estate of Perry Baisley has a water right from Salmon Creek for 75 acres as of the date of 1864, and from Salmon Creek, sloughs, Waggle or Mill Creek and Spring Creek for 365 acres as of the date of 1867, and 190 acres as of the date of 1896.

That the Pocahontas Farmers Ditch Company delivers water to its stockholders, and such water is taken from Mill, Marble and Goodrich Creeks under date of 1906; that for some of the stockholders the water is used as a supplemental supply, while for others, it is used as of that date; that State Engineer's Permit #1339 for the same lands, does not work an abandonment of the rights theretofore acquired. The stockholders and water users from Pocahontas Farmers Ditch Company are as follows:

A. Caviness has a water right from Salmon Creek and Hibberd Creek for 68 acres as of the date of 1866; 5.28 acres as of the date of 1906, with a supplemental supply from Pocahontas Farmers Ditch with a priority date of 1906 for all the lands. John H. Lew has a water right from Hibberd and Salmon Creeks for 62 acres as of the date of 1866, and 12.28 acres as of the date of 1906, with a supplemental supply from Pocahontas Farmers Ditch with a priority date of 1906 for all the lands. A. N. Young has his whole water right for all of his water from the Pocahontas Farmers Ditch as of the date of 1906. J. M. Masters has a water right for water from certain springs and seepage on his own land and upon the lands of A. N. Young, for 165 acres as of the date of 1872, and 75 acres as of the date of 1906, with a supplemental supply from Pocahontas Farmers Ditch with a priority date of 1906, for all the lands. The lands.

of G. F. Gardner and J. W. Adams have all their rights from the Pocahontas Farmers Ditch of the date of 1906. That Fountain Seacat has a water right from Washington Gulch with a priority date of 1867 for 40 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ , 4 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$  and 38 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 10, T. 9 S. R. 39 E. W. M., and also a water right through the Pocahontas Farmers Ditch for 120 acres with a priority date of 1906, for the lands described in the tabulation under the Pocahontas Farmers Ditch, 15 acres of which is an original water right and the balance of the 120 acres is supplemental to Washington Gulch. The land of David Lee, coming under the Pocahontas Farmers Ditch, being the NE $\frac{1}{4}$ SW $\frac{1}{4}$  and SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 2, T. 9 S. R. 39 E. W. M., use the water from such ditch only as a supplemental supply, under a priority date of 1906. The lands of D. P. Indermuhl use the waters from said ditch for a supplemental supply for that part of the lands described as SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 2, T. 9 S. R. 39 E. W. M., and is an original right for 50 acres as of the date of 1906 as tabulated under the Pocahontas Farmers Ditch.

That Mill Creek is a tributary of Salmon Creek and enters Salmon Creek in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Sec. 35, T 8 S. R. 39 E. W. M., which is upon the lands of the estate of Perry Baisley. That Marble Creek is a tributary of Salmon Creek and enters Salmon Creek in the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Sec. 4, T 9 S. R. 39 E. W. M., upon the lands of Evans & Jordan.

That no appropriation of water from Salmon Creek above the point where any tributary joins Salmon Creek appropriated any of the waters of such tributary by reason of the conveyances of water of such tributary by mining ditches and discharging the water into Salmon Creek above the diversion point of such appropriation. That in the distribution of water, the water master shall establish such a system of rotation as will best serve all the irrigators, having regard for all right.

#### II.

That the exceptions of John H. Lew and E. J. Lew, and the heirs of John Lew, deceased, are settled by the stipulation of the parties interested, which in addition to said Lews, are S. B. Baisley; and it appearing to the court that no other parties are interested in said exception, the court finds that the Findings of the State Water Board #84 should be, and the same is hereby stricken out, and the tabulation of water rights of said exceptors should be as set forth in the tabulation herein.

#### XII.

That the exceptions of J. M. Polly, J. J. Polly and W. J. Polly, are settled by the general modifications herein.

XIII.

That as to the exceptions of Amos Gard to the Findings of the State Water Board, Finding #20 is modified so as to read as follows:

Contest #10. Amos Gard, contestant, vs. Ross Wilson and H. Van Hordheim, contestees was stipulated to the effect that the contestant have a date of priority for the waters claimant may divert from Beaver Creek or Willow Creek, prior in time to that of the contestees, and the tabulation hereinafter set forth shall so state this in accordance with said stipulation, and it further appearing that the contestant has heretofore used the water in the irrigation of his premises in a manner that such water finds it may into the channel of said creek, and said contestant has so agreed to use such water in the future in consideration of this stipulation, the water master shall distribute the water to said contestant under such date of priority, so long as the use of such water by said contestant is carried on in said manner. That the modification of the general Findings of the State Water Board settles the objection to Finding #109, and the stipulation between Amos Gard and George P. Dyle on file, modifies the tabulation, and such tabulation of the water rights of said George P. Dyle, shall be as herein tabulated.

XIV.

That the exception of Cynthia C. Thomason is settled by the modification of the general findings herein.

XV.

That the exception of W. L. Smith is settled by the modification of the general Findings herein.

XVI.

That the exception of Florence Sherred is settled by the modification of the general Findings herein.

XVII.

That the exception of W. A. Jackson is settled by the modification of the general Findings herein.

XVIII.

That Flavius Perkins, A. B. Perkins, Geo. M. Caviness, Emma A. Caviness and J. W. Phillips in settlement of an exception entered into a stipulation wherein it was stipulated that the rights of Flavius Perkins under date of 1864, should be subject to the rights of Geo. M. Caviness, Emma A. Caviness and J. W. Phillips, out of spring creek, save during the month of June, when all of the rights of the stipulators, as between them shall be considered as equal.

XIX.

That A. R. Zeller petitioned to have his water right segregated from the water right of the East Baker Irrigation and Milling Company; that such segregation reduces the 120 acres irrigated by the East Baker Irrigation and Milling Company to the Lots and Blocks in the City of Baker, to 90 acres. The rights are therefore described as in the tabulation herein set forth.

XX.

That as to the exception of Frank L. Kelley, it appears that the tabulation of his water right is in accordance with his claim, but that said claim is erroneous; such tabulation is modified in accordance with the tabulation herein set forth.

XXI.

That the exception of P. A. Moody to Findings #109, 114, 115, and 116, were settled in the modification of said findings herein; that Finding #30 shall be modified so as to read as follows:

Contest #20. Andy Augustus, David T. Allen, C. E. Barber, W. E. Barber, M. E. Beck, W. T. Bennehoff, A. E. Bennehoff, Geo. Binheimer, Susie Binheimer, Rachel Bradford, Eugene Brown, H. T. Babcock, Cora M. Blue, J. W. Carnahan, Eugene Chandler, Bertha Corson, John Chapman, David H. Conrad, C. H. Craig, Ianthus Chandler, David Clark, Charles Coble, T. A. Cobb, George W. Coble, M. J. Cropp, W. C. Cunniff, G. A. Davis, J. A. Davis, W. J. Densley, Eleanor Duffey, Ascenith Evans, George W. Evans, Eagle Valley Cemetery Association, Eagle Valley Cannery, a corporation, John Fraser, Medora L. Givens, Rebecca Gover, W. L. Gover, Walter A. Gover, B. A. Gover, Julia Gibson, George W. Gordon, Leonard Goss, J. P. Halley, Amelia Hartley, Joseph Hartley, Candace E. Holcomb, Corintha E. Holcomb, J. N. Holcomb, Charles A. Howell, Jennie Healey, L. M. Healey, F. G. Hewitt, Howell Ditch Company, a corporation, Dry Gulch Ditch Company, a corporation, Nash Ditch Company

a corporation, Waterbury and Allen Ditch Company, a corporation, J. G. Jasper, E. G. Jasper, Fannie Jennings, George W. Jones, Laura A. Jones, Alberta Kendall, Oscar Kendall, Mary Kirby, W. W. Kirby, Paul Knoblauch, Mary Long, Minnie E. Martin, R. A. Masterson, P. A. Moody, Henry Moody, George M. Moody, Oram Moody, T. L. Morris, M. H. Mulvhill, Charles W. Perry, John B. Perry, D. A. Phillips, D. A. Rindard, Laura A. Saunders, G. B. Saunders, Sam Q. Saunders, W. G. Saunders, W. S. Saunders, I. H. Saunders, successor of R. J. Kitchen, School District #44, successor of L. G. Morgan, Charles W. Scott, D. N. Strayer, Pete Sass, C. C. St. John, E. N. Shoemaker, Mary J. Simonis, Eyla Stone, J. L. Stone, Elmer Schults, J. W. Sharp, George Sharp, Pearl Siber, Emma Sullivan, Eugene Sullivan, W. E. Summers, heirs at law of Sam Gover, deceased, heirs at law of H. P. Swisher, deceased, Frank Thompson, Emma Thompson, Joel O. Tuttle, W. R. Usher, Virginia A. Usher, Mat Welter, Leonard Williams, Henry Williams, W. P. Williams, Fannie H. Wright, J. T. Wright, W. B. Wright, Winter Wright, I. N. Young, Henry L. Ziegler, Sam Summers, successors of heirs at law of Charles and Zarissa K. Zeigler, deceased, A. E. Whittier, Jasper Thompson and St. Elizabeth's Hospital, a corporation, contestants, vs. George Grant, Trustee, Contestee. Was stipulated to the effect that the contestee should take all of the waters awarded it in these proceedings from West Eagle Creek and the natural tributaries thereof flowing into said stream above the head of what is known as the Sparta Ditch, and any and all of the feeders of said Sparta Ditch, heretofore and now feeding said ditch, and that said contestants may be awarded all other waters constituting Eagle Creek, including all waters of what is known as Middle Fork of Eagle Creek, and including all other sources of water supply, save and except as hereinbefore mentioned. And it appearing that the contestee is the successor in interest, and owner of the water right used in connection with the Sparta & Hoagum Ditches; that in 1863 water was appropriated and thereafter used through the Hoagum Ditch, and that in November, 1870, William H. Packwood and Alex Stewart posted a notice on Eagle Creek appropriating 3,000 inches of water for which is known now as the Sparta Ditch. That thereafter the Sparta Ditch was surveyed, and on the 11th day of May, 1871, construction of said ditch was begun and water was run through said ditch to the town of Sparta, Oregon, on the 14th day of October, 1871. That said appropriation was for domestic, mechanical, mining and irrigation purposes. That upon the completion of said ditch there was at one time 800 miners inches of water delivered to the water users out of said ditch, and the diversion of said water into said ditch, at the time same was used to full capacity, was between 1,000 and 1,500 inches. That in 1871 the Hoagum Ditch was extended to empty its waters into the Sparta Ditch, and was purchased by the owners of said Sparta Ditch at said time. That thereafter, and until the present

time, said Hoagum Ditch has been used as a feeding ditch to said Sparta Ditch, and especially for the purpose of running water into said Sparta Ditch which would be picked up by said Hoagum Ditch from the melting snows during the spring thaws, and from the canyons that flowed water during the thaw, and this use was especially made at a time when the head of the Sparta Ditch and of the Hoagum Ditch were not thawed out so as to permit the diversion of water from the creek. That the early flow of the waters picked up in said thaw by said Sparta Ditch and said Hoagum Ditch, furnished a sufficient amount of water to supply said Sparta Ditch, until the heads of the ditches were thawed out, and that thereupon the water would be delivered from the head of said ditch. That from the building of said ditch, until 1914, the waters of said Sparta Ditch was sold each year by the owners thereof, for the purpose of domestic, mining, power and irrigation use. That beginning with the year 1915, the owners of said ditch proposed to apply the water from said ditch partly upon the lands described in the tabulation hereinafter, amounting to 1500 acres; that 750 miners inches of water delivered on the land is sufficient to irrigate the lands proposed to be irrigated. That the change of use of water from sale for domestic, mining, power and irrigation use, to an irrigation use, does not infringe upon the rights of any other water user from Eagle Creek, and in making said change said George Grant, Trustee, and the Water Users from said Sparta Ditch have the right to use a reasonable time for making said change without losing their date of priority. That five years is such a reasonable time, and the lands to be irrigated in making such change shall be tabulated herein under the head of Inchoate Rights.

And it further appears that the description of the lands in the tabulation of the findings of the State Water Board is erroneous, and the tabulation shall be modified so as to show the water right of P. A. Moody as tabulated herein.

#### XXII.

That the exceptions of Fannie H. Lee (Wright) is settled by the modification of the general findings #30, 109, 114, 115 and 116, herein set forth. And it further appears that said Fannie H. Lee irrigates 40 acres in NW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>; 32.5 acres in SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>; 18 acres in SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>; through the Kay Young Ditch, and the balance of her land through the Gover Ditch, and it is ordered that said findings shall stand as thus amended.

#### XXIII.

That as to the exceptions of James Engum (successor of Jos Gouty) it appears that the modification of the general findings hereinafore set forth settled his objections.

except as to the change of acreage, and such change shall be set forth in the tabulation herein.

XXIV.

That the exception of W. B. Wright is settled by the modification of the general findings, except as to the change of acreage, which is as set forth in the tabulation herein.

XXV.

That as to the exception of David T. Allen, et al, in accordance with the order of this court all of the parties affected were notified and appearances were made by the Dry Gulch Ditch Company, and J. O. Bowen; that the parties appearing consented to the general modification of the general findings as herein set out, and such modifications of said findings #30, 109, 114, 115 and 116, settled said exceptions.

XXVI.

That as to the exception of Iva M. Clarke, et al, the modification of the general findings #30, 109, 114, 115 and 116 settled said exceptions and objections.

XXVII.

That as to the exception of Lovell Gover, successor to W. L. Gover, the modification of the general findings #30, 109, 114, 115 and 116 settled said exceptions, except as to the modification of the acreage and such acreage is hereby modified so as to show 20 acres as irrigated through the Hewt Young Ditch, 10 acres through the Moody Ditch and 10 acres through the Kay Young Ditch.

XXVIII.

That as to the exception of Ianthus Ohandler the modifications of findings #30, 109, 114, 115 and 116, settles said exceptions, except as to the change of dates and acreage which should be modified so as to decree his water right as in the tabulation herein set forth.

XXIX.

That the exceptions of Ascenith Evans is settled by the modification of finding #30, 109, 114, 115 and 116, herein set out, except as to the acreage, and that acreage shall be modified as in the tabulation herein set forth.

XXX

That the exception of Virginia A. Usher is settled by the modification of general findings #30, 109, 114, 115, 116 herein <sup>contained</sup> ~~contained~~ it further appears that said exceptor desires the acreage to be segregated among the ditches; that the exceptor irrigates 10 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$  and 22 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$  through the Kay Young Slough; 30 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ ; 13 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ ; through the Kay Young Ditch, and 15 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$  through the Gover Ditch.

XXXI.

That the exception of W. E. Summers is settled by the modification of Findings #30, 109, 114, 115, 116 herein contained; it further appears that the exceptor desires the acreage segregated as irrigated under each ditch, and it further appears that the exceptor irrigates 1.5 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ , 2.5 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$  from the Waterbury Ditch, 2.5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$  and 7.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$  from the Holstine Ditch.

XXXII.

That the exception of I. N. Young is settled by the modification of the general findings herein, except as to the acreage, and that the acreage <sup>should</sup> be as set forth in the tabulation herein. It further appears that W. J. Densley irrigated land in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 15, and claimed 5 acres, show 2 acres and his claim shall be modified as in this tabulation shown.

XXXIII.

That the exception of G. B. Sanders is settled by the modification of the general findings herein, except as to the acreage; that the acreage shall be modified in accordance with the tabulation herein set out.

XXXIV

That as to the exception of T. N. Proffitt the modification of the general findings herein settles the said exceptions.

XXXV.

That the exception of C. A. Tibbs, et al., is settled by the modification of the general findings herein.



XXXVI.

That the exception of George M. Brown is settled by the modification of the general findings herein.

XXXVII.

That the exception of J. W. Phillips is settled by the modification of the general findings herein.

XXXVIII.

That as to the exception of Bessie Palmer it appears that her lands were included in the tabulation under the name of Howell Ditch Company; it further appears that 10 acres owned and irrigated by the exceptor is in the SE<sup>1</sup>/<sub>4</sub> Sec. 35, T 9 S., R 45 E. W. M., and in order to segregate said land from that of the Howell Ditch Company the description of said water rights shall be as in the tabulation herein contained.

XXXIX.

That the petition of intervention of Lonella Kissell is allowed and her claim shall be tabulated in the tabulation herein set out.

XL.

That Ed Augustus, successor in interest to Anthony Augustus, filed exception to the description of his land and such description is hereby corrected and is as in the tabulation herein contained.

XLI.

That W. H. Strayer intervenes for himself for the purpose of stock and domestic water and for irrigation upon certain lands; such intervention is allowed, and his right is as in the tabulation herein contained.

XLII.

That the exceptions of Charles A. Harvill to the findings of the State Water Board have been withdrawn, and said exception is settled thereby.

XLIII.

That Mary J. Simonis excepted to the findings of the State Water Board, and it appears that the description of the lands irrigated in the findings of the State Water Board is erroneous, and such description is as in the tabulation herein set forth.

XLIV.

That Geo. D. Simonis filed a petition for intervention. Said petition is allowed and his rights are settled as in the tabulation herein contained.

XLVI.

That F. E. Sewall filed a petition for intervention. Said petition is allowed and his rights are settled as in the tabulation herein contained.

XLVII.

That J. F. James and John Campbell filed a petition of intervention to have their rights designated through the New Home Ditch; such petition is hereby allowed, and said rights are tabulated and described in the tabulation herein.

XLVIII.

That the exception of Walter J. Burns, trustee, successor to Baker Irr. Co. is settled by the modification of the general findings herein contained.

XLIX.

That the exceptions of S. O. Correll are settled by the modification of the general findings herein.

L.

That the exceptions of Edgar I. Hindman, et al., are settled by the modification of the general findings herein except as to Edgar I. Hindman who is successor in interest to Emma Baldock; the tabulation of the findings of the State Water Board set forth the date of priority of Emma Baldock as 1879, and the same is hereby changed and settled as of the date of 1864.

LI.

That as to the exceptions of Geo. E. Chandler, it appears that the findings of the State Water Board fixed the date of priority for 204.3 acres as of 1879, such date of priority is hereby changed and settled as of the date of 1864. And it further appears that 755 acres, irrigated through ditches #5, 7 and 16 had a date established by the findings of the State Water Board as of 1879, said date is hereby changed and settled as of 1864.

LII.

That as to the exceptions of the Cranston Land Company it appears that the Cranston Land Company is the owner of irrigated lands as follows: 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ ; 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$  Sec. 9, T 9 S.R. 40 E.W.M., 2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ ; 36 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ ; 24 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ ; 18 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$  and 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 10, T 9 S.R. 40 E.W.M., that said Cranston Land Company's predecessor in interest has irrigated said lands since 1887 through the Bamberger Ditch under the date of priority of 1887, and that said date of priority for the Cranston Land Company is hereby settled as of the date of 1887. It further appears that this land is tabulated by the State Water Board in its findings under the name of East Baker Irrigation & Milling Company as irrigated through the New Home Ditch, and said irrigation through the New Home Ditch under date of 1904 is a supplemental right to the irrigation of such land by said company. The right of irrigation of said lands by said Cranston Land Company shall at all times be inferior to the rights of Madella E. Reynolds, T. B. Perkins, J. P. Perkins and G. H. Perkins, heirs of E. P. Perkins, to the use of water from Powder River through the Perkins Ditch #2 for the irrigation of 20 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$  and 19 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$  Section 20, T 8 S. R. 40 E. W. M. That said land of the Cranston Land Company and East Baker Irrigation and Milling Company by this finding is changed so as to read as set forth in the tabulation herein contained.

LIII.

That as to the exception of F. W. Eppinger and Charles Eppinger the date of priority of 1879 for 160 acres through the Estes Ditch is hereby changed to 1864, and the date of F. W. Eppinger of 1879 for 80 acres through the #4 ditch is hereby changed to 1865.

LIV

That as to the exception of Harvey Harrison, the date of 1879 is hereby changed to 1871.

LV.

That as to the exception of J. M. Goble and W. K. Goble it appears that Dunham Wright was the only party interested in said exceptions as contestee in said matter and the exceptors and contestee have filed a stipulation; in accordance with the terms of said stipulation it is found that J. M. Goble and W. K. Goble are entitled to the West Prong of Hot Springs Creek or Warm Springs Creek, a tributary of Big Creek, and that Dunham Wright is entitled to divert water as designated in the tabulation and the findings of the State Water Board from the East Prong of Hot Spring Creek or Warm Spring Creek only.

LVI.

That as to the exceptions of J. E. Horn the date of priority of J. E. Horn of 1897 is hereby changed to 1871.

LVII.

That as to the exception of Mary Landreth the date of priority of May 6th, 1876 for 60 acre is hereby changed to 1869, and the priority date of 1879 for 157 acres is hereby changed to 1865.

LVIII.

