

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

IN THE MATTER OF THE DETERMINATION)
OF THE RELATIVE RIGHTS TO THE WATERS)
OF TUMALO CREEK, A TRIBUTARY OF THE)
DESCHUTES RIVER IN CROOK COUNTY, OREGON.)

D E C R E E.

Now on this 1st day of May, 1911, this cause coming on for a decree upon the findings of fact and order of determination heretofore made by the Board of Control of the State of Oregon and filed in the above entitled court, and the court having heretofore made certain corrections and modifications of the findings and order of determination of the Board of Control, and having approved and adopted as the findings of this court the said findings and order of determination as so modified, and being now on this 5th day of May, 1911, fully advised in the premises;

It is hereby ordered, adjudged and decreed, that Alworth-Washburton Co.; Charlie Boyd; Cora B. Chapman; A. M. Drake; Deschutes Lumber Co.; Alma J. Delaney; August Dreyer; Ole Erickson; Emil L. Erickson; Betty Erickson; W. P. Foster; J. D. Gibson; O. J. Gray; Jens Hasselborg; Hershey Lumber Co.; Daniel Heising; Hahn Fried; W. M. Houston; H. H. Irvine; T. A. Gensen; R. E. Lewis; Paul Nelson; T. M. Post; Pilot Butte Development Co.; Archie Pattie; Leo Pelarske; Violet D. Reed; John Ryan; G. W. Swalley; C. B. Swalley; Scanlon Gibson Lumber Co.; A. M. Stearns; Peter Spillman; H. Speiser; Nicholas Smith; Theodore Tweet; Oliver Thorbjorsen; R. West; Eugenia J. Whited; W. H. Wilson, and each and all of them are in default herein, and such default is hereby entered.

It is further ordered, adjudged and decreed that each of the several appropriators of water for the purpose of irrigation as hereinafter set forth, is limited to an amount of water sufficient for the irrigation and reclamation of lands described herein as being the lands to which such water is appurtenant, and the total quantity of the water so appropriated and hereby confirmed in each case, shall not exceed the rate of one seventieth of one cubic foot per second of time for each acre of said lands actually irrigated; but that in no case shall the volume of water to which any appropriation of water may be entitled for irrigation purposes, in accordance with this decree, exceed a total of one and eight-tenths (1.8) acre feet, measured at or within one half mile of the land to be irrigated, for each acre for which a water right is allowed. Such volume of water to be distributed as demanded during such irrigation season.

It is hereby further ordered, adjudged and decreed that a system of rotation in the use of water, among the several appropriators of small amounts of water in the same neighborhood, has been in use, more or less, upon the said stream, and adds greatly to the duty which said water may be made to perform; and that in the absence of an agreement between such appropriators arranging for such rotation and the manner in which such water shall be used in such rotation, the water master of the water district in which such water is situated shall arrange such appropriators in groups or systems of rotation, first giving to the appropriator who is first in priority an amount of water equal to the combined appropriations of all the appropriators in said group or system for a length of time bearing the same ratio to the whole time required to make the complete rotation through the whole group of appropriators as the appropriation of said first appropriator bears to the combined appropriations of said appropriators, and shall next serve the next appropriator in priority with a like amount of water for his proportionate time and so on, until all the appropriators in said group are served; then the distribution of the water shall be repeated in the same manner throughout the irrigation season; that in case of two or more appropriators in said group having the same priorities, then the said water master shall distribute the water as between those appropriators having the same priorities to the one whose ditch taps the stream nearest its source first, and the next lower down, next, and so on; and where two or more appropriators agree as between themselves as to a manner and system of rotation in the use of their water, the said water master shall distribute their

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water in accordance with such agreement; Provided, that such arrangement into groups and systems shall not interfere with the prior rights of any appropriator not a member of such group or system.

It is further ordered, adjudged and decreed that the name and postoffice address of each appropriator of water from said lake and stream, in alphabetical order, together with the date of relative priority of each appropriation, the amount of such appropriation in cubic feet per second, the number of acres of land to which such water is appurtenant, the use or uses for which such water was appropriated and is now applied, with the irrigation season thereunder in cases where such water is used for irrigation, the name of the ditch or ditches through which such appropriation is diverted, and a description of the legal subdivision in which such irrigated land is situated, with the number of acres in each such subdivision, arranged and set forth in tabulated form, opposite the name of each such appropriator, are as follows: —————

