

Sparta Irrigation Company, a
corporation, Plaintiff

vs.

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

FINAL DECREE

"This cause comes on this 15th 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, 313

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 $\frac{3}{4}$ of a mile south of the northwest corner of Section 21, township 6 South of Range 43 E. 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 stockholders 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 stockholders, seven hundred fifty inches of the waters of said stream, the same to be measured and delivered under six inch pressure, miners measurement, at the place of the use of the same, and that F. W. Tallmadge and L. W. Tallmadge, his wife, of said stockholders are to have the use and enjoyment of $376\frac{1}{2}$ inches thereof, 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, Range 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 stockholders shall have use and enjoy $139\frac{1}{2}$ 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 stockholders shall have, use and enjoy $76\frac{1}{2}$ 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. T. Wyatt of said stockholders, 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 stockholders is to have, use and enjoy $79\frac{1}{2}$ 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 northwest 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 stockholders lying in Baker, County, State of Oregon.

That the plaintiff is also the owner and entitled to the uninterrupted use of 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, Range 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 slumming 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 and 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 distance 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 last described point, for irrigation, and domestic purposes.

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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 plaintiff; 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 stipulating 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 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 decrees.

That the Sparte Irrigation Company is the successor in interest of Geo. Grant, Trustee, and owns the Sparta Ditch in Baker County, Oregon, and that part of the Hoagum Ditch extending from a point on the West Fork of Eagle Creek, near the southeast corner of Section 8 T. 6 S. R. 43 E. W. M., to a point where the water as conducted in said ditch is diverted into Glendenning Creek, and thence down said Glendenning Creek into Sparta Ditch. That said Cranston and Ingle own said Hoagum Ditch from said Glendenning Creek to a point from which the quarter section corner on the north line of Section 3, T. 7 S. R. 43 E. W. M. bears North 56° 30' West, 1401 feet distant. That all of that part of said Hoagum Ditch below said point belongs to said Sparta Irrigation Company. That said decree found that 750 miners inches of water, under a six inch pressure, delivered at the place of use, was sufficient water to irrigate the lands of the stockholders

of said Sparta Ditch Company. That said Sparta Ditch is 30 miles in length, that the seepage in said ditch would be great. That a reasonable seepage to be allowed said Sparta Ditch would be about 250 miners inches. That the water master of the district shall allow for seepage in the distribution of water, such an amount as such seepage aggregates, not to exceed 250 miners inches.

That the stockholders and water users from said Sparta Ditch Company are: F. W. Tallmadge, L. W. Tallmadge, Maud E. Boyd, Arthur S. Boyd, P. T. Wyatt and W. A. Wyatt, and the land to be irrigated is described in the tabulation hereinafter set forth under Inchoate Rights.

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32.

Contest #22. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H. Perkins, heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bent Landreth, Carl Parker, administrator of the Estate of Johnathan Parker, deceased, Thos. Kirkby, William Elliott, Earl Stephenson, Ed York, Eppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, George W. Jenkins, administrator, contestants, vs. Matilda Grier, Lily Daly, Clara Grier, Vesta Langrell and Pearl Shrader, W. C. Hindman, T. C. Huff, Arminda Jackson, J. J. Jackson, S. H. Jackson, Ellen E. Littlefield, A. E. Lucas, W. W. Lucas, Elizabeth May, McCrary Ditch Company, Lizzie A. Morson, R. R. Palmer, and H. E. Denham, Otis J. Payton, Rose Payton, W. A. Payton, R. E. Payton, Alma Payton, Osie M. Smith, Powder River Gold Dredging Company, Edith Rizer, H. J. Rizer, William A. Roundy, Adolph Schiller, J. E. Sherman, A. S. Schockley, Grace Hindman, widow, Fay Hindman, Isabel Hindman, Richard Hindman and Dorothy Hindman, minor heirs of H. H. Hindman, deceased, W. L. Smith, R. L. Stewart and J. M. Stewart, Stoddard Lumber Company, Susannah Truscott, S. L. Turley, West Side Ditch Company, a corporation, D. L. Shaw, Rymbol T. Young, Ed. C. Bowen, O. C. Shelley, M. S. Hughes, J. H. Taylor, Wilson Ross and Van Nordheim, D. C. Perkins, Priscilla Baldock, Baker City Mutual Irrigation Company, Clara Borton, Joseph Borton, R. E. Boyce, P. P. Correll, the Cranston Land Company, Lulu P. Currey, East Baker Irrigation and Mining Company, W. D. Emele, J. A. Geddes and Wm. Pollman, contestees, involves all of the same parties mentioned in the contests hereinafter set forth, and the findings hereinafter made in reference to such contests are decisive of this contest.

33.

Contest #23. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H. Perkins, heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bent Landreth, Carl Parker, administrator of the Estate of Johnathan Parker, deceased, Thos. Kirkby, William Elliott, Earl Stephenson, Ed York, Eppinger Brothers, Mrs. M. Grier, James York,

master shall only distribute water to such water users as have written contracts with said company, and then shall distribute such water in accordance with such written contracts.

98.

That in all cases wherein appropriations of water are claimed from springs, the owners of the land upon which said springs arise shall have the first and prior right to the use of the waters from said springs, and any and all appropriations by any person of water from a spring arising on other land than that owned by said person shall be subject to the first and prior use of the waters from said spring by the owner of said land upon which said spring arises, except as herein otherwise expressly provided.

99.

That in all cases herein where a water right for storage is found to exist, the waters stored under such right shall be used upon the land for which the same was stored, and in these findings referred to as being the land for which the same was stored, provided, that in all cases where water is stored for the purpose of sale, that none of such stored water shall be sold to any person not having a water right under these findings, or secured a water right under the provisions of law. 343

100.

That the Pocahontas Mining and Irrigation Company has the following stockholders and users from its ditch: James Akers, J. M. Bowles, Dorcas A. Brown, Julia A. Brown, John Cavin, James Cavin, P. Crabill, Hugh Doherty, Harlow J. Evans, Heman E. Jordan, Mary E. Jordan, Charles W. Kelly, James A. Kelly, W. B. Landreth, Freta Morin, Ella M. Osborn and M. E. Roberts.

That the lands irrigated by each of said stockholders are described in the tabulation. That James Akers, J. M. Bowles, Dorcas A. Brown, W. B. Landreth and Ella M. Osborn, have rights only through the Pocahontas Mining & Irrigation Company's Ditch from Marble and Mill Creeks; that Julia A. Brown besides having rights from Marble and Mill Creeks, has rights from Spring Creek, McCord Gulch and a spring; that John Cavin has rights from Cavin Springs and Roberts Springs; that James Cavin has rights from Cavin Spring; that P. Crabill has rights from Spring Creek, Crabill Swamp and springs, and Kelly and Cavin Springs; that Hugh Doherty has a right from Goodrich Creek through Doherty Ditch. Harlow J. Evans, Heman E. Jordan, and Mary E. Jordan have rights from Salmon Creek; that Charles W. Kelly has rights from McCord Gulch, a spring, and Salmon Creek; that James A. Kelly has rights from Kelly Spring, Spring Creek, Cavin and Crabill Springs; that Freta Morin has rights from Morin Springs, and W. E. Roberts has rights from Roberts Springs, as shown in the tabulation.

B. F. Toney, James McEnroe, Wm. A. Jackson, George W. Jenkins, administrators, contestants, *see original decree for balance of findings 23 & 24,*
vs. J. H. Taylor, contestee. Was dismissed by the contestants.

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35.

Contest #25. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bert Landreth, Carl Parker, administrator of the Estate of Jonathan Parker, deceased, Thos. Kirkby, William Elliott, Earl Stephenson, Ed York, Eppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, George W. Jenkins, administrators, contestants, vs. M. S. Hughes, contestee. Was partially settled by stipulation and partially dismissed, as follows: The Estate of J. A. Geddes and William Pollman intervened in said contest, and it was stipulated and agreed that said Geddes and Pollman should have the use of all of the waters which they diverted through the Eustace & Geddes & Snavely Consolidated Ditch, as of the date of 1878, excepting 25 inches thereof as of said date, which said 25 inches shall be awarded to said M. S. Hughes. And it was further stipulated that said M. S. Hughes should have the further right to 25 inches of water as of the date 1902, and that said Geddes and Pollman should have a further right to the use of the water as of date 1902. It appears from the claim filed herein, that said Geddes & Pollman irrigated about 45 acres in 1878, and 372 acres were for irrigation of 1902, and the right of said Geddes & Pollman for the diversion of water through said ditch shall be for 45 acres as of the date 1878 and 372 acres as of the date 1902. It further appears that said M. S. Hughes diverted water for 45 acres of land through the Williams & McDougall Ditch, 25 acres as of date 1878, and 20 acres as of date 1883, and for 75 acres of land through the Eppinger Ditch as of date of 1883, and 40 acres through the Shelly-Hughes Ditch, 15 acres as of date of 1883 and 25 acres as of date of 1902. That based thereon, said parties are entitled to a water right as of the dates of said diversions, and said dates have been so tabulated in the tabulation hereinafter set forth.

36.

Contest #26. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bert Landreth, Carl Parker, administrator of the Estate of Jonathan Parker, deceased, Thos. Kirkby, William Elliott, Brothers
Earl Stephenson, Ed York, Eppinger, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, Geo. W. Jenkins, Admr., contestants, vs. C. E. Jackson, contestee, Was dismissed by contestants.

37.

Contest #27. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H.

administrator of the Estate of Jonathan Parker, dec'd, Thos Kirkby, William Elliott, Earl Stephenson, Ed York, Eppinger Bros., Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, Geo. W. Jenkins, administrator, contestants, vs. O. C. Shelley, contestee. Was dismissed.

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38.

Contest #28. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bert Landreth, Carl Parker, administrator of the Estate of Jonathan Parker, deceased. Thos Kirkby, William Elliott, Earl Stephenson, Ed York, Eppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, Geo. W. Jenkins, administrator, contestants, vs. Arminda Jackson, contestee. Was dismissed.

39.

Contest #29. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bert Landreth, Carl Parker, administrator of the Estate of Johnathan Parker, deceased, Thos. Kirkby, William Elliott, Earl Stephenson, Ed York, Eppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, Geo. W. Jenkins, administrator, contestants, vs. Ed. C. Bowman, contestee. Was stipulated to the effect that the contestee should have a priority date of 1871, for all of the lands irrigated by said contestee, except 60 acres described as the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ and W $\frac{1}{2}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 32, T 10 S. R. 40 E. W. M. and that for these 60 acres said contestee should have a date of priority of 1884, and the tabulation hereinafter set forth shall show the dates as found in this finding.

40.

Contest #30. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bert Landreth, Carl Parker, administrator of the Estate of Johnathan Parker, deceased, Thos. Kirkby, William Elliott, Earl Stephenson, Ed York, Eppinger, Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, George W. Jenkins, administrator, contestants, vs. Rymbol T. Young, contestee. Was dismissed.

41.

Contest #31. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bert Landreth, Carl Parker, administrator of the Estate of Johnathan Parker, deceased, Thos. Kirkby,

William Elliott, Earl Stephenson, Ed York, Hppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, George W. Jenkins, administrator, contestants, vs. McCrary Ditch Company, contestee. Was stipulated to the effect that the date of priority of said McCrary Ditch Company should be as of the date 1870, and that the amount of water diverted by said McCrary Ditch Company should not exceed 80 miners inches, or two second feet of water. It further appears that the amount of land irrigated by said McCrary Ditch Company is approximately 40 acres; that said lands are irrigated by said company, consisting of lots and blocks in McCrary's Addition, in the City of Baker. That by reason of the small holdings of the water users through said ditch, it is necessary for each user to have a head of at least two inches per acre, and the water shall be diverted for such company in such a manner as to give the users thereof a head of two inches per acre, but at no time in excess of said amount and such amount shall be diminished as systems of rotation may be inaugurated so that such water users may not be supplied with an excess amount of water. Said stipulation further provided that should said company decrease the amount of lands irrigated by it, that the amount of water diverted shall be proportionately decreased.

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42.

Contest #32. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. N. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bent Landreth, Carl Parker, administrator of the Estate of Johnathan Parker, deceased, Thos. Kirkby, William Elliott, Earl Stephenson, Ed York, Hppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, George W. Jenkins, administrator, contestants, vs. T. C. Huff, contestee. Was stipulated to the effect that said T. C. Huff should have a priority date as of the year 1902, and the tabulation herein after set forth shall show the date as found in this finding.

43.

Contest #33. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bent Landreth, Carl Parker administrator of the Estate of Johnathan Parker, deceased, Thos. Kirkby, William Elliott, Earl Stephenson, Ed York, Hppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, George W. Jenkins, administrator, contestants, vs. D. H. Shaw, contestee. Was settled in the following manner: The contestee filed affidavits amending his claim for the use of water as follows: That from Timber, Juniper and Dry Gulches, he should have water under date of May 11, 1905, for 25 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$; 41.74 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$; 39 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$; 35 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 18, T 10 S. R. 40 E., and from Powder River he should have water for the irrigation of 36 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 7 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 18, T 10 S. R. 40 E., and

asking for ten miners inches of water to run the entire year from Powder River through the Shaw-Stewart Ditch for the purpose of stock water. It further appearing that water right certificates based upon State Engineer's permits have been issued for the following described lands: 25 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$; 41.74 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$; 39 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$; 36 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ S $\frac{1}{2}$ Sec. 18, T 10 S. R. 40 E., that such lands are therefore omitted from this decree as already having water rights duly settled. That for the balance of the lands herein described, the rights are set out in the tabulation herein.

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44.

Contest #34. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bent Landreth, Carl Parker, administrator of the Estate of Johnathan Parker, deceased, Thos. Kirkby, William Elliott, Earl Stephenson, Ed York, Eppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, George W. Jenkins, administrator, contestants, vs. West Side Ditch Company, a corporation, contestee. Was stipulated to the effect that the duty of water thereon should not exceed two miners inches per acre, and that should said West Side Ditch Company reduce the acreage irrigated, that the amount of water should be proportionately reduced. The West Side Ditch Company irrigates a number of lots and blocks within the City of Baker, and on account of the small holdings, the water users thereunder are compelled to have a head of two inches per acre for the irrigation of their lands. That the diversion of water shall not exceed two inches per acre, and shall be such an amount less as the inauguration of a proper system of rotation by the water master will demonstrate is sufficient.

45.

Contest #35. Geo Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bent Landreth, Carl Parker, administrator of the Estate of Johnathan Parker, deceased, Thos Kirkby, William Elliott, Earl Stephenson, Ed York, Eppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, George W. Jenkins, administrator, contestants, vs. W. C. Hindman, contestee. Was stipulated to the effect that should there be in any season a shortage of water suffered by the parties hereto, then as between the contestants and the contestee, the water shall be distributed between said contestants and the contestee, in proportion to the acreage held by them without regard to priority dates between them. The water master shall distribute the water in accordance with this stipulation so long as such distribution does not interfere with the distribution of water and the rights of others having a priority date, who are not parties to this contest, and in case the distribution of water in accordance with this stipulation should interfere with the rights of others not parties to this contest who have a priority date, then said water master shall strictly observe the

dates of priority in the distribution of such water.

46.

Contest #36. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bent Landreth, Carl Parker, administrator of the Estate of Johnathan Parker, deceased, Thos. Kirkby, William Elliott, Earl Stephenson, Ed York, Eppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, Geo. W. Jenkins, administrator, contestants, vs. Matilda Grier, Lilly Daly, Clara Grier, Vesta Langrell and Pearl Shrader, contestees. Was dismissed.

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47.

Contest #37. Geo Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bent Landreth, Carl Parker, administrator of the Estate of Johnathan Parker, deceased, Thos. Kirkby, William Elliott, Earl Stephenson, Ed York, Eppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, Geo. W. Jenkins, administrator, contestants, vs. J. A. Geddes and Wm. Pollman, contestees: Was settled by stipulation to the effect that the contestees should have a priority date of 1895 for ten acres of land in the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 16, T 9 S. R. 40 E. W. M., and a priority date of 1902 for forty acres in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 23, T. 8 S. R. 40 E. W. M. That as to the lands claimed by contestee under the Geddes-Snavely, and Eustace-Geddes Consolidated Ditch, the contestee should have a date of 1878 for the lands in Section 33, being 33 acres in the SW $\frac{1}{4}$ of NE $\frac{1}{4}$; 12 acres in the SE $\frac{1}{4}$ of NW $\frac{1}{4}$; said Section 33, and for the balance of the lands under said ditch, being 372 acres, of a priority date of 1902. That the lands of the contestee under the Geddes Ditch in Section 33, being twenty acres in the SW $\frac{1}{4}$ of NW $\frac{1}{4}$; twenty-eight acres in the SE $\frac{1}{4}$ of NW $\frac{1}{4}$, should have a priority date of 1874, and the balance of said lands being 120 acres, of a priority date of 1906. That for the lands under the Geddes-Osborn & Chambers Ditch the contestants stipulated that the contestees should have an equal use of the waters therein, in proportion to the acreage, without regard to the dates of priority, and the water master shall so distribute the water from said ditch. It appears that the water users therefrom are Clayton Coleman, Geddes & Pollman, Mary Landreth, S. Osborn, Orin R. Osborn, Heirs of E. P. Perkins, Ed. York and James York, A $\frac{1}{2}$ to the balance of the lands of said Geddes & Pollman, the tabulation shall show as the claims have stated.

It further appearing that contestee Pollman was further interested in the lands irrigated by Mack & Pollman, and that said Mack & Pollman, irrigated 160 acres of land through the Estes Ditch as of the priority date of 1865. That the parties using said

waters from said Estes Ditch are as follows: Emma Baldock, Rose L. Bowen, Geo. Chandler, F. W. Eppinger and Chas. Eppinger, Meda V. Ferguson, G. R. Hodgins and John Rohner, J. E. Horn, Mary Landreth, Amy Lewis, Thos. Mack & Wm. Pollman, Orin R. Osborn, S. Osborn, W. L. Patterson, W. A. Payton, Otis J. Payton, Rose Payton, Alma Payton, Armand W. Perkins, Earl P. Stephenson, Nancy E. Toney and S. L. Turley. That the E. P. Perkins estate, G. H. Perkins and Harvey Harrison claim the overflow waters and to use the water through the Estes Ditch by the parties thereto. That the parties entered into a stipulation to the effect that the use of the waters of Powder River through the Estes Ditch, by all of the parties using the waters through said ditch, shall be equal in proportion to the acreage, without regard to the dates of priority, and the water master shall so distribute the water from said ditch.

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48.

Contest #38. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bent Landreth, Carl Parker, Administrator of the estate of Jonathan Parker, deceased, Thos. Kirkby, William Elliott, Earl Stephenson, Ed York, Eppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, George W. Jenkins, administrator, contestants, vs. W. D. Emele, contestee. Was settled by stipulation, and it appearing that Amanda C. Moore was substituted as contestee, in accordance with said stipulation the date of priority for the irrigation of the lands by the claimant was 1899, said date being the date of the construction of the ditch for the irrigation of said lands.

49.

Contest #39. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bent Landreth, Carl Parker, administrator of the Estate of Johnathan Parker, deceased, Thos. Kirkby, William Elliott, Earl Stephenson, Ed York, Eppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, George W. Jenkins, administrator, contestants, vs. P. P. Correll, contestee. Was dismissed.

50.

Contest #40. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bent Landreth, Carl Parker, administrator of the Estate of Johnathan Parker, deceased, Thos. Kirkby, William Elliott, Earl Stephenson, Ed York, Eppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, George W. Jenkins, administrator, contestants, vs. Ross Wilson and H. Van Nordheim, contestees. Was settled by stipulation. The contestees herein corrected their claim by filing an affidavit

showing the lands irrigated as follows, to-wit: 34 acres in NW¹/₄ NW¹/₄; 13 acres in SW¹/₄ NW¹/₄ Section 17; 40 acres in SE¹/₄ NE¹/₄; 16.7 acres in SW¹/₄ NE¹/₄; 38 acres in NE¹/₄ SE¹/₄; 25.4 acres in NW¹/₄ SE¹/₄; 19.2 acres in SE¹/₄ SE¹/₄; 23.2 acres in SW¹/₄ SE¹/₄; 2 acres in NE¹/₄ NE¹/₄; Section 18 and 5 acres in NE¹/₄ NE¹/₄; Section 19, T. 10 S. R. 40 E. That upon such correction being made, it was stipulated that the contestee should have sufficient water to irrigate said land, not exceeding one miner's inch per acre, and should have an amount of water not exceeding 25 inches running through their ditch the entire year for stock water, and the use of water shall be governed by the general findings herein as to the duty of water, rotation and distribution.

322

51.

Contest #41. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G.H. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harry Harrison, Bent Landreth, Carl Parker, administrator of the Estate of Johnathan Parker, deceased, Thos. Kirkby, William Elliott, Earl Stephenson, Ed York, Eppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, Geo. W. Jenkins, administrator, contestants, vs. D. C. Perkins, was dismissed.

52.

Contest #42. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bent Landreth, Carl Parker, administrator of the Estate of Johnathan Parker, deceased, Thos. Kirkby, William Elliott, Earl Stephenson, Ed York, Eppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, Geo. W. Jenkins, administrator, contestants, vs. Priscilla Baldock, contestee. Was stipulated to the effect that the date of priority of contestee be of the year 1887.

53.

Contest #43. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bent Landreth, Carl Parker, administrator of the estate of Johnathan Parker, deceased, Thos. Kirkby, William Elliott, Earl Stephenson, Ed York, Eppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, Geo. W. Jenkins, administrator, contestants, vs. Baker City Mutual Irrigation Company, contestees. Was stipulated to the effect that the contestee, Baker City Mutual Irrigation Company, should have not to exceed two miner's inches of water per acre, and that as the acreage was reduced that the amount of water should be proportionately reduced. And it appearing that the contestee irrigated lots and blocks within the City of Baker, and that by

reason of the holding of said water users being small, they required a head of water of two miners inches per acre, and said company shall have the right to divert a head of water not exceeding two miners inches per acre, provided always, that such head shall be reduced as the water master may in practice find that such head can be reduced, either by rotation or other methods and means of distribution.

323

54.

Contest #44. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bent Landreth, Carl Parker, administrator of the estate of Johathan Parker, deceased, Thos. Kirkby, William Elliott, Earl Stephenson, Ed York, Eppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, Geo. W. Jenkins, administrator, contestants, vs. Clara Borton, contestee. Was stipulated to the effect that the contestee should have a priority date of 1878.

55.

Contest #45. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bent Landreth, Carl Parker, administrator of the estate of Johnathan Parker, deceased, Thos. Kirkby, William Elliott, Earl Stephenson, Ed York, Eppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, Geo. W. Jenkins, administrator, contestants, vs. Joseph Borton, contestee. Was stipulated to the effect that the contestee irrigate forty acres of land in 1879, and increased the same to eighty acres between 1884 and 1886, and increased the irrigated area to 160 acres from 1901 to 1912, and the tabulation hereinafter shall show the water rights in accordance with those dates.

56.

Contest #46. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bent Landreth, Carl Parker, administrator of the estate of Johathan Parker, deceased, Thos. Kirkby, William Elliott, Earl Stephenson, Ed. York, Eppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, Geo. W. Jenkins, administrator, contestants, vs. R. E. Joyce, contestee. Was dismissed.

57.

Contest #47. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bent Landreth

Carl Parker, administrator of the estate of Johnathan Parker, deceased, Thos. Kirkby, William Elliott, Earl Stephenson, Ed York, Eppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, Geo. W. Jenkins, administrator, contestants, vs. The Cranston Land Company, contestee. Was stipulated to the effect that 120 acres of land should be irrigated through Baldock Slough, with a priority date of 1865.

324

58.

Contest #49. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bent Landreth, Carl Parker, administrator of the estate of Johnathan Parker, deceased, Thos. Kirkby, William Elliott, Earl Stephenson, Ed York, Eppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, Geo. W. Jenkins, administrator, contestants, vs. Lulu P. Currey, contestee. Was stipulated to the effect that the contestee should have a priority date of 1871, for the irrigation of 268 acres of land from Powder River through the Lulu P. Currey Ditch, and that the contestee should further have the right to irrigate land under a State Engineer's Permit No. 52, in accordance with the laws governing such permit.

59.

