

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

In the Matter of the Determination )  
of the Relative Rights to the Use )  
of the Waters of Pine Creek and its )  
Tributaries, a Tributary of Snake )  
River. )

D E C R E E.

Now on this 28th day of February, 1930, the above entitled matter comes duly on for the making and entry of a Decree herein, and it appearing to the Court:

That this is a proceeding instituted before the State Engineer of the State of Oregon, in the Matter of the Determination of the Relative Rights to the use of the Waters of Pine Creek and its Tributaries, a Tributary of Snake River, and that in the due course of said proceeding certain steps were taken, both before the State Engineer and the above entitled Court, all as contemplated by law, and as do more fully appear from the records and files in this cause, and from the Findings of Fact and Conclusions of Law heretofore made by this Court in said matter, and it further appearing to the Court: That based upon said Findings of Fact and Conclusions of Law, as well as upon the records and files in this cause, and the showing made to the Court, a decree of this Court should be entered herein, now, therefore,

IT IS CONSIDERED, ORDERED and DECREED:

1.

That on the 24th day of June, 1909, there was filed in the office of the Board of Control (thereafter called State Water Board, and now State Engineer) a petition signed by J. H. Chandler and others, requesting a determination of the relative rights of the various claimants to the use of waters of West Pine Creek and its tributaries; that on the 21st day of September, 1909, there was filed in the office of the Board of Control a petition signed by Edward Mehlhorn and others, requesting a determination of the relative rights of the various claimants to the use of waters of Clear Creek and its tributaries, a tributary of Pine Creek; that on the 3rd day of August, 1910, there was filed in the office of the Board of Control a petition signed by L. O. McCoy and others, requesting a determination of

the relative rights of the various claimants to the use of the waters of Lake Fork and its tributaries, a tributary of North Pine Creek; that on the 11th day of August, 1919, there was filed in the office of the State Water Board a petition signed by Thad Leep and others, requesting a determination of the relative rights of the various claimants to the use of the waters of Pine Creek and its tributaries; all of said petitioners being water users on the streams named in their respective petitions. That on the 4th day of June, 1923, there was filed in the office of the State Engineer an order of the Circuit Court of the State of Oregon for Baker County, dated May 29, 1923, in the case of W.W. Lloyd and others, plaintiffs vs. M. V. Brown and others, defendants, directing that said cause be referred to the State Engineer in accordance with Section 5731, Oregon Laws, for the purpose of adjudicating the relative rights of all water users on Pine Creek and its tributaries. That the State Engineer thereupon entered an order directing that such determination be made and fixing a time for the beginning of such examinations, investigations, and surveys as would enable him to determine the relative rights of the various claimants to the use of the waters of said Pine Creek and its tributaries.

2.

That a notice was prepared by the State Engineer setting forth the date when he would begin an investigation of the flow of said stream and its tributaries and of the ditches diverting water therefrom, and said notice was published in two issues of the Pine Valley Herald, a newspaper published weekly at Halfway, Baker County, Oregon, and of general circulation in said county, said two issues being those of June 21 and 28, 1923, and the date of the last publication of said notice being more than thirty days prior to the date set for the beginning of the measurements of said stream by the State Engineer or his assistants.

3.

That at the time specified by said notice, duly qualified assistants of the State Engineer did begin to make such examinations and measurements of said stream and its tributaries, and of the ditches, canals or other works diverting water therefrom, and surveys of the lands irrigated, and did gather such other data and information as were essential for the proper determination of the relative rights of the various claimants to the use of the waters of said stream; 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 on a scale of four inches to the mile, showing with substantial accuracy the course of said stream and its tributaries, the location of each ditch and canal diverting water therefrom, and the number of acres of land which had been irrigated in each legal subdivision; blue print copies of said maps

being now on file and a part of the record herein.

4.

That as soon as practicable after such examinations and measurements were completed, the State Engineer did prepare a notice setting forth a place and time certain when he would begin the taking of testimony (in the form of written statements and proofs of claim) as to the relative rights of the various claimants to the use of the waters of said stream and its tributaries. That said notice was published in two issues of the Pine Valley Herald, a newspaper published weekly in the town of Halfway, Baker County, Oregon, and having general circulation in said county, said two issues being those of April 9th and 16th, 1925; and the last publication of said notice being thirty days prior to the date fixed for the beginning of the taking of claims by the State Engineer.

5.

That the State Engineer did send by registered mail to each person, firm, or corporation claiming rights to the use of water from any of the said streams, and to each person, firm or corporation owning or being in possession of lands bordering on or having access to said stream or its tributaries, insofar as said claimants and owners and persons in possession could reasonably be ascertained, a notice similar to said published notice, setting forth the date when he or his authorized assistants would receive the statements and proofs of claim of the various claimants to the waters of said stream and its tributaries. That said notice was mailed thirty days prior to the date set therein for the receiving of claims. And the State Engineer did enclose with each of said notices a blank form upon which each claimant could present in writing all the particulars necessary for the determination of his rights, under oath.

6.

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.

7.

That the times and places when and where the State Engineer, or his authorized assistants, should attend and receive the claims of the various claimants were fixed as follows, to-wit:

On Wednesday and Thursday, the 20th and 21st days of May, 1925, at the Stalker Hall at Halfway, Oregon.

And for a period of thirty days beginning on Monday, the 1st day of June, 1925, at the office of the State Engineer in the Capitol Building at Salem, Oregon.

That thereafter, the State Engineer did extend from time to time, the period so fixed within which to file said statements and proofs of claim, until the 1st day of September, 1925; that within said time, claims for rights to the waters of Pine Creek or its tributaries were filed by the following named parties, to-wit:

Alexander, Mrs. Ruby, Box 314, Centralia, Washington.	Davidson, Lillie, Halfway, Ore.
Allstead, G.J., 6302 Holmes Ave., Los Angeles, Cal., by Harry Foreman, Agent, Halfway, Oregon.	Davidson, Roy, Halfway, Ore.
Allstead, John, Halfway, Oregon.	Davis, Geo. A. & J. A., Halfway, Ore.
Amstel Mortgage Co., Spokane, Wash. by C.T. Godwin, Agent, Baker, Oregon.	Day, Susan, A., Grandview, Wash.
Anderson, W.T. & Belle, Halfway, Oregon.	Deaderick, J.W., Halfway, Ore.
Anson, Mary S., Carson, Oregon, by Joseph L. Anson, Agent, Carson, Ore.	Dearth, S.V. & Pearl, Halfway, Ore.
Ashley, S.C., Benson & Anna M., Halfway, Ore. by Benson Ashley, Agent, Halfway, Ore.	Dearth, Geo., Halfway, Oregon.
Ayre, Orra, Baker, Oregon.	Del Curto, Lorenzo, Halfway, Ore.
	Denny, Lou M., Baker, Ore.
	Denny, Zeno, Halfway, Ore.
	Densley, John W., Richland, Ore.
	Diess, J.J., Halfway, Ore.
	Douglas, E. T., Halfway, Ore.
	Duff, T.V., Baker, Ore.
	Duke, Lloyd, Wapato, Wahsington
	Dunn, E.W., Halfway, Oregon,
	Dunn, Flossie E., Halfway, Ore.
Baker, H.J., Halfway, Oregon.	
Ballard, E.F., Homestead, Oregon, by J.A. Ballard, Agent, Halfway, Oregon.	Elliott, Jess., Copperfield, Ore.
Ballard, J. A., Halfway, Oregon	Ellis, Mary E., Homestead, Ore.
Barnes, WM. Halfway, Oregon	Elmer, G.H., Halfway, Ore.
Bassett, Henry J., Halfway, Oregon	Endrup, A.H., Halfway, Ore.
Betts, Estelle Voorhees, Cornucopia, Ore., by Robert M. Betts, Agt. Cornucopia, Or.	Endrup, Edward C., Oakridge, Ore.
Barton, Smantha (Smith), Halfway, Ore.	England, Isaac, Estate, Baker, Ore., by
Blacker, Ella, Halfway, Ore	Douglass, W.J., Baker, Ore.
Bloom, Deliah C., Halfway, Oregon	Erickson, John, Halfway, Ore.
Bowerman, F.L., Halfway, Oregon	Evans, A.L., Carson, Ore., & W.W. Evans, Halfway, Ore.
Bowerman, J. J., Halfway, Oregon	
Boyles, Marion, Halfway, Oregon	Federal Land Bank of Spokane, Spokane, Washington.
Brady, Maymie, Halfway, Oregon	Fickes, Mary, Halfway, Ore.
Brokaw, Rosetta, Halfway, Oregon	Fisher, C. K., Haines, Ore
Brokaw, Wm. B., Halfway, Oregon	Foster, C.H., Halfway, Oregon
Brown, A.C., Halfway, Oregon	Foster, H.C., Halfway, Ore.
Brown, N.D. Halfway, Oregon	Fulp, J.R., Halfway, Ore.
Brown, Harry B., Richland, Oregon	Furgason, Mrs. Elizabeth, Pine, Ore.
Brown, Sarah E., Halfway, Oregon	
Buchanan, Clarence E., Halfway, Ore.	Garlinghouse, Ada, Halfway, Ore.
Buchanan, Geo. M., Halfway, Ore	Garlinghouse, Lyman E., Halfway, Ore.
Buchanan, Howard C., Halfway, Ore	Gaylord, C.E., Halfway, Ore.
Buchanan, John, Halfway, Ore	Gaylord, E. B., Halfway, Ore.
Buchanan, T. A., Halfway, Oregon	George, Tom, Halfway, Ore.
	Gillett, Ezekiel, Baker, Ore.
Canaday, G.E., Halfway, Oregon	Gotchy, F.M., Halfway, Ore.
Canaday, John, Lowell, Arizona	Gotchy, Mrs. Loretta, Phoenix, Arizona
Carlson, A.E., Halfway, Oregon	Gover, Carson, Halfway, Ore.
Carnahan, Margaret, Clair Estate, by J.E. McKinnon, Admr., Carson, Ore.	Gover, Mary, Halfway, Ore.
Chandler, J.H., Carson, Oregon	Gover, Walter A., Halfway, Ore.
Chandler, Ruby M., Halfway, Ore.	Gover, W. Lovell, Halfway, Ore.
Chetwood, Lee, Marcola, Ore.	Gray, Arthur, Halfway, Ore.
Chipman, John C., Halfway, Ore. or Pine, Or.	Gray, Robert R., Halfway, Ore.
Chipman, Sarah K., Halfway, Ore.	Gray, Robert R., Halfway, Ore.
Christenson, Caroline M., Halfway, Ore.	Greener, E.K., Halfway, Ore.
Cochonour, D.W., Halfway, Ore.	Greener, Norvil, Halfway, Ore.
Coffinberry, Egbert, Halfway, Ore.	Gross, Anna B., Halfway, Ore.
Cole, J. M., Halfway, Ore	Grubb, H.V., Halfway, Ore.
Cornucopia, Town of, Cornucopia, Ore.	Gulick, J. S., Halfway, Ore.
Crego, Geo. R., Halfway, Ore.	Gray, J. W., Halfway, Oregon
Culbertson, Lela Belle, Baker, Ore.	

Haynie, C.W., Halfway, Ore.  
Hays, E.A., Halfway, Ore.  
Hearn, Marie, Halfway, Ore.  
Hensley, B. L., Richland, Ore.  
Hensley, Mrs. Mary, Halfway, Ore.  
Hewitt, Israel, Halfway, Ore.  
Hockett, J. L., Halfway, Ore.  
Holcomb, Noble, Richland, Ore.  
Hudson, A.L., 2009 E. Glisan St.,  
Portland, Ore.  
Huff, B. A., Pine, Ore.  
Huff, B.A. & C.C., Halfway, Ore.  
Huff, C.C., Halfway, Ore.  
Huff, Caroline T., Halfway, Ore.  
Huff, Chester & Bernice, Halfway, Ore.  
Huff, Rolland, Sumpter, Ore.  
Hulse, L.C., Halfway, Ore.  
Hulse, S.A., Halfway, Ore.  
Hunsaker, Addaline & J.L., Halfway, Ore.  
Hunt, Lenora G., c/o J.E. Lataurette,  
City Hall, Portland, Ore.  
Hunter, Hazel, Halfway, Ore.

Irwin, C.R., Halfway, Ore.  
Irwin, Ira, Halfway, Ore.  
Irwin, J.H., Halfway, Ore.  
Irwin, John, Halfway, Ore.  
Irwin, Pearl, Taft, California.

Jefferie, John T., Payette, Idaho  
Jeldness, H., Halfway, Ore.

Kinsey, Annie E., for self and as  
guardian et al., Payette, Idaho.  
Koopman, Charles, Halfway, Ore.  
Koopman, Fred, Halfway, Ore.  
Koopman, Fritz, Halfway, Ore.  
Koopman, Lorena, Pine, Ore.  
Koopman, Richard, Pine, Ore.

Laird, Lewis, Halfway, Ore.  
Laird, Percy, Halfway, Ore.  
Laird, Tom, Halfway, Ore.  
Laird, Tom & Robert, Halfway, Ore.  
Lee, Mrs. Viola, Halfway, Ore.  
Leep, Ellis, Halfway, Ore.  
Leep, Thaddeus, Halfway, Ore.  
Leep, Thomas B., Halfway, Ore.  
Lindsay, S.A., Baker, Ore.  
Littlefield, A.E. & Mary S., Halfway, Ore.  
Lloyd, W.W., Halfway, Ore.  
Locke, B. F., Mark Wynia, Halfway, Ore.  
Lurchin, B.F., Halfway, Ore.

Mack, Estate of J.C. & Emily M. Mack  
Of Multnomah, Ore., Meade L. Boyd of  
Dallas, Ore., Executor.  
Madden, Sophie N., Halfway, Ore.  
Makinson, Fred, Halfway, Ore.  
Makinson, Sob., Springfield, Ore.  
Makinson, Warren E. & Lillie M.,  
Halfway, Ore.  
Malay, Chester, Halfway, Ore.  
Malone, Wm., Halfway, Ore.  
Marker, E.E., et al, Halfway, Ore.  
Marr, Mary E., Halfway, Ore.  
Marshallsay, Mrs. A.L., Halfway, Ore.  
Martin, A.L., Halfway, Ore.  
Martin, Chas. W., Baker, Ore.  
Martin, Claude, Halfway, Ore.  
McCullum, J.M., Halfway, Ore.  
McFadden, W. M., Halfway, Ore.  
McKinnon, J. E., Carson, Ore.  
McMullen, Joe, Pine, Ore.  
McNutt, E.L., Halfway, Ore.  
McNutt, J. O., Halfway, Ore.

Mehlhorn, Albert, Halfway, Ore.  
Mehlhorn, Catherine, Halfway, Ore.  
Mehlhorn, Edward, Halfway, Ore.  
Mehlhorn, Henry, Halfway, Ore.  
Mehlhorn, Mrs. Louis, Halfway, Ore.  
Meyers, L.H. Payette, Idaho.  
Miller, C.W., Richland, Ore.  
Mills, Alcie, Halfway, Ore.  
Mills, Amos, Halfway, Ore.  
Mills, B., Burwell, Nebraska.  
Mills, Clay, Halfway, Ore.  
Mills, Fred L., Halfway, Ore.  
Mills, Howard A., Halfway, Ore.  
Mills, John, Halfway, Ore.  
Mitchell, Willis, Halfway, Ore.  
Morrison, F.S., Halfway, Ore.  
Motley, A.W., Halfway, Ore.  
Motley, Alsie E., Halfway, Ore.  
Motley, Charles L., Halfway, Ore.  
Motley, Fannie B., Halfway, Ore.  
Motley, James F., Halfway, Ore.  
Motley, Jose A. Halfway, Ore.  
Motley, Almon, Halfway, Ore.

Neet, J.D., Halfway, Ore.

Officer, Claude, Halfway, Ore.  
Oliver, C.A., Halfway, Ore.  
Oliver, George, Halfway, Ore.  
Oliver, H.K., Halfway, Ore.  
Oliver, Joseph D., Halfway, Ore.  
Olk, Jessie, Carson, Ore.  
Orr, Wm., Halfway, Ore.  
Painter, Fred E., Halfway, Ore.  
Painter, Ira, Halfway, Ore.  
Painter, Mary Jane, Boise, Idaho, by  
Samuel Painter, Halfway, Ore.  
Pancake, Bruce, Halfway, Ore.  
Panter, Lawrence, Cornucopia, Ore.  
Parker, Susie E., Halfway, Ore.  
Pearce, P. R., Halfway, Ore.  
Perkins, A.C., Halfway, Ore.  
Perry, Samuel Albert & Gertrude D., Eugene, Ore.  
Pierce, R.A., Halfway, Ore.  
Pine Lakes Ditch & Reservoir Co., by  
Ben Ashley, Pres., Halfway, Ore.  
Pine Valley Cemetery Assoc., Halfway., Ore.  
Poulos, Fred, Halfway, Ore.  
Pritchard, H.C. & L.J., Halfway, Ore.  
Perry, W.T., Halfway, Ore.

Quinn, Lemuel, Halfway, Ore.  
Quinn, T.F., et al, Halfway, Ore.

Reeder, C.H., Salem, Ore.  
Richardson, Mary, Baker, Ore.  
Ritter, J.P., Halfway, Ore.  
Ritter, Jos. Halfway, Ore.  
Ritter, Mae, Halfway, Ore.  
Robbins, J.G. & Mae, Halfway, Ore.  
Robertson, Harry D., Halfway, Ore.  
Robertson, John T., Halfway, Ore.  
Robinson, H.W.B., Halfway, Ore.  
Robinson, W.D., Rt. 1, Box 145, Sherwood, Ore.  
Roop, G.P., Halfway, Ore.  
Rudd, A.C., Halfway, Ore.  
Russell, J.A., P.O. Box 163, Baker, Ore.

Sample, Joe, et al, Halfway, Ore.  
Saunders, C.W., Halfway, Ore.  
Schmidt, Louis, Halfway, Ore.  
Schneider, Christoph, Cornucopia, Ore.  
Schubert, D.D., Payette, Idaho.  
Scott, J. B., Halfway, Ore.  
Scott, J. W., Halfway, Ore.  
Shock, Geo. Halfway, Ore.  
Schmidt, Otto R., 311 East 50th St., Portland, Ore.

Shock, Jess., Halfway, Ore.  
 Shook, Bessie, Marshfield, Ore.  
 Smelcer, M.X., Halfway, Ore.  
 South, Mary J., Halfway, Ore.  
 South, W. J., Halfway, Ore.  
 Stalker, W.W., Halfway, Ore.  
 Starke, H. W. & Eva, Carson, Ore.  
 Steele, Ethel M., Halfway, Ore.  
 Steele, George T., Halfway, Ore.  
 Steele, Inez M., Halfway, Ore.  
 Steele, John E., Halfway, Ore.  
 Sturgill, Ola A., Halfway, Ore.