That as to the exception of Thos. Mack and William Pollman, it appears that William Pollman has purchased the interests of Thos. Mack, and that any certificate of water rights should be issued in the interests of William Pollman, and the priority date of 1879 through the Estes Ditch is hereby changed to 1865.

LIX.

That as to the exception of Orrin R. Osborn the priority date of 1879 for 30 acres is hereby changed to 1863, and the date of May 6th, 1876, is hereby changed to 1863.

LX.

That as to the exception of S. Osborn the priority date of May 6th, 1876, for 183.8 acres is hereby changed to 1866, and the priority date of 1879 for 280 acres through the Estes Ditch is hereby changed to 1863.

LXI.

That as to the exception of Armand W. Perkins the priority date of 1879 is hereby changed to 1866.

LXII.

That as to the exception of G. H. Perkins the priority date of 1879 for 155 acres is hereby changed to 1865.

LXIII.

That as to the exceptions of the E. P. Perkins heirs, the date of priority of May 6th is hereby changed to 1866, and the date of priority of 1879 for 141 acres is hereby changed to 1866.

LXIV.

That as to the exception of Nancy E. Toney, the date of 1879 for 240 acres of land is hereby changed to 1867.

LXV.

It further appears that the foregoing changes of dates modified Finding #47 of the State Water Board, and said Finding is hereby changed and modified in accordance with said dates; that the following users of water through the Geddes-Osborn & Chambers Ditch being named in the findings of the State Water Board as Clayton Coleman, J. A. Geddes and Wm. Pollman, Mary Landreth, Orrin R. Osborn, S. Osborn and the heirs of E. P. Perkins have stipulated that as between themselves, the water used through said ditch shall be distributed equally in proportion to the acreage without regard to the dates of priority, and the water master shall so distribute the water from said ditch.

And it further appears that the following water users from the Estes Ditch, Emma Baldock, Rose L. Bowen, Geo. Chandler, F. W. Eppinger, Charles Eppinger, Mada V. Ferguson, J. E. Horn, Mary Landreth, Thos. Mack and Wm. Pollman, Orrin R. Osborn, S. Osborn, Armand W. Perkins, Nancy E. Toney, and E. P. Perkins, heirs of G. H. Perkins and

Harvey Harrison, stipulated that the use of water through the Estes Ditch should be equal in proportion to the acreage without regard to the dates of priority, and the water master shall distribute such water in accordance with said stipulation, and finding #47 is hereby modified accordingly.

LXVI

That the exception of the Powder River Gold Dredging Company is settled by the modification of the general findings herein.

LXVII.

The exception of J. L. Masters, et al., is settled by the modification of the general findings herein.

LXVIII.

That the exception of S. B. Baisley et al., is settled by the modification of the general findings herein,

LXIX.

That as to the exception of M. S. Hughes the dates of priority of said M. S. Hughes are hereby changed to read as follows: 25 acres as of the date of 1878; 110 acres as of the date of 1883 and 25 acres as of the date of 1902.

LXX.

That the exception of the Pocahontas Farmer's Ditch Company is settled by the modification of the general findings herein.

LXXI.

That the exception of the City of Baker, et al., in the nature of an intervention asking that the water right for about 25 acres of said City lots and blocks and the City Park be granted to the said exceptors through the east side ditch; that all of said lands are within the corporate limits of the City of Baker, and that the date of priority for such irrigation is November 5th, 1892, and said right is herein so tabulated.

That as to the exception of Harlow J. Evans, Herman E. Jordan and Mary E. Jordan, the acreage of 6.72 acres under date of 1906 is hereby changed to 8 acres and the acreage in the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Sec. 4, is changed to 8 acres, and the acreage of A. Caviness under date of 1906 is changed from 5.28 acres to 4 acres, and the acreage in the NW $\frac{1}{4}$ SE $\frac{1}{4}$  is changed from 33.28 acres to 32 acres.

LXXIII.

That the exception of Margaret W. Blackburn, et al., settled by the modification of the general findings herein, except as hereinafter set forth, that P. J. Brown is hereby allowed an additional acreage as follows: 18.5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$  and .5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Sec. 23, T 8 S. R. 42 E. W. M.

LXXIV.

That the priority date of W. H. Colton under the Powder River Ditch, Dam and Construction Company should be changed from 1888, 172 acres and 1900, ~~222~~ <sup>222</sup> acres, to 1888 for 222 acres. That the priority dates of C. P. Colton under the Powder River Ditch, Dam and Construction Company of 1888, 84 acres; 1900, 35 acres, is hereby changed to 1888 for 99 acres.

That the priority date of J. H. B. Harrington and Gracie C. Harrington under date of 1912 for 41 acres is hereby changed to 1888 for 41 acres. That the date of priority of Thomas H. Hewlet of 1888 for 40 acres and 1903 for 171 acres is hereby changed to 1888 for 211 acres.

That there should be added to the tabulation a water right of Geo. W. Hutton under a priority date of 1880 for 9 acres through the Basch Ditch for the following described lands: 9 acres in the E $\frac{1}{2}$ NE $\frac{1}{4}$  of Sec. 19, T 8 S. R. 42 E. W. M., that the dates of Arthur Oliver of 1888 for 125 acres and 1906 for 202.5 acres is hereby changed to 1888 for 327.5 acres. That the priority date of Melville M. Palmer of 1909 for 20 acres through the Basch Ditch is hereby changed to 1880, and the priority of 1903 for 9 acres under the Duncan Ditch is hereby changed to 1880. That the dates of priority of F. A. Phillips of 1889 for 174 acres, 1886 for 132 acres and 1902 for 30 acres is hereby changed to 1880 for 336 acres through the Basch Ditch, and the date of priority of 1906 for 105 acres through the Cranston Ditch is hereby changed to 1901. That the date of priority of B. F. Sturgill of 1911 for 57 acres through the Basch Ditch is hereby changed to 1880. That the date of priority of Francis H. Sturgill of 1890 is hereby changed to 1880. That the date of priority of S. D. Sturgill of 1880 for 60 acres. 1890 for 23 acres is hereby changed to 1880 for 163 acres. That the date of priority of Cyrus Turner of 1880 for 15 acres, 1890 for 48.5 acres through the Basche Ditch is hereby changed to 1880 for 63.5 acres. That the date of priority of A. N. Young of 1893 for 60 acres through the Basche and Upper Ditch is hereby changed to 1880.

LXXIV.

The exception of Alexander McDougall, et al., is settled by the modification of the general findings herein.

LXXVI.

That as to the exception of S. B. Baisley et al., it appears that A. Caviness and Hattie Baisley are interested in said modifications and that a stipulation was filed and signed by all parties interested; that Hattie Baisley is the successor in interest to John H. Lew for the lands irrigated in the E $\frac{1}{2}$  of SE $\frac{1}{4}$  of Sec. 4, T. 9 S., R. 39 E. W. M., through the Pocahontas Farmer's Ditch Company, and that A. Caviness irrigates land through the Pocahontas Farmer's Ditch Company, and in accordance with said stipulation, the rights of Hattie Baisley and A. Caviness for the lands so irrigated through the Pocahontas Farmer's Ditch Company are hereby settled as being subsequent in right to the rights of S. B. Baisley, J. H. Baisley and the Perry Baisley estate, in so far as Hibbard and Salmon Creeks are concerned, and said Hattie Baisley and A. Caviness shall retain their dates of priority in regard to the other streams from which they take water.

LXXVII.

That as to the exception of George and Ebenezer Burr the date of priority is hereby changed from 1908 for 240 acres to 1898 for 70 acres and 1908 for 170 acres.

LXXVIII.

That the claim of W. F. Hendricks of La Grande, Oregon, to the waters of Antelope Creek were omitted from the findings of the State Water Board, and his water rights are hereby established as in the tabulation herein set forth.

LXXIX.

That Arthur Oliver and George F. Johnson filed an agreement wherein Arthur Oliver's date of priority to the use of water from Houghton Creek should be subsequent to the rights of said Geo. F. Johnson, and in accordance with such stipulation the priority date of Arthur Oliver of 1874 for 30 acres is hereby changed to 1876.

LXXX

That the exceptions of John M. Burnside are hereby allowed, and the priority date of May 1st, 1898 is hereby changed to May 1, 1889.



LXXXI.

That D. J. Davis excepted to the findings of the State Water Board as to the water diverted for his irrigation and said findings are modified so as to show that the water diverted for the irrigation of the land of said D. J. Davis through the McEwen Valley Irrigation Company's Ditch is diverted from Powder River instead of Ritter Creek.

LXXXII.

That Geo. W. Martin, Troy E. Cox and Emma Cox filed a statement with the Water Board as to the waters used from the Dry Gulch<sup>Ditch</sup> and Waterbury Allen Ditch by said exceptors, and such exception will be satisfied upon the completion of their water right under the State Engineer's permit held by said Dry Gulch Ditch Company and the same is hereby denied.

LXXXIII.

That the exception of J. L. Edmiston shows that his claim was omitted from the findings of the State Water Board, and the same is here now set forth in the tabulation hereto attached.

LXXXIV.

That as to the exception of Earl F. Cranston and A. N. Ingle, it appears that the Sparta Irrigation Company have joined in said exception and ask that the decree of the Circuit Court of the State of Oregon for Baker County, in the case wherein the Sparta Irrigation Company were plaintiffs, and Earl F. Cranston and A. N. Ingle were defendants, be set forth as a part of Finding #31; that said decree is in words and figures as follows:

"IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR BAKER COUNTY."

Sparta Irrigation Company, a  
corporation,

Plaintiff

vs

E. F. Cranston and A. N. Ingle,

Defendants.

FINAL DECREE

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This cause comes on this 5th day of November, 1915, upon the amended motion of plaintiff for amendment of the FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECREE heretofore given and made herein, the plaintiff appearing by Messrs. Smith & Smith, their attorneys and the defendants appearing by Messrs. W. S. Levens, W. H. Strayer, and James E. Nichols, their attorneys, and all parties to this suit now and here consenting in open court, that the decree heretofore given and made herein, may be amended as hereinafter set forth and that as so amended it may stand as a final judgment and decree of this

court and in lieu of said former judgment and decree, now, therefore, in accordance with said stipulation and consent,

IT IS CONSIDERED, ORDERED, ADJUDGED AND DECREED, that plaintiff is the owner and entitled to the uninterrupted use and possession of the certain ditch or canal known as Sparta Ditch, in the County of Baker, State of Oregon, extending from its head on the W. Fork of Eagle Creek at a point of about 3/4 of a mile south of the northwest corner of Section 21, township 6 South of Range 43 East W. M., running thence in a generally southerly and southeasterly direction or course a distance of about twenty-five miles for the purpose of conducting water therein from said west fork of Eagle Creek, a natural stream, and for using and letting the use of such water, for irrigation, mining and domestic purposes, and to and upon the lands of the stock holders of said plaintiff hereinafter described, and that plaintiff is also the owner of the right to divert, appropriate and use upon the said lands of the said stock holders, seven hundred fifty inches of the waters of said stream, the same to be measured and delivered under six inch pressure, miner's measurement, at the place of the use of the same, and that F. W. Tallmadge and L. W. Tallmadge, his wife, of said stock holders are to have the use and enjoyment of 376 1/2 inches hereof, the same to be appurtenant to the following described lands, to-wit: The southwest quarter of the northeast quarter, the west half of the northwest quarter, the southeast quarter of the northwest quarter, and the southwest quarter and the west half of the southeast quarter of section 25, Township 8 south R. 43 E. W. M., and the east half of the southwest quarter, and the southeast quarter of section 26, same township and range; the northwest quarter of the northeast quarter, and the northeast quarter of the northwest quarter, and the northwest quarter of the northwest quarter of section 36, same township and range.

That Maud E. Boyd of said stock holders shall have the use and enjoy 139 1/2 inches of said water as appurtenant to her lands, to-wit: The northeast quarter of section 35, and the southwest quarter of the northeast quarter and the southwest quarter of the northwest quarter, and the southeast quarter of the northwest quarter of section 36, all in township 8 S. R. 43 E. W. M.

That Arthur S. Boyd of said stock holders shall have, use and enjoy 76 1/2 inches of said appropriation as appurtenant to the southeast quarter of the northeast quarter of section 23; and the southwest quarter of the northwest quarter, and the southeast quarter of the northwest quarter and the northeast quarter of the southwest quarter of section 24, all in township 8 S. R. 43 E. W. M.

That P. E. Wyatt of said stock holders shall have, use and enjoy 78 inches of said appropriation as appurtenant to the southwest quarter of the northwest quarter, and the northwest quarter of the southwest quarter of section 7, in township 9 S. R. 45 E., W. M., and the southeast quarter of the northeast quarter, and the northeast quarter of the southeast quarter of section 12, township 9 S. R. 44 E. W. M.

That W. A. Wyatt, of said stock holders is to have, use and enjoy 79 1/2 inches of said appropriation as appurtenant to the northwest quarter of the northwest quarter of section 7, township 9 S. R. 45 E. W. M., and the southwest quarter of the southwest quarter of section 6 in said township and range, and the northeast quarter of the northeast quarter of section 12, and the southeast quarter of the southeast quarter of section 1, township 9 S. R. 44 E. W. M. All of said lands of said stock holders lying in Baker County, State of Oregon.

That the plaintiff is also the owner and entitled to the uninterrupted use and possession of that certain ditch or canal known as the Hogum Ditch conducting water and extending from a point on the west fork of Eagle Creek near the southeast corner of Section 8, Township 6 South, R. 43 E. W. M., and running thence in a general southerly and southeasterly direction to a point where the waters conducted in said ditch are diverted therefrom over the mountain side into Glendenning Creek, a small natural stream immediately below said point, and thence into said Sparta Ditch, and that plaintiff has the right to the use and possession of said ditch to said point for the purpose of slumping said Sparta Ditch and to flow into said Sparta Ditch by means of said Hogum Ditch, the additional volume of water incident to said process, and for the aforementioned uses and purposes; and that the portion of said Hogum Ditch originally constructed below the aforementioned point of diversion into said Glendenning Creek to a point below where defendants claim, has for more than 20 years been abandoned and not operated, except as reconstructed by defendants herein, and that plaintiff has no title to said lower portion.

That defendants are the owners and entitled to the uninterrupted use and possession of that certain ditch, designated and named by defendants as Goose Creek Ditch; extending along the line of the ditch originally constructed and named Hogum Ditch from a point on the Northeast quarter of Section 29, Township 6 South, R. 43 E. W. M., west of the spillway into which the waters conducted in said Hogum Ditch are diverted over said mountain side into said Glendenning Creek, and from said point to a point on said ditch line from which the quarter section corner on the north line of section, Township 7 S. R. 43 E. W. M., bears north fifty-six degrees, thirty minutes, west 1401 feet distant and that defendants have the right to build, construct and use said ditch for the purpose of conducting water therein to connect with Goose Creek at or about said land described point, for irrigation and domestic purposes.

It is further considered, ordered, adjudged and decreed, that defendants and each of them, their servants, agents, employees and any and all persons claiming by, through or under them or either of them be and hereby are, and each is, enjoined, inhibited, and restrained from claiming or asserting any right, title or interest in or to the portion of the hereinbefore described ditch and ditch line herein decreed to be the property of plaintiff, and from interfering with plaintiff in its use, possession or operation of said ditch as herein decreed to be the rights of plaintiffs; and the plaintiff, its officers,

agents, or servants and all persons claiming by, through or under it, be and hereby are and each is, restrained, inhibited and enjoined from claiming or asserting any right, title or interest in or to the portion of the hereinbefore described ditch or ditch line decreed to be the property of defendants, and from interfering with defendants in their use, possession or operation of said ditch as herein decreed to be the rights of defendants.

And the said parties now stipulate in open court that this consent decree is based in part upon the agreement and understanding of said parties that no action shall ever be begun by said defendants or their successors in interest for the purpose of exercising the eminent domain in the matter of enlarging or otherwise condemning said Hogum Ditch or any part thereof herein decreed to be the property of plaintiff, and the said parties now in open court consenting hereto.

IT IS FURTHER CONSIDERED, ORDERED, ADJUDGED AND DECREED, that defendant and any and all persons claiming by, through or under them or acting or assuming to act for them, should be and they are hereby forever enjoined, restrained and inhibited from ever instituting any action or other proceedings for the purpose of enlarging or otherwise condemning said portion of said Hogum Ditch as aforesaid.

IT IS FURTHER CONSIDERED, ORDERED AND DECREED that neither of the parties to this suit recover costs or disbursements from the other."

(Signed) Gustav Anderson,  
Circuit Judge.

And the rights of said parties are hereby established in accordance with said decree.

LXXXIV.

That as to the exception of E. F. Cranston and A. N. Ingle, relative to the Love-Cranston & Ingle Ditches it appears that a stipulation was entered into which stipulation refers to the rights of the parties through the Love-Cranston & Ingle Ditch, which are established as follows:

That at low water season said Cranston and Ingle shall have the priority date to the waters of Goose Creek, through the Cranston & Ingle Ditch over and prior to the rights of said W. S. Love and A. N. Ingle, and that said W. S. Love and A. N. Ingle shall have the right to divert the water arising in the Channel of Goose Creek at the head of Cranston & Ingle Ditch; that said W. S. Love and A. N. Ingle shall divide the waters arising below the Cranston & Ingle ditch, equally until the flow into said Goose Creek is but 20 inches at which time a full 20 inches shall be distributed by the water master to W. S. Love."

LXXXVI.

That the exceptions of C. L. Scott refer to the division of water under the stipulation filed, and it appears that said stipulation was signed by L. C. Grout, Charles B. Mays and C. L. Scott, and under and by virtue of said stipulation the water from the springs known as Kaylor Springs shall be divided one-half to Scott and one-half to Mays, and the water from the East Branch of Clover Creek shall be divided one-half to Scott and one-half to Grout, and each party shall have the use of all the water of the other branches of Clover Creek which comes onto their respective property, without interference from either of the other parties, and this division of water shall only apply to the irrigated lands described in the findings of the State Water Board, and only to that extent.

LXXXVII.

That as to the exception of Davis Wilcox it appears that said findings have left out of the tabulation the Wilcox-Favorite Ditch, and the Wilcox Ditch #2, through which said Davis Wilcox irrigates a part of his lands; that the rights through said ditches are established as follows: Through the Wilcox-Favorite Ditch, under date of 1897, for 80 acres in the S<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> of Section 8, Township 8 S.R. 39 E.W.M., and through the Wilcox Ditch No. 2 under the priority date of 1908, for 230 acres in Section 7, 8, 9 and 10, Township 8 S.R. 39 E.W.M.

~~SECTION~~ LXXXVIII.

That as to the exception of Rose L. Bowman, her date of priority is hereby changed from 1879 to 1864.

LXXXIX.

That as to the exception of Meda V. Ferguson her date of priority is hereby changed from 1879 to 1864.

LXL.

That as to the exception of Amy Lewis, her date of priority is hereby changed from 1879 to 1868.

LXLI.

That as to the exception of W. L. Patterson, his date of priority is hereby changed from 1879 to 1868.

LXLII.

That as to the exception of Earl B. Stephenson, his date of priority is hereby changed from 1879 to 1872.

LXLIII.

That as to the exception of J. C. Shields the date of priority should be changed from 1872 - 50 acres and 1876 - 70 acres, to 50 acres in 1872 through the Moddy Ditch and 50 acres in 1872 through the Lee Bros. Ditch, and 20 acres in 1876 through the Shields Ditch.

LXLIV.

That as to the exceptions of G. L. Bowman the land descriptions given in said findings are erroneous; the tabulation should be changed to read as tabulated herein.

LXLV.

That as to the exception of Josephine Hudspeath, it appears that the said Josephine Hudspeath is successor in interest to Martha J. Jennings for the NE $\frac{1}{4}$  of Section 19, Twp. 10 S. R. 38 E. W. M., and that the lands irrigated in said NE $\frac{1}{4}$  should be 17.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ ; 12.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ ; through the Duck Worth Ditch,

and 22.5 acres in the NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>; 27.5 acres in the NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>; 14.6 acres in SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, and 32 acres in SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> of said Section 19, and the rights of said Josephine Hudspeath are hereby settled as herein described.

LXLVI.

That as to the exception of Dan D. Jones, et al., Catherine Owens filed a demurrer to such exceptions; that said demurrer was overruled, and said Catherine Owens refused to make further appearance against said exceptions and that said exceptions are settled by the modification of the general findings herein.

LXLVII.

That the exception of W. A. Payton claims a priority of 1864 instead of 1866, and it appearing that such earlier date is the priority, the tabulation shall be changed to give said W. A. Payton the priority date of 1864.

LXLVIII.

That the exception of Elizabeth May is settled by the modification of the general findings herein.

XLIX.

That the exception of Hattie H. Olsen is settled by the modification of the general findings herein.

C.

That the exception of J. P. Atwood is settled by the modification of the general findings herein.

CI.