Contest #49. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H. Parker, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bent Landreth, Carl Parker, administrator of the estate of Johnathan Parker, deceased, Thos. Kirkby, William Elliott, Earl Stephenson, Ed York, Eppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, Geo. W. Jenkins, administrator, contestants, vs. East Baker Irrigation and Milling Company, contestee. Was stipulated to the effect that the contestee should reduce its claim as to the priority date from 1863 to 1867, provided, that the right of contestee should be inferior in time and right to the E. P. Perkins Heirs, for the irrigation of 39 acres of land as set out in the tabulation hereinafter, through the Perkins Ditch #2, and it appearing that the water right used through the Perkins Ditch #2 was initiated in the year 1892, such stipulation is a waiver of the date of priority until after the year 1892. It further appears that the contestee irrigated 120 acres of land within the City Limits of Baker, 30 acres of which is irrigated by A. R. Zeller under priority date of 1893, and 272 acres of land outside of the limits of the City of Baker, 195 acres of which land lying outside of the City of Baker has a water right through the New Home Ditch as of the date 1904, 50 acres of which is irrigated by C. L. Palmer under a priority date of 1899, 8 acres of which is irrigated by Geo. A. Wright under a priority date of 1900, 2 acres of which is irrigated by E. Weber under a priority date of 1904, and

2 acres of which is irrigated by Casper Wasser under a priority date of 1900.

The right of said contestee should therefore be fixed as follows, to-wit:
For the irrigation of the lands within the City Limits of the City of Baker, not to exceed 90 acres, a priority date of 1893; for the irrigation of the lands of Casper Wasser and Geo. A. Wright, a priority date of 1900; for the irrigation of the lands of C. L. Palmer, a priority date of 1899, and for the balance of said lands being the lands of E. Weber and Cranston Land Company and others, a priority date of 1904.

325

60.

Contest #50. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bent Landreth, Carl Parker, administrator of the Estate of Johnathan Parker, deceased, Thos. Kirkby, William Elliott, Earl Stephenson, Ed York, Eppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, Geo. W. Jenkins, administrator, contestants, vs. J. J. Jackson, contestee. Was dismissed.

61.

Contest #51. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bent Landreth, Carl Parker, administrator of the Estate of Johnathan Parker, deceased, Thos. Kirkby, William Elliott, Earl Stephenson, Ed York, Eppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, Geo. W. Jenkins, administrator, contestants, vs. S. H. Jackson, contestee. Was dismissed.

62.

Contest #52. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bent Landreth, Carl Parker, administrator of the Estate of Johnathan Parker, deceased, Thos. Kirkby, William Elliott, Earl Stephenson, Ed York, Eppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, Geo. W. Jenkins, administrator, contestants, vs. Ellen E. Littlefield, contestee. Was stipulated to the effect that the contestee should have the right to irrigate 40 acres of land in the NE $\frac{1}{4}$ of SE $\frac{1}{4}$; 40 acres in the SE $\frac{1}{2}$ of SE $\frac{1}{4}$, Sec. 5; and 160 acres in the SW $\frac{1}{4}$ of Section 4 as of the date 1878. 40 acres in the NE $\frac{1}{4}$ of SE $\frac{1}{4}$; 40 acres in the NW $\frac{1}{4}$ of SE $\frac{1}{4}$; Section 4, T. 9 S., R. 40 E. W. M. as of the date 1903.

63.

Contest #53. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn,

G. H. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bent Landreth, Carl Parker, administrator of the Estate of Johnathan Parker, deceased, Thos. Kirkby, William Elliott, Earl Stephenson, Ed York, Eppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, Geo. W. Jenkins, administrator, contestants, vs. A. E. Lucas, contestee. Was dismissed.

64.

Contest #54. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bent Landreth, Carl Parker, administrator of the Estate of Johnathan Parker, deceased, Thos. Kirkby, William Elliott, Earl Stephenson, Ed York, Eppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, Geo. W. Jenkins, administrator, contestants, vs. W. W. Lucas, contestee. Was dismissed.

326

65.

Contest #55. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bent Landreth, Carl Parker, administrator of the Estate of Johnathan Parker, deceased, Thos. Kirkby, William Elliott, Earl Stephenson, Ed York, Eppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, Geo. W. Jenkins, administrator, contestants, vs. S. L. Turley, contestee. Was stipulated to the effect that the water for the irrigation of the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ and NE $\frac{1}{4}$ of SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 12, and NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 13, T. 8 S. R. 39 E. W. M., should be diverted and used through Old Settlers Slough, and that the balance of the waters used by said contestees should be diverted and used through the Estes Ditch.

66.

Contest #56. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bent Landreth, Carl Parker, administrator of the Estate of Johnathan Parker, deceased, Thos. Kirkby, William Elliott, Earl Stephenson, Ed York, Eppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, Geo. W. Jenkins, administrator, contestants, vs. Susannah Truscott, contestee. Was stipulated that as to the lands irrigated in the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ and the NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 34, T. 8 S. R. 40 E. W. M., consisting of two acres thereof, should have a priority date of 1873, and the balance of the lands irrigated under the eighty acre tract, should have a priority date of 1893, and that for the lands irrigated in the SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 34, T. 8 S. R. 40 E. W. M. and in the NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 3, T. 9 S. R. 40 E. W. M., being 48 acres should have a priority date of 1865.

67.

Contest #67. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bent Landreth, Carl Parker, administrator of the Estate of Johnathan Parker, deceased, Thos. Kirkby, William Elliott, Earl Stephenson, Ed York, Eppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, Geo. W. Jenkins, administrator, contestants, vs. Stoddard Lumber Company, contestee. Was dismissed.

327

68.

Contest #58. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bent Landreth, Carl Parker, administrator of the Estate of Johnathan Parker, deceased, Thos. Kirkby, William Elliott, Earl Stephenson, Ed York, Eppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, Geo. W. Jenkins, administrator, contestants, vs. R. L. and J. M. Stewart, contestee. Was stipulated to the effect that the lands in the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 8, and the E $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 7, T 10 S. R. 40 E. W. M., should have a priority date of 1892. And it appearing from the claim of said contestees that 80 acres were irrigated in 1869, 42.4 acres in 1880, and 167.9 acres were irrigated in 1892, the tabulation herein shall show said three dates as being the dates of priority for the water rights of the contestees.

69.

Contest #59. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bent Landreth, Carl Parker, administrator of the Estate of Johnathan Parker, deceased, Thos. Kirkby, William Elliott, Earl Stephenson, Ed York, Eppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, Geo. W. Jenkins, administrator, contestants, vs. W. L. Smith, contestee. Was stipulated to the effect that the priority of said W. L. Smith should be 1869, and that he should not divert more than ten miners inches of water. That in the diversion of water, said contestee shall be governed by the general findings herein.

70.

Contest #60. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bent Landreth, Carl Parker, administrator of the Estate of Johnathan Parker, deceased, Thos. Kirkby, William Elliott, Earl Stephenson, Ed York, Eppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, Geo. W. Jenkins, administrator, contestants, vs. A. S. Schockley, Grace Hindman, widow, Fay, Isabel, Richard and

Dorothy Hindman, minor heirs of H. H. Hindman, deceased, contestees. Was stipulated to the effect that in any season of shortage of water, the waters should be distributed between the contestants and the contestees in proportion to the acreage held by them without regard to priorities held by them, and the water master in distributing the water shall be governed by said stipulation, provided, that in distributing the waters in accordance therewith, such distribution does not infringe upon the rights of any persons not parties hereto, and in the event that such distribution does infringe upon the rights of any persons not parties to said stipulation, then, and in that event, said water master shall distribute the water according to the dates of priority without regard to said stipulation.

328

71.

Contest #61. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bent Landreth, Carl Parker, administrator of the Estate of Johnathan Parker, deceased, Thos. Kirkby, William Elliott, Earl Stephenson, Ed York, Eppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, Geo. W. Jenkins, administrator, contestants, vs. J. E. Sherman, contestee. Was stipulated to the effect that the contestee should have a priority date of 1885, for 40 acres in the SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 34, T. 8 S. R. 40 E. W. M., and 1895 for 80 acres in the N $\frac{1}{2}$ of SE $\frac{1}{4}$, Section 3, T. 9 S., R. 40 E. W. M.

72.

Contest #62. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bent Landreth, Carl Parker, administrator of the Estate of Johnathan Parker, deceased, Thos. Kirkby, William Elliott, Earl Stephenson, Ed York, Eppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, Geo. W. Jenkins, administrator, contestants, vs. Adolph Schiller, contestee. Was stipulated to the effect that the contestee should have a date of priority for the irrigation of the lands claimed in contestee's Statement and Proof of Claim as of the year 1886.

73.

Contest #63. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bent Landreth, Carl Parker, administrator of the Estate of Johnathan Parker, deceased, Thos. Kirkby, William Elliott, Earl Stephenson, Ed York, Eppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, Geo. W. Jenkins, administrator, contestants, vs. William A. Roundy, contestee. Was dismissed.

74.

74.

Contest #64. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bent Landreth, Carl Parker, administrator of the estate of Johnathan Parker, deceased, Thos. Kirkby, William Elliott, Earl Stephenson, Ed York, Eppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, Geo. W. Jenkins, administrator, contestants, vs. H. J. Rizer, contestee. Was dismissed.

75.

Contest #65. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, 329
G. H. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bent Landreth, Carl Parker, Administrator of the Estate of Johnathan Parker, deceased, Thos. Kirkby, William Elliott, Earl Stephenson, Ed York, Eppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, Geo. W. Jenkins, administrator, vs. Edith Rizer, contestee. Was dismissed.

76.

Contest #66. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bent Landreth, Carl Parker, administrator of the Estate of Johnathan Parker, deceased, Thos. Kirkby, William Elliott, Earl Stephenson, Ed York, Eppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, Geo. W. Jenkins, administrator, contestants, vs. Powder River Gold Dredging Company, contestee. Was stipulated to the effect that the contestee should have the right to irrigate 71.5 acres of land through the Duckworth Ditch, with a priority date of 1889, and that the contestee's have sufficient water to irrigate 200 acres, as of the date of August.10, 1870, and 103.5 acres as of the date 1885, through the Henderson Ditch, and that the contestee. have the further right to use $2\frac{1}{2}$ second feet of water for the purpose of operating a dredger in Sumpter Valley, which amount of water shall have a priority date as stated in their claim.

77.

Contest #67. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bent Landreth, Carl Parker, administrator of the Estate of Johnathan Parker, deceased, Thos. Kirkby, William Elliott, Earl Stephenson, Ed York, Eppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, Geo. W. Jenkins, administrator, con-

testants, vs. W. A. Payton, Rose Payton, R. E. Payton, Alma Payton, and Osie M. Smith, contestees. Was dismissed.

78.

Contest #68. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bent Landreth, Carl Parker, administrator of the Estate of Johnathan Parker, deceased, Thos. Kirkby, William Elliott, Earl Stephenson, Ed York, Eppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, Geo. W. Jenkins, administrator, contestants, vs. W. A. Payton, contestee. Was dismissed.

79.

Contest #69. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison Bent Landreth, Carl Parker, administrator of the Estate of Johnathan Parker, deceased, Thos. Kirkby, William Elliott, Earl Stephenson, Ed York, Eppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James Mc Enroe, Wm. A. Jackson, Geo. W. Jenkins, administrator, contestants, vs. Lizzie A. Morson, contestee. Was dismissed.

80.

Contest #70. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bent Landreth, Carl Parker, administrator of the Estate of Johnathan Parker, deceased, Thos. Kirkby, William Elliott, Earl Stephenson, Ed York, Eppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, Geo. W. Jenkins, administrator, contestants, vs. Otis J. Payton, contestee. Was dismissed.

81.

Contest #71. Geo. Chandler, S. Osborn, Clayton Coleman, Orin Osborn, G. H. Perkins, Heirs of E. P. Perkins, J. P. Evans, Harvey Harrison, Bent Landreth, Carl Parker, administrator of the Estate of Johnathan Parker, deceased, Thos. Kirkby, William Elliott, Earl Stephenson, Ed York, Eppinger Brothers, Mrs. M. Grier, James York, B. F. Toney, James McEnroe, Wm. A. Jackson, Geo. W. Jenkins, administrator, contestants, vs. R. R. Palmer, and H. E. Denham, contestees. Was dismissed.

82.

That a decree of the Circuit Court of the State of Oregon for the County of Baker, entitled "Fred A. Phillips, plaintiff, vs. Margaret Hulick, Meadows Irrigation Service Company, a corporation, Don Daley, Jessie Daley, E. P. Cranston, Lena Cranston, Claude E. Bennett, Agnes Bennett, J. H. B. Harrington, Grace G. Harrington

Mary Cranston and Fred Cranston, Administrator, substituted for Herbert Cranston, deceased, defendants," was filed with the claims of the claimants to the waters of Balm Creek. That the Balm Creek Orchard Company is the successor in interest to the Meadows Irrigation Service Company, and that Claude E. Bennett is the successor in interest to J. H. B. Harrington and Grace G. Harrington. That at the time the said decree was entered, said decree involved all of the water users of Balm Creek and its tributaries. That a decree of default was taken against Don Daley and Jessie Daley. That there has been filed herein a claim by Lawrence Daley for waters from Balm Creek. That it does not appear that Lawrence Daley is the successor in interest to Don Daley and Jessie Daley, but the date of priority claimed by said Lawrence Daley is 1906, and said date of priority is a later date than the dates of priority of all the other water users, and therefore it is immaterial to consider Lawrence Daley in this finding. 331

Lulu Phillips further filed a claim for waters from Balm Creek, claiming a date of priority of 1890; the land described in said claim was involved and decreed a water right in said decree; and so far as the claim of said Lulu Phillips shows, said land was not irrigated until 1911 and Lulu Phillips will therefore be given the latest date of priority in said decree. Said decree defined the water rights of the parties thereto as follows: J. H. B. Harrington and Grace G. Harrington the first right of 80 miners inches; Fred A. Phillips the second right of 50 miners inches; Claude E. Bennett and Agnes Bennett the third right of 25 miners inches; E. P. Cranston and Lena Cranston the fourth right of 70 miners inches; the Estate of Herbert Cranston and Mary Cranston the fifth right of 50 miners inches; Claude E. Bennett and Agnes Bennett the sixth right of 45 miners inches; Fred A. Phillips; J. H. B. Harrington and Grace G. Harrington the seventh right, jointly, of 50 miners inches; E. P. Cranston and Lena Cranston the eighth right of 50 miners inches; the Estate of Herbert Cranston and Mary Cranston the ninth right of 25 miners inches; Margaret Hulick the tenth right of 25 miners inches, and the Meadow Irrigation Service Company the eleventh right of 40 miners inches. The balance of the water was to be given to Fred A. Phillips, J. H. B. Harrington and Grace G. Harrington, jointly, for the first 50 miners inches as the twelfth right; then would follow in order, E. P. Cranston and Lena Cranston for 50 miners inches; the Estate of Herbert Cranston and Mary Cranston 25 miners inches; Margaret Hulick 25 miners inches, and the Meadow Irrigation Service Company 40 miners inches.

Such decree settles the order of priority of said water users, and as there are no other water users upon the creek, or lower down upon Powder River, into which said creek flows which can interfere with the rights of the parties to the use of water, the tabulation hereinafter shall set forth the dates in such order of priority beginning with the Harrington's first right of 50 miners inches, in the year 1878; by so doing, it is found that the ninth right in said decree, wherein the Estate of

Herbert Cranston and Mary Cranston is given 25 miners inches is not necessary for the irrigation of the land of said Estate of Herbert Cranston and Mary Cranston.

It further appears that the general finding herein as to the duty of water will give said land a sufficient supply to irrigate the same sufficiently. It further appears that the division of the balance of the water as shown by said decree is not necessary for any of the land except that of Fred A. Phillips and Lulu Phillips and the Harrington right, now owned by C. E. Bennett, and in accordance with said decree said rights shall be enumerated as follows; Claude E. Bennett, for himself and as successor to J. H. B. Harrington and Grace G. Harrington, shall have a priority date of 1878, for sufficient water to irrigate 100 acres; a priority date of 1889 for sufficient water to irrigate 50 acres; a priority date of 1892 for sufficient water to irrigate 63.5 acres; a priority date of 1893 for sufficient water to irrigate 50 acres; a priority date of 1905 for sufficient water to irrigate 39 acres. 332

That Fred A. Phillips shall have a priority date of 1879 for sufficient water to irrigate 100 acres; a priority date of 1893 for sufficient water to irrigate 50 acres; a priority date of 1905 for sufficient water to irrigate 61.5 acres.

That Lulu Phillips shall have a priority date of 1905 for sufficient water to irrigate 20 acres.

That E. P. Cranston shall have a priority date of 1890 for sufficient water to irrigate 170 acres.

That the Estate of Herbert Cranston and Mary Cranston shall have a priority date of 1891 for sufficient water to irrigate 90.5 acres.

That Lena Cranston shall have a priority date of 1896 for sufficient water to irrigate 91 acres.

That Margaret Hulick shall have a priority date of 1897 for sufficient water to irrigate 58 acres.

That the Balm Creek Orchard Company, successor in interest to the Meadow Irrigation Service Company, shall have a priority date of 1904 for sufficient water to irrigate 130 acres.

That the distribution of water upon said creek shall be governed by the general finding herein as to rotation and such practical arrangement for the distribution of water as the water master may inaugurate.

83.

That the decree of the Circuit Court of the United States for the District of Oregon, in the case wherein David McClure, Jr., was complainant, and Moses Carpenter was defendant, was filed with the claims of the Perry Baisley Estate and those of the Baisley owners who use the Upper Never Sweat and Lower Never Sweat Ditches, wherein the owners of the Auburn Canal were decreed a prior right for 350 miners inches of water, or 8.75 second feet. That the City of Baker has succeeded to the rights of plaintiff,

David McClure, Jr., and the said Perry Baisley Estate, J. H. Baisley, Mattie Baisley, and S. B. Baisley have succeeded to the interests of Moses Carpenter, defendant, and it appearing by said decree that the said Auburn Canal was constructed in the year 1863, the rights to the use of water through the Auburn Canal by said City of Baker shall be of the date of priority of 1863. And it appearing by said decree that the date of priority of said Baisleys is later than said date, said Baisleys shall have a date of priority of not earlier than 1864, but in all cases shall be governed as to the date by the diligence of putting the water to a beneficial use.

84.

That the decree of the Circuit Court of the State of Oregon for the County of Baker on the mandate of the Supreme Court of the State of Oregon, in the suit of J. C. Bowen and E. C. Bowen, respondents and cross appellants, vs. Bird Spaulding and W. B. Vaughan, respondents and cross appellants, Mary E. Smith and W. L. Smith, appellants, Baker City, a municipal corporation, F. Franklin and M. O. Haskell, respondents, was filed herein with the Statement and Proof of claim of the City of Baker. It appears from said decree that said City of Baker has established a prior right to all the parties to said suit for the use of the waters of Elk Creek, and it further appearing that the claims of all of said other parties in said suit, set dates of priority subsequent to the dates of priority claimed by said City of Baker, such dates of priority established in the tabulation hereinafter set forth, so establishes the priority dates in accordance with said decree. 333

85.

That a decree of the Circuit Court of the State of Oregon for the County of Baker, in the suit wherein R. R. Palmer and H. E. Denham were plaintiffs, vs. Geo. A. Richradson, Homer Gilliam, W. S. Matsker, Lucy Burden, Victor Nault, G. A. Conrad, Dan Stephenson, D. W. Holmer, Chas. Ebell, Cleveland Ebell, Hugo Evell, Della Ebell, Clara Ebell, Cecil Ebell, Armond Ebell, heirs at law of August Ebell, deceased; S. B. Willett and Minnie L. Willett, John Ingram, Ora M. Bennett, Elmer E. Bennett, and E. E. Bennett, administrator of the Estate of Nathan Bennett, deceased, defendants, was filed in connection with the claims of those parties whom said decree affects. It appears to the State Water Board that Sutton Creek is a tributary of Powder River, and that the plaintiffs, R. R. Palmer and H. E. Denham own lands upon Sutton Creek, and said lands are so located that said Palmer and Denham have access not only to Sutton Creek, but also to a tributary of Sutton Creek known as Ebell Creek, or East Sutton Creek. That said decree determines that said Palmer and Denham shall have a right prior to the right of all the defendants for the use of water upon what is known as the McCullough place, but that for the use of water out of East Sutton Creek or Ebell Creek, said Palmer and Denham shall have no priority rights prior to any of the defendants who use water out of said Ebell Creek.

That all of the parties to said suit or their successors in interest appeared in these proceedings, except W. S. Metsker who owned the E $\frac{1}{2}$ of Section 24 and the E $\frac{1}{2}$ of Section 25, T 10 S. R. 40 E. W. M.; that said decree denied any use of water to said Metsker, and that not having appeared in these proceedings, default is hereby entered against him. That said Palmer and Denham shall have a priority date of 1873 for the irrigation of the lands in the E $\frac{1}{2}$ of SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 12, T. 10 S. R. 40 E. W. M., and shall have a priority date of 1886 for 21 acres of the lands irrigated in the NE $\frac{1}{2}$ of NE $\frac{1}{4}$, and the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 13, T. 10 S. R. 40 E. W. M. and for the balance of said land shall have a priority date of 1907. Said water shall be for such priority dates from Sutton Creek. 334

It further appears that the parties who irrigate out of East Sutton or Ebell Creek have priorities from 1872 to 1905, and by said decree said Palmer and Denham can only use water from said East Sutton or Ebell Creek, after each of said parties have finished their irrigation, and the Board hereby establishes 1906 as the date of priority for said Palmer and Denham to use water out of said East Sutton or Ebell Creek. That such use of water out of said Ebell or East Sutton Creek for said Palmer and Denham is a supplemental supply for the lands irrigated in Sections 12 and 13.

That Lucy Burden shall have a priority date of 1879 for the lands irrigated by her in Section 36, T. 10 S. R. 40 E. W. M.

That Homer Gilliam shall have a priority date of 1883 for the lands irrigated by him in Section 13, T. 10 S. R. 40 E. W. M., and Victor Nault shall have a priority date of 1883 for the lands irrigated in Section 1, T. 11 S. R. 40 E. W. M., and Section 6, T. 11 S. R. 41 E. W. M., and when the water which is available for said date of 1883 is not sufficient to give said Homer Gilliam and said Victor Nault such a supply of water as they desire under the general findings as to the duty of water in these proceedings, then the water available for said priority date of 1883 shall be divided between said Homer Gilliam and said Victor Nault in the proportion of 66% to Homer Gilliam, and 35% to Said Victor Nault.

That G. A. Conrad shall have a priority date of 1908 for the lands irrigated in Section 6, T 11 S. R. 41 E. W. M.

That as to the water from East Sutton or Ebell Creek, the Ebell heirs shall have a priority date of 1872.

That Dan Stephenson shall have a priority date of 1879, and Minnie L. Willett and her husband Sam B. Willett, shall have a priority date of 1886.

That Charles Howry shall have a priority date of 1888. Ora M. Bennett and Elmer E. Bennett, and the Estate of Nathan Bennett, deceased, shall have a priority date of 1904, and have built a reservoir in Section 8, T. 11 S. R. 41 E. W. M. for

the purpose of storing water for the irrigation of their lands, and that under said diversion all of the parties hereto have waived any priority for the storing of said water in said reservoir after the irrigating season has closed in each year, up to and including the 15th day of April of the next year, and after the 15th day of April of each year and during the irrigating season thereafter of each year said Bennetts shall permit such a quantity of water to flow from said reservoir in the channel of the stream from where said reservoir is situated, as flows into said reservoir from any and all sources, less 10% thereof, as an allowance for natural loss, when needed for use by appropriators with priorities prior to 1908, and said Bennetts shall therefor have a priority date of 1908 for the storage of water. That said decree mentions John Ingman Ranch, but that the description thereof is not sufficient to determine whether the same is included in these proceedings or not, and therefore the State Water Board finds that the same is not included.

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That the lands irrigated by each of the parties to said decree herein mentioned are set forth in the tabulation hereinafter set out.

86.

That the decree of the Circuit Court of the State of Oregon for the County of Baker, in the case wherein A. H. Brown and Winslow H. Bowen were plaintiffs, and Augustus George was defendant, was filed with the claim of Asa L. Brown. That by said decree the priorities of the parties thereto was established for the waters of Willow Creek as follows, to-wit: A. H. Brown the first right to 60 miners inches; August George the second right to 25 miners inches; A. H. Brown the third right to 60 miners inches; Winslow H. Bowen the fourth right to 186 miners inches; A. H. Brown the fifth right to 75 miners inches; Winslow H. Bowen and Augustus George the sixth right to 264 miners inches in equal proportion.

It appears that Asa L. Brown is the successor in interest to A. H. Brown for the NE $\frac{1}{2}$ of the SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, and the NE $\frac{1}{2}$ of the SE $\frac{1}{4}$ and S $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 2, T. 8 S. R. 38 E. W. M., and that in said section said Asa L. Brown irrigates 243 acres of land.

That Clark Benson is the successor in interest to A. H. Brown in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 2, but that said Clark Benson does not claim any of the waters out of Willow Creek, and has therefore waived any rights to the waters of Willow Creek for said land.

That J. H. Ensminger is the successor in interest to Augustus George for the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, said township and range, but said Ensminger only claims water from Rock Creek, and therefore has waived any right to waters from Willow Creek.