Tarter, Hanford, Halfway, Ore.  
 Taylor, John L., Halfway, Ore.  
 Taylor, W.P., Halfway, Ore.  
 Teed, Helen & Margaret, Baker, Ore.  
 Thaysen, John H., Halfway, Ore.  
 Thaysen, Peter, Halfway, Ore.  
 Thomas, C.L., Halfway, Ore.  
 Thompson, Birt, Granger, Washington  
 Thompson, Charles, Halfway, Ore.  
 Thompson, Harvey, Halfway, Ore.  
 Thompson, Henry, Halfway, Ore.  
 Thompson, Lee and Nona B., Halfway, Ore.

Turnbull, Milton S., Union, Ore.  
 Updike, M. Halfway, Ore.

Waldron, R. A., Halfway, Ore.  
 Wallace, Jessie Albert, Fellows, California  
 Walter, Edward, Halfway, Ore.  
 Weiser Nat'l Bank, John H. Smith, Receiver,  
 Weiser, Idaho.  
 Whiteley, Earl, Pine, Ore.  
 Whiteley, Tom, Pine, Ore.  
 Whittier, E.A., Walla Walla, Washington  
 Williams, A.H., Halfway, Ore.  
 Williams, W.J., Halfway, Ore.  
 Wilson, W. N., Nampa, Idaho.  
 Woodel, Albert, Baker, Ore.  
 Wyatt, W.A., Halfway, Ore.  
 Wynia, Mark, Carson, Ore.

Young, W.L., Halfway, Ore.

Zimmerman, Clara, Carson, Ore.  
 Zimmerman, Otto W., by W.L. Patterson,  
 Agent, Baker, Ore.

8.

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 any 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 of the State Engineer issued since February 24, 1909;

Acres, E. J., Halfway, Ore.  
 Acres, G.T., Halfway, Ore.  
 Adrian, James, Halfway, Ore.  
 Alexander, James, Halfway, Ore.  
 Alley, M.S., Halfway, Ore.  
 Alvord, G. M., Halfway, Ore.  
 Anson, Geo., Halfway, Ore.  
 Austin, Mark, Halfway, Ore.

Babcock, A.D., Halfway, Ore.  
 Barclay, Mr., Halfway, Ore.  
 Behner, Jacob, Halfway, Ore.  
 Bennehoff, W.T., Halfway, Ore.  
 Behner, Robert, Halfway, Ore.  
 Blacker, Geo., Halfway, Ore.  
 Boerner, Frank, Halfway, Ore.  
 Boyles, Arch, Halfway, Ore.  
 Brewen, G.C., Halfway, Ore.  
 Brown, Mrs. Ira., Halfway, Ore.  
 Burns, Edward, Halfway, Ore.  
 Buzzard, M. C., Halfway, Ore.

Cameron, Bruce, Halfway, Ore.  
 Canaday, Florence Stalker, Halfway, Ore.  
 Canaday, G.L., Halfway, Ore.  
 Carsley, Ada, Halfway, Ore.  
 Christian Church, Halfway, Ore.

Chipman, John, Halfway, Ore.  
 Clark, W.T., Halfway, Ore.  
 Conner, A.E., Halfway, Ore.  
 Crigbaum, M.E., Halfway, Ore.  
 Crow, Frank, Halfway, Ore.  
 Crow, Mrs. Frank, Halfway, Ore.  
 Crook, Ted., Halfway, Ore.  
 Crego, Ben, Halfway, Ore.  
 Cullum, Charles, Halfway, Ore.  
 Curry, Mary, Halfway, Ore.  
 Curry, Bert, Halfway, Ore.

Davis, James, Halfway, Ore.  
 Decker, Cloud, Halfway, Ore.  
 Dry Creek Ditch Co., Halfway, Ore.

Edwards, May, Halfway, Ore.  
 Eldridge, Mrs. D., Halfway, Ore.  
 Estes, Thomas, Halfway, Ore.

Fisher, A. N., Halfway, Ore.  
 Fleener, Geo., Halfway, Ore.  
 Fogle, Geo., Halfway, Ore.  
 Foreman, Wm., Halfway, Ore.  
 French, E.R., or D.R., Halfway, Ore.

Gent, T. G., Halfway, Ore.

Garlinghouse, Richard, Halfway, Ore.  
Gaylord, E. C., Halfway, Ore.  
Gillet, W. A., Halfway, Ore.  
Grass, Anna B., Halfway, Ore.  
Gray, Bert., Halfway, Ore.  
Gray, Wm. & Dora D., Halfway, Ore.  
Grim, Samuel, Halfway, Ore.  
Gross, Orville, Halfway, Ore.  
Grubb, Clark, Halfway, Ore.  
Grubb, Geo., Halfway, Ore.

Harmon, Wm., Halfway, Ore.  
Harris, Joseph, Halfway, Ore.  
Hewitt, Joel, Halfway, Ore.  
Hewitt, Mrs. Samoutha, Halfway, Ore.  
Hildebrand, Mr., Halfway, Oregon  
Hubler, M. E. Halfway, Oregon  
Hughes, D. L., Halfway, Ore.  
Hunsley, Mary, Halfway, Ore.  
Hunter, W. K., Halfway, Ore.  
Hyde, Mr., Halfway, Ore.

Irwin, Barton, Halfway, Oregon  
Irwin, Ray, Halfway, Oregon  
Irwin, Thos., Halfway, Oregon.

Jeldness, Albert, Halfway, Oregon  
John, J. N., Halfway, Ore.  
Johnson, Mr., Halfway, Ore.

Keyton, C. W., Halfway, Ore.  
Kooch, Elmer, Halfway, Ore.  
Koopman, Harmon, Halfway, Ore.

Lansing, Alvis, Halfway, Ore.  
Lay, John, Halfway, Ore.  
Lee, Charles, Halfway, Ore.  
Leep, Henry, Halfway, Ore.  
Leep, Lottie, Halfway, Ore.  
Leep, Willis, Halfway, Ore.  
Lindsay, F. E., Halfway, Ore.  
Lloyd, Wm., Halfway, Ore.  
Lones, P. D., Halfway, Ore.

Mackensen, Chas., Halfway, Ore.  
Madden, Wm., Halfway, Ore.  
Manela, N. T., Halfway, Ore.

Perry, Bert, Halfway, Ore.  
Pickler, Roy, Halfway, Ore.  
Posey Valley Ditch Co., Halfway, Ore.  
Prendergrass, Lawrence, Halfway, Ore.

Reeder, Harry, Halfway, Ore.  
Ritter, J.R., Halfway, Ore.  
Robinson, Beecher, Halfway, Ore.  
Robinson, M. O. Halfway, Ore.  
Robinson, Harry, Halfway, Ore.  
Rogers, Larma, Halfway, Ore.  
Romine, E., Halfway, Ore.  
Rushing, Lige, Halfway, Ore.

Sanders, I. E., Halfway, Ore.  
Saunders, E., Halfway, Ore.  
Shanks, Andrew, Halfway, Ore.  
Shelton, Chas. Jr, Halfway, Ore.  
Skiff, Nolan, Halfway, Ore.  
Smelcer, B., Halfway, Ore.  
Smith, J. H., Halfway, Ore.  
Smith, Lou, Halfway, Ore.  
Snook, W. A., Halfway, Ore.  
Stalker, Wallace, Halfway, Ore.  
Steele, Freeman, Halfway, Oregon  
Steen, Wm., Halfway, Ore.  
Sturgill, Frank, Halfway, Ore.  
Summers, Samuel, Halfway, Ore.

Tarter, Felix, Halfway, Oregon  
Taylor, Prescott, Halfway, Oregon  
Teed, Mrs. Wm., Halfway, Ore.  
Thayer, W. W., Halfway, Ore.  
Thompson, Walter, Halfway, Ore.  
Thompson, Wesley, Halfway, Ore.  
Turner, Ross, Halfway, Ore.

Vaughn, J. A., Halfway, Ore.  
Weatherspoon, W. W., Halfway, Ore.  
Webb, E., Halfway, Ore.  
Weimer, Sam, Halfway, Ore.  
Westerbelt, J. G., Halfway, Ore.  
Wheeler, A.W., Halfway, Ore.  
Woodell, James, Halfway, Ore.  
Woodhouse, Bessie, Halfway, Ore.

Yowell, Vernon, Halfway, Ore.

Curry, J. S. Ditch Co., Carson, Ore.  
Edlin, John, Carson, Ore.  
Flynn, J. T., Carson, Ore.  
Foot Hills Irrigation Co., Carson, Ore.  
Gravel Flat Ditch Co., Carson, Ore.  
Hewitt Ditch Co., Carson, Ore.  
Hunter, Guy, Carson, Oregon  
Lee Ditch Co., Carson, Oregon  
Moore & Goodspeed, Carson, Ore.  
Murray, Nels, Carson, Oregon.  
Steel Ditch Co., Carson, Ore.  
Wilson, Newt., Carson, Ore.  
Hudson, W. C., Baker, Ore.  
Acklin, Samuel, Homestead, Ore.  
Densley, John, Homestead, Ore.  
Wright, Morse, Homestead, Ore.  
Wuertz, Humphrey, Homestead, Ore.  
Kindall, Wm., Richland, Ore.  
Miller, E. W., Richland, Ore.  
Last Chance Mining Co., c/o Supt. Fred L. Mills,  
Cornucopia, Ore.  
Queen of the West Mining Co., c/o Supt.  
Day, Mrs. Thos., Pine, Ore.  
Shepherd, Joseph, Pine, Ore.  
Stewart, Mrs. Louise, Pine, Ore.  
Barber, Chas., Portland, Ore.  
Manillo, A.T., c/o Marshall Wells, Portland, Ore.  
Pritchard, Thos., Astoria, Ore.  
Marshalsay, Alex., Halfway, Ore.  
Martin, John, Halfway, Ore.  
McCoy, L. O., Halfway, Ore.  
McMullen Ditch Co., Halfway, Ore.  
McMullen, Bessie, Halfway, Ore.  
McNutt, Albert, Halfway, Ore.  
McQueen, Ernest, Halfway, Ore.  
McQuiggen, D., Halfway, Ore.  
McVelt, Mr., Halfway, Ore.  
Meyer, Henry, Halfway, Ore.  
Mills, Chas. Halfway, Ore.  
Mills, H. A., Halfway, Ore.  
Moss, A., Halfway, Ore.  
Munsey, Wm., Halfway, Ore.  
Munsey, Edward, Halfway, Ore.  
Munsey, Lawrence, Halfway, Ore.  
Musil, Wm., Halfway, Ore.

Neault, Joe, Halfway, Ore.  
Nye, Ben., Halfway, Ore.

Owlk, Wm., Halfway, Ore.

Moore, Wm., Elgin, Ore.

Seigel, Thomas, Malin, Ore.

Kennedy, John, Bisbee, Arizona.

Mills, E. F., Asotin, Washington.

9.

That after the completion of the taking of such statements and proofs of claim the State Engineer did, on the 1st day of October, 1925, 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 said notice the testimony and proofs of claim theretofore filed would be open to public inspection. That the times and places so fixed were as follows:

On Monday and Tuesday, October 12th and 13th, 1925, in the City Hall at Halfway, Baker County, Oregon.

And for a period of 10 days beginning Monday, the 19th day of October, 1925, and ending with Thursday, the 29th day of October, 1925, (Sundays excepted) at the office of the State Engineer in the Capitol Building, at Salem, Oregon.

That said notice did also state therein the county in which the determination of the State Engineer in said proceeding would be heard by the Circuit Court of the State of Oregon, to-wit: (the county of Baker). That a duly authorized representative of the State Engineer did, in accordance with said notice, keep said testimony and claims open to public inspection at the times and places aforesaid.

10.

That within the time fixed by said notice, and the twenty-day extension thereof allowed by law, the following contests were initiated by the filing with the State Engineer of notices of contest in writing:

1. W.Lovell Gover, F.H.Sturgill, and C.C.Huff, a committee representing themselves and all the remaining claimants of water rights in East Pine Creek, except contestee, Contestants vs. Mrs. Mary Hensley, Contestee.
2. J. P. Ritter, Albert Mehlhorn, and Thomas Whiteley, as a committee representing themselves and all the remaining claimants of water rights in Clear Creek, excepting Contestee, Contestants vs. Samantha (Smith) Barton, Contestee.
3. J. P. Ritter, Albert Mehlhorn, and Thomas Whiteley, a committee representing themselves and all the remaining claimants of water rights in Clear Creek, excepting contestees, Contestants vs. Samuel Albert Perry & Gertrude D. Perry, Contestees.
4. J.P.Ritter, Albert Mehlhorn, and Thomas Whiteley, a committee representing themselves and all the remaining claimants of water rights in Clear Creek, excepting contestee, vs. Harry D. Robertson, Contestee.
5. J.P.Ritter, Albert Mehlhorn and Thomas Whiteley, a committee representing themselves and all the remaining claimants of water rights in Clear Creek, excepting Contestee, Contestants, vs. A.L.Hudson, Contestee.
6. J. P. Ritter, Albert Mehlhorn, and Thomas Whiteley, a committee representing themselves and all the remaining claimants of water rights in Clear Creek, excepting contestee, Contestants, vs. J.W.Deaderick, Contestee.
7. H. Jeldness, and all other claimants to the waters of Pine Creek and its tributaries, excepting contestee, Contestants, vs. Ezekiel Gillett, Contestee.
- 7A. H. Jeldness, and all other claimants to the water of Pine Creek and its tributaries, excepting contestee, Contestants, vs. Leonora Hunt, Contestee.



8. Ed. R. Greener and John H. Thaysen, Contestants, vs. John C. Chipman, et al, Group A., E. E. Marker, et al., Group B., Joseph Sample et al., Group C., Sarah E. Brown et al., Group D., Mrs. Louis Mehlhorn et al., Group E., Contestees.
9. Ed; R. Greener, Contestant vs. Thaddeus Leep and Inez Steele, Contestees.
10. Chester M. Maley, Walter A. Gover, Adeline Hunsaker, J. L. Hunsaker, M.X.Smelcer, John C. Chipman, W. W. Lloyd, Lou M. Denny, J. R. Fulp, J.W.Gray, Percy Laird, A.W.Motley, Alsie E. Motley, George Shock, Jess Shock, Peter Thaysen, W. A. Wyatt, Leonora Hunt, Annie E. Kinsey, Thaddeus Leep and Inez Steele, Contestants, vs. Ed. R. Greener, Contestee.
11. W. W. Lloyd and all other claimants to the waters of Pine Creek and its tributaries, excepting contestees, Contestants, vs. Wm. Barnes, G.E.Canaday, Thomas B. Leep, Warren E. and Lillie M. Makinson, Contestees.
12. H. Jeldness and all other claimants to the waters of Pine Creek and its tributaries, excepting contestees, Contestants, vs. Warren E. and Lillie M. Makinson, Contestees.
13. H. Jeldness and all other claimants to the waters of Pine Creek and its tributaries, excepting contestee, Contestants, vs. Thomas B. Leep, Contestee.
14. J. L. Hockett and all other claimants to the waters of Pine Creek and its tributaries, excepting contestee, Contestants, vs. D.D.Schubert, Contestee.
15. H. Jeldness and all other claimants to the waters of Pine Creek and its tributaries, excepting contestee, Contestants, vs. J. A. Russell, Contestee.
16. H. Jeldness and all other claimants to the waters of Pine Creek and its tributaries, excepting contestee, Contestants, vs. J. G. and Mae Robbins, Contestees.
17. C. M. Maley, and all other claimants to the waters of Pine Creek and its tributaries, excepting contestees, Contestants, vs. T. F. Quinn et al., Contestees.
18. J. W. Scott and all other claimants to the waters of Pine Creek and its tributaries, excepting contestee, Contestants, vs. Fred L. Mills, Contestee.
19. H. Jeldness and all other claimants to the waters of Pine Creek and its tributaries, excepting contestee, Contestants, vs. Sol. T. Makinson, Contestee.
20. W. W. Lloyd and all other claimants to the waters of Pine Creek and its tributaries, excepting contestees, Contestants, vs. E. E. Marker, et al., Contestees.
21. Benson Ashley and all other claimants to the waters of Pine Creek and its tributaries, excepting contestees, Contestants, vs. Estate of J. C. Mack, Emily M. Mack and Boyd L. Meade, Executor, Contestees.
22. W. W. Lloyd and all other claimants to the waters of Pine Creek and its tributaries, excepting contestees, Contestants, vs. A. E. and Mary S. Littlefield, Contestees.
23. H. Jeldness and all other claimants to the waters of Pine Creek and its tributaries, excepting contestee, Contestants, vs. Thaddeus Leep, Contestee.
24. J. W. Scott and all other claimants to the waters of Pine Creek and its tributaries, excepting contestee, Contestants, vs. Mary Gover, Contestee.
25. J. W. Scott and all other claimants to the waters of Pine Creek and its tributaries, excepting contestee, Contestants, vs. Federal Land Bank of Spokane, Wash., Contestee.
26. H. Jeldness and all other claimants to the waters of Pine Creek and its tributaries, excepting contestee, Contestants, vs. Amstel Mortgage Company, Contestee.
27. H. Jeldness and all other claimants to the waters of Pine Creek and its tributaries, excepting contestees, Contestants, vs. Helen and Margaret Teed, Contestees.
28. H. Jeldness and all other claimants to the waters of Pine Creek and its tributaries, excepting contestee, Contestants, vs. Hamford Tarter, Contestee.

29. J. L. Hockett and all other claimants to the waters of Pine Creek and its tributaries, excepting contestee, Contestants vs. J.B.Scott, Contestee.
30. H. Jeldness and all other claimants to the waters of Pine Creek and its tributaries, excepting contestee, Contestants, vs. Noble Holcomb, Contestee.
31. W. W. Lloyd and all other claimants to the waters of Pine Creek and its tributaries, excepting contestee, Contestants, vs. c.E. Canaday, Contestee.
32. C. E. Gaylord and all other claimants to the waters of Pine Creek and its tributaries, excepting contestee, Contestants, vs. C.J.Allstead, Contestee.
33. W. W. Lloyd and all other claimants to the waters of Pine Creek and its tributaries, excepting contestee, Contestants, vs. Ellis Leep, Contestee.
34. J. W. Scott, and all other claimants to the waters of Pine Creek and its tributaries, excepting contestee, Contestants, vs. C. E. Canaday, Contestee.
35. W. W. Lloyd and all other claimants to the waters of Pine Creek and its tributaries, excepting contestee, Contestants, vs. Wm. Barnes, Contestee.
36. H. Jeldness and all other claimants to the waters of Pine Creek and its tributaries, excepting contestee, Contestants, vs. Noble Holcomb, Contestee.
37. W. W. Lloyd and all other claimants to the waters of Pine Creek and its tributaries, excepting contestee, Contestants, vs. Noble Holcomb, Contestee.
38. H. Jeldness and all other claimants to the waters of Pine Creek and its tributaries, excepting contestee, Contestants, vs. John Irwin, Contestee.
39. Benson Ashley and all other claimants to the waters of Pine Creek and its tributaries, excepting contestee, Contestants, vs. John Irwin, Contestee.
40. H. Jeldness and all other claimants to the waters of Pine Creek and its tributaries, excepting contestee, Contestants, vs. Tom Laird, Contestee.
41. H. Jeldness and all other claimants to the waters of Pine Creek and its tributaries, excepting contestees, Contestants, vs. Tom and Robert Laird, Contestees.
42. H. Jeldness and all other claimants to the waters of Pine Creek and its tributaries, excepting contestee, Contestants, vs. Ellis Leep, Contestee.
43. H. Jeldness and all other claimants to the waters of Pine Creek and its tributaries, excepting contestee, Contestants, vs. Ellis Leep, Contestee.