That as to the exceptions of W. A. Green, Asa L. Brown, John H. Richmond and Blanche Godobock, it appears that said exceptors filed an agreement concerning the use of the water upon their lands in the proceedings, which said agreement is on file at page 402, Volume 17 of the records of the adjudication of Powder River; that said agreement shall be considered as having been filed with the water master, and said water master shall rotate the water between said water users in accordance with said agreement until changed or abolished by agreement of said water users, or their successors in interest.

CII.

The petition of Jennie M. Kaist to intervene is hereby allowed as it appears that there are no conflicting rights against her claim and her rights are tabulated herein.

CIII.

The exception of Rosa B. Love, executrix of the estate of Walter S. Love appear to be settled by the modification of the general findings.

CIV.

The exception of W. S. Bowers have been withdrawn and are therefore denied.

CV.

G. F. Gardner and the heirs of Fountain Seacat have stipulated that when the waters flowing in Washington Gulch above the point of diversion of G. F. Gardner's upper ditch, aggregates or exceeds 200 miners inches, said water shall be divided as provided in the Findings of the Water Board, but when said water at said point is less than 200 miners inches, 21.5 inches shall be given to the land owned by G. F. Gardner, and the balance shall be divided two-thirds to the lands owned by the heirs of Fountain Seacat and one-third to the lands owned by G. F. Gardner and the water master shall distribute such water in such manner.

CVI.

J. C. Travillion and Louise Koester have stipulated that upon the lands owned by them the water diverted through the Koester-Travillion ditch shall be distributed upon the basis of both parties having the same date of priority and the water master shall distribute the water in such manner.

CVII.

Walburga Lachner has filed a motion to correct the description of the land tabulated under her name in the Findings of the Water Board and it appearing that such correction does not increase the irrigated area and should be made, her rights are tabulated herein.

CVIII.

W. A. Clark filed exceptions to the Findings of the Water Board in so far as the same declared him in default and it appearing that said Clark owns the E $\frac{1}{2}$  of Sec. 24, and the E $\frac{1}{2}$  of Sec. 25, T 10 S.R. 40 E.W.M., and that said lands are riparian to the west fork of Sutton Creek which land was involved in the decree of Palmer & Denham, vs. Richardson et al., and in accordance with said decree said lands so long as they are riparian shall have the right to water for the watering of domestic animals, stock and other domestic purposes including the irrigation of gardens cultivated only for family sustenance and the Findings of the Water Board are so modified.

CIX.

That Finding #15 of the Water Board shall be modified to read as follows:  
Contest #5. The City of Baker, a municipal corporation, contestant, vs. Gardner & Stuchell, Fountain Seacat and Arthur Swift, contestees was called for hearing on the 12th day of May, 1915, and contestees each appeared before the Superintendent of Water Division No. 2, acknowledged the priority right of contestant and refused to appear further in this contest. It further appeared that contestees were each served with notice of the hearing of such contest on the 25th day of March, 1914 and that the City of Baker has the following rights to the use of water. That in the year 1862, water rights for mining purposes were initiated and thereafter the Auburn Canal was constructed for the purpose of utilizing such water right. That the Auburn Canal diverts the waters of a number of streams beginning in the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Sec. 34, T 8 S. R. 38 E. W. M., at Goodrick Creek, diverting five second feet, thence said canal runs in a southeasterly direction and takes water from the following springs and streams in the following amounts:- Coyote Springs, 0.5 sec. ft.; Little Mill Creek 5 sec. ft.; Big Mill Creek 5 sec. ft.; Hawk Springs 0.5 sec. ft.; Little Marble Creek 1.25 sec. ft.; Big Marble Creek 5 sec. ft.; Campers Springs 0.625 sec. ft.; Herman Springs 0.5 sec. ft.; Big Salmon Creek 5 sec. ft.; Henry Springs 0.625 sec. ft.; Finley Springs 0.625 sec. ft.; Little Salmon Spring 0.5 sec. ft.; Little Salmon Creek 1.25 sec. ft.; Slum Town Springs 0.625 sec. ft.; Rock Springs 0.5 sec. ft.; North Prong of Washington Gulch 0.5 sec. ft.; Middle Prong of Washington Gulch 0.5 sec. ft.; South Prong of Washington Gulch 0.5 sec. ft.; Conn Springs 0.625 sec. ft.; Byam Springs 0.25 sec. ft.; Elk Creek 3.75 sec. ft.; being a total of 39.25 sec. ft. That in the year 1862 and after the appropriation for the Auburn Canal, a water right was initiated through the Kelly Ditch for 6.25 sec. ft. from Mill Creek and 6.25 sec. ft. from Marble Creek.

That in 1868 a water right was initiated through the Nelson or Newton & Sturgill Ditch for 1.25 sec. ft. from Gee Creek, 6.25 sec. ft. from Goodrich Creek, 6.25 sec. ft. from Mill Creek and 5 sec. ft. from Marble Creek; that each of said water rights were perfected and the water applied to a beneficial use in placer mining and such use continued until the years 1899 to 1901, during which years the Auburn Canal and the Nelson Ditch together with the water rights connected therewith were transferred to the City of Baker who is the present owner thereof and the Kelly Ditch and the water rights connected therewith were transferred to The Pocahontas Mining & Irrigation Company who is the present owner thereof. That the City of Baker proceeded to change the use and the place of use of the waters under such water rights to municipal purposes. That in making such change it was necessary to expend large amounts of money and time and during such time said City leased some of the ditches and rights for irrigation purposes. That said Pocahontas Mining & Irrigation Company changed the use and place of use of the water through said Kelly Ditch to irrigation. That such changes did not infringe upon any other rights and the transferees of said rights secured by such transfers said water rights with their respective dates of priority.

That since the purchase of the ditches and water rights by the City of Baker as aforesaid and until the decision of the Supreme Court of the State of Oregon in the case of Sherred vs. City of Baker, 63 Ore. 28, said City leased a part of the waters claimed under said water rights to the Pocahontas Farmers Ditch Company; that since said decision of the Supreme Court the City of Baker has not made any use of that part of the waters heretofore leased to said ditch company. That said City of Baker has, since the purchase of said water rights always used a part of said water; that all of the parties using water from said stream have at all times recognized the rights of the City of Baker as being prior to any of said water users and all of the improvements upon all of their farms have been made under conditions created by such recognition in such rights. That the decision of the Supreme Court of the State of Oregon in the case of Bowen et al., vs. Spaulding et al., 63 Ore., 392 and in the case of Sherred vs. Baker City, each recognized the rights of the City of Baker as being absolute and prior to all others using water from said stream.

The amount of water as herein set forth as having been appropriated from the several streams for the water rights now owned by said City of Baker is hereby reserved and expressly confirmed unto said City of Baker forever as of the dates of priority as herein set forth.



That heretofore said Pocahontas Mining & Irrigation Company and said City of Baker made and entered into an agreement, in writing, respecting the water rights of Marble and Mill Creeks, wherein and whereby it was agreed that when water was used through said Auburn Canal that all the water rights above the intake of said canal should be long exclusively to said City of Baker. That when the water is not used through said canal when the flow of water in said Marble Creek is under 500 miners inches said water in Marble Creek shall be divided equally and when the flow in Mill Creek is under 500 inches miner's measurement said water in Mill Creek shall be divided equally and so long as the flow in Marble Creek is over 500 inches, said Pocahontas Mining & Irrigation Company shall be entitled to the first 250 inches and said City of Baker to the balance of the flow of said stream, and when the waters of said Creeks are used by the City of Baker through said Auburn Canal the said Pocahontas Mining & Irrigation Company shall have the first right to the use of 250 inches of the waters flowing in each of said Marble and Mill Creeks below said Auburn Canal after the same flow past said canal and the right to the use of all above said quantity so flowing shall belong to the City of Baker.

That said stipulation as to the rights of said City of Baker shall be given full force in the distribution of water, provided that in no case shall the amount of water taken from said creeks exceed the amount of the appropriation from said Mill and Marble Creeks as hereinbefore set forth.

OX.

It further appears to the court that the exceptions of W. H. Shoemaker, Trustee, Morini Horn and Thomas B. Marlin, vs. Martha E. Hanson, L. B. Wirth and J. D. Wirth as Wirth Brothers, J. F. Kennedy, T. E. Kennedy, J. C. Turner and Robert Wanker are unfounded in fact and that the rights of said Martha E. Harsin, L. B. Wirth as Wirth Brothers, J. F. Kennedy, T. E. Kennedy, J. C. Turner and Robert Wanker are correctly set forth in the Findings of the Water Board as modified by the Court herein and the Court being fully informed in the matter, it is hereby ordered and decreed that said exceptions be and the same are hereby over-ruled and denied.

CXI.

It further appears that land tabulated under the name of W. H. Shoemaker, Trustee, has been transferred to W. L. Meyers and J. H. Wanker and that said land was at one time in the name of John G. Hoke and that said Hoke filed exceptions claiming 9 acres as being omitted from the Findings of the Water Board, the said claim of said Shoemaker is retabulated and the rights for said land shall be as herein tabulated.

OXII.

L. S. Wirth filed an exception to the Findings of the Water Board on account of said Findings not recognizing a stipulation filed on page 401, Vol. 17 of the record. From said stipulation it appears that water should be distributed from the Hoke-Robertson ditch, first to Wirth Brothers and second any surplus to the lands owned by W. H. Shoemaker, Trustee, John Hoke, J. F. Kennedy, and T. B. Marlin and it further appears in Vol. 12, page 90 of the record that W. H. Shoemaker waived any claim to water through the Robinson Ditch No. 2 and thereby the water right for the land under said ditch so tabulated under the name of said Shoemaker is subject to the water right for the lands owned by said Wirth Brothers, and said rights shall be the same as to the present owners of said lands under whose name the Shoemaker lands are herein tabulated.

OXIII.

Dunham Wright, J. D. Wirth and L. S. Wirth, copartners as Wirth Brothers, J. F. Kennedy, T. E. Kennedy, J. C. Turner, Robert Wanker and Martha Harsin filed objections to the dates tabulated under the names of Morini Horn and W. H. Shoemaker, Trustee, and it is found that said exceptions are well founded and that the date of priority to all land under the Coffman ditch should be 1885 and the claims are re-tabulated herein in accordance with their said rights.

OXIV.

W. H. Shoemaker, Trustee, and Thomas B. Martin, each filed exceptions to the Findings of the Water Board and thereafter filed a stipulation concerning the same and it is found that 20 acres of land was omitted from the claim of Shoemaker as follows: 10 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ ; 5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$  and 5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 25, T. 6 S., R. 41 E. W. M., and that the dates of priority from Warm Spring Creek should be 1886 and also the date of priority for said Marlin should be 1886 from Warm Spring Creek, it is ordered that said rights be as hereinafter tabulated and that said tabulation be as herein ordered, except the claim of said Marlin shall not be re-tabulated but that his right from Big Creek remain the same and be from Warm Creek as herein ordered.

CXV.

That Findings #117 and #119 of the State Water Board shall remain the same for all lands and names not mentioned herein but for all lands and names tabulated in this decree, said Findings shall be modified so as to describe the rights of said lands and names as herein tabulated and the following tabulation gives the rights as modified for such lands and names under a similar form to that used by the State Water Board so as to show the name of the water user and his address where known, the date of priority, the number of acres irrigated, the use, the name of the ditch, the name of the stream and a detailed description of the land irrigated as follows, to-wit:



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
John H. Lew Baker, Oregon	1864 1903	60 10		Irrigation		E. Hibbard	40 acres in NE 1/4 NE 1/4 30 acres in SE 1/4 NE 1/4 Sec. 9 T 9 S.R., 39 E.W.M.
Geo. P. Dyke Baker, Oregon	1882 May 6, 1891	8 85		Irrigation	Beaver Wood-Mo- Pherson	Beaver Creek Powder	8 acres in NE 1/4 SW 1/4 5 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 Sec. 17 T 10 S.R., 40 E.W.M.
East Baker Irrigation & Milling Co., by Earl F. Cranston Baker, Oregon	1893  1887	90  210		Irrigation	Bamber- ger  New Home	Powder	Lots and Blocks in the City limits of Baker not to exceed 90 acres.  40 acres in NE 1/4 SE 1/4 40 acres in SE 1/4 SE 1/4 Sec. 9 2 acres in NE 1/4 NW 1/4 38 acres in NW 1/4 NW 1/4 24 acres in SW 1/4 NW 1/4 18 acres in NW 1/4 SW 1/4 40 acres in SW 1/4 SW 1/4 Sec. 10 10 acres in NW 1/4 NW 1/4 Sec. 28 T 9 S.R., 40 E.W.M.
	(Note:- The right through the New Home Ditch was first initiated through the Bamberger Ditch and in 1904 changed to the New Home Ditch) This right is tabulated herein on account of the ex- ception of the Cranston Land Co.						
A. R. Zeller Baker, Oregon	1893	30		Irrigation	Bamber- ger	Powder	30 acres in SE 1/4 NW 1/4 Sec. 21 T 9 S. R. / 40 E. W. M.
Frank L. Kelley Medical Springs, Oregon	1880 1909	9 46		Irrigation Irrigation & Storage		Ridley Creek Reservoir	9 acres in NE 1/4 SW 1/4 40 acres in NW 1/4 SW 1/4 6 acres in SE 1/4 SW 1/4 Sec. 12 T 7 S.R., 41 E.W.M.
P. A. Moody Richland, Oregon	1862 1876	12 121		Irrigation	Newt Young Moody	Eagle Creek	12 acres in SE 1/4 NE 1/4 15 acres in SW 1/4 NE 1/4 28 acres in SE 1/4 NE 1/4 40 acres in NE 1/4 SW 1/4 18 acres in NW 1/4 SW 1/4 5 acres in SW 1/4 SW 1/4 18 acres in SE 1/4 SW 1/4 Sec. 14 T 9 S.R., 45 E.W.M.

POWDER RIVER -34-

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
James Engum, successor to Jos. Couty Richland, Oregon	1900	50.5		Irrigation	Nash	Eagle Creek	20 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 17 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 27 13.5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 28
	1870	19.5			Couty-Kirby	Little Eagle Creek	15 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 4.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 27
	1879	113			Nash $\frac{1}{2}$	Eagle Creek	40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 35.5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 25 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 10 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 27 2.5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 28 T 9 S.R. 45 E.W.M.
W. B. Wright Richland, Oregon	1886	44.6		Irrigation	Kay Young	Eagle Creek	37.6 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 7 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 23 T 9 S.R. 45 E.W.M.
Ianthus Chandler Richland, Oregon	1884	54.5		Irrigation	Holstine	Eagle Creek	1 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 28 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 10 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 15.5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 25 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 15 T 9 S.R. 45 E.W.M.
	1879	116			Nash		
	1899	49					
Ascenith Evans Richland, Oregon	1887	65		Irrigation	Hewt Young	Eagle Creek	25 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 30 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 24 T 9 S.R. 45 E.W.M.
I. N. Young Richland, Oregon	1874	2.5		Irrigation	Moody	Eagle Creek	2.5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 16 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 24 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14 34 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 38 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 15 T 9 S.R. 45 E.W.M.
		112			Kay Young		
W. J. Densley and Margaret L. Densley Richland, Oregon	1886	23		Irrigation	Densley	Eagle Creek	2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 15 5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14 15 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 22
	1877	40			Moody		40 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$
	1878	40			Kay Young		40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 23
	1879	10			Gover		10 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 22, T 9 S.R. 45 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
G. B. Saunders, for heirs of D.J. Saunders Richland, Oregon	1888		35	Irrigation	Newt Young	Eagle Creek	25 acres in NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 7 acres in SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 3 acres in SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> Sec. 14 T 9 S.R. 45 E.W.M.
Bessie Palmer Richland, Oregon	1904		10	Irrigation	Howell	Eagle Creek	10 acres in SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> Sec. 35 T 9 S.R. 46 E.W.M.
Howell Ditch Company, Richland, Oregon	July 12 1901		332	Irrigation	Howell	Eagle & Daly Creeks	17 acres in SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> Sec. 35; 17 acres in NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 30 acres in NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 21.5 acres in SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 30 acres in SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 20 acres in NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 10 acres in NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 36.5 acres in SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 25.5 acres in SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 4.5 acres in NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> Sec. 36 T 9 S.R. 46 E.W.M. 37 acres in NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> 27 acres in SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> Sec. 30 9 acres in NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 19 acres in NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 28 acres in NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> Sec. 31 T 9 S.R. 46 E.W.M.
(Note: For other acreage see name of user)							
E. A. Augustus successor to Anthony Augustus, Richland, Oregon	1878 1901		80 120	Irrigation	Key Young- Alexander	Eagle Creek Powder	40 acres in SE <sup>1</sup> / <sub>4</sub> NE <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 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 NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> Sec. 25 T 9 S.R. 46 E.W.M.
Mary J. Simonis Richland, Oregon	1879 1879		28 73.6	Irrigation	Simonis Nash	Little Eagle Eagle	12 acres in NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> 16 acres in SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> 11.8 acres in NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 11.8 acres in SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 8 acres in NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> 29 acres in NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> 4 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> SE <sup>1</sup> / <sub>4</sub> Sec. 22 T 9 S.R. 45 E.W.M.
Mary Landreth Baker, Oregon	1869 1865 1890		60 157 25	Irrigation	Geddes- Osborn- Chambers Estes	Powder	40 acres in NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 20 acres in SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> Sec. 32 22 acres in NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 27 acres in NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 20 acres in SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 13 acres in SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> Sec. 31 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> 20 acres in SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> Sec. 32 T 8 S.R. 40 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
Heirs of E.P. Perkins, 1892 being, T.B. Perkins, 1866 J. P. Perkins, G. H. Perkins and Madella E. Reynolds Baker, Oregon			39 281	Irrigation	Perkins #2 Geddes Osborn Chambers	Powder	20 acres in NE-NE- 19 acres in SE-NE- 30 acres in SE-NW- 30 acres in NE-NW- 40 acres in NW-NW- 40 acres in SW-NW- 20 acres in NE-NE- 40 acres in NW-NE- 40 acres in SW-NE- 21 acres in SE-NE- 10 acres in NE-NW- 10 acres in SE-NW- Sec. 20 T 8 S.R. 40 E.W.M.
S. Osborn Baker, Oregon	1898 1866 1886		5 183.8 20	Irrigation	Taggart Geddes Osborn Chambers	Powder	5 acres in NW-NE- Sec. 28 40 acres in NE-SW- 36 acres in NW-SW- 40 acres in SW-SW- 40 acres in SE-SW- 28 acres in NW-SE- 40 acres in SW-SE- 5.8 acres in SE-SE- Sec. 29 36 acres in NW-NW- 36 acres in SW-NW- Sec. 28 20 acres in NE-NE- 25 acres in NW-NE- 30 acres in SW-NE- 20 acres in SE-NE- 160 acres in SE- Sec. 30 T 8 S.R. 40 E.W.M.
Orrin R. Osborn Baker, Oregon	1863		150	Irrigation	Estes and Geddes- Osborn- Chambers	Powder	40 acres in NE-NW- 40 acres in NW-NW- 36 acres in SW-NW- 36 acres in SE-NW- Sec. 29 T 8 S.R. 40 E.W.M.
Nancy E. Toney Haines, Oregon	1866 1866 1882		240 95 65	Irrigation	Estes #1&2	Powder Spring Creeks #1 & 2	40 acres in NW-NE- 40 acres in SW-NE- 40 acres in NE-NW- 40 acres in SE-NW- 40 acres in NW-SE- 40 acres in SW-SE- Sec. 18 T 8 S.R. 40 E.W.M. 160 acres in SE- Sec. 22 T. 8 S.R. 39 E.W.M.
G. H. Perkins Baker, Oregon	1902		140	Irrigation	Perkins- Kirby	Powder	15 acres in NE-SW- 10 acres in NW-SW- 5 acres in SW-SW- 10 acres in SE-SW- 40 acres in NW-SE- Sec. 9

