

BEFORE THE STATE ENGINEER OF THE STATE OF OREGON

LAKE COUNTY

IN THE MATTER OF THE DETERMINATION OF THE)
RELATIVE RIGHTS TO THE USE OF THE WATERS) FINDINGS AND ORDER
OF BUCK CREEK, AND ITS TRIBUTARIES, A TRIB-) OF
UTARY OF SILVER LAKE.) DETERMINATION.

Now at this time the above entitled matter coming on for consideration by the State Engineer, and it appearing that all evidence and testimony has been taken in the above entitled proceeding, and the State Engineer having carefully considered all of such evidence and testimony, and the engineering data and information gathered in accordance with law, and being now fully advised in the premises, makes and orders to be entered of record in his office the following:

FINDINGS AND ORDER OF DETERMINATION

1.

That on the 2d day of May, 1921, there was filed in the office of the State Water Board (now State Engineer) an order of the Circuit Court of the State of Oregon for Lake County, dated April 14, 1921, in the case of Louise Adams, plaintiff, vs. E. G. Graves and Chas. Pitcher, defendants, directing that said cause be referred to the State Water Board for the purpose of adjudicating the relative rights of all water users from Buck Creek and its tributaries. That the State Water Board thereupon entered an order directing that such determination be made and that the State Engineer proceed to make the necessary survey and examinations, as provided by law, and that the State Water Superintendent proceed to take such evidence and testimony as would enable the Board to determine the relative rights of the various claimants to the waters of Buck Creek and its tributaries.

2.

That a notice was prepared by said Board setting forth the date when the State Engineer, or his assistants, would begin the investigation of the flow of said Buck Creek and its tributaries, and the ditches diverting water therefrom, and said notice was published in two issues of the Silver Lake Leader, a newspaper published weekly at Silver Lake, Lake County, Oregon, and of general circulation in said county; said two issues being those of May 11th and 18th, 1922, and the date of the last publication of said notice being more than thirty (30) days prior to the date fixed for the beginning of the measurements of said stream by the State Engineer.

3.

That on the 22d day of May, 1922, the State Water Superintendent did send, by registered mail, to each person, firm or corporation, who or which might be interested

in the determination of rights to the use of the waters of said stream and its tributaries, insofar as names of said parties could be reasonably ascertained, a notice similar to such published notice, setting forth the date when the State Engineer or his assistants would commence the examination of said stream and its tributaries.

4.

That the time when the said State Engineer or his assistants should begin the examination of said stream, and its tributaries, was set for Monday, the 26th day of June, 1922. That at the time so specified, duly qualified assistants of the State Engineer did proceed to make an examination of said stream and its tributaries, and of the ditches and canals diverting water therefrom, and of the land irrigated by the waters of said stream or its tributaries, which observations and measurements were reduced to writing and made a matter of record in his office. And the State Engineer did cause to be prepared a set of maps or plats, on a scale of measurements of four inches to the mile, showing with substantial accuracy the course of said stream and its tributaries, the location of the various ditches diverting water therefrom, and the number of acres of land which had been irrigated in each legal subdivision; blue prints of said maps and plats being now on file and a part of the record herein.

5.

That after said examination and measurements were completed, a notice was prepared by said Board setting a time and place certain when the State Water Superintendent would begin the taking of testimony as to the relative rights of the various claimants to the use of the waters of said stream, and said notice was published in two issues of the Silver Lake Leader, a newspaper published weekly at Silver Lake, Lake County, Oregon, and of general circulation in said county; said two issues being those of March 29th and April 5th, 1923, and the date of the last publication of said notice being more than thirty (30) days prior to the date fixed for the beginning of the taking of testimony by the State Water Superintendent.

6.

That on the 3d day of April, 1923, the State Water Superintendent did send by registered mail to each person, firm, or corporation claiming a right to the waters of said stream, or any tributary thereof, and to each person, firm or corporation owning or being in possession of land bordering on or having access to said stream, or its tributaries, insofar as the names of said claimants, owners, firms or corporations could be reasonably ascertained, a notice similar to such published notice, setting forth a time and place when the State Water Superintendent would commence the taking of testimony as to the relative rights of the various claimants to the waters of said stream, or its tributaries. And said Superintendent did enclose with each of said notices a blank

form upon which said claimant or person in possession could present in writing all the particulars necessary for the determination of his rights to the waters of said stream, under oath.

7.

That due proof of the publication of said notices and of the sending of said notices by registered mail has been made and is duly filed as a part of the record herein.

8.

That the times and places when and where the said State Water Superintendent or his duly authorized assistant should attend and take the testimony of the various claimants, were fixed as follows, to-wit:

On Monday and Tuesday, the 7th and 8th days of May, 1923, at the Chrisman Hotel, at Silver Lake, Lake County, Oregon.

And for a period of fifteen (15) days, beginning on Monday, May 14th, 1923, at the office of the State Engineer in the Capitol Building at Salem, Oregon.

That during the period so specified in said notice for the taking of testimony and statements and proofs of claims, claims to the use of the waters of said stream or its tributaries, were filed by the following parties, to-wit:

Adams, Louise, 864 E. 67th St. N. Portland, Oregon.
Burnett, Belle Apt. 14, 923 E. John St., Seattle, Wash.
Cain, Lenore G., County Farm, Troutdale, Oregon.
Chewacan Land & Cattle Co., N.W. Bank Bldg., Portland, Oregon.
Coshow, W. L., Silver Lake, Oregon.
Deadmond, Blueford J., Silver Lake, Oregon.
Dobkins, Florence, Silver Lake, Oregon.
Emery, E. A., Silver Lake, Oregon. and Emery, George, Silver Lake, Ore.
Freeman, Isa M., Silver Lake, Oregon.
Goodell, Katharine M., Hobson, Mont. & Hoy, Joseph A., Bozeman, Mont.
By L. F. Conn, Atty., Lakeview, Oregon.
Graves, E. G., Silver Lake, Oregon.
Green, F. M., New Pine Creek, Oregon.
Heffer, B., Silver Lake, Oregon.
Howard, Charley B., Silver Lake, Oregon.
Jones, P. W., Silver Lake, Oregon.
Kittredge, Walter, 309 Scenic Drive, Ashland, Oregon.
Iane, Martha S., Bernice, W. G. & J. H., Silver Lake, Oregon.
McKune, C. E., Silver Lake, Oregon.
Peterson, H. N., by P. A. Gruber, Portland, Oregon.
Pitcher, Robert C., Silver Lake, Oregon.
Porter, Frank, Eston & Carl (heirs of S.A. D. Porter) Cottage Grove, Ore.

9.