That after the filing of said notices of contest the State Engineer did fix a time and place for the hearing of each of said contests, and did on the 11th day of February, 1926, serve notice of hearing of said contests on each of the parties to said contests, the date fixed for hearing being more than thirty days and less than sixty days from the date the notice of hearing was served on said parties. That thereafter, the time fixed for the hearing of said contests was extended until June 2, 1926, upon which date the taking of testimony in said contests was commenced before the State Engineer, and continued from time to time until all of said contests were fully heard, settled or otherwise disposed of.

11.

That Pine Creek is a tributary of Snake River, and is situated in Baker County, Oregon, near the east border of the State. The valley which it drains lies immediately south of the high Wallowa Mountains, and practically all the water flowing in the <sup>main</sup> stream or its tributaries rises in those mountains. The entire valley is more or less of a basin,

the boundaries other than the north being likewise mountainous although lower and more barren of vegetation. One long, narrow outlet follows the creek to Snake River. Two roads to the south reach the City of Baker by passage over the mountains. The main portion of the valley is broad, level and extremely fertile, where supplied with water, and is well adapted to irrigation. The greater portion of the lands susceptible to irrigation are comprised in one large body consisting of some ten or twelve thousand acres traversed by Pine Creek proper as well as its tributaries, Clear Creek and East Pine Creek, both of which run almost parallel with the stream and close to it. Below this principal broad area the valley narrows down to a canyon, a few hundred feet in width and continues in this formation for a distance of about ten miles to Snake River. The mountains in this region are rich in mineral deposits, there being gold mining in the upper part of the valley, and copper mining in the lower. The other principal tributaries of Pine Creek are Fish Creek and North Pine Creek, both of which enter the main stream below its drain into the canyon. Several of the tributaries of Pine Creek originate from small lakes in the mountains, across the outlets of which dams have been erected for the purpose of storing the winter run-off. The reservoirs so formed are known as Twin Lakes Reservoir, East Fork Reservoir, Clear Creek Reservoir, Fish Lake Reservoir, and Crows Reservoir. The total area of irrigated land on Pine Creek and its tributaries is approximately twenty thousand acres.

12.

Contest No. 1.

W. Lovell Cover, F.H.Sturgill, and C.C.Huff,  
as a committee representing themselves and all  
the remaining claimants of water rights in East  
Pine Creek, except contestee.

Contestants,

vs.

Mrs. Mary Hensley,

Contestee.

This contest was settled by stipulation, whereby Contestee agreed to amend her claim No. 156 in accordance with the decree in the case of A.P.Greener and C.A.Oliver, vs. J. M. Cole and others, limiting said right to 80 acres instead of 87.3 acres as originally claimed. It was further agreed that the quantity of water used under this right should be limited to 80 miners inches, or 2 second feet, and that such quantity might be used on the irrigated acreage as shown by the maps of the State Engineer. The

80 acres of land as described in the decree does not correspond with that actually irrigated as shown by the maps. Contestee's rights shall be limited to 80 acres as stipulated, but the description as given in the decree and stipulation will be changed to conform to the maps, as follows: 22 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 30 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 18 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 10 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 26, T. 7 S. R. 46, E. W. M.

13.

Contest No. 2.

J. P. Ritter, Albert Mehlhorn, and Thomas Whiteley,  
as a committee representing themselves and all the  
remaining claimants of water rights in Clear Creek,  
except Contestee.

Contestants,

vs.

Samantha (Smith) Barton,

Contestee.

This contest came on for hearing, and a stipulation was entered into, by which it was agreed that Contestee's right for 10 acres of land under claim No. 6 should have a priority of 1890, instead of 1883, as originally claimed. Said claim is allowed and tabulated herein, as so modified.

14.

Contest No. 3.

J. P. Ritter, Albert Mehlhorn, and Thomas Whiteley,  
as a committee representing themselves and all the  
remaining claimants of water rights in Clear Creek,  
except Contestees,

Contestants,

vs.

Samuel Albert Perry, and Gertrude E. Perry,

Contestees.

This contest was settled by stipulation, wherein Contestees agreed that their claim No. 818 should be amended in accordance with the decree in the case of W. A. Gover vs. Boin T. Acers, et al. It appears that by this decree Contestees were allowed a water right as of the year 1891 for irrigation, domestic and stock use to the extent of 10 inches or one-fourth second foot of water, for use on the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 31, T. 7 S. R. 46 E.W.M. Contestees shall therefore be limited to that quantity of water under the 1891 priority. It appears that 25.5 acres are

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irrigated in this sub-division, and that the additional quantity needed therefor was appropriated in 1917 as tabulated herein. Said decree apparently does not affect the water rights for the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of said section, and the claim of Contestees as to this subdivision is allowed as filed.

15.

Contest No. 4.

J. P. Ritter, Albert Mehlhorn, and Thomas Whiteley,  
as a committee representing themselves and all the  
remaining claimants of water rights in Clear Creek,  
except Contestee,.

Contestants,

vs.

Harry D. Robertson,

Contestee.

This contest was settled by stipulation, whereby it was agreed that Contestee, for the land under his claim No. 347, should have a date of priority of 1895, instead of 1883 as originally claimed. Said right is determined herein accordingly.

16.

Contest No. 5.

J. P. Ritter, Albert Mehlhorn, and Thomas Whiteley,  
as a committee representing themselves and all the  
remaining claimants of water rights in Clear Creek,  
except Contestee,

Contestant,

vs.

A. L. Hudson,

Contestee.

This contest came on for hearing and was settled by stipulation, whereby it was agreed that Contestee should, under his rights for the 125 acres of land under his claims Nos. 162-A and 162-D, be limited to 70 miners inches (or 1.75 second feet) of water from Clear Creek, with priority of 1883. Said water rights are therefore hereby determined in accordance with such stipulation.

17.

Contest No. 6.

J. P. Ritter, Albert Mehlhorn, and Thomas Whiteley,  
as a committee representing themselves and all the  
remaining claimants of water rights in Clear Creek,  
except Contestee,

Contestants,

Contest No. 6 (Cont.)

vs.

J. W. Deaderick,

Contestee.

This contest came on for hearing, but the Contestee after due notice failed to make an appearance or submit any evidence in support of his claims. This contest was directed against claims Nos. 65 and 66, for rights to the waters of Clear Creek, the allegation of the contest being that this Contestee's rights should conform to the decree of the Circuit Court in the case of Gover vs. Acers et al., to which suit Contestee was a party. Contestee's claims will be modified so as to conform to the decree, as the same is binding upon him. The acreage to which the decree made the water appurtenant will be changed to conform to the actual present conditions of irrigation on the premises. Contestee claimed more land as irrigated than is shown by the State maps, and as he failed to make any showing in support of his claims the acreage will be reduced to that found to have been irrigated by the State survey. This will make the total acreage under the two ditches 59.6 acres, for which contestee shall be entitled to 50 miners inches, in accordance with said decree. The priority of the right under the Deaderick Ditch shall be 1897, and of the right under the Ritter Ditch shall be 1899, in accordance with the decree.

18.

Contest No. 7.

H. Jeldness, and all other claimants to the waters of Pine Creek and its tributaries, except Contestee,

Contestants,

vs.

Ezekiel Gillett,

Contestee.

This contest came on for hearing after due notice to the parties, but no appearance was made by Contestee. Contestee is therefore in default, and the allegations in the notice of contest will be taken as admitted. Contestee's claim was for a water right from Pine Creek through the Foot-hills Ditch with priority of 1882 for 5.5 acres of land, as follows: 0.5 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$ , and 5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 17, T. 8 S. R. 46 E. W. M. It is alleged in the notice of contest "that said Contestee has no right,

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claim, or title to the use of waters from main Pine Creek or its tributaries as set forth in proof No. 123 except as follows: That said Contestee has a water right as of the year 1874 from Pine Creek for irrigation, domestic and stock use on 0.5 acre in NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 17, T. 8 S. R. 46 E. W. M., and no other." It appears from the records herein that this statement is true, and also that a water right for said 0.5 acre is included in claim No. 328 of T. F. Quinn et al. The individual claim of Ezekiel Gillett will therefore be eliminated from the tabulation of rights herein.

19.

Contest No. 7-A.

H. Jeldness and all other claimants to the waters of Pine Creek and its tributaries, except contestee,

Contestants,

vs.

Leonora Hunt,

Contestee.

This contest was duly set down for hearing, but no testimony was taken in same; it appears that Leonora Hunt is also a contestee in Contest No. 8, Group A, in the trial of which considerable evidence was offered. The allegations in Contest No. 7-A are as follows: That contestee has no right, claim or title to the use of waters of main Pine Creek or its tributaries, as set forth in said Proof No. 176-A except as follows: "That said contestee has a water right as of the year 1874 from Pine Creek for irrigation, domestic and stock use on forty acres in the NE $\frac{1}{4}$  of Section 7, T. 8 S. R. 46, E.W.M., and no others."

20.

Contest No. 8.

Ed. R. Greener and John H. Thaysen,

Contestants,

vs.

Group "A"

John C. Chipman  
 Pearl Dearth  
 Walter A. Gover  
 Chester Huff  
 Percy Laird  
 George S. Shock  
 A. W. Motley  
 T. F. Quinn  
 Fannie B. Motley

J.W.Deaderick  
 Lou M. Denny  
 J. W. Gray  
 Bernice Huff  
 W. W. Lloyd  
 Jesse Shock  
 Alsie E. Motley  
 Leonora Hunt  
 S. V. Dearth

J.R.Fulp  
 J.L Hunsaker  
 Adaline E. Hunsaker  
 M. X. Smelcer  
 Chester Maley  
 Claude Officer  
 Annie E. Kinsey  
 Annie E. Kinsey, Guardian  
 Pine Valley Cemetery Assoc.

Group "B"

E. E. Marker	Claude Officer	A. H. Sanders
Bruce Pancake	Minnie E. Motley	E. W. Dunn
W. W. Lloyd	Maggie Ingram	Christopher Schneider
Thomas D. Estes	Clara M. Gray	Annie E. Kinsay
C. M. Barclay	- - - , Barclay	M. J. Barclay
Rosella Hoag	Alsie E. Motley	Hulda O. Motley
H. B. Behner	Careleon M. Baird	John Canaday
Ben M. Patterson	S. P. Williams	James Alexander
I. N. Sanders	Harvey N. Hewitt	Ernest Sanders
Sam. T. Grimm	Ada Leep Carsley	Mary Skiff
Myle Leep Yowell	Lou M. Denny	A. W. Motley
Fred Makinson	G. W. Gaylord	Almon Motley
Charles Reed	Mutual Creamery Co.	T. F. Quinn
N. D. Brown	M. S. Gardner	Charles Black
G. W. Miller	L. G. Hunt	Emma I. Moore
Charles J. Shelton	W. A. Wyatt	Lettie Leep
Lulu A. Anderson	Ada Carlinghouse	A. V. Lansing
R. A. Pierce	Edwin A. Burns	Harvey Foreman
C. E. Gaylord	W. N. Wilson	Mary Wilson Gover
Guy L. Hunt	J. D. Carnahan	James Motley
Elmer Wart	Millie Wart	Delileh M. Bloom
Catherine Clough	George Fleener	T. V. Duff
Claude Fleener	Arthur Gray	R. H. Jans
Lenn Quinn	J. W. Scott	Matilda Quinn
Catherine Huff	D. W. Cochonour	J. W. Huff
Lee Blackslee	Willis R. Leep	J. H. Irwin
Susie Parker	Town of Halfway	Laura Babcock
Emma Canaday	Church of the Nazarene	Union High School, District #1.
	Ira Painter	Fred I. Mills

Group "C"

Joseph Sample	W. A. Wyatt	Ernest McQueen
Peter Thaysen	Pine Mercantile Co.	Edna B. Stuchell
Pine Valley Lodge	F. T. Lindsay	Pine Valley Dairy Assoc.
No. 208 I. O. O. F.	W. W. Evans	Matilda K. Stalker
A. J. Kippes	- -, Alexander	Inez Steele
W. W. Stalker	Pine Valley Lodge	First Nat'l Bank of Halfway
M. K. Smelcer	A. F. & A. M.	Lulu Anderson
Almon Motley	M. Cooper	Guy Hughes
Ward Emigh		

Group "D"

Sarah E. Brown	Anna B. Gross	Ellis Leep
Thomas B. Leep	A. E. Littlefield	Mary E. Littlefield

Group "E"

Mrs. Louis Mehlhorn	Wm. Barnes	Ellis Leep
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Contestees.

This contest came on for hearing, and a large amount of evidence was offered therein. The parties and issue involved in the contest are practically the same as in the suit of W. W. Lloyd et al. vs. N. D. Brown et al. which was instituted in the Circuit Court and referred to the State Engineer, and pursuant to which this proceeding was commenced.

The rights of most of the parties to this contest were determined in 1901 by decree of the Circuit Court, in the case of Isaac McMullen et al. vs.



Steele Irrigating Ditch & Water Co. et al., and as between the parties thereto, and their successors in interest, said decree is res judicata in this proceeding. But said decree is not binding as to claimants whose lands were not involved therein, and therefore as to them we must look to the record made in this proceeding.

The principal issue raised in this contest is as to the relative priorities of the water rights from Pine Creek, as between successors to the plaintiffs in the above mentioned suit, as Contestees herein, and Ed R. Greener and John H. Thaysen, who were not parties to said suit, as Contestants herein. There is much conflicting and uncertain testimony in this case, but this is no doubt unavoidable in any case of proof by oral testimony of happenings and conditions more than fifty years back. But by a careful analysis of the entire record, and a consideration of the demeanor of the various witnesses while on the stand, it is believed that reasonably accurate findings may be made as to the disputed points. The rights of each group of the Contestees will be taken up in order.

"Group "A"

This part of the contest was directed against the claims of some 25 parties who claim rights from Pine Creek through McMullen Slough with priority of 1874. At this point it may be well to note by way of parenthesis that the "sloughs" in this locality are not of the usual slow-moving variety to which the term is commonly applied, but are in most cases simply diffluent forks or branches, in which the waters flow as rapidly as in the channel designated as the main stream. Pine Creek flows in a general southeasterly direction across the floor of Pine Valley, and although quite level in appearance, the slope of the country is such that in most places the water flows quite rapidly. McMullen Slough, as it now exists, branches off from the southwest bank of Pine Creek in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 31, T. 7 S. R. 46 E. W. M. The two streams run more or less parallel for some 4 $\frac{1}{2}$  miles, seldom more than a mile apart, and rejoin in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 22, T. 8 S. R. 46 E. W. M. It is contended by Contestants that until about 1865 McMullen Slough got its water from the foothills and not from Pine Creek proper, and that at about that time an artificial connection with Pine Creek was made at its present head. The Contestees, on the other hand, contend that practically the entire water supply for McMullen Slough has always been derived from Pine Creek, but that while there has always been a natural high-water connection with Pine Creek at the present head of McMullen Slough, for some years prior to 1883 their predecessors made a diversion and appropriation from Pine Creek some

distance above, from another slough or diffluent branch, turning the water by artificial means into McMullen Slough; and that in 1883 their point of diversion was changed to the present head. Contestants deny that such appropriation prior to 1883 or 1885 was made from Pine Creek. Thus the issue is simply this question of fact: Prior to 1885 was there a connection, natural or artificial, from Pine Creek into McMullen Slough which was utilized by the predecessors of Contestees for diversion of Pine Creek water to their lands for irrigation purposes?

It appears from the evidence that some of the early pioneers in Pine Valley became interested in irrigation soon after settlement in the Valley in the early seventies. The first active steps taken to secure water, by the predecessors of any of the Contestees, were by the occupants of four ranches near the point where McMullen Slough re-joins Pine Creek, near the Northwest corner of Section 22, T. 8 S. R. 46 E. W. M. It is shown that a ditch was commenced in 1870, and completed in 1872, diverting water from McMullen Slough for the benefit of places then occupied by Thomas Coursen, Margaret Coursen, Lavina Wright and Isaac McMullen. There was also a ditch built about the same time taking water from McMullen Slough for the benefit of the J. O. Wood premises in Section 7. It appears that at this time some water naturally flowed into McMullen Slough from Pine Creek at the location of its present head. This occurred principally in the freshet seasons. And on occasions, some water was artificially diverted at that point, between the years 1870 and 1874. But to maintain sufficient inflow at that point in the dry season apparently necessitated considerable labor, the intake being continually clogged by brush, sediment and other high-water debris. Those interested in maintaining a flow of water into McMullen Slough found an easier way, by diverting the same at a point a considerable distance above, in the following manner:

In the year 1872 Thomas Coursen and J. O. Wood went to the head of a diffluent branch of Pine in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 25, T. 7 S. R. 45 E. W. M. (which was then called by some, the South Branch of Pine Creek, and is now usually called Tarter Slough), and by placing logs and other obstructions in the main channel of Pine Creek caused an additional quantity of water to flow down Tarter Slough. The two channels flow parallel to each other for about one mile and then re-join. At a point near this lower junction, in the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 36, T. 7 S. R. 45 E. W. M., a cut was made through the south bank of Tarter Slough, which conducted the water about one-hundred feet southward where it entered into a natural drainage channel or swale. This channel is variously called Carson Gulch, Gaylord Barnch, or Gaylord Slough.

The water diverted into and following this depression, naturally continued in a southeasterly direction and entered McMullen Slough, from which it was diverted below, by the ditches before described, and used for the irrigation of the lands of the respective parties.