POWDER RIVER - 370-



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
G. H. Perkins (Continued)							
	1886		165	Overflow			30 acres in NE 1/4 Sec. 16 30 acres in SE 1/4 Sec. 16 10 acres in NE 1/4 Sec. 16 40 acres in NE 1/4 Sec. 16 40 acres in SW 1/4 Sec. 16 10 acres in SE 1/4 Sec. 16 30 acres in NW 1/4 Sec. 9 25 acres in SE 1/4 Sec. 9 T 8 S.R. 40 E.W.M.
Amanda W. Perkins Haines, Oregon	1886		120	Irrigation	Estes	Powder	20 acres in NE 1/4 Sec. 13 20 acres in SE 1/4 Sec. 13 40 acres in NW 1/4 Sec. 13 40 acres in SW 1/4 Sec. 13 T 8 S.R. 39 E.W.M.
Thos. Mack and Wm. Pollman, Baker, Oregon.	1886		160	Irrigation	Estes	Powder	160 acres in SE 1/4 Sec. 31 T 8 S.R. 40 E.W.M.
Wm Pollman, suc- cessor in interest	1883		80		Eppinger Lynn		40 acres in NE 1/4 Sec. 6 40 acres in NW 1/4 Sec. 6 T 9 S.R. 40 E.W.M.
Annie H. Lee (Wright) Richland, Oregon	1880 1886	5 85.6		Irrigation	Kay Young	Eagle Creek	40 acres in NW 1/4 Sec. 26 32.5 acres in SW 1/4 Sec. 26 18 acres in SE 1/4 Sec. 26 18 acres in SE 1/4 Sec. 26 T 9 S.R. 45 E.W.M. Lots 1 & 2 Usher's West Addition and part of Lot 10 Usher's South Addition Richland, Oregon.
	1886 1887	5 18			Gover		
Lovell Gover, successor to W.L. Gover Richland, Oregon	1886		40	Irrigation	Moody Kay Young Newt Young	Eagle Creek	10 acres in SW 1/4 Sec. 14 10 acres in SW 1/4 Sec. 14 20 acres in SW 1/4 Sec. 14 T 9 S.R. 45 E.W.M.
Virginia A. Usher Richland, Oregon	1881		43.2	Irrigation	Kay Young	Eagle Creek	Lot 2 Block 3, Richland, Ore. 30 acres in NE 1/4 Sec. 23 13 acres in NW 1/4 Sec. 23 10 acres in NE 1/4 Sec. 23 22 acres in NE 1/4 Sec. 23 15 acres in NW 1/4 Sec. 23 T 9 S.R. 45 E.W.M.
	1879		32		Kay Young Slough		
	1879		15		Gover		
W. E. Summers Richland, Oregon	1888		38	Irrigation	Newt Young	Eagle Creek	23 acres in NE 1/4 Sec. 10 15 acres in SE 1/4 Sec. 10 1.5 acres in SE 1/4 Sec. 10 2.5 acres in NE 1/4 Sec. 10 1.5 acres in SE 1/4 Sec. 10 7.5 acres in NE 1/4 Sec. 10 T 9 S.R. 45 E.W.M.
	1891		4		Waterbury		
	1888		9		Holstine		

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
J. L. Edmiston Sumpter, Oregon	May 1908		70	Irrigation	Edmiston	Deer Creek	30 acres in NW <sup>1</sup> SE <sup>1</sup> 40 acres in SW <sup>1</sup> SE <sup>1</sup> Sec. 8 T 10 S.R., 38 E.W.M.
G. L. Bowman Medical Springs, Oregon	1882 1885	15 15		Irrigation	Bowman Harsin #1	Beagle Creek Big Creek	15 acres in SE <sup>1</sup> NE <sup>1</sup> 15 acres in NE <sup>1</sup> SE <sup>1</sup> Sec. 10 T 7 S.R., 41 E.W.M.
Rose L. Bowen Baker, Oregon	1864	160		Irrigation	Estes	Powder	160 acres in SW <sup>1</sup> Sec. 30 T 8 S.R., 40 E.W.M.
Mada V. Ferguson Los Angeles, Calif.	1864	160		Irrigation	Estes	Powder	160 acres in NW <sup>1</sup> Sec. 30 T 8 S.R., 40 E.W.M.
Amy E. Lewis Los Angeles, Calif.	1868	80		Irrigation	Estes	Powder	40 acres in SW <sup>1</sup> SW <sup>1</sup> 40 acres in SE <sup>1</sup> SW <sup>1</sup> Sec. 19 T 8 S.R., 40 E.W.M.
W. L. Patterson Baker, Oregon	1868	60		Irrigation	Estes	Powder	25 acres in NE <sup>1</sup> NE <sup>1</sup> 35 acres in SE <sup>1</sup> NE <sup>1</sup> Sec. 25 T 8 S.R., 39 E.W.M.
Geo. E. Chandler Baker, Oregon	1864  1864 1864	204.3  127 55 755		Irrigation	Estes #5-7  Chandler  #14 #5, 7, & 18	Powder   Salmon Creek  Powder	33 acres in NW <sup>1</sup> NW <sup>1</sup> 40 acres in SW <sup>1</sup> NW <sup>1</sup> Sec. 12 32.5 acres in NE <sup>1</sup> NE <sup>1</sup> 11.8 acres in NW <sup>1</sup> SE <sup>1</sup> 40 acres in SW <sup>1</sup> NE <sup>1</sup> 40 acres in SE <sup>1</sup> NE <sup>1</sup> 7 acres in SE <sup>1</sup> NW <sup>1</sup> Sec. 11  31 acres in NE <sup>1</sup> NE <sup>1</sup> 16 acres in SE <sup>1</sup> NE <sup>1</sup> Sec. 23 40 acres in NE <sup>1</sup> SE <sup>1</sup> 40 acres in SE <sup>1</sup> SE <sup>1</sup> Sec. 14 T. 8 S.R., 39 E.W.M.  40 acres in NW <sup>1</sup> SW <sup>1</sup> 15 acres in SW <sup>1</sup> SW <sup>1</sup> 25 acres in SW <sup>1</sup> SW <sup>1</sup> Sec. 21 160 acres in SW <sup>1</sup> 160 acres in SE <sup>1</sup> Sec. 20 40 acres in NE <sup>1</sup> NE <sup>1</sup> 22 acres in NW <sup>1</sup> NE <sup>1</sup> 32 acres in SW <sup>1</sup> NE <sup>1</sup> 40 acres in SE <sup>1</sup> NE <sup>1</sup> 11 acres in NE <sup>1</sup> NW <sup>1</sup> 18 acres in SW <sup>1</sup> NW <sup>1</sup> 40 acres in SE <sup>1</sup> NW <sup>1</sup>

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
Geo. E. Chandler (Continued)							7 acres in NE-SE; 40 acres in NW-SW; 160 acres in SE; Sec. 19 T 8 S.R. 40 E.W.M.
F. W. Eppinger and Chas. A. Eppinger Baker, Oregon.	1883 1864	80 160	Irrigation	Eppinger Edwards Estes	Powder	40 acres in NW-SW; 40 acres in SW-SW; 40 acres in NE-SW; 40 acres in SE-SW; 40 acres in NW-SE; 40 acres in SW-SE; Sec. 5 T 9 S.R. 40 E.W.M.	
F. W. Eppinger Baker, Oregon	1865 1889	80 120	Irrigation	#4	Powder	40 acres in NW-NE; 40 acres in NE-SW; 40 acres in NW-SW; 40 acres in SW-SW; 40 acres in SE-SW; Sec. 8 T 9 S.R. 40 E.W.M.	
J. E. Horn Baker, Oregon	1871	152	Irrigation	Estes	Powder	40 acres in NE-SW; 32 acres in NW-SW; 40 acres in SW-SW; 40 acres in SE-SW; Sec. 32 T 8 S.R. 40 E.W.M.	
Harvey Harrison Baker, Oregon	1871	320	Irrigation	Harrison #20 & 21	Powder	160 acres in NW; 160 acres in SW; Sec. 17 T 8 S.R. 40 E.W.M.	
J. F. James Baker, Oregon	1904	10	Irrigation	New Home	Powder	10 acres in SE-NE; Sec. 9 T 9 S.R. 40 E.W.M.	
John Campbell Baker, Oregon	1904	23	Irrigation	New Home	Powder	6 acres in SE-NE; 17 acres in SW-NE; Sec. 9 T 9 S.R. 40 E.W.M.	
Edgar I Hindman, successor in interest of Emma Baldock Baker, Oregon	1864	160	Irrigation	Estes	Powder	40 acres in NE-NE; 40 acres in SE-NE; 40 acres in NE-SE; 40 acres in SE-SE; Sec. 18 T 8 S.R. 40 E.W.M.	
							POWDER RIVER - 40-

POWDER RIVER - 40-

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
M. S. Hughes Baker, Oregon	1878 1883  1883  1883 1902	 25 20  75  15 25	 25 20  75  15 25	 Irrigation   Irrigation   Irrigation	 Williams McDougal  Eppinger- Lynn  Shelley- Hughes	 Powder      Powder	 40 acres in NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> Sec. 9 5 acres in NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 35 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> Sec. 8 40 acres in SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> Sec. 9 T 9 S.R. 40 E.W.M.
John M. Burnside Haines, Oregon	May 1 1889	 80	 80	 Irrigation	 Miller	 Rock Creek and Killamaous reservoir	 40 acres in NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> Sec. 35 40 acres in SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> Sec. 26 T 7 S.R. 38 E.W.M.
Dan J. Davis Sumpter, Oregon	1900	 120	 120	 Irrigation	 McEwen Valley Irrigat- ion Co.	 Powder	 30 acres in NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> 2.5 acres in SE <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> 7.5 acres in SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> Sec. 24 T 10 S.R. 37 E.W.M.
Earl B. Stephenson Baker, Oregon	1872	 160	 160	 Irrigation	 Estes	 Powder	 160 acres in NW <sup>1</sup> / <sub>4</sub> Sec. 5 T 9 S.R. 40 E.W.M.
J. C. Shields Baker, Oregon	1872 1872 1876	 50 50 20	 50 50 20	 Irrigation  Irrigation	 Moody Lee Bros Shields	 Wolf Creek	 40 acres in NW <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> Sec. 17 40 acres in NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> Sec. 18 T 6 S.R. 39 E.W.M.
George Burr and Ebenezer Burr Baker, Oregon	1898 1908	 70 170	 70 170	 Irrigation Storage of 720 ac.ft.	 Jeffrey- Ison, Pine Creek reservoir	 Pine Creek	 160 acres in SE <sup>1</sup> / <sub>4</sub> Sec. 20 80 acres in NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> Sec. 29 T 8 S.R. 39 E.W.M.
(Note: The tabulation of this claim takes the place of the tabulation in the Findings of the Water Board of this claim under Inchoate Rights)							
P. J. Brown Baker, Oregon	1880	 285	 285	 Irrigation	 Basche	 Powder	 4 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> 32 acres in SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> 3 acres in SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> Sec. 22 8 acres in NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> Sec. 26
(Note: Claimant has a supplementary supply for 169 acres lying under the Perkins ditch with a priority date of 1898 and for 269 acres lying under the Duncan Ditch with a priority date of 1888 and these acreages overlap and are included in the 285 acres under the Basche Ditch).							

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. J. Bryan (Continued)	1901		201		Cranston		30 acres in NE-NE- 40 acres in NW-NE- 40 acres in SW-NE- 40 acres in NE-NW- 35 acres in SE-NW- 33 acres in NW-SE- Sec. 27 11 acres in NE-NW- 27.5 acres in SE-NW- 18 acres in NE-SW- 15 acres in NE-SE- 31 acres in NW-SE- 6 acres in SW-SE- 35 acres in SE-SE- Sec. 22 19 acres in SW-SW- 0.5 acres in SW-NW- Sec. 23 30 acres in NW-NW- Sec. 36 8 acres in NE-NE- Sec. 27 T 8 S.R. 42 E.W.M.
W. H. Colton Baker, Oregon	1888		91	Irrigation	Duncan	Powder	4 acres in SE-SW- Sec. 35 T 7 S.R. 41 E.W.M. 28 acres in SW-NE- 10 acres in SE-NE- 34 acres in NE-NW- 15 acres in NE-SE- Sec. 2 T 8 S.R. 41 E.W.M.
	1885 1888		185 222		Emale Powder River, Dam Ditch & Cons. Co.		6 acres in SW-NE- 17 acres in SE-NW- 35 acres in SE-SW- 1 acre in NE-SE- 40 acres in SE-NE- Sec. 35 25 acres in SW-SW- 1 acre in SE-SW- Sec. 36 T 7 S. R. 41 E.W.M. 40 acres in NE-NE- 10 acres in SW-NE- 28 acres in SE-NE- 5 acres in NE-NW- 23 acres in NE-SE- Sec. 2 36 acres in NE-NW- 40 acres in NW-NW- 40 acres in SW-NW- 40 acres in SE-NW- 20 acres in NW-SW- Sec. 1 T 8 S.R. 41 E.W.M.
C. P. Colton Baker, Oregon	1888		5	Irrigation	Duncan	Powder	5 acres in NW-NE- Sec. 2 T 8 S.R. 41 E.W.M.
	1885 1888		80 99		Emale Powder River, Dam Ditch & Cons. Co.		40 acres in NE-SW- 29 acres in NW-SW- 8 acres in SW-SW- 28 acres in NW-SE- 40 acres in SW-SE- Sec. 35 T 7 S.R. 41 E.W.M. 34 acres in NW-NE- Sec. 2 T 8 S.R. 41 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
J.H.B. Harrington and Grace B. Harrington Keating, Oregon	1885 1888		91 41	Irrigation	Emale Powder River Dam Ditch & Cons. Co.	Powder	40 acres in SE-SE-1 Sec. 1 T 8 S.R. 41 E.W.M. 15 acres in NW-SW-1 32 acres in SW-SW-1 2 acres in SE-SW-1 Sec. 6 40 acres in NE-NW-1 Sec. 7 T 8 S.R. 42 E.W.M. 3 acres in NE-NE-1 Sec. 12 T 8 S.R. 41 E.W.M.
Thomas H. Hewlett Keating, Oregon	1888		211-	Irrigation	Powder River Dam Ditch & Cons. Co.	Powder	39 acres in NE-SW-1 40 acres in NW-SW-1 30 acres in SW-SW-1 38 acres in SE-SW-1 15 acres in NW-SE-1 35 acres in SW-SE-1 Sec. 16 12 acres in NW-NE-1 2 acres in NE-NW-1 Sec. 21 T 8 S.R. 42 E.W.M.
Geo. W. Hutton	1880		9	Irrigation	Basche	Powder	9 acres in E-NE-1 Sec. 19 T 8 S.R. 42 E.W.M. <i>see order recording Vol 87 page 458 Order of correction</i>
Arthur Oliver Keating, Oregon	1876  1888		30  327.5	Irrigation	  Powder River Dam Ditch & Cons. Co.	Houghton Creek  Powder	20 acres in SE-SE-1 Sec. 7 10 acres in NE-NE-1 Sec. 18 39.5 acres in SW-SW-1 19 acres in SE-SW-1 Sec. 8 40 acres in SW-NE-1 * 29 acres in NW-NE-1 40 acres in NE-NW-1 40 acres in NW-NW-1 40 acres in SE-NW-1 * 40 acres in NE-SE-1 * 40 acres in NW-SE-1 * Sec. 17 40 acres in SW-NE-1 40 acres in SE-NW-1 15 acres in NE-SE-1 30 acres in NW-SE-1 Sec. 17 T 8 S.R. 42 E.W.M.
	1876		125 <i>5-11</i>			Tucker Creek	40 acres in SW-NE-1 40 acres in SE-NW-1 15 acres in NE-SE-1 30 acres in NW-SE-1 Sec. 17 T 8 S.R. 42 E.W.M.
(Note: This land is also irrigated from Powder River and included above for supplementary supply)							
Melville M. Palmer Baker, Oregon	1890 Aug. 14 1889		10 17	Irrigation	Second Creek Palmer	Second Creek Rinkles Creek	5 acres in SE-NE-1 5 acres in NE-SE-1 3 acres in SW-NE-1 14 acres in SE-NE-1 Sec. 7 T 9 S.R. 42 E.W.M. 29 acres in SE-SW-1 Sec. 21 T 8 S.R. 42 E.W.M.
	1888 1880		9 20		Duncan Basche	Powder	

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
F. A. Phillips Baker, Oregon	1879 1893 1905		100 50 61.5	Irrigation	Phillips	Balm Creek	39 acres in NW 1/4 SW 1/4 30 acres in SW 1/4 SW 1/4 30 acres in SE 1/4 SW 1/4 30 acres in SW 1/4 SE 1/4 35 acres in SE 1/4 SE 1/4 Sec. 25 39.5 acres in NE 1/4 SE 1/4 4 acres in SE 1/4 SE 1/4 Sec. 26 T 8 S. R. 42 E. W. M. 40 acres in NE 1/4 NE 1/4 31 acres in NW 1/4 NE 1/4 19 acres in SW 1/4 NE 1/4 39 acres in SE 1/4 NE 1/4 Sec. 13 T 8 S. R. 41 E. W. M. 29 acres in SW 1/4 NW 1/4 1 acre in NW 1/4 SW 1/4 Sec. 18 37.5 acres in NE 1/4 NE 1/4 29 acres in NW 1/4 NE 1/4 8.5 acres in SE 1/4 NE 1/4 Sec. 19 39 acres in SW 1/4 NE 1/4 Sec. 20 39 acres in NE 1/4 SW 1/4 40 acres in NW 1/4 SW 1/4 39 acres in SW 1/4 SW 1/4 40 acres in SE 1/4 SW 1/4 Sec. 26 8 acres in SW 1/4 SW 1/4 8 acres in SE 1/4 SW 1/4 2 acres in SW 1/4 SE 1/4 Sec. 25 35 acres in SE 1/4 SE 1/4 Sec. 26 40 acres in NE 1/4 NE 1/4 39 acres in NW 1/4 NE 1/4 32 acres in NE 1/4 NW 1/4 32.5 acres in NW 1/4 NW 1/4 Sec. 36 T 8 S. R. 42 E. W. M. 20 acres in SW 1/4 NE 1/4 15 acres in SE 1/4 NE 1/4 4 acres in NE 1/4 NW 1/4 23.5 acres in NW 1/4 NW 1/4 45.7 acres in SW 1/4 NW 1/4 40 acres in SE 1/4 NW 1/4 40 acres in NE 1/4 SE 1/4 Sec. 31 T 8 S. R. 43 E. W. M.
(Note: Claimant has supplementary supply from Powder River through Cranston Ditch for 105 acres thereunder with a priority date of 1901)							
	1880 1888		336 95		Basche Duncan	Powder	
	Apr. 19 1898		378.7		Perkins		
	1901		105	Irrigation	Cranston	Powder	14 acres in NW 1/4 NE 1/4 17 acres in SW 1/4 NE 1/4 20 acres in SE 1/4 NE 1/4 28 acres in NE 1/4 NW 1/4 20 acres in NW 1/4 NW 1/4 Sec. 31 T 8 S. R. 43 E. W. M.
B. F. Sturgill Keating, Oregon	1880 1888		57 169	Irrigation	Basche Duncan	Powder	40 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 39 acres in NW 1/4 SW 1/4 25 acres in SW 1/4 SW 1/4 Sec. 21 2 acres in SW 1/4 SE 1/4 30 acres in SE 1/4 SE 1/4 Sec. 20 T 8 S. R. 42 E. W. M.
POWDER RIVER - 44 -							

