

STATE OF OREGON

~~WATER~~-DIVISION-No. 1, COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT.

THIS IS TO CERTIFY that CHEWACAN LAND AND CATTLE COMPANY, a corporation organized and existing under the laws of the State of California, whose post office address is Room Number 910 American National Bank Building, San Francisco, California, has a right to the use of the waters of Chewacan River and its tributaries, (a tributary of Lake Abert) for the purposes of irrigation, watering livestock and domestic use; that said right has been confirmed by decree of the Circuit Court of the State of Oregon in and for Lake County, and the said decree entered of record at Salem in the Order Record of the STATE WATER BOARD of Oregon, in Volume 4, at Page 1; that (except as and to the extent hereinafter otherwise declared) the priority of the right hereby confirmed dates from 1885; that the amount of water to which such right is entitled and hereby confirmed for the purposes aforesaid is, by the terms of said Decree, limited so that it shall not exceed

- (1) as respects water for irrigation, an aggregate quantity of water in each irrigation season (being the period in each year commencing January 1st and ending July 15th, both dates included) equivalent in the aggregate to 3.9 acre feet per acre for each acre included in the lands here below described, such water to be diverted at a rate not exceeding that which will represent a flow of $1/25$ of one cubic foot per second of time per acre for the number of acres contained in the lands here below described; and
- (2) as respects water for livestock and domestic purposes, such quantity of water (to be additional to that specified in the preceding subdivision (1) hereof), to be used by said Chewacan Land and Cattle Company and other owners of lands entitled to divert water through Small's Creek, as shall be sufficient for such purposes and to prevent complete freezing, not however to exceed in the aggregate a flow of eight cubic feet per second of time during the period between the 15th day of October of one year and the 6th day of March of the succeeding year, and not to exceed in the aggregate a flow of 4 cubic feet per second of time during the period between September 15th and October 15th of each year.

That as between the following named persons and their respective successors in interest, namely: Chewacan Land and Cattle Company, a corporation, Fred T. Elsey Wm. H. Hotchkiss, Christina Schmidt and William Schmidt, E. S. McDonald and J. B. Elder, A. C. Hotchkiss, Frances J. Snider and Anna F. Jones as executrices of the last will and testament of George M. Jones, deceased, W. Y. Miller, Brattain Bros., a corporation, John O'Callaghan and Dennis O'Callaghan, copartners doing business under the name of O'Callaghan Bros., C. E. Campbell, H. A. Brattain, P. J. Brattain and Mrs. C.N.Brattain-Small, H. A. Brattain, Fred Weidey, Anton Egli, Florence Jones, Cynthia I. McCall, W. B. Parker, W. M. Dobkins, Harriet L. Random, M. C. Currier, M. H. Lauritzen, E. S. McDonald, and J. B. Elder, copartners doing business under the name of McDonald & Elder, and Annie Moss,

- (a) the rights of said persons respectively to divert and use waters of the Chewacan River for domestic and stock purposes shall have equal priority and apriority as of the year 1878;
- (b) the right of Brattain Bros., a corporation, to use the waters of said river, diverted through Bagley Ditch for the irrigation of 676 acres described in the Proof of Claim numbered 13 which is referred to in said Decree, is prior in time and right to any right of Chewacan Land and Cattle Company or of William H. Hotchkiss to divert water for the irrigation of any land owned by either of said parties at the date of said Decree; and
- (c) as between William H. Hotchkiss and all persons owning any land in the Upper or Lower Chewacan Marshes (including Chewacan Land and Cattle Company), the right of said William H. Hotchkiss to use waters for the irrigation of any lands irrigated by him from said Chewacan River below said Chewacan Marshes is subordinate in time and right to the rights of each of the owners of lands in said Marshes to divert and use waters in said River for the irrigation of their said lands;

A description of the lands irrigated under such rights and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, (which lands contain an aggregate of 143.1 acres) is as follows:

MAIN DIVERSION AND
APPURTENANT WORKS:

ACREAGE

DESCRIPTION OF LAND

Small's Creek, Jones Ditch and Jones Levee,	143.1	13 acres in NE $\frac{1}{2}$ SW $\frac{1}{4}$ 7 acres in NW $\frac{1}{2}$ SW $\frac{1}{4}$ 25 acres in SW $\frac{1}{2}$ SW $\frac{1}{4}$ 14.5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 14 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 20.6 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 14.6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ 24.9 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 32 8.5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 1 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 33 Tp 33 S. R. 19 E. W. M.
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The right to the use of the water aforesaid and hereby confirmed is restricted to the lands or place of use herein described; but nothing herein contained shall prevent the use by Chewacan Land and Cattle Company of the ditches, water courses or works herein mentioned for the purposes of diverting through the same, water which it may be entitled to divert and use upon other lands than those hereinabove described.

By the terms of said Decree, provision is made respecting the manner in which and the conditions upon which persons who, after the date of said Decree, shall acquire a right to divert or store any surplus waters of said river at a point or points above the lands of said Chewacan Land and Cattle Company situate in the Upper or Lower Chewacan Marshes, may so divert or store such water, and for the manner in which and the conditions under which the water diverted or used by said Chewacan Land and Cattle Company upon the lands herein described shall be measured and charged against the quantity of water which it is entitled to use upon said lands. For a more particular specification of the provisions of said Decree and of the rights of said Chewacan Land and Cattle Company to and in respect of the use of the waters of said Chewacan River and its tributaries upon the lands herein above described, reference is hereby made to said Decree and to the Order of Determination of the State Water Board, as modified by said Decree, heretofore entered in that certain proceeding before said Water Board and before said Circuit Court, entitled "In the Matter of the Determination of the Relative Rights to the use of the Waters of the Chewacan River and its Tributaries, a tributary of Lake Abert." And the rights herein described shall be subject to all other conditions and limitations contained in said decree.

WITNESS the seal and signature of the State Water Board affixed
this 26th day of October, 1920.

S T A T E W A T E R B O A R D

By P E R C Y A . C U P P E R ,

(SEAL OF STATE WATER BOARD)

S T A T E E N G I N E E R , P R E S I D E N T .

Attest:

R. W. POTTER,

Secretary.