That Blanche McCullough is the successor in interest to Augustus George

in the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ said Section 3, and irrigates therein 118 acres of land.

That John Richmond is the successor in interest to Winslow H. Bowman for the SE $\frac{1}{4}$ NE $\frac{1}{4}$ said Section 3, and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and all that part of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ lying north of Willow Creek in said Section 2, and irrigates therein 108.5 acres of land.

That W. A. Green is the successor in interest to Winslow H. Bowen in the SW $\frac{1}{4}$ and all that part of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ lying south of Willow Creek, in said Section 2, and irrigates therein 77 acres of land.

That said decree establishes the priorities of the parties thereto as to their needs at that time, but that the amount of water necessary to irrigate the land is now found to be as set forth in these findings, by a general finding upon the duty of water, and the water shall be distributed upon the lands described herein accordingly, as the duty of water.

The claim of Asa L. Brown claims 143 acres irrigated from Willow Creek since October 12, 1864; the claim of Blanche McCullough shows that 60 acres were irrigated from Willow Creek since 1884, 58 acres since 1904; the claim of John Richmond 336 shows that 15 acres were irrigated from 1864; 27 acres from 1882, and 37 acres from 1884, and 37 acres from 1905; the claim of W. A. Green shows that 52 acres were irrigated from 1862, 25 acres from 1899. The claim of Blanche McCullough therefore shows that any rights secured in Right No. 2, defined in said decree for Augustus George, has been abandoned by reason of failure to use the water, as the time from 1866 to 1884 is an unreasonable length of time for the non-usage of water. We therefore find that from the usage of water since that decree, the dates of priority shall be as follows for the use of water from Willow Creek by said parties; Asa L. Brown, 1864, 60 acres; 1868, 60 acres; 1883, 25 acres. Blanche McCullough, 1884, 60 acres; 1904, 58 acres. John Richmond, 1882, 71 acres; 1905, 37 $\frac{1}{2}$ acres. W. A. Green, 1862, 62 acres; 1899, 25 acres, and the water shall be distributed therein accordingly.

87.

That the decree of the Circuit Court of the State of Oregon for the County of Baker, in the suit wherein Asa L. Brown, A. H. Brown and R. H. Brown, were plaintiffs, and L. B. Baker and Minnie Baker were defendants, was also filed in these proceedings with the claim of Asa L. Brown. That by said decree it appears that the plaintiffs were granted a superior right to the use of the waters of Willow Creek over the defendants. It further appears that the successor in interest to said Defendants is J. S. Culbertson, who was duly notified of these proceedings and not having appeared is therefore in default. That the rights of the plaintiffs and their successors in interest have been duly defined in the tabulation herein contained, and shall have as herein set forth.

88.

A decree of the Circuit Court of the State of Oregon for the County of Baker, wherein N. C. Love and P. L. Kelley were plaintiffs, and Mike Brown was defendant, involving the waters of Love Creek, was filed in these proceedings with the claims of the parties thereto. By said decree it appears that the plaintiffs were given a priority right for 45 inches of water measured at the south end of the first flume in plaintiff's ditch, and that the defendant shall have the next right for 15 miners inches of water and that the plaintiff shall have the right to all the balance of the water flowing in Love Creek.

It further appears from the Findings of Fact in said suit that there is a spring arising upon the premises of the defendant, but which said defendant uses and is entitled to the whole flow of said spring. It appears from the claim of the defendant filed herein that he claims a priority date of April 1900, and that he uses water from the East Fork of Love Creek and from Glasgow Creek, and that he irrigates 42 acres. That said Mike Brown under said decree shall therefore be limited 337 to 15 miners inches of water with a diversion as of the priority date of 1900 from the East Fork of Love Creek, with the balance of the water necessary for the irrigation of said 42 acres of land shall be taken as of the date of 1900 from Glasgow Creek, and from the springs arising upon the place of Mike Brown, to which said Mike Brown is entitled to the exclusive use.

It further appears from the claim that P. L. Kelley irrigates 68.5 acres of land and claims a date of Nov. 15, 1889. That said P. L. Kelley shall have the right to divert water from the East and West Forks of Love Creek as of the date November 15, 1889, for sufficient water for the irrigation of said 68.5 acres of land, provided, that a diversion of not more than 45 miners inches of water be made for the supplying of the appropriations of said N. C. Love and said P. L. Kelley, prior to the appropriation of said Mike Brown. That it does not appear in these proceedings as to how said 45 miners inches of water shall be divided between said N. C. Love and said P. L. Kelley, and that such 45 inches of water shall hereafter be divided accordingly as said parties may agree.

It further appears that Floyd E. Love and Helen Love are the successors in interest to a part of the land owned by N. C. Love and P. L. Kelley at the time of the said suit, but it does not appear as to what the division of said water shall be. From the claims of said N. C. Love, it does not appear that said N. C. Love claims any of the water of Love Creek under said decree. It further appears that said Floyd E. Love and Helen Love who have succeeded to a part of the lands of N. C. Love and P. L. Kelley, claim to irrigate from the West Fork of Love Creek through the Love Reservoir, and that said suit involved the East Fork

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1888

15 ann SE NW
Sec 12

1892

5 SW NE
25 SE NW
38 NE SW
22 SE SW
15 NE SE
40 NW SE
8 SW SE
Sec 12

T10S, R3E

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Fork of Love Creek.

Said Floyd E. Love and Helen Love shall therefore have no right to divert any of the water from the East Fork of Love Creek prior to said Mike Brown, and the amount of water diverted by either of the parties hereto shall be governed by the general finding as to the duty of water herein, and rules and regulations of the water master as to rotation.

89.

That the decree of the Circuit Court of the State of Oregon, for Baker County in a suit wherein C. A. Garrothers was plaintiff, and E. R. Johnson was defendant, was filed herein, involving the waters of Powder River, and by said decree the use of the water in the ditch by said plaintiff and said defendant was agreed to be divided, one-fourth to the defendant, and three-fourths to the plaintiff. It appearing to the Board by the claims of the plaintiff and defendant, that the plaintiff irrigates 87 acres of land with a priority date of 1906; that the defendant irrigates 30 acres of land with a priority date of 1908. That said decree was entered upon stipulation and its priorities existing were therefore waived, and water shall be distributed to said plaintiff and said defendant through said ditch in accordance with said decree, giving to the defendant one-fourth of the water, and to the plaintiff three-fourths of the water, provided, that in no event shall more water than either of the parties need be distributed to them through said ditch, and the needs of said parties for the use of said water shall be governed by the general finding herein as to the duty of water.

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90.

That the decree of the Circuit Court of the State of Oregon for Baker County, wherein Arthur Oliver was plaintiff, and John Erwin was defendant, involving the waters of Tucker Creek was filed in these proceedings, and it appears from said decree that the water in said Tucker Creek is to be divided equally at the head of said defendant's ditch, on the John Hulick lands, share and share alike between said plaintiff and defendant, for irrigation, stock and domestic purposes, provided, that when the whole flow of said Tucker Creek is only sufficient for stock purposes, then the whole natural flow of said creek shall be permitted to flow down its natural channel and plaintiff and defendant shall have the right to use the same for stock purposes as it flows through or upon their respective lands. It further appears from the claims filed herein, that John Erwin irrigates 38 acres of land from Tucker Creek, and Arthur Oliver irrigates 125 acres of land from Tucker Creek; that of the land irrigated by John Erwin from Tucker Creek, that 16 acres thereof in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16, T. 8 S. R. 42 E. W. M., is also irrigated from Powder River, and that of the lands ir-

rigated by Arthur Oliver, all of the same are also irrigated from Powder River.

That the dates of priority of both parties for irrigating said land from Powder River is 1868. That the claims show the date of priority for the irrigation of said lands from Tucker Creek as 1875, for John Erwin, and 1876 for Arthur Oliver, and that said decree makes said dates of priority equal, and therefore the State Water Board fixes 1876 as the date of priority of both parties.

That in accordance with said decree, said water shall be divided share and share alike between said plaintiff and defendant at the head of defendant's ditch on the John Hulick lands, provided, however, that no more water shall be turned to said defendant through his said ditch, than is necessary for the irrigation of his lands as to the duty of water, and provided further, that when there is only sufficient water for stock purposes in said creek, the whole natural flow shall be permitted to flow down its natural channel, and the parties hereto shall have the right to use the same during such time for stock purposes as the same flows in its natural channel.

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91.

That the decree of the Circuit Court of the State of Oregon for Baker County, in a suit wherein Josephine Ison, Edna McDougall, Virgil S. Ison, and W. A. Cartmill were plaintiffs, Wm. Sturgill, J. P. Lucas, Crate Maim, Robert George, Augustus Masters, Flavius Perkins, W. J. Welch, C. C. Olson (And their successors in interest) and Harry Wicks, Steve Osborn, L. Favorite, Hans Johnson, L. Fosnot, M. Durgan, Flood Waltz, Lee Beam, Charley Perkins, I. S. Burnside, and Mary Burnside, his wife, Dell Shepard and Delia Shepard, his wife, L. Morin and Laura E. Morin, his wife, B. Kinnison and Carrie Kinnison, his wife, were defendants, involving the waters of Pine Creek, was filed in these proceedings. From said decree and from the claim filed by Josephine Ison, Virgil S. Ison and Edna McDougall, it appears that 40 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, and 40 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, T 8 S. R. 39 E. W. M., has a water right with a priority date of 1864; that the NW $\frac{1}{4}$ of Section 28, T 8 S. R. 39 E. W. M., has a water right with a priority date of April, 1863; that 40 acres of land in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, and 40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, in Section 21, T 8 S. R. 39 E. W. M., has a water right with a priority date of 1892; that 40 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, has a water right with a priority date of 1900; that 40 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 40 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 22, has a water right with a priority date of 1904; that 40 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, and 40 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, and 40 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 22, T 8 S. R. 39 E. W. M., has a water right with a priority date of 1909.

That the lands claimed to be irrigated by Eva J. Cartmill as set forth in the tabulation hereinafter contained, have a water right with a priority date of 1864; that the lands claimed to be irrigated by Geo. M. Caviness and Emma Caviness as set forth in the tabulation hereinafter contained, have a water right with a priority date

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of 1866, for 25 inches of water from Pine Creek, and it appears from their claim that they have also used water from Spring Creek, and the balance of the water necessary for the irrigation of their land shall be diverted from Spring Creek as of the same date.

That James W. Phillips has a water right for the S $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 32, T. 8 S. R. 39 E. W. M., with a priority date of 1866, for 25 miners inches of water from Pine Creek, and the balance of water necessary to irrigate said tract of land shall be diverted from Spring Creek with the same date of priority. That 40 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24, T. 8 S. R. 38 E. W. M., shall have appriority date of 1868, and 19.6 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, and 31.8 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, T. 8 S. R. 38 E., shall have a priority date of 1871, and the balance of the land irrigated by said James W. Phillips as shown in the tabulation hereinafter contained shall have a priority date of 1907.

That the lands irrigated by C. O. Jeffrey as shown by the tabulation hereinafter contained shall have priority dates as follows: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 29, T. 8 S. R. 39 E. W. M., shall have a priority date of 1869, and the S $\frac{1}{2}$ NE $\frac{1}{4}$ of same section shall have a priority date of 1889. 340

That the priorities of each and all of the other parties to said suit who have appeared in these proceedings, shall be as set forth in the tabulation hereinafter contained, and the amount of water necessary for the irrigation of their lands shall be governed by the general findings as to the duty of water, and the water master shall distribute said water in accordance with these dates and said duty of water.

92.

That a decree of the Circuit Court of the State of Oregon for Union County in a suit wherein Charles B. Mays was plaintiff and C. L. Scott was defendant, involving the waters of a spring situated in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8 T. 5 S. R. 39 E. W. M., was filed in these proceedings. That by said decree each of the parties hereto have the right to the use of one-half of the water flowing from said spring. That the water master in the distribution of water shall so distribute the water from said spring, and the parties hereto shall put in the necessary headgates and other measuring devices for the measuring of water, as the water master in the distribution and division thereof may recommend, and the lands upon which said water is to be used is set forth in the tabulation hereinafter contained, under the names of the respective parties.

93.

That a decree of the Circuit Court of the State of Oregon for the County of Baker, in a suit wherein the Sumpter Light & Water Company, a corporation, was plaintiff, and W. R. Hawley, Moses Weaver, ^{Joe Weaver} Anthony Mohr, and the St. Joe Gold Mining Company were defendants, involving the waters of O'Farrell's Gulch, were

filed in these proceedings, and it appears by said decree that the plaintiff had a prior right to all the defendants for 200 miners inches of water from said O'Farrell's Gulch for municipal, domestic, power and irrigation purposes. And it appears from the claim of the Northwest Light & Water Company, that said Northwest Light & Water Company has succeeded to the interests of said plaintiff in said suit.

The water master shall distribute said water in accordance with said decree.

94.

That the decree of the Circuit Court of the State of Oregon for the County of Baker, wherein Hattie H. Olsen, C. J. Osborne and Wm. Bunyan were plaintiffs, and Frank L. Steward was defendant, involving the waters of Rock Creek was filed in these proceedings. That by said decree the defendant was enjoined from using water out of the Olson & Michelson Ditch. That said decree does not establish the priorities, amount or use of water of said parties, but does prevent water from being distributed through said ditch to all of the parties. That said ditch was built to serve the S₂ of NE₄, SE₄NW₄, N₂ of SE₄, ^E1/2 of SW₄ and SW₄SW₄ of Section 27, and the N₂ of NW₄ of Section 34, the SE₄NE₄, and NE₄SE₄ of Section 33, T. 7 S. R. 38 E. W. M. That in the distribution of water the water master shall use said ditch for conveying water to the lands as thus described, and shall only distribute water to the S₂ of NW₄ of Section 34, being the lands owned by said defendant at the time of said suit, upon consent of the other water users in said ditch.

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95.

That the decree of the Circuit Court of the State of Oregon for the County of Baker, wherein Eliza Ellen Kelley was plaintiff and E. E. Chambers was defendant, involving the waters of Spring Creek and springs arising on the lands and above the land of the defendant, sometimes called "Cavin and Crabill Springs," was filed in these proceedings, and it appears from the proceedings that James A. Kelley and Charles W. Kelley have succeeded to the interests of the plaintiff, and P. Crabill has succeeded to the interests of the defendant. That the defendant by said decree should have the exclusive use of the springs arising upon his land, but that for the springs arising off the defendant's land, and the water flowing onto his land, the defendant should have the use of the water from sundown of each day until eight o'clock A. M. of the following day, and that from eight o'clock A. M. on each day to sundown on the same day, the plaintiff's and their successors in interest should have the use of the water, but that in case the plaintiffs did not use said water during the day time, then said defendants should have the use of the water both day and night.

The water master of the district shall distribute the water in accordance with said decree.

That the lands owned by the plaintiff were the S $\frac{1}{2}$ of NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; and the N $\frac{1}{2}$ of SE $\frac{1}{4}$ Section 5. That the lands owned by the defendant were the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 6, all in T. 9 S. R. 39 E. W. M., and the water shall be distributed according to said decree for said lands, hit the water master may distribute said water in any other manner that the parties owning said lands may, by writing agree upon; when such writing is filed with said water master.

96.

That the rights for the appropriation of water for the City of Baker are partially set forth in Finding #15, herein. That said City of Baker is not at the present time using all of said water as was appropriated to make said rights; that said City of Baker in the year 1901 located a reservoir site upon Goodrich Creek and to store the waters under said rights in said reservoir. That such reservoir is owned by the City of Baker for such storage and the utilization of said water rights.

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That a decree of the Circuit Court of the State of Oregon for Baker County, wherein Florence L. Sherred was plaintiff, and the City of Baker was defendant, wherein and whereby said water rights were confirmed in the City of Baker and the title to said water rights was duly quieted in said city. That by said decree, said City of Baker was declared to have no power to lease the water under said water right, but must let the same go to the rightful water user thereof. That said City of Baker shall therefore be restrained from leasing the use of said water outside of the City limits of the City of Baker, but shall use the same for municipal purposes and the use of its inhabitants within said city limits. That all of said water so appropriated and as described in said Finding #15, is hereby reserved for the City of Baker forever.

97.

That the Baker City Mutual Irrigation Company filed its claim in these proceedings, wherein it appears that said company furnishes water to its stockholders to the extent of sixty acres within the City of Baker. That from the time it began to furnish water for the irrigation of city lots within the City of Baker, its stockholders have changed and continue to change, and the land irrigated has changed and will continue to change with the change of stockholders. That said company owns said water right for the purpose of sale of water from its ditches to its stockholders, and it is impossible to get the acreage in each forty acre tract that is irrigated by the water from said ditch. That the place of use, as heretofore, has always been within the City of Baker, and the tabulation hereinafter contained will so limit the place of use of such water to within said city. That in the event a water master is called upon at any time to take charge of said ditch and distribute the water therein, said water

That the water appropriated by said Pocahontas Mining and Irrigation Company for all of the lands irrigated under said ditch is limited to 500 miners inches, equal to 12.5 second feet. That the water in the ditch shall be distributed according to the dates as shown in the tabulation, except, that the rights of Julia A. Brown shall be to a continual flow of ten miners inches, or one-fourth of a second foot, prior to all other water users, and the waters shall be distributed in accordance with the agreement and stipulations as shown in the claim filed by the Pocahontas Mining and Irrigation Company, provided, that the water master shall have the power and right to change such method of distribution in case a better system be established.

The Pocahontas Mining and Irrigation Company has at all times recognized the rights of the City of Baker as tabulated in Finding #15 herein, and entered into an agreement with said City of Baker as set forth in said Finding #15. That in the division of water of said creeks, from the making of said agreement up until the time of the decree of the Supreme Court of the State of Oregon in the case of Sherred V. City of Baker, 63 Ore. 28, the right of said City of Baker to lease and sell the water claimed by the rights so owned by said City of Baker, was recognized by said Pocahontas Mining and Irrigation Company, and the water was divided between the purchasers of said water from said City of Baker and said Pocahontas Mining and Irrigation Company in accordance with said agreement. That all other water users from Marble and Mill Creeks, developed and improved their farms and places under the condition so created by said agreement; that the extent of the appropriation of said Pocahontas Mining and Irrigation Company is therefore limited by such agreement, and when the water flowing in Marble Creek is below 500 miners inches, one-half thereof shall be delivered to the Pocahontas Mining and Irrigation Company, and when the water flowing in Mill Creek is below 500 miners inches, only one-half thereof shall be delivered to said Pocahontas Mining and Irrigation Company; the other half of said waters of said creeks shall be delivered to all the other water users in accordance with the dates of priority.

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That in case there be not sufficient users to utilize the half of said waters so diverted either to or from said Pocahontas Mining and Irrigation Company, the water master shall make such a division as will utilize the whole flow of said streams.

101.

That the Dry Gulch Ditch Company filed a claim in these proceedings where- in they show that on July 10th, 1894, an appropriation of water was made, and that on the 31st day of August, 1909, there was irrigated under such appropriation, 572.52 acres, and those acreages so irrigated are set out in the tabulation hereinafter set forth. That Mary A. Dryborough, David S. Gover, O. E. Moren, administrator of the Mansor Estate, Margaret B. Martin and John Waterman filed claims herein and claim water

through said ditch. That parts of the land claimed to be irrigated by said last named claimants are included in the lands that were irrigated by the Dry Gulch Ditch Company, under the appropriation of July 10th, 1894.

That the Dry Gulch Ditch Company secured a State Engineer's permit under a priority date of August 31, 1909, which permit was approved September 24, 1909, and is known as Application No. 193, Enlargement Permit No. 16. That said permit covers all of the other land claimed by said Mary A. Dryborough, David S. Gover, The Mansor Estate, Margaret B. Martin and John Waterman. That said last named claimants are therefore left out of the tabulation as hereinafter set forth, and for the balance of the lands claimed by the Dry Gulch Ditch Company and said last named claimants, they shall have such rights with such priority dates as they are entitled to have when final proof is submitted upon said Enlargement Permit No. 16, and final certificate issued therefor.

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102.

That inchoate rights were claimed by S. A. Baisley, S. B. Baisley and the Perry Baisley Estate, Charles A. Carlson, C. A. Hill, F. L. Moran, L. O. Ison, Oscar Jacobson, G. F. Johnson, C. D. Moll and G. M. Moody, asking that a date be set within which said work should be completed and that upon the application of the water to a beneficial use, that the rights date back to the dates of their original appropriation. That there has not been sufficient diligence in applying the water to a beneficial use upon the lands not yet irrigated, and said inchoate rights therefore are denied, and the rights of each of said claimants are tabulated in the tabulation hereinafter set forth for the lands irrigated at the time of filing their several statements and proofs of claim, and said claimants for the irrigation of any further land are hereby required to secure State Engineer's permit under the laws of the State of Oregon.

103.

That State Engineer's permits have been secured by claimants ⁱⁿ these proceedings, as follows: U. S. Carpenter, Application No. 138, permit No. 48; W. A. Cartmill, Permit No. 101 and Reservoir Permit No. 159; Lulu P. Curry, Application No. 716, Permit No. 52; Harlow J. Evans, Application No. 2420, Permit No. 1316; J. W. Farley Application No. 1857, Permit No. 993; S. A. Lillard and J. F. Lillard, Application No. 1714, Permit No. 851; Ella Licklider, Application No. 3077, Permit No. 1613; D. C. Perkins, Application No. 2652, Enlargement Permit No. 157; Flavius Perkins, Application No. 2655, Enlargement No. 158; Powder Land & Irrigation Company, Reservoir Application No. 543, Reservoir Permit No. 66; Application No. 221, Permit No. 1095, Reservoir Application No. 1133, Reservoir Permit No. 129, Application No.

222, Permit No. 468, Reservoir Application No. 14, Reservoir Permit No. 187, Reservoir Application No. 15, Reservoir permit No. 92, Reservoir Application No. 544, Reservoir Permit No. 198, Reservoir Application No. 265, Reservoir Permit No. 65; D. H. Shaw, Application No. 619, Permit No. 268, Application No. 620, Reservoir Permit No. 33; B. E. Utz, Application No. 123, Permit No. 40; Elijah Shoemaker, Application No. 2141, Permit No. 133. That each and all of said claimants shall have such rights as they are entitled to, upon final proof of the application of water to a beneficial use under said permits, and in accordance with the law applicable to said permits.

104.

That Powder River and its tributaries form a perennial stream with well defined bed and banks, wholly within the counties of Baker and Union, but principally within the County of Baker, State of Oregon, having its source near the southern and western boundary of Baker County, in the Blue Mountains, and flowing in an easterly and northeasterly direction in the form of a letter "S" and empties its waters into the Snake River. That the flow of the stream and its tributaries is torrential in its nature, flowing large quantities of water in the spring time when the winters snows are melting, and the main stream and its tributaries almost going dry in the dry part of the summer, and most of the small tributaries going completely dry; that upon the tributaries it is necessary therefore to use the water for irrigation during the flood time or the irrigators will not be able to divert any water whatever. That along the main stream and the larger tributaries the supply of water, in the dry part of the summer is greater than upon the small tributaries; that the spring freshets begin at about the same time of the year in the lower Powder River Basin. That all of the irrigation in the Powder River Basin is done during this spring and summer time, though in some few instances irrigation will be carried on in to September and October of the fall months.

That there are four different types of soils in the irrigated land of the Powder drainage basin, the first type consisting of two or three feet of brown or black muck loam with a grayish sub-soil, and below this sub-soil quite coarse sand. The second type consists of about a foot of heavy brown to black sandy loam underlain with about three feet of a brown or gray fine loam, which has an increasing clay content as it goes downward, then with another strata of about three feet of gray or yellow loam very gritty with sand, and below this is a water-worn gravel. The third type consists of a fine sandy loam about two feet deep, underlain with gravel boulders or conglomerate mixtures, and the surface soil containing gravel of varying sizes from fine particles to an inch or more in diameter. The fourth type consists of from two to four feet of gray or yellow fine sandy loam, the texture becoming heavier in

the sub-soil. That the natural rainfall in said watershed varies from ten to twenty inches; that irrigation is necessary in order to produce crops.

105.

In no case where water is stored, shall there be diverted from the stream more than the number of acre feet of water as represented by the number of acres to be irrigated with such stored water, multiplied by the number of acre feet that is sufficient for the irrigation of one acre, as found in these findings, and the diversion for storage shall be the number of second feet appropriated for that purpose, diverted at any time there is water, according to the date of priority.

106.

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. 347

107.