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
Francis H. Sturgill	1880		48.6	Irrigation	Basche	Powder	26 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 22.5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 20 T 8 S.R. 42 E.W.M.
S. D. Sturgill	1880		153	Irrigation	Basche	Powder	40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 38 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 35 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 20 T 8 S.R. 42 E.W.M.
Cyrus Turner Medical Springs, Oregon	1880		63.5	Irrigation	Basche	Powder	3 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 33 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 7.5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 20 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 34
	1888		40		Duncan		10 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 30 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 35
	1871		28		Harsin	Big Creek	28 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 11
	1883		37		Barnes- Brannan		8 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 23 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 2 6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 11 T 7 S. R. 41 E.W.M.
W. A. Payton Baker, Oregon	1903		98	Irrigation	Payton	Salmon Creek	8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 20 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 3 37 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 18 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 3 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 12 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 10
	1864		108		Payton- Osborn	Spring Creek & Pine Creek	160 acres in NE $\frac{1}{4}$ Sec. 27 T 8 S.R. 39 E.W.M.
	1876		27				
	1902		15				
	1908		10				
Luella Kissell Baker, Oregon	1884		80	Irrigation	Welch	Powder	40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 22 T 10 S.R. 38 E.W.M.
Geo. D. Simonis Richland, Oregon	1908		25	Irrigation	Schultz	Waste water in a draw	25 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 30 T 9 S.R. 45 E.W.M.
F. E. Sewell Baker, Oregon	1908		16.5	Irrigation	Schultz	Waste water in a draw	6.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 19 8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 20 T 9 S.R. 45 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
W. H. Strayer Baker, Oregon	1891		30	Irrigation Dpm & Stook		Baldy Gulch & Springs	30 acres in SE $\frac{1}{4}$ Sec. 10 T 8 S.R. 44 E.W.M.
W. F. Hendricks La Grande, Oregon.	1906		17	Irrigation		Antelope Creek Spring on SE $\frac{1}{4}$ Sec. 34 T 5 S.R. 40 E.W.M.	14 acres in SE $\frac{1}{4}$ Sec. 34 3 acres in SE $\frac{1}{4}$ Sec. 34 T 5 S.R. 40 E.W.M.
Josephine Hudepeth Sumpter, Oregon	1887 1888	30 96.6		Irrigation	Duckworth Farmers	Powder	17.5 acres in NE $\frac{1}{4}$ Sec. 19 12.5 acres in NW $\frac{1}{4}$ Sec. 19 22.5 acres in NE $\frac{1}{4}$ Sec. 19 27.5 acres in NW $\frac{1}{4}$ Sec. 19 14.5 acres in SE $\frac{1}{4}$ Sec. 19 32 acres in SE $\frac{1}{4}$ Sec. 19 T 10 S.R. 38 E.W.M.
Martha J. Jennings, R.H. Williams, and L. R. Williams Sumpter, Oregon	1894		35.4	Irrigation	Jennings	Spring Creek Clear Creek	9.6 acres in SW $\frac{1}{4}$ Sec. 20 10.2 acres in NW $\frac{1}{4}$ Sec. 20 8 acres in SW $\frac{1}{4}$ Sec. 20 2.4 acres in NW $\frac{1}{4}$ Sec. 20 5 acres in SW $\frac{1}{4}$ Sec. 20 T 10 S.R. 38 E.W.M.
Jennie M. Keist Sparta, Oregon	1897		25	Irrigation	Hank Duboise	Town Gulch	20 acres in SW $\frac{1}{4}$ Sec. 14 5 acres in SE $\frac{1}{4}$ Sec. 14 T 8 S.R. 44 E.W.M.
Walburga Lachner Baker, Oregon	1887 July 5 1902 1887	11.5 80 10		Irrigation	Baldock Williams- McDougal	Powder Springs in NW $\frac{1}{4}$ Sec. 34	11.5 acres in SW $\frac{1}{4}$ Sec. 16 T 9 S.R. 40 E.W.M. 40 acres in SW $\frac{1}{4}$ Sec. 34 40 acres in SE $\frac{1}{4}$ Sec. 34 T 8 S.R. 40 E.W.M. 10 acres in SW $\frac{1}{4}$ Sec. 34 T 7 S.R. 40 E.W.M.
Morini Horn Union, Oregon	1885		74.5	Irrigation	Goffman	Big Creek	3.5 acres in NE $\frac{1}{4}$ Sec. 26 23 acres in SE $\frac{1}{4}$ Sec. 26 12 acres in NW $\frac{1}{4}$ Sec. 26 36 acres in SW $\frac{1}{4}$ Sec. 26 T 6 S.R. 41 E.W.M.
J. H. Wanker, successor to W.H. Shoemaker, Trustee	1892 1878		65 19	Irrigation	Wright Hoke- Robinson	Big Creek	30 acres in SW $\frac{1}{4}$ Sec. 35 35 acres in SE $\frac{1}{4}$ Sec. 35 9 acres in SW $\frac{1}{4}$ Sec. 35 T 6 S.R. 41 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
W. L. Meyers, successor to W. H. Shoemaker, Trustees	1885  1886 from Warm Cr. 20 1892 from Big Cr.		60	Irrigation	Coffman  Marlin	Big Creek  Warm Creek & Big Creek	17 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 7 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 26 12 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 24 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 26 10 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ & Big Creek 5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 26 T 8 S.R. 41 E.W.M.
A. N. Young Baker, Oregon	1898  1880		69.5  60	Irrigation	Brent- Perkins  Bosche- Upper	Powder    	35.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 1 acre in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 27 33 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 26 4.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 39 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 16.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 27 T 8 S.R. 42 E.W.M.
Harlow J. Evans, Herman E. Jordan Mary E. Jordan Baker, Oregon	1864 1875 1905		128.7 8 8	Irrigation	Pocahontas Mining & Irrigation Co.	Marble Cr. Mill. Cr. Salmon Cr.	23.7 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 33 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 8 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 4 T 9 S.R. 39 E.W.M.
A. Caviness	1866 1906  (Note: This land has a supplementary right from Marble, Mill and Goodrich Creeks under date of 1906)		68 4	Irrigation	Pocahontas Farmers Ditch Co.	Salmon & Hibbard Creeks	32 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 4 T 9 S.R. 39 E.W.M.
City of Baker, Oregon	1892 Nov. 5		25	Irrigation  Municipal	East Side	Powder	25 acres in lots and blocks and City park within the City limits of Baker as the individual interests may appear. For municipal rights see Findings of State Water Board #15 and 97 and their modifications.

And the Court being fully advised in the premises and that said Findings of the State Water Board as modified are in all particulars correct,

IT IS HEREBY CONSIDERED, ORDERED and DECREED that the Findings of the State Water Board be and the same are hereby modified in the several respects herein set forth and as modified said Findings of the State Water Board are hereby in all respects confirmed and approved, and

IT IS FURTHER ORDERED that the County Clerk make the aforesaid modifications to the Findings of the State Water Board and enter the same as so modified in the Journal of this Court, and

IT IS FURTHER ORDERED that in as much as the State is a party to these proceedings no fees should be collected by the County Clerk for the filing of any exceptions to the Findings of the State Water Board and that said Clerk should draw his several warrants for the return of said filing fees to the several exceptors.

(Sgd) Gustav Anderson

Circuit Judge.

State of Oregon        ss  
County of Baker

I, the undersigned, County Clerk and ex-officio Clerk of the Circuit Court of the above named County and State, hereby certify that the foregoing copy of Decree in the matter of the Adjudication of the Waters of Powder River in Baker County, Oregon, has been by me compared with the original Decree, and that the same is a direct transcript thereof and the whole of such original Decree as the same appears on file and for record in my office and in my official care and custody.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal this 18th day of March, 1918.

A. B. Combs, Jr.  
County Clerk, Baker County, Oregon.

STATE OF OREGON        )  
County of Marion        ) ss

I R. W. POTTER, Secretary of the State Water Board of the State of Oregon, do hereby certify that the above copy of Decree of the Circuit Court for the County of Baker, was received in the office of the State Water Board and entered of record herein on the 20th day of March, 1918.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the State Water Board of Oregon, this 20th day of March, 1918.

Secretary of the State Water Board.

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE  
COUNTY OF BAKER

IN THE MATTER OF THE DETERMINATION OF )  
THE RELATIVE RIGHTS OF THE VARIOUS )  
CLAIMANTS TO THE WATERS OF POWDER RIVER )  
A TRIBUTARY OF SNAKE RIVER, AND ITS TRIBU- )  
TARIES, IN BAKER AND UNION COUNTIES, OREGON )

D E C R E E

MARCH 18, 1918.

Gustav Anderson,  
Circuit Judge.

*Right of Water*

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE  
COUNTY OF BAKER.

IN THE MATTER OF THE DETERMINATION OF  
THE RELATIVE RIGHTS OF THE VARIOUS CLAIM-  
ANTS TO THE WATERS OF POWDER RIVER, A  
TRIBUTARY OF SNAKE RIVER, AND ITS TRIBU-  
TARIES, IN BAKER AND UNION COUNTIES,  
OREGON.

DECREE.

Now on this 18th day of March 1918, this matter came on to be heard on motion of the State Water Board of the State of Oregon for final adjudication and determination and for the correction of certain errors existing in former decrees entered herein, and the Court being now fully advised in the premises, it is now ordered, and adjudged, and decreed that the relative rights of the waters of Powder River and its tributaries, a tributary of Snake River in Baker and Union Counties, Oregon, be and the same are hereby determined and adjudicated as follows:

FINDINGS OF FACT.

1.

That on the 27th day of May, 1909, there was filed in the office of the State Water Board of the State of Oregon, a petition signed by H. A. Mitchell, G. H. Perkins, E. A. Chambers and Carl Parker, water users upon said stream, requesting a determination of the relative rights of the various claimants to the waters of said stream, said petitioners are actual users of the waters of said Powder River and its tributaries as appears from the order of determination herein; that thereupon the State Water Board, after a full investigation and due consideration of said petition, found the facts and conditions such as to justify the making of a determination of the relative rights of the various claimants of the waters of said stream and its tributaries thereto, and made and entered its order in the register 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 taking of testimony by the Superintendent of Water Division No. 2, and when said State Engineer or his assistants, did begin the examination of said stream was set by said order of said Board for the 6th day of June, 1912, when the Superintendent of Water Division No. 2 did attend and take the testimony of the various claimants was set by said order of said board, as follows, to-wit: on Monday the 10th day of June, 1912, at the City Hall in the City of Sumpter, Baker County, Oregon; On Wednesday the 12th day of June, 1912, and on Thursday the 13th day of June, 1912, at the Court House in the City of Baker, Baker County, Oregon; On Friday the

14th day of June, 1912, at the City Hall in the City of Haines, Baker County, Oregon; On Saturday the 15th day of June, 1912, at the City Hall in North Powder, Union County, Oregon; On Tuesday, the 18th day of June, 1912, at the City Hall in Richland, Baker County, Oregon; and from Thursday the 20th day of June, 1912, to Thursday the 1st day of August, 1912, at the office of the Water Superintendent of Water Division No. 2, in 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 rights of the various claimants to the waters thereof, and said notice was published in two issues of the Baker City Herald, a daily newspaper published at Baker, Oregon, and of general circulation in the Counties of Baker and Union, Oregon, beginning with the 22nd day of April, 1912, and ending with the 24th day of April, 1912, the date of the last publication of said notice being more than thirty days prior to the date fixed for the making of said examination and measurement of the said streams and ditches by the State Engineer, and for the beginning of taking of testimony by the Division Superintendent.

-3-

That on the 6th day of May, 1912, the Superintendent of Water Division No. 2 did send by registered mail, to each person, firm, and corporation claiming a right to use 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, in so far 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 of said Water Division would commence the taking of testimony as to the relative rights of the various claimants to said stream and its tributaries, and said Superintendent did enclose with each of said notices a blank form upon which the said claimant or person 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.

292

-4-

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.

-5-

That upon the date named in said notice herein published and sent, and at the place specified therein, an assistant to the State Engineer did commence the examination of said stream and its tributaries, and the ditches diverting water therefrom, and the Superintendent of Water Division No. 2 did commence the taking of testimony as to the relative rights of said claimants, and did continue taking same until completed: 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 each of said parties are in default and that said default should be, and hereby is entered against them, to-wit: Adams, J. A. ; Adams, S. L.; John Allrich; L. Anderson, D. Arthur, Ashby & Burns; Mike Asher, Jennie Ashworth; August Rossi; C. H. Basid; Thos. Bashaw; H. T. Babcock; Citizens National Bank; Bashaw & Cooper; Bamberger Ditch Co.; H. Bamberger; Bald Mt Mining Co; T. Baker, J. L. Bacon, H. I. Babcock; J. W. Baldock; J. R. Beard; M. E. Beckwith; Allen Benheimer; F. A. Bennett, J. T. Bennehoff; W. Barry; Leo Basler; H. C. Bidwell; J. Bland, Md; G. W. Bloom, J. Blue; Johnson Bend; Ida M. Bowen; J. W. Boyce; Isaac L. Boyles, F. A. Bradbury; Robt. Brady; Mrs. Braxton; A. Broyles, Buck Gulch Mining Co; Buffalo Gulch Mining Co; Arthur S. Burford; Frank Burton, Jas. A. Burns; Jas. Burton, John Buyor; Olive Cackman; California Mining Co.; B. Campbell, Jr; Nellie Campean; W. J. Cantrell; Bertha Carson; R. F. Carter; A. Case; Francis Casebeer; C. E. Castor; T. Cavel; A. E. Chambers; J. Chandler; L. Chandler; Jas. Chalfield; Adam Christensen; Church of God; J. M. Clenshowe; Ivy M. Clark; L. S. Claimant; H. H. Clifford; Nellie Cochran; Siegle Coffman; H. P. Coffey, E. Coffinberry; J. L. Coffinberry; Mrs. Geo. Cole; Sarah C. Combs; Ira Compton; Jas. Conley; T. H. Connell; Fred Corp; E. Crabhill; Millard Crosby; J. S. Culbertson; F. L. Cundiff; W. E. Cundiff; Joe. B. Dalby; W. R. Davidson; W. Beans; Geo. Dansley; F. M. Derrick; Donald Doane; J. B. Dolby; Fred Dow; Jno. Duckworth; W. J. Dunn; J. A. Duver; Thos. Dyke; F. M. Eich; Al Ensminger; D. F. Entermill; Charlotte Eppinger; Cassie Erway; Lavina Ewing; Levi Ewing; W. A. Ewing; S. L. Farley; W. E. Farley; H. A. Ferguson; A. Fisher; D. C. Fleanor; Chas. Foster; L. L. Foster; Flora Fraser; Isador Fuchs; Mose Fuchs; Mrs. Nettie Gale; C. C. Gardner, C. H. Gardner; R. A. Gibson, Golconda Gold Mining Co.,; Amelia Gose; Margaret Gose; E. I. Graven; Rosa Gregg; E. Griggs; Alonzo Grout; S. P. Hailey; Hammond Dredging Co. ; F. J. Hankins; John Harmen; Henry Harris; Minnie Harris; Minnie Harrison; Fannie Harrison; Geo. Harsin; H. W. Harsin; Jas. Harsin; W. C. Harsin; D. C. Haney; C. H. Haskell; Frank Hat; H. H. Hawkins; U. Henner; W. C.

293



Hensley; Hewitt Land Co.; C. W. Hodgin; J. L. Hodgins; Ira Hoffman; I. L. Holcomb; David W. Holman; David Holmes; B. B. Holmes; Hot Springs Copper Co.; J. L. Houston; R. Howard; I. L. Hughes; J. M. Hughes; Jas Hulick; Fred D. Hulick; Mrs. T. Hunsaker; J. D. Hunstock; M. E. Hunstock; Mrs. A. Huntley; Fred Hurst; Laura W. James; James & Peaper; Geo. W. Jett; High Jingles; H. C. Johnson; J. R. Jones; Jos. Jefford; S. D. Jones; L. S. Kalsey; Geo. Kennerliber; Hettie Kennedy; O. E. Koester; I. H. Kinch; F. Kirby; S. A. Kirby; K of P lodge; J. S. Kroff; A. Landreth; F. Lant; R. C. Langen; J. M. Lewis; C. E. Logsdan; Ohas. Loughlin; W. Loyd; R. A. Loyde; Otto N. Lubles; W. A. Luccas; Lyman Estate; Edna Macey; Jas. M. Macey; Joe Manary; R. W. Marinson; W. E. Martin; W. Marble; C. J. Marble; C. W. Masterson; Ella S. Mathews; T. J. Maxwell; A. McConnell; J. E. McKittrick; Linnie McMurren; McNaught Land & Inv. Co.; J. Moland; E. J. McErve; Eugene B. Melvin; Meadows Irr. & Service Co.; M. E. Church; C. & E. Mfg. Co.; J. O. Mitchell; M. A. Mitchell; C. M. Moody; C. A. Moore; Mrs. F. L. Moore; Dr. Moseman; O. E. Moses; G. J. Moses; E. A. Morgan; L. S. Morgan; C. M. Morris; J. D. Morris; J. M. Morris; T. C. Morris; Thos. Morland Mutual Irr. Co.; Geo. W. Murray; Lewis Neace; Nicholas & Robertson; North Pole Mining Co.; Northwest Smelting & Refining Co.; Oregon Mining & Irr. Co.; Olive Coleman Estate; C. D. Owen; W. A. Papoun; A. E. Parkenson; N. M. Payton; D. W. Owen; J. O. Perkins; F. H. Perry; J. A. Perry; Peter Pol; L. S. Pobst; E. P. Poppy; A. Poppy; Rastus Placer Mining Co.; Reco Placer Mining Co.; Jesse Reese; Isaac Remley; Reynolds & Hase; City of Richland; Sarah J. Riggs; Roberts & Farnsworth; W. B. Roberts; Jas E. Robinette; Arthur Robinson; Rose Robinson; Aug. Rohner; Wm. Rowe; Thos Rutledge; U. B. Ruth; Sand Bar Placer Mining Co.; H. H. Soulsburg; W. F. Saunders; John Soofer; J. W. Schofield; Alice Scott; Elsie M. Schrack; Frank L. Schultz; R. C. Schultze; W. D. Schultz; Glen Selden; Geo. W. Sharp; W. M. Sharp; Sam'l W. Sherred; Mary A. Schiller; Julia Shuman; C. E. Simpson; Mary A. Shuter; B. S. Smith; Mr. Smelden; Harry Smith; Mrs. R. C. Smith; Mrs. Snyder; Dave South; Luther M. Spellman; Katie Spellman; W. L. Springer; Stells Stall; Wm. Stall; Wm. Staller; A. B. Stark; T. D. Stanley; Katie Stephens; Henry A. Stephenson; Mary Stephenson; Stices Gulch M'ng Co.; J. P. Stoll; W. R. Sturgell; Lula C. Sullivan; S. C. Summers; Maud K. Sullivan; Warren Swayze; J. M. Swift; Henry Swift; L. L. Swift; Marion Swinger; Minnie Swinger; M. F. Swinger; Geo Taggart; E. E. Taylor; J. T. Taylor; Frank Tenbrook; John Thorsen; T. J. Thorsen; Richard Thrasher; L. W. Tibbs; A. E. Van Sucklin; Arch Van Order; Clarence Van Order; John Van Order; L. Van Pinsicbrook; Edenville Vernon; G. F. Wade; C. A. Waldrons; Al. Wadon; Herman Wolf; G. M. Walk; Mrs. Mary Waltz; W. Ward; Eugene E. Way Estate; C. M. Welch; Emma Weller; Wm. Werdman; Martin Warnes; Jas Whitaker; Wm. H. White; Fred W. Wilkins; J. O. Williams; Ernest C. Wilson; J. E. Woods; Geo. W. Wright; J. Wyatt; E. L. Wyatt.

of Water Division No. 2, said Superintendent did, on the 28th day of August, 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 Monday the 15th day of September, 1913, and ending on Saturday, the 27th day of September, 1913, (Sundays excepted) from nine o'clock A. M. to twelve o'clock M., and from two o'clock P. M. to five o'clock P. M. at the following places in Baker and Union Counties, Oregon, to-wit: At the Court House in the City of Baker, Baker County, Oregon, from Monday the 15th day of September, 1913, until Saturday the 20th day of September, 1913, and at the office of the Superintendent of Water Division No. 2, in the City of La Grande, Union County, Oregon, from Monday the 22nd day of September, 1913, to Saturday the 27th day of September, 1913, inclusive all of said evidence would be opened to the 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 twelve full days, and said notice did also state forthwith, 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 Baker 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 application was duly granted and said claims were filed as follows, to-wit: Mrs. R. W. Laughlin, 9/27/13; C. L. Scott, 9/27/13; W. A. Green, 9/29/13; W. A. Green & W. A. Welch, 9/29/13; H. A. Mitchell, 9/29/13; Peter Hansen, 9/29/13; G. R. Weisner, 10/13/13; A. A. Fidler, 10/13/13; E. W. Coles, 10/13/13. That at said times and places named in said notices, for said public inspection, the Superintendent of Water Division No. 2 did open to public inspection, all proofs and evidence of the rights to the water and the Findings of the State Water Board in relation to the relative rights to the use of the waters of North Powder River and its tributaries, a tributary of Powder River, which said North Powder River had already been duly adjudicated, and the rights to the waters of said stream had heretofore been duly determined by the State Water Board as provided by statute; that no contest was filed by any of the claimants to the right of the use of water from Powder River and its tributaries against any of the water users of the water of North Powder River.

-7-

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 said stream and its tributaries, and all of the ditches diverting water there-

from, and all 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 said engineer did prepare a plat and a map, on a scale of measurement of two 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 were susceptible to irrigation from said ditches and canals, already constructed, blue prints and copies of said maps, and the information duly certified to by said engineer being now on file herein, and a part of the record hereof.

-8-

That 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 persons, firms and corporations, to-wit:

Allen, David T  
Allen, D. W.  
Allen, Mrs. R. S.  
Anthony, Augustus  
Babcock, H. T.  
Baird, W. E.  
Baker, John  
Barber, C. E.  
Barber, W. E.  
Barber, A. L.  
Beauchamp, F. E.  
Beck, Miranda Elizabeth  
Bennehoff, E. A.  
Bennehoff, John D.  
Bennehoff, Wm. T.  
Bernard, Carrie  
Binheimer, George  
Binheimer, Susie  
Blue, Cora M.  
Bodinson, Grace  
Bogart, Clarence,  
Bowen, J. C.  
Bradford, I. N.  
Bradford, Rachel  
Brooks, Cl H.  
Brown, Eugene E.  
Brown, Laura M.  
Brown, Samuel

Campbell, J. W.  
Carnahan, J. W.  
Carter, B. P.  
Carroll, Jos. N.  
Chandler, Eli  
Chandler, Eugene  
Chandler, I  
Chandler, Mrs. Maggie B.  
Chandler, W. W.  
Chapman, John  
Clerk, David  
Cobb, Mrs. T. A.  
Cobb, T. A.  
Coble, Chas.  
Coble, Geo. W.  
Conrad, David H.  
Cook, J. H.  
Co-operative Trading  
Company, Inc

Gorson, Bertha  
Gorson, Oliver  
Gouty, Joseph  
Craig, C. H.  
Craig, Frank  
Cropp, M. J.  
Cropp, Anna J.  
Cundiff, W. C.