That the following named persons were duly notified by registered mail and by publication of said notice as hereinbefore set forth, and that each of them, although so notified, has failed, neglected and refused to appear herein and submit proof of a right to the use of the waters of said stream or its tributaries, if any they have or claim, and that such parties are in default, and that such default is here and now entered against them, and each of them, and said parties are hereby enjoined and inhibited from using or asserting any rights to the use of the waters of said stream,

or any tributary thereof, except by, through or under the rights of the persons whose water rights are defined herein, or under and by virtue of permits issued by the

State Engineer:

Adams, H. 1075 E. 23d St., Portland, Oregon.
Bank of Lakeview, Lakeview, Oregon
Boss, Frank A., Silver Lake, Oregon
Brewer, E. B., Silver Lake, Oregon
Brooks-Scanlon Lumber Co., Bend, Oregon
Brown, Wm. L. 2808 W. 27th Ave., Denver, Colo.
Buick, C. D., Myrtle Creek, Oregon
Buick, Mrs. C. O., Silver Lake, Oregon
Buick, Emma L., care of D.D. Buick, Myrtle Creek, Ore.
Chrisman, Est. of P. care of F.M. Chrisman, Silver Lake Ore.
Cliff, J. L., Silver Lake, Oregon.
Corum, J.D., Silver Lake, Oregon
Deadman, Riley B., Silver Lake, Oregon
Dotson, Dave, Silver Lake, Oregon.
Ebert, Geo. H. 316 Ferry Bldg., Duluth, Minn.
Egli, Henry, Silver Lake, Oregon.
Egli & Gowdy, Silver Lake, Oregon.
Freeman, James L., Silver Lake, Oregon
Freemont Lane Co., care of J.D. Venator, Lakeview, Ore.
Gamble, Harry E., Medford, Oregon.
German, Fred W. Chamber of Com. Bldg., Portland, Ore.
Girton, Lawrence O., Silver Lake, Oregon.
Gowdy, Anna C., Silver Lake, Oregon.
Graham, Claude R. Paisley, Oregon
Graham, Clyde R., Paisley, Oregon
Graham, Geo. C., Paisley, Oregon
Griffity, C. E. 1063 Mallory Ave., Portland, Ore.
Hamilton, C. L. Silver Lake, Oregon
Hammon, Elizabeth, 1207 NW Bk Bldg., Portland, Ore.
Harrison, Vivian, Silver Lake, Oregon
Harp, James M. Silver Lake, Oregon
Hayes, James M., Silver Lake, Oregon
Henderson, E.K. Silver Lake, Oregon
Hill, Vida R., Silver Lake, Oregon
Kelly, D.C. care of Eva Harrison, Motor Route "A"
Box 33, San Bernardino, Calif.
La Brie, Mrs. T. J., Silver Lake, Oregon
La Brie, T.L., Silver Lake, Oregon.
Lewis, Mrs. E. D., Silver Lake, Oregon.
Lewis, Albert W., Silver Lake, Oregon.
Lewis, James L., Silver Lake, Oregon.
Lewis, Lucine A., Silver Lake, Oregon.
Linebaugh, H. D., Silver Lake, Ore.
Lutz, E.D., Silver Lake, Ore.
Mack, Einar, Silver Lake, Ore.
McCall, Claude, Stanfield, Ore.
Mills, Benj. F., 711-4th St., Portland, Ore.
Norrell, Est. of Geo. E., Ft. Rock, Ore.
O'Kelly, Mary E. Silver Lake, Ore.
Osmundson, Oliver, Silver Lake, Ore.
Owsley, Mrs. M. L., Silver Lake, Ore.
Owsley, W. B., Silver Lake, Ore.
Peterson, Peter, Silver Lake, Ore.
Pitcher, Chas. W., Silver Lake, Ore.
Pritcher, C.W., Silver Lake, Ore.
Reeder, James, Silver Lake, Ore.
Sanders, E.G., Redmond, Ore.
Schroeder, A. B., Silver Lake, Ore.
Schroeder, Ida M., Silver Lake, Ore.
Shelby, Henry A., Silver Lake, Ore.
Shroder, A.B., Silver Lake, Ore.
Shroder, Ida M., Silver Lake, Ore.
Small, Earl & Lora, Silver Lake, Ore.
Small, J. M., Summer Lake, Ore.
Stafford, James F., 289 E. 28th St., N
Portland, Oregon.
Stratton, Mrs. August, Silver Lake, Ore.
Sutherland, Wm. L., Silver Lake, Ore.
Thompson, Enoch, Summer Lake, Ore.
U.R. Land & L. Co., Silver Lake, Ore.
Van Dorn, Ben, Silver Lake, Ore.
Ward, Royal C., Bend, Ore.
Wescott, Sammel B., Silver Lake, Ore.
Wells, James, Silver Lake, Ore.
West, D.M., Eagleville, Calif.
West, W.D., care of Mrs. Lora M. West,
Medford, Oregon.
Weydrahaeser Timber Co., Tacoma, Wash.
Whitney, Est., of E.E., care of C.E. Clayton,
Lyons Bldg., Seattle, Wash.
Williams, Ed. G. R#1. Box 19, Culdersac, Idaho
Williams, Homer, Wapato, Wash.
Yingling, Eva., Bend, Oregon
Yoder, John H., Oregon City, Oregon
Yoder, Levi J., Oregon City, Oregon

10.

That after the period fixed for the filing of proofs of claim, as aforesaid, had expired, the office of the State Water Board was abolished by law and its duties were thereafter performed by the State Engineer.

That upon the completion of the taking of such testimony and claims, the State Engineer did on the 22d day of August, 1923, give notice by registered mail to each of the various claimants to the use of the waters of said stream, or its tributaries, that at the times and places named in the said notice, to-wit:

For a period of 11 days beginning with Tuesday, September 4, 1923, and ending with Saturday, September 15, 1923, (Sunday excepted) at the office of the State Engineer, in the Capitol Building at Salem, Oregon;

On Tuesday and Wednesday, September 18, and 19, 1923, at the City Hall at Silver Lake, Lake County, Oregon.

On Friday and Saturday, September 21 and 22, 1923, at the Court House at Lakeview, Lake County, Oregon;

the testimony and proofs of claim would be open to public inspection by the various claimants or owners. That a duly authorized representative of said State Engineer did, in accordance with said notice, keep said evidence and claims open to inspection at the times and places aforesaid.

That said notice did also state therein the county in which the determination of the State Engineer in said matter would be heard by the Circuit Court of the State of Oregon, to-wit: The County of Lake.

That due proof of the sending of said notice by registered mail, and the holding of said inspection, has been made and filed as a part of the record herein.

11.

That within the time fixed by law therefor, the following contests were initiated by the filing with said State Engineer of notices of contest in writing:

Contest #1. Florence Dobkins, et al. vs. Louise Adams, et al.

Contest #2. E. G. Graves & Walter Kittredge vs. E.A. Emery, et al.

Contest #3. E. G. Graves & Walter Kittredge vs. Louise Adams & H. N. Peterson.

Contest #4. E. G. Graves & Walter Kittredge vs. Chewacan Land & Cattle Co., a corporation.

That after the filing of said statements of contest, the State Engineer did fix a time and place for the hearing of each of said contests, and did on the 12th day of March, 1924, serve notice of hearing of said contests on each of the parties to said contests, the date fixed for hearing being more than thirty(30) days and less than sixty(60) days from the date the notice of hearing was served upon said parties. That due proof of serving of said notices has been made and filed as a part of the record herein.

That upon the date as fixed for said hearing, to-wit: April 21, 1924, at the hour of ten o'clock am., in the Circuit Court Room of the County Court House at Lakeview, Lake County, Oregon, the taking of testimony upon said contests was commenced before a duly authorized reporter and continued until all of said contests were fully heard, settled, or otherwise disposed of.

12.