That in all cases where any person, firm or corporation has a right under this decree to supply and deliver water to others and charge for the same, or may hereafter acquire such right, it is the duty of such person, firm or corporation to supply water to any and all persons applying for water who can use water along the line of the works belonging to such person, firm or corporation, or who can be reasonably supplied with water from said works under reasonable and uniform contracts and for reasonable and uniform charges up to the limit of the capacity of said works, so long as said person so taking water complies for is ready and able to comply with the terms of such contract. Such contract may provide for any reasonable and uniform method of pro-rate distribution of water, and such person, firm or corporation may make such reasonable and uniform rules and regulations ^{as} may be necessary to facilitate such distribution. In case such contract does not provide for such distribution of water, then such water shall be supplied to the water users in the order of, and according to the date of priority use upon the land; or at the place upon which such water is to be

used, and subject to rotation as in this decree generally provided; provided, that no contract shall be made to deliver water to lands or places not theretofore supplied, to such an extent as to deprive any land or place of water which has been previously supplied, and provided further that no contract shall be made to deliver water for irrigation or power unless the land or place where said water is to be used be entitled to such use under a right granted by this decree, by a permit of the State Engineer, or by a water right certificate. All contracts for the use of water giving any preference other than as herein stated, are against the public policy and laws of the State of Oregon, and void.

108.

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.

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109.

That a right to store water is a separate and distinct right from the right to use such water for irrigation, and a water right for irrigation does not give the water user entitled thereto, the right to store such water. In all cases in these findings wherein a water user has both the right to store water and also the right to use such water for irrigation, he shall have the right to divert such water from the streams, according to the respective priority dates of such rights, and said right to store water may be used to supplement the diversion for irrigation, that is, when the water in said stream becomes so scarce that his right to the diversion of water for such irrigation right is cut off, then he shall have the right to use the water so stored by him for the purpose of supplementing the right for irrigation, and of increasing the length of the irrigation season upon the lands for which he has such irrigation right.

110.

That in all cases where water is stored by any claimant, said water shall be taken at any season of the year for said storage according to the dates of relative priority, and in case the owner of any reservoir desires to use the bed of any of the streams for the purpose of carrying such stored water from the reservoir to the consumer thereof, said owner of such reservoir shall install such headgate and measuring devices as the Superintendent of the Division, or the water master of the district in which the water is situated and used shall order. Said stored water may be used at

any time during the year that the owner thereof may desire. Whenever said owner of such reservoir desires to use such stored water, he shall notify the water master of the district in which the stored water is to be used, giving the date when it is proposed to discharge water from such reservoir, its volume, and the names of all persons and ditches entitled to its use. Said water master shall then determine the percentage of loss by seepage, evaporation or other causes, between the place of discharge from the reservoir into the stream, and the place of diversion from the stream, and shall close or so adjust the headgates of all ditches from the stream as will enable those having such right to secure the volume discharged from the reservoir, less the determined loss. That in all cases where reservoirs are built so as to include within their boundaries, the bed of any stream, the waters of which are herein adjudicated and determined, the owner, manager, or lessee of such reservoir shall install in the stream above and below said reservoir, such measuring devices as the Superintendent of the Division or the water master of the District in which said reservoir is situated may order; the plans for the construction of said measuring devices shall be approved by the State Engineer. The said water master shall measure all water of such stream running into said reservoir and shall discharge from said reservoir sufficient water (not exceeding the volume of water running into said reservoir) to supply such prior rights 349 as may be entitled to use such water; such discharge of water shall only be necessary during the time or season in which such prior rights are entitled to use the same. The water master shall keep a true and just account of the time spent by him in the discharge of his duties as defined in this finding, and shall file the same with the County Court of Baker or Union County, as the case may be, sitting for the transaction of county business. Said County Court shall present a bill of one-half the expenses so incurred to the reservoir owner, manager, or lessee, and if such owner, manager or lessee shall neglect for thirty days after the presentation of such bill of costs to pay the same, the said costs shall be made a charge upon said reservoir, and shall be collected as delinquent taxes until the complete payment of such bill of costs has been made, and the rights of appropriation herein confirmed confer no rights to the diversion and use of water which have been lawfully impounded in reservoirs and other storage works which have been, or may be hereafter constructed in accordance with law, when the same are discharged into the natural channel of said stream, or any tributary thereof, in a lawful manner by those having a lawful right to do so, but the said rights of appropriation herein confirmed are limited and confined to the waters flowing naturally in the natural channel of said stream and its tributaries.

111.

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 rights of appropriation, are limited and confirmed 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.

112.

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 times and against those having subsequent rights, without let or hindrance, and whenever the water is not required by the appropriation 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 or appropriations, according to the order of their priority rights; and at all times the waters diverted shall be beneficially, economically and reasonably used without waste by those having a right to do so by reason of the priority of their rights, 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.

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113.

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 system} 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 arrangement 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. 351

114.

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 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-fortieth 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 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.

115.

That as to the exceptions 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 E₂ of SE₄ of Section 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 Farmers 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 Hibberd 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.

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116.

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.

117.

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, k 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.

118.

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, 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.

119.

That as to the exceptions of W. A. Green, Asa L. Brown, John H. Richmond and Blanche Hogoboom, it appeared 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.

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120.

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 miner's inches, said water shall be divided as provided in the Findings of the State Water Board, but when said water at said point is less than 200 miners inches, 21.5 inches shall be given to the lands 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 Gardner and the water master shall distribute such water in such manner.

121.

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.

122.

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 E₂ of Section 24 and the E₂ of Section 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 and 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.

123.

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 lands under such 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 names the Shoemaker lands are herein tabulated.

124.

W. H. Shoemaker, Trustee, and Thomas B. Marlin 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 the NE₁SW₁; 5 acres in the SE₁SW₁ and 5 acres in the SW₁SW₁ of Section 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 retabulated but that his right from Big Creek remain the same and be from Warm Spring Creek as herein ordered. 354

125.

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.

40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 9, T. 9 S. R. 40 E. W. M., 2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$; 58 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$; 24 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$; 18 acres in the 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 land 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 lands 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 $\frac{1}{4}$ NE $\frac{1}{4}$ and 19 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 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.

127.

That the name and address of each appropriator of water from said Powder River and its tributaries, arranged in alphabetical form, together with the date of relative priority of such appropriations, the number of acres to which such appropriation applied and to which such water is appurtenant, the use or uses for which such water was appropriated and is now applied, and to which such use is limited, the name of the ditch or ditches through which such appropriation is diverted, the name of the stream or streams from which such appropriation is diverted, and the description of the land in the smallest legal subdivision in which such water rights is appurtenant, arranged in alphabetical order, and set opposite the name and address of each such appropriator, are 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
972 Adams, J. W. Baker, Oregon <i>Baker Co.</i> T-6636 A 900	1867		50	Irrigation	Adams #1	Salmon Creek	20 acres in SW1SW1 30 acres in SE1SW1 Section 34,
	1867		110		Adams #2, 3,4	Mill Creek Waggle Creek, Spring Creek	40 acres in NE1SW1 40 acres in NW1SW1 20 acres in SW1SW1 10 acres in SE1SW1 Section 34, T. 8 S. R. 39 E. W. M.
	1867	160 320	160		Adams #4,5	Salmon Creek, Spring Creek and springs in NW1SW1 Sec. 3 T.9 S. R. 39 E.W. M.	160 acres in NE1 Section 3, T. 9 S. R. 39 E. W. M.
Superseded by Cert. No. 35076248424 Anderson, F. O. S. Or. W. 6 Haines, Oregon <i>Baker Co.</i>	April 1887		116	Irrigation	Anderson & Morris	Rock Creek	38 acres in NW1SW1 38 acres in SW1SW1 40 acres in SE1SW1 Section 31, T. 7 S. R. 39 E. W. M.
	April 1891		80	Irrigation	Anderson & Ashwood	Rock Creek	40 acres in NE1SW1 40 acres in SE1SW1 Section 36, T. 7 S. R. 38 E. W. M. <i>Josephine Lumber</i>
24 Anderson, R. P. & N. E. Dodd Haines, Oregon <i>Union Co.</i>	1883		93	Irrigation	Little Antelope	Little Antelope & Springs located in NW1NW1 Sec. 2. NE1NE1 Sec. 10 SE1NE1 Sec. 9	8 acres in SE1NE1 8 acres in NE1SE1 14 acres in NW1SE1 28 acres in SW1SE1 10 acres in NE1SW1 8 acres in SE1SE1 40 acres in NW1SW1 25 acres in SE1SW1 Section 3, 33 acres in NE1NE1 40 acres in SE1NE1 17 acres in NE1SE1 Section 4, 14 acres in NE1NE1 Section 10, T. 6 S. R. 40 E. W. M.
	1886		75				
	1887		72				
975 Andrus, Elgy R. D. No. 2 Baker, Oregon <i>Baker Co.</i>	1866		86	Irrigation	Masters Andrus Dam & Ditch Lee #1	Spring Creek Spring Creek, #2	40 acres in NE1SW1 28 acres in NW1SE1 8 acres in SW1SE1 10 acres in SE1SE1 Section 27 T. 8 S. R. 39 E. W. M.
976 Angell, B. R. Haines, Oregon <i>Baker Co.</i>	June 1886		120	Irrigation	Angell- Leonnig- Olson	Rock Creek	40 acres in NE1NE1 40 acres in NW1NE1 40 acres in SW1NE1 Section 34, T. 7 S. R. 38 E. W. M. <i>J. R. Badley</i> <i>Angell</i> <i>Perkins</i>
977 Ashwood, William J. F. Haines, Oregon <i>Baker Co.</i>	June 1892		34	Irrigation	Favorite	Rock Creek	34 acres in SE1NW1
	May 1895		30	Irrigation	Case & Osborn	Rock Creek	30 acres in NW1NW1
	June 8 1887		39	Irrigation	Ashwood & Green	Rock Creek	35 acres in NE1NE1 4 acres in NW1NE1

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
3917 Ashwood, William J.F. Continued DVA	April 1891		114	Irrigation	Anderson Rock & Ashwood	Rock Creek	34 acres in SW ¹ / ₄ NW ¹ / ₄ 40 acres in NW ¹ / ₄ SW ¹ / ₄ 40 acres in SW ¹ / ₄ SW ¹ / ₄
	April 26, 1884		176	Irrigation	Ashwood	Rock Creek	5 acres in NE ¹ / ₄ NE ¹ / ₄ 36 acres in NW ¹ / ₄ NE ¹ / ₄ 40 acres in NE ¹ / ₄ NW ¹ / ₄ 10 acres in NW ¹ / ₄ NW ¹ / ₄ 5 acres in SE ¹ / ₄ NW ¹ / ₄ Section 36 40 acres in SW ¹ / ₄ SE ¹ / ₄ 40 acres in SE ¹ / ₄ SE ¹ / ₄ Section 25 T. 7 S. R. 38 E. W. M.
3918 Ashworth, Johnnie Haines, Oregon Baker Co.	1892		160	Irrigation	Case & Osborn	Rock Creek	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 40 acres in NW ¹ / ₄ SW ¹ / ₄ Section 30 T. 7 S. R. 39 E. W. M.
3919 TASI & POP Atkinson, Frederick H Baker, Oregon. Baker Co.	1902		✓ 53	Irrigation	Taggart & Parker	Powder	26.5 acres in SW ¹ / ₄ NE ¹ / ₄ 26.5 acres in SE ¹ / ₄ NE ¹ / ₄ Section 16 T. 8 S. R. 40 E. W. M.
3920 Atwood, J. P. Baker, Oregon Baker Co.	Feb. 1893			Stock	No ditch	Sutton Creek	Place of use: SE ¹ / ₄ NE ¹ / ₄ SE ¹ / ₄ Section 28
	1908		5	Sub-Irrigation	Dam	Sutton Creek	5 acres in SE ¹ / ₄ SW ¹ / ₄ Section 21
3921 In Baker	1904		✓ 20	Irrigation	New Home	Powder	40 acres in NE ¹ / ₄ SW ¹ / ₄ 30 acres in SE ¹ / ₄ SW ¹ / ₄ Section 10
anceled Sp. Or. Rec. Vol. 45 p 34 cancelled 47 p 20	1908		✓ 50				T. 9 S. R. 40 E. W. M.
3922 Bacon, J. E. Sumpter, Oregon Heirs of Eliza E. Bacon. (Finding #26) Baker Co.	Dec. 9 1886		160	Irrigation	Bacon #1 & 2	Deer Creek	40 acres in NW ¹ / ₄ NE ¹ / ₄ 40 acres in SW ¹ / ₄ NE ¹ / ₄ 40 acres in NE ¹ / ₄ NW ¹ / ₄ 40 acres in SE ¹ / ₄ NW ¹ / ₄ Section 21 T. 10 S. R. 38 E. W. M.
3923 Baird, John P. Sumpter, Oregon Baker Co.	1892		88	Irrigation	Baird #1	Miner Creek	38 acres in NE ¹ / ₄ SW ¹ / ₄ 7 acres in NW ¹ / ₄ SW ¹ / ₄ 38 acres in SE ¹ / ₄ SW ¹ / ₄ 32 acres in SW ¹ / ₄ SW ¹ / ₄ 19 acres in NW ¹ / ₄ SE ¹ / ₄ 27 acres in SW ¹ / ₄ SE ¹ / ₄ Section 4
	1900		176	Irrigation	#2 & 3		5 acres in SE ¹ / ₄ SE ¹ / ₄ Section 5 20 acres in NE ¹ / ₄ NE ¹ / ₄ Section 8 40 acres in NW ¹ / ₄ NW ¹ / ₄ 38 acres in NE ¹ / ₄ NW ¹ / ₄ Section 9 T. 10 S. R. 38 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
3983 Baisley, J. H. Baker, Oregon (Findings #19) <i>Baker Co.</i>	1864		28	Mining & Irrigation	Lower Never Sweat & Upper Never Sweat	Salmon Creek	16 acres in NW1NE1 16 acres in SW1NE1 Section 9 T. 9 S. R. 39 E.W.M.
	1869		4	Storage 1 ac. ft.	Reservoir pipeline & Lateral	Hibbard Creek & 12/5 int. in Spillman Spring	
3984 Baisley, Hattie (For Perry Baisley estate.) Baker, Oregon (Findings #19, 29, 83, & 102) <i>Baker Co.</i>	1864 1867 1898	75 365 190		Mining & Irrigation	Upper Never Sweat Ditch & Lower Never Sweat Ditch Speelman Ditch Dams & Taps	Salmon Creek (for all dates Slough between Secs. 35 & 36 Waggie Creek & Spring Creek for last two dates only	40 acres in SW1SW1 40 acres in SE1SW1 35 acres in SW1SE1 35 acres in SE1SE1 Section 25 40 acres in NE1NE1 40 acres in NW1NE1 40 acres in SW1NE1 40 acres in SE1NE1 40 acres in NE1NW1 40 acres in NW1NW1 40 acres in SW1NW1 40 acres in SE1NW1 40 acres in NE1SE1 40 acres in NW1SE1 40 acres in SW1SE1 40 acres in SE1SE1 Section 35 T. 8 S. R. 39 E.W.M.
3985 Baisley, S. B. Baker, Oregon - 2262 A For Add'l P.O. Findings #19, 83 & 102 103 <i>Baker Co.</i>	1864 1875 1894 1904 1869	100 30 10 67		Mining & Irrigation Storage 1 ac. ft.	Upper Never Sweat Reservoir pipeline & Laterals Lower Never Sweat	Salmon Creek	8 acres in NE1SW1 10 acres in SW1SW1 39 acres in SE1SW1 Section 4 40 acres in NE1NW1 19 acres in NW1NW1 40 acres in SE1NW1 30 acres in SW1NW1 20 acres in NE1SW1 1 acres in NW1SE1 Section 9 T. 9 S. R. 39 E.W.M.
3986 Baker, Wm Keating, Oregon. <i>Baker Co.</i>	1879		40	Irrigation & Storage 20 ac. ft.	Baker Reservoir & ditches	Crews Springs	2 acres in NE1SW1 19 acres in NW1SW1 3.5 acres in SW1SW1 Section 14 8 acres in NE1SE1 6 acres in NW1SE1 1.5 acres in SE1SE1 Section 15 T. 8 S. R. 41 E.W.M.
3987 Baker, City of by Chas. L. Palmer, Mayor. Baker, Oregon. Baker Co. (Findings #16, 15, 19, 83, 84, 96) Power Claim #535 Ch. of Div. of H. of 5 cfs from Goodrich. Ch. Sp. O. Vol. 11 p. 376 Ch. of Div. of 5.0 cfs from Marble Creek Sp. O. Vol. 42, p. 19	Nov. 5 1892		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 15 and 96
		32.16 + 57.375					

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
3980 Baker City Lodge #25, I.O.O.F. Baker, Oregon. Baker Co.	1876		15	Irrigation	Cemetery Ditch	Sutton Creek	15 acres in NW 1/4 Section 21 T. 9 S. R. 40 E. W. M.
3981 Baker Lodge #47 A.F. & A.M. by Ida Woods, Baker, Oregon. Baker Co.	1876		20	Irrigation	Cemetery Ditch	Sutton Creek	20 acres in NW 1/4 Section 21 T. 9 S. R. 40 E. W. M.
22349 Baker City Mutual Irrigation Company Baker, Oregon by H. Kirkpatrick Baker, Oregon. (Finding #97, 32 & 53) Baker Co.	1869	Trsf. Sp. Or. Vol. 1, p. 181 p. 99 See also " " " 6, p. 238	60	Irrigation	Baker City Mutual Co.	Powder	Place of use: Within City limits of City of Baker. (See Finding #92)
3991 Baker City Packing Co. by Wm. Duby Baker, Oregon. Baker Co.	1899		80	Irrigation	Williams McDougal	Powder	40 acres in SW 1/4 NW 1/4 Section 3 T. 9 S. R. 40 E. W. M.
Baldock, Emma				(See Edgar I. Hindman, successor in interest)			
1626 Baldock, Priscilla Baker, Oregon (Finding #32 & 52) Baker Co.	1887	T-4170-POD all	48	Irrigation	Baldock Slough	Powder	40 acres in SW 1/4 NE 1/4 8 acres in SE 1/4 NE 1/4
3993 Balm Creek Orchard Company by O.C. Finkelburg Baker, Oregon. Baker Co. (Finding # 82)	Aug. 1904		130	Irrigation	Fuchs		11/6/79 Maps for Baldock Ditch & Slough and New Home Ditch are in transfer file 4170. See File 20705 Map File 2-6-6
3994 Barger, J. W. North Powder Oregon Union Co.	July 14, 1887		18	Irrigation	Ashby	Jimmie Creek-	5 acres in SW 1/4 SW 1/4 Section 24 13 acres in NW 1/4 NW 1/4 Section 25 T. 5 S. R. 39 E. W. M. 359
3995 Bauer, H. F. North Powder, Ore. Union Co.	1892 1897 1887		6 4 6	Irrigation Irrigation Irrigation	Harrison Center Harrison	Wolf Creek Wolf Creek Wolf Creek	16 acres in SE 1/4 SE 1/4 Section 3 T. 6 S. R. 38 E. W. M.
3996 Beckwith, Nancy G. Baker, Oregon. Baker Co. (T-3940 POD all)	1898		45	Irrigation	Spring Creek & Beckwith	Spring & Pine Creek	10 acres in SW 1/4 SE 1/4 35 acres in SE 1/4 SE 1/4 Section 30 T. 8 S. R. 39 E. W. M.
3997 Bennett, Claude E. Keating, Oregon. Baker Co. (Finding #82)	1878 Mar. 9 1889		100 50	Irrigation Irrigation	Cranston #1 Bennett #1	Balm Creek Balm Creek	36.5 acres in SE 1/4 NE 1/4 26 acres in NE 1/4 SE 1/4 25 acres in NW 1/4 SE 1/4 35 acres in SW 1/4 SE 1/4 Section 13
	1892 1893 1905		63.5 50 39	Irrigation Irrigation Irrigation	Harrington Hulick Bennett Spring & Small Ditch	Balm Creek Balm Creek Balm Creek	30 acres in NW 1/4 NE 1/4 22 acres in SW 1/4 NE 1/4 40 acres in NE 1/4 NW 1/4 40 acres in SE 1/4 NW 1/4 31 acres in NW 1/4 SE 1/4 18 acres in SW 1/4 SE 1/4 Section 24 T. 8 S. R. 42 E. W. M.
3998 Benson, Clark Haines, Oregon (Finding #86) Baker Co.	1868 1898		30 50	Irrigation		Rock Creek	40 acres in NE 1/4 NE 1/4 40 acres in NW 1/4 NE 1/4 Section 2 T. 8 S. R. 38 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
^{H.O.O.} Blackburn, Margaret W Olyde G. Love, Helen Jeanette Love Geo. Vernon Love Keating, Oregon. <i>Baker Co.</i> T7001 Δ Pod	Dec. 7 1880		856.27	Irrigation	Basche	Powder	38 acres in NW ¹ / ₄ NE ¹ / ₄ 40 acres in SW ¹ / ₄ NE ¹ / ₄ 25 acres in SE ¹ / ₄ NE ¹ / ₄ 22.2 acres in NW ¹ / ₄ NW ¹ / ₄ 19.07 acres in NE ¹ / ₄ NW ¹ / ₄ 38 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 9 acres in NW ¹ / ₄ SW ¹ / ₄ 10 acres in SW ¹ / ₄ SW ¹ / ₄ 32 acres in SE ¹ / ₄ SW ¹ / ₄ 40 acres in NE ¹ / ₄ SE ¹ / ₄ 40 acres in NW ¹ / ₄ SE ¹ / ₄ 40 acres in SW ¹ / ₄ SE ¹ / ₄ 40 acres in SE ¹ / ₄ SE ¹ / ₄ Section 12 T. 8 S. R. 41 E.W.M.
	1888			Irrigation <i>suppl</i>	Duncan for sup- plemental supply, for 777.27 acres		6 acres in SW ¹ / ₄ NW ¹ / ₄ 2 acres in SE ¹ / ₄ NW ¹ / ₄ 30 acres in NE ¹ / ₄ SW ¹ / ₄ 40 acres in NW ¹ / ₄ SW ¹ / ₄ 40 acres in SW ¹ / ₄ SW ¹ / ₄ 40 acres in SE ¹ / ₄ SW ¹ / ₄ 4 acres in NW ¹ / ₄ SE ¹ / ₄ 34 acres in SW ¹ / ₄ SE ¹ / ₄ Section 7 15 acres in SW ¹ / ₄ NW ¹ / ₄ Section 17 12 acres in NE ¹ / ₄ NE ¹ / ₄ 40 acres in SE ¹ / ₄ NE ¹ / ₄ 40 acres in NW ¹ / ₄ NE ¹ / ₄ 40 acres in NE ¹ / ₄ NW ¹ / ₄ 40 acres in NW ¹ / ₄ NW ¹ / ₄ Section 18 T. 8 S. R. 42 E.W.M. 360
Blackburn, Margaret W et al. (continued)	1888		247	Irrigation	Powder River Ditch, Dam & Construct- ion Co.		37 acres in NE ¹ / ₄ NE ¹ / ₄ 14 acres in SE ¹ / ₄ NE ¹ / ₄ Section 12 T. 8 S. R. 41 E.W.M. 30 acres in NW ¹ / ₄ NW ¹ / ₄ 32 acres in SW ¹ / ₄ NW ¹ / ₄ 37 acres in SE ¹ / ₄ NW ¹ / ₄ 8 acres in NE ¹ / ₄ SW ¹ / ₄ 35 acres in NW ¹ / ₄ SE ¹ / ₄ 4 acres in SW ¹ / ₄ SE ¹ / ₄ 20 acres in SE ¹ / ₄ SE ¹ / ₄ Section 7 23 acres in SW ¹ / ₄ NW ¹ / ₄ Section 17 7 acres in NE ¹ / ₄ NE ¹ / ₄ Section 18 T. 8 S. R. 42 E.W.M.
³⁹⁹⁹ Blackburn, Margaret W Keating, Oregon. <i>Baker Co.</i>	1885 1886		102.5	Irrigation	Emsle & P.R. Dam Ditch & Const. Co. Supp. Supply for 51 acres.	Powder	30 acres in SW ¹ / ₄ NE ¹ / ₄ 2 acres in SE ¹ / ₄ NE ¹ / ₄ 29.5 acres in NE ¹ / ₄ SE ¹ / ₄ 40 acres in NW ¹ / ₄ SE ¹ / ₄ Section 1 T. 8 S. R. 41 E.W.M.
^{H.O.O.} Blackmon, Gertrude E Baker, Oregon. <i>Baker Co.</i>	1904		✓ 10	Irrigation	New Home	Powder	10 acres in SW ¹ / ₄ SE ¹ / ₄ Section 9 T. 9 S. R. 40 E.W.M.
^{H.O.O.} Blevins, S. E. North Powder, Oregon. <i>Union Co.</i>	1872 1910		94 14	Irrigation	Blevins	Wolf Creek	18 acres in SW ¹ / ₄ NW ¹ / ₄ 38 acres in SE ¹ / ₄ NW ¹ / ₄ 12 acres in NE ¹ / ₄ SW ¹ / ₄ 40 acres in NW ¹ / ₄ SE ¹ / ₄ Section 13 T. 6 S. R. 38 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
^{H003} Bodwell, V.C. & F.M. Baker, Oregon. <i>Baker Co.</i>	Nov. 17, 1899		✓ 20	Irrigation	Williams McDougal	Powder	20 acres in SW ¹ / ₄ Section 3 T. 9 S. R. 40 E.W.M.
^{H004} Bogart, Clarence Richland, Oregon <i>Baker Co.</i>	1900		10	Irrigation	Bogart (Supplemental supply from Eagle Creek through Howell Ditch under date of 1901).	Powder	4 acres in SW ¹ / ₄ NE ¹ / ₄ Section 35 T. 9 S. R. 45 E.W.M.
^{H005} <i>partially</i> CANCELED Vol. 43, P. 118 Bond, M. S. Baker, Oregon. <i>Baker Co.</i>	Nov. 1899	Superseded by Cert. No. <u>61252</u>	✓ 200	Irrigation	Geddes-Snavely	Powder	40 acres in NE ¹ / ₄ SW ¹ / ₄ 10 acres in NW ¹ / ₄ SW ¹ / ₄ 10 acres in SW ¹ / ₄ SW ¹ / ₄ 40 acres in SE ¹ / ₄ SW ¹ / ₄ Section 21 40 acres in NE ¹ / ₄ NE ¹ / ₄ 10 acres in NW ¹ / ₄ NE ¹ / ₄ 10 acres in SW ¹ / ₄ NE ¹ / ₄ 40 acres in SE ¹ / ₄ NE ¹ / ₄ Section 28 T. 8 S. R. 40 E.W.M. 361
^{H006} Bond, J. W. Baker, Oregon <i>Baker Co.</i>	June 28 1902		✓ 348	Irrigation	Geddes-Snavely	Powder	40 acres in NE ¹ / ₄ SW ¹ / ₄ 40 acres in SE ¹ / ₄ SW ¹ / ₄ 40 acres in NW ¹ / ₄ SE ¹ / ₄ 40 acres in SW ¹ / ₄ SE ¹ / ₄ 40 acres in NE ¹ / ₄ NE ¹ / ₄ 40 acres in NW ¹ / ₄ NE ¹ / ₄ 24 acres in NW ¹ / ₄ SW ¹ / ₄ 24 acres in SW ¹ / ₄ SW ¹ / ₄ 30 acres in NW ¹ / ₄ NE ¹ / ₄ 30 acres in SW ¹ / ₄ NE ¹ / ₄ Section 15 T. 8 S. R. 40 E.W.M.
^{H007} Bond, J. T. Laurensburg, Ky. <i>Baker Co.</i>	1902		✓ 200	Irrigation	Geddes-Snavely	Powder	20 acres in NE ¹ / ₄ NW ¹ / ₄ 40 acres in NW ¹ / ₄ NW ¹ / ₄ 40 acres in SW ¹ / ₄ NW ¹ / ₄ 20 acres in SE ¹ / ₄ NW ¹ / ₄ 40 acres in NW ¹ / ₄ NE ¹ / ₄ 40 acres in SW ¹ / ₄ NE ¹ / ₄ Section 22 T. 8 S. R. 40 E.W.M.
^{H008} Bork, Frank Richland, Oregon <i>Baker Co.</i>	1904		9	Irrigation	Spring Branch	Spring Branch	9 acres in NE ¹ / ₄ SE ¹ / ₄ Section 28 T. 9 S. R. 45 E.W.M.
^{H009} Borton, Clara Baker, Oregon <i>Baker Co.</i> (Findings #32 & 54) T4951 D 10	1879		✓ 48	Irrigation	Baldock Slough	Powder	40 acres in SW ¹ / ₄ SE ¹ / ₄ Section 34 T. 8 S. R. 40 E.W.M. 8 acres in NW ¹ / ₄ NE ¹ / ₄ Section 3 T. 9 S. R. 40 E.W.M.
^{H010} <i>Superseded by</i> 29367 Borton, J.O. Baker, Oregon <i>Baker Co.</i> (Findings #32 & 55) * See Watermaster report in PC 80-14	1879 1885 * 1901		✓ 40 ✓ 40 ✓ 80	Irrigation	Baldock Slough	Powder	40 acres in NE ¹ / ₄ NW ¹ / ₄ 40 acres in SW ¹ / ₄ NW ¹ / ₄ 40 acres in SE ¹ / ₄ NW ¹ / ₄ 40 acres in NW ¹ / ₄ SW ¹ / ₄ Section 35 T. 8 S. R. 40 E.W.M.
^{H011} Bosley, Jennie <i>Baker Co.</i>	1892		✓ 5	Irrigation	Kastner Stewart Slough	Powder	5 acres: Lots 6, 7 and N ¹ / ₂ of Lot 8 in Block 25, Levens Add. to Baker, Oregon.