Gulch

Prior to this time Carson/or Gaylord Branch was simply a dry or overflow channel. There had been mining operations conducted by Chinamen farther up the valley, and these were kept up more or less until the late seventies. The waters of Pine Creek were used for this purpose, and the tailings and overflow from these operations went into Carson Gulch. There was a prevailing impression among the irrigators at that time that this muddy water was detrimental to their land, and in order to prevent it from mingling with the clear water which they had turned into Carson Gulch from Tarter Slough, they constructed a flume which carried the muddy water away from Carson Gulch just above the point where the Tarter Slough water entered it from said cut, the flume passing over the cut and emptying the muddy water into Tarter Slough below the head of the cut. In other words, the water of the two channels was interchanged, by diversion devices which crossed each other. Later on the flume went into disuse, due to the fact that the irrigators realized that the muddy water was beneficial rather than injurious to their lands, and also to the fact that the mining operations were discontinued.

Six parties were interested in the diversion from Pine Creek to McMullen Slough. On behalf of said six parties, a notice of appropriation was prepared, dated August 4, 1874, and signed by Isaac McMullen, Caleb Moxley and J. O. Wood, claiming a right to one thousand miners inches of water from Pine Creek, which notice was posted by said parties on Pine Creek at the head of Tarter Slough, in the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 25, T. 7 S. R. 45 E. W. M., at which point the waters of Pine Creek had theretofore been caused to flow down Tarter Slough, through the cut into Gaylord Branch or Carson Gulch, and thence into McMullen Slough, and used for irrigation of the lands claimed and occupied by said six parties. At that time these parties each had a claim of 160 acres, excepting Caleb Moxley, who had 320 acres, the parties and their respective lands being as follows:

J. O. Wood	NE $\frac{1}{4}$ , Section 7
Caleb Moxley	N $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 17, S $\frac{1}{2}$ NW $\frac{1}{4}$ , and N $\frac{1}{2}$ SW $\frac{1}{4}$ , Section 16.
Thos. Coursen	NW $\frac{1}{4}$ , Section 22
Margaret Coursen	S $\frac{1}{2}$ NE $\frac{1}{4}$ , and N $\frac{1}{2}$ SE $\frac{1}{4}$ , Section 22
Lavina Wright	SW $\frac{1}{4}$ , Section 23
Isaac McMullen	SE $\frac{1}{4}$ NE $\frac{1}{4}$ , and NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 23 SW $\frac{1}{4}$ NW $\frac{1}{4}$ , and NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 24
	All in T. 8 S. R. 46 E. W. M.

In 1876 Caleb Moxley sold his claim and right of possession to the 320 acres above described, together with the improvements thereon, and took up a third claim, consisting of

the following lands:  $S\frac{1}{2} SE\frac{1}{4}$ , and  $SE\frac{1}{4} SW\frac{1}{4}$  of Section 8, and  $NE\frac{1}{4} NW\frac{1}{4}$  of Section 17, T. 8 S. R. 46 E. W. M. Apparently, however, this third claim, as well as the lands above described, was included in the original reclamation scheme. At the time of the posting and recording said notice, the six parties had in contemplation the ultimate reclamation and irrigation of the lands described, which they were then occupying under claim of right, and title to which was thereafter obtained by themselves or their successors in interest, to whom they transferred either the actual title, or the right of possession and improvements. The record shows that although Thomas Coursen was a party to the posting of the above notice with the five others, he also posted and recorded a notice of his own. This notice was dated Sept. 5, 1874, and by it he claimed the right to 350 miners inches of water from "South Pine Creek," as McMullen Slough was then sometimes called. However, as Mr. Coursen was active in the development under the other notice, and in the actual diversion and use of the water, and the two are not inconsistent, it is immaterial whether his ultimate right relates back to one or the other; and his individual notice will be disregarded.

It appears that one Joseph Ludiker came to Pine Valley in 1882, and purchased the Lavina Wright land ( $SW\frac{1}{4}$  Section 23, T. 8 S. R. 46 E. W. M.), and in 1883 built a saw-mill near the location of the present town of Pine. In order to get water to operate the mill, Mr. Ludiker went to the natural high-water intake of McMullen Slough into Pine Creek, in the  $NW\frac{1}{4} SW\frac{1}{4}$  of Section 31, T. 7 S. R. 46 E. W. M., and cleaned out and enlarged the same, thereby diverting sufficient water for his mill, in addition to the quantity used for irrigation by himself and others, from McMullen Slough. The cut which he made from Pine Creek was sometimes called the Ludiker millrace. This power appropriation was abandoned, however, about four or five years later, and no rights are now claimed under it.

In the year 1883, after Ludiker had made his enlargement of the intake of McMullen Slough from Pine Creek, the other parties who had been diverting water from Pine Creek through Tarter Slough and the cut into Carson Gulch or Gaylord Branch and thence to McMullen Slough, adopted the diversion point improved by Ludiker, and abandoned the old point of diversion above. They proceeded to further enlarge the cut made by Ludiker, and to divert their water from Pine Creek at that point. This new diversion point was used after 1883 by all of said appropriators except Orange Gaylord, who had purchased the interests of J. O. Wood, as to the  $NE\frac{1}{4}$  of Section 7, T. 8 S. R. 46, E. W. M. Mr. Gaylord, it appears, could have used the new diversion also, but it was more practicable to use the higher diversion for his land. The new diversion point, as before stated, was situated in the  $NW\frac{1}{4} SW\frac{1}{4}$  of Section 31, T. 7 S. R. 46 E. W. M., and is the present head of McMullen Slough, where practically all the water now used by the

successors of the original six appropriators is diverted from Pine Creek. In the same year that the change of diversion was made by the McMullen Slough users, an appropriation was made from Pine Creek through the cut into Gaylord Branch hereinbefore referred to, by several individuals, now called the Gravel Flat Ditch users. Thereafter the Gravel Flat Ditch diversion under their 1883 appropriation and the diversion for the Orange Gaylord land under his 1874 appropriation, were made at the same point. This point of diversion was changed slightly about 1893, being moved some 200 feet downstream on Tarter Slough. The rights of the claimants through the Gravel Flat ditch are not involved in this contest.

It appears that the six parties under the 1874 notice, and their successors, proceeded with reasonable diligence to make beneficial use of the waters of Pine Creek for the irrigation of their respective lands, the areas irrigated and reclaimed being gradually increased from year to year. There is no dispute as to the acreage actually irrigated at present, all parties having agreed to accept the maps of the State Engineer in this respect. The change made in 1883 of the point of diversion caused no injury to other appropriators of the waters of Pine Creek, and the rights as finally perfected, to the extent beneficially applied to the lands, are entitled to relate back for priority to the time of the first step taken to initiate the right. This could reasonably be fixed as of the year 1872, or even 1870, for at least part of the lands. But the reclamation of some of the lands was apparently not contemplated until 1874 when the notice was posted. And due to the fact that for administrative purposes it would perhaps be advantageous for all this Group to have rights of equal priority, and that they have so agreed, in effect, and also that no claim was made for a date earlier than 1874, it is considered proper that the rights of these parties shall have a priority as of the date of posting of the notice of appropriation, in 1874, including the third claim taken up by Moxley in 1876. As there is evidence that the use of water upon this land was contemplated by Caleb Moxley when the notice was posted, the right for this land shall be the same as for the other lands included under the project.

Group "B" (Marker Ditch)

Contestees E. E. Marker and others, named in Group B, are the successors in interest of Caleb Moxley and his successor, Alexander Hopkins, as to the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 8, T. 8 S. R. 46 E. W. M. This is part of the third claim taken up by Moxley in 1876. The evidence shows that a lateral ditch was built to this land from McMullen Slough and water used for irrigation on these premises beginning in 1877. This water was part of the appropriation from Pine Creek in 1874 by the predecessors of claimants named in Group A of this contest. In 1885 this lateral ditch was enlarged

and was thereafter called the Market Ditch. The land was reclaimed and irrigated with due diligence, and the water right so perfected, to the extent of the acreage for which a right is claimed, shall relate back for priority to the first step taken to initiate same. The reclamation of this land was evidently contemplated when the 1874 right was initiated by McMullen, Moxley and others. The rights of the parties in this group shall therefore have a priority as of that date.

The acreage irrigated in the subdivision involved was reduced from 40 to 36 acres, by stipulation entered into in Contest No. 20. The right shall be tabulated accordingly. This land became a part of the townsite of Halfway and is now owned by a large number of individuals, four of whom filed individual claims, as follows: Claim No. 79, Lou M. Denny; Claim No. 275, A. W. Motley; Claim No. 276, Alsie E. Motley; Claim No. 294, Claude Officer. As these claims are all included under the blanket claim of E. E. Marker and others (No. 222), the four individual claims will be eliminated from the tabulation.

Group "C" (Joe Sample, et al. Proof No. 352)

The individuals named in Group C are owners of small tracts and town lots in town of Halfway, aggregating about 10 acres, in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 17, T. 8 S. R. 46 E. W. M. This land was first taken up by Caleb Moxley and is a part of, and has the same history as, other lands in the first two Moxley claims, the water rights for which are fully covered by the recital herein as to Group A of this contest. The rights of these individuals are entitled to relate back for priority to the date of the original appropriation by Moxley, McMullen and others, in 1874.

Group "D" (Foothills Ditch)

The claimants named in this group all claim rights through the Foothills Ditch. This part of the contest was settled by stipulation, to the effect that said ditch was built in 1883, and that the rights of the individuals comprising this group were initiated in that year. Said rights are determined and tabulated accordingly.

Group "E" (Old Mining Channel)

The individuals named in this group all filed claims for water rights from "Old Mining Channel". Subsequently, Ellis Leep changed his claim to read "through Foothills Ditch," (from Pine Creek), and changed his priority from 1876 to 1883. The contest as filed alleges that the old mining channel gets no water from Pine Creek at all, and that said parties are not entitled to water from Pine Creek.

It appears that the Ellis Leep land under Proof 208 is irrigated through the Foothills Ditch from Pine Creek. Wm. Barnes in his Proof No. 7 claims no right

from Pine Creek, but from "Mining Channel, a tributary of Pine Creek," The same is true, apparently, of Claim 257 of Mrs. Louis Mehlhorn, except that in the caption of her claim it is intimated that Pine Creek water is claimed. As to the two parties last named, so far as the evidence shows, they receive no water and are entitled to no right directly from Pine Creek, but only from its tributary, the mining channel, Said rights are determined accordingly.

Contestee M. X. Smelcer.

The contest as to the rights of this claimant was practically eliminated by amendments filed by him, changing the description and acreages under his Claims Nos. 367 and 368, as hereinafter tabulated. In so far as not so disposed of, the contest is denied.

Contestee W. A. Gover

The contest as to the rights of this Contestee was substantially eliminated by his agreement to admit the allegations in the first two parts of Paragraph XVII of the notice of contest, and by reducing the acreage to conform to the State map. The allegations in the third part of said paragraph are not borne out by the evidence, and are denied.

The motion of the above named Ed R. Greener filed in said contest No. 8, to strike from the records Exhibits "G" of contestees' proofs therein, the same being copies of the Findings of Fact and Conclusions of Law, and the final decree in that certain suit where Isaac McMullen, and others, were plaintiffs, and the Steel Irrigating and Water Company and others were defendants, and which said suit is referred to on page 655 of the transcript in this suit, and offered and received in evidence in this cause at page 713 of said transcript, is in all things denied, and also that the motion of said Ed R. Greener filed in said Contest No. 8, that Exhibit "H", of contestees' proof, the same being a volume of excerpts from the transcript of testimony in said old suit, be stricken from the record, is hereby denied.

21.

Contest No. 9.

Ed. R. Greener,

Contestant,

vs.

Thaddeus Leep and  
Inez Steele,

Contestees.

This contest was partly settled by stipulation, whereby Contestee Thaddeus Leep agreed that his right for 5 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  pf Section 9, T. 8 S. R. 46,

E. W. M., should have a date of priority of 1881 instead of 1876 as originally claimed, and that his right for the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 9, with priority of 1876 should be limited to 10 acres, on the south side of Foster Slough, instead of 15 acres as originally claimed. This disposes of the contest so far as Contestee Leep is concerned.

It was stipulated that the testimony taken in Contest No. 8 should be applied to this contest also, so far as applicable.

The contest as to Contestee Inez Steele was practically settled by amendments made by the claimant, as follows: Under Claim 379-A, the 25 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 9, T. 8 S. R. 46 E. W. M., was eliminated, and the 35 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of said section was reduced to 28.3 acres (to conform to the map of the State Engineer), for which latter tract a right is claimed from Pine Creek with priority of 1876. Under Claim 379-B, the 5 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 9, was eliminated, and the 15 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 9 was changed to 21.2 acres, to conform to the State map. For this latter tract a right is claimed from "Spring Creek Branch" with priority of 1886. It appears that this Spring Creek Branch gets no water from Pine Creek, but only from Clear Creek and possibly waste water from the irrigated lands above. Said rights are determined accordingly.

22.

Contest No. 10.

Chester M. Maley, etc.

Contestants,

vs.

Ed. R. Greener,

Contestee.

The premises of this Contestee involved in this contest consist of the SW $\frac{1}{4}$  of Section 15, T. 8 S. R. 46, E. W. M., which was taken up as a homestead, and the E $\frac{1}{2}$  SE $\frac{1}{4}$  of Section 16, which was purchased as school land. The testimony shows that a man named Clark first took up the homestead, in the spring of 1872, and that in 1875 or 1876 he sold his claim and improvements to Frank Officer; that about 1879 Officer sold the place to Caleb Moxley, who had possession of the land for twenty years or more, or during all the balance of the time in controversy here.

It is contended by Ed R. Greener, the present owner and claimant, that the waters of Pine Creek were diverted and used upon the land beginning in 1874, while the opposing parties claim that the only water used on the place prior to about 1886 came from Clear Creek. The testimony is conflicting on this feature of the case, and it is necessary to consider the preponderance of the evidence as well as the actual testimony given, and the demeanor of the various witnesses while testifying, in



deciding this question.

It appears that Clark made a ditch in 1873, but that this ditch took water, not from Pine Creek, but from Clear Creek, through Mehlhorn Slough, and irrigated a few acres of land, including a garden, near his residence, which was located on the northern portion of the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 15. There is no satisfactory evidence that either Clark or his immediate successor, Officer, used any water from Pine Creek. It appears that no such diversion was made until after Caleb Moxley got possession of the land, and that Moxley did construct a ditch from Pine Creek, and use the water for the irrigation of this land. As to just how soon after taking the property Moxley built this ditch, the record is not entirely clear, but considering carefully the testimony of all the witnesses, it appears that this was done about 1885. Since that time, the record shows, the irrigable land in the SW $\frac{1}{4}$  of Section 15 has been irrigated from Pine Creek, except a small tract of 8 acres not involved in this contest which is irrigated from Clear Creek.

There was considerable said in the brief filed on behalf of Contestee Greener, intimating that he claimed his water rights as a riparian owner. His claim as filed, however, is based squarely upon the doctrine of prior appropriation, and in the contest hearing his entire case was apparently built upon this doctrine. It is well settled that as these doctrines are inconsistent, a claimant when filing his claim must elect as to the doctrine upon which he will rely. He may claim as a riparian owner, or as an appropriator, but he cannot claim both. Furthermore, the common law riparian right doctrine exists in this State only in a modified form, (in re Hood River, 114 Or. 112). In view of Contestee's claim and the testimony at the trial, he must be deemed to have claimed as prior appropriator, and this contest will be disposed of on this theory.

It is urged by Contestants in their brief that a considerable part of the area at present irrigated on the Greener place was not reclaimed until recent years. Diligence, however, was not made an issue in the contest, and it is well to remember that progress was slow on all lands reclaimed in Pine Valley during this period, and that this applied to Contestants and Contestees alike. There is no question but that the lands are reclaimed, cultivated and irrigated in good shape at this time. The water right as completed should relate back to the time when first initiated. This, we have found was the year 1885.

The school land in Section 16 was not made the subject of much controversy. But the evidence given substantiates the claim, and same will be allowed as filed, giving this land a water right from Pine Creek with priority of 1881.

In their statement of contest a right superior to Contestee was claimed by Contestants, by adverse user. The evidence shows that since about 1908, during the low-water season of some years, Contestants have diverted from Pine Creek at the head of McMullen Slough,

and above Contestee's diversion, all the water they needed, and that this at times cut Greener's supply short. It is also shown that said Greener made persistent efforts to regain possession of the water by tearing out Contestants' dam, whereupon it would almost immediately be rebuilt and the water again diverted from Pine Creek. It clearly appears, however, that there has been no ten-year period of continuous adverse user by Contestants, wherein Greener's rights were invaded. The claim of priority by adverse user is denied.

23.

Contest No. 11.

W. W. Lloyd and all other claimants to the waters of Pine Creek and its tributaries, except Contestees herein,

Contestants,

vs.

William Barnes, G. E. Canaday, Thomas B. Leep, Warren E. and Lillie M. Makinson,

Contestees.

This contest came on for hearing, and was settled by stipulation. Claims were filed by all four of these contestees for water rights through the Foothills Ditch, with priority of 1882. By the stipulation they agreed to take a priority of 1883 for such rights, and G. E. Canaday agreed that this right for 135.3 acres should be limited to 80 miners inches, or 2 second feet. The rights of said Contestees are determined accordingly,

24.

Contest No. 12.

H. Jeldness and all other claimants to the waters of Pine Creek and its tributaries, except Contestees herein,

Contestants,

vs.

Warren E. and Lillie M. Makinson,

Contestees.

This contest was directed against Claim No. 228 of these Contestees, involving a right for 23 acres from Pine Creek through the Sag Ditch. The date of priority claimed was 1909. Upon coming on for hearing it was stipulated that this right should date from 1910. The right is therefore determined accordingly. It appears that this right is covered by Permit No. E. 31 of the Sag Ditch Company, which is as yet uncompleted. Contestees shall have only such rights for this land as may be hereafter perfected under

such permit.

25.

Contest No. 13.

H. Jeldness and all other claimants to the  
waters of Pine Creek and its tributaries,  
except Contestee herein,

Contestants,

vs.

Thomas B. Leep,

Contestee.

This contest was directed against that part of Contestee's Claim No. 211,  
covering 52 acres under the Foothills Ditch in Section 7, T. 8 S. R. 46 E. W. M.  
The contest was settled by stipulation, whereby Contestee agreed that the priority of  
such right should be 1883 instead of 1880 as originally claimed. Said right is  
determined accordingly.

26.

Contest No. 14.

J. L. Hockett and all other claimants to the  
waters of Pine Creek and its tributaries,  
except Contestee herein,

Contestants,

vs.

D. D. Schubert,

Contestee.

This contest was settled by stipulation, whereby Contestee agreed to take  
a date of priority of 1884 instead of 1882 as originally claimed, under his Claim No.  
356. Said right is determined accordingly.

27.

Contest No. 15.

H. Jeldness and all other claimants to the  
waters of Pine Creek and its tributaries,  
except Contestee herein,

Contestants,

vs.