Contest No. 1

Florence Dobkins, George Emery, W.H. Lane, Bernice Lane, and Bernice Lane, W.G. Lane and Martha S. Lane, as tenants in common,

Contestants,

vs.

Louise Adams, Belle Burnett, Lempre G. Cain, and Chewacan Land and Cattle Company, a corporation, and H. N. Peterson,

Contestees.

Contest No. 2

E. G. Graves and Walter Kittredge,

Contestants,

vs.

E. A. Emery, George Emery, Isa Freeman, Florence
Dobkins, W. G. Lane, Martha S. Lane, Bernice
Lane and J. H. Lane,

Contestees.

Contest No. 3

E. G. Graves and Walter Kittredge,

Contestants,

vs.

Louise Adams and H. N. Peterson,

Contestees.

Contest No. 4

E. G. Graves and Walter Kittredge,

Contestants,

vs.

Chewacan Land and Cattle Company,
a corporation,

Contestee.

That the above contests came on for hearing and it was stipulated for the purpose of avoiding the repetition of testimony, that said contests should be consolidated. A stipulation was also entered into with reference to the question of the duty of water, and as this was the principal issue involved in Contest #2, that contest was dismissed. The principal issue in the remaining contests was the date of initiation of the various rights involved.

Very few of the rights involved in these contests were initiated by the posting of a notice of appropriation or the beginning of construction of artificial diversion works, such as dams or ditches, which would give notice to the world of an intention to appropriate the water of the stream. These rights to a large extent, were initiated simply by the utilization by the settlers of the native grasses, hay or pasturage, produced, first, by the natural overflow of the stream, and later assisted by the construction of such dams, levees and other artificial works as were required by changed conditions. No unnecessary act should be required of the appropriator in such cases, but beneficial use of the water should be the basis of the right. The priority of such right should date from the first application of the water to beneficial use, or the utilization of crops produced by natural irrigation by the person holding title to the land, or holding a claim which later ripened into title.

The lands of almost all the parties whose claims were contested were acquired by public land entries made by early settlers in the valley. Much of the land produced a good growth of grass as a result of overflow by the flood waters of Buck Creek in the spring of the year. In some parts of the valley, however, the water was so deep for a large portion of the year that very little, if any, use could be made of the land until drainage had been effected in some manner. Under these conditions the priorities confirmed under the various appropriations have been based upon the time of the first application of the water to beneficial use, or from some definite step taken with that in view.

CHEWACAN LAND AND CATTLE COMPANY

The Chewacan Land and Cattle Company claims a water right for what is known as the Bend Field. This field consisted of about 3,000 acres of land comprising most of the bed of what was in former years, Paulina Marsh. At the present time, these lands are comparatively dry except in flood seasons, and produce a growth of wild meadow grass which is not cut for hay by the Cattle Company, but is used as pasture for stock. Contestants have urged that these lands are not entitled to a water right because of the character of the crop produced, but it is apparent that this land is a valuable part of the holdings of the Company as used by it in conducting its cattle business, and that the question of whether the grass is cut and used for hay or used for pasturing stock during the growing season is not material. The use is beneficial in either case.

Application was made to the State Land Board to purchase this land as swamp land in the year 1876, and an amended application was filed July 30, 1878. Proof of reclamation was approved by the Board and deeds issued September 28, 1886, in the name of James M. Allen and R. A. West. The evidence shows that most of this land was in a true swampy condition in these early years. It consisted of the lowest part of the valley floor so that the water from above drained onto it, and in the average season did not dry up after the spring freshets were over, as it did on the lands up the valley, but remained on the land, making it a swamp throughout the year. Native grass was produced around the edges and on various high parts of the field, which made it of some value as a public range for stock, but the water was too deep on most of the land to produce any usable forage.

In order for any substantial benefit to be derived from this great body of marsh land, as a whole, drainage was necessary. It appears that this was

accomplished very gradually during the years prior to 1904, mainly through changed conditions of water supply due to increased diversion and consumption of water above. Practically no artificial works were constructed to reclaim the land, but because of the increased diversions from the stream above, and the fact that there was less snow and rainfall in the country, the valley grew drier and drier year by year, and the condition of the land and the growth of grass thereon improved accordingly. The land was not fenced until about 1904, the persons holding title making no effort to utilize it to the exclusion of other parties prior to that time. No settlement on the land was ever made by its owners. It appears that, taken as a whole, the Bend Field was not reclaimed so as to have any great practical value before the year 1904, and that there was not sufficient beneficial application of water thereon before that date to entitle the owners thereof to water rights, as against others who actually settled in the valley prior to that time and initiated water rights in good faith by utilizing grass produced by natural overflow, or by constructing artificial irrigation works which, while at first somewhat crude, effected an unquestionable beneficial use of the water for irrigation. The priority of the water right for the Bend Field is therefore fixed as of the year 1904.

LOUISE ADAMS

Much evidence was presented at the hearing in this case bearing upon the question of the right of the owners of the Adams' property to maintain dams in the channels of the stream in the south-half of Section Thirty-three, Township Twenty-seven, South, Range Fourteen East. This was also the principal issue raised in the suit instituted in the Circuit Court from which this proceeding arose, claimants Graves and Kittredge disputing this right to the extent of threatening to tear out dams constructed by Adams. While this is perhaps a question of the equitable distribution of the water under the respective rights as they may be determined, to be decided by the water master according to the circumstances at any particular time, it might be stated in general that if the Adams property has a prior water right, its owners would be entitled to employ whatever methods are most suitable for the diversion of the water from the stream channels; providing, of course, that the property rights of other parties were duly observed. The necessary permission should be obtained for the placing of such dams upon the lands of others. This appears to have been done in this case. This right would not be lessened by the fact that it has not always been necessary for Adams to place dams in these channels. Graves and Kittredge cannot complain unless they are deprived of water to which they

are entitled under their priorities. The question of the rights to the use of the water itself, as between Adams and Graves and Kittredge, will be disposed of by the priorities of their respective rights as allowed herein. Much attention was devoted to the question as to which was the main channel of the stream, and while this point is not considered as material to the issues, the principles as above outlined, would also govern as to this question.

The Adams holdings comprise the following public land entries:

U. F. Abshier, Homestead

(SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 34, T. 27 S.R. 14 E.)

This homestead was filed upon January 6, 1886, by U. F. Abshier, but the evidence shows that Mr. Abshier was living upon the land and irrigating crops in the year 1885. The irrigated acreage on the property is found to have a water right with a priority of 1885.

John Saylor, Pre-emption

(NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 27, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 34, T. 27 S.R. 14 E.)

The evidence shows that John Saylor settled upon this land and utilized the waters of Buck Creek thereon, or hay produced by natural irrigation, in the year 1885, although he did not file his pre-emption until April 13, 1889. The water on this land is therefore of the date 1885.

U. F. Abshier, Timber Culture

(NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, T. 27 S.R. 14 E.)

This land was filed upon as a timber culture Jan. 6, 1886, and the waters of Buck Creek were first used thereon in the same year. The date of priority will thus be of the year 1886.

U.F. Abshier, Desert

(SW $\frac{1}{4}$, Section 27, E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 28, T. 27 S.R. 14 E.)