Davis, G. A.  
Davis, J. A.  
Davis, W. P.  
Decker, O. W.  
Densley, W. J.  
Derriok, H. A. (Est)  
Derrick, H. C.  
Densley, Margaret L.  
Dryborough, Mary A.  
Dry Gulch Ditch Co.  
Duffey, Eleanor  
Duke, White

Eagle Valley Cannery  
Co., a corp.  
Engum, Ezra  
Eagle Valley Cemetery  
Assn. a corp.  
Engum, James  
Evans, Ascenith  
Evans, Geo. W.  
Fraser, John

Gibson, Julia  
Givens, Medora L.  
Gordon, Geo W.  
Goss, Leonard  
Gover, David S.  
Gover, O. A.  
Gover, Rebecca  
Gover, Hattie, Vina, Woody  
heirs of Samuel Gover  
dec'd, by W.E. Summers,  
Administrator,  
Gover, Walter A.  
Gover, W. L.  
Grant, Geo., Trustee  
Graven, Noah N.  
Graven, Clinton C.

Hailey, J. P.  
Hartley, Amelia  
Hartley, Jos.  
Harvill, Chas A.  
Healey, Jennie  
Healey, L. M.  
Hewitt, F. G.  
Holcomb, Candace E.  
Holcomb, Corintha E.  
Holcomb, J. N.  
Holcomb, W. A.  
Howard, Mary H.  
Howell Ditch Co.  
Howell, Charles

Jasper, F. G.  
Jasper, W. C.  
Jennings, Fannie  
Jones, Martha  
Jones, Dan W.  
Jones, George W.  
Jones, Laura A.  
Jones, Leonard

Keller, Dora  
Kendall, Alberta  
Kendall, Oscar  
Kirby, Mary A.  
Kirby, W. W.  
Kissell, George W.  
Kitchen, R. J.  
Knoblauch, Paul  
Lausen, E.  
Long, Mary

Macy, B. G.  
Mander, A. A. estate of  
by O. E. Moran  
Martin, Margaret B.  
Martin, Minnie E.  
Mason, Carl C.  
Mason, Sarah A.  
Masterson, R. A.  
Matthews, L. Y.  
Maxton, Geo. W.  
McCarley, Mrs. C. S.  
McLean, P. F.

McLeod, Johnnie  
 Moody, Geo. M.  
 Moody, Henry H.  
 Moody, Orson  
 Moody, P. A.  
 Morgan, L. G.  
 Morris, T. L.  
 Morrison, Bertha  
 Mulvahill, M. H.

Palmer, (Nee Hall) Bessie  
 Perkins, Clara  
 Perry, Charles, W.  
 Perry, John B.  
 Phillips, D. A.  
 Powder Land & Irr. Co., a  
 corp., by O.C.Finkel-  
 berg, Supt.

Rinard, D. A.

Sass, Peter  
 Saunders Bros  
 Saunders, G. B.  
 Saunders, G. B. for heirs  
 of D. J. Saunders  
 Saunders, D. J. & G. B.  
 Saunders, Sam  
 Saunders, Laura Ann  
 Saunders, Sam J.  
 Saunders, W. G.  
 Saunders, W. M.  
 Saunders, W. S.  
 Schultz, Elmer D.  
 Scott, C. W.  
 Scott, Charles, W.  
 Seigel, Thos.  
 Sharp, Elizabeth May  
 Sharp, J. W.  
 Sharp, William A.  
 Sharpan, Geo. P.  
 Shaver, C. J. & M.E.Baid  
 Shelton, C. C.  
 Shelton, J. M.  
 Shoemaker, Elijah  
 Shelton, J. M.  
 Siber, Pearl  
 Simonia, M.D.  
 Simonia, Fred  
 Simonis, L. L.  
 Simonis, Mary J.  
 St Elizabeth's Hospital  
 St. John, C. C.  
 Stone, Ella M.  
 Stone, J. L.  
 Strayer, D. N. & Noble  
 Holcomb  
 Strayer, W. H.  
 Sullivan, Emma  
 Sullivan, Eugene  
 Summers, W. E.  
 Swisher, H. P.

Taylor, E. S.  
 Taylor, Mrs. Retta  
 Thompson, Emma  
 Thompson, Jasper  
 Triokel, John L.  
 Tuttle, Joel O.  
 Usher, Virginia A.  
 Usher, W. R.

Vernon, Catherine M.

Wallace, James A.

Wallace, James E.  
 Waterbury Allen Ditch  
 Company  
 Waterman, John  
 Welter, Mat  
 Whitaker, Ada  
 Whittier, E. A.  
 Wilking, Sarah T.  
 Williams, Leonard & Henry  
 Williams, W. P.  
 Willoughby, W. B.  
 Wilson, V. A.  
 Wixon, O. F.  
 Wright, Fannie H.  
 Wright, J. T.  
 Wright, Winter  
 Wright, Pearl  
 Wright, W. B.  
 Wyatt, Pigman T.  
 Wyatt, W. A.

Young, I. N.

Siegler, Chas. &  
 Zarissie, heirs of J.  
 P. Ziegler, Henry L.,  
 Charles, Anna, Marie  
 Siler and Leona Parker  
 Ziegler, Henry L.

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Adams, J. W.  
 Anderson, F. O.  
 Anderson, R.P., and N.E.  
 Dodd  
 Andrus, Elgy  
 Angell, B. R.  
 Ashwood, Wm. J.F.  
 Ashworth, John  
 Atkinson, Fredk. H.  
 Atwood, J. P.

Bacon, J. E.  
 Baird, John P.  
 Baisley, J. H.  
 Baisley, Perry, Est. of  
 by Hattie Baisley, Exec.  
 Baisley, S. B.  
 Baisley, S. B. and Estate  
 of Perry Baisley  
 Baker, Wm.  
 Baker, City of, by G.L.  
 Palmer  
 Baker City Packing Co. by  
 Wm. Duby  
 Baker City Lodge #25,  
 I.O.O.F.  
 Baker Lodge #47, A. F. &  
 A. M. by Joe Woods  
 Baker City Mutual Irrig.  
 Co., by H. Kirkpatrick,  
 Secretary  
 Baldock, Emma, by Lillie  
 Allen, Gaurdian  
 Baldock, Priscilla  
 Balm Creek Orchard Co.,  
 by O. C. Finkelberg  
 Gen. Mgr.  
 Barger, J. W.  
 Bauer, H. F.  
 Beckwith, Nancy G.  
 Bennett, Claude E.  
 Bennett, Elmer E.  
 Bennett, Elmer E., Admr.  
 of Est. of Nathan  
 Bennett, Dec'd.

Bennett, Ora M.  
 Benson, Clark  
 Big Creek Ditch Co., by  
 Nettie O. Bussard, Sec.  
 Blackburn, Margaret W.  
 Blackburn, Margaret W.  
 for Clyde C., Helen,  
 Jeanette & Geo. Vernon  
 Love.  
 Blackburn, Margaret W.,  
 for heirs of Avon S.  
 Love, deceased.  
 Blevins, S. E.  
 Bodwell, V. S. & F. M.  
 Bogart, Clarence  
 Bond, M. S.  
 Bond, J. W.  
 Bond, J. T.  
 Bork, Frank  
 Borton, Clara  
 Barton, Jos.  
 Bosley, Jennie  
 Bourne, City of, by  
 W. J. Evans  
 Bowen, Ed. C.  
 Bowen, Rose L.  
 Bowers, W. S.  
 Bowles, J. M.  
 Bowman, G. L., Bertha.,  
 Fred & Bessie, N. B.  
 Bowman Estate, Jos. E. Adm  
 Bowman, I. T.  
 Bowman, John  
 Boyce, H. E.  
 Boyce, W. H.  
 Bradbury, A. A.  
 Brag, Harry L.  
 Brant, John  
 Brant, Wm.  
 Brooks, C. H.  
 Brown, Asa L.  
 Brown, Geo. W.  
 Brown, Mike  
 Brown, P. J.  
 Broyles, Walter & V.V.  
 Brunson, Geo. A.  
 Buchanan, W. A. & Paney  
 Buchanan, Wm. T. & Martha  
 Bunch, R. B.  
 Bunyan, Wm.  
 Burden, Lucy  
 Burke, Patrick  
 Burnside, I.S. & M.F.  
 Burnside, J. A.  
 Burnside, Jas. A.  
 Burnside, John M.  
 Burr, Geo. & Ebenezer  
 Burris, Henry  
 Butts, Chas & Ida. R.  
 Calhoun, J.D. & J.H.  
 Carlson, Shas. A.  
 Carpenter, U. S.  
 Carothers, C. A.  
 Carter, Joe.  
 Cartmill, D. M.  
 Cartmill, Eva J.  
 Cartmill, W. A.  
 Cassidy, Ann, heirs of  
 William J. Cassidy  
 Robert A., L.L., Mary  
 Warren, and minor heirs  
 of Carrie Fritz, viz:  
 Wm. Fritz, Bessie Sar-  
 gent and Robert Sargent  
 Castor, F. W.

Caviness, Ella  
 Caviness, Geo. M. & Emma A.  
 Chambers, C. N.  
 Chambers, Wm N.  
 Chandler, Geo  
 Chase, Wm. J.  
 Childers, O. H. (See C.A.  
 Canterbury)  
 Canterbury C. A.  
 Chindling, Paul, Or  
 Chimidling  
 Christensen, John C.  
 Deceased, Heirs of  
 Mary E., Thos. H., Nellie  
 J., John B., Anna C.,  
 George, William and Lelia  
 Christensen, by John E.  
 Ingram, Executor  
 Clark, J. H. & L. R.  
 Harris  
 Cole, Fred  
 Cole & Littlefield  
 Cole, Mary E  
 Coleman, Clayton  
 Coleman, John  
 Coles, Cleveland  
 Coles, O. E.  
 Coles, E. W.  
 Coles, Edw. W.  
 Coles, Fred, Lillie & Joel  
 Coles, Walter,  
 Coles, Wm.  
 Collins, Clara  
 Colton, Chas. H.  
 Colton, W. H.  
 Colton, C. P.  
 Columbia Cold Mining Co.,  
 by Frank S. Baillie  
 Colvin, Joshua & G. H.  
 Conrad, G. A.  
 Correll, P. P.  
 Correll, S. O.  
 Coughanour, W. A.  
 Cousins, Russel  
 Coyle, Minnie  
 Cusiok, S. F.  
 Cranston Land Co., by  
 Earl F. Cranston, Pres.  
 Cranston, Anna E.  
 Cranston, Earl F.  
 Cranston, E. P.  
 Cranston, H. B. Estate  
 by Earl F. Cranston, Ex.  
 Cranston, Laura R., heirs  
 by Earl F. Cranston, Admr  
 Cranston, Laura R., heirs &  
 Cranston, H.B. Estate, by  
 Earl F. Cranston, Executor  
 Cranston, Lena V.  
 Critchlon, Jas, Ralph  
 Cronin, Mary E.  
 Currey, Lulu P  
  
 Dahlstrom, A. P.  
 Daily, Lawrence  
 Dalby, Mary R.  
 Dalgliesh, A. G.  
 Daly, J. W.  
 Davis, Dan J.  
 Daugherty, W. S.  
 Dean, Estella  
 Dean, J. M.  
 Defrees, B. F.  
 Defrees, J. J.  
 Defrees, W. H.  
 DeLong, Andy  
 Dodson, J. L

Dougherty, Claude T.  
 Douglas, E.  
 Dunn, Charley D.  
 Dunn, F. I.  
 Durkee, Chas. W.  
 Dyke, Geo. P.  
 East Baker Irr. & Mill-  
 ing Co., by Earl F.  
 Cranston, Pres.  
 Eastern Ore. Lt., & Power  
 Co., by F.A. Harmon, Sec.

Ebell, Chas  
 Ebell, Geo.  
 Edens, S. W.  
 Edmiston, J. L.  
 Ellertson, Wilbert  
 Elliott, Andrew  
 Elliot, Wm. A.  
 Emale, W. D.  
 Ensminger, J. H.  
 Ensminger, Jos. R.  
 Eppinger, A. W. & Chas. A  
 Eppinger, F. W.  
 Erwin, John  
 Erwin, J. G.  
 Evans, Harlow J. & Mrs.  
 Evans, John P  
 Evans, W. J.

Farley, J. W.  
 Farley, J. W. & Rossetta A.  
 Favorite A.M.&O.L.  
 Favorite, E.L., Executor  
 of Estate of D. Favorite  
 & heirs, viz; M. M.  
 Favorite, O.L. Favorite  
 A. M. Favorite & Lillie  
 Favorite,  
 Favorite, E. L.  
 Favorite, O. L.  
 Ferguson, Meda V.  
 Fernald, Walter  
 Flick, Henry  
 Fidler, A. A.  
 First Nat. Bank of Baker  
 by E. R. Parker  
 Fisher, Ben  
 Fisher, H. K.  
 Fisher, J. K.  
 Fisher, W. H.  
 Fleener, M. T.  
 Fleener, C. O.  
 Fosnot, J. M.

Gale & Coffey  
 Gale, Albion  
 Garbut, L. J. & Phila H.  
 Gard, Amos  
 Gard, Z. S.  
 Gardner, G. F.  
 Gardner, Mary S. & Edna  
 B. Stuchell  
 Gardner, Stephan  
 Garren, E. W.  
 Garrett, Richard R.  
 Geddes, Frank  
 Geddes, Frank  
 Geddes, J.A. & Wm. Pollman  
 George, R. T.  
 Gilbert, Eunice L., Mrs.  
 Gilkison, A. E.  
 Gilkison, G. M.  
 Gilkison, J. E.  
 Gilkison, Mary A.  
 Gilliam, Homer, and heirs of  
 Geo. A. Richardson, dec'd  
 Goble, J.M. & W.K.  
 Gorham, H.O.

Gould, Charles, V.  
 Graham, Sarah G.  
 Grout, L. C.  
 Gray, Earl F.  
 Greene, J. M.  
 Green, Mary L.  
 Green, W. A.  
 Green, W. A. & W. J.  
 Welch  
 Grier, Matilda, Grier  
 Clara, Lilly Daly,  
 Vesta Langreil &  
 Pearl Shrader  
 Hall, Edw. V. & Nellie S.  
 Hammond, John  
 Hand, J. L.  
 Hansen, Andrew  
 Hansen, Peter  
 Hansen, P.  
 Harrington, J.H.B. &  
 Grace C.  
 Harris, J. A.  
 Harrison, Geo. T.  
 Harrison, Harvey  
 Hart, John & Mary  
 Hartung, A. J.  
 Harsin, Florence  
 Harsin, Martha E. (S)  
 Harvill, Chas. A.  
 Haskell, M. G. & O. M.  
 Haskins, Ella Powell  
 Thos. Moore, Hattie  
 McCullough & John Moore  
 Hatley, N.  
 Hawk, W. C.  
 Hawkins, G. B.  
 Hawley, W. R.  
 Hayes, J. P.  
 Healey, H. B.  
 Henner, Jos. T.  
 Herman & Howald  
 Howlett, Thos. H.  
 Hibberd, C. R.  
 Higbee, Pearl  
 Higbee, Pearl, Lawrence,  
 Velma, Mary, George,  
 Parthena and Pauline,  
 heirs at law of J. C.  
 Higbee, deceased.  
 Hill, C. A.  
 Hinchey, J. A.  
 Hindman, W. C.  
 Hodgins, C. R. & John  
 Rohner  
 Hoff Corporation, The  
 by L. Hoff, Pres.  
 Huffman, L. O.  
 Hoke, Jno. G.  
 Holland, J. P.  
 Holmes, S. W.  
 Horan, F. L.  
 Horn, J. E.  
 Horn M.  
 Howard, H. F.  
 Howell, Charles V.  
 Howry, Charles  
 Hudson, Amanda  
 Hudspeath, Josephing  
 Hudspeath, Wm.  
 Huff, H.E. & C.M. Weston  
 Huff, T. G.  
 Huffman, G. L.  
 Hughes, M. S.  
 Hulick, Margaret  
 Hulick F. S.  
 Hunsaker, Francis M.

Hunstock, F. G.  
Hunstock, Mable C.  
Hunstock, Mary L.

Indermuhl, D. Fred  
Ingalls, Geo T.  
Ingle, A. N.  
Irvin, J. S.  
Irvin, Adelia  
Ison, L. O.  
Ison, Josephine, Virgil  
S. & Edna McDougall  
Ison, Virgil, Alexander  
McDougall & Edna  
McDougall  
Izatt, Alexander S.

Jackson, Arminda  
Jackson, C. S.  
Jackson, C. E.  
Jackson, J. J.  
Jackson, S. H.  
Jackson, William A  
Jacobson, Oscar  
James, J. F.  
James, Robert Bruce  
Jeffords, T. R.  
Jeffrey, C. O. & W. A.  
Jenkins, Geo. W.  
Jenkins, E. A., Estate  
of, by Geo. W. Jenkins,  
Admr.  
Jenkins, W. W.  
Jennings, Martha  
Jennings, Martha, R. H.  
Williams and L.R. Williams  
Johnson, Edgar R.  
Johnson, G. F.

Kane, Bridget  
Kelly, Eliza E.  
Kelly, Frank L.  
Kelley, Perrin L.  
Kennedy, Emma  
Kennedy, J. F.  
Kennedy, Malinda  
Kennedy, T. E.  
Kent, Charles, L.  
Killamaque Lake Reservoir  
& Rock Creek Irrig. Co.,  
a corporation  
Kinnison, H. B.  
Kirby, J. A.  
Kirby, Richard  
Kirkby, Thomas  
Kirby, William L.  
Kissell, Luella & Daisy  
Ella and Minnie Wood-  
worth  
Klinefelter, Peter  
Knoblauch, Paul  
Koester, Louise

Laam, S. V.  
Lachner, Ida N.  
Lachner, Wallberger  
Loennig, Frank  
Loennig, Henry  
Lamprecht, Fred  
Landreth, Mrs. J. T.  
Landreth, Mrs. J. T.  
Landreth, Mary  
Landreth, Matthew  
Larson, Peter  
Laughlin, Mrs. R. W.  
Leasy, Hester M.  
Leasy, W. H.  
Lee, David  
Lee, Miles

Leffler, Thos.  
Lew, John, Heirs of; John  
H., George, Albert  
Bertha, Frank and heirs  
of Kate M. Craig-Harry  
Harold & Charles  
Lew, E. J.  
Lew, John H.  
Lewis, Amy  
Lillard, J. F. & S. A.  
Lillard, W. W.  
Lindley, J. E.  
Littlefield, Ellen E.  
Licklider, Ella  
Locken, Henry  
Lockhart, Frank  
Lockhart, W. D.  
Long, A.  
Long, Geo  
Love, Clarence E.  
Love, Lloyd W.  
Love, N. C.  
Love, Rosa B.  
Love, W. S.  
Lucas, A. E.  
Lucas, W. W. & Viola A  
Luster, J. B.,

Maack, Thos.  
Maack, Thos & Wm Pollman  
Manary, Myrtle  
Maharry, H. W.  
Mammoth Gold Mining Co.  
Mann, S. C.  
Marlin, Thos. B.  
Mascher, Thos. B.  
Mason, Lavisa J.  
Masse, G. A.  
Masters, Huldah  
Masters, J. L.  
Masters, S. E., Ninna &  
Huldah, heirs of Aug.  
Masters, by Huldah  
Masters  
Mayes, W. H.  
May (Pointer) Elizabeth  
Maxwell, J. O.  
Mays, Chas. B.  
McAlexander, C. L.  
McCoy, L. O.  
McCrary Ditch Co, by  
C. O. Card, Secy.  
McCullom, J. M.  
McCullough, Blanche  
McCullough, H. E.  
McCurry, C. D.  
McEnroe, Jas. A.  
McEnroe, Matilda  
McKinney, S. H.  
McKittrick, Martha T.  
McMurren, Sarah E.  
McQuown, Alex  
McQuown, Wm.  
Melville, Addie R.  
Merson (Clark) Lizzie A.  
Meyer, August  
Meyer, Wm.  
Meyers, W. L.  
Miller, W. L. Estate by  
Novella E. Miller  
Miles, J. S. & W. J.  
Minerva Gold Mining Co.  
Mitchell, H. A.  
Moll, C. D.  
Montalbano, Paul  
Moody, Orson,  
Moore, Frank J.  
Moore, W. R.

Morgan, L. G.  
Morris, C. E.  
Morris, R. L.  
Morris, Zach  
Morrissey, James  
Moses, D. B.  
Meyers, John I.  
Nault, Victor  
Neil, Anna E.  
Nice Bros, J. A. & J. H.  
and Matts  
Nice, John N.  
Northwest Light & Water  
Co., by W.E. Weed

O'Bryant, J. W.  
Odell, Minnie  
Olbrich, John  
Oliver, Arthur  
Olsen, Anna & John H.  
Olsen, C. C.  
Olsen, C. C. & Emma  
Olsen, Hattie H.  
Olsen, Mrs. Hattie H.  
Osborn, Milton S.  
Osborn, Orrin R.  
Osborn, S.  
Osborne, C. J.  
Owen, W. A.