J. A. Russell,

Contestee.

This contest was settled by stipulation, whereby Contestee agreed to take  
a date of priority of 1910 instead of 1909, for the land under Claim No. 351. This right  
is determined accordingly. It appears that this land is covered by Permit No. E. 31 of  
the Sag Ditch Company, which is as yet uncompleted. Contestee shall have only such rights

for this land as may be finally secured under under said permit.

28.

Contest No. 16.

H. Jeldness and all other claimants to the  
waters of Pine Creek and its tributaries,  
except Contestees herein,

Contestants,

vs.

J. C. and Mae Robbins,

Contestees.

This contest was settled by stipulation, whereby Contestees agreed that  
their right under Claim No. 341 for 24 acres of land with priority of 1887, should be  
limited to 24 miners inches. This water right is determined accordingly.

29.

Contest No. 17.

C. M. Maley and all other claimants to the  
waters of Pine Creek and its tributaries,  
except Contestees herein,

Contestants,

vs.

T. F. Quinn et al.,

Contestees.

This contest was settled by stipulation, whereby Contestees agreed to re-  
duce the acreage for which a water right was claimed under their claim No. 328, from  
40 to 26.7 acres of land. This right is determined accordingly.

30.

Contest No. 18.

J. W. Scott and all other claimants to the  
waters of Pine Creek and its tributaries,  
except Contestee herein,

Contestants,

vs.

Fred L. Mills,

Contestee.

This contest was settled by stipulation, Contestee agreeing to take a date  
of priority of 1886 instead of 1877 as originally claimed, for the right for 7 acres  
under his claim No. 273. This water right is determined accordingly.

Contest No. 19.

H. Jeldness and all other claimants to the waters of Pine Creek and its tributaries, except Contestee herein,

Contestants,

vs.

Sol T. Makinson,

Contestee.

This contest was duly set for hearing, but no appearance was made by Contestee, and no evidence was offered in support of his claim. The Contest was directed against Proof No. 224, under which a right is claimed from Pine Creek through the Sag Ditch with priority of 1909 for 8.5 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 18, T. 8 S. R. 46 E. W. M. The Contestants contending that the priority should be 1910. This land, it appears is irrigated under an extension or enlargement of the Posey Valley Ditch made by the Sag Ditch Company, and the right for same is covered by Permit E. 31 of said Company, with priority of January 10, 1910. Contestee's claim will be modified accordingly, and only such right recognized as may be secured under said permit.

Contest No. 20.

W. W. Lloyd and all other claimants to the waters of Pine Creek and its tributaries, except Contestees herein,

Contestants,

vs.

E. E. Marker, et al.,

Contestee.

This contest was settled by stipulation, whereby Contestees agreed to reduce the acreage for which a water right was claimed under their claim No. 222, from 40 to 36 acres. This water right is therefore determined accordingly.

Contest No. 21.

Benson Ashley and all other claimants to the waters of Pine Creek and its tributaries, except Contestee herein,

Contestant,

vs.

The Estate of J. C. Mack, by Emily M. Mack and Boyd L. Meade, Executors,

Contestee.

This contest came on for hearing and Contestee in support of his claim offered in evidence the decree in the case of Isaac McMullen et al vs. Steel

Irrigating Ditch & Water Company et al., wherein Clark Curry, the then owner of the land, was decreed a water right for lands under Contestee's claim No. 221, in the S $\frac{1}{2}$  SW $\frac{1}{4}$  of Section 26, T. 7 S. R. 45 E. W. M., as of the date of the spring of 1889. The priority first claimed by Contestee was 1886, and at the hearing he asked that the claim be modified in accordance with the decree. Contestee is therefore allowed a right with priority of 1889, for the 41 acres described in the claim.

34.

Contest No. 22.

W. W. Lloyd and all other claimants to the waters of Pine Creek and its tributaries, except Contestees herein,

Contestants,

vs.

A. E. and Mary S. Littlefield,

Contestees.

This contest was settled by stipulation, whereby Contestees agreed to take a date of Priority of 1883, instead of 1880, for the 38.4 acres of land under their claim No. 216. This right is determined accordingly.

35.

Contest No. 23.

H. Jeldness and all other claimants to the waters of Pine Creek and its tributaries, except Contestee herein,

Contestants,

vs.

Thaddeus Leep,

Contestee.

This contest was settled by stipulation, whereby Contestee agreed to take a date of priority of 1883, instead of 1876, for the 2.5 acres of land under his claim No. 213. This right is determined accordingly.

36.

Contest No. 24.

J. W. Scott and all other claimants to the waters of Pine Creek and its tributaries, except Contestee herein,

Contestants,

vs.

Mary Gover,

Contestee.

This contest was settled by stipulation, whereby Contestee agreed to take a

date of priority of 1885, instead of 1884, for the 6.5 acres of land under her claim No. 128-B. Such right is therefore determined accordingly.

37.

Contest No. 25.

J. W. Scott and all other claimants to the waters of Pine Creek and its tributaries, except Contestee herein,

Contestants,

vs.

Federal Land Bank of Spokane Washington,  
Contestee.

This contest was settled by stipulation, whereby Contestee agreed that its claim be so amended that the date of priority be 1885 instead of 1884, under Proof No. 104-A, for 110 acres in Sections 21 and 22, T. 8 S. R. 46 E. W. M. This right is therefore determined accordingly.

38.

Contest No. 26.

H. Jeldness and all other claimants to the waters of Pine Creek and its tributaries, except Contestee herein,

Contestants,

vs.

Amstel Mortgage Company,

Contestee.

This contest was settled by stipulation, whereby it was agreed that Contestee should be entitled to 50 miners inches of water for the irrigation of the 87 acres of land claimed with priority of 1890 under claim No. 2-B. Contestee's right for this land is therefore determined accordingly.

39.

Contest No. 27.

H. Jeldness and all other claimants to the waters of Pine Creek and its tributaries, except Contestees herein,

Contestants,

vs.

Helen and Margaret Teed,

Contestees.

This contest was settled by stipulation. Based upon such stipulation and the claim filed, the water rights of this claimant are hereby determined as follows: Priority of 1888 for 8 acres in the Northeast corner of SE $\frac{1}{4}$  SW $\frac{1}{4}$ ; priority

of 1890 for 37.5 acres in Lot 4 ( $SW\frac{1}{4}$   $SW\frac{1}{4}$ ) and 31 acres in  $SE\frac{1}{4}$   $SW\frac{1}{4}$ ; priority of 1900 for 3 acres in  $SW\frac{1}{4}$   $SE\frac{1}{4}$ ; all in Section 7, T. 8 S. R. 46 E. W. M.

40.

Contest No. 28.

H. Jeldness and all other claimants to the waters of Pine Creek and its tributaries, except Contestee herein,

Contestants,

vs.

Hanford Tarter,

Contestee.

This contest was duly set for hearing, but although an appearance was made by Contestee, no evidence was offered in support of his claim. The contest was directed against Proof No. 382, under which a right is claimed from Pine Creek through the Posey Valley and Boyles Ditches, with priority of 1897 for 20 acres of land in the  $NE\frac{1}{4}$   $NE\frac{1}{4}$  of Section 35, T. 7 S. R. 45 E. W. M., the contestants contending that the priority should be 1910. This land, it appears, is irrigated under an enlargement of the Posey Valley Ditch made by the Sag Ditch Company, and a right for same is covered by Permit E. 31 of said Company with priority of January 10, 1910. As Contestee is in default, his claim will be modified and only such right recognized for this land as may be secured under said permit.

41.

Contest No. 29.

J. L. Hockett and all other claimants to the waters of Pine Creek and its tributaries, except Contestee herein,

Contestants,

vs.

J. B. Scott,

Contestee.

After due notice to the parties in this contest the same came on for hearing, but no appearance was made by the Contestee, except by letter to one of the attorneys for Contestants authorizing him, in an indefinite way, to settle the matter. The contest is directed against Proof 363, under which a right is claimed from Pine Creek through a lateral from Gravel Flat Ditch, with priority of 1882, for one-half acre of land, consisting of lots in the townsite of Langrell. Contestants contend that the priority should be 1884. It appearing that Contestee has admitted the allegations of the contest, his right will be modified so that it shall have a priority of 1884 instead of 1882 as claimed.



42.

Contest No. 30.

H. Jeldness and all other claimants to the waters of Pine Creek and its tributaries, except Contestee herein,

Contestants,

vs.

Noble Holcomb,

Contestee.

This contest came on for hearing, and it was thereupon stipulated that the same be dismissed. Said contest was directed against claim No. 162. The rights of Contestee under this claim are therefore determined without reference to said contest.

43.

Contest No. 31.

W. W. Lloyd and all other claimants to the waters of Pine Creek and its tributaries, except Contestee herein,

Contestants,

vs.

G. E. Canaday,

Contestee.

This contest was settled by stipulation, as follows: "It is stipulated and agreed that, whereas under the stipulation made with respect to Contest No. 11, it was stipulated that G. E. Canaday was entitled to divert and use through the Foot Hills Ditch, 80 inches of water under a priority of 1883 for the irrigation of lands described in his statement and proof of claim, being Proof No. 32, and

Whereas, it appearing that said Contestee is also the owner of a right to divert and use for the irrigation of said lands through what is known as the J. S. Curry Ditch with date of priority of 1891, an additional 50 miners inches of the waters of Pine Creek for the irrigation of the lands described in Proof No. 33, it is therefore stipulated and agreed that Proofs Nos. 32 and 33 of Contestee Canaday shall be amended so as to set forth the claim and right of said Contestee to the use of the waters of Pine Creek to the extent of 80 miners inches thereof with date of priority of 1883 through what is known as the Foot Hills Ditch, and an additional 50 miners inches of water with date of priority of 1891 through what is known as the J. S. Curry Ditch, all pursuant to the terms and provisions of the decree in the McMullen suit referred to in previous stipulations".

The rights of said Contestee are determined and tabulated herein in accordance with such stipulation.

44.

Contest No. 32.

C. E. Gaylord and all other claimants to the waters of Pine Creek and its tributaries, except Contestee herein,

Contestants,

vs.

C. J. Allstead,

Contestee.

This contest came on for hearing after due notice to the parties, but no appearance was made by Contestee, and he is therefore in default. The allegations of the contest are taken as admitted and Claim No 2 of Contestee is modified accordingly, by changing the priority from 1884 to 1885.

45.

Contest No. 33.

W. W. Lloyd and all other claimants to the waters of Pine Creek and its tributaries, except Contestee herein,

Contestants,

vs.

Ellis Leep,

Contestee.

This contest was settled by stipulation, whereby Contestee agreed to change the date of priority of his water right under Claim No. 207, from 1876 to 1883, and to change the name of the Ditch from "Private" to "Foot Hills". This right is determined accordingly, and such change made in the tabulation herein.

46.

Contest No. 34.

J. W. Scott and all other claimants to the waters of Pine Creek and its tributaries, except Contestee herein,

Contestants,

vs.

G. E. Canaday,

Contestee.

This contest was settled by stipulation, whereby the same disposition was made of Contestee's rights as was made in connection with Contests Nos. 11 and 31.

47.

Contest No. 35.

W. W. Lloyd and all other claimants to the waters of Pine Creek and its tributaries, Except Contestee herein,

Contestants,

Contest No. 35. (Cont.)

vs.

William Barnes,

Contestee.

Upon coming on for hearing this contest was disposed of by stipulation, whereby Contestee agreed that the water right under his claim No. 7 should have a date of priority of 1883, instead of 1879. This right is determined accordingly.

48.

Contest No. 36.

H. Jeldness and all other claimants to the waters of Pine Creek and its tributaries, except Contestee herein,

Contestants,

vs.

Noble Holcomb,

Contestee.

Upon coming on for hearing this contest was settled by stipulation, whereby it was agreed that Contestee's right for the 45 acres of land under his claim No. 160 should have a date of priority of 1910, instead of 1907 as originally claimed, but that otherwise said claim should remain as filed. This right is determined accordingly. It appears that this land is covered by Permit E. 31 of the Sag Ditch Company, and Contestee shall therefore have such rights as he may finally secure under such permit, for this land.

49.

Contest No. 37.

W. W. Lloyd and all other claimants to the waters of Pine Creek and its tributaries, except Contestee herein,

Contestants,

vs.

Noble Holcomb,

Contestee.

This contest was settled by stipulation, whereby Contestee agreed that the water right for the 78.4 acres under his claim No. 161 should date from the fall of 1883, instead of 1882 as originally claimed, and that the quantity of water obtained under said right should be limited to 40 miners inches, or one second foot.

50.

Contest No. 38.

H. Jeldness and all other claimants to the waters of Pine Creek and its tributaries, except Contestee herein,

Contestants,

vs.

John Irwin,

Contestee.

This contest was settled by stipulation, the Contestee agreeing that his right for the 59 acres covered by his claim No. 189 should take a date of priority of 1890, instead of 1886 as originally claimed. Said right is therefore determined and tabulated herein accordingly.

51.

Contest No. 39.

Benson Ashley and all other claimants to the waters of Pine Creek and its tributaries, except Contestee herein,

Contestants,

vs.

John Irwin,

Contestee.

This contest was disposed of by stipulation, whereby Contestee agreed that his right for the 75 acres of land under his claim No. 188 should take a date of priority of 1889, instead of 1888 as originally claimed, and that the quantity of water to which he should be entitled under said right should be limited to 60 miners inches, or 1.5 second feet. This water right is determined and tabulated herein accordingly.

52.

Contest No. 40.

H. Jeldness and all other claimants to the waters of Pine Creek and its tributaries, except Contestee herein,

Contestants,

vs.

Tom Laird,

Contestee.

This contest was settled by stipulation, the Contestee agreeing that the water right for 40 acres under his claim No. 204 should take a date of priority of 1910, instead of 1909 as originally claimed. And it is so ordered.

53.

Contest No. 41.

H. Jeldness and all other claimants to the waters of Pine Creek and its tributaries, except Contestees herein,

Contestants,

vs.

Tom and Robert Laird,

Contestees.

This contest coming on for hearing, it was stipulated in open Court that same be dismissed. The contest involved claim No. 205, and the water right under this claim shall therefore be determined without reference to said contest.

54.

Contest No. 42.

H. Jeldness and all other claimants to the waters of Pine Creek and its tributaries, except Contestee herein,

Contestants,

vs.

Ellis Leep,

Contestee.

This contest coming on for hearing, a stipulation was entered into in open Court, the Contestee agreeing that his water right for 20 acres under claim No. 208 should have a date of priority of 1883, instead of 1876 as originally claimed, and that the name of the ditch be designated as "Foot Hills", instead of "Mining Channel and private Ditch". With these changes, the claim is allowed as filed.

55.

Contest No. 43.

H. Jeldness and all other claimants to the waters of Pine Creek and its tributaries, except Contestee herein,

Contestants,

vs.

Ellis Leep,

Contestee.

This contest was settled by stipulation, whereby Contestee agreed to take a date of priority of 1883, instead of 1879 as originally claimed, for the 20 acres under his claim No. 209. This water right is determined accordingly.

Claim of Otto W. Zimmerman.

On the 2nd day of May, 1928, there was filed in the office of the State Engineer a motion to intervene in this proceeding, by Otto W. Zimmerman, through his attorney, <sup>Mr.</sup>W. L. Patterson, Baker, Oregon. Said motion alleges that said Zimmerman had no notice or knowledge of the pendency of this proceeding until shortly before the filing of the motion. With the motion a claim was tendered in regular form, together with the statutory fees, asserting a right to the waters of East Pine Creek for the irrigation of 45 acres of land, with priority of 1889. Inasmuch as this claim was filed without notice to other parties to this proceeding whose rights might be adversely affected, it has been accepted subject to the right of such other parties to file exceptions or contests against it, after the proceeding has come before the Circuit Court. If no such exceptions or contests are filed, the rights of said claimant should be allowed as set forth in the tabulation hereinafter contained.

Former Decrees of Court.

Prior to the commencement of this proceeding, decrees had been rendered by the Circuit Court in three different suits affecting water rights on Pine Creek and its tributaries, as follows:

1. Isaac McMullen et al. v. Steele Irrigating Ditch & Water Company, et al., determining rights on main Pine Creek.
2. A. P. Greener and C. A. Oliver v. J. M. Cole et al., determining rights on East Pine Creek.
3. Walter A. Gover v. Bion T. Acers et al., determining rights on Clear Creek.

Those parties owning lands which were involved in the above suits have, practically without exception, attached to their claims copies of the decrees affecting them and have claimed priorities according to such decrees. The priorities of the rights of all such parties are hereby found to be as so determined by said former decrees, and the provisions of said decrees as to priorities are hereby made general, so as to apply not only as between the parties thereto, but also as against all other parties to this proceeding.

Said decrees are more difficult of application, as to the quantities of water fixed, however. No surveys were made in connection with any of said suits, and the Court apparently had no information with respect to the exact acreages irrigated, as in the case in this proceeding. No duty of water was fixed, but the Court allowed certain

quantities in gross, to the respective parties to the suits, for use upon the lands then owned by them. A duty of water of one miners inch per acre is herein found (Paragraph 59) to be adequate for irrigation in this locality. It is believed that this rate was the basis of the Court's allowance in all of said decrees, although applying such allowances to the acreages actually irrigated as now determined by accurate survey, there are slight variations in the results; that is, some tracts would receive less, and some tracts more, than one inch per acre. It is well settled that such a prior decree is not res judicata as to a quantity of water in excess of that which may be applied to beneficial use. Moreover, all claimants in this proceeding have without exception asked for an allowance for their lands of one miners inch per acre, and have thus waived any right previously decreed, for a quantity in excess of one miners inch per acre. It appears that no one will be injured by a re-adjustment of the quantities decreed, so that one rate of flow may be applied generally to all, on the basis of actual beneficial use. In fact this is necessary if we are to have an efficient and practicable administration of the respective rights, and an economical use of water, without waste. Therefore, except as otherwise determined herein in certain particular cases, all rights involved herein shall be governed by the general duty of water as fixed in Paragraph 59 hereof.

58.

Claim of E. K. Greener.

On October 21, 1927, an order was entered by the State Engineer, as follows:

"Now at this time this matter coming on for consideration by the State Engineer on the Motion of E. K. Greener, for leave to file an amended claim in this proceeding, and it appearing:

The period fixed for filing claims in this proceeding commenced May 20, 1925 and expired September 1, 1925. On May 21, 1925, Claim No. 136 was filed by E. K. Greener for a right from Pine Creek with priority of 1902 for the irrigation of 145 acres of land through the Greener Ditch. In October, 1925, the claims were open to public inspection. Contests were filed, and hearings were had thereon in March, June and August, 1926. A year thereafter, or on August 15, 1927, after all evidence had been submitted and briefs filed, said E. K. Greener filed a motion for leave to file an amended claim. By this amendment he proposes to change his priority from 1902 to 1880, on the theory that, while no artificial diversion was made until 1902, the land was naturally subirrigated from the waters of Pine Creek, and that beginning in 1880 the occupants of the land had annually reaped the benefit of such natural irrigation by the harvesting of crops and pasturing the land.