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
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<i>HO 12</i> Bourne, City of by W. J. Evans, Mayor Bourne, Oregon. <i>Baker Co.</i>	1902	1.9 Sec.Ft.		Municipal	Bourne City Ditch	Little Cracker Creek	Place of use: Within the City of Bourne, Oregon.
<i>HO 13</i> Bowen, Ed C Baker, Oregon <i>Baker Co.</i> (Finding #24,32,39 & 84) T6951 Δ P010	1872	67.3	76.3	Irrigation	Bowen #3, Elk Creek	Elk Creek	40 acres in SE 1/4 NW 1/4 27.3 acres in NE 1/4 SW 1/4
	1871		277		Bowen #1, or Slough Ditch	Powder	40 acres in NE 1/4 NW 1/4 28 acres in NW 1/4 NW 1/4 40 acres in SW 1/4 NW 1/4 40 acres in SE 1/4 NW 1/4 15 acres in NW 1/4 SW 1/4 Section 5 T. 10 S. R. 40 E.W.M. 28 acres in NE 1/4 SW 1/4 40 acres in SE 1/4 SW 1/4 32 acres in NW 1/4 SW 1/4 34 acres in SE 1/4 SW 1/4 40 acres in SW 1/4 SW 1/4 Section 32 T. 9 S. R. 40 E.W.M.
	1884		60		Bowen #2, or East Side	Springs	
<i>HO 14</i> Bowen, Rose L. Baker, Oregon <i>Baker Co.</i>	1864		✓160	Irrigation	Estes	Powder	40 acres in NE 1/4 SW 1/4 40 acres in NW 1/4 SW 1/4 40 acres in SW 1/4 SW 1/4 40 acres in SE 1/4 SW 1/4 Section 30 T. 8 S. R. 40 E.W.M.
<i>HO 15</i> Bowers, W. S. Baker, Oregon. <i>Baker Co.</i>	1887		✓2	Irrigation	Bowers	Powder Robinson & McCord	Lots 1,2,3,& 4 Block 25, McCrary's Add. to Baker, Oregon.
	1901		✓80	Irrigation	Bowers & White	Powder	40 acres in NW 1/4 SW 1/4 40 acres in SW 1/4 SW 1/4 Section 8 T. 9 S. R. 40 E. W. M.
<i>HO 16</i> Canceled Sp.Or.Rec.Vol. 47 P. 36 Bowles, J. M. Baker, Oregon. (Finding #100) Amended - See Decree Vol. 14, p. 340 <i>Baker Co.</i>	1867 1869/1867	Superseded by Cart. No. 68120	80 80	Irrigation	Spring Creek Hutton McQueen	Pine Creek	40 acres in NE 1/4 NW 1/4 40 acres in NW 1/4 NW 1/4 40 acres in SW 1/4 NW 1/4 40 acres in SE 1/4 NW 1/4 Section 32 T. 8 S. R. 39 E.W.M.
	1907			Irrigation	J. M. Bowles	Waggie Creek Supple- mental supply for 40 acres.	
<i>HO 17</i> Bowman, G. L. Medical Springs, Oregon. <i>Baker Co.</i>	1882 1885		15 15	Irrigation	Bowman Harsin #1	Beagle Creek Big Creek	15 acres in SE 1/4 NE 1/4 15 acres in NE 1/4 SE 1/4 Section 10 T. 7 S. R. 41 E.W.M.
<i>HO 18</i> Bowman, G. L. Bowman, Bertha Bowman, Fred Bowman, Bessie Medical Springs, Oregon. <i>Baker Co.</i>	1872 1890		19.5 44	Irrigation Irrigation	Bowman Bennett	Pine Creek	19.5 acres in NW 1/4 SW 1/4 28.5 acres in SW 1/4 NW 1/4 Section 29 15.5 acres in SE 1/4 NW 1/4 Section 30 T. 8 S. R. 39 E.W.M.
<i>HO 19</i> Bowman, I. T. Baker, Oregon. <i>Baker Co.</i>	Nov.17 1899		✓10	Irrigation	Williams McDougal	Powder	10 acres in NW 1/4 NW 1/4 Section 3 T. 9 S. R. 40 E.W.M.

POWDER RIVER -73-

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Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
<i>1020</i> Bowman, John Baker, Oregon. <i>Baker Co.</i>	1893	✓ 5		Irrigation	Kastner	Powder	5 acres: Lots 1,2,5,7,8,9,10, Block 24, Levens Addition to Baker, Oregon.
<i>1021</i> Bowman, N. B. (est) by Jos. E. Bowman, North Powder, Oregon <i>Union Co.</i>	1886		100	Irrigation	Gorham	Wolf Creek	40 acres in NE ¹ / ₄ SE ¹ / ₄ 40 acres in NW ¹ / ₄ SE ¹ / ₄ 40 acres in SW ¹ / ₄ SE ¹ / ₄ 40 acres in SE ¹ / ₄ SE ¹ / ₄ Section 8
	1894		60	Irrigation	School House	Wolf Creek & Little Creek	T. 6 S. R. 39 E.W.M.
<i>1022</i> Boyce, R. E. Baker, Oregon (Finding #32 & 56) <i>Baker Co.</i>	1872	✓ 160		Irrigation	Palmer- Boyce	Powder	40 acres in NE ¹ / ₄ NE ¹ / ₄ 40 acres in NW ¹ / ₄ NE ¹ / ₄ 40 acres in SW ¹ / ₄ NE ¹ / ₄ 40 acres in SE ¹ / ₄ NE ¹ / ₄ 40 acres in SE ¹ / ₄ NW ¹ / ₄ 40 acres in NE ¹ / ₄ NW ¹ / ₄ 40 acres in NW ¹ / ₄ NW ¹ / ₄ 40 acres in SW ¹ / ₄ NW ¹ / ₄ Section 36 T. 8 S. R. 39 E.W.M.
	1869	✓ 160		Irrigation	R.E.Boyce East Side & West Side-Old Settlers Slough	Powder	40 acres in SE ¹ / ₄ NW ¹ / ₄ 40 acres in NE ¹ / ₄ NW ¹ / ₄ 40 acres in NW ¹ / ₄ NW ¹ / ₄ 40 acres in SW ¹ / ₄ NW ¹ / ₄ Section 36 T. 8 S. R. 39 E.W.M.
<i>1023</i> Boyce, Wm. H. Baker, Oregon. T6951 & P6D <i>Baker Co.</i>	1872	✓ 480		Irrigation	W.H.Boyce Palmer, Boyce, Old Settlers Slough	Powder	40 acres in NE ¹ / ₄ SE ¹ / ₄ 40 acres in NW ¹ / ₄ SE ¹ / ₄ 40 acres in SW ¹ / ₄ SE ¹ / ₄ 40 acres in SE ¹ / ₄ SE ¹ / ₄ Section 36 T. 8 S. R. 39 E.W.M. 40 acres in NE ¹ / ₄ NW ¹ / ₄ 40 acres in NW ¹ / ₄ NW ¹ / ₄ 40 acres in SW ¹ / ₄ NW ¹ / ₄ 40 acres in SE ¹ / ₄ NW ¹ / ₄ 40 acres in NE ¹ / ₄ SW ¹ / ₄ 40 acres in NW ¹ / ₄ SW ¹ / ₄ 40 acres in SW ¹ / ₄ SW ¹ / ₄ 40 acres in SE ¹ / ₄ SW ¹ / ₄ Section 31 T. 8 S. R. 40 E.W.M.
<i>1024</i> Bradbury, A.A. Baker, Oregon <i>Baker Co.</i>	Nov.17 1899	✓ 40		Irrigation	Williams McDougal	Powder	40 acres in NW ¹ / ₄ SW ¹ / ₄ Section 3 T. 9 S. R. 40 E.W.M.
<i>1025</i> Bragg, Harry L. Baker, Oregon <i>Baker Co.</i>	1892	✓ 1		Irrigation	Kastner & Levens Stewart Slough	Powder	Lots 3,4,5, B.W. Levens Addition to Baker, Ore.
<i>1026</i> Brant, John North Powder, Oregon. <i>Union Co.</i>	1893 1906		284 268 552	Irrigation	John Shaw	Wolf Creek	31 acres in NE ¹ / ₄ NE ¹ / ₄ 19 acres in NW ¹ / ₄ NE ¹ / ₄ (499.5 a. 40 acres in SW ¹ / ₄ NE ¹ / ₄ supple- 40 acres in SE ¹ / ₄ NE ¹ / ₄ mentary to Section 7 Irrigation 34 acres in NE ¹ / ₄ NE ¹ / ₄ from Anth- 39 acres in NW ¹ / ₄ NE ¹ / ₄ ony Creek, 40 acres in SW ¹ / ₄ NE ¹ / ₄ a tribu- 40 acres in SE ¹ / ₄ NE ¹ / ₄ tary of 35 acres in NE ¹ / ₄ NW ¹ / ₄ North 33 acres in NW ¹ / ₄ NW ¹ / ₄ Powder Section 8 River) 2 acres in NW ¹ / ₄ NE ¹ / ₄ (112 acres 2 acres in SW ¹ / ₄ NE ¹ / ₄ supplement-17.5 acres in NE ¹ / ₄ NW ¹ / ₄ ary supply 34 acres in NW ¹ / ₄ NW ¹ / ₄ from 40 acres in SW ¹ / ₄ NW ¹ / ₄ Little 24.5 acres in SE ¹ / ₄ NW ¹ / ₄ Creek 38 acres in NE ¹ / ₄ SW ¹ / ₄ under 40 acres in NW ¹ / ₄ SW ¹ / ₄ date of 3 acres in NW ¹ / ₄ SE ¹ / ₄ 1909) 22.5 acres in NE ¹ / ₄ NW ¹ / ₄

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
X Brant, John North Powder, Oregon. Union Co.	1909		38	Irrigation	Brant Little Creek	Little Creek	15.5 acres in SE1/4 NW1/4 Section 9 T. 6 S. R. 39 E.W.M.
H027 Brant, Wm. North Powder, Oregon. Union Co.	1893		120	Irrigation	O. Bryant Creek	Wolf Creek	40 acres in SW1/4 NW1/4 40 acres in SE1/4 NW1/4 20 acres in NE1/4 SW1/4 20 acres in NW1/4 SW1/4 Section 8 T. 6 S. R. 39 E.W.M.
H028 Brooks, C. H. Richland, Oregon Baker Co.	1876		66	Irrigation	Daley Creek Brooks Howell & Jefford	Daley Creek (Supple- mental from Powder River under date of 1909)	38 acres in NE1/4 SW1/4 28 acres in NW1/4 SW1/4 Section 30 T. 9 S. R. 46 E.W.M. (Also supplemental supply from Eagle Creek through Howell ditch under date of 1901)
H029 45847 452916 Brown, Asa L. Haines, Oregon	1907 1864 1901		10 25 18	Irrigation	Alexander Brown	Powder Marble or Gravel Creek	10 acres in NW1/4 SW1/4 Section 30 T. 9 S. R. 46 E.W.M. 2 acres in NE1/4 SE1/4 9 acres in NW1/4 SE1/4 20 acres in SW1/4 SE1/4 18 acres in SE1/4 SE1/4 Section 2 T. 8 S. R. 38 E.W.M.
(Finding #12, 14, 21, 23, 86 & 87) Baker Co.	1868 1894		173.8 120	Irrigation	Brown Delong	Rock Creek	40 acres in NE1/4 NW1/4 40 acres in NW1/4 NW1/4 40 acres in SW1/4 NW1/4 40 acres in SE1/4 NW1/4 40 acres in NE1/4 SW1/4 40 acres in NW1/4 SW1/4 40 acres in SE1/4 SW1/4 13.8 acres in SW1/4 SW1/4 Section 1
T-3868 POU - 70 = Ak SE1/4 NW1/4 (1) T-6185, T-6186 Δ P.O.D	Oct. 12 1864 1868 1883		60 60 23	Irrigation	Brown	Willow Creek (Supple- mental supply for 100 ac. in Sec. 2 From Rock Creek under date of 1868)	40 acres in SW1/4 NE1/4 40 acres in SE1/4 NE1/4 24 acres in NE1/4 SE1/4 19 acres in NW1/4 SE1/4 Section 2 20 acres in SW1/4 SW1/4 Section 1 T. 8 S. R. 38 E.W.M.
H030 Brown, Geo. W. Baker, Oregon. Baker Co.	1893 1891		80 32	Irrigation	Gearin Brown Chico St. Old Set- tlers Slough	Powder	40 acres in NW1/4 SE1/4 40 acres in SW1/4 SE1/4 10 acres in NE1/4 SE1/4 22 acres in SE1/4 SE1/4 Section 7 T. 9 S. R. 40 E.W.M.
H031 Brown, Mike Keating, Oregon. (Finding #88) Baker Co.	April 1900		42	Irrigation		E. Fork of love Creek Glasco Creek and Springs	21 acres in NE1/4 SE1/4 20 acres in SE1/4 SE1/4 Section 26 1 acre in NE1/4 NE1/4 Section 35 T. 9 S. R. 43 E.W.M.
H032 Brown, P. J. Baker, Oregon. Baker Co.	1880		285	Irrigation	Basche	Powder	4 acres in SE1/4 NW1/4 20 acres in NE1/4 SW1/4
T7002 Δ P.O.D + Add P.O.D T7287 Δ Add P.O.D						POWDER RIVER -75-	

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Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Brown P. J. Baker, Oregon. (continued)							(Note: Claimant has a supplementary supply for 159 acres lying under the Perkins ditch with a priority date of 1898 and for 259 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.) 32 acres in SW ¹ / ₄ Sec. 1 3 acres in SE ¹ / ₄ Sec. 1 Section 22 8 acres in NW ¹ / ₄ Sec. 26 Section 26 30 acres in NE ¹ / ₄ Sec. 26 40 acres in NW ¹ / ₄ Sec. 26 40 acres in SW ¹ / ₄ Sec. 26 40 acres in NE ¹ / ₄ Sec. 26 35 acres in SE ¹ / ₄ Sec. 26 33 acres in NW ¹ / ₄ Sec. 27
Brown, P. J.	1901		201		Oranston		366 11 acres in NE ¹ / ₄ Sec. 27 27.5 acres in SE ¹ / ₄ Sec. 27 18 acres in NE ¹ / ₄ Sec. 27 15 acres in NE ¹ / ₄ Sec. 27 31 acres in NW ¹ / ₄ Sec. 27 6 acres in SW ¹ / ₄ Sec. 27 35 acres in SE ¹ / ₄ Sec. 27 Section 22 19 acres in SW ¹ / ₄ Sec. 22 0.5 acres in SW ¹ / ₄ Sec. 23 Section 23 30 acres in NW ¹ / ₄ Sec. 26 Section 26 8 acres in NE ¹ / ₄ Sec. 27 Section 27 201 Total T. 8 S. R. 42 E.W.M.
Broyles, Walter and V.V. Broyles Baker, Oregon <i>Baker Co.</i>	1899	✓	60	Irrigation	Taggart or #14	Powder	30 acres in NW ¹ / ₄ Sec. 1 30 acres in SW ¹ / ₄ Sec. 1 Section 21 T. 8 S. R. 40 E.W.M.
Brunson, Geo. A. Baker, Oregon <i>Baker Co.</i>	1893	✓	5	Irrigation	Kastner-Old Settlers Slough	Powder	Lots 1,2,3,4, Block 25, Levens Addition to Baker, Oregon.
Buchanan, W. A. and Pansy Buchanan Baker, Oregon. (Finding #29) <i>Baker Co.</i>	1871 1873		20 14	Irrigation	5 small ditches	Salmon Creek	20 acres in SE ¹ / ₄ Sec. 1 14 acres in NE ¹ / ₄ Sec. 1 Section 4 T. 9 S. R. 39 E.W.M.
Buchanan, Wm. T. & Martha Buchanan Baker, Oregon (Finding #29) <i>Baker Co.</i>	1871 1873		20 18	Irrigation	5 small Ditches	Salmon Creek	20 acres in SE ¹ / ₄ Sec. 1 18 acres in NE ¹ / ₄ Sec. 1 Section 4 T. 9 S. R. 39 E.W.M.
Bunch, R. B. Keating, Oregon. <i>Baker Co.</i>	1903		81	Irrigation		So. Prong of Glasco Creek	26 acres in NE ¹ / ₄ Sec. 1 10 acres in SW ¹ / ₄ Sec. 1 20 acres in SE ¹ / ₄ Sec. 1 Section 25 25 acres in SE ¹ / ₄ Sec. 26 Section 26 T. 9 S. R. 43 E.W.M.
Bunyan, William Clatsop, Ave., Portland, Oregon by John Waterman, Baker, Oregon. (Finding #94) <i>Baker Co.</i>	1902	✓	24	Irrigation	Chico St. Old Settlers Slough	Powder	24 acres in NE ¹ / ₄ Sec. 1 Section 7 T. 9 S. R. 40 E.W.M.
Burden, Lucy Baker, Oregon. (Finding #85) <i>Baker Co.</i>	1879		75	Irrigation	Burden #1-2	Sutton Creek	27.4 acres in NE ¹ / ₄ Sec. 1 18.4 acres in SE ¹ / ₄ Sec. 1 29.2 acres in NE ¹ / ₄ Sec. 1 Section 36 T. 10 S. R. 40 E.W.M.

T#3580 & POD for ALL

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
<i>1040</i> Burke, Patrick Baker, Oregon (Finding #11) <i>Baker Co.</i>	May 1884		108	Irrigation	Burke-Owens & Cartmill	Rock Creek (Supp. supply from Willow Creek for 48 ac. through No. Willow Creek ditch)	25 acres in SE ¹ / ₄ NW ¹ / ₄ 5 acres in NE ¹ / ₄ SW ¹ / ₄ 12 acres in NW ¹ / ₄ SW ¹ / ₄ Section 4 26 acres in NE ¹ / ₄ SE ¹ / ₄ 40 acres in NW ¹ / ₄ SE ¹ / ₄ Section 5
	1872		156		South Willow Creek	Willow Creek	35 acres in NE ¹ / ₄ SW ¹ / ₄ 23 acres in NW ¹ / ₄ SW ¹ / ₄ 20 acres in SE ¹ / ₄ SW ¹ / ₄ 40 acres in NW ¹ / ₄ SE ¹ / ₄ 35 acres in SW ¹ / ₄ SE ¹ / ₄ Section 4 3 acres in NE ¹ / ₄ SE ¹ / ₄ Section 5 T. 8 S. R. 39 E.W.M.
<i>1041</i> Burnside, I.S. & M. F. Burnside Baker, Oregon (Finding #91) <i>Baker Co.</i>	1896 1877 1906	45 7 16		Irrigation	Spring & Burnside	Spring & Pine Creek	40 acres in SW ¹ / ₄ SE ¹ / ₄ 28 acres in SE ¹ / ₄ SE ¹ / ₄ Section 29 T. 8 S. R. 39 E.W.M.
<i>1042</i> Burnside, J. A. Haines, Oregon. <i>Baker Co.</i>	1895		10	Irrigation		Rock Creek	10 acres in SW ¹ / ₄ NW ¹ / ₄ Section 31 T. 7 S. R. 39 E.W.M.
<i>1043</i> Burnside, Jas. A. Haines, Oregon. <i>Baker Co.</i>	1872 1890	1.5 21.5		Irrigation		Sand Creek	23 acres in SW ¹ / ₄ NW ¹ / ₄ Section 31 T. 7 S. R. 39 E.W.M.
<i>1044</i> Burnside, John M. Haines, Oregon. <i>Baker Co.</i>	May 1 1889		80	Irrigation	Miller	Rock Ck, & Killama-cus reservoir	40 acres in NE ¹ / ₄ NE ¹ / ₄ Section 35 40 acres in SE ¹ / ₄ SE ¹ / ₄ Section 26 T. 7 S. R. 38 E.W.M.
<i>575-59</i> <i>48107</i> <i>44924</i> Burr, George and Ebenezer Baker, Oregon.	1898 1908	70 170		Irrigation Storage of 720 ac.ft.	Jeffrey-Ison, Pine Creek reservoir	Pine Creek	160 acres in SE ¹ / ₄ Section 20 80 acres in NE ¹ / ₄ NE ¹ / ₄ Section 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.)							
<i>1046</i> Burris, Henry Baker, Oregon. <i>Baker Co.</i>	1904		45	Irrigation	New Home	Powder	35 acres in NW ¹ / ₄ SE ¹ / ₄ 10 acres in SW ¹ / ₄ SE ¹ / ₄ Section 9 T. 9 S. R. 40 E.W.M.
<i>1047</i> Butts, Charles & Ida R. Butts, Baker, Oregon. <i>uncollected Sp. Or. Rec. Vol. 12, p. 20</i> <i>Wash. part - 47 p. 20</i>	1904		20	Irrigation	New Home	Powder	4 acres in NE ¹ / ₄ NE ¹ / ₄ 16 acres in SE ¹ / ₄ NE ¹ / ₄ Section 9 T. 9 S. R. 40 E.W.M.
Calhoun, J.D. & J.H. Sumpter, Oregon. <i>Baker Co.</i>	Dec. 8 1885		20	Irrigation	Gardner	Clear Creek	3 acres in NE ¹ / ₄ SE ¹ / ₄ 8.5 acres in SE ¹ / ₄ SE ¹ / ₄ Section 19 8.5 acres in NE ¹ / ₄ NE ¹ / ₄ Section 30
	1888		72	Irrigation	McEwen & Griffin or Farmers	Powder	22 acres in NE ¹ / ₄ SW ¹ / ₄ 14 acres in SW ¹ / ₄ SW ¹ / ₄ 36 acres in NW ¹ / ₄ SE ¹ / ₄ Section 20 T. 10 S. R. 38 E.W.M.