This land was filed upon as a desert claim Nov. 8, 1886, and its reclamation began by means of irrigation with the waters of Buck Creek in 1887. The water right will therefore have that date of priority.

Josiah Porter, Desert

(NW $\frac{1}{4}$ Section 27, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22, T. 27 S.R. 14 E.)

This land was filed upon as a desert claim August 2, 1886, and the waters of Buck Creek first beneficially used thereon in the spring of 1887. The date of priority is therefore of the year 1887.

John W. Davis, Pre-emption

(SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34, T. 27 S.R. 14 E.)

A pre-emption claim was filed upon this land February 11, 1889, and a water right

from Buck Creek for the irrigation thereof was initiated in the same year. The priority of the water right is therefore fixed as of the year 1889.

James C. Porter, Timber Culture

(NE $\frac{1}{4}$, Section 27, T. 27 S.R. 14 E.)

This land was filed on as a timber culture May 19, 1890, and a portion of same was irrigated by water from Buck Creek beginning the same year. The priority of this water right is therefore of the year 1890.

Judah J. Abshier, Lieu Selection

(NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 33, T. 27 S.R. 14 E.)

Application to purchase this land from the State of Oregon as indemnity school land was filed May 29, 1890. A portion of the land was irrigated by water from Buck Creek at that time, and the water right will therefore date from the year 1890.

Josiah Porter, Soldier's Homestead

(SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22, T. 27 S.R. 14 E.)

This land was filed upon May 21, 1907, and the irrigated acreage will be allowed a right with a priority as of that year.

FLORENCE DOBKINS

L. L. Hawley, Swamp

(NE $\frac{1}{4}$ Section 8, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 9, T. 28 S.R. 14 E.)

The testimony shows that this land produced natural meadow grass and that settlement was made thereon by Hawley in the spring of 1874, and that hay was cut during the same season. It appears that Hawley was irrigating and cutting hay from these lands before settlement was made on the present Peterson land by Martin, although application to purchase the land from the State was not made until April 16, 1877. The land will be allowed a water right with priority as of 1874.

James M. Small, Homestead

(SE $\frac{1}{4}$ Section 8, T. 28 S.R. 14 E.)

The testimony concerning this land is somewhat conflicting and the time of the first irrigation is not clearly shown by the record. The final proof shows that residence was established in 1888 and the testimony of some of the witnesses indicated that hay was cut from the land earlier than that date, although the homestead filing was not made until August 30, 1890. The water right for this land will be allowed a priority as of the date of settlement, 1888.

James M. Martin, Lieu Selection

(SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, T. 28 S.R. 14 E.)

The water right of this land will be allowed a priority as of the date of the application to purchase same, namely: February 4, 1907.

E. G. GRAVES

In the introduction of testimony with respect to the Graves holdings, counsel for Peterson contended that the land comprising the Martha Porter pre-emption has been irrigated only from the waste or runoff water from the Peterson land, and that therefore no water right could have been acquired thereby. It is true that no right could have been acquired to compel the Petersons to continue the use of water in such a way as to insure the delivery of the runoff or waste water to the Graves property. But the application of water from Buck Creek to beneficial use on the Graves property has vested in the lands a valid water right, and if the supply of water through the runoff from the lands above should fail, the problem of carrying the water from Buck Creek to the land would then have to be solved in some other way. The Graves holdings consist of two entries, as follows:

Columbus Porter, Pre-emption

(S $\frac{1}{2}$ S $\frac{1}{4}$ Section 34, T. 27 S.R. 14 E.)

The testimony of Columbus Porter himself, and of other witnesses, shows that settlement was made on this property soon after the pre-emption was filed April 19, 1888. The priority of the water right will therefore be fixed as of this date.

Martha Porter Pre-emption

(S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 4, T. 28 S.R. 14 E.)

This entry was made May 14, 1889 and the proof shows that settlement was made in April 1889, and that the land was used that season for grazing purposes, and in later years hay was cut therefrom. The priority of the water right will be fixed as of the time of making the filing, May 14, 1889.

WALTER KITTREDGE

Franklin Kittredge, Homestead

(W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35, T. 27 S.R. 14 E.)

This entry was made May 18, 1894, but the testimony shows that for some years the land had been held by a man named Maud, and that the Kittredges settled there in 1892. At the time they settled, the land was fenced, Maud having built a house and made other improvements on the land before that time with the intention of filing upon the land, but had not done so. The testimony is not clear as to just when settlement was made by Mr. Maud, or when beneficial application of the water on the land was first made, but this seems to have been done at least as early as 1890, and the land in this entry will therefore be allowed a priority of 1890.

Andrew Miller, Homestead

(S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 26, N $\frac{1}{2}$ EW $\frac{1}{4}$ Section 35, T. 27 S.R. 14 E.)

The evidence shows that Andrew Miller made settlement upon this land some time between 1892 and March 6, 1895, when the filing was made. However, there is nothing in the record to justify the allowance of an earlier priority for this right than of the date of the filing.

Walter Kittredge, Homestead

(SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, T. 27 S.R. 14 E.)

This filing was made April 11, 1895, and the testimony shows that Walter Kittredge, the entryman, went to work improving the place immediately after making the filing. The priority of the right for this land should therefore date from the date of filing. The testimony also shows that in fencing this property, there was one isolated forty-acre tract namely, the Northwest quarter of the Southwest quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Twenty-six (26), which was fenced in with the other land, and this subdivision will therefore be allowed a priority of the same date.

Chas. Pitcher, Homestead

(S $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 35, T. 27 S.R. 14 E.)

The homestead filing covering this land was made by Chas. Pitcher October 15, 1901. It appears, however, that a man named Stephens had established residence on the place some time before, and that his improvements were purchased by Chas. Pitcher. The testimony does not show that Stephens used the land more than one or two seasons before Pitcher made his filing, and the priority of the water right shall therefore date from the year 1900.

Maud Section

(Section 36, T. 27 S.R. 14 E.)

The testimony shows that this land was of a swampy nature and was occupied and used for stock grazing purposes about the year 1886 by one Eustace Maud. Within the next four years, the land had been fenced and hay was being cut from some parts of it, although on most of the land the water was too deep to permit the grass to grow so as to be useful for forage purposes. The land was acquired by Mr. Kittredge about 1891, who testifies that there was about 300 tons of hay stacked on the place when he got it. The evidence shows that during this early period, this land got its water supply principally from Silver Creek, and that about the year 1899, Kittredge cut a ditch from Buck Creek across a sand ridge in an attempt to divert water from that stream for irrigation purposes. It would appear, however, that not until the year 1904 was the diversion from Buck Creek effectively made, and not until about that time had the

land sufficiently dried up during the spring and summer season to produce a substantial amount of pasture or hay. The water right for this section will therefore be given a date of priority of 1904.

LANE HOLDINGS

A. V. Lane, Swamp

(E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 5, E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 8, T. 28 S.R. 14 E.)

Application to purchase this land as swamp land was made April 16, 1877, but the testimony shows that the land had been occupied and used since the year 1874. It appears that some hay was cut upon the land in 1874, but on account of parts of it being too wet, a drainage ditch was started in that year for more effectively manipulating the flood water supply, and although this ditch was not completed until about 1876, or 1877, it appears that sufficient beneficial use of the water was made before that time to warrant the allowance of a priority as of the year 1874.