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NAME AND POSTOFFICE ADDRESS OF APPROPRIATOR	DATE OF RELATIVE PRIORITY	AMOUNT CU. FT. PER SEC.	NO. ACRES	USE AND IRRIGATION SEASON	NAME OF DITCH	DESCRIPTION OF LAND OR PLACE OF USE
6.0 Ac Trsf. Sp. Or. Vol 29, P. 413						
31410 #3127 Becker, C. P.	Sept. 1900	.49	34½	Irrigation & Domestic	Columbia Southern	In NE¼NE¼, Sec. 19, Tp. 16 S. R. 12 E. W. M.
31411 Cancelled Bowser, R. G.	Sept. 1900	.43	30	Irrigation & Domestic	Columbia Southern	In SW¼SW¼, Sec. 6, Tp. 16 S. R. 12 E. W. M. Trsf. Sp. Or. Vol. 9, p 61
Barnes, Wm. D.	Sept. 1900	.78	55	Irrigation & Domestic	Columbia Southern	36 ac. in SW¼NE¼; 9 ac. in SE¼NE¼; Sec. 9, and 10 ac. in NW¼NW¼; Sec. 10, Tp. 16 S. R. 12 E. W. M.
31411 Cancelled Bayley, R. H.	Sept. 1900	.87	61	Irrigation & Domestic	Columbia Southern	17½ ac. in NE¼SE¼; 5 ac. in NW¼SE¼; 38½ ac. in SE¼SE¼, Sec. 35, Tp. 16 S. R. 11 E. W. M.
31410 52 Brown, J. W.	Sept. 1900	.21	15	Irrigation & Domestic	Columbia Southern	In SE¼NW¼; Sec. 17, Tp. 16, S. R. 12 E. W. M.
31410 53 Brown, William	Sept. 1900	.23	16½	Irrigation & Domestic	Columbia Southern	In SE¼SW¼; Sec. 8, Tp. 16 S. R. 12 E. W. M.
31410 54 Brown, Cora A.	Sept. 1900	.12	8½	Irrigation & Domestic	Columbia Southern	In NE¼SW¼; Sec. 8, Tp. 16, S. R. 12 E. W. M. 5 Ac Canc. Sec. 12-235
31410 55 Couch, J. L.	Sept. 1900	.52	36½	Irrigation & Domestic	Columbia Southern	In SE¼SE¼; Sec. 22, Tp. 16 S. R. 11 E. W. M. 52 ac. Trsf. Vol. 14-409 18 Ac Canc. 12-237
31665 56 Couch, J. R.	Sept. 1900	.29	20½	Irrigation & Domestic	Columbia Southern	5½ ac. in NW¼SE¼; and 15 ac. in SW¼SE¼; Sec. 21, Tp. 16 S. R. 11 E. W. M. 35 A. Trsf. Sp. Or. Vol. 20 p10
31410 57 Couch, G. M.	Sept. 1900	.29	20½	Irrigation & Domestic	Columbia Southern	10½ ac. in NE¼SE¼; and 10 ac. in SE¼SE¼; Sec. 21, Tp. 16 S. R. 11 E. W. M.
31410 58 Coen, J. J.	Sept. 1900	.88	62	Irrigation & Domestic	Columbia Southern	30 ac. in NE¼NE¼; and 14 ac. in NW¼NE¼; and 18 ac. in SE¼NE¼; Sec. 1, Tp. 17 S. R. 11 E. W. M.
31410 59 Courtney, W. H.	Sept. 1900	.20	14	Irrigation & Domestic	Columbia Southern	In SW¼SW¼; Sec. 17, Tp. 16, S. R. 12 E. W. M.
Cancelled Copthorne, H. S.	Sept. 1900	.16	11½	Irrigation & Domestic	Columbia Southern	In SE¼NW¼; Sec. 9, Tp. 16 S. R. 12 E. W. M.
31410 60 Dayton, F. E.	Sept. 1900	.95	66½	Irrigation & Domestic	Columbia Southern	32 ac. in SE¼NW¼; Sec. 18, Tp. 16 S. R. 12 E.; and 28 a. in SW¼NE¼, Tp. 16 S. R. 11 E.; 6½ a. in NW¼SE¼, Sec. 27.
Cancelled Downing, Wm. P.	May 1904	.05	3½	Irrigation	Downing Ditch	3 a. in SW¼SW¼ and ½ a. in SE¼SW¼, Sec. 23, Tp. 17 S. R. 11 E. W. M.
Cancelled Gibson, Angie M.	Aug. 1907	.14	10	Irrigation	Waste Water from Columbia Southern	5 a. in NE¼SW¼; and 5 a. in NW¼SE¼, Sec. 4, Tp. 16 S. R. 11 E. W. M.
31410 61 George, Agnes E.	Sept. 1900	1.02	71½	Irrigation & Domestic	Columbia Southern	11½ a. in NW¼SE¼; 20 a. in SW¼SE¼ and 40 a. in SE¼SE¼, Sec. 8, Tp. 16 S. R. 12 E. W. M. 12 ac Canc. Sec. 12-244
31410 62 George, W. P.	Sept. 1900	.95	67	Irrigation & Domestic	Columbia Southern	15 a. in SE¼SW¼; 15 a. in SW¼SE¼, Sec. 22; 19 a. in NW¼NE¼; and 18 a. in NE¼NW¼ Sec. 27, Tp. 16 S. R. 11 E. W. M.
31410 63 Gerking, J. N. B.	Sept. 1900	1.22	130	Irrigation & Domestic	Columbia Southern	16½ a. in NE¼NE¼; 32½ a. in SW¼NE¼; 35½ a. in SE¼NE¼; 15 a. in NE¼SE¼ and 30½ a. in NW¼SE¼ Sec. 13, Tp. 16 S. R. 11 E. W. M. 12 ac Canc. Sec. 12-246
Cancelled Gerking, Johnathan, O.	Sept. 1900	.38	41½	Irrigation & Domestic	Columbia Southern	5 a. in NE¼SW¼ and 36½ a. in SE¼SW¼, Sec. 9, Tp. 16 S. R. 11 E. W. M.
31410 64 Gerking, Grover G.	Sept. 1900	.93	100	Irrigation & Domestic	Columbia Southern	21 a. in NE¼SW¼; 21 a. in SE¼SW¼, 9 a. in NE¼SE¼; 29 a. in NW¼SE¼; 20 a. in SW¼SE¼ of Sec. 7 and Tp. 16 S. R. 12 E. W. M.
Cancelled Hall, W. H.	Sept. 1900	.17	12	Irrigation & Domestic	Columbia Southern	In SE¼SW¼ Sec. 11, Tp. 16 S. R. 11 E. W. M.
Cancelled Harader, A. L.	Sept. 1900	.47	33	Irrigation & Domestic	Columbia Southern	In SE¼NW¼ Sec. 14, Tp. 15 S. R. 12 E. W. M.
31410 65 Harter, A. J.	Sept. 1900	.52	36½	Irrigation & Domestic	Columbia Southern	25 a. in SW¼NE¼ and 10½ a. in SE¼NW¼ Sec. 24 Tp. 16 S. R. 11 E. W. M. Trsf. 22 ac Sp. Ord Vol 21 P 55
31410 66 Harper, Albert	Sept. 1900	.52	36½	Irrigation & Domestic	Columbia Southern	27 a. in SW¼NE¼; and 9½ a. in SE¼NW¼ Sec. 8, Tp. 16 S. R. 12 E. W. M. Tr. 4176-POU 22 AC
31410 67 Long, W. W.	Sept. 1900	.29	20½	Irrigation & Domestic	Columbia Southern	In NW¼NW¼ Sec. 7, Tp. 16 S. R. 12 E. W. M.