WATERMASTER DISTRICT NO. 8
COUNTY COURTHOUSE
BAKER 97814
TEL. 523-2322



STATE OF OREGON
STATE ENGINEER
WATER RESOURCES DEPARTMENT

WATER DISTRIBUTION
HYDROGRAPHIC SURVEYS
SNOW SURVEYS

REFER TO
FILE NO. _____

Marvin Bennett, Assistant

State Engineer

516 Public Service Bldg.

Salem, Oregon

Dear Mr. Bennett:

The C.A. Carothers property under Cert. # 4051 Powder River is no longer irrigated. Most of this land is covered by backwater from Brownlee Res. & is in Idaho Powers' name. Remaining land is owned by W.C. McCall - McCall oil Co. (Mobil) Portland, Oregon

*More info requested
2/27/67
MBB*

Sincerely;

George M. Ward

George M. Ward
Watermaster Dist. 8

CHRIS L. WHEELER
State Engineer

COPY

By Marvin B. Bennett, Assistant

STATE OF OREGON
STATE ENGINEER
WATER RESOURCES DEPARTMENT
516 PUBLIC SERVICE BUILDING
SALEM 97310

REFER TO FILE NO. Page 307

February 16, 1967

Mr. George M. Ward
Watermaster Dist. 8
County Courthouse
Baker, Oregon 97814

Dear Mr. Ward:

The Powder River Decree in Volume 6, page 369, (typed page 78), in the name of C. A. Carothers, being Certificate No. 4051 tabulates some 87 acres, stating they are in Sections 21, 22 and 28, Township 9 South, Range 47 East, W.M., as described these lands are across the Snake River and within the State of Idaho.

By comparison with the map prepared during the adjudication proceedings, these lands may have been described in error and could be within Sections 20, 21 and 29, same township and range.

These lands may now be covered by the backwater from Brownlee Dam and if so are subject to cancelation, however the correct description of the lands must be determined.

Will you please search for the original Proof of Claim as submitted by C. A. Carothers and if possible, determine if the lands as described by this certificate and decree were the same as submitted in the Statement of Claim.

If you cannot locate any information there, please inquire in the County Recorder's office and ascertain if these lands, or others nearby, were ever owned by Mr. Carothers.

This probably will require an inspection of the lands and inquiry of the present owner who may have claim to and is making use of the water from Powder River upon what lands.

If it so happens that the lands were acquired by the Idaho Power Company and are submerged, this office will carry on from there. If the lands are not within their ownership, and are being irrigated, the present owner must submit evidence to the Circuit Court to have the description corrected. If the lands are not being irrigated and still under private ownership, request the owner to submit an affidavit authorizing the State Engineer to cancel this water right.

Very truly yours,
CHRIS L. WHEELER
State Engineer

COPY

Marvin B. Bennett, Assistant

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>1049 Campbell, John Baker, Oregon. T-151 A P.O.D. <i>Baker Co.</i></p>	1904		23	Irrigation	New Home	Powder	6 acres in SE 1/4 NE 1/4 17 acres in SW 1/4 NE 1/4 T. 9 S. R. 40 E.W.M. <i>le 71</i>
<p>1050 Carlson, Chas. E. Sumpter, Oregon. (Finding #102) <i>Baker Co.</i></p>	1891		3 5	Irrigation	Center- West Side	Alder Creek & West Fork thereof	8 acres in SW 1/4 SW 1/4 8 acres in SE 1/4 SE 1/4 5 acres in SW 1/4 SW 1/4 Section 32 T. 9 S. R. 38 E.W.M.
	1900		8 5		Carlson & Hughes Alder Creek		
<p>1051 Carothers, C. A. Robinetto, Oregon. (Finding #89) <i>Baker Co.</i></p>	1906		87	Irrigation	Carothers	Powder	8 acres in NW 1/4 NE 1/4 Section 28 17 acres in NE 1/4 SE 1/4 20 acres in SE 1/4 SW 1/4 16 acres in SW 1/4 SE 1/4 Section 21 14 acres in SW 1/4 NW 1/4 12 acres in NW 1/4 SW 1/4 Section 22 T. 9 S. R. 47 E.W.M.
				<i>Note this probably is error, that lands in Idaho</i>			
<p>1052 Carter, Joe Haines, Oregon <i>Baker Co.</i></p>	1878 1883		40 40	Irrigation	Warfield & Haines Coles Carter- Hammond	Sand Creek	40 acres in NE 1/4 NW 1/4 40 acres in NW 1/4 NW 1/4 Section 32 T. 7 S. R. 39 E.W.M.
<p>1053 Cartmill, D. M. Haines, Oregon. (Finding #23) <i>Baker Co.</i></p>	March 1884 1893 1901		240 80 80	Irrigation	Burke- Ownes- Cartmill	Rock Creek	40 acres in SW 1/4 NE 1/4 40 acres in SE 1/4 NE 1/4 40 acres in NE 1/4 SE 1/4 40 acres in NW 1/4 SE 1/4 Section 1 T. 8 S. R. 38 E.W.M. 369 40 acres in SW 1/4 NE 1/4 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 40 acres in NW 1/4 SE 1/4 40 acres in NW 1/4 SW 1/4 Section 6 T. 8 S. R. 39 E.W.M.
<p>1054 Cartmill, Eva J. Baker, Oregon. (Finding #91) <i>Baker Co.</i></p>	1864		160	Irrigation	L.B. & O.P. Ison	Pine Creek	40 acres in SW 1/4 SW 1/4 40 acres in SE 1/4 SW 1/4 40 acres in SW 1/4 SE 1/4 40 acres in SE 1/4 SE 1/4 Section 21 T. 6 S. R. 39 E.W.M.
<p>1055 Cartmill, W. A. Baker, Oregon. (Finding #103) <i>Baker Co.</i></p>	May 1 1902		160	Irrigation	L.B. & O.P. Ison & W. A. Cartmill	Pine Creek	40 acres in NE 1/4 SW 1/4 40 acres in NW 1/4 SW 1/4 40 acres in SW 1/4 SW 1/4 40 acres in SE 1/4 SW 1/4 Section 15 T. 6 S. R. 39 E.W.M.
<p>1056 Cassidy, Wm. J. Cassidy, Robt. A. Cassidy, L.L. Mary Warren, Wm. Fritz, Bessie Sargent & Robert Sargent, Heirs of Ann Cassidy <i>Baker Co.</i></p>	1884		1	Irrigation	Easter- brook Old Set- tlers Slough	Powder	Block 4, Kellog's Addition to Baker, Oregon.
<p>1057 Castor, F. W. Haines, Oregon T-3924 All <i>Baker Co.</i> A P.O.D.</p>	1897 1883 1894		10 23 18	Irrigation	Toney Blize	Rock Creek	23 acres in SW 1/4 NW 1/4 28 acres in SE 1/4 NW 1/4 Section 35 T. 7 S. R. 38 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
<i>H058</i> Caviness, Ella Baker, Oregon. <i>Baker Co.</i>	1884		$\frac{1}{4}$	Irrigation	Easterbrook Old Settlers Slough	Powder	Lots 1 & 2, Block 5, Kellogg's Addition to Baker, Oregon.
<i>H057</i> Caviness, Geo. M. & Emma. Baker, Oregon (Finding #91)	1866 (closed) #3223 POD from Spring Cr. T-5086 120117		80	Irrigation	Phillips & Caviness	Fine & Spring Creeks	40 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32 T. 8 S. R. 39 E.W.M.
<i>H060</i> Chambers, C. N. Haines, Oregon	1880 1897		40 40	Irrigation	George, Brown-DeLong, Chambers	Rock Creek	40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 35 T. 7 S. R. 38 E.W.M. <i>A.E. Chambers</i>
<i>H061</i> Chambers, Wm. N. Haines, Oregon.	1898		40	Irrigation	DeFrees & Toney	Rock Creek	40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35 T. 7 S. R. 38 E.W.M. 370
<i>H062</i> Chandler, Geo. E. Baker, Oregon. <i>T6951</i> Δ <i>POD</i>	1864		204.3	Irrigation	Estes #5 & 7	Powder	33 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12 32.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 11.8 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 7 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11
	1864		127		Chandler	Salmon Creek	31 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 16 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14 T. 8 S. R. 39 E.W.M.
	1864		55		#14	Powder	40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 15 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$
	1864		755 <i>11413</i>		#5, 7 & 16		25 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21 160 acres in SW $\frac{1}{4}$ 160 acres in SE $\frac{1}{4}$ Section 20 40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 22 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 32 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 11 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 18 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 7 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 160 acres in SE $\frac{1}{4}$ Section 19 T. 8 S. R. 40 E.W.M.
<i>H063</i> Canterbury, C. A. Keating, Oregon Childers, J. H. Transferee, G. A. Lincoln Transferee <i>T7001</i> Δ <i>POD</i> <i>Baker Co.</i>	1885 1888		16.5 247	Irrigation	Emale & P.R. Dam Ditch & Con. Co.	Powder	26.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7 27 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 25 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 25 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8 T. 8 S. R. 42 E.W.M.
<i>H064</i> Gmilding, Paul Baker, Oregon. <i>T6951</i> Δ <i>POD</i> <i>Baker Co.</i>	1900 1902		40 120	Irrigation	Flemming Baldock Slough Geddes-Snavely	Powder Powder	40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26 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
1065 Christenson, John C. (Estate of) by John H. Ingram (Executor) Heirs & Devises: Mary E., Thos. R., Nellie J., John B., Anna C., George., William & Lelia Christensen. Haines, Oregon. <i>Baker Co.</i>	Feb. 1900		173	Irrigation	Christen- sen & J. H. Toney	Rock Creek	37 acres in NW1/4 NW1/4 40 acres in SW1/4 NW1/4 38 acres in NW1/4 SW1/4 35.5 acres in SW1/4 SW1/4 Section 34 8.5 acres in SE1/4 NE1/4 14 acres in NE1/4 SE1/4 Section 33
1066 Clark, J.H. & L. R. Harries Sumpter, Oregon. <i>Baker Co.</i>	1900		120	Irrigation	McEwen Valley Irr.Co.	Powder	37 acres in NE1/4 NW1/4 32 acres in SE1/4 NW1/4 31 acres in NE1/4 SW1/4 35.5 acres in SE1/4 SW1/4 Section 34 T. 7 S. R. 39 E.W.M.
1067 Cole, Fred Baker, Oregon. <i>Baker Co.</i>	1906	✓ 40	40	Irrigation	Wisdom- Chambers	Powder	40 acres in NE1/4 NE1/4 Section 10 T. 9 S. R. 40 E.W.M.
1068 Cole, Fred & R.W. Littlefield Admr. Estate of D.S. Littlefield, Dec'd. Baker, Oregon. (Finding #16 & 17) <i>Baker Co.</i>	1865		150	Placer Mining & Inchesale for Irrigation	Little- field	Elk Creek	Place of use: S1/2 of Section 15 SE1/4 Section 16 T. 10 S. R. 39 E.W.M.
1069 Cole, Mary E. Sumpter, Oregon. Superseded by Baker Co. 68410	1892		45	Irrigation	Oliver Tibbs	Deer Creek	20 acres in SE1/4 NE1/4 20 acres in NE1/4 SE1/4 5 acres in SE1/4 SE1/4 Section 6 T. 10 S. R. 38 E.W.M.
See Sp. Or. Vol. 10, p. 346	1886 1891 1892	* -7.73 50 * -50 * -48.23 50		Irrigation	Hawley Tibbs, Swamp, Scott	Powder	30 acres in SW1/4 NW1/4 -5.87 (1892) ✓ 40 acres in NW1/4 SW1/4 -12.17 (1892) ✓ 40 acres in SW1/4 SW1/4 -27.23 Section 12 -40. 40 acres in NE1/4 SE1/4 -1.77 (1892) ✓ Section 11 -38.23 T. 10 S. R. 37 E.W.M.
1070 Coleman, Clayton Baker, Oregon (Finding 32 to 81 incl.) <i>Baker Co.</i>	May 6 1876		20	Irrigation	Geddes- Osborn- Chambers	Powder	7 acres in NW1/4 NE1/4 13 acres in SW1/4 NE1/4 Section 29 T. 8 S. R. 40 E.W.M.
1071 Coleman, John Baker, Oregon. <i>Baker Co.</i>	Sept. 29 1892		15	Irrigation	Keyton	First Creek	15 acres in NW1/4 NW1/4 Section 30 T. 9 S. R. 42 E.W.M.
1072 Coles, Cleveland Haines, Oregon <i>Baker Co.</i>	July 10 1880		200	Irrigation	George	Rock Creek	40 acres in NE1/4 NW1/4 40 acres in NW1/4 NW1/4 40 acres in SW1/4 NW1/4 40 acres in SE1/4 NW1/4 40 acres in NW1/4 SW1/4 Section 29 T. 7 S. R. 39 E.W.M.
1073 Coles, C. E. Haines, Oregon. <i>Baker Co.</i>	1896		18	Irrigation	Long & Fisher	Rock Creek	18 acres in SE1/4 NE1/4 Section 34 T. 7 S. R. 38 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
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<p>43541 45594 Coles, Edw. W. Haines, Oregon.</p> <p><i>Baker Co.</i></p> <p>T-6883</p>	<p>July 1880 1890</p>		<p>1880 100 333</p>	Irrigation	George Case & Osborn	Rock Creek	<p>40 acres in SW¹/₄ SW¹/₄ 1880 40 acres in SE¹/₄ SW¹/₄ 1880 40 acres in SW¹/₄ SE¹/₄ 1880 38 acres in SE¹/₄ SE¹/₄ 1880 Section 20 40 acres in SW¹/₄ SW¹/₄ 1880 Section 21 40 acres in NW¹/₄ NW¹/₄ 1880 ✓ 38 acres in SW¹/₄ NW¹/₄ 1880 Section 28 37 acres in NE¹/₄ NE¹/₄ 1880 40 acres in NW¹/₄ NE¹/₄ 1880 40 acres in SW¹/₄ NE¹/₄ 1880 40 acres in SE¹/₄ NE¹/₄ 1880 Section 29 13 acres in NW¹/₄ NE¹/₄ 1900 34 acres in SW¹/₄ NE¹/₄ 1900 whole 25 acres in SE¹/₄ NE¹/₄ 1900 part 14 acres in NE¹/₄ SW¹/₄ 1900 Section 28 21 acres in NW¹/₄ NE¹/₄ 1880 6 acres in SW¹/₄ NE¹/₄ 1880 40 acres in NE¹/₄ NW¹/₄ 1880 40 acres in SE¹/₄ NW¹/₄ 1880 20 acres in NE¹/₄ SW¹/₄ 1880 Section 28 6 acres in NE¹/₄ SW¹/₄ 1881 37 acres in NW¹/₄ SW¹/₄ 1881 40 acres in SW¹/₄ SW¹/₄ 1881 8 acres in SE¹/₄ SW¹/₄ 1881 Section 28 40 acres in SE¹/₄ SE¹/₄ 1881 40 acres in NE¹/₄ SE¹/₄ 1881 Section 29 4 acres in NW¹/₄ NE¹/₄ 1900 13 acres in SE¹/₄ NE¹/₄ 1900 Section 28 4 acres in NW¹/₄ NW¹/₄ 1900 31 acres in SW¹/₄ NW¹/₄ 1900 Section 27 T. 7 S. R. 39 E.W.M.</p>
	1900		86	Irrigation	Cole #1	Sand Creek	
	1880		127	Irrigation	Cole #2	Sand Creek	
<p>Apr. 28 1881</p> <p>* chg. Pt. of Div 56² Ac. Sec. 26, P. 21 (Tr. 3015)</p>			171	Irrigation	Coles	Sand Creek	<p>6 acres in NE¹/₄ SW¹/₄ 1881 37 acres in NW¹/₄ SW¹/₄ 1881 40 acres in SW¹/₄ SW¹/₄ 1881 8 acres in SE¹/₄ SW¹/₄ 1881 Section 28 40 acres in SE¹/₄ SE¹/₄ 1881 40 acres in NE¹/₄ SE¹/₄ 1881 Section 29 4 acres in NW¹/₄ NE¹/₄ 1900 13 acres in SE¹/₄ NE¹/₄ 1900 Section 28 4 acres in NW¹/₄ NW¹/₄ 1900 31 acres in SW¹/₄ NW¹/₄ 1900 Section 27 T. 7 S. R. 39 E.W.M.</p>
	1906		52	Irrigation	Christensen-Toney Coles	Powder	
<p>1865 1874</p> <p>Modified by Decree, Vol. 18P 2835</p>			40 40	Irrigation Irrigation	Solomon Coles, McCulloch & Weisner	Rock Creek Creek Sand Creek	<p>40 acres in SW¹/₄ NE¹/₄ 1865 40 acres in NW¹/₄ SE¹/₄ 1865 Section 32 T. 7 S. R. 39 E.W.M.</p>
<p>4074 Coles, Fred, Lillie & Joel Haines, Oregon.</p> <p><i>Baker Co.</i></p>	<p>July 10 1880</p>		85	Irrigation	George	Rock Creek	<p>40 acres in NE¹/₄ SW¹/₄ 1880 20 acres in SW¹/₄ SW¹/₄ 1880 5 acres in SE¹/₄ SW¹/₄ 1880 20 acres in NW¹/₄ SE¹/₄ 1880 20 acres in SW¹/₄ SW¹/₄ 1880 35 acres in SE¹/₄ SW¹/₄ 1880 20 acres in NW¹/₄ SE¹/₄ 1880 40 acres in SW¹/₄ SE¹/₄ 1880 Section 29 T. 7 S. R. 39 E.W.M.</p>
<p>4075 Coles, Walter, Haines, Oregon</p> <p><i>Baker Co.</i></p>	<p>1881</p>		115	Irrigation	Coles	Sand Creek	
<p>4076 Coles, Wm. Haines, Oregon</p> <p><i>Baker Co.</i></p>	<p>1894 1908</p>		32 3	Irrigation Irrigation	Blaze, or Carter Miller	rock Creek Creek Rock Creek	<p>32 acres in SE¹/₄ NE¹/₄ 1894 3 acres in SE¹/₄ NE¹/₄ 1894 Section 35 T. 7 S. R. 38 E.W.M.</p>
<p>4077 Collins, Clara Haines, Oregon</p> <p><i>Baker Co.</i></p>	<p>Mar. 20 1891</p>		40	Irrigation	Brasier, Rothler & Burnside	South Fork Rock Creek	<p>40 acres in SW¹/₄ SE¹/₄ 1891 Section 36 T. 7 S. R. 38 E.W.M.</p>
<p>4078 Colton, W. H. Baker, Oregon</p> <p><i>Baker Co.</i></p> <p>T7001 Δ Pod</p>	<p>1888</p>		91	Irrigation	Duncan	Powder	<p>4 acres in SE¹/₄ SW¹/₄ 1888 Section 35 T. 7 S. R. 41 E.W.M. 28 acres in SW¹/₄ NE¹/₄ 1888 10 acres in SE¹/₄ NE¹/₄ 1888 34 acres in NE¹/₄ NW¹/₄ 1888 15 acres in NE¹/₄ SE¹/₄ 1888 Section 2 T. 8 S. R. 41 E.W.M.</p>

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
Colton, W. H.	1885 1888		185 222	Powder	Emele Powder River Dam Ditch & Cons. Co.		6 acres in SW ¹ / ₄ NE ¹ / ₄ 17 acres in SE ¹ / ₄ NW ¹ / ₄ 35 acres in SE ¹ / ₄ SW ¹ / ₄ 1 acre in NE ¹ / ₄ SE ¹ / ₄ 40 acres in SE ¹ / ₄ SE ¹ / ₄ Section 35 25 acres in SW ¹ / ₄ SW ¹ / ₄ 1 acre in SE ¹ / ₄ SW ¹ / ₄ Section 36 T. 7 S. R. 41 E. W. M. 40 acres in NE ¹ / ₄ NE ¹ / ₄ 10 acres in SW ¹ / ₄ NE ¹ / ₄ 28 acres in SE ¹ / ₄ NE ¹ / ₄ 5 acres in NE ¹ / ₄ NW ¹ / ₄ 23 acres in NE ¹ / ₄ SE ¹ / ₄ Section 2 36 acres in NE ¹ / ₄ NW ¹ / ₄ 40 acres in NW ¹ / ₄ NW ¹ / ₄ 40 acres in SW ¹ / ₄ NW ¹ / ₄ 40 acres in SE ¹ / ₄ NW ¹ / ₄ 20 acres in NW ¹ / ₄ SW ¹ / ₄ Section 1 T. 8 S. R. 41 E. W. M.
⁴⁰⁷⁷ Colton, C.P. Baker, Oregon.	1888		5	Irrigation	Duncan	Powder	5 acres in NW ¹ / ₄ NE ¹ / ₄ Section 2 T. 8 S. R. 41 E. W. M.
	1885 1888		80 99		Emele Powder River Dam Ditch & Cons. Co.		40 acres in NE ¹ / ₄ SW ¹ / ₄ 29 acres in NW ¹ / ₄ SW ¹ / ₄ 8 acres in SW ¹ / ₄ SW ¹ / ₄ 28 acres in NW ¹ / ₄ SE ¹ / ₄ 40 acres in SW ¹ / ₄ SE ¹ / ₄ Section 35 T. 7 S. R. 41 E. W. M. 34 acres in NW ¹ / ₄ NE ¹ / ₄ Section 2 T. 8 S. R. 41 E. W. M.
⁴⁰⁸⁰ Vol. 5 COLUMBIA Gold Mining Company By Frank S. Baillie Sumpter, Oregon	Oct. 2 1899 Nov. 17 1896			Power Power and Mining	Highline #1 Power Line Flume	Fruit & Horse Creeks Fruit & Horse Creeks	Place of use: Sections 29, 30, 31 & 32 T. 8 S. R. 37 E. W. M. Section 26 T. 8 S. R. 36 E. W. M.
	Oct. 10 1887			Power	Lowline #2, or Cable		
⁴⁰⁸¹ Colvin, Joshua & G. H. Colvin Haines, Oregon.	1897		140	Irrigation	Welch	Pine Creek	40 acres in NE ¹ / ₄ SE ¹ / ₄ 30 acres in NW ¹ / ₄ SE ¹ / ₄ 30 acres in SW ¹ / ₄ SE ¹ / ₄ 40 acres in SE ¹ / ₄ SE ¹ / ₄ Section 7 T. 8 S. R. 39 E. W. M.
⁴⁰⁸² Conrad, G. A. Baker, Oregon (Finding #85)	1908		26	Irrigation	Conrad #1 & 2	E. Prong of West Fork Sutton	18 acres in SW ¹ / ₄ NW ¹ / ₄ (Lot 5) 8 acres in NW ¹ / ₄ SW ¹ / ₄ (Lot 6) Section 6 T. 11 S. R. 41 E. W. M.
⁴⁰⁸³ Correll, P.P. Baker, Oregon. (T.I. Dunn, successor in interest) (Finding #32 & 49)	1865 1901		64 32	Irrigation	Baldrock Slough	Powder	32 acres in NE ¹ / ₄ NE ¹ / ₄ 32 acres in NW ¹ / ₄ NE ¹ / ₄ 32 acres in SE ¹ / ₄ NE ¹ / ₄ Section 3 T. 9 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
311 24962 Correll, S. O. Baker, Oregon. <i>Baker Co.</i> <i>Initially</i> Cancelled-sp. or Rec. Vol. 15 P. 7-9	1908 *		130	Irrigation	Dams in Sutton Creek & Ditches	Sutton Creek	*20 acres in SW 1/4 SE 1/4 *30 acres in SE 1/4 SE 1/4 Section 34 *10 acres in SW 1/4 SW 1/4 Section 35 T. 9 S. R. 40 E.W.M. *30 acres in NW 1/4 NW 1/4 *25 acres in SW 1/4 NW 1/4 Section 2 *15 acres in NE 1/4 NE 1/4 Section 3 T. 10 S. R. 40 E.W.M.
	1880	✓	65	Irrigation	McCord Garren Old Settlers Slough & Campbell	Powder	25 acres in NW 1/4 SE 1/4 40 acres in SW 1/4 NE 1/4
	1883	✓	38	Irrigation	St Salley	Powder	15 acres in NW 1/4 SE 1/4 23 acres in SW 1/4 SE 1/4 Section 18 T. 9 S. R. 40 E.W.M. *40 acres in SW 1/4 NE 1/4 Section 35 T. 8 S. R. 40 E.W.M. 40 acres in NW 1/4 NE 1/4 Section 10 T. 9 S. R. 40 E.W.M.
	Apr. 24 1885	✓	80	Irrigation	Wisdom Chambers	Powder *	* Change in place of Use - Sp. Or. Vol. 6, p. 147 5 acres to Sec. 1, T9S, R40E 5 ac. 1885 375
4086 Coughanour, W. A. Payette, Idaho. by W. M. Coughanour North Powder, Oregon. <i>Union Co.</i> 54987 444925 Coyle, Minnie Haines, Oregon <i>Baker Co.</i>	1895		160	Irrigation	Vandecar	Wolf Creek	40 acres in NE 1/4 NW 1/4 40 acres in NW 1/4 NW 1/4 40 acres in SW 1/4 NW 1/4 40 acres in SE 1/4 NW 1/4 Section 21 T. 6 S. R. 39 E.W.M.
	1882		40	Irrigation	Minnie Coyle	Rock Creek	40 acres in NW 1/4 SW 1/4 Section 33
	1906		40			Rock Creek	40 acres in NE 1/4 SE 1/4 Section 32 T. 7 S. R. 39 E.W.M.
4087 Cusick, S. F. North Powder, Oregon <i>Union Co.</i>	1876		13	Irrigation		Thompson springs on own lands	12 acres in SW 1/4 NW 1/4 1 acre in NW 1/4 SW 1/4 Section 14 T. 5 S. R. 39 E.W.M.
4088 Cranston Land Company, by Earl F. Cranston Baker, Oregon (Finding #32 & 57) T9S1 N P 0 P <i>Baker Co.</i>	1865	✓	120	Irrigation	Baldock Slough	Powder	38 acres in NE 1/4 NW 1/4 4 acres in NW 1/4 NW 1/4 16 acres in SW 1/4 NW 1/4 40 acres in SE 1/4 NW 1/4 22 acres in NW 1/4 SW 1/4 Section 10 T. 9 S. R. 40 E.W.M.
4089 Cranston, Anna E. by Earl F. Cranston Baker, Oregon. <i>Baker Co.</i>	1897		6	Irrigation	Cranston Ditches	East Fork Clover Creek & Clover Creek	6 acres in NW 1/4 SW 1/4 Section 12 15 acres in NE 1/4 SE 1/4
	1872		82	Irrigation	Cranston Ditches		3.5 acres in SE 1/4 SE 1/4 Section 11 11.5 acres in NW 1/4 SW 1/4 28 acres in SW 1/4 SW 1/4 Section 12 24 acres in NW 1/4 NW 1/4 20 acres in SW 1/4 NW 1/4 12 acres in SW 1/4 NW 1/4 Section 13 T. 8 S. R. 42 E.W.M.
	1882		32	Irrigation	Cranston Ditches	East Fork Clover Creek & Clover Creek	