Horace Lane, Swamp

(N $\frac{1}{2}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 5, W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 8, T. 28 S.R. 14 E.)

The evidence shows that hay was cut from this land beginning with the year 1874, although application to purchase was not filed until October 9, 1877. Priority of the water right will therefore be fixed as of 1874.

Wm. A. Lane, Swamp

(SE $\frac{1}{4}$ Section 5, T. 28 S.R. 14 E.)

The evidence shows that hay was cut from this land beginning with the year 1874, although application to purchase was not filed until April 16, 1877. Priority of the water right will therefore be fixed as of 1874.

Robert Horning, Homestead

(S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 8, W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 17, T. 28 S.R. 14 E.)

This land was first filed on as a pre-emption, which was apparently abandoned, and homestead filing was later made by Robert Horning. The proof shows that settlement was made in the fall of 1877 and the land first used for cutting hay and for pasture in the year 1878. The priority of the right will therefore date from the year 1878.

Laura H. Busick, Homestead

(E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 32, W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 33, T. 27 S.R. 14 E.)

This homestead filing was made September 10, 1894, but the evidence shows that the land had been occupied and used since the year 1878, and the water right will therefore be given a priority as of that date.

A. V. Lane, Desert

(S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 6, T. 28 S.R. 14 E.)

Filing covering this land was made May 8, 1880. The final proof states that no crop was ever grown on the land before the date of entry, and the evidence shows that

hay was produced beginning about the year 1880. The priority of the water right will therefore be fixed as of 1880.

James R. Horning, Timber Culture

($S\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{2}NW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$ Section 17, T. 28 S.R. 14 E.)

This land was filed on as a timber culture July 24, 1885, and water was first applied to the land for irrigation purposes the same year, thus entitling it to a water right with a priority of 1885.

James R. Horning, Lieu Selection

($E\frac{1}{2}SE\frac{1}{4}$ Section 7, T. 28 S.R. 14 E.)

Application to purchase this land as indemnity school land was made July 24, 1890, and the evidence shows that the waters of Buck Creek were beneficially applied to the land beginning the same year. The water right for this land will therefore be given a priority of 1890.

A. B. Schroder, Homestead

($E\frac{1}{2}SW\frac{1}{4}$ Section 8, $NE\frac{1}{4}NW\frac{1}{4}$, $NW\frac{1}{4}NE\frac{1}{4}$ Section 17, T. 28 S.R. 14 E.)

The final proof on this entry shows that settlement was made November, 1890, and water was first used for the irrigation thereof in the year 1891. The priority of the water right will therefore date from 1891.

Samuel K. Busick, Homestead

($SW\frac{1}{4}SE\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$ Section 32, T. 27 S.R. 14 E.)

Homestead filing covering this land was made November 3, 1893, and water first beneficially applied to the land during the season of 1894. The water right will therefore be allowed a priority of 1894.

Geo. L. Beckwith, Homestead

($E\frac{1}{2}SE\frac{1}{4}$ Section 31, $SW\frac{1}{4}SW\frac{1}{4}$ Section 32, T. 27 S.R. 14 E. Lot 1, Sect. 6,
T. 28 S.R. 14 E.)

Final proof covering this entry shows that residence was established on the land in the year 1894, although the filing was not made before September 21, 1896. The priority of the water right will be fixed as of 1894.

A. V. Lane, School Selection

($NE\frac{1}{4}NE\frac{1}{4}$ Section 7, T. 28 S.R. 14 E.)

Application to purchase this land was made November 9, 1893, and the priority of the water right will therefore be fixed as of the next irrigation season, 1894.

Martha S. Lane, Homestead

($W\frac{1}{2}NW\frac{1}{4}$ Section 8, T. 28 S.R. 14 E.)

Filing was made upon this land January 16, 1897, and although there was some

testimony to the effect that hay was cut from the lands some time before, such evidence was not sufficient to establish a priority earlier than the date of entry. The land will therefore be allowed a water right with priority as of the first season after the filing was made, or 1897.

Geo. A. Johnston, Homestead

($\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, T. 27 S.R. 14 E.)

This filing was made September 10, 1909, but the evidence shows that Mr. Johnston settled upon the land several years before and constructed a house and made other improvements. The land will be allowed a water right with priority as of 1905.

H. N. PETERSON

M. P. Martin, Swamp

(N $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 4, T. 28 S.R. 14 E.)

Application to purchase this land as swamp from the State of Oregon was made November 13, 1877. The testimony shows that this land was of a swampy nature and was reclaimed largely by a drainage ditch constructed by the Lanes, and commenced in the year 1874. This ditch was completed, however, before the Martins came on the property. The testimony indicates that Mr. Martin settled on the land in 1876. The water right for this land will be allowed a priority as of that date.

Josiah Porter, Timber Culture

(SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, T. 28 S.R. 14)

The water right for this land will be allowed a priority as of the date of the filing namely: May 22, 1890.

13.

That Buck Creek rises on the northeast slope of the Yamsay Mountain and flows in a northeasterly direction, passing through a timbered area in its upper course and thence through several deep canyons, in an area devoid of timber, to the western edge of Silver Lake Valley, where the major portion of the lands irrigated by the stream is situated. After reaching this comparatively level valley, the channel divides into several defluent branches or sloughs, the water spreading over the valley until it finds its way into Paulina Marsh, where in flood seasons it intermingles with the waters of Bridge Creek, all three streams draining into Silver Lake.

That the lands irrigated from Buck Creek, and its tributaries are arid lands and require artificial irrigation for the raising of profitable crops. The crops raised on said lands consist mainly of wild meadow hay, with some grain and hardy root crops.

That the method used in irrigating the wild grass meadows is a rather crude system of wild flooding. The land is flat and is traversed by low sloughs. During the high water stage in spring and early summer, the water is spread over the meadows by means of these sloughs and ditches, and the direction and amount of flow is partially controlled by the construction of small earth and manure check dams thrown across the depressions. Usually the water remains standing on or flowing across the meadows until early in July, and then the checks are removed and the water drained off the wild meadows a short time before the hay is ready to be harvested.

This system of irrigation causes much water to be wasted on the surface, but much of the waste drains naturally to the lands of the next user below and is diverted onto his meadows, and the waste from there is caught and used again below, and so on. The system presents a difficult problem for the water master, and it is impossible for him to make accurate regulations or to maintain more than a partial control so long as the system is used.

The irrigation season begins as soon as the snow and ice begins to thaw in the spring and continues so long as water is available, and is hereby fixed as the period from March 1 to October 1 of each year. The rights to the use of water from Buck Creek and its tributaries as herein determined shall entitle the holders thereof to the use of the amount of water which can be applied to beneficial use in no event to exceed three acre feet per acre during the irrigation season measured at the point of diversion from the stream, or if waste water, at the point where it is collected. The rate of flow or the head of water diverted shall not exceed the rate of one second foot to each 40 acres from the beginning of the irrigation season until June 15 of each year, and thereafter during the irrigation season it shall not exceed the rate of one second foot to each 80 acres of land. The total quantity of water diverted during any 30-day period shall not exceed one acre foot per acre.

In regulating the quantity of water diverted from the stream by any user, the water master will take into account the quantity of water being received by such user as waste water from lands above, and in no event shall the total amount used exceed the above prescribed limitations.