Palmer, C. L.  
Palmer, Florence E.  
Palmer, Melville M.  
Palmer, R. R. & H. E.  
Denham  
Palmer, Walter E.  
Parker, Thos. H. Admr.  
of estate of J. H.  
Parker, deceased  
Patterson, W. L.  
Payton, Otis J.  
Payton, W. A., Rose,  
R. E., Anna, and Osie  
M. Smith  
Pennoyer, Amos & Georgiana  
Perkins, Armand W.  
Perkins, Arthur E.  
Perkins, J. C.  
Perkins, Flavius  
Perkins, W. H.  
Perkins, T. B. and J. P.  
and G. H. and Madeline  
E. Reynolds, heirs of  
E. P. Perkins  
Perkins, W. B.  
Perry, Mae  
Phillips, F. A.  
Phillips, Lulu M.  
Phillips, Jas. W. & T. B.  
(Pocahontas Farmers Ditch Co.)  
Roberts, M. E.  
Osborn, Ella M.  
Morin, Freta  
Landreth, W. B. & L. M.  
Kelly, Jas. A.  
Kelly, Charles W.  
Evans, Harlow J. Har-  
man E. Joran & Mary  
E. Jordan  
Doherty, Hugh  
Crabill, P.  
Cavin, James  
Cavin, John H.  
Brown, Julia A.  
Brown, Dorcas A.

Bowles, J. M.  
 Akers, James  
 Polley, J. A.  
 Polley, J. M.  
 Polley, J. I.  
 Polley, W. J.  
 Porter, W. F.  
 Paulson, Peter S.  
 Powder Land & Irrig. Co.,  
 by O.C. Finkelnberg  
 Powder River Cold Dredging  
 Company  
 Pritchard, Geo. M.  
 Proffitt, T. N.  
  
 Reynolds, Frances E.  
 Richardson, Sarah E.  
 Richmond, John  
 Riley, W. B.  
 Ringeling, Josephine  
 Kitch, William  
 Ritter, A. J.  
 Rizor, Edith  
 Rizer, H. J. & Dora L.  
 Rochester, Emma C.  
 Rock Creek Milling Co.  
 Rock Creek & North Powder  
 Irrig. Co., by Davis  
 Wilcox  
  
 Moore, Amanda C., Susan W.  
 and Cecile W.  
 Basche P. & Nat Cooper  
 Roden, Alfred C. & Jos.  
 Lansen  
 Roethler, Annie, Amos.  
 Cora, Peter, Hazel, Alma  
 and Ernest, by Mrs. A.J.  
 Roethler, Guardian  
 Roundy, William A.  
 Rohner, Jacob  
  
 Schiller, Adolph  
 Scholl, Martha K.  
 Shultz, E. D.  
 Scofield, Samuel S.  
 Scott, C. L.  
 Seacat, Mountain  
 Seigel, Thos.  
 Selby, W. J.  
 Sewell, F. E.  
 Shanks, Andrew  
 Sharp, Fred W.  
 Shaw, A. L.  
 Shaw, H.  
 Shaw, John  
 Shaw, Roy L. and Mary C.  
 Baker  
 Shell, Nellie  
 Shelley, O. C.  
 Sherman, J. E.  
 Sherred, Florence L.  
 Shields, J. C.  
 Shockley, A. S. and heirs  
 of H. H. Hindman  
 Grace Hindman, Fay, Isa-  
 bel, Richard and Dorothy.  
 - Shoemaker, W. H.  
 Simonis, Mrs. M.  
 Simohis, Jacob  
 Simonis, Geo. D.  
 Sipp, C. W.  
 Smith, Julian T. & C. A.  
 Smith, W. L.  
 Speelman, D. L.  
 Spaulding, & Vaughn  
 Speelman, Michael R.  
  
 Springer, G. W.  
 Springer, Nels  
 Stall, David J.  
 Stanley, Annie L.  
 Steadman, Derk J.  
 Steiger, John  
 Stephens, John H.  
 Stephens, John H. Jr.  
 Stephenson, Dan  
 Stephenson, Earl B.  
 Stevens, H. A.  
 Stewart, Edith I.  
 Stewart, Frank  
 Stewart, R. L. & J. M.  
 Stewart, Roy  
 Stoddard Lumber Co., by  
 Jos. Stoddard  
 Storrs, Chas  
 Stuber, Matt  
 Struchtrup, Wilhelm  
 Sturgill, B. F.  
 Sturgill, Adaline  
 Sturgill, Francis H.  
 Sturgill, S. D.  
 Sturgill, S.D. & Francis H.  
 Sullivan, Eugene  
 Sumpter Land Co., by  
 Frank S. Baillie  
 Swift, A. B.  
 Swift, A. V.  
  
 Taggart, Gertie B.  
 Tate, C. F.  
 Taylor, J. H.  
 Taylor, L. G.  
 Taylor, T. B.  
 Taylor, T. B.  
 Teter, Wm. M.  
 Thomason, Cynthia U.  
 Tibbs, Charles A.  
 Tibbs, James, B.  
 Tibbs, Sydney W.  
 Tibbs, Thomas H.  
 Tinkle, A. J.  
 Toney, J. H.  
 Toney, Nancy E.  
 Toney, R.V., J.A. & J.D.  
 Toney, W. L.  
 Travillion, H. C.  
 Travillion, Fannie J.  
 Travillion, J. C.  
 Truscott, Richard, heirs  
 of, by Susannah, Truscott  
 Truscott, Susannah  
 Tunnicliffe, A. E.  
 Turley, S. L.  
 Turley, S. L. Admr. of  
 Estate of Morris Kane  
 Turner, Cyrus  
 Turner, James J.  
 Turner, Joseph G. and  
 David H.  
 Turner, Joseph G., David  
 H. and Zaide  
 Turner, W. E.  
  
 Utz, B. E.  
  
 von Boggert, Blondina F.  
 Vanderwall, Frank  
 Vanderwall, C. W.  
 Vandevanter, A. J.  
 Van Order, W. N.  
 Van Order, Clara  
 Vaughan, F. C.  
  
 Von Puymbrook, Vital  
 Voruz, E. P.  
  
 Waldo, Charles A.  
 Waldrop, Frank  
 Wales, Ella G.  
 Waltz, A. F.  
 Ward, A. L.  
 Ward, Newton  
 Wart, Samuel H.  
 Wasser, Casper  
 Wasson, Chester H. and  
 Carrie  
 Waterbury C. M.  
 Waterman, John  
 Waterman, John, Amanda,  
 C. Moore, Susan W.  
 Cecile W. Moore  
 Watts, H. E.  
 Weaver, A.H., & W. R.  
 Harley, and E. W.  
 Davidhyar  
 Weber, E.  
 Welch, Thomas O.  
 Welch & Co., by E. F.  
 West  
 Wellman, Adelia  
 West, Fred A.  
 West Side Ditch Co., by  
 John F. James  
 White, Ellen  
 White, J. C.  
 Whitney, S. E.  
 Whittier, E. A.  
 Weisner, Mabel G. R.  
 Wicks, Harrison & Clarence  
 Wicks, James E.  
 Wildmann, William A.  
 Wilcox, Davis, Amanda C.  
 Moore, Susan W. and  
 Cecile W. Moore  
 Wilcox, Davis  
 Willett, Minnie L.  
 Williams, L.R.&L.L.  
 Williams, Mrs. Margaret  
 & Mrs. Rosa Williams  
 Williams, Pauline  
 Williams, W. L.  
 Wilson, E. A.  
 Wilson, Mary E.  
 Wilson, Ross & H. Van  
 Nordheim  
 Wiltshire, F. F. (trans.  
 to E. W. Shaw.)  
 Wirth Bros. (J.D.&L.S.)  
 Wisdom, John W.  
 Woods, Wm. J. & Richard  
 Woodworth, Daisy, Ella  
 and Minnie  
 Wright, Dunham  
 Wright, Geo A.  
 Wright, M. J.  
 Wright, R. J.  
 Wusler, A.  
  
 Yantis, J. L.  
 York, Edward  
 York, James  
 Young, A. N.  
 Young, Peter F.  
 Young, Rymmol T. and  
 Mary A.  
 Younes, J. E.  
 Zeller, A. R.  
 Zulsdorf, H. A.

9.

That seventy-one contests were filed with the Superintendent of Water Division No. 2, 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; the names of the respective contestants and contestees involved in each of said contests, together with the number and disposition of each contest, being fully set out in the following findings numbered 11 to 81 inclusive.

10.

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 notices of hearing of said contests on each of the parties to each and every of said contests, which notices of hearing set the date for said hearing at more than thirty days and less than sixty days from the date said notices of hearing were so served upon said parties. That due proof of said notices of hearing, and of the service thereof upon each of the parties to each and every of said contests is on file in these proceedings. That upon the date set for the hearing of said contests, the Superintendent of Water Division No. 2 did attend and begin said hearings upon said contests, and did continue said hearings upon said contests from time to time until each and every of said contests were fully heard, settled, or otherwise disposed of as hereinafter more fully appears.

11.

Contest #1. Patrick Burke, contestant, v/ C. G. Olsen, contestee, was stipulated by the parties thereto to the effect that each party shall have equal rights to the waters of Willow creek as of date 1872, and it appearing to the State Water Board that contestant irrigates 156 acres of land from Willow Creek under date of 1872, and 108 acres from Rock Creek under date of May, 1884, and 48 acres are also irrigated from Willow Creek through the North Willow Creek Ditch as a supplemental supply to Rock Creek, and contestee irrigates 163.6 acres from Willow Creek under date of 1872, and that the dates of priority stated in said stipulation are within the dates stated in the statements and proofs of claimants, the State Water Board hereby finds, that said parties are entitled to the equal use of the waters of said Willow Creek with a priority date of 1872, subject to the general findings herein and the water master shall distribute the water to the parties hereto, equally, provided, that when such distribution interferes with other rights, then such distribution shall be according to priority, and provided further, that this finding shall not prevent the establishment of any better system of rotation.



Contest #2, W. A. Green, J. O. Maxwell, H. K. Fisher, Asa L. Brown, W. L. Toney, Killamaque Lake Reservoir & Rock Creek Irrigation Company, a corporation and Rock Creek Protective Association, contestants, v. Rock Creek & North Powder Irrigation Company, a corporation, Davis Wilcox, P. Basche, P. Basche as administrator of the Estate of Nat Cooper, deceased, Amanda V. Moore, Susan H. Moore, Cecile Moore and Amanda V. Moore, and Susan H. Moore, Trustees of the Estate of Frank L. Moore, deceased, contestees, was stipulated by the parties thereto to the effect that contestees make no claim to the priority date of the Waggy Ditch nor to the store water of the Killamaque Reservoir, nor to more than 1392 miners inches of water for the land described in contestee's claims and no other and in accordance with such stipulation, the State Water Board finds the dates of priority as hereinafter tabulated, and the amount of water to be used shall be in accordance with the general findings herein.

301

## 13.

Contest #3. Mountain Seacat, contestant, v. George W. Gardner, contestee, and Contest #17, George W. Gardner, contestant v. Mountain Seacat and Henriette Seacat, husband and wife, A. V. Swift, Edna Stuchill, D. F. Indermuhl, Ida W. Lachner, and Mary S. Gardner, contestees, were heard by the Superintendent of Water Division No. 2, and the testimony and all the proceedings in said contests were reported, transcribed and filed with all exhibits in this proceeding, and from all the testimony, proceedings, exhibits, data and information filed in these proceedings and applicable to these contests, the State Water Board finds that the first irrigation ditch upon the place now owned by G. F. Gardner was constructed in 1864, and covered about 21.5 acres; the second ditch was constructed in 1867, and covered about 40.5 acres, and the third ditch was constructed in 1896, and covered about twenty acres of land. That the irrigation of the place now owned by Mountain Seacat began in 1867. That the irrigation of the lands now belonging to Mary S. Gardner and Edna Stuchill began in 1875 (49 Or. 617-618); those belonging to D. F. Indermuhl in 1875; A. V. Swift in 1884 (49 Or. 616) and Ida F. Lachner, in 1893. That said dates of priority shall be set put in the tabulation herein as herein found. That D. F. Indermuhl by stipulation has waived all priorities as to the lands of G. F. Gardner, and in the distribution of water such waiver shall be observed so long as no other rights are infringed. That except as otherwise herein provided, the water master shall distribute the water according to the dates of priority herein found, subject to the general findings herein.

## 14.

Contest #4. W. A. Green, J. O. Maxwell, H. K. Fisher, Asa L. Brown,

W. L. Toney, Killamaque Lake Reservoir & Rook Creek Irrigation Company, a corporation, and Rook Creek Protective Association, contestants, v. Eilert Hilertson, contestee, was settled by stipulation to the effect that contestee shall have the right to use water from Rook Creek to irrigate 15 acres under priority date of 1901 and for mining purposes under priority date of 1900, and that any rights claimed by contestee for sale or power, said contestee shall secure additional permits as may be required by law at time such permits are secured, and such development undertaken. That in accordance with said stipulation, said dates are established in the tabulation herein. That the amount of water to be used for irrigation shall be governed by the general findings as to the duty of water. That the amount of water to be used for mining shall not exceed five second feet, which is the present maximum capacity of contestee's ditch. That the amount of water to be stored in any one year for irrigation shall not exceed thirty acre feet, and for mining shall not exceed seventy acre feet.

302

15.

Contest #5. The City of Baker, a municipal corporation, contestant, vs. Gardner & Stuchell, Mountain Seacat and Arthur Swift, contestees was called for hearing on the 12th day of May, 1915, and contestees each appeared before the Superintendent of Water Division No. 2, acknowledged the priority right of contestant and refused to appear further in this contest. It further appeared that contestees were each served with notice of the hearing of such contest on the 25th day of March, 1914, and that the City of Baker has the following rights to the use of water. That in the year 1862, water rights for mining purposes were initiated and thereafter the Auburn Canal was constructed for the purpose of utilizing such water rights. That the Auburn Canal diverts the waters of a number of streams beginning in the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Sec. 34 T. 8 S. R. 38 E. W. M., at Goodrich Creek, diverting five second feet; thence said canal runs in a southeasterly direction and takes water from the following springs and streams and in the following amounts: Coyote Springs, 0.5 sec. ft.; Little Mill Creek 5 sec. ft.; Big Mill Creek 5 sec. ft.; Hawk Springs 0.5 sec. ft.; Little Marble Creek 1.25 sec. ft.; Big Marble Creek 5 sec. ft.; Campers Springs 0.625 sec. ft.; Herman Springs 0.5 sec. ft.; Big Salmon Creek 5 sec. ft.; Henry Springs 0.625 sec. ft.; Finley Springs 0.625 sec. ft.; Little Salmon Springs 0.5 sec. ft.; Little Salmon Creek 1.25 sec. ft.; Slum Town Springs 0.625 sec. ft.; Rook Springs 0.5 sec. ft.; North Prong of Washington Gulch 0.5 sec. ft.; Middle Prong of Washington Gulch 0.5 sec. ft.; South Prong of Washington Gulch 0.5 sec. ft.; Con Springs 0.625 sec. ft.; Byam Springs 0.25 sec. ft.; Elk Creek 3.75 sec. ft.; being a total of 39.25 sec. ft. That in the year 1862 and after the appropriation for the Auburn Canal, a water right was initiated through the Kelly Ditch for 6.25 sec. ft. from Mill Creek and 6.25 sec. ft. from Marble Creek, That in 1868 a water right was initiated through the Nelson or Newton & Sturgill Ditch for 1.25

sec. ft. from Gee Creek, 6.25 sec. ft. from Goodrich Creek; 6.25 sec. ft. from Mill Creek and 5 sec. ft. from Marble Creek; that each of said water rights were perfected and the water applied to a beneficial use in placer mining and such use continued until the years 1899 to 1901, during which years the Auburn Canal and the Nelson Ditch together with the water rights connected therewith were transferred to the City of Baker who is the present owner thereof and the Kelly Ditch and the water rights connected therewith were transferred to The Pocahontas Mining & Irrigation Company, who is the present owner thereof. That the City of Baker proceeded to change the use and the place of use of the waters under such water rights to municipal purposes. That in making such change it was necessary to expend large amounts of money and time and during such time said city leased some of the ditches and rights for irrigation purposes. That said Pocahontas Mining & Irrigation Company changed the use and place of use of the water through said Kelly ditch to irrigation. That such changes did not infringe upon any other rights and the transferees of said rights secured by such transfers said water rights with their respective dates of priority.

303

That since the purchase of the ditches and water rights by the City of Baker as aforesaid and until the decision of the Supreme Court of the State of Oregon in the case of Sherred vs. City of Baker, 63 Ore. 28, said City leased a part of the waters claimed under said water rights to the Pocahontas Farmers Ditch Company; that since said decision of the Supreme Court the City of Baker has not made any use of that part of the waters heretofore leased to said ditch company. That said City of Baker has, since the purchase of said water rights always used a part of said water; that all of the parties using water from said streams have at all times recognized the rights of the City of Baker as being prior to any of said water users and all of the improvements upon all of their farms have been made under conditions created by such recognition in such rights. That the decision of the Supreme Court of the State of Oregon in the case of Bowen et al. vs. Spaulding et al., 63 Ore. 392 and in the case of Sherred, vs. Baker City, each recognized the right of the City of Baker as being absolute and prior to all others using water from said streams.

The amount of water as herein set forth as having been appropriated from several streams for the water rights now owned by said City of Baker is hereby reserved and expressly confirmed unto said City of Baker forever as of the dates of priority as herein set forth.

That heretofore said Pocahontas Mining & Irrigation Company and said City of Baker made and entered into an agreement, in writing, respecting the water rights of Marble and Mill Creeks, wherein and whereby it was agreed that when water was used through said Auburn Canal that all the water rights above the intake of said canal should belong exclusively to said City of Baker. (That when the water is not used through said Auburn Canal that all the water rights above the intake of said canal should belong exclusively to said City of Baker.) That when the water is not used through said canal

when the flow of water in said Marble Creek is under 500 miners inches said water in  
Marble Creek shall be divided equally and when the flow in Mill Creek is under 500 inches  
miners measurements said water in Mill Creek shall be divided equally so long as the flow in  
Marble Creek is over 500 inches, said Pocahontas Mining & Irrigation Company shall be entitled  
to the first 250 inches and said City of Baker to the balance of the flow of said stream,  
and when the waters of said creeks are used by the city of Baker through said Auburn Canal  
the said Pocahontas Mining & Irrigation Company shall have the first right to the use of 304  
250 inches of the waters flowing in each of said Marble and Mill Creeks below said Auburn  
Canal after the same flow past said canal and the rights to the use of all above said  
quantity so flowing shall belong to the City of Baker.

That said stipulation as to the rights of said City of Baker shall be given  
full force in the distribution of water, provided that in no case shall the amount of  
water taken from said creeks exceed the amount of the appropriation from said Mill and  
Marble Creeks as hereinbefore set forth.

16.

Contest #6. The City of Baker, a municipal corporation, contestant v.  
Fred Cole and R. W. Littlefield, contestees, was stipulated to the effect that the con-  
testant has the first and prior rights, as against the contestees to the full flow of  
the waters of Elk Creek, and it appearing that the Cole & Littlefield appropriation was  
made as of date 1865 from Elk Creek, such appropriation was after the appropriation to  
which the City of Baker, the contestant, has succeeded in its rights as is more fully  
set out in Finding #15. It further appears that R. W. Littlefield has succeeded to the  
rights of D. S. Littlefield, as administrator.

17.

Contest #7. Fred Cole and Rufus W. Littlefield, as administrator of the  
Estate of David Littlefield, deceased, contestants, v. Bert Spalding and W. B. Vaughn,  
contestees, was called for hearing, and at said time M. G. Haskall and O. M. Haskall  
petitioned to intervene in said hearing; that insofar as said petition of intervention  
was attempted to contest the claims of the contestees herein, Bert Spalding and W. B.  
Vaughn, such intervention is disallowed as the time for filing had expired. That as  
between the contestants and the contestees and as between said contestants and said in-  
tervenors, a stipulation was entered into which said stipulation is to the effect that  
the contestants had a right to the use of the waters of Elk Creek to the extent of 150  
inches of water, miners measurement under a six inch pressure, with a priority of 1865,  
and that said right to the use of such water was prior in time and superior in right to  
that of the contestees, the intervenors, and it was further stipulated that said con-  
testants should have and recover of the contestees herein, their costs and disburse-  
ments in this suit in the sum of \$69.50, and that said contestants have judgment against  
said contestees for said sum.

Contest #8. Henry H. Moody, Geo. M. Moody, Bertha Morrison, Dan W. Jones, Mrs. C. S. McCarty, Henry L. Zeigler, Carl C. Mason and G. S. Summers, successors to heirs of Charles and Zarissia Zeigler, deceased, contestants, v. Catherine D. Vernon, now Catherine D. Owens, contestee, was stipulated to the effect that contestants and each of them have rights to the use of the water of Little Eagle Creek, a tributary of Powder River, prior in time and superior in right to that of the contestee. That by said stipulation the dates of priority of said contestee has been waived, and the water shall be distributed by the water master in accordance with said stipulation, and this decree.