An order was entered by the State Engineer fixing a time within which objections to the motion might be filed, and notice of the filing of the motion and of

the time so fixed were served by said Greener upon all parties to the proceeding claiming rights prior to 1903. Objections were filed by a number of parties. Notice was given by the State Engineer that the question as to whether or not the claimant Greener should be permitted to file the amended claim would be decided upon <sup>written</sup> briefs, and that thereafter, if the motion were allowed, notice would be given all objectors fixing a time within which contests might be filed against the amended claim.

The briefs have been filed. The objectors have raised the question of the jurisdiction of the State Engineer to receive a claim at this stage of the proceeding, and some of them have gone at length into the merits of the proposed claim itself.

We strongly question the propriety of permitting an amendment of this nature at this time. It is true that the Courts have been inclined to adopt liberal rules of procedure in these water right adjudications, (in re Silvies River, 115 Or. 92),. In cases of minor errors or inadvertant omissions, the necessary amendments should no doubt be permitted. But in this case the only reason for the proposed amendment is, apparently, that the claimant has changed his theory as to the initiation of his right. There are questions of fact involved, which, if the motion is allowed, would doubtless require the taking of considerable additional testimony. Ample time and opportunity was allowed for this purpose in the various stages of the proceeding. If one claimant is to be permitted to secure a re-opening of the case in this way, others might ask the same privilege, and there would be no end to the matter. This matter will be before the Circuit Court in due time, and it is suggested that the claimant will have an opportunity to file exceptions to the State Engineer's order of determination and to submit his amended claim at that time without any irregularity of procedure..

It also appears that the State Engineer has no authority to receive an amended claim of this nature at this time. It is fundamental that an administrative officer must look to the statute as the source of his authority, and may only exercise the power conferred in conformity with the statute. The procedure he is now urged to take would seem to be decidedly irrigrular, if not absolutely contrary to law.

For these reasons the motion is denied."

The above order is hereby incorporated in and made a part of this order of determination. The motion of said E. K. Greener, together with the objections, briefs and notice of appeal filed in connection therewith, are also included with the evidence taken in this proceeding and filed with the Circuit Court, being Volume 10 of such evidence.



Duty of Water

Except as otherwise provided herein, the rights to the use of water for irrigation purposes as herein recognized (except those under permits issued by the State Engineer, after February 24, 1909), shall entitle the owners thereof to the diversion of not to exceed one-fortieth of a cubic foot per second (one miners inch) per acre of land irrigated, such water to be measured at the point of diversion of the appropriator's individual ditch from the creek, slough or other channel from which the diversion is made; provided, that at no time shall more water be diverted than may be applied to beneficial use; and the total quantity of water diverted under such water rights shall not exceed one acre-foot per acre during July, one acre-foot per acre during August, and one half acre-foot per acre during September, of each year. In regulating the quantity of water diverted by any user, the water master shall take into account the quantity being received by such user's lands as waste water from lands above, so far as same may be of benefit to such user's lands. The irrigation season on Pine Creek and its tributaries is hereby fixed as the period from April 1st to October 1st of each year.

Stock and Domestic Use

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 the purposes from being completely frozen; provided that the amount diverted for stock and domestic<sup>uses</sup>/shall not exceed one-tenth of one cubic foot per second for each family or farm.

Rotation.

That the Water Master of the district in which Pine 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 the waters of such stream, provided, that no system of rotation shall be established by the Water Master

without the consent of the water users. When two or more appropriators agree between themselves as to the 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 or 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.

62.

#### Appurtenancy

That the rights to the use of water herein 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 rights herein confirmed, confer no right of use to 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 is hereby 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.

63.

#### Priorities

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 thereof, and those having subsequent rights are entitled to the

use of such water and to divert the same to the extent of their rights of appropriation according to the order of priority of their rights; and at all times the water 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 greater quantity of water than such appropriator can beneficially use for the purpose to which the water is to be put.

64.

That except as otherwise modified herein, the rights of the various appropriators of water from Pine Creek and its tributaries, which were initiated prior to February 24, 1909, 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 limited, the use or uses to which the water is applied, the name of the ditch or other means by which the water so appropriated has been diverted and used, the name of the stream or other source from which the water has been used, and a 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:

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
Alexander, Mrs. Ruby, Box 314 Centralia, Wash. (Proof #1-A) 10205	1891		10	Irrigation and stock	Pancake	Clear Creek trib. of Pine Creek	10 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 6, T. 8 S. R. 46 E. W. M.
Allstead, G. J. 6302 Holmes Ave. Los Angeles, Calif. Harry Foreman, Agt. Halfway, Ore. (Proof #2) 10206	1885		6	Irrigation domestic and stock	Steele	Pine Creek	6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25, T. 7 S. R. 45 E. W. M.
(NOTE: See Findings in Contest No. 32.)							
Allstead, John Halfway, Ore. (Proof #1) 10207	1901		9	Irrigation domestic and stock	Holbrook	Holbrook Creek trib. of Pine Creek	9 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24, T. 7 S. R. 45 E. W. M.
Amstel Mortgage Co., Spokane, Wash. C. T. Godwin, Agt. (Proof #2-B) 10208	1890	1.25	87	Irrigation and stock	Posey Valley	Pine Creek	39 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 27 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 21 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 18, T. 8 S. R. 46 E. W. M.
(NOTE: See Findings in Contest No. 26; also have rights under Permit E. 31, see Paragraph 65.)							
Anderson, W. T. & Belle Halfway, Ore. (Proof #2-A) 10209	1890		37	Irrigation and stock	Old Lytel	Clear Creek, trib. of Pine Creek	25 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 12 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32, T. 7 S. R. 46 E. W. M.
Anson, Mary S. Carson, Ore. Joseph L. Anson, Agt. (Proof #3) 10210	1883		50	Irrigation domestic and stock	Foot Hills	Pine Creek	15 acres in W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25, 35 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 26, T. 7 S. R. 45 E. W. M.
Ashley, S.C., Benson and Anna M. Halfway, Ore. Benson Ashley, Agt. Halfway, Ore. (Proof #4) 10211	1889		70	Irrigation domestic and stock	Clark Curry	Pine Creek	15 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 15 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35, T. 7 S. R. 45 E. W. M.  40 acres in Lot 2, (NW $\frac{1}{4}$ NE $\frac{1}{4}$ ) Section 2, T. 8 S. R. 45 E. W. M.
Ayre, Orra Baker, Ore. (Proof #4-A) 10212	1885		15	Irrigation domestic and stock	Hunsacker	Clear Creek	15 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 5, T. 8 S. R. 46 E. W. M.
Baker, H. J. Halfway, Oregon (Proof #5) 10213	1887		102	Irrigation domestic and stock.	Denny Mehlhorn and Baker system of ditches, dams and reservoir in Fish Lake	Lake Fork of North Pine Creek and Fish Lake	28 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 27 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 28 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1, 19 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12, T. 8 S. R. 46 E. W. M.
Ballard, E. F. (Proof #5-A) 10214	May 13, 1910		41	Irrigation and stock	Clark- Currey	Pine Creek	20.2 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 35, 20.8 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 36, T. 7 S. R. 45 E. W. M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Ballard, J. A. (Proof #5-B) <i>Modified - See page 400 Vol. 11.</i>	1915		28.3	Irrigation domestic and stock	Clark-Curry	Pine Creek	2.9 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 25.4 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 35, T. 7 S. R. 45 E. W. M.
Barnes, Wm. Halfway, Ore. (Proof #7) <i>10215</i>	1883		7	Irrigation domestic and stock	L. Leep	Mining Channel trib. to Pine Creek	7 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17, T. 8 S. R. 46 E. W. M.
(Proof #8)	1883		24	Irrigation domestic and stock	Foot Hills	Pine Creek	18.7 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 17, 5.3 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 18, T. 8 S. R. 46 E. W. M.
(NOTE: See Findings in Contest No. 8, Group E, and Contest No. 35.)							
Barton, Samantha (Smith) Halfway, Ore. (Proof #6) <i>10216</i>	1890		10	Irrigation domestic and stock	Drake	Clear Creek trib. of Pine Creek	10 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, T. 7 S. R. 46 E. W. M.
(NOTE: See Findings in Contest No. 2)							
Bassett, Henry J. Halfway, Ore. (Proof #8-A) <i>10217</i>	1898		20	Irrigation, domestic and stock	Five Point	East Pine Creek	12 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ , 8 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32, T. 7 S. R. 46 E. W. M.
(Proof #8-B)	1885		10	Irrigation, domestic and stock	Flora ditch, or Brooks	East Pine Creek	10 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 32, T. 7 S. R. 46 E. W. M.
Betts, Estelle Voorhees, Cornucopia, Oregon Robert M. Betts, Agent, Cornucopia, Oregon. (Proof #9) <i>10218</i>	1901		40	Irrigation domestic and stock	Carson	Carson Creek trib. of Pine Creek	10 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 30 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26, T. 7 S. R. 45 E. W. M.
(NOTE: A supplemental supply is also claimed under Permit No. 6077 - see Paragraph 65.)							
Blacker, Ella Halfway, Ore. <i>10219</i>	1883		78.2	Irrigation domestic and stock	Foot Hills	Pine Creek	40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 38.2 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16, T. 8 S. R. 46 E. W. M.
Bloom, Deliah C. Halfway, Ore. (Proof #11) <i>10220</i>	1886		8	Irrigation domestic and stock	Marker	Pine Creek	8 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8, T. 8 S. R. 46 E. W. M.
Bowerman, F. L. Halfway, Ore. (Proof #12) <i>10221</i>	1886		23	Irrigation domestic and stock	Jim Leep	Clear Creek trib. of Pine Creek	9 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 14 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 5, T. 8 S. R. 46 E. W. M.
Bowerman, J. J. Halfway, Ore. (Proof #13) <i>10222</i>	1870		25	Irrigation domestic and stock	Foster Stewart	Clear Creek trib. of Pine Creek	25 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15, T. 8 S. R. 46 E. W. M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
(Proof #13) Cont.	1910		10	Irrigation domestic and stock	Foster Stewart	Clear Creek trib. of Pine Creek	10 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 15, T. 8 S. R. 46 E. W. M.
Boyles, Marion Halfway, Ore. <i>10223</i> (Proof #14)	1885		10	Irrigation domestic and stock	Pancake	Clear Creek trib. of Pine Creek.	10 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 6, T. 8 S. R. 46 E. W. M.
	1910		5	Irrigation domestic and stock	Pancake	Clear Creek trib. of Pine Creek	5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 6, T. 8 S. R. 46 E. W. M.
Brady, Maymie Halfway, Ore. <i>10224</i> (Proof #15)	1885		3	Irrigation domestic and stock	H.K.Oliver	E. Pine Creek trib. of main Pine Creek	3 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 3, T. 8 S. R. 46 E. W. M.
(Proof #16) <i>10225</i>	1895		77	Irrigation domestic and stock	Five Point	E. Pine Creek trib. of Pine Creek	10 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 35 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 32 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3, T. 8 S. R. 46 E. W. M.
Brokaw, Rosetta Halfway, Ore. <i>10226</i> (Proof #21)	1894		40	Irrigation domestic and stock	Five Point	East Pine Creek	40 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, T. 8 S. R. 46 E. W. M.
Brokaw, Wm. B. <i>10227</i> Halfway, Ore. (Proof #22)	1910		5	Irrigation domestic and stock	Howard Buchanan	Waste Waters	5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, T. 8 S. R. 47 E. W. M.
Brokaw, Wm. B. (Proof #23)	1910		8	Irrigation domestic and stock	John Buchanan	Pine Creek	8 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, T. 8 S. R. 47 E. W. M.
Brown, A. C. <i>10228</i> Halfway, Ore. (Proof #19)	1895		20	Irrigation domestic and stock	Holbrook	Pine Creek	11 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 7 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24, T. 7 S. R. 45 E. W. M.
Brown, Harry B. (Proof #17)	(NOTE: This right is covered by Permit E. 31, Sag Ditch Company; see Paragraph 65.)						
Brown, N. D. <i>10229</i> Halfway, Ore. (Proof #20) <i>35077</i> <i>1564</i>	1890		149.7	Irrigation domestic and stock	Posey Valley and private ditches	Pine Creek	36.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 35.7 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 37.5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 18, T. 8 S. R. 46 E. W. M.
Brown, Sarah E. <i>10230</i> Halfway, Ore. (Proof #18)	1883		6.25	Irrigation domestic and stock	Foot Hills	Pine Creek	6 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17, 0.25 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 18, T. 8 S. R. 46 E. W. M.
	(NOTE: See Findings in Contest No. 8, Group D.)						

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
Buchanan, Clarence W. Halfway, Ore. (Proof #31) <i>10231</i>	1879		64	Irrigation domestic and stock	Stewart ditch into Dry Creek Private ditch to land.	Fish and Dry Creeks trib. of Pine Creek	40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 24 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11, T. 8 S. R. 46 E. W. M.
Buchanan, Geo. M. Halfway, Ore. (Proof #24) <i>10232 49959</i>	1882		71	Irrigation domestic and stock	A. A. Buchanan	Fish and Dry Creeks trib. of Pine Creek	11 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 20 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12 T. 8 S. R. 46 E. W. M.
	1892		<i>9</i>				9 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12, T. 8 S. R. 46 E. W. M.
Buchanan, Howard, Halfway, Ore. <i>10233</i> (Proof #25)	1881		29	Irrigation domestic and stock	Howard Buchanan	Waste and Seepage Waters from secs. 2 and 11 T. 8 S. R. 46 E. W. M. and from East Pine Creek	16 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 7, 13 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 18, T. 8 S. R. 47 E. W. M.
(Proof #26)	1900		26	Irrigation domestic and stock	Buchanan and Brokaw	Waste and Seepage Waters from Secs. 1 and 12, T. 8 S. R. 46, E. W. M.	9 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 17 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 7, T. 8 S. R. 47, E. W. M.
Buchanan, John <i>10234</i> Halfway, Ore. (Proof #27)	1882		66.5	Irrigation domestic and stock	A. A. Buchanan	Fish Creek and Dry Creek trib. of Pine Creek.	33 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ , 13.5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ , 20 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 12, T. 8 S. R. 46 E. W. M.
	1887		13				13 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1, T. 8 S. R. 46 E. W. M.
Buchanan, T. A. <i>10235</i> Halfway, Ore. (Proof #29)	1879		70	Irrigation domestic and stock	Stewart ditch to Dry Creek private ditch to land	Fish Creek and Dry Creek trib. of Pine Creek	35 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 35 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2, T. 8 S. R. 46 E. W. M.
(Proof #30)	1887		<i>8</i> 77.8	Irrigation domestic and stock	Denny Mehlhorn and Baker system of ditches dams and reservoir in Fish Lake. Fish Creek	Lake Fork of North Pine, Fish Lake and Fish Creek trib. of Pine Creek	39.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1, 39.3 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, T. 8 S. R. 46 E. W. M.
Buchanan, John <i>10234</i> Halfway, Oregon (Proof #28)	1900		25.3	Irrigation domestic	John Buchanan	Pine Creek	5.3 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ 12 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, 2 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 6 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 18, T. 8 S. R. 47 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
Canaday, G. E. Halfway, Ore. <sup>10226</sup> (Proof #32)  <i>Deposited by Date No. 10226-32</i>	1883		135.3	Irrigation domestic and stock	Foot Hills	Pine Creek	35.6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 8.8 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 13 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 39.4 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36, T. 7 S. R. 45 E.W.M.  4 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 19.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 15 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 0.3 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36, T. 7 S. R. 45 E. W. M.
(Proof #33)	1891		135.3	Supplemental irrigation	John S. Curry	Pine Creek	(Same land as described under Proof #32)  (NOTE: Right for 135.3 acres limited to 80 miners inches through Foot Hills Ditch, and 50 miners inches through Curry Ditch. See Findings in Contest No. 11, and Contest No. 31)
Canaday, John <sup>10237</sup> Lowell, Arizona (Proof #34)	1885		5	Irrigation domestic and stock	Steele	Pine Creek	5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24, T. 7 S. R. 45 E. W. M.
(Proof #35)	1887		27	Irrigation, domestic and stock	Moore	Pine Creek	27 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24, T. 7 S. R. 45 E. W. M.
Carlson, A. E. <sup>10238</sup> Halfway, Ore. (Proof #37) <i>Modified Section 400 Vol. 11</i>	1886		3	Irrigation domestic and stock	ME Kinzy	McMullen Slough trib. of Pine Creek	2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 1 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, T. 8 S. R. 46 E. W. M.
(Proof #38)	1895		25	Irrigation domestic and stock	McMullen	Pine Creek	25 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 8, T. 8 S. R. 46 E.W.M.
Carnahan, Margaret Clair Estate, By J.E.McRinnon Admr. Carson, Ore. <sup>10239</sup> (Proof #39)	1883		1	Irrigation domestic and stock	Foot Hills	Pine Creek	1 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 26, T. 7 S. R. 45 E. W. M.
Chandler, J. H. Carson, Ore. <sup>10240</sup> (Proof #41)	1884		3.67	Irrigation	Gravel Flat	Pine Creek	3.67 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 31, T. 7 S. R. 46 E. W. M.
Chandler, Ruby M. Halfway, Ore. <sup>10241</sup> (Proof #40) <i>Chq. Pt. Div. Vol 4 - p. 25 - Spl. order.</i>	1882		40	Irrigation domestic and stock	Lee	Pine Creek	40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 1, T. 8 S. R. 45 E. W. M
Chetwood, Lee Marcola, Ore. <sup>10242</sup> (Proof #42)	1890		29.3	Irrigation domestic and stock	Lansing & Blakesley	N.Pine Creek	10.7 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 6.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 0.1 acre in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 12.3 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 34, T. 7 S. R. 47 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
Chipman, John C., Halfway, Ore. or Pine, Ore. (Proof #45) 10243	1874		6	Irrigation domestic and stock	McMullen Slough	Pine Creek	6 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16, T. 8 S. R. 46 E. W. M.
	(NOTE: See Findings in Contest No. 8, Group A.)						
Chipman, Sarah K. Halfway, Ore. (Proof #43) 10244	1893		31.8	Irrigation domestic and stock	McMullen Slough	Pine Creek	10.8 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 21 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16, T. 8 S. R. 46 E. W. M.
(Proof #44) 10245	1908		2	Irrigation domestic and stock	Spring Branch	Two springs, trib. of Pine Creek	2 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16, T. 8 S. R. 46 E. W. M.
Christenson, Caroline M. Halfway, Ore. (Proof #46) 10246	1885		11.3	Irrigation domestic and stock	Steele	Pine Creek	2 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ , 9.3 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 24, T. 7 S. R. 45 E. W. M.
Cochonour, D. W. Halfway, Ore. (Proof #52) 10247	1890		12	Irrigation domestic and stock	Del Curto	North Pine Creek	10 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28, 2 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 27, T. 7 S. R. 47 E. W. M.
(Proof #51)	1900		10	Irrigation domestic and stock	Lansing and Blaksley	North Pine Creek	10 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27 T. 7 S. R. 47 E. W. M.
(Proof #53)	1905		8	Irrigation domestic and stock	Scott Ditch from McMullen Slough	Pine Creek	8 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, T. 8 S. R. 46 E. W. M.
Coffinberry, Egbert Halfway, Ore. (Proof #36) 10248	1881		25	Irrigation and stock	Pancake	Clear Creek trib. of Pine Creek	25 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 5, T. 8 S. R. 46 E. W. M.
	1910		3		Pancake	Clear Creek trib. of Pine Creek.	3 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 5, T. 8 S. R. 46 E. W. M.
Cole, J. M. Halfway, Ore. (Proof #47) 10249	1883		3	Irrigation domestic and stock	Brooks	East Pine Creek	3 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 33, T. 7 S. R. 46 E. W. M.
	(NOTE: This land is also irrigated from water stored in Fish Lake Reservoir.)						
(Proof #48)	1883		53	Irrigation domestic and stock	Irwin	East Pine Creek	37 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 16 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33, T. 7 S. R. 46 E. W. M.
	(NOTE: This land is also irrigated from water stored in Fish Lake Reservoir).						
(Proof #49)	(NOTE: This claim is covered by Permit No. 440, Certificate No. 3847; see Paragraph 65.)						