The water master of the district in which Buck Creek and its tributaries are situated may arrange such system or systems of rotation as may be best applicable to the conditions arising from time to time in the distribution of water on such stream.

When two or more appropriators agree between themselves as to a manner and system of rotation in the use of their water, the water master shall distribute such water in accordance with such agreement, providing that in so doing, he does not interfere with the priority rights of any appropriator not a member of such group of system of rotation.

That in case the water flowing in the channel of a stream or ditch sinks or fails to flow down the channel so as to be of beneficial use to an appropriator having the prior right to its use, the water master shall allow the diversion thereof by the next appropriator in order of priority who can make a beneficial use of such water.

15.

That all parties herein allowed the right to the use of water for irrigation shall be entitled to use such water for stock and domestic purposes; provided, that during the irrigation season such appropriators shall not be entitled to divert any water for stock or domestic purposes in addition to the amount which they are entitled to divert for irrigation purposes. That outside of the irrigation season, the right to the use of water for stock and domestic purposes as herein confirmed, entitles the owner of such right to divert and use such a quantity of water as is reasonably necessary for stock and domestic purposes, and to prevent the water in the ditches and channels used for such purposes from being completely frozen; provided, that the amount diverted for stock uses shall not exceed one tenth of one cubic foot per second for each one hundred head of stock; and, provided further, that all water users shall so far as practicable provide stock watering holes or ponds into which stock water may be diverted periodically.

16.

That the rights to the use of water for irrigation purposes hereby confirmed are appurtenant to the lands herein described, and the rights of use of the waters of said stream and its tributaries by virtue of such rights are limited and confined to the irrigation of the lands described herein to the extent of said lands herein set forth, and the priorities of right herein confirmed confer no right of use of the waters of said stream and its tributaries on any lands other than those specified tracts to which such rights 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 first obtained from the State Engineer.

17.

That except as otherwise determined herein, 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 rights 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 right, 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 the right of use, at all times against those having subsequent rights without let or hindrance, and whenever the water is not required by the appropriator having a prior right to its use for the purpose for which said water was appropriated, he must and shall permit it to flow down the natural channel of the stream as it was wont to flow in its natural course without hindrance or diversion there of, and those having subsequent rights are entitled to the use of such water and to divert the same to the extent of their rights of appropriation according to the order of priority of their rights; and at all times the waters shall be beneficially, economically and reasonably used without waste by those having a right to the use of such water, and no rights of appropriation are hereby confirmed to divert a great^{-er} quantity of water than such appropriator can beneficially use for the purpose to which the water is to be put.

18.

That each and every appropriator holding a permit or permits covering the right to appropriate water from said Buck Creek, or its tributaries, whether a claim thereunder was filed in this proceeding or not, shall have such water rights thereunder as are provided by law, and the rights of such parties shall be completed and established in the manner provided by law for the completion of such rights. That the rights of each and every appropriator holding a water right certificate or certificates covering a right to appropriate water from said Buck Creek or its tributaries, whether a claim thereunder was filed in this proceeding or not, shall be as defined and limited in such certificates, except where such rights have been abandoned subsequent to the issuance of the certificate.

19.

That except as otherwise modified herein, the rights of the various appropriators of water from Buck Creek and its tributaries, arranged in a tabulated form, with the dates of relative priority of such appropriations, the number of acres to which such appropriations are applied and are now limited, the use or uses to which said water is applied, the name of the ditch or other means by which the water so appropriated has been diverted, the name of the stream or other source from which the water has been used, and the description of the lands upon which the water has been used, the tabulated rights of each appropriator being set opposite and following his name and post office address, are as follows, to-wit:

BUCK CREEK -18-

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
8554 Adams, Louise P. A. Gruber, Agent, 864 E. 67th St., N., Portland, Ore.	1885		53.2	Irrigation	Dams, ditches and natural overflow	Buck Creek	5.4 acres in SW ¹ / ₄ NE ¹ / ₄ 26.7 acres in SE ¹ / ₄ NW ¹ / ₄ 3.1 acres in NE ¹ / ₄ SW ¹ / ₄ 18 acres in NW ¹ / ₄ SW ¹ / ₄ Section 34, T. 27 S.R. 14 E.W.M.
(Proofs 1, 2 & 3)							
(S-O Ranch)	1885		95.7				16.8 acres in NE ¹ / ₄ NE ¹ / ₄ Section 34, 24.4 acres in NE ¹ / ₄ SE ¹ / ₄ 15.7 acres in NW ¹ / ₄ SE ¹ / ₄ 28.1 acres in SE ¹ / ₄ SE ¹ / ₄ 10.7 acres in SW ¹ / ₄ SE ¹ / ₄ Section 27, T. 27 S.R. 14 E.W.M.
					(U.F. Abshier, Homestead)		
	1886		90				24.6 acres in NW ¹ / ₄ NE ¹ / ₄ 21.4 acres in NE ¹ / ₄ NW ¹ / ₄ 24.7 acres in NW ¹ / ₄ NW ¹ / ₄ 19.3 acres in SW ¹ / ₄ NW ¹ / ₄ Section 34, T. 27 S.R. 14 E.W.M.
					(U. F. Abshier, Timber Culture)		
	1887		111.1				11 acres in NE ¹ / ₄ SW ¹ / ₄ 25.2 acres in NW ¹ / ₄ SW ¹ / ₄ 26.6 acres in SW ¹ / ₄ SW ¹ / ₄ 14.3 acres in SE ¹ / ₄ SW ¹ / ₄ Section 27, 15.4 acres in NE ¹ / ₄ SE ¹ / ₄ 14.7 acres in SE ¹ / ₄ SE ¹ / ₄ 3.9 acres in SE ¹ / ₄ NE ¹ / ₄ Section 28, T. 27 S.R. 14 E.W.M.
					(U. F. Abshier, Desert)		
	1887		162.2				37.5 acres in NE ¹ / ₄ NW ¹ / ₄ 27.3 acres in NW ¹ / ₄ NW ¹ / ₄ 51.4 acres in SW ¹ / ₄ NW ¹ / ₄ 27.2 acres in SE ¹ / ₄ NW ¹ / ₄ Section 27, 2.3 acres in NE ¹ / ₄ SW ¹ / ₄ 33.5 acres in SE ¹ / ₄ SW ¹ / ₄ 3 acres in SW ¹ / ₄ SW ¹ / ₄ Section 22, T. 27 S.R. 14 E.W.M.
					(Josiah Porter, Desert)		
	1889		54.8				13.7 acres in SE ¹ / ₄ NE ¹ / ₄ 14.7 acres in NE ¹ / ₄ SE ¹ / ₄ 17.6 acres in NW ¹ / ₄ SE ¹ / ₄ 8.8 acres in SW ¹ / ₄ SE ¹ / ₄ Section 34, T. 27 S.R. 14 E.W.M.
					(John W. Davis, Pre-emption)		
	1880		60				3.7 acres in NE ¹ / ₄ NE ¹ / ₄ 26.4 acres in NW ¹ / ₄ NE ¹ / ₄ 15.9 acres in SW ¹ / ₄ NE ¹ / ₄ 14 acres in SE ¹ / ₄ NE ¹ / ₄ Section 27, T. 27 S.R. 14 E.W.M.
					(James C. Porter, Timber Culture)		