NAME AND POSTOFFICE ADDRESS OF APPROPRIATOR	DATE OF RELATIVE PRIORITY	AMOUNT CU. FT. PER SEC.	NO. ACRES	USE AND IRRIGATION SEASON	NAME OF DITCH	DESCRIPTION OF LAND OR PLACE OF USE
76 Leverenz, F. W. <i>Trst. to Bend Sp. Or. Vol. 9, p. 227</i>	Sept. 1900	.30	21½	Irrigation & Domestic	Columbia Southern	In NW¼NE¼ Sec. 17, Tp. 16 S. R. 11 E. W. M.
78 Mock, Chas. J. <i>Trst. to Bend - Sp. Or. Vol. 9, p. 227</i>	Sept. 1900	.35	25	Irrigation & Domestic	Columbia Southern	In NE¼ Sec. 3, Tp. 17 S. R. 11 E. W. M. NE¼ Sec. 35, Tp. 16 S. R. 11 E. W. M.
76 Murk, Frank <i>T-4990 A POV 4th 20 NWSE</i>	Sept. 1900	.70	49½	Irrigation & Domestic	Columbia Southern	20 a. in NW¼SE¼ and 29½ a. in SW¼SE¼ of Sec. 24, Tp. 16 S. R. 11 E. W. M. <i>(29½ ac. Trst. Sp. Or. Vol. 5 p. 512)</i>
78 Nagles, C. <i>Spec. Or. Vol. 12, p. 254</i>	Sept. 1900	.71	50	Irrigation & Domestic	Columbia Southern	In NE¼ NE¼ Sec. 32, Tp. 15 S. R. 12 E. W. M.
78 Orcutt, Frank <i>T-5019 A POV 5th 20</i>	May 27, 1907	.14	10	Irrigation & Domestic	Reisdorfer	In SE¼NW¼ Sec. 13 Tp. 17 S. R. 11 E. W. M.
79 Parks, A. D. <i>T-4969</i>	Sept. 1900	.84	58½	Irrigation & Domestic	Columbia Southern	35½ a. in NW¼SW¼ Sec. 17, Tp. 16 S. R. 12 E. and 23 a. in NW¼NE¼ Sec. 19, Tp. 16 S. R. 12 E. W. M.
80 Parker, A. L. <i>T-4887 A POV 2nd 20 NWSW</i>	Sept. 1900	.33	23	Irrigation & Domestic	Columbia Southern	15 a. in NE¼SW¼ and 8 a. in NW¼SW¼, Sec. 22, Tp. 16 S. R. 11 E. W. M.
81 Patton, S. F. <i>T-5673 A POV 2nd 20 SWNW, Sec. 14</i>	Sept. 1900	1.09	76½	Irrigation & Domestic	Columbia Southern	30 a. in SW¼NW¼; and 16½ a. in SE¼NW¼ of Sec. 14 and 30 a. in SE¼ NE¼, Sec. 15, Tp. 16 S. R. 11 E. W. M. <i>(21 ac. Canc.) Spec. Or. Vol. 12, p. 257</i>
82 Parker, John T. <i>Spec. Or. Vol. 12, p. 259</i>	Sept. 1900	.54	38	Irrigation & Domestic	Columbia Southern	In SE¼SE¼, Sec. 29, Tp. 15 S. R. 12 E. W. M.
88 Peterson, Christian	Sept. 1900-	.89	62½	Irrigation & Domestic	Columbia Southern	13 a. in NE¼NE¼; 14 a. in SW¼NE¼ and 35½ a. in SE¼NE¼, Sec. 28, Tp. 16 S. R. 11 E. W. M. <i>(15 ac. Canc.) Spec. Or. Vol. 12, p. 260</i>
85 Riley, Mrs. E. R. <i>Spec. Or. Vol. 12, p. 262</i>	1903	.2		Domestic		On E¼ SW¼ Sec. 13 and SE¼ and NE¼NE¼, Sec. 13; and SE¼SE¼ Sec. 12, Tp. 17 S. R. 11 E.
85 Root, L. H. <i>T-5820 A POV 2nd 20</i>	Sept. 1900	.30	21½	Irrigation & Domestic	Columbia Southern	In SW¼SE¼ Sec. 34, Tp. 16 S. R. 11 E. W. M.
86 Reisdorfer, P. R. <i>Spec. Or. Vol. 12, p. 394</i>	May 27, 1907	.10	7	Irrigation & Domestic	Reisdorfer Ditch	In SW¼NW¼ Sec. 13, Tp. 17 S. R. 11 E. W. M.
87 Smith, D. M. <i>9.0 Trst. to Bend Sp. Or. Vol. 10, p. 288</i>	Sept. 1900	1.11	107½	Irrigation & Domestic	Columbia Southern-	9 a. in NW¼NW¼, Sec. 8, Tp. 16 S. R. 12 E. 15 a. in NE¼SW¼, 40 a. in NW¼SW¼; 17 a. in SW¼SW¼ 26½ a. in SE¼SW¼, Sec. 15, Tp. 16 S. R. 11 E.
88 Swisher, F. V. <i>Trst. - Sp. Or. Vol. 6, p. 208</i> <i>Amended: Sp. Or. Vol. 10, p. 1.</i>	Sept. 1900	.57	40	Irrigation & Domestic	Columbia Southern	30½ a. in SW¼SE¼; and 9½ a. in SE¼SW¼, Sec. 33, Tp. 16 S. R. 11 E. W. M. <i>(71 ac. Trst. Sp. Or. Vol. 12, p. 70)</i>
89 Sandel, Wm. E. <i>Trst. - Sp. Or. Vol. 9, p. 61</i>	Sept. 1900	.48	34	Irrigation & Domestic	Columbia Southern	21 a. in NE¼NE¼; and 13 a. in NW¼NE¼ Sec. 2, Tp. 17, S. R. 11 E. W. M.
90 Snyder, Geo. W.	Sept. 1900	.25	18	Irrigation & Domestic	Columbia Southern	In SW¼NW¼ Sec. 2, Tp. 17 S. R. 11 E. W. M.
91 Simmons, Geo. L. <i>T-5372 A POV 2nd 20 SWNE Sp. Or. Vol. 11, p. 191</i>	Sept. 1900	1.89	132½	Irrigation & Domestic	Columbia Southern	34 a. in NE¼SE¼; 19 a. in NW¼SE¼, 39½ a. in SW¼SE¼ and 40 a. in SE¼SE¼, Sec. 1, Tp. 17 S. R. 11 E. W. M. <i>(10½ ac. Cancelled Spec. Or. Vol. 12, p. 263)</i>
92 Simmons, Fred W.	Sept. 1900	.87	61	Irrigation & Domestic	Columbia Southern	29 a. in SW¼NE¼; and 32 a. in SE¼NW¼, Sec. 1, Tp. 17 S. R. 11 E. W. M.
93 Spough, Chas. H. <i>T-4994 Sp. Or. Vol. 32, p. 290 (Amended Sp. Or. Vol. 36, p. 500)</i>	Aug. 5, 1900	.84	58	Irrigation & Domestic	Wimer Ditch	2½ a. in NE¼SE¼, Sec. 33, and 21 a. in SW¼NW¼ and 34½ a. in NW¼SW¼, Sec. 34, Tp. 16 S. R. 11 E. W. M. <i>(Amended V 36, p. 169 Trst. Sp. Or. Vol. 21, p. 319) (78 Trst. Sp. Or. Vol. 29, p. 456)</i>
94 Thorp, J. C. <i>Spec. Or. Vol. 12, p. 265</i>	Sept. 1900	.40	28	Irrigation & Domestic	Columbia Southern	In NE¼NW¼ Sec. 14, Tp. 16 S. R. 11 E. W. M.
95 Tewksberry, F. M. <i>Spec. Or. Vol. 12, p. 268</i>	May 27, 1907	.02	2	Irrigation	Reisdorfer	In SE¼SE¼, Sec. 11, Tp. 17 S. R. 11 E. W. M.
96 Tumalo Irrigation Co. <i>Trst. - Sp. Or. Vol. 6, p. 208</i> <i>Amended: Sp. Or. Vol. 10, p. 1.</i>	Apr. 28, 1905	2.80	196½	Irrigation & Domestic	Tumalo Canal	18 a. in NE¼NW¼; 30½ a. in NW¼NW¼; 14 a. in SW¼NW¼; and 18½ a. in SE¼NW¼; 32 a. in NW¼NE¼; 20 a. in SW¼NE¼; 1½ a. in NE¼SW¼; and 12 a. in NW¼SE¼, Sec. 12 Tp. 17 S. R. 11 E. 27 a. in SE¼NE¼, Sec. 12, Tp. 17 S. R. 11 E. and 10 a. in SW¼NW¼, Sec. 7, Tp. 17 S. R. 12 E.; 2 a. in SW¼SE¼ Sec. 11 and 11 a. in NW¼NE¼, Sec. 14, Tp. 17 S. R. 11 E. W. M. <i>(12½ ac. Cancelled Spec. Or. Vol. 12, p. 270)</i>

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Submitted by
Cert. No.