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
<i>1090</i> Cranston, Earl F Baker, Oregon Finding 31-82 <i>T. Baker Co.</i>	1887		15	Irrigation	Cranston	Goose Creek	3 acres in NW1/4
	1872		167.5	Irrigation	Cranston & Ingle Smith	Goose Creek	12 acres in SW1/4 15 acres in NE1/4 1 acre in NW1/4 6.5 acres in SW1/4 34 acres in SE1/4 37 acres in NE1/4 6 acres in NW1/4 36 acres in SE1/4 Section 20 22 acres in NE1/4 10 acres in SE1/4 Section 29 T. 8 S. R. 43 E.W.M. 20 acres in NE1/4 Section 3 T. 9 S. R. 40 E.W.M.
<i>1091</i> Cranston, E. P. Baker, Oregon (Finding #82) <i>Baker Co.</i>	Nov. 17 1899		✓ 20	Irrigation	Williams McDougal	Powder	376 40 acres in NE1/4 Section 15 T. 8 S. R. 43 E.W.M. 34 acres in SW1/4 28 acres in NW1/4 Section 7 15 acres in NW1/4 Section 18 T. 8 S. R. 43 E.W.M.
<i>1092</i> Cranston, H. B. (Est) and Earl F. Cranston Baker, Oregon T. 7002 Pod + add Pod Baker Co. 7 7267 Add Pod	1891		90.5	Irrigation	Cranston #2 & 6	Balm Creek	2 acres in SE1/4 Section 24 22 acres in NE1/4 8.5 acres in NW1/4 38 acres in SW1/4 20 acres in SE1/4 Section 25 T. 8 S. R. 42 E.W.M.
				(Supplemented by water from Clover Creek, stored in Cranston Reservoir on Clover Creek under date of 1892, for 3 acres.)			
	1892	50 acre feet	25	Irrigation and storage	Cranston Ditch & Reservoir	Clover Creek	25 acres in SE1/4 Section 26 T. 8 S. R. 42 E.W.M.
				(Supplemented by water from Powder River through Phillips, Brown & Cranston Ditch, under date of 1901.)			
<i>1093</i> Cranston, Laura R Heira Earl F. Cranston Administrator Baker, Oregon T. 7282 Add Pod Baker Co. T. 7002 Add Pod + add Pod	1865		117	Irrigation	Cranston	Clover Creek	15 acres in NW1/4 38 acres in SW1/4 17 acres in NE1/4 27 acres in SE1/4 20 acres in NW1/4 Section 26 T. 8 S. R. 42 E.W.M.
				(Supplemented by waters stored in Cranston Reservoir under date of 1892 for total area, and by water from Powder River through Phillips, Brown & Cranston Ditch under date of 1901 for 90 acres)			
	1901		17	Irrigation	Phillips Brown & Cranston	Powder	17 acres in NE1/4 Section 26 T. 8 S. R. 42 E.W.M.
<i>1094</i> Cranston, Lena C Baker, Oregon (Finding #82) <i>Baker Co.</i>	1896		91	Irrigation	Cranston West	Balm Creek	7 acres in NE1/4 20 acres in NW1/4 32 acres in SW1/4 32 acres in SE1/4 Section 12 T. 8 S. R. 43 E.W.M.
<i>1095</i> Crichton, Jas. Ralph Durkee, Oregon <i>Baker Co.</i>	July 1907		41	Irrigation	Unnamed Ditch	South Fork of Daly Creek	18 acres in SW1/4 22 acres in SE1/4 6 acres in NE1/4 18 acres in NW1/4 Section 8 T. 11 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
Sp. Or. Rec. Vol. 45 p 311 Cronin, Mary E Ontario, Oregon <i>Baker Co.</i> Superseded By Cart. No. 45 p 311 Sp. Or. Rec. Vol. 47 p 21 Currey, L. P. by H. E. Currey Baker, Oregon (Finding #32, 58 & 105) <i>Baker Co.</i> T. 10 S. R. 36 E.W.M. 377 <i>cancelled</i>	1885		152	Irrigation	Cronin #1, 2, 3,	Deer Creek	35 acres in NE 1/4 NW 1/4 36 acres in SE 1/4 NW 1/4 20 acres in NE 1/4 SE 1/4 23 acres in NW 1/4 SE 1/4 12 acres in SW 1/4 SE 1/4 20 acres in SE 1/4 SE 1/4 Section 21, 6 acres in SW 1/4 SW 1/4 Section 22, T. 10 S. R. 36 E.W.M. 377 40 acres in SE 1/4 NW 1/4 40 acres in SE 1/4 NW 1/4 40 acres in SE 1/4 NW 1/4 Section 25 30 acres in NE 1/4 NW 1/4 40 acres in NW 1/4 NW 1/4 40 acres in SW 1/4 NW 1/4 20 acres in SE 1/4 NW 1/4 Section 8 40 acres in NE 1/4 NW 1/4 25 acres in NW 1/4 NW 1/4 38 acres in SW 1/4 NW 1/4 35 acres in SE 1/4 NW 1/4 Section 5 T. 10 S. R. 40 E.W.M.
Sp. Or. Rec. Vol. 45 p 311 Currey, L. P. by H. E. Currey Baker, Oregon (Finding #32, 58 & 105) <i>Baker Co.</i> T. 10 S. R. 36 E.W.M. 377 <i>cancelled</i>	1885		160	Irrigation	Union	Union Creek	40 acres in SE 1/4 NW 1/4 40 acres in SE 1/4 NW 1/4 40 acres in SE 1/4 NW 1/4 Section 25 30 acres in NE 1/4 NW 1/4 40 acres in NW 1/4 NW 1/4 40 acres in SW 1/4 NW 1/4 20 acres in SE 1/4 NW 1/4 Section 8 40 acres in NE 1/4 NW 1/4 25 acres in NW 1/4 NW 1/4 38 acres in SW 1/4 NW 1/4 35 acres in SE 1/4 NW 1/4 Section 5 T. 10 S. R. 40 E.W.M.
Sp. Or. Rec. Vol. 45 p 311 Currey, L. P. by H. E. Currey Baker, Oregon (Finding #32, 58 & 105) <i>Baker Co.</i> T. 10 S. R. 36 E.W.M. 377 <i>cancelled</i>	1871		268	Irrigation	Currey & Shaffner Creek	Powder & Shaffner Creek	30 acres in NE 1/4 NW 1/4 40 acres in NW 1/4 NW 1/4 40 acres in SW 1/4 NW 1/4 20 acres in SE 1/4 NW 1/4 Section 8 40 acres in NE 1/4 NW 1/4 25 acres in NW 1/4 NW 1/4 38 acres in SW 1/4 NW 1/4 35 acres in SE 1/4 NW 1/4 Section 5 T. 10 S. R. 40 E.W.M.
Sp. Or. Rec. Vol. 45 p 311 Currey, L. P. by H. E. Currey Baker, Oregon (Finding #32, 58 & 105) <i>Baker Co.</i> T. 10 S. R. 36 E.W.M. 377 <i>cancelled</i>	1896		9	Irrigation	16 Mile Springs	16 Mile Springs	7 acres in SW 1/4 NW 1/4 2 acres in SE 1/4 NW 1/4 Section 20
Sp. Or. Rec. Vol. 45 p 311 Currey, L. P. by H. E. Currey Baker, Oregon (Finding #32, 58 & 105) <i>Baker Co.</i> T. 10 S. R. 36 E.W.M. 377 <i>cancelled</i>	1887		7	Irrigation	Stevens Pasture Springs	Stevens Pasture Springs	3.5 acres in SW 1/4 NW 1/4 3.5 acres in SE 1/4 NW 1/4 Section 18
Sp. Or. Rec. Vol. 45 p 311 Currey, L. P. by H. E. Currey Baker, Oregon (Finding #32, 58 & 105) <i>Baker Co.</i> T. 10 S. R. 36 E.W.M. 377 <i>cancelled</i>	1896		30	Irrigation	16 Mile Place	North Prong Clover Creek	30 acres in NW 1/4 NW 1/4 Section 20
Sp. Or. Rec. Vol. 45 p 311 Currey, L. P. by H. E. Currey Baker, Oregon (Finding #32, 58 & 105) <i>Baker Co.</i> T. 10 S. R. 36 E.W.M. 377 <i>cancelled</i>	1887		90	Irrigation & Storage 20 acre feet	Willow Dell Farm	Gussie Creek	15 acres in SE 1/4 SW 1/4 Section 18 14 acres in NW 1/4 NW 1/4 Section 19 38 acres in SW 1/4 NW 1/4 23 acres in NE 1/4 SW 1/4 Section 20 T. 5 S. R. 39 E.W.M.
Sp. Or. Rec. Vol. 45 p 311 Currey, L. P. by H. E. Currey Baker, Oregon (Finding #32, 58 & 105) <i>Baker Co.</i> T. 10 S. R. 36 E.W.M. 377 <i>cancelled</i>	1906		16	Irrigation	Daily	Balm Creek	3.5 acres in NE 1/4 NW 1/4 2.5 acres in SW 1/4 NW 1/4 10 acres in SE 1/4 NW 1/4 Section 7 T. 8 S. R. 43 E.W.M.
Sp. Or. Rec. Vol. 45 p 311 Currey, L. P. by H. E. Currey Baker, Oregon (Finding #32, 58 & 105) <i>Baker Co.</i> T. 10 S. R. 36 E.W.M. 377 <i>cancelled</i>	May 1878		8	Irrigation	Dalby	Biggle Creek	10.5 acres in NW 1/4 SW 1/4 2 acres in SW 1/4 SW 1/4 Section 2 T. 7 S. R. 41 E.W.M.
Sp. Or. Rec. Vol. 45 p 311 Currey, L. P. by H. E. Currey Baker, Oregon (Finding #32, 58 & 105) <i>Baker Co.</i> T. 10 S. R. 36 E.W.M. 377 <i>cancelled</i>	May 1880		4.5	Irrigation			
Sp. Or. Rec. Vol. 45 p 311 Currey, L. P. by H. E. Currey Baker, Oregon (Finding #32, 58 & 105) <i>Baker Co.</i> T. 10 S. R. 36 E.W.M. 377 <i>cancelled</i>	Jan. 1907		5	Irrigation	Dalglish & Dam	Ritter	5 acres in SE 1/4 NW 1/4 Section 14 T. 9 S. R. 42 E.W.M.
Sp. Or. Rec. Vol. 45 p 311 Currey, L. P. by H. E. Currey Baker, Oregon (Finding #32, 58 & 105) <i>Baker Co.</i> T. 10 S. R. 36 E.W.M. 377 <i>cancelled</i>	1900		120	Irrigation	McEwen Valley Irrigation Company	Powder	30 acres in NE 1/4 SW 1/4 2.5 acres in SE 1/4 SW 1/4 40 acres in NE 1/4 SE 1/4 40 acres in NW 1/4 SE 1/4 7.5 acres in SW 1/4 SE 1/4 Section 24 T. 10 S. R. 37 E.W.M. 378
Sp. Or. Rec. Vol. 45 p 311 Currey, L. P. by H. E. Currey Baker, Oregon (Finding #32, 58 & 105) <i>Baker Co.</i> T. 10 S. R. 36 E.W.M. 377 <i>cancelled</i>	1886		30	Irrigation	Davis	Daly	6 acres in SW 1/4 NW 1/4 5 acres in NE 1/4 SE 1/4 9 acres in NW 1/4 SE 1/4 2 acres in SW 1/4 SE 1/4 8 acres in SE 1/4 SE 1/4 Section 7 T. 10 S. R. 46 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
<i>45019</i> Daugherty, W. S. Haines, Oregon	1868 1890		40 40	Irrigation	Hunstock & Meyers	Rock Creek	40 acres in SW ¹ / ₄ SW ¹ / ₄ Section 6 T. 8 S. R. 39 E. W. M. 40 acres in SE ¹ / ₄ SE ¹ / ₄ Section 1 T. 8 S. R. 38 E. W. M.
<i>4505</i> Dean, Estella Keating, Oregon	1888		61.09	Irrigation	Duncan & P.R. Dam Ditch & Con. Co.	Powder	12 acres in SE ¹ / ₄ NE ¹ / ₄ Section 11 17.8 acres in NW ¹ / ₄ NW ¹ / ₄ Section 12 31.29 acres in SW ¹ / ₄ SE ¹ / ₄ Section 1 T. 8 S. R. 41 E. W. M.
<i>4506</i> Dean, J. M. Keating, Oregon	1888		219	Irrigation	P.R. Dam Ditch & Con. Co. & Duncan	Powder	40 acres in NE ¹ / ₄ SW ¹ / ₄ 20 acres in NW ¹ / ₄ SW ¹ / ₄ 38 acres in SW ¹ / ₄ SW ¹ / ₄ 39 acres in SE ¹ / ₄ SW ¹ / ₄ Section 1 14 acres in NE ¹ / ₄ NW ¹ / ₄ Section 12 40 acres in NE ¹ / ₄ NE ¹ / ₄ 28 acres in NW ¹ / ₄ NE ¹ / ₄ Section 11 T. 8 S. R. 41 E. W. M.
<i>4508</i> DeFrees, B. F. Baker, Oregon by F. L. Hubbard	Apr. 4 1903		44.4	Irrigation	Hansen	Deer Creek	37.2 acres in NE ¹ / ₄ SW ¹ / ₄ 7.2 acres in SE ¹ / ₄ SW ¹ / ₄ Section 8 T. 10 S. R. 38 E. W. M.
<i>4507</i> DeFrees, J. J. Haines, Oregon	1912		1	Irrigation	Fisher-Long	Rock Creek	1 acre in SE ¹ / ₄ NE ¹ / ₄ Section 34
	Jan. 2 1898		120	Irrigation	McEwen Valley Irrigation Company	Powder	40 acres in NE ¹ / ₄ SW ¹ / ₄ 40 acres in SE ¹ / ₄ SW ¹ / ₄ Section 13 40 acres in NE ¹ / ₄ NW ¹ / ₄ Section 34 T. 10 S. R. 37 E. W. M.
<i>4509</i> DeFrees, W. H. Sumpter, Oregon	Jan. 2 1898		120	Irrigation	McEwen Valley Irrigation Company	Powder	40 acres in SW ¹ / ₄ SE ¹ / ₄ Section 13 40 acres in NW ¹ / ₄ NE ¹ / ₄ 40 acres in SE ¹ / ₄ NW ¹ / ₄ Section 24 T. 10 S. R. 37 E. W. M.
<i>45595</i> DeLong, Andy Haines, Oregon. T-3688 & P.O.U. P.O.D.	1868		119	Irrigation	DeLong & Brown	Rock Creek	40 acres in NE ¹ / ₄ SE ¹ / ₄ 34 acres in NW ¹ / ₄ SE ¹ / ₄ 5 acres in SW ¹ / ₄ SE ¹ / ₄ 40 acres in SE ¹ / ₄ SE ¹ / ₄ 35 acres in SW ¹ / ₄ SE ¹ / ₄ Section 34 T. 7 S. R. 38 E. W. M.
	1882 1904		23 12	Irrigation Irrigation	Chambers	Rock Creek	
<i>456230</i> Derrick, H. C. Richland, Oregon	1893		63	Irrigation	Bowman	Powder	19 acres in NW ¹ / ₄ SW ¹ / ₄ 28 acres in SW ¹ / ₄ SW ¹ / ₄ 16 acres in SE ¹ / ₄ SW ¹ / ₄ Section 28 T. 9 S. R. 45 E. W. M.
<i>456230</i> Dodson, J. L. Baker, Oregon	1910		8	Irrigation	McCord Lateral	Powder	8 acres in NW ¹ / ₄ SW ¹ / ₄ Section 18 T. 9 S. R. 40 E. W. M.

Cancelled - Sp. or Rec. Vol. 37 p. 166
CANCELED Sp. Cr. V. 34 p. 446

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
1113 Dougherty, Claude T. Baker, Oregon	1895		19	Irrigation	Palmer Denham #2	Sutton Creek	4 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12 15 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12
0 DVA 4725 54106	1887		21	Irrigation	Dougherty #2	Sutton Creek	13 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12 8 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12
1884	1884		11	Irrigation	Palmer-Denham #1	Sutton Creek	6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12 5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12 T. 10 S. R. 40 E.W.M.
0 Douglas, E. Haines, Oregon T-3923 Ant. Rev. Pop. 3 Baker	1883 18896	4.5 1	4.5 1	Irrigation Irrigation	Toney coles, from Fisher-Long.	Rock Creek	4.5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 35 1 acre in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 35 T. 7 S. R. 38 E.W.M.
1115 Dunn, Charlie Haines, Oregon 13490 Amended - Sec Decree, Vol. 13, p. 490. Baker	1900		15	Irrigation	Sam Williams	Pine Creek	5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23 10 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23 T. 8 S. R. 38 E.W.M.
1116 Dunn, T. I. Baker, Oregon T-4563 & POW POD #11	1881 1878		27 47	Irrigation Irrigation	Dunn W. Side #1 Dunn E. Side	Beaver Creek Beaver-Creek	13 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 14 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 12 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 6 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 25 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 4 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34 T. 10 S. R. 40 E.W.M.
1117 Durkee, C. W. Baker, Oregon	1902		21	Irrigation	Durkee #1 & 2 Sec. 8 &	Springs in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 8 & SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 5	21 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5 T. 9 S. R. 39 E.W.M.
601072 48328 Dyke, Geo. P. Baker, Oregon T-3023 A POD & POW (a) T-6951 A POD	1882 May 6 1891	8 85	8 85	Irrigation	Beaver Wood-McPherson	Beaver Creek Beaver Powder	8 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17 T. 10 S. R. 40 E.W.M.
1119 East Baker Irrigation & Milling Co., by Earl F. Cranston Baker, Oregon Baker Co.	1893 1887	90 210	90 210	Irrigation	Bamberger New Home	Powder	Lots and Blocks in the City Limits of Baker not to exceed 90 acres. 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9 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 $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10 10 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 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 exceptions of the Cranston Land Co.)							
1120 Eastern Oregon Light & Power Company, by F. A. Harmon, Secy & Gen. Mgr. Baker, Oregon. (Finding #28 & 22) Baker Co. wer Claim #47	April 11 1902	13 Sec. ft.		Power	Chase Mill	Rock Creek	Place of use: Sections 32 & 33 T. 7 S. R. 38 E.W.M.

POWDER RIVER #87-

① Note: By an order of State Engineer entered May 9, 1925, an 1869 water right was transferred to:
60 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$ and
30 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9
which transfer in effect, voids a like number of acres with a 1887 priority. See correspondence in transfer file B-14.