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
Adams, Louise (Continued)	1890		24.8				24.8 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 33, T. 27 S.R. 14 E.W.M.
	1907		38.2				38.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22, T. 27 S.R. 14 E.W.M.
8555 Burnett, Belle App. 14, 923 E. John St., Seattle, Wash. (Proof 4.)	1877		1	Irrigation	Dams & laterals	Buck Creek	1 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 22, T. 28 S.R. 14 E.W.M.
8556 Dain, Lenore G., County Farm, Troutdale, Ore. (Proof 5.)	1877		4	Irrigation	Dams & natural overflow	Buck Creek	1.5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 3.5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14, T. 28 S.R. 13 E.W.M.
8557 Shewacan Land & Cattle Co., By Lair W. Thompson, Atty., 926 Northwestern Bk. Bldg., Portland, Oregon.	1904		1797.2	Irrigation	Natural overflow & small levees, dams & ditches	Buck Creek	24 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14, 16 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 20 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 12 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 34 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, 8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 1 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 12 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 3 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 2 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 24 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 34 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 39 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 34 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14, 9 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 14 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 25 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 14 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 18 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22, 40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 32 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 35 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 39 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 17 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 34 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 30 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 26 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 25 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 26 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 27 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23,
(Proofs 6 & 7) Z - X Property							
							(Bend Field)

BUCK CREEK -20-

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
Chewacan Land & Cattle Co. (continued)							21 acres in NE 1/4 NE 1/4 34 acres in NW 1/4 NE 1/4 34 acres in SW 1/4 NE 1/4 31 acres in SE 1/4 NE 1/4 27 acres in NE 1/4 NW 1/4 31 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 28 acres in SW 1/4 SW 1/4 36 acres in SE 1/4 SW 1/4 29 acres in NE 1/4 SE 1/4 40 acres in NW 1/4 SE 1/4 36 acres in SW 1/4 SE 1/4 34 acres in SE 1/4 SE 1/4 Section 24, 29 acres in NE 1/4 NE 1/4 25 acres in NW 1/4 NE 1/4 30 acres in SW 1/4 NE 1/4 38 acres in SE 1/4 NE 1/4 20 acres in NE 1/4 NW 1/4 12 acres in NW 1/4 NW 1/4 2 acres in SW 1/4 NW 1/4 31 acres in SE 1/4 NW 1/4 11 acres in NE 1/4 SE 1/4 3 acres in NW 1/4 SE 1/4 Section 25, 9 acres in NE 1/4 NE 1/4 4 acres in NW 1/4 NE 1/4 13.4 acres in SE 1/4 NE 1/4 30 acres in NE 1/4 NW 1/4 12 acres in NW 1/4 NW 1/4 8.6 acres in SW 1/4 NW 1/4 27.6 acres in SE 1/4 NW 1/4 21.5 acres in SW 1/4 SE 1/4 10 acres in SE 1/4 SE 1/4 Section 26, 18.1 acres in NE 1/4 NE 1/4 3 acres in SE 1/4 NE 1/4 9 acres in SW 1/4 SW 1/4 5 acres in SE 1/4 SW 1/4 Section 25, T. 27 S.R. 14 E.W.M.,
(Proof 8.)	1904	130.6	Irrigation	Natural overflow & levees	Buck Creek	Buck Creek	35 acres in NE 1/4 SW 1/4 7 acres in SE 1/4 SW 1/4 5 acres in NE 1/4 SE 1/4 3 acres in NW 1/4 SE 1/4 25 acres in SW 1/4 SE 1/4 28 acres in SE 1/4 SE 1/4 Sec. 2 5 acres in SE 1/4 NE 1/4 22.6 acres in NE 1/4 SE 1/4 Section 35, T. 27 S.R. 14 E.W.M.,
				(Also irrigated from Silver Creek)			
§558 Coshow, W.L. Silver Lake, Ore. (Proof 9.)	1903		12	Irrigation	Coshow	Coshow Creek	3 acres in NW 1/4 NE 1/4 9 acres in NE 1/4 NW 1/4 Section 16, T. 29 S.R. 13 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
§559 Deadmond, Blueford J., Silver Lake, Ore. (Proof 10)	1885		30.4	Irrigation	Deadmond	Buck Creek	2.2 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 4 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 24.2 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22, T. 28 S.R. 13 E.W.M.
§560 Dobkins, Florence Silver Lake, Ore. (Proof 11)	1874		184.5	Irrigation	Ditches, dams & flooding	Buck Creek	40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, 24.5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 9, T. 28 S.R. 14 E.W.M.
	1888		30.9		(L.L. Hawley, Swamp)		11.8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 19.1 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, T. 28 S.R. 14 E.W.M.
	1907		23		(James M. Martin, Lieu Selection)		23 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 9, T. 28 S.R. 14 E.W.M.
§561 Emery, E. A. Silver Lake, Ore. (Proof 12.)	1880		10	Irrigation	Small ditches, dams & flooding	Buck Creek	10 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 6, T. 28 S.R. 14 E.W.M.
§562 Emery, Geo. Silver Lake, Ore. (Proof 13.)	1877		70.3	Irrigation	Small ditches, dams & flooding	Buck Creek	10.7 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 11.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 7.8 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14, T. 28 S.R. 13 E.W.M.
(Proof 14.)	1884		25.5	Irrigation	Small ditches dams & flooding	Buck Creek	1 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 9 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 15.5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23, T. 28 S.R. 13 E.W.M.
§563 Freeman, Isa M. Silver Lake, Ore. (Proof 15.)	1886		83	Irrigation	Dams, ditches & flooding	Buck Creek	4 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 7 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, 2.5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 17.6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 19 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 31 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 1.9 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28, T. 28 S.R. 13 E.W.M.