NAME AND POSTOFFICE ADDRESS OF APPROPRIATOR	DATE OF RELATIVE PRIORITY	AMOUNT CU. FT. PER SEC.	NO. ACRES	USE AND IRRIGATION SEASON	NAME OF DITCH	DESCRIPTION OF LAND OR PLACE OF USE
<p>T-4227 Δ POU 7⁵/₂ ac NW SW, Sec 27 T-4858 Δ POU 8²/₂ ac SWSW, Sec 27 T-4124 Δ POU 0²/₂ ac SWSW, Sec 27</p>						
31410 CANCELLED 97	Wimer, Ira E.	Aug. 5, 1900	.86	60 ¹ / ₂	Irrigation & Domestic	Wimer Ditch 1/9 1 ¹ / ₂ a. in NE ¹ / ₄ SE ¹ / ₄ ; 6 ¹ / ₂ a. in SE ¹ / ₄ SE ¹ / ₄ , Sec. 28; and 25 ¹ / ₂ a. in NW ¹ / ₄ SW ¹ / ₄ and 27 a. in SW ¹ / ₄ SW ¹ / ₄ , Sec. 27, Tp. 16 S. R. 11 E. W. M.
31410 98	Wimer, Mrs. L. J. T-5694 Δ POU 2 ² / ₂ ac SENW, Sec 34	Aug. 5, 1900	.45	31 ¹ / ₂	Irrigation & Domestic	Wimer Ditch 1/9 12 ¹ / ₂ a. in SE ¹ / ₄ NW ¹ / ₄ Sec. 34; and 12 a. in NE ¹ / ₄ SW ¹ / ₄ ; and 7 a. in SE ¹ / ₄ SW ¹ / ₄ , Sec. 27, Tp. 16 S. R. 11 E. W. M.
31411 CANCELLED	Wimer, Chas. L. Spec. Or. V. 12, p. 272	Aug. 5, 1900	.57	40	Irrigation & Domestic	Wimer Ditch 1/18 In SW ¹ / ₄ SE ¹ / ₄ Sec. 32, Tp. 16 S. R. 11 E. 19.8 Trsf. - See Sp. Or. Vol. 4 p. 277
31411 CANCELLED	Wimer, John B. 12, 273	Aug. 5, 1900	.37	26	Irrigation & Domestic	Wimer Ditch 1/18 18 ¹ / ₂ a. in NE ¹ / ₄ SW ¹ / ₄ ; 1 ¹ / ₂ a. in NW ¹ / ₄ SW ¹ / ₄ and 7 a. in SE ¹ / ₄ SW ¹ / ₄ , Sec. 32, Tp. 16 S. R. 11 E. 0.5 NW SW } Trsf. - See Sp. Or. Vol. 4, p. 277 7.0 SE SW }
CANCELLED	Wimer, Geo. W. Spec. Or. V. 12, p. 275	Aug. 5, 1900	.27	19	Irrigation & Domestic	Wimer Ditch 1/9 In NE ¹ / ₄ NW ¹ / ₄ , Sec. 32, Tp. 16 S. R. 11 E. W. M.
CANCELLED	Woolley, Perry A. Spec. Or. V. 12, p. 276	Aug. 5, 1900	.98	69	Irrigation & Domestic	Wimer Ditch 1/3 37 a. in SW ¹ / ₄ SW ¹ / ₄ , Sec. 29; 27 ¹ / ₂ a. in NE ¹ / ₄ NE ¹ / ₄ ; and 4 ¹ / ₂ a. in SE ¹ / ₄ NE ¹ / ₄ Sec. 31, Tp. 16 S. R. 11 E. W. M.
31411 CANCELLED	G. W. Chas. L. & John B Wimer Spec. Or. V. 12, p. 277	Aug. 5, 1900	2.28	160	Irrigation & Domestic	Wimer Ditch 1/9 40 a. in SW ¹ / ₄ NE ¹ / ₄ ; 40 a. in SW ¹ / ₄ NW ¹ / ₄ ; 40 a. in SE ¹ / ₄ NW ¹ / ₄ ; and 40 a. in NW ¹ / ₄ SE ¹ / ₄ , Sec. 32, Tp. 16 S. R. 11 E. 11 SW NE } Trsf. - See Sp. Or. Vol. 4, p. 277 1.5 SE NW }
31410 8 31411 9 31665	Columbia Southern Irr. Co. Part Trsf. Sp. Or. Vol. 6, p. 208 → Amended: Sp. Or. Vol. 10, p. 1. Part Trsf.: Sp. Or. Vol. 9, p. 61 " " Sp. Or. Vol. 9, p. 227 T3305 T-4174 Δ POU 2 ³ / ₂ ac NE SE Sec 27 SPOR V 32 P 497 T-4136 Δ POU 3 ⁵ / ₂ ac W ¹ / ₂ SW NW Sec 27 SPOR V 32, P 504 T-5049 Δ POU 0 ² / ₂ ac NE NW, Sec 1, T175, R11E T-5151 Δ POU 7 ² / ₂ ac SW NE, Sec 23, T165, R11E T-5828 Δ POU 2 ⁰ / ₂ ac SE SW; 3 ² / ₂ ac SW SE Sec 23, T165, R11E	Sept. 1900	7.39	517 ¹ / ₄ 79 ² ac. Cancelled Spec. Or. V. 12, p. 279	Irrigation & Domestic	Columbia Southern 32 ac Trsf. Sp. Or. V. 21, p. 67 V. 18, p. 254 1 ⁰ A Trsf. Sp. Or. Vol. 10, p. 10 32 Ac Trsf. Sp. Or. V. 23, p. 499 9 ¹ / ₂ a. in SW ¹ / ₄ SE ¹ / ₄ ; and 30 a. in SE ¹ / ₄ SE ¹ / ₄ , Sec. 1; 28 a. in NE ¹ / ₄ NE ¹ / ₄ Sec. 12; 19 ¹ / ₂ a. in SW ¹ / ₄ SW ¹ / ₄ , Sec. 12 30 ¹ / ₂ a. in NW ¹ / ₄ NW ¹ / ₄ Sec. 13, 12 a. in SW ¹ / ₄ NE ¹ / ₄ ; 30 a. in NE ¹ / ₄ SE ¹ / ₄ , Sec. 22; 23 ¹ / ₂ a. in NE ¹ / ₄ NW ¹ / ₄ ; 17 a. in NW ¹ / ₄ SW ¹ / ₄ ; 20 ¹ / ₂ a. in SW ¹ / ₄ SW ¹ / ₄ ; 23 a. in SE ¹ / ₄ SW ¹ / ₄ ; 20 ¹ / ₂ a. in SW ¹ / ₄ SE ¹ / ₄ . Sec. 23; and 15 a. in NE ¹ / ₄ SE ¹ / ₄ , Sec. 24; 32 ¹ / ₂ a. in SW ¹ / ₄ SW ¹ / ₄ Sec. 26.) 12 ¹ / ₂ a. in NE ¹ / ₄ NW ¹ / ₄ ; 24 a. in SW ¹ / ₄ SW ¹ / ₄ , 12 ¹ / ₂ a. in NW ¹ / ₄ NW ¹ / ₄ , 31 ¹ / ₂ a. in SW ¹ / ₄ NW ¹ / ₄ , Sec. 27, 21 a. in SE ¹ / ₄ SW ¹ / ₄ , Sec. 35, Tp. 16 S. R. 11 E.) 35 ¹ / ₂ a. in SW ¹ / ₄ NE ¹ / ₄ , Sec. 18, Tp. 16 S. R. 12 E. 1 ¹ / ₂ a. in NE ¹ / ₄ NW ¹ / ₄ ; 26 in SW ¹ / ₄ NW ¹ / ₄ , Sec. 1, 23 a. in SE ¹ / ₄ NW ¹ / ₄ and 8 a. in SW ¹ / ₄ SW ¹ / ₄ , Sec. 2, Tp. 17, R. 11 E. (Note: not the same as in former)

It is hereby further ordered, adjudged and decreed that in accordance with the provisions of paragraph 14 of the findings and order of determination of the Board of Control, J. N. B. Gerking, be granted the certificate of water right, subject to his contract with the Columbia Southern Irrigation Co., for the payment of an annual maintenance fee, so long as the said company, its successors or assigns, shall maintain the said irrigation system and deliver the amount of water specified in said contract, to-wit: 1/160 of a cubic foot per second per acre to the said land, but that the said Gerking, his heirs or assigns, shall not be entitled to any greater amount per acre for the said land, even though said amount should not prove sufficient to properly irrigate the same, and provided further, that said company may divert not to exceed one-third more water at the point of diversion to overcome seepage losses.

As between the Columbia Southern Irrigating Company, and Jonathan O. Gerking, Grover G. Gerking, D. M. Smith, and Charles J. Mock it has been stipulated that the findings of the Board of Control as between said company and said J. N. B. Gerking shall be binding.

It is hereby further ordered, adjudged and decreed that in accordance with the provisions of paragraph 16 of the findings and order of determination of the Board of Control, J. W. Brown be granted the certificate of water right, subject to his contract with the Columbia Southern Irrigation Co., for the payment of an annual maintenance fee of \$1.00 per acre, so long as the said company, its successors or assigns, shall maintain said system of irrigation and deliver to the said J. W. Brown, his heirs and assigns, an amount of water sufficient to properly irrigate all of the irrigable land upon said premises (or so much thereof as may be ready for irrigation) not to exceed 1/70 of one cubic foot per second of time per acre measured at the intake of said company's canal at Tumalo Creek.