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
1121 Ebell, Chas. Baker, Oregon. (Finding #85.) <i>Dickens Co.</i>	1891		92	Irrigation	Ebell #1	Sutton Creek	20 acres in SE1/4 NW1/4 40 acres in NE1/4 SW1/4 32 acres in SE1/4 SW1/4 Section 24 T. 10 S. R. 40 E.W.M.
	1872		114.5	Irrigation	#2,3,4,5	E. Sutton Creek	25 acres in SE1/4 SW1/4 Section 19 15 acres in NW1/4 SW1/4 25 acres in NE1/4 SW1/4 25.5 acres in SE1/4 NW1/4 24 acres in NE1/4 NW1/4 Section 30 T. 10 S. R. 41 E.W.M.
1122 Canceled Sp.Or.Rec.Vol. 47 P.124 Ebell, George Baker, Oregon	1863 1865 1874 1880 1881	Superseded by Cert. No. 68123	30 10 34.5 80 65	Irrigation	Ebell	Goodrich Creek	5.5 acres in NE1/4 SW1/4 28 acres in SW1/4 SW1/4 31 acres in SE1/4 SW1/4 40 acres in NE1/4 SW1/4 40 acres in NW1/4 SW1/4 28 acres in SW1/4 SW1/4 12 acres in SE1/4 SW1/4 Section 31 T. 8 S. R. 39 E.W.M. 9 acres in SW1/4 SW1/4 26 acres in SE1/4 SW1/4 Section 36 T. 8 S. R. 38 E.W.M. 15 acres in SE1/4 SW1/4 Section 31 T. 8 S. R. 39 E.W.M.
<i>e Supreme Court agreement on mandate dated 7-28-31 see in watermaster file 8-2-86; Powder River Front Ebell vs City of Baker See also in Adjudication File</i>	1884		15	Irrigation	Mill Creek Ditch	Mill Creek	15 acres in SE1/4 SW1/4 Section 31 T. 8 S. R. 39 E.W.M.
1123 Edens, S. W. Baker, Oregon 19638, 53213 <i>Dickens Co.</i>	1903 <i>T-4498 A POD (1)</i>		✓ 160	Irrigation	Granston Higbee	Powder	40 acres in NE1/4 NW1/4 40 acres in NW1/4 NW1/4 40 acres in SW1/4 NW1/4 40 acres in SE1/4 NW1/4 Section 23 T. 8 S. R. 40 E.W.M.
1124 Edmiston, J. L. Sumpter, Oregon <i>Baker Co.</i>	May 1908		70	Irrigation	Edmiston	Deer Creek	30 acres in NW1/4 SW1/4 40 acres in SW1/4 SW1/4 Section 8 T. 10 S. R. 38 E.W.M.
1125 Eilertson, Eilert Haines, Oregon (Finding #14) <i>Dickens Co.</i>	1905 1901		16 15	Irrigation Irrigation	Eilertson Camp Homestead Creek		2 acres in NW1/4 SW1/4 1 acre in SW1/4 SW1/4 6 acres in SW1/4 NW1/4 12 acres in NW1/4 SW1/4 10 acres in SW1/4 SW1/4 Section 18 T. 8 S. R. 38 E.W.M.
	1900	5		Mining & Storage 100 ac. ft.	Eilertson Ditch & Reservoir	Rock Creek and Rock Creek Lake	
1126 Elliott, Andrew Sumpter, Oregon <i>Baker Co.</i>	1896			Mining	Andrew Elliott	McCullough Fork	Place of use: NW1/4 NW1/4 Section 2 T. 9 S. R. 36 E.W.M.
1127 Elliott, Wm. A. Baker, Oregon (Findings #32 to 81 inc) <i>T-451 A POD Baker Co.</i>	April 1872		✓ 160	Irrigation	Andrew Elliott	Powder	40 acres in NE1/4 NW1/4 40 acres in NW1/4 NW1/4 40 acres in SE1/4 NW1/4 Section 7 T. 8 S. R. 40 E.W.M. 40 acres in NE1/4 NW1/4 Section 12 T. 8 S. R. 39 E.W.M.
1128 Emele, W. D. Baker, Oregon (Amanda C. Moore Successor in interest) (Findings #32 & 48) <i>Baker Co.</i>	1899		✓ 160	Irrigation	Baldock Slough Granston Higbee	Powder	40 acres in NE1/4 SW1/4 40 acres in NW1/4 SW1/4 40 acres in SW1/4 SW1/4 40 acres in SE1/4 SW1/4 Section 23 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
H ³⁹ Engum, Ezra Richland, Oregon <i>Baker</i>	1898		30	Irrigation	Engum	Lower Timbered Canyon	12 acres in SE ¹ NE ¹ 2 acres in NE ¹ SE ¹ Section 2 4 acres in SW ¹ NW ¹ 12 acres in NW ¹ NW ¹ Section 1 T. 10 S. R. 44 E.W.M.
H ³⁰ Engum, James Richland, Oregon <i>Baker</i>	1896		30	Irrigation	Engum	Lower Timbered Canyon	5 acres in SW ¹ NE ¹ 4 acres in NE ¹ SW ¹ 10 acres in SE ¹ SW ¹ 11 acres in NW ¹ SE ¹ Section 36 T. 9 S. R. 44 E.W.M.
H ³¹ Ensminger, J. H. Haines, Oregon (Finding #86)	1904		12	Irrigation	Chambers	Rook Creek	12 acres in NE ¹ NW ¹ Section 3 T. 8 S. R. 38 E.W.M.
H ³² Ensminger, Joseph R. Haines, Oregon <i>Baker</i>	1908		10	Irrigation	Fords Clear Creek	Clear Creek	10 acres in NW ¹ NE ¹ Section 32 T. 7 S. R. 38 E.W.M.
H ³³ Eppinger, F. W. & Eppinger, Chas. A. Baker, Oregon 76451 Δ P.O.D.	1883	✓	80	Irrigation	Eppinger Edwards Estes	Powder	40 acres in NW ¹ SW ¹ 40 acres in SW ¹ SW ¹ 40 acres in NE ¹ SW ¹ 40 acres in SE ¹ SW ¹ 40 acres in NW ¹ SE ¹ 40 acres in SW ¹ SE ¹ Section 5 T. 9 S. R. 40 E.W.M.
H ³⁴ Eppinger, F. W. Baker, Oregon 76451 Δ P.O.D.	1885	✓	80	Irrigation	#4	Powder	40 acres in NW ¹ NE ¹ 40 acres in NE ¹ NW ¹ 40 acres in NW ¹ NW ¹ 40 acres in SW ¹ NW ¹ 40 acres in SE ¹ NW ¹ Section 8 T. 9 S. R. 40 E.W.M.
H ³⁵ Erwin, John Keating, Oregon (Finding # 90) <i>Baker</i>	1876		38	Irrigation	Erwin	Tucker Creek & Suppl. supply from Powder River for 16 acres under date of 1888	20 acres in SW ¹ SW ¹ Section 9 16 acres in NW ¹ NW ¹ Section 16 2 acres in SE ¹ SE ¹ Section 8
	1888		70.5	Irrigation	P.R. Dam Ditch & Cons. Co.	Powder River	8.5 acres in SW ¹ NW ¹ Section 16 22 acres in NE ¹ NE ¹ 40 acres in SE ¹ NE ¹ Section 17 T. 8 S. R. 42 E.W.M.
H ³⁶ Erwin, J. G. Keating, Oregon <i>Baker</i>	1888		15	Irrigation	Erwin	Goose Creek	15 acres in NE ¹ SW ¹ Section 15 T. 8 S. R. 43 E.W.M.
	1890		43	Irrigation	Granston Ingram	Goose Creek	16 acres in NW ¹ NE ¹ 22 acres in SW ¹ NE ¹ 5 acres in NW ¹ SE ¹ Section 29 T. 8 S. R. 43 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
37 Evans, John D. Baker, Oregon (Findings 32 to 81 inc.) T6951 Δ P.O.D.	1865 1880	✓ ✓	80 80	Irrigation	Grier	Powder	40 acres in SW ¹ / ₄ NE ¹ / ₄ 40 acres in SW ¹ / ₄ NW ¹ / ₄ 40 acres in SE ¹ / ₄ NW ¹ / ₄ Section 9 40 acres in SE ¹ / ₄ NE ¹ / ₄ Section 8 T. 8 S. R. 40 E.W.M.
138 Evans, W. J. Bourne, Oregon (Baker Co.)	1899			Domestic	W.J. Evans Spring	W.J. Evans Spring on Mineral Street.	Lot 12, Block D. Bourne, Oregon.
139 Farley, J. W. & Farley, Rosetta A Richland, Oregon. (Finding # 103)	1891		25.5	Irrigation	Farley	Powder	3.5 acres in NW ¹ / ₄ SW ¹ / ₄ 15 acres in SW ¹ / ₄ SW ¹ / ₄ Section 18 T. 9 S. R. 45 E.W.M. 8 acres in SE ¹ / ₄ SE ¹ / ₄ Section 13 T. 9 S. R. 44 E.W.M. 5 acres in SW ¹ / ₄ SE ¹ / ₄ 2 acres in SE ¹ / ₄ SE ¹ / ₄ Section 13 T. 9 S. R. 44 E.W.M. 5 acres in SE ¹ / ₄ NW ¹ / ₄ 6 acres in NE ¹ / ₄ SW ¹ / ₄ 12.5 acres in NW ¹ / ₄ SW ¹ / ₄ Section 18 3.5 acres in NW ¹ / ₄ NW ¹ / ₄ Section 19 T. 9 S. R. 45 E.W.M.
	1888		34	Irrigation	Healy	Powder	5 acres in SW ¹ / ₄ SE ¹ / ₄ 2 acres in SE ¹ / ₄ SE ¹ / ₄ Section 13 T. 9 S. R. 44 E.W.M. 5 acres in SE ¹ / ₄ NW ¹ / ₄ 6 acres in NE ¹ / ₄ SW ¹ / ₄ 12.5 acres in NW ¹ / ₄ SW ¹ / ₄ Section 18 3.5 acres in NW ¹ / ₄ NW ¹ / ₄ Section 19 T. 9 S. R. 45 E.W.M.
Favorite, A.M. & Favorite, O. L. Haines, Oregon T 6995 Δ P.O.D.	1893		65	Irrigation	Owens	Rock Creek	40 acres in NE ¹ / ₄ SE ¹ / ₄ 25 acres in SE ¹ / ₄ SE ¹ / ₄ 40 acres in NW ¹ / ₄ SE ¹ / ₄ Section 36 T. 7 S. R. 38 E.W.M.
3386 Favorite, E. L. Exec. of est. of D. Favorite, deceased. Heirs: M.M. Favorite O.L. Favorite A.M. Favorite Lillie Favorite E.L. Favorite Haines, Oregon (Baker Co.)	Aug. 28 1880		108	Irrigation	Favorite	Rock Creek	19.5 acres in SW ¹ / ₄ NE ¹ / ₄ 40 acres in SW ¹ / ₄ NW ¹ / ₄ 8.5 acres in SE ¹ / ₄ NW ¹ / ₄ 40 acres in NW ¹ / ₄ SW ¹ / ₄ Section 5 T. 8 S. R. 39 E.W.M. 37.5 acres in NE ¹ / ₄ NE ¹ / ₄ Section 7 9.8 acres in SW ¹ / ₄ SW ¹ / ₄ Section 5 T. 8 S. R. 39 E.W.M.
Superceded by Cert. No. 33386 T-3925 R-T P.O.D.			47.3	Irrigation	Wilcox-Favorite	Willow Creek	37.5 acres in NE ¹ / ₄ NE ¹ / ₄ Section 7 9.8 acres in SW ¹ / ₄ SW ¹ / ₄ Section 5 T. 8 S. R. 39 E.W.M.
Partial Canceled-sp. or Rec. Vol. 15 P. 272							
Favorite, E. L. Haines, Oregon (Baker Co.)	1896		7.5	Irrigation	Phillips	Willow Creek	4.5 acres in SW ¹ / ₄ NE ¹ / ₄ 3 acres in SE ¹ / ₄ NE ¹ / ₄ 30 acres in SW ¹ / ₄ NE ¹ / ₄ 35 acres in SE ¹ / ₄ NE ¹ / ₄ Section 36 T. 7 S. R. 38 E.W.M.
	June 1874 1884		13 52	Irrigation Irrigation	Favorite Favorite	Rock Creek Rock Creek	30 acres in SW ¹ / ₄ NE ¹ / ₄ 35 acres in SE ¹ / ₄ NE ¹ / ₄ Section 36 T. 7 S. R. 38 E.W.M.
Favorite, O. L. Haines, Oregon (Baker Co.)	1908			Storage 1 ac. ft.	Stock Reservoir	Rock Creek & Spring on Favorite land.	Reservoir located in SW ¹ / ₄ NE ¹ / ₄ and SE ¹ / ₄ NE ¹ / ₄ Section 5 T. 8 S. R. 39 E.W.M.
384							
Ferguson, Meda V. Los Angeles, Calif. By W.L. Patterson (Baker Co.)	1864		160	Irrigation	Estes	Powder	40 acres in NE ¹ / ₄ NW ¹ / ₄ 40 acres in SE ¹ / ₄ NW ¹ / ₄ 40 acres in SW ¹ / ₄ NW ¹ / ₄ 40 acres in NW ¹ / ₄ NW ¹ / ₄ Section 30 T. 8 S. R. 40 E.W.M.
385 Bernald, Walter Baker, Oregon (Baker Co.)	1893		80	Irrigation	Taggart	Powder	40 acres in SW ¹ / ₄ SE ¹ / ₄ 40 acres in SE ¹ / ₄ SE ¹ / ₄ Section 16 T. 8 S. R. 40 E.W.M.
386 Fick, Heinrich Baker, Oregon Co. (Baker Co.)	1903		3 sec. feet	Placer Mining		Dennay Creek	Place of use: SE ¹ / ₄ NW ¹ / ₄ and NE ¹ / ₄ SW ¹ / ₄

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
Fick, Henrich							Section 2 T. 11 S. R. 39 E.W.M.
1147 Fidler, A.A. Haines, Oregon <i>Baker Co.</i>	1865		36	Irrigation	Haines	Rock & Fish Creeks	30 acres in NW1/4 NE1/4 6 acres in SW1/4 NE1/4 Section 33 T. 7 S. R. 39 E.W.M.
1148 First National Bank. Baker, Oregon by E.R. Parker <i>79001 Baker Co. Δ P60</i>	Dec.7 1880 1886		79 172	Irrigation	Basche Duncan	Powder	30 acres in NW1/4 NW1/4 10 acres in SW1/4 NW1/4 40 acres in SE1/4 NW1/4 30 acres in NE1/4 SW1/4 21 acres in SE1/4 SW1/4 40 acres in NW1/4 SE1/4 40 acres in SW1/4 SE1/4 40 acres in SE1/4 SE1/4 Section 2 T. 8 S. R. 41 E.W.M.
1149 Fisher, Ben Haines, Oregon <i>Baker Co.</i>	1869	.54	69	Irrigation & Power	Basche-Duncan	Warm Springs	38 acres in SW1/4 SE1/4 Section 3 31 acres in NW1/4 NE1/4 Section 10 T. 7 S. R. 38 E.W.M. Note: 64 acres of above land is under Bulgar Ditch Decreed in North Powder River adjudication.
68423 Fisher, H.K. Haines, Oregon (Findings #12,14,21 & 23) <i>Baker Co.</i> <i>TL900 add P60 V49 P32</i>	1879 1880		120 80	Irrigation	J.K.Fisher & A. Long Maxwell	Rock Creek Rock Creek	40 acres in SW1/4 SW1/4 Section 24 40 acres in NW1/4 NW1/4 40 acres in SW1/4 NW1/4 40 acres in NE1/4 NW1/4 Section 25 40 acres in SE1/4 SW1/4 Section 24
Fisher, H. K. (continued)	1872		160	Irrigation	H.K. Fisher & A. Long	Rock Creek	40 acres in SW1/4 NW1/4 40 acres in SE1/4 NW1/4 40 acres in NE1/4 SW1/4 40 acres in NW1/4 SW1/4 Section 26 T. 7 S. R. 38 E.W.M.
63710 Fisher, J. K. Haines, Oregon <i>U.S. 1513 Baker Co.</i>	1879		200	Irrigation	J. K. Fisher & Long	Rock Creek & Killamague Reservation	40 acres in SW1/4 NE1/4 40 acres in SE1/4 NE1/4 40 acres in NE1/4 SE1/4 40 acres in NW1/4 SE1/4 40 acres in SW1/4 SE1/4 Section 26 T. 7 S. R. 38 E.W.M.
Additional P.O.D. T-6284							385 <i>Isabelle Fisher</i>
1152 Fisher, W. H. Salem, Oregon <i>Baker Co.</i>	1892		136	Irrigation	Tibbs	Powder	22.5 acres in SE1/4 SE1/4 Section 12 40 acres in NE1/4 NE1/4 Section 13 T. 10 S. R. 37 E.W.M. 33.5 acres in NW1/4 NW1/4 40 acres in SW1/4 NW1/4 Section 18 T. 10 S. R. 38 E.W.M.
1153 Elsener, C. O. Baker, Oregon <i>Baker Co.</i>	1904		80	Irrigation		Powder	40 acres in NE1/4 NW1/4 40 acres in NW1/4 NW1/4 Section 34 T. 9 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
CANCELED Spec. Or. V. 43 p. 120 Fleener, M. T. Baker, Oregon	May 1902	✓	160	Irrigation	Geddes	Powder	40 acres in NE 1/4 SW 1/4 40 acres in NW 1/4 SW 1/4 40 acres in SW 1/4 SW 1/4 40 acres in SE 1/4 SW 1/4 Section 27 T. 8 S. R. 40 E.W.M.
Fosnot, J. M. Baker, Oregon	1901		22	Irrigation	Nelson & Bear Creek	Goodrich & Bear Creek	22 acres in SE 1/4 SW 1/4 Section 36 T. 8 S. R. 38 E.W.M.
Gale, Albin & Coffee, Wm., Baker, Oregon	Mar. 18 1891		18	Irrigation	Rohner	Ritter Creek	6 acres in SW 1/4 NE 1/4 6 acres in SE 1/4 NW 1/4 6 acres in NW 1/4 NE 1/4 Section 23 T. 9 S. R. 42 E.W.M.
Gale, Albin Baker, Oregon	Mar. 26 1900		16	Irrigation	Deal	Ritter Creek	4 acres in SE 1/4 NE 1/4 Section 25 11 acres in NE 1/4 NE 1/4 1 acre in NE 1/4 SE 1/4 Section 35 T. 9 S. R. 42 E.W.M.
Garbutt, L. J. & Phila H. Garbutt Baker, Oregon	1904	✓	6	Irrigation	New Home	Powder	1 acre in SW 1/4 NE 1/4 5 acres in SE 1/4 NE 1/4 Section 9 T. 9 S. R. 40 E.W.M.
Gard, Amos Baker, Oregon Findings #20) * 3023 & P. 6 p. 100	Jan. 21 1873 1889 1898		12 26.6 7	Irrigation	Gard #1 & 2	Beaver Creek	6.5 acres in NE 1/4 SW 1/4 17.9 acres in NE 1/4 SE 1/4 19.2 acres in NW 1/4 SE 1/4 Section 17 T. 10 S. R. 40 E.W.M.
Gard, Z. S. Baker, Oregon	1907		29	Irrigation	Garden Reservoir	Waldo Springs & E. Waldo Spring	11 acres in NW 1/4 NW 1/4 10 acres in SW 1/4 NW 1/4 Section 33 4 acres in NE 1/4 NE 1/4 Section 32 4 acres in SE 1/4 NE 1/4 Section 29 T. 10 S. R. 40 E.W.M.
Gardner, G. F. Baker, Oregon (Finding #13 & 27)	1888		158	Irrigation	McEwen Griffin	Powder	38 acres in NE 1/4 SE 1/4 Section 20 40 acres in NW 1/4 SW 1/4 40 acres in SW 1/4 SW 1/4 Section 18 40 acres in NW 1/4 NW 1/4 Section 19 T. 10 S. R. 38 E.W.M.
	1882		100	Irrigation	Jones-Cook	Deer Creek	40 acres in SE 1/4 SE 1/4 Section 17 40 acres in NE 1/4 NE 1/4 40 acres in SE 1/4 NE 1/4 Section 20 T. 10 S. R. 38 E.W.M.
	1864		21.5	Irrigation	Gardner #1	Washington Gulch	5 acres in NE 1/4 NE 1/4 Section 15 2 acres in NE 1/4 SE 1/4 14.5 acres in SE 1/4 SE 1/4 Section 10

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
Gardner, G. F. (continued)	1867		40.5	Irrigation	Gardner #2	Washington Gulch	25.5 acres in NW 1/4 SW 1/4 8.5 acres in SW 1/4 SW 1/4 Section 11 6.5 acres in NE 1/4 NE 1/4 Section 15
	1896		21	Irrigation	Gardner #3	Washington Gulch	1.3 acres in SE 1/4 SE 1/4 Section 10 19.7 acres in NE 1/4 NE 1/4 Section 15 T. 9 S. R. 39 E.W.M.
<i>H161</i> Gardner, Mary S & Edna B. Stuchell Baker, Oregon (Finding #13, 15, 27)	1875		75	Irrigation	Gardner	Washington Gulch	37.5 acres in NW 1/4 NE 1/4 37.5 acres in NE 1/4 NE 1/4 Section 11 T. 9 S. R. 39 E.W.M.
<i>H163</i> Gardner, Stephen Medical Springs, Oregon	1882		5	Irrigation	Gardner #3	Big Creek	5 acres in SE 1/4 SE 1/4 0.5 acres in NE 1/4 SE 1/4
	1873		19	Irrigation	#1, 2, 4,	Big Creek	9 acres in NW 1/4 SE 1/4 1.5 acres in SW 1/4 SE 1/4 5 acres in SE 1/4 SE 1/4 Section 31 3 acres in SW 1/4 SW 1/4 Section 32 T. 6 S. R. 42 E.W.M.
<i>H164</i> Garren, E.W. Davis Creek, Calif.	1883		50	Irrigation	E.W. Garren	David Creek	40 acres in NE 1/4 SW 1/4
	1890		30		Thro Old	Creek	40 acres in NW 1/4 SW 1/4
	1896		80		Settlers Slough		40 acres in SW 1/4 SW 1/4 40 acres in SE 1/4 SW 1/4 Section 7 T. 9 S. R. 40 E.W.M.
<i>H165</i> Garrett, Richard M Baker, Oregon	May 27 1902		20	Irrigation	Antelope	Antelope	20 acres in NW 1/4 NE 1/4 Section 31 T. 10 S. R. 40 E.W.M.
<i>H166</i> Geddes, Frank Baker, Oregon T6951 Δ P.O.D.	1903 (1) T. - 7997 Δ P.O.D.	✓ 160	160	Irrigation	Cranston Highbee	Powder	40 acres in NE 1/4 SE 1/4 (1) - 70 40 acres in SE 1/4 SE 1/4 (1) - 30.1 Section 22 40 acres in NW 1/4 SW 1/4 (1) - 70 40 acres in SW 1/4 SW 1/4 (1) - 70 Section 23 T. 8 S. R. 40 E.W.M.
<i>H167</i> Geddes, J.A. & Wm. Pollman Baker, Oregon (Finding #32 & 47) T6951 Δ P.O.D.	1895 1902	✓ 10 ✓ 40	10 40	Irrigation	Dams in Powder River Baldock & other sloughs	Powder	10 acres in NE 1/4 NE 1/4 Section 16 T. 9 S. R. 40 E.W.M. 40 acres in SE 1/4 SW 1/4 Section 23 T. 8 S. R. 40 E.W.M.
1866	1865	✓ 427	427	Irrigation	Dams in Powder River Baldock & other sloughs	Powder	14 acres in SE 1/4 NE 1/4 7.6 acres in NE 1/4 SW 1/4 33 acres in SE 1/4 SW 1/4 40 acres in NE 1/4 SE 1/4 31.6 acres in NW 1/4 SE 1/4 40 acres in SW 1/4 SE 1/4 40 acres in SE 1/4 SE 1/4 Section 1 40 acres in NW 1/4 NE 1/4 40 acres in NE 1/4 NW 1/4 Section 12 T. 8 S. R. 39 E.W.M. 36 acres in SW 1/4 NW 1/4 24.8 acres in SE 1/4 NW 1/4 40 acres in NE 1/4 SW 1/4 40 acres in NW 1/4 SW 1/4 Section 6

Notary Public for
My Commission Expires
Baker County, OR

Post To

51 15 000

83930

AMENDED MEMORANDUM OF SALE

900
5-32

KNOW ALL MEN BY THESE PRESENTS, that Howell Enterprises, a partnership consisting of Joseph O. Rudi and Sharon A. Rudi, and Fury Eugene Tenace and Linda Tenace, husband and wife, have agreed to sell to Robert Nickerson and Ellen Nickerson, husband and wife, the following described real property, situate in Baker County, Oregon:

In Twp. 8 S., R. 39 E., W.M.:
Section 30: S 1/2 NW 1/4, SW 1/4 NE 1/4.

THIS INSTRUMENT DOES NOT GUARANTEE THAT ANY PARTICULAR USE MAY BE MADE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT. A BUYER SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

by Addendum to Contract of Sale dated the 15th day of October, 1986. The total consideration as amended is \$185,623.58.

Until otherwise requested send tax statements to Robert and Helen Nickerson.

<u>Fury Eugene Tenace</u>	Howell Enterprises
<u>Linda Tenace</u>	<u>Joseph O. Rudi</u>
	<u>Sharon A. Rudi</u>

STATE OF Oregon
County of Baker

The foregoing instrument was acknowledged before me this 15 day of November, 1986, by Fury Eugene Tenace and Linda Tenace, Sellers.

Mary O. Hulse
Notary Public for Oregon
My Commission Expires: 4-21-87

STATE OF OREGON
County of Baker

The foregoing instrument was acknowledged before me this 15 day of November, 1986, by Joseph O. Rudi and Sharon A. Rudi, Sellers.

Mary O. Hulse
Notary Public for Oregon
My Commission Expires: 4-21-87

Cland 13/1987
JAN WOODS, Clerk, Baker County, OR

A F F I D A V I T

We, Robert L. and Ellen M. Nickerson, of Rt. 1 Box 133C, Baker City, OR, 97814, being first duly sworn, hereby depose and say that we are the legal owners of the property described by the deed and legal description attached and made a part hereto, and the water right that is appurtenant to said land; that the water right is recorded as Certificate No. 4294, under dates of priority of 1880, 1888, and 1902 for the use of water from Powder River and Pine Creek for the purposes of irrigation, domestic and stock; that we have abandoned any and all interest in the use of the waters of Powder River and request that said portion of the right be canceled that is appurtenant to our land. This affidavit does not affect the portion of the right from Pine Creek.

IN WITNESS WHEREOF, we hereunto set our hands this 3rd day of July, 1991.

Robert L. Nickerson
Signature of Legal Owner

Ellen M. Nickerson
Signature of Co-owner

Subscribe and sworn to before me this 3rd day of July, 1991.



Mary Jo Grove
Notary Public of Oregon
My Commission Expires 4/21/95