BUCK CREEK -22-

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
8564 Goodell, Katharine M., Hobson, Mont. Hoy, Joseph A., Bozeman, Mont., By L.F. Conn, Atty., Lakeview, Ore. (Proofs 16 & 17)	1889		38.2	Irrigation	Dams & ditches	Buck Creek	17 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, T. 29 S.R. 12 E.W.M. 21 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7, T. 28 S.R. 13 E.W.M.
8565	1892		160	Irrigation	Natural overflow	Bear Creek	40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32, 40 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33, T. 28 S.R. 12 E.W.M.
8566 Graves, E. G., Silver Lake, Ore. (Proofs 18 & 19)	Apr. 19, 1888		48.1	Irrigation	Dams, ditches & flood- ing	Buck Creek	27 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 21.1 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34, T. 27 S.R. 14 E.W.M.
					(Columbus Porter, Pre-emption)		
8567	May 14, 1889		29.9	Irrigation	Dams ditches & flood- ing	Buck Creek	5.3 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 10.3 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 3.8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 10.5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, T. 28 S.R. 14 E.W.M.
					(Martha Porter, Pre-emption)		
8568 Green, F.M. New Pine Creek, Ore. (Proof 20.)	1894		82.1	Irrigation	Natural overflow	Buck Creek	40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 23.3 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30, .4 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29, 11.6 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$.3 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ (1) 3.2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ (2) 3.3 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32, T. 27 S.R. 15 E.W.M.
					Part Canceled Sp. Or. Rec. Vol. 37 P. 135		
					Superseded by Cert. No. _____		
8569 Heffer, B., Silver Lake, Ore. (Proof 21.)	1894		74.7	Irrigation	Natural overflow	Buck Creek	34.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 35.3 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 4) Section 31, T. 27 S.R. 15 E.W.M.
8570 Howard, Charley B., Silver Lake, Ore. (Proofs 22 & 23)	1906		32.7	Irrigation	Howard East	Buck Creek	15.3 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28, 7 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 10.4 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21, T. 28 S.R. 13 E.W.M.
	1906		12.9	Irrigation	Howard West	Buck Creek	5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 7.6 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28, 0.3 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21, T. 28 S.R. 13 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
857 Jones, P. W., Silver Lake, Ore. (Proof 24.)	1894		88.65	Irrigation	Natural overflow	Buck Creek	24.48 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 3) 24.17 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 4) 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 30, T. 27 S.R. 15 E.W.M.
8514 Kittredge, Walter 309 Scenic Drive Ashland, Ore. By L.F. Conn, Atty., Lakeview, Ore.	1890		37.7	Irrigation	Ditches (own)	Buck Creek	8.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 8.1 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 21.1 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35, T. 27 S.R. 14 E.W.M.
8573 (Proofs 25, 26, 27, 28 and 29.)	1895		83.6				32 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26, 21.6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 22 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 35, T. 27 S.R. 14 E.W.M.
8574	1895		83.8				12.3 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 17.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 16.8 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 29.3 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26, T. 27 S.R. 14 E.W.M.
8575	1900		103.2				23.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 13.6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 28.9 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 36.9 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 35, T. 27 S.R. 14 E.W.M.
8576 Priority of 1904 changed to 1893 - See Decree of Court Vol. 10 p. 222.	1904		489.5				40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 39.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 38.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 17.7 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 25.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 34.5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 32.4 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 36.3 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 37 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 28.1 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, T. 27 S.R. 14 E.W.M.
8577 Lane, Martha S., Bernice, W.G., and J. W. By J.H. Lane, Silver Lake, Ore. (Proofs 30 & 31)	1874		110.7	Irrigation	Dams, ditches and flooding	Buck Creek	40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5, 40 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 30.7 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 8, T. 26 S.R. 14 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
Lane, Martha S., Bernice, W.G., and J.H. By W.G. Lane, Silver Lake, Ore.	1874		40				40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5, T. 28 S.R. 14 E.W.M.
(continued) (Proofs 30 & 31)	1874		80		(Horace Lane, Swamp)		40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5, T. 28 S.R. 14 E.W.M.
	1878		74		(Wm. A. Lane, Swamp)		34 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8, T. 28 S.R. 14 E.W.M.
	1880		171.3		(Robert Horning, Homestead)		14.4 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 20 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 18 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 14 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7, 35.1 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 29.8 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, T. 28 S.R. 14 E.W.M.
	1890		27		(A.V. Lane, Desert)		8 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ 19 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, T. 28 S.R. 14 E.W.M.
	1891		32.9		(James R. Horning, Lieu Selection)		20 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17, 1.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 11.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8, T. 28 S.R. 14 E.W.M.
	1894		9.4		(A. B. Schroder, Homestead)		9.4 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 7, T. 28 S.R. 14 E.W.M.
857 Lane, Bernice By W.G. Lane, Silver Lake, Ore. (Proof 32.)	1878		48.3	Irrigation		Dams, ditches and flooding	Buck Creek 34 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 14.3 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17, T. 28 S.R. 14 E.W.M.
	1885		24.6		(A.V. Lane, School)		24.6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17, T. 28 S.R. 14 E.W.M.
	1885		24.6		(James R. Horning, Timber Culture)		24.6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17, T. 28 S.R. 14 E.W.M.
457 Lane, J.H. Silver Lake, Ore. (Proof 33.)	1874		58.3		(Robt. Horning, Homestead)		39.3 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 19 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 5, T. 28 S.R. 14 E.W.M.
					(Horace Lane, Swamp)		

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
Lane, J.H. (Continued)	1894		27.2				3.9 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 23.3 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 32, T. 27 S.R. 14 E.W.M.
	1905		23.7				5.5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 18.2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, T. 27 S.R. 14 E.W.M.
6570 Lane, J.H. & W.G. By W.G., Lane, Silver Lake, Ore. (Proof 34.)	1878		97.8	Irrigation	Dams, ditches and flood- ing	Buck Creek	22.6 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 22.7 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 32, 25.6 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 26.9 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, T. 27 S.R. 14 E.W.M.
	1874		40	Irrigation	Dams, ditches and flooding	Buck Creek	40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5, T. 28 S.R. 14 E.W.M.
6581 Lane, W.G., Silver Lake, Ore. (Proofs 35 & 36)	1874		254.2				36.2 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 31.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 39 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 38.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 38.9 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5, T. 28 S.R. 14 E.W.M.
	1874		80				40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5, T. 28 S.R. 14 E.W.M.
	1880		135.1				31.5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 27.6 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 28.7 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 16.3 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 31 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, T. 28 S.R. 14 E.W.M.
	1894		35.1				9.8 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31, 7.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32, T. 27 S.R. 14 E.W.M.
	1897		73.4				12.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ (Lot Section 6, T. 28 S.R. 14 E.W.M.
							33.4 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 8, T. 28 S.R. 14 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
8582 McKune, C. E. Silver Lake, Ore. (Proof 37.)	1894		141.3	Irrigation	Natural overflow	Buck Creek	33.6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 37.7 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 30 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31, T. 27 S.R. 15 E.W.M.
							(Land in NE $\frac{1}{4}$ SE $\frac{1}{4}$ has a supplemental supply from Silver Creek.)
8583 Peterson, H. N. Glencove, Wash. By P.A. Gruber, Agent 864 E. 57th St., N. Portland, Oregon. (Proofs 38 & 39)	1876		203.7	Irrigation	Dams, ditches and overflow	Buck Creek	26 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 25 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 19.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 38.2 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 18.8 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 36.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, T. 28 S.R. 14 E.W.M.
							(M. P. Martin, Swamp)
	1890		6.7				6.7 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, T. 28 S.R. 14 E.W.M.
8584 Pitcher, Robert C., Silver Lake, Oregon. (Proof 40.)	1903		16	Irrigation	Pitcher	Coshow Creek	9.1 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 6.9 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 7, T. 29 S.R. 13 E.W.M.
8585 Porter, Frank, Eston & Carl, heirs of S.A.D. Porter, Cottage Grove, Ore. By Chas. A. Hardy, Agent, Eugene, Oregon. (Proof 41.)	1893		200	Irrigation	Dams & small ditches	Buck Creek	40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ S E $\frac{1}{4}$ Section 33, T. 27 S.R. 14 E.W.M.

And the State Engineer of Oregon, being fully advised in the premises, it is hereby considered and ordered, that the relative rights of the various claimants to the use of the waters of Buck Creek and its tributaries, be, and the same are hereby, adjudicated, determined and settled as set forth in the foregoing findings and order of determination.

Dated this 18th day of June, 1926, at Salem, Oregon.


RHEA LUPER, STATE ENGINEER.