As between the Columbia Southern Irrigating Company, and W. H. Hall, F. W. Leverenz, J. C. Thorp, W. W. Long, John T. Park, Christian Peterson, Mary F. Mulky, Fred W. Simmons, Geo. L. Simmons, A. J. Harter, W. D. Barnes, F. E. Dayton, J. R. Couch, W. H. Courtney, H. S. Cophorne, A. L. Harader, Agnes E. George, W. P. George, R. H. Bayley, Albert Harper and Charles W. Allen, it has been stipulated that the findings of the Board of Control as between said company and J. W. Brown shall be binding.

It is hereby further ordered, adjudged and decreed that in accordance with the provisions of paragraph 18 of the findings and order of determination of the Board of Control, Cora A. Brown be granted the certificate of water right, subject to her contract with the Columbia Southern Irrigation Co. for the payment of an annual maintenance fee of \$1.00 per acre so long as the said company, its successors or assigns, shall maintain said system of irrigation and deliver to the said Cora A. Brown her heirs and assigns, an amount of water sufficient to properly irrigate all the irrigable land upon said premises (or so much thereof as may be ready for irrigation) not to exceed 1/70 of one cubic foot per second of time per acre measured at the intake of said company's canal at Tumalo Creek. As between the Columbia Southern Irrigating Co., and William Brown and A. D. Parks it has been stipulated that the findings of the Board of Control as between said company and said Cora A. Brown shall be binding.

It is hereby further ordered, adjudged and decreed that in accordance with the provision of paragraph 20 of the findings and order of determination of the Board of Control, J. L. Couch be granted the certificate of water right, subject to his contract with the Columbia Southern Irrigation Co., for the payment of an annual maintenance fee of \$1.00 per acre, so long as the said company, its successors or assigns, shall maintain said system of irrigation and deliver to the said J. L. Couch, his heirs and assigns, an amount of water sufficient to properly irrigate all of the irrigable land upon the premises (or so much thereof as may be ready for irrigation) not to exceed 1/70 of one cubic foot per second of time per acre measured at the intake of said company's canal at Tumalo Creek. As between the Columbia Southern Irrigating Co., and R. G. Bowser, George W. Snyder, Chas. J. Mock, Frank Murk, F. V. Swisher, W. E. Sandel, A. L. Parker, L. H. Root, G. M. Couch, and John J. Coen it has been stipulated that the findings of the Board of Control as between said company the said J. L. Couch shall be binding.

It is hereby further ordered, adjudged and decreed that, in accordance with the provisions of paragraph 22 of the findings and order of determination of the Board of Control, C. P. Becker be granted the certificate of water right subject to his contract with the Columbia Southern Irrigation Co., for the payment of an annual maintenance fee of \$1.00 per acre, so long as said company, its successors or assigns, shall maintain said system of irrigation and deliver to the said C. P. Becker, his heirs and assigns, an amount of water sufficient to properly irrigate all of the irrigable land upon the premises (or so much thereof as may be ready for irrigation) not to exceed 1/70 of one cubic foot per second of time per acre

measured at the intake of said company's canal at Tumalo Creek.

It is hereby further ordered, adjudged and decreed that the Articles of Incorporation of the Three Sisters Irrigation Company and its successors in interest do not limit such corporations to Carey Act projects, but are broad enough to cover a general system of irrigation either as public carriers or as owners of the land; that entering into a contract with the state of Oregon for the reclamation of certain lands under the provisions of the Carey Act, does not limit said company to the reclamation of such lands, but that such company may engage in the reclamation of private lands in conjunction with the reclamation of the Carey Act lands. That the contestees mentioned in paragraph 23 of the findings and order of determination of the Board of Control be granted the certificates of water rights for the amount and appurtenant to the lands set forth in the tabulated statement in said findings and order of determination; and that the said contestees have prevailed in the contest and should be repaid their fees advanced to the Superintendent of Water Division No. 2 at the taking of the testimony, upon the entering of a final decree to that effect, in the sum of \$25.00.

It is hereby further ordered, adjudged and decreed that the testimony taken as between Geo. W. Wimer et al vs. the Columbia Southern Irrigating Co. shall govern and control the respective rights of the other contestees in the contest referred to in paragraph 24 of the findings and order of determination of the Board of Control; and that the contestants have prevailed in the said contest and upon the entering of a final decree to that effect should be repaid the fees deposited by them in the taking of testimony, that all water rights claimed by and through the Columbia Southern Irrigating Company begin with and relate to September, 1900, as the date of priority thereof, as shown by the tabulated statements set out in the findings and order of determination of the Board of Control; that 1/70 of one cubic foot per second of time per acre irrigated or to be irrigated, measured at the intake of Tumalo Creek is a reasonable amount for the proper irrigation of the land irrigated under said system, and the amount of the appropriation through said system is hereby limited to said amount per acre as shown by the tabulated statement above mentioned.

It is hereby further ordered, adjudged and decreed that the Tumalo Irrigation Company is the owner of the ditch and water right referred to in paragraph 26 of the findings and order of determination of the Board of Control for the purpose of operating the same and delivering water to its stockholders upon their lands as appurtenant thereto in an amount not to exceed 1/70 of one cubic foot per second of time per acre, measured at the intake of said ditch from Tumalo Creek as shown in the tabulated statement in the above mentioned findings and order of determination; that the date of priority of said right is April 28, 1905, as shown in said tabulated statement; that the right of the said Columbia Southern Irrigating Company and of all parties claiming by and through it, or with its predecessors in interest through the Columbia Southern Irrigation canal and system, has a priority of September 1900 in the amount and as appurtenant to the lands described in the above mentioned tabulated statement; that said right of said Columbia Southern Irrigating Company and those claiming by and through it and its predecessors in interest, is prior in time and superior in right to that of the said Tumalo Irrigation Company; that the said Columbia Southern Irrigating Company has prevailed in the contest referred to in the above mentioned paragraph 26, and upon the entry of a final decree to that effect, that the fees amounting to \$5.00 paid by the said company at the time of the taking of the testimony should be repaid.

It is hereby further ordered, adjudged and decreed that a water right granted to Angie M. Gibson in the tabulated statement of the findings and order of determination of the Board of Control, is waste water from the Columbia Southern ditch and is not intended to create any obligation on the part of the Columbia Southern Irrigating Company, its successors or assigns, to furnish water, but is intended to give to the said Angie M. Gibson, her heirs or assigns the right to use the said water when there is such waste water, as appurtenant to the land owned by the said Angie M. Gibson, as described in said tabulated statement.

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INCHDATE!

That the following named claimants to the waters of said Tumalo Creek have initiated appropriations of the waters of said stream through the ditches hereinafter named by beginning the construction of lateral ditches and preparing the lands intended to be irrigated under their respective appropriations for irrigation, but have not completed their appropriations and applied said water to the intended beneficial use; that such claimants have not yet had sufficient time within which to complete their respective appropriations, through said ditch, although each of said claimants has exercised due diligence in the prosecution of such work to complete his respective appropriation; that each of said claimants shall be allowed until October 1, 1913, to complete such appropriation and apply such water to the beneficial use intended thereby; and that all of said claimants hereinafter named in respect to their respective rights be allowed to divert water from said stream, as of the priority date hereinafter set forth opposite the name of each claimant, in an amount sufficient to irrigate the number of acres and the lands described herein, or any part thereof, to the extent that such water so diverted shall be actually beneficially used thereon, not to exceed the rate of one-seventieth of one cubic foot per second of time for each acre actually irrigated; that upon the expiration of the time limited herein the Superintendent of Water Division No. 2, shall, after notice to each such claimant or his successor in interest, take proof or evidence as to the completion of such appropriations and the application of said water to the intended use, and that said Board of Control shall make findings in accordance therewith and that a supplemental decree be entered pursuant thereto; that the names and postoffice addresses of said claimants, together with the date of relative priority as of which said claimant is entitled to divert such water, the amount of water intended to be appropriated thereby in each case, in cubic feet per second of time, and which such use shall not exceed, the number of acres intended to be irrigated in each case, the use to which such water is intended to be put, the name of the ditch through which such appropriation is intended to be diverted, and a description of the legal subdivisions intended to be irrigated, with the number of acres to be actually irrigated in each such legal subdivision, and to which said water is appurtenant, are as set forth in the following tabulated statement, arranged opposite said name and postoffice address, of each such claimant, as follows, to-wit:

Allen, C. W.	Sept. 1900	.29	20	✓	Irrigation & Domestic	Columbia Southern	In SW $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 10, Tp. 16 S. R. 12 E. W. M. ✓
Becker, C. P.	Sept. 1900	.08	5 $\frac{1}{2}$	✓	Irrigation & Domestic	Columbia Southern	NE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 19, Tp. 16 S. R. 12 E. W. M. ✓
Bowser, R. C.	Sept. 1900	.43	30	✓	Irrigation & Domestic	Columbia Southern	NW $\frac{1}{4}$ SW $\frac{1}{4}$; and SW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 6, Tp. 16 S. R. 12 E. W. M. ✓
Barnes, Wm. D.	Sept. 1900	.62	45	✓	Irrigation & Domestic	Columbia Southern	In SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 9, NW $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 10, Tp. 16 S. R. 12 E. ✓
Bayley, R. H.	Sept. 1900	1.29	89	✓	Irrigation & Domestic	Columbia Southern	In N $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 35, Tp. 16 S. R. 11 E. W. M. ✓
Brown, J. W.	Sept. 1900	.29	20	✓	Irrigation & Domestic	Columbia Southern	In SE $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 17, Tp. 16 S. R. 12 E. W. M. ✓
Brown, Wm.	Sept. 1900	.34	23 $\frac{1}{2}$	✓	Irrigation & Domestic	Columbia Southern	In SE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 8, Tp. 16 S. R., 12 E. W. M. ✓
Brown, Cora A.	Sept. 1900	.38	26 $\frac{1}{2}$	✓	Irrigation & Domestic	Columbia Southern	In NE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 8, Tp. 16 S. R. 12 E. W. M. ✓
Couch, J. L.	Sept. 1900	.26	18 $\frac{1}{2}$	✓	Irrigation & Domestic	Columbia Southern	In SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 22, and NE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 27, Tp. 16 S. R. 11 E. W. M. ✓
Couch, J. R. <i>Trsf. Sp. Dr. Vol. 6 p 208</i>	Sept. 1900	.56	39 $\frac{1}{2}$	✓	Irrigation & Domestic	Columbia Southern	In NW $\frac{1}{4}$ SE $\frac{1}{4}$; and SW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 21, Tp. 16 S. R. 11 E. W. M. ✓
Couch, G. M.	Sept. 1900	.30	19 $\frac{1}{2}$	✓	Irrigation & Domestic	Columbia Southern	In SE $\frac{1}{4}$ SE $\frac{1}{4}$; and NE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 21, Tp. 16 S. R. 11 E. W. M. ✓
Coen, J. J.	Sept. 1900	.40	28	✓	Irrigation & Domestic	Columbia Southern	In NE $\frac{1}{4}$ of Sec. 1, Tp. 17 S. R. 11 E. W. M. ✓
Courtney, W. H.	Sept. 1900	.30	21	✓	Irrigation & Domestic	Columbia Southern	In SW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 17, Tp. 16 S. R. 12 E. W. M. ✓
Copthorne, H. S.	Sept. 1900	.41	28 $\frac{1}{2}$	✓	Irrigation & Domestic	Columbia Southern	In SE $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 9, Tp. 16 S. R. 12 E. W. M. ✓
Columbia Southern Irrigating Company, a corporation. <i>Trsf. Sp. Dr. Vol. 6 p 208 5 p 220</i>	Sept. 1900	25.14	1760	✓	Irrigation & Domestic	Columbia Southern	In N $\frac{1}{2}$ N $\frac{1}{2}$; Sec. 12, Tp. 16 S. R. 11 E. W. M.; SW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 11, Tp. 16 S. R. 11 E. W. M.; NE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 17; (N $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 18, Tp. 16 S. R. 12 E. W. M.) (NW $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 14, Tp. 16 S. R. 11 E. W. M.); NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$; and NE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 19, Tp. 16 S. R. 12 E. W. M.; NW $\frac{1}{4}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 22) and (SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 21) and SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 24) and (W $\frac{1}{2}$ of the NE $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 25) (W $\frac{1}{2}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 26) (NE $\frac{1}{4}$ SE $\frac{1}{4}$; and SE $\frac{1}{4}$ NE $\frac{1}{4}$; and SW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 27) (NW $\frac{1}{4}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 34) (and SW $\frac{1}{4}$ SE $\frac{1}{4}$; and SE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 33, Tp. 16 S. R. 11 E. W. M.) (W $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 31, Tp. 16 S. R. 13 E. W. M.; NW $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 1, and NE $\frac{1}{4}$ Sec 11 Tp. 17, S. R. 11 E. W. M. ✓
Dayton, F. E.	Sept. 1900	.66	46 $\frac{1}{2}$	✓	Irrigation & Domestic	Columbia Southern	In SE $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 18, Tp. 16 S. R. 12 E. W. M. and SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 27, Tp. 16 S. R. 11 E. W. M. ✓
George, W. P.	Sept. 1900	1.16	81	✓	Irrigation & Domestic	Columbia Southern	In NW $\frac{1}{4}$ NE $\frac{1}{4}$; and NE $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 27, and SE $\frac{1}{4}$ SW $\frac{1}{4}$; and SW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 22, Tp. 16 S. R. 11 E. W. M. ✓
George, Agnes E.	Sept. 1900	.69	48 $\frac{1}{2}$	✓	Irrigation & Domestic	Columbia Southern	In SE $\frac{1}{4}$ Sec. 8, Tp. 16 S. R. 12 E. W. M. ✓
Hall, W. H.	Sept. 1900	.26	18	✓	Irrigation & Domestic	Columbia Southern	In SE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 11, Tp. 16 S. R. 11 E. W. M. ✓
Harter, A. J.	Sept. 1900	.48	33 $\frac{1}{2}$	✓	Irrigation & Domestic	Columbia Southern	In SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 24, Tp. 16 S. R. 11 E. W. M. ✓
Harper, Albert <i>Trsf. Sp. Dr. Vol. 6 p 208</i>	Sept. 1900	1.62	113 $\frac{1}{2}$	✓	Irrigation & Domestic	Columbia Southern	In E $\frac{1}{2}$ NW $\frac{1}{4}$; and W $\frac{1}{2}$ NE $\frac{1}{4}$; Sec. 8, Tp. 16 S. R. 12 E. W. M. ✓
Long, W. W.	Sept. 1900	.28	19 $\frac{1}{2}$	✓	Irrigation & Domestic	Columbia Southern	In N $\frac{1}{2}$ NW $\frac{1}{4}$; Sec. 7, Tp. 16 S. R. 12 E. W. M. ✓
Leverenz, F. W.	Sept. 1900	.05	3 $\frac{1}{2}$	✓	Irrigation & Domestic	Columbia Southern	In NW $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 17, Tp. 16 S. R. 11 E. W. M. ✓
Mulkey, Mary F.	Sept. 1900	.66	60	✓	Irrigation & Domestic	Columbia Southern	In N $\frac{1}{2}$ SW $\frac{1}{4}$; Sec. 1, Tp. 17 S. R. 11 E. W. M. ✓
Murk, Frank	Sept. 1900	.41	28 $\frac{1}{2}$	✓	Irrigation & Domestic	Columbia Southern	In W $\frac{1}{2}$ SE $\frac{1}{4}$; Sec. 24, Tp. 16 S. R. 11 E. W. M. ✓
Nagles, C.	Sept. 1900	.19	13	✓	Irrigation & Domestic	Columbia Southern	In N $\frac{1}{2}$ NE $\frac{1}{4}$; Sec. 32, Tp. 15 S. R. 12 E. W. M. ✓
Park, A. D.	Sept. 1900	.31	21 $\frac{1}{2}$	✓	Irrigation & Domestic	Columbia Southern	In NW $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 19, Tp. 16 S. R. 12 E. W. M.; and NW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 17, Tp. 16 S. R. 12 E. W. M. ✓