305

Contest #9. City of Baker, a municipal corporation, contestant, v. John Steiger, Estate of Perry Baisley, Hattie Baisley, executrix, J. H. Baisley and S. B. Baisley, contestees, was stipulated to the effect that the contestant is the owner of the Auburn Canal and water rights appertaining thereto, and the contestees are the owners of the Upper Never Sweat Ditch and Lower Never Sweat Ditch, and the water rights used through said ditches. That their predecessors in interest of said ditches and water rights settled their rights in a case in the Circuit Court of the United States for the District of Oregon, entitled David McClure, Jr., complainant, vs. Moses Carpenter, defendant, and that the relative rights to the use of water through said ditches was thereby settled, and that said decree so settling said rights should determine the rights of said contestant and contestee. That the rights of said contestant as heretofore found in Finding #15, as to the use of water from Salmon Creek through said Auburn Canal, is prior in time and superior in right to the rights of the contestants herein, and the water shall be distributed in accordance therewith. It further appearing that contestee, John Steiger, was not served in said Proceedings, contestant in open court dismissed said contest as to said John Steiger.

Contest #10. Amos Gard, contestant vs. Ross Wilson and H. Van Nordheim, contestees, was stipulated to the effect that the contestant have a date of priority for the waters claimant may divert from Beaver Creek or Willow Creek, prior in time to that of the contestees, and the tabulation hereinafter set forth shall so state this in accordance with said stipulation, and it further appearing that the contestant has heretofore used the water in the irrigation of his premises in a manner that such water finds its way into the channel of said creek, and said contestant has so agreed to use such water in the future in consideration of this stipulation, the water master shall distribute the water to said contestant under such date of priority so long as the use of such water

by said contestant is carried on in said manner. That the modification of the General Findings of the State Water Board settles the objection to Finding #109, and the stipulation between Amos Gard and George P. Dyke on file, modifies the tabulation, and such tabulation of the water rights of said George P. Dyke, shall be as herein tabulated.

306

21.

Contest #11. W. A. Green, J. O. Maxwell, H. K. Fisher, Asa L. W. L. Toney, Killamaque Lake Reservoir and Rock Creek Irrigation Company, a corporation and Rock Creek Protective Association, contestees, v. Hattie H. Olsen, C. J. O. A. B. Ringling, contestants, was dismissed upon the motion of the contestants.

22.

Contest #12. Eastern Oregon Light & Power Company, a corporation, contestant, v. Frank Vanderwall, Frank Leonig and Peter Poulson, contestees, was dismissed upon motion of the contestant.

23.

Contest #13. W. A. Green, J. O. Maxwell, H. K. Fisher, Asa L. Brown, W. L. Toney, Killamaque Lake Reservoir & Rock Creek Irrigation Company, a corporation and Rock Creek Protective Association, contestants, v. D. M. Cartmill, contestee, was dismissed upon motion of contestants.

24.

Contest #14. W. B. Vaughn & Bird Spaulding, co-partners as Spaulding & Vaughn, contestants, v. Ed Bowen, contestee, was stipulated to the effect that contestants and contestee shall each be entitled to sufficient waters of Elk Creek as of date of priority of 1872, for the irrigation of 67.3 acres of land each, said water to be divided at a point near where Elk Creek crosses the west line of Section 6 Tp. 10 S. R. 40 E. W. M., and that all water in said Elk Creek at said point in excess of a sufficient amount to irrigate said 67.3 acres by the contestants, and said 67.3 acres by the said contestee, may be used by the contestants, and that at any time the waters of said Elk Creek at said point of diversion are insufficient to irrigate 134.6 acres, such water shall be divided equally between the said contestants and said contestee at said point of diversion, and that the said contestee makes no further claim to any of the waters of said Elk Creek, prior in time to any of the contestant's rights, and the water master of the district shall distribute the waters of said Elk Creek to said contestants and said contestee, in accordance with said stipulation.

25.

Contest #15. W. B. Vaughn and Bird Spaulding, co-partners as Spaulding

and Vaughn, contestants, v. W. L. Smith, contestee, was stipulated to the effect that the contestee's statements and proofs of claim for those ditches which date from 1875, 1876 and 1877 are correct, and that contestee is entitled to receive water in accordance with those dates for the lands described in said claims; that contestee's claim for the ditch under date of 1906 named upon contestee's map as Spaulding and Vaughn Ditch No. 1 is correct for the date and description of land; that in addition thereto, the parties at the time of the construction of said ditch agreed that the water taken through said ditch should be used only upon land lying below said ditch, and above any other ditch which the contestee might have, and said statement and proof of claim, with this addition, is hereby agreed to be correct, and said contestee shall take and receive water through said ditch in accordance with said claim and the agreement contained in this stipulation. That contestee's statement and proof of claim for water through the ditch named by contestee as the Logie Ditch, and by the contestants as the Culbertson Ditch, which said ditch takes water from Elk Creek in the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 34, Tp. 9 S. R. 39 E. W. M. and conducts the same to a point in the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$ , Section 1, Tp. 10 S. R. 39 E. W. M., shall be changed and amended in accordance with this stipulation, and the date of priority of 1891 which is claimed in said statement and proof of claim is hereby specifically relinquished, and it is agreed by and between the parties hereto, that said contestee shall have the right, subject at all times to the claims and rights of contestants as evidenced herein by their statements and proofs of claim, to take sufficient of the surplus waters of Elk Creek for the irrigation of five acres in the Northwest quarter of the Northeast quarter, 7 acres in the Northwest quarter of the Northeast quarter, 7 acres in the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  and eight acres in the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 1, Tp. 10 S. R. 39 E. W. M., and that the tabulation herein contained shall describe the dates of priority of said rights in accordance with said stipulation.

26.

Contest #16. W. C. Hawk, J. E. Bacon and J. E. Bacon, administrator, contestants, v. J. L. Yantis, contestee, was stipulated to the effect that the contestee should have sufficient of the waters of Deer Creek, a tributary of Powder River to irrigate fifty acres as of the date of priority of 1879, and 104.2 acres as of the date of priority of 1887. That the contestant, J. E. Bacon, personally, and as administrator, should have sufficient of the waters of Deer Creek to irrigate 160 acres, as of the priority date of 1886, and that contestant, W. C. Hawk, should have sufficient of the waters of Deer Creek to irrigate twenty acres as of the date of 1890, and 53 acres as of the priority date of 1888, and that the proofs of W. C. Hawk relative to the waters of Noyse and Minor Creeks should be taken as established in accordance with said proof, and the tabulation hereinafter contained shall set out the rights of said parties in accordance with said contest.

27.

Contest #17. G. F. Gardner, contestant, v. Fountain Seacat and Henrietta Seacat, husband and wife, A. V. Swift, Edna Stuchell, D. F. Indermuhl, Ida F. Lachner, and Mary S. Gardner, contestees, is settled by finding #13.

308

28.

Contest #18. Eastern Oregon Light & Power Company, a corporation, contestant v. Thomas Leffler and Frank Stewart, contestees, was stipulated to the effect that contestee Frank Stewart is entitled to use twenty miners inches of water through the Chase Ditch, each and every year up to and including the 15th day of July. That after said date said contestees shall divert no water through said Chase Ditch or Chase Ditch #1, nor through any ditches between contestant's diversion plant and its power plant, except such water as contestees may have a right to use through what is known as the Olsen Ditch, which right is not in dispute in this contest, and nothing shall in any wise effect said right. Whenever the said diversion may interfere with or diminish the waters of Rock Creek by said contestant, and after said date of each year, said contestant shall not be compelled to allow any water to pass through its diversion dam for either of said ditches, provided however, that contestee shall have a right at all times to use such waters as arise in said stream below the diversion dam of said contestant. It was further stipulated as to the contestee, Thos. Leffler, that all of the rights of said Thos. Leffler to the use of the waters of Rock Creek was inferior in right to that of the contestant, and that the date of priority of said Thos. Leffler should be in 1906. That the tabulation hereinafter set forth shall fix the dates according to this finding, and the water master shall distribute the water in accordance herewith.

29.

Contest #19. Harlow J. Evans, Herman E. Jordan, Mary E. Jordan, John Steiger, J. W. Adams, Wm. T. Buchanan, Martha Buchanan, W. A. Buchanan, Pansy Buchanan, and Hattie Baisley, executrix of the estate of Perry Baisley, deceased, contestants, vs. Pocahontas Farmer's Ditch Company, a corporation, contestee, was heard, and the parties hereto offered evidence and all of the testimony was taken down, reported and filed herein, and it appearing that the lands irrigated by the parties hereto are situated at the foot of Powder River Mountains, west of the City of Baker, and from the numerous canyons of said mountains and from the bases thereof, flow numerous streams and numerous springs; that Mill Creek is situated farthest north of said creeks in question, and is sometimes known as Waggie Creek; then Marble Creek in the center of the district, and Salmon Creek the farthest south in said district. That the waters of Mill, Marble and Salmon Creeks, together with the springs that rise along the side hills have heretofore been used by

*Mill Cr. sometimes known as Waggie Cr.*



the irrigators in this district; that all of the waters of Mill Creek can be turned into Marble Creek, and all of the waters of Marble Creek can be turned into Mill Creek. That the place of turning the waters of Mill Creek into Marble Creek, or the waters of Marble Creek into Mill Creek, as the irrigators may desire, is located below the Nelson Ditch but above all of the irrigated lands of said stream; that the waters of Marble Creek can be turned into Salmon Creek at what is known as Kelley Slough, and at a point below where said Mill Creek can be turned into said Marble Creek, and just above the Evans place. That such method has been carried on since irrigation began to be followed to any extent in this district. That the contestants, Harlow J. Evans, Herman E. Jordan and Mary E. Jordan, have a water right out of Mill, Marble and Salmon Creeks for 128.7 acres with a priority of 1864; 8 acres with a priority date of 1875, and 6.72 acres with a priority date of 1905. That contestant John Steiger, has a water right out of Salmon Creek, for 80 acres as of a priority date of 1867, and out of Mill or Waggle Creek for 20 acres, of a priority date of 1867, and out of Spring Creeks, Landreth Springs and other small springs for 140 acres as of the date of 1867. That the water rights of J. W. Adams for the SW $\frac{1}{4}$  of Section 34, T. 8 S. R. 39 E. W. M. are as follows: From Mill and Waggle Creek and a stream which is called Spring Creek, under date of 1867, for 110 acres; from Salmon Creek for 50 acres in said SW $\frac{1}{4}$  with a priority date of 1867, and for the NE $\frac{1}{4}$  of Section 3, T. 8 S. R. 39 E. W. M., the water right shall be with a priority date of 1867 from Salmon and Spring Creeks, and certain springs located in the NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 3.

That W. A. Buchanan and Fanny Buchanan have a water right from Salmon Creek for 20 acres as of the date of 1871, and 14 acres as of the date of 1873. That W. T. Buchanan and Martha Buchanan have a water right from Salmon Creek for 20 acres as of the date of 1871, and 18 acres as of the date of 1873. That the estate of Perry Baisley has a water right from Salmon Creek for 75 acres as of the date of 1864, and from Salmon Creek, Sloughs. Waggle or Mill Creek and Spring Creek for 365 acres as of the date of 1898.

That the Pocahontas Farmers Ditch Company delivers water to its stockholders, and such water is taken from Mill, Marble and Goodrich Creeks under date of 1906; that for some of the stockholders the water is used as a supplemental supply, while for others, it is used as of that date; that State Engineer's Permit No. 1339 for the same lands, does not work an abandonment of the rights theretofore acquired. The stockholders and water users from the Pocahontas Farmers Ditch Company are as follows: A Caviness has a water right from Salmon Creek and Hibberd Creek for 68 acres as of the date of 1866; 5.28 acres as of the date of 1906; with a supplemental supply from Pocahontas Farmers Ditch with a priority date of 1906 for all the lands, John H. Lew has a water right from Hibberd and Salmon Creeks for 62 acres as of the date of 1866, and 12.28 acres as of the date of 1906, with a supplemental supply from

Pocahontas Farmers Ditch with a priority date of 1906 for all the lands. A. N. Young has his whole water right for all of his water from the Pocahontas Farmers Ditch as of the date of 1906. J. M. Masters has a water right for water from certain springs and seepage on his own land and upon the lands of A. N. Young for 185 acres as of the date of 1872, and 75 acres as of the date of 1906, with a supplemental supply from Pocahontas Farmers Ditch with a priority date of 1906, for all the lands. The lands of S. F. Gardner and J. W. Adams have all their rights from the Pocahontas Farmers Ditch of the date of 1906. That Fountain Seacat has a water right from Washington Gulch with a priority date of 1867 for 40 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , 4 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$  and 38 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  Section 10, T. 9 S., R. 39 E. W. M., and also a water right through the Pocahontas Farmers Ditch for 120 acres with a priority date of 1906, for the lands described in the tabulation under the Pocahontas Farmers Ditch, 15 acres of which is an original water right and the balance of the 120 acres is supplemental to Washington Gulch. The land of David Lee, coming under the Pocahontas Farmers Ditch, being the NW $\frac{1}{4}$ SW $\frac{1}{4}$  and SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 2, T. 9 S. R. 39 E., W. M., use the water from such ditch only as a supplemental supply, under a priority date of 1906. The lands of D. F. Indermuhl use the waters from said ditch for a supplemental supply for that part of the lands described as SE $\frac{1}{4}$ SW $\frac{1}{4}$  Section 2, T. 9 S. R. 39 E. W. M., and is an original right for 50 acres as of the date of 1906 as tabulated under the Pocahontas Farmers Ditch.

That Mill Creek is a tributary of Salmon Creek and enters Salmon Creek in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 35, T. 8 S. R. 39 E. W. M., which is upon the lands of the estate of Perry Baisley. That Marble Creek is a tributary of Salmon Creek and enters Salmon Creek in the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 4, T. 9 S. R. 39 E. W. M., upon the lands of Evans & Jordan.

That no appropriation of water from Salmon Creek above the point where any tributary joins Salmon Creek appropriated any of the waters of such tributary by reason of the conveyances of water of such tributary by mining ditches and discharging the water into Salmon Creek above the diversion point of such appropriation. That in the distribution of water, the water master shall establish such a system of rotation as will best serve all the irrigators, having regard for all rights.

30.

Contest #20. Andy Augustus, David T. Allen, C. E. Barber, W. E. Barber, M. E. Beck, W. T. Bennehoff, A. E. Bennehoff, Geo. Binheimer, Susie Binheimer, Rachael Bradford, Eugene Brown, H. T. Babcock, Cora M. Blue, J. W. Carnahan, Eugene Chandler, Bertha Corsen, John Chapman, David H. Conrad, C. H. Craig, Ianthus Chandler, David Clark, Charles Coble, T. A. Cobb, George W. Coble, M. J. Cropp, W. C. Cundiff, G. A. Davis,

Fountain Seacat  
See Tabulation pg 439

310

J. A. Davis, W. J. Densley, Eleanor Duffey, Ascenith Evans, George W. Evans, Eagle Valley Cemetery Association, Eagle Valley Cannery, a corporation, John Fraser, Medora L. Givens, Rebecca Gover, W. L. Gover, Walter, A. Gover, O. A. Gover, Julia Gibson, George W. Gorden, Leonard Goss, J. P. Halley, Amelia Hartley, Joseph Hartley, Candace E. Holcomb, Corintha E. Holcomb, J. N. Holcomb, Charles A. Howell, Jennie Healey, L. M. Healey, F. G. Hawitt, Howell Ditch Company, a corporation, Dry Gulch Ditch Company, a corporation, Nash Ditch Company, a corporation, Waterbury and Allen Ditch Company, a corporation, J. G. Jasper, W. C. Jasper, Fannie Jennings, George W. Jones, Laura A. Jones, Alberta Kendall, Oscar Kendall, Mary Kirby, W. W. Kirby, Paul Knoblauch, Mary Long, 311 Minnie E. Martin, R. A. Masterson, P. A. Moody, Henry Moody, George M. Moody, Orson Moody, T. L. Morris, M. H. Mulvahill, Charles W. Perry, John B. Perry, D. A. Phillips, D. A. Rinard, Laura A. Saunders, G. B. Saunders, Sam Q. Saunders, W. G. Saunders, W. S. Saunders, I. N. Saunders, successor of R. J. Kitchen, School District #44, successor of L. G. Morgan, Charles W. Scott, D. N. Strayer, Pete Sass, C. C. St. John, E. N. Shoemaker, Mary J. Simonis, Ella Stone, J. L. Stone, Elmer Schultz, J. W. Sharp, George Sharp, Pearl Siber, Emma Sullivan, Eugene Sullivan, W. E. Summers, heirs at law of Sam Gover, deceased, heirs at law of H. P. Swisher, deceased, Frank Thompson, Emma Thompson, Joel O. Tuttle, W. R. Usher, Virginia A. Usher, Mat Welter, Leonard Williams, Henry Williams, W. P. Williams, Fannie H. Wright, J. T. Wright, W. B. Wright, Winter Wright, I. N. Young, Henry L. Ziegler, Sam Summers, successors of heirs at law of Charles and Zarissa K. Zeigler, deceased, A. E. Whittier, Jasper Thompson, and St. Elizabeths Hospital, a corporation, contestants, vs. George Grant, Trustee, Contestee. Was stipulated to the effect that the contestee should take all of the waters awarded it in these proceedings from West Eagle Creek and the natural tributaries thereof flowing into said stream above the head of what is known as the Sparta Ditch, and any and all of the feeders of said Sparta Ditch, heretofore and now feeding said ditch, and that said contestants may be awarded all other waters constituting Eagle Creek, including all waters of what is known as Middle Fork of Eagle Creek, and including all other source of water supply, save and except as hereinbefore mentioned. And it appearing that the contestee is the successor in interest, and owner of the water right used in connection with the Sparta & Hoagum Ditches; that in 1863 water was appropriated and thereafter used through the Hoagum Ditch, and that in November, 1870, William H. Packwood and Alex Stewart posted a notice on Eagle Creek appropriating 3,000 inches of water for what is know now as the Sparta Ditch. That thereafter the Sparta Ditch was surveyed, and on the 11th day of May, 1871, construction of said ditch was begun and water was run through said ditch to the town of Sparta, Oregon, on the 14th day of October, 1871. That said appropriation was for domestic, mechanical, mining and irrigation purposes. That upon the completion of said ditch there was at one time 800 miners inches

of water delivered to the water users out of said ditch, and the diversion of said water into said ditch, at the time same was used to full capacity, was between 1,000 and 1,500 inches. That in 1871 the Hoagum Ditch was extended to empty its waters into the Sparta Ditch, and was purchased by the owners of said Sparta Ditch at said time. That thereafter, and until the present time, said Hoagum Ditch has been used as a feeding ditch to said Sparta Ditch, and especially for the purpose of running water into said Sparta Ditch which would be picked up by said Hoagum Ditch from the melting snows during the spring thaws, and from the canyons that flowed water during the thaw, and this use was especially made at a time when the head of the Sparta Ditch and of the Hoagum Ditch were not thawed out so as to permit the diversion of water from the creek. That the early flow of the waters picked up in said thaw by said Sparta Ditch and said Hoagum Ditch, furnished a sufficient amount of water to supply said Sparta Ditch, until the heads of the ditches were thawed, out, and that thereupon the water would be delivered from the head of said ditch. That from the building of said ditch, until 1914, the water of said Sparta Ditch was sold each year by the owners thereof, for the purpose of domestic, mining, power and irrigation use. That beginning with the year 1916, the owners of said ditch proposed to apply the water from said ditch partly upon the lands described in the tabulation hereinafter, amounting to 1500 acres; that 750 miners inches of water delivered on the land is sufficient to irrigate the lands proposed to be irrigated. That the change of use of water from sale for domestic, mining, power and irrigation use, to an irrigation use, does not infringe upon the rights of any other water user from Eagle Creek, and in making said change said George Grant, Trustee, and the Water Users from said Sparta Ditch have the right to use a reasonable time for making said change without losing their date of priority. That five years is such a reasonable time, and the lands to be irrigated in making such change shall be tabulated herein under the head of Inchoate Rights. 312

And it further appears that the description of the lands in the tabulation of the findings of the State Water Board is erroneous, and the tabulation shall be modified so as to show the water right of P. A. Moody as tabulated herein.

31.

Contest #21. Earl F. Cranston and A. N. Ingle, contestants, vs. Geo. Grant, Trustee, contestee, was settled by a decree in the Circuit Court of the State of Oregon for the County of Baker, in a suit wherein the Sparta Irrigation Company, a corporation, was plaintiff, and E. P. Cranston and A. N. Ingle were defendants. That a certified copy of said decree was filed in these proceedings, and is in words and figures as follows, to-wit:

"IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR BAKER COUNTY"