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NAME AND POSTOFFICE ADDRESS OF APPROPRIATOR	DATE OF RELATIVE PRIORITY	AMOUNT CU. FT. PER SEC.	NO. ACRES	USE AND IRRIGATION SEASON	NAME OF DITCH	DESCRIPTION OF LAND OR PLACE OF USE
Parker, A. L.	Sept. 1900	.53	37 ✓	Irrigation & Domestic	Columbia Southern	✓ N ¹ / ₂ SW ¹ / ₄ ; Sec. 22, Tp. 16 S. R. 11 E. W. M.
Patton, S. F.	Sept. 1900	.62	43 ¹ / ₂ ✓	Irrigation & Domestic	Columbia Southern	✓ In S ¹ / ₂ NW ¹ / ₄ ; Sec. 14, and SE ¹ / ₂ NE ¹ / ₄ ; Sec. 15, Tp. 16 S. R. 11 E. W. M.
Peterson, Christian	Sept. 1900	.25	17 ¹ / ₂ ✓	Irrigation & Domestic	Columbia Southern	✓ In NE ¹ / ₄ Sec. 28, Tp. 16 S. R. 11 E. W. M.
Sandel, Wm. E.	Sept. 1900	.66	46 ✓	Irrigation & Domestic	Columbia Southern	✓ In N ¹ / ₂ NE ¹ / ₄ ; Sec. 2, Tp. 17 S. R. 11 E. W. M.
Snyder, G. W.	Sept. 1900	.03	2 ✓	Irrigation & Domestic	Columbia Southern	✓ In SW ¹ / ₂ NW ¹ / ₄ ; Sec. 2, Tp. 17 S. R. 11 E. W. M.
Simmons, Geo. L.	Sept. 1900	.39	27 ¹ / ₂ ✓	Irrigation & Domestic	Columbia Southern	✓ In SE ¹ / ₄ Sec. 1, Tp. 17 S. R. 11 E. W. M.
Simmons, Fred W.	Sept. 1900	.24	17 ✓	Irrigation & Domestic	Columbia Southern	✓ In SW ¹ / ₂ NE ¹ / ₄ and SE ¹ / ₂ NW ¹ / ₄ ; Sec. 1, Tp. 17 S. R. 11 E. W. M.
Thorp, J. C.	Sept. 1900	.14	10 ✓	Irrigation & Domestic	Columbia Southern	✓ In NE ¹ / ₂ NW ¹ / ₄ ; Sec. 14, Tp. 16 S. R. 11 E. W. M.
George, J. C. and A. E.	Sept. 1900	1.14	80 ✓	Irrigation & Domestic	Columbia Southern	✓ W ¹ / ₂ NW ¹ / ₄ ; Sec. 16, Tp. 16 S. R. 12 E. W. M.
Spaugh, Chas. H.	Aug. 5, 1900	1.16	81 ✓	Irrigation & Domestic	Wimer Ditch	✓ In E ¹ / ₂ SE ¹ / ₄ ; Sec. 33, and NW ¹ / ₂ SW ¹ / ₄ ; and SW ¹ / ₂ NW ¹ / ₄ ; Sec. 34, Tp. 16 S. R. 11 E. W. M.
Wimer, Ira E.	Aug. 5, 1900	1.14	79 ¹ / ₂ ✓	Irrigation & Domestic	Wimer Ditch	✓ In E ¹ / ₂ SE ¹ / ₄ ; Sec. 28 and W ¹ / ₂ SW ¹ / ₄ ; Sec. 27, Tp. 16 S. R. 11 E. W. M.
Wimer, Mrs. L. W.	Aug. 5, 1900	1.55	108 ¹ / ₂ ✓	Irrigation & Domestic	Wimer Ditch	✓ In E ¹ / ₂ NW ¹ / ₄ ; Sec. 34, and E ¹ / ₂ SW ¹ / ₄ ; Sec. 27, Tp. 16 S. R. 11 E. W. M.
Wimer, Chas. L.	Aug. 5, 1900	1.71	120 ✓	Irrigation & Domestic	Wimer Ditch	✓ In NE ¹ / ₂ SE ¹ / ₄ ; and S ¹ / ₂ SE ¹ / ₄ ; Sec. 32, and SW ¹ / ₂ SW ¹ / ₄ ; Sec. 33, Tp. 16 S. R. 11 E. W. M.
Wimer, John B.	Aug. 5, 1900	1.91	134 ✓	Irrigation & Domestic	Wimer Ditch	✓ In SW ¹ / ₄ Sec. 32, Tp. 16 S. R. 11 E. W. M. <i>Part transf. See Sp.Or. Vol. 2 p. 277 ✓</i>
Wimer, Geo. W.	Aug. 5, 1900	1.42	101 ✓	Irrigation & Domestic	Wimer Ditch	✓ In NW ¹ / ₂ SW ¹ / ₄ ; Sec. 32, and NE ¹ / ₂ NW ¹ / ₄ ; Sec. 32 and SE ¹ / ₂ SW ¹ / ₄ ; Sec. 29, Tp. 16 S. R. 11 E. W. M.
Woolley, Perry A.	Aug. 5, 1900	3.54	248 ✓	Irrigation & Domestic	Wimer Ditch	✓ In NE ¹ / ₂ SW ¹ / ₄ ; and SE ¹ / ₂ NW ¹ / ₄ ; and W ¹ / ₂ SW ¹ / ₄ ; Sec. 29, and NE ¹ / ₄ Sec. 31, Tp. 16 S. R. 11 E. W. M.
Reisdorfer, P. R.	May 27, 1907	.61	43 ✓	Irrigation & Domestic	Reisdorfer Ditch	✓ In W ¹ / ₂ NE ¹ / ₄ ; Sec. 13 and SW ¹ / ₂ SE ¹ / ₄ ; Sec. 12, Tp. 17 S. R. 11 E. W. M.
Orcutt, Frank	May 27, 1907	.14	10 ✓	Irrigation & Domestic	Reisdorfer Ditch	✓ N ¹ / ₂ NW ¹ / ₄ ; Sec. 13, Tp. 17 S. R. 11 E. W. M.
Tewksberry, F. M.	May 27, 1907	.54	38 ✓	Irrigation & Domestic	Reisdorfer Ditch	✓ SE ¹ / ₂ SE ¹ / ₄ ; Sec. 11, Tp. 17 S. R. 11 E. W. M.
Tumalo Irrigation Company, a corporation.	Apr. 28, 1905	3.69	258 ¹ / ₂ ✓	Irrigation & Domestic	Tumalo Canal	✓ In Lot 2, Sec. 7, T p. 17 S. R. 12 E. W. M., N ¹ / ₂ Sec. 12, NE ¹ / ₂ SW ¹ / ₄ and NW ¹ / ₂ SE ¹ / ₄ ; Sec. 12, Tp. 17 S. R. 11 E. W. M. SW ¹ / ₂ SE ¹ / ₄ ; Sec. 11, NW ¹ / ₂ NE ¹ / ₄ ; and SE ¹ / ₂ NW ¹ / ₄ ; Sec. 14, Tp. 17 S. R. 11 E. W. M.

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It is hereby further ordered, adjudged and decreed that the following named claimants to the waters of said Tumalo Creek, having initiated appropriations to the waters of said stream, by beginning the construction of laterals, and diverting said waters through the Columbia Southern Ditch and having prepared the lands intended to be irrigated, under the respective appropriations, for irrigation, have not yet completed their appropriation and applied said water to the irrigation of said lands as designed by such appropriations; that such claimants have not yet had sufficient time to complete their respective appropriations, although each of them has exercised due diligence in preparing his said lands for irrigation, and in the construction of ditches for the irrigation of the same; that each of said claimants should be allowed until October 1, 1913, to complete such appropriation and apply such water to such beneficial use; and that each of said claimants be allowed to divert water from said stream in an amount sufficient to irrigate the number of acres set forth herein, or any part thereof, not to exceed the rate of one cubic foot per second of time for each one hundred and six and two-thirds acres actually irrigated; that upon the expiration of the time limited herein, the Superintendent of Water Division No. 2, shall after notice to such claimant, or his successor in interest, take proof or evidence as to the completion of said appropriations and the application of such water to the beneficial use; and that said Board of Control shall make findings in accordance therewith and that a supplemental decree be entered pursuant thereto; that the names and postoffice addresses of said claimants together with the date of relative priority of each such appropriation, as of which said claimant is entitled to divert water, the amount of water intended to be appropriated thereby, in cubic feet per second, the number of acres intended to be irrigated in each case, the use to which such water is intended to be put, and to which such appropriation is now limited, the name of the ditch through which such diversion is intended to be made, and a description of the legal subdivisions, of the lands intended to be irrigated with the number of acres to be irrigated, in each such legal subdivision are as set forth in the following tabulated statement, arranged opposite said name and postoffice address of such claimant as follows, to-wit:

NAME and POSTOFFICE ADDRESS of APPROPRIATOR.	DATE of RELATIVE PRIORITY.	AMOUNT CU. FT. PER SEC.	NO. ACRES.	USE and IRRIGATION SEASON.	NAME of DITCH.	DESCRIPTION of LAND or PLACE of USE.
Gerking, J. N. B.	Sept. 1900	1.31	140 ✓	Irrigation & Domestic	Columbia Southern	In NE $\frac{1}{2}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$; Sec. 13, Tp. 16 S. R. 11 E. W. M. E $\frac{1}{2}$ NW $\frac{1}{4}$; Sec. 13, Tp. 16 S. R. 11 E.W.M.
Gerking, Jonathan O.	Sept. 1900	2.61	278 $\frac{1}{2}$ ✓	Irrigation & Domestic	Columbia Southern	E $\frac{1}{2}$ of W $\frac{1}{2}$ and W $\frac{1}{2}$ of E $\frac{1}{2}$ of Sec. 9, Tp. 16 S.R. 11 E. W. M.
Gerking, Grover E.	Sept. 1900	2.06	220 ✓	Irrigation & Domestic	Columbia Southern	In SE $\frac{1}{2}$ and the E $\frac{1}{2}$ of SW $\frac{1}{4}$; Sec. 7, and W $\frac{1}{2}$ of SW $\frac{1}{2}$ Sec. 8, Tp. 16 S. R. 12 E. W. M.
Mock, Chas. J.	Sept. 1900	2.11	225 ✓	Irrigation & Domestic	Columbia Southern	In NE $\frac{1}{2}$ of Sec. 3, Tp. 17 S. R. 11 E. W. M.; NE $\frac{1}{4}$ of Sec. 35, Tp. 16 S. R. 11 E. W. M.
Smith, D. M.	Sept. 1900	.87	92 $\frac{1}{2}$ ✓	Irrigation & Domestic	Columbia Southern	In NW $\frac{1}{4}$ NW $\frac{1}{2}$; Sec. 8, and SW $\frac{1}{4}$; Sec. 15, Tp. 16 S. R. 11 E. W. M. <i>16-12 Sec. 15</i>

It is hereby further ordered, adjudged and decreed that the Columbia Southern Irrigating Company should be allowed an inchoate right to the flood water of said Tumalo Creek to the extent of 400 cubic feet per second of time, and the natural flow of said stream, subject to the rights thereto hereinbefore set forth, for irrigation and storage purposes, as of the date of June 1, 1907, provided such water shall be applied to a beneficial use, on or before October 1, 1917, on the following described lands, to-wit: Oregon segregation list No. 13, under the provisions of the Carey Act, as recorded at page 518, et seq. of book 10 of the deed records of Crook County, Oregon; that upon the expiration of the time limit, proof or evidence be taken by the Superintendent of Water Division No. 2, as provided herein, in the case of other inchoate and uncompleted rights of appropriation; and that supplemental findings be made by the Board and a supplemental decree entered; provided that not to exceed one cubic foot per second of time for each

seventy acres shall be allowed for the irrigation of said lands.

It is hereby further ordered, adjudged and decreed that the certificate of water right to be issued to the Columbia Southern Irrigating Company in pursuance with the provisions of paragraph 13 of the findings and order of determination of the Board of Control, should be issued to said company in trust, for the settlers owning the land to which said water right is appurtenant and likewise any certificate issued to said company pursuant to said findings as to the inchoate rights of the said company, to complete said appropriation as of the date September, 1900, and June 1, 1907, should be issued to said company in trust for the settlers owning or hereinafter acquiring the lands to which said waters are appurtenant; and that such inchoate rights of said company should be limited to such lands.

It is hereby further ordered, adjudged and decreed that the season for irrigation begins with April 15th, and ends with October 15th of each year, and that the season for domestic purposes continues throughout the year; that the use for domestic purposes includes household use and water for live stock throughout the year; that the appropriations from said stream, as set forth herein, are limited to a beneficial use by the appropriators, for the purposes specified therein.

It is hereby further ordered, adjudged and decreed that all appropriations of water from said stream for domestic purposes, as found herein, are limited for a sufficient amount for the needs of the appropriator, not to exceed the rate of 1/40 cubic foot per second of time, to each 1000 head of stock; provided, that the amount of water specified herein, for irrigation, included the water for domestic purposes to which such appropriation is entitled during the irrigating season.

W. L. Bradshaw.
Circuit Judge of the 7th Judicial District for Crook County.

State of Oregon,)
County of Crook) SS.

I, Warren Brown, County Clerk of the above named County and State, do hereby certify that the foregoing is a true and correct copy of Decree, in the matter of the relative rights to the waters of Tumalo Creek, a Tributary of the Deschutes River, in Crook County, as the same appears of record and on file in my office, in Book 5, Circuit Court Journal, on page 349.

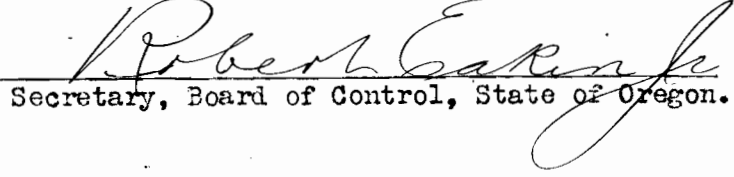
Witness my hand and seal this 22nd day of June, A. D. 1911.

Warren Brown
County Clerk.

State of Oregon,)
County of Marion.) SS.

I, Robert Eakin, Jr., Secretary of the Board of Control of the State of Oregon, do hereby certify that the foregoing copy and transcript of Journal Entry was received in the office of the Board of Control, the 27th day of June, 1911, and entered of record herein on the 13th day of July, 1911.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Board of Control of the State of Oregon, this 13th day of July, 1911.


Secretary, Board of Control, State of Oregon.