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
Cornucopia, Town of Cornucopia, Ore. (Proof #50) 10250	1896		0.5	Municipal supply	Flume & pipe line	Mantle Spring, Elk Creek trib. of Pine Creek	Place of use: Within and in vicinity of town of Cornucopia located between Elk Creek and Pine Creek in the N $\frac{1}{2}$ of Section 34, T. 6 S. R. 45 E. W. M.
Crego, Geo. R. Halfway, Ore. (Proof #54) 10251	1892		6	Irrigation domestic and stock	Crego	Clear Creek trib. of Pine Creek.	6 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29, T. 7 S. R. 46 E. W. M.
(Proof #55)	1894		14	Irrigation domestic and stock	Crego-Steele	Clear Creek, trib. of Pine Creek.	14 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29, T. 7 S. R. 46 E. W. M.
Culbertson, Lela Belle, Baker, Ore. (Proof #56) 10252	1870		65	Irrigation domestic and stock	Pindell	Clear Creek trib. of Pine Creek	26.5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 38.5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15, T. 8 S. R. 46 E. W. M.
	1910		15	do	do	do.	15 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 15, T. 8 S. R. 46 E. W. M.
Davidson, Lillie Halfway, Ore. (Proof #63) 10253	1883		20	Irrigation domestic and stock	Foot Hills	Pine Creek	20 acres in W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 36, T. 7 S. R. 45 E. W. M.
Davidson, Roy Halfway, Ore. (Proof #64) 10254	1890		32	Irrigation domestic and stock	Mining and Posey Valley	Pine Creek	15 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 17 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 36, T. 7 S. R. 45 E. W. M.
Davis, Geo. A. & J.A. Halfway, Ore. (Proof #62) 10255	1887		44	Irrigation domestic and stock	Thad Leep	Pine Creek	30 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 14 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, T. 8 S. R. 46 E. W. M.
Day, Susan A. Grandview, Wash. (Proof #61) 10256	1895		17.	Irrigation domestic and stock	Meadow Creek	Meadow Creek, trib. of Clear Creek	10.6 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 6.5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24, T. 7 S. R. 45 E. W. M.
(Proof #60)	1901		5	Irrigation domestic and stock	Holbrook	Holbrook Creek	5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24, T. 7 S. R. 45 E. W. M.
	1910		12.1		Holbrook	Clear Creek	10.6 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 1.5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24, T. 7 S. R. 45 E. W. M.
				(NOTE: This right is supplemented by rights under Proof #60 from Holbrook and Clear Creeks.)			
				(NOTE: These rights under Proof #60 are supplemental to the right under Proof #61 from Meadow Creek.)			
Deaderick, J. W. Halfway, Ore. (Proof #67) 10257	1874		39	Irrigation domestic and stock	McMullen Slough	Pine	39 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8, T. 8 S. R. 46 E. W. M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
(Proof #65) <sup>10258</sup>	1897-	0.25	11.6	Irrigation domestic and stock	Deaderick	Clear Creek	7.3 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 4.3 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 19, T. 7 S. R. 46 E. W. M.
(NOTE: See Findings in Contest No. 6)							
(Proof #66)	1899	1.	48	Irrigation domestic and stock	Ritter and Deaderick	Clear Creek	Through Ritter Ditch 8 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 19,  24 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 30, Through Deaderick 16 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30, T. 7 S. R. 46 E. W. M.
Dearth, S.V. & Pearl Halfway, Ore. (Proof #68) <sup>10259</sup>	1874		5	Irrigation domestic and stock	McMullen Slough	Pine Creek	5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, T. 8 S. R. 46 E. W. M.
(Proof #69) <sup>10260</sup>	1883		25	Irrigation domestic and stock	Dearth	E. Pine Creek	25 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 9, T. 8 S. R. 46 E. W. M.
(Proof #74) <sup>10261</sup>	1884		6	Irrigation domestic and stock	Private	Clear Creek trib. of Pine Creek	6 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T. 8 S. R. 46 E. W. M.
(Proof #75) <sup>10262</sup>	1884		8	Irrigation domestic and stock	McNutt	Clear Creek trib. of Pine Creek	8 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T. 8 S. R. 46 E. W. M.
(Proof #70) <sup>10263</sup>	1898		2	Irrigation, domestic and stock	Dearth-Mehlhorn	E. Pine Creek	2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, T. 8 S. R. 46 E. W. M.
(Proof #73) <sup>10264</sup>	1910		18.9	Irrigation domestic and stock	McNutt	Clear Creek trib. of Pine Creek	6 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 12.9 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T. 8 S. R. 46 E. W. M.
(Proof #72) <sup>10265</sup>	1914		3	Irrigation domestic and stock	Zolf or Dearth	E. Pine Creek	3 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T. 8 S. R. 46 E. W. M.
Dearth, Geo. Halfway, Ore. (Proof #76) <sup>10266</sup>	1887		26	Irrigation domestic and stock	Thad Leep	Pine Creek	26 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, T. 8 S. R. 46 E. W. M.
Del Curto, Lorenzo Halfway, Oregon (Proof #59) <sup>10267</sup>	1885		15	Irrigation domestic and stock	Marker	Pine Creek	15 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 21, T. 8 S. R. 46 E. W. M.

*pt. of div. changed  
See Sp. Cr. Vol. 3 p. 158*

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
(Proof #57) <i>10,267 (Cont)</i>	1890		40	Irrigation domestic and stock	Private	N. Pine Creek	6 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 10 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 12 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21, 12 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28, T. 7 S. R. 47 E. W. M.
(Proof #58)	1890		31	Irrigation domestic and stock	Del Curto	N. Pine Creek	1 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 4 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21, 8 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 12 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 28, T. 7 S. R. 47 E. W. M.
Denny, Lou M. Baker, Ore. (Proof #79)							(NOTE: This claim is included in Claim No. 222 under the name of E. E. Marker et al.; see Findings in Contest No. 8, Group B.)
(Proof #80) <i>10,268</i>	1883		28	Irrigation domestic and stock	Foot Hills	Pine Creek	28 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 7, T. 8 S. R. 46 E. W. M.
Denny, Zeno Halfway, Ore (Proof #77) <i>10,269</i>	1904		6	Irrigation domestic and stock	Gover	Clear Creek trib. of Pine Creek	5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 1 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 15 T. 8 S. R. 46 E. W. M.
(Proof #78)	1904		34	Irrigation domestic and stock	Greener	Clear Creek trib. of Pine Creek.	15 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ , 19 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 15, T. 8 S. R. 46 E. W. M.
Amstel Mortgage Co., Spokane, Wash. (Proof #81) <i>Modified, Sec. 400 Vol. 11.</i>	1890		18	Irrigation domestic and stock	McCarthy or Ludiker	Pine Creek	1 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 3 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 17, 7 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ , 7 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 20, T. 7 S. R. 48 E. W. M.
(Proof #82)	1890		12	Irrigation domestic and stock	Sam Aklin	Pine Creek	6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 2 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 17, T. 7 S. R. 48 E. W. M.
Diess, J. J. Halfway, Ore. (Proof #83) <i>10,271</i>	1898		10	Irrigation domestic and stock	Five Point	East Pine Creek	10 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 29, T. 7 S. R. 46 E. W. M.
	1914		5		Five Point	East Pine Creek	5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 29, T. 7 S. R. 46 E. W. M.
Douglas, E. T. <i>10,272</i> Halfway, Ore. (Proof #86)	1894		20	Irrigation domestic and stock	Crego Steele	Clear Creek trib. of Pine Creek	20 acres in E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 29, T. 7 S. R. 46 E. W. M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Duff, T. V. Baker, Ore Chg. (Proof #87) 10273 Point of Diversion Sp. U.S. Vol. 4, p. 25 Also Sp. Or. Vol. 4, p. 366	1883		159	Irrigation domestic and stock	Lee	Pine Creek	40 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 39 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 1, T. 8 S. R. 45 E. W. M.
Duke, Lloyd Wapato, Wash. 10274 (Proof #91)	1906		15	Irrigation domestic and stock	Five Point	East Pine Creek	15 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34, T. 7 S. R. 46 E. W. M.
Dunn, E. W. Halfway, Ore. 10275 (Proof #90)	1883		20	Irrigation, domestic and stock	Foot Hills	Pine Creek	20 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, T. 8 S. R. 46 E. W. M.
Dunn, Flossie E. Halfway, Ore. 10276 (Proof #88)	1883		5	Irrigation domestic and stock	Foot Hills	Pine Creek	5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, T. 8 S. R. 46 E. W. M.
(Proof #89)	1883		15	Irrigation domestic and stock	Gravel Flat	Pine Creek	15 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 7, T. 8 S. R. 46 E. W. M.
Elliott, Jess Copperfield, Ore. 10277 (Proof #91-A)	1900	5 miners inches	5	Irrigation and stock	Aklin	Pine Creek	3 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, T. 7 S. R. 48 E. W. M.
(NOTE: Right determined by decree of the Circuit Court of the State of Oregon for Baker County, dated July 3, 1918, in case of A. L. Hudson and A. J. Strickland, Plaintiffs, v. Carlos Cossi and Charles Sheehan, Defendants. This claimant claims as successor to Defendant Charles Sheehan.)							
Ellis, Mary E. 10278 Homestead, Ore. (Proof #92)	1887		30	Irrigation domestic and stock	Mills	Pine Creek	30 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25, T. 7 S. R. 45 E. W. M.
Elmer, G. H. Halfway, Ore. 10279 (Proof #93)	1887		78	Irrigation domestic and stock	Denny and Mehlhorn and Baker	Lake Fork of North Pine Creek Fish Lake dam and Reservoir	38.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 39.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25, T. 7 S. R. 46 E. W. M.
Endrup, A. H. Halfway, Ore. 10280 (Proof #94)	1909		15	Irrigation domestic and stock	Endrup	Pine Creek	15 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 6, T. 8 S. R. 46 E. W. M.
Endrup, Edward C. Oakridge, Oregon. 10281 (Proof #96)	1883		20	Irrigation domestic and stock	Foot Hills	Pine Creek	20 acres in E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 36, T. 7 S. R. 45 E. W. M.
(Proof #97)	1883		10	Irrigation domestic and stock	John Morrison	Pine Creek	10 acres in E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 31, T. 7 S. R. 46 E. W. M.
(Proof #98)	1884		10	Irrigation domestic and stock	Private	Pine Creek	10 acres in E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 31, T. 7 S. R. 46 E. W. M.

January 21, 1960

M E M O R A N D U M

Certificates 10287  
10490

Special Order  
Volume 4 - Page 25

It appears that the land listed on Certificate 10287 and in Special Order Volume 4, Page 25 as being 34.2 acres in the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 7, Township 8 S., Range 46 E., should be in the SE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of said section.

As now listed this duplicates certificate number 10490.

By  
Walter N. Perry, Assistant

WNP:skh

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
Endrup, Edward C. (Cont.) (Proof #99) <sup>10282 (Cont.)</sup>	1884		1.75	Irrigation domestic and stock	Private	Springs rising on land in E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ 31-7-46	1.75 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 6, T. 8 S. R. 46, E. W. M.
(Proof #95) <sup>10283</sup>	1889		43.5	Irrigation domestic and stock	Clark Curry	Pine Creek and Springs	40 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 35, T. 7 S. R. 45 E. W. M.
(Proof #100) <sup>10284</sup>	1890		10	Irrigation domestic and stock	Posey Valley	Pine Creek	10 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 36, T. 7 S. R. 45 E. W. M.
(Proof #101) <sup>10285</sup>	1889		43.5	Irrigation domestic and stock	Dams and Ditches	Lee Creek and Spring on NE $\frac{1}{4}$ NW $\frac{1}{4}$ 35-7-45	Same land as described under Proof #95
(NOTE: This right is supplemental to the right under Proof #95 through the Clark Curry Ditch with priority of 1889)							
England, Isaac Estate W. J. Douglass, Executor, Baker, Ore. (Proof #84) <sup>10286</sup>	1883		17	Irrigation domestic and stock	Foot Hills	Pine Creek	17 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7, T. 8 S. R. 46 E. W. M.
(Proof #85) <sup>10287</sup> chq. Point Diversion Sp. Cr. Vol. 4, P. 25	1883		95.2	Irrigation domestic and stock	Gravel Flat	Pine Creek *	40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 6, 21 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7, 34.2 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 7, T. 8 S. R. 46 E. W. M.
Erickson, John <sup>10288</sup> Halfway, Ore. (Proof #102)	1884		61	Irrigation domestic and stock	Erickson	Pine Creek	16 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, 17 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 24, 28 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 24, T. 8 S. R. 46 E. W. M.
Evans, A. L. <sup>10289</sup> Carson, Ore. and Evans, W. W. Halfway, Ore. (Proof #103)	1888 1905		13 18	Irrigation domestic and stock	Posey Valley	Pine Creek	5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 1 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 7 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23, 15 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 3 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, T. 7 S. R. 45 E. W. M.
Federal Land Bank of Spokane, Spokane, Wash. (Proof #104) <sup>10290</sup> <sup>64554</sup>	1885		104	Irrigation	Marker	Pine Creek	25 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 21 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 38 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21, 18 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 22, T. 8 S. R. 46 E. W. M.
Part Cancelled - sp. or Rec. Vol. <u>44</u> P. <u>357</u> 1910			10	Irrigation	Marker	Pine Creek	3 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 1 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 3 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 21 3 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 22 T. 8 S. R. 46 E. W. M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Fickes, Mary Halfway, Ore. (Proof #104) 10291	1890		25	Irrigation domestic and stock	Fickes or Tarter	Pine Creek	25 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, T. 7 S. R. 45 E. W. M.
Fisher, C. K. Haines, Ore. (Proof #106) 10292	1885		71.5	Irrigation domestic and stock	Moore	Pine Creek	2 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14, 10 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 11 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 1.5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 10 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 8 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 4 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 25 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, T. 7 S. R. 45 E. W. M.
(Proof #107)	1885		48	Irrigation domestic and stock	Steele	Pine Creek	1 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 25 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 12 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 10.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, T. 7 S. R. 45 E. W. M.
(Proof #105)	1886		33	Irrigation domestic and stock	Dixie	Dixie Creek trib. of Pine Creek	8 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 25 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23 T. 7 S. R. 45 E. W. M.
(NOTE: This right is supplemental to that right from Pine Creek under Proof #106.)							
C. H. Foster, H. C. Halfway, Ore. (Proof #109) 10293	1895		16	Irrigation domestic and stock	Ritter	Clear Creek	16 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 30, T. 7 S. R. 46 E. W. M.
	1910		2		Ritter	Clear Creek	2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 30, T. 7 S. R. 46 E. W. M.
(Proof #110)	1907		2	Irrigation domestic and stock	Steele	Pine Creek	2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 30, T. 7 S. R. 46 E. W. M.
Foster, H. C. Halfway, Ore. (Proof #108) 10294	1885		19.4	Irrigation domestic and stock	Steele	Pine Creek	4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 15.4 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24, T. 7 S. R. 45 E. W. M.
Fulp, J. R. Halfway, Ore. (Proof #112) 10295	1874		5	Irrigation domestic and stock	Marker	Pine Creek	5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17, T. 8 S. R. 46 E. W. M.
(Proof #111)	1883		30	Irrigation domestic and stock	Drake	Clear Creek trib. of Pine Creek	8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 22 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, T. 7 S. R. 46 E. W. M.
Furgeson, Mrs. Elizabeth, Pine, Ore. (Proof #113) 10296	1870		50	Irrigation domestic and stock	Foster to Mehlhorn Slough and private ditches.	Clear Creek trib. of Pine Creek	25 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 25 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23, T. 8 S. R. 46 E. W. M.
Garlinghouse, Ada, Halfway, Ore. (Proof #119) 10297	1886		2.1	Irrigation	Marker	Pine Creek	2.1 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, T. 8 S. R. 46 E. W. M.



Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Garlinghouse, Lyman E. Halfway, Ore. (Proof #118) 10298	1883		34.4	Irrigation domestic and stock	Foot Hills	Pine Creek	17 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 17.4 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7, T. 8 S. R. 46 E. W. M.
Gaylord, C. E. Halfway, Ore. (Proof #115) 10299	1885		16.8	Irrigation domestic and stock	Steele	Pine Creek	16.8 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25, T. 7 S. R. 45 E. W. M
(Proof #114) 10300	1886		118.8	Irrigation domestic and stock	Gaylord	Pine Creek	40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 39.5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 39.3 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25, T. 7 S. R. 45 E. W. M.
Gaylord, E. B. Halfway, Ore. (Proof #116) 10301	1881		10	Irrigation domestic and stock	Gaylord	Pine Creek	10 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25, T. 7 S. R. 45 E. W. M.
	1886		10	Irrigation domestic and stock	Gaylord	Pine Creek	10 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25, T. 7 S. R. 45 E. W. M.
(Proof #117) 10302	1885		28.5	Irrigation domestic and stock	Steele	Pine Creek	18 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, 8 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25, 2.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, T. 7 S. R. 45 E. W. M.
George, Tom, Halfway, Ore. (Proof #120) 10303	1886	38 in.	38	Irrigation domestic	Oliver	E.Pine Creek	38 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4, T. 8 S. R. 46 E. W. M.
(Proof #121)	1914	40 in.	40	Irrigation domestic and stock	Oliver and Five Point	E.Pine Creek	Thru Oliver Ditch 15 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Thru Five Point 25 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33, T. 7 S. R. 46 E. W. M.
(Proof #122)	1898		66	Irrigation Domestic and stock	Five Point	E.Pine Creek	15 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 6 acres in W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34, T. 7 S. R. 46 E. W. M. 15 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 30 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, T. 8 S. R. 46 E. W. M.
Gillett, Ezekiel, Baker, Ore. (Proof 123)							(NOTE: This claim has been eliminated --- See Findings in Contest No. 7.)
Gotchy, F. M. Halfway, Ore. 10304	1886		3	Irrigation domestic and stock	McMullen Slough	Pine Creek	3 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, T. 8 S. R. 46 E. W. M.
(Proof #125)	1884		70	Irrigation domestic and stock	Scott	Pine Creek	30 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5, T. 8 S. R. 46 E. W. M.
Gotchy, Mrs. Loretta Phoenix, Arizona (Proof #124) 10305							
Gover, Carson, Halfway, Ore. 10306	1885		80	Irrigation domestic	Hunt	Pine Creek	40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, T. 8 S. R. 46 E. W. M.
(Proof 128-A)							

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
Gover, Mary Halfway, Ore. (Proof #128-B) 10307	1885		6.5	Irrigation domestic and stock	Marker	Pine Creek	6.5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 8, T. 8 S. R. 46 E. W. M.
(NOTE: See findings in Contest No. 24)							
Gover, Walter A. Halfway, Ore. (Proof #126) 10308	1874		100	Irrigation domestic and stock	Gover	Clear Creek trib. of Pine Creek	29 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 25 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13, 25 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 21 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14
	1886		80				18 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 21 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 6 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 35 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, T. 8 S. R. 46 E. W. M.
	1910		27	Irrigation domestic and stock	Gover	Clear Creek trib. of Pine	8 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 6 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13, 8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14, T. 8 S. R. 46 E. W. M.
(Proof #128)	1874		103.3	Irrigation	McMullen Slough	Pine	10.9 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 12.4 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 Acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22,
	1881		47				40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 7 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 22, T. 8 S. R. 46 E. W. M.
(Proof #127)	1883		31	Irrigation domestic and stock	Spencer	Dry Creek trib. of E. Pine Creek	8 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 11 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 12 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 13, T. 8 S. R. 46 E. W. M.
Gover, W. Lovell Halfway, Ore. (Proof #131) 10309	1879		60	Irrigation domestic and stock	Buck and Anderson	E. Pine Creek	34 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 13 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11, 10 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 3 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14, T. 8 S. R. 46 E. W. M.
(Proof #129)	1885		5	Irrigation domestic and stock	Lloyd and Curleis	E. Pine Creek	5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11, T. 8 S. R. 46 E. W. M.
(Proof #130)	1885		20	Irrigation domestic and stock	Fee	E. Pine Creek	20 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11, T. 8 S. R. 46 E. W. M.
Gray, Arthur Halfway, Ore. (Proof #133) 10310	1886		7	Irrigation domestic and stock	Marker	Pine Creek	7 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8, T. 8 S. R. 46 E. W. M.
(Proof #134) 10311	1886		3	Irrigation domestic and stock	Marker	Pine Creek	3 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, T. 8 S. R. 46 E. W. M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Gray, J. W. Halfway, Ore. (Proof #132) <sup>10312</sup>	1874		12	Irrigation domestic and stock	Marker	Pine Creek	12 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17, T. 8 S. R. 46 E. W. M.
Gray, Robert R. Halfway, Ore. (Proof #135) <sup>10313</sup>	1890		35	Irrigation domestic and stock	Posey Valley	Pine Creek	35 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 18, T. 8 S. R. 46 E. W. M.
Greener, E. K. Halfway, Ore. (Proof #136) <sup>10314</sup>	1902		145	Irrigation domestic and stock	Greener	Pine Creek	25 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 27 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 30 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 23 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 16, T. 8 S. R. 46 E. W. M.
Greener, Ed R. Pine, Ore. (Proof #140) <sup>10315</sup>	1881		19	Irrigation domestic and stock	Greener	Pine Creek	19 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16, T. 8 S. R. 46 E. W. M.
	1885		92.6	Irrigation domestic and stock	Greener	Pine Creek	7.3 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 18.6 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 27.4 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 39.3 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 15, T. 8 S. R. 46 E. W. M.
(Proof #141)	1909		8	Irrigation	Foster and Mehlhorn Slough and Addington Ditch	Clear Creek	8 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 15, T. 8 S. R. 46 E. W. M.
Greener, Norvil Halfway, Ore. (Proof #139) <sup>10316</sup>	1877		92	Irrigation domestic and stock	Greener-Oliver	E. Pine Creek	40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 32 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 20 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10, T. 8 S. R. 46 E. W. M.
(Proof #138)	1879		25	Irrigation domestic and stock	Greener	Clear Creek trib. of Pine Creek	5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 15 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10, T. 8 S. R. 46 E. W. M.
(Proof #137)	1884		35	Irrigation domestic and stock	Foster Stewart	Clear Creek trib. of Pine Creek	15 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 20 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9, T. 8 S. R. 46 E. W. M.
Gross, Anna B. Halfway, Ore. (Proof #142) <sup>10317</sup>	1883		38	Irrigation domestic and stock	Foot Hills	Pine Creek	38 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, T. 8 S. R. 46 E. W. M.
				(NOTE: See Findings in Contest No. 8, Group D.)			
Grubb, H. V. Halfway, Ore. (Proof #143) <sup>10318</sup>	1890		31	Irrigation domestic and stock	Posey Valley	Pine Creek	16 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35, T. 7 S. R. 45 E. W. M.  15 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 2, T. 8 S. R. 45 E. W. M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Grubb, H. V. (Cont.) (Proof #144)							(NOTE: This claim is covered by Permit No. E78, Certificate No. 1930 -- See Paragraph 65.)
Gulick, J. S. Halfway, Ore. 10319 (Proof #145)	1873		15	Irrigation domestic and stock	Foster-Gulick-Mehlhorn and private ditches	Clear Creek trib. of Pine Creek	15 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23, T. 8 S. R. 46 E. W. M.
(Proof #146)	1884		50	Irrigation domestic and stock	Erickson	Pine Creek	15 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 35 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, T. 8 S. R. 46 E. W. M.
(Proof #147)	1884		10	Irrigation domestic and stock	Private	Natural drain trib. of Pine Creek	10 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23, T. 8 S. R. 46 E. W. M.
(Proof #148)	1884		5	Irrigation domestic and stock	Private	Natural drain trib. of Pine Creek	3 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 2 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, T. 8 S. R. 46 E. W. M.
Hahs, J. P. 10320 Portland, Ore. (Proof #151)	1892		8	Irrigation domestic and stock	Meadow Creek and Holbrook	Holbrook Creek trib. of Pine Creek	8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 24, T. 7 S. R. 45 E. W. M.
Halfway, City of Halfway, Ore. 10321 (Proof #148-A)	1882			Domestic and Municipal	Halfway Water works system	Springs rising on the NW $\frac{1}{4}$ Sec. 13 T. 8 S. R. 45 E. W. M.	Used for the Town of Halfway, Ore., a municipal corporation located in Sections 8 and 17, T. 8 S. R. 46 E. W. M.
Hathaway, Andrew I. Chq. Halfway, Ore. Point (Proof #149) 10322 Div. - Sp. Br. Vol. 4 - P. 25	1882		40	Irrigation domestic and stock	Lee	Pine Creek	40 acres in Lot 1, (NE $\frac{1}{4}$ NE $\frac{1}{4}$ ) Section 1, T. 8 S. R. 45 E. W. M.
Hathaway, Worden E. Chq. Halfway, Ore. (Proof #150) 10323 Point Div. - Sp. Br. Vol. 4 P. 25	1882		40	Irrigation domestic and stock	Lee	Pine Creek	40 acres in Lot 2, (NW $\frac{1}{4}$ NE $\frac{1}{4}$ ) Section 1, T. 8 S. R. 45 E. W. M.
Haynie, C. W. 10324 Halfway, Ore. (Proof #154)	1894		11.5	Irrigation domestic and stock	Gaylord	Pine Creek	11.5 acres in NE $\frac{1}{8}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 6, T. 8 S. R. 46 E. W. M.
Hays, E. A. 10325 Halfway, Ore. (Proof #152)	1882		34	Irrigation domestic and stock	Kiefer	Springs and Waste Water	34 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, T. 8 S. R. 46 E. W. M.
(Proof #153) 10326	1888		1.7	Irrigation domestic and stock	Hewitt	Springs and Waste Water	1.7 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, T. 8 S. R. 46 E. W. M.
Hearn, Maria 10327 Halfway, Ore. (Proof #155)	1905		10	Irrigation domestic and stock	Heam	Clear Creek trib. of Pine Creek.	10 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30, T. 7 S. R. 46 E. W. M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Hensley, B. L. Richland, Ore. (Proof #156-C)							(This proof has been eliminated.)
(Proof #156-A) 10328	1901		7.4	Irrigation domestic and stock	Hensley	W. Dry Creek and E. Pine Creek	2.9 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 4.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 35 T. 7 S. R. 46 E. W. M.
(Proof 156-B) Enlargement Permit #45	Feb. 17 1910		80	Irrigation	Dry Creek	Dry Creek and Lake Fork of N. Pine Creek	40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 35 T. 7 S. R. 46 E. W. M. 40 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 2, T. 8 S. R. 46 E. W. M.
Hensley, Mrs. Mary Halfway, Ore. (Proof #156) 10329	1886		80	Irrigation domestic and stock	Wheelock	E. Pine Creek	22 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 30 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 18 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 10 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26, T. 7 S. R. 46 E. W. M.
							(NOTE: See Findings in Contest No. 1)
Hewitt, Israel Halfway, Ore. 10330	1898		12	Irrigation and domestic	Five Point	E. Pine Creek	2 acres in E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34 T. 7 S. R. 46 E. W. M. 10 acres in E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, T. 8 S. R. 46 E. W. M.
	1914		11	Irrigation and domestic	Five Point	E. Pine Creek	9 acres in E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34, T. 7 S. R. 46 E. W. M. 2 acres in E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, T. 8 S. R. 46 E. W. M.
Hockett, J. L. Halfway, Ore. 10331	1884		46.3	Irrigation domestic and stock	Gravel Flat	Pine Creek	18.3 acres in Lot 3, (NW $\frac{1}{4}$ SW $\frac{1}{4}$ ) 28 acres in Lot 4, (SW $\frac{1}{4}$ SW $\frac{1}{4}$ ), Section 31, T. 7 S. R. 46 E. W. M.
(Proof #159) 10332	1892		39.3	Irrigation domestic and stock	Motley	Pine Creek	29.3 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 10 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 31, T. 7 S. R. 46 E. W. M.
* Holcomb, Noble Richland, Ore. 10333 chq. (Proof #161) Point Diversion. Sp. W. Vol. 4, p. 25. also Vol. 4, p. 366	Fall of 1883	1.0	78.4	Irrigation domestic and stock	Lee	Pine Creek *	38.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 15 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 25 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1, T. 8 S. R. 45 E. W. M.
							(NOTE: See Findings in Contest No. 37).
(Proof #162)	1883		40	Irrigation domestic and stock	Foot Hills	Pine Creek	40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1, T. 8 S. R. 45 E. W. M.
(Proof #160)							(NOTE: This claim is covered by Permit E-31, Sag Ditch Co., --- See Findings in Contest No. 36, also Paragraph 65.)

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
Hudson, A. L. <sup>10334</sup> 2009 E. Glisan St., Portland, Ore. (Proof #162-A)	1883		110	Irrigation domestic and stock	Brown Ritter or Brown Young	Clear Creek, trib. of PimeCreek	20 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30, 14 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 36 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31, T. 7 S. R. 46 E. W. M.
(Proof #162-D)	1883		15	Irrigation	Brown Ritter or Brown Young	Waste waters from Clear Creek	15 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30, T. 7 S. R. 46 E. W. M.
(NOTE: Clear Creek rights for 125 acres with priority of 1883 under Proofs 162-A and D, are limited to 1.75 second feet,--- See Findings in Contest No. 5.)							
(Proof #162-B)	1892		35	Irrigation domestic and stock	Brown Motley	Pine Creek	35 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31, T. 7 S. R. 46 E. W. M.
(Proof #162-C)	1915 May		14	Irrigation domestic and stock	Hudson-Hulse	Waste Waters of Pine Creek	14 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31, T. 7 S. R. 46 E. W. M.
Huff, B. A. <sup>10335</sup> Pine, Ore. (Proof #167)	1883		62.1	Irrigation domestic and stock	Clear Creek	Clear Creek trib. of Pine Creek	14 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 3.6 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13, 4.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 24, T. 8 S. R. 46 E. W. M.
(Proof #168) <sup>10336</sup>	1884		18	Irrigation domestic and stock	North	Pine Creek	9 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13, 9 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 24, T. 8 S. R. 46 E. W. M.
(Proof #164) <sup>10337</sup>	1884		20	Irrigation domestic and stock	Erickson	Pine Creek	20 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 24, T. 8 S. R. 46 E. W. M.
(Proof #166) <sup>10338</sup>	1890		10	Irrigation domestic and stock	Officer	Clear Creek trib. of Pine Creek	10 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13, T. 8 S. R. 46 E. W. M.
Huff, B. A. & C. C. <sup>10339</sup> Pine, Ore. (Proof #165)	1908		56.7	Irrigation domestic and stock	Hooker Flat	Fish Creek trib. of Pine Creek	5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 4.4 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 24 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 3.8 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 12 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 19, 7.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 30, T. 7 S. R. 47 E. W. M.
Huff, C. C. <sup>10340</sup> Halfway, Ore. (Proof #169)	1883		60	Irrigation domestic and stock	Coffinberry East Irwin	East Pine Creek	37 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 23 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, T. 7 S. R. 46 E. W. M.
	1914		10				10 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, T. 7 S. R. 46 E. W. M.
Huff, Caroline T. <sup>10341</sup> Halfway, Ore. (Proof #173)	1886		5	Irrigation domestic and stock	Marker	Pine Creek	5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, T. 8 S. R. 46 E. W. M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Huff, Chester & Bernice, Halfway, Ore. (Proof #163) <i>10342</i>	1887		1.2	Irrigation domestic and stock	McMullen Slough	Pine Creek	1.2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, T. 8 S. R. 46 E. W. M.
Huff, Roland, Sumpster, Ore. (Proof #170)				(This right and proof eliminated)			
(Proof #171)				(This right and proof eliminated.)			
(Proof #172) <i>10343</i>	1904		8	Irrigation domestic and stock	Dearth and Mehlhorn	E. Pine Creek	8 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, T. 8 S. R. 46 E. W. M.
Hulse, L. C. Halfway, Ore. (Proof #176) <i>10344</i>	1899		46	Irrigation	Akers	Clear Creek trib. of Pine Creek	23 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29 23 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29 T. 7 S. R. 46 E. W. M.
	1910		14.6				6.2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 8.4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29, T. 7 S. R. 46 E. W. M.
Hulse, S. A. Halfway, Ore. (Proof #174) <i>10345</i>	1894		3	Irrigation domestic and stock	Private	Clear Creek trib. of Pine Creek	3 acres in E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, 30 T. 7 S. R. 46 E. W. M.
(Proof #175)	1910		11	Irrigation domestic and stock	Walter Allen	Clear Creek trib. of Pine Creek	5 acres in E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ 6 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30, T. 7 S. R. 46 E. W. M.
Hunsaker, Addaline & J. L. Halfway, Ore. (Proof #178) <i>10346</i>	1874		152.9	Irrigation domestic and stock	McMullen Slough	Pine Creek	33 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 39.9 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23, T. 8 S. R. 46 E. W. M.
Hunt, Leonora G. c/o J.E. Lataurette, City Hall, Portland, Ore. (Proof #176-A) <i>10347</i>	1874	40 inches	40	Irrigation domestic and stock	McMullen Slough	Pine Creek	<del>40 acres in NE<math>\frac{1}{4}</math></del> Section 7, T. 8 S. R. 46 E. W. M.
(Proof #176-B)	1883		62.8	Irrigation domestic and stock	Gravel Flat	Pine Creek	37.8 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 25 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, T. 8 S. R. 46 E. W. M.
Hunter, Hazel, Halfway, Ore. (Proof #177) <i>10348</i>	1886		3	Irrigation domestic and stock	Marker	Pine Creek	3 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8, T. 8 S. R. 46 E. W. M.
Irwin, C. R. Halfway, Ore. (Proof #190) <i>10349</i>	1882		12	Irrigation domestic and stock	Private	Prong of E. Branch of Clear Creek	12 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32, T. 7 S. R. 46 E. W. M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Irwin, C. R. (Cont.) (Proof #191)	1882		8	Irrigation domestic and stock	Private	Prong of Clear Creek	8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32, T. 7 S. R. 46 E. W. M.
Irwin, Ira Halfway, Ore. 10350 (Proof #179)	1882		35	Irrigation domestic and stock	Oliver	E. Pine Creek	35 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4, T. 8 S. R. 46 E. W. M.
(Proof #180) 10351	1886		30	Irrigation domestic and stock	Oliver	E. Pine Creek	30 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33, T. 7 S. R. 46 E. W. M.
(Proof #182)	(This right and proof eliminated).						
(Proof #181) 10357	1913		8	Irrigation domestic and stock	Irwin	E. Pine Creek	8 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4, T. 8 S. R. 46 E. W. M.
Irwin, J. H. Halfway, Ore. 10353 (Proof #185)	1882		11	Irrigation domestic and stock	Irwin	E. Branch Clear Creek trib. of Pine Creek	11 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32, T. 7 S. R. 46 E. W. M.
(Proof #186)	1882		11	Irrigation domestic and stock	Small	Prong of Clear Creek trib. of Pine Creek	11 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32, T. 7 S. R. 46 E. W. M.
(Proof #187)	1882		8	Irrigation domestic and stock	Small	Prong of Clear Creek trib. of Pine Creek	8 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32, T. 7 S. R. 46 E. W. M.
(Proof #184)	1886		3	Irrigation domestic and stock	Marker and Mc-Mullen Slough and ditches.	Pine Creek	3 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, T. 8 S. R. 46 E. W. M.
Irwin, John Halfway, Ore. 10354 (Proof #188)	1889	1.5	75	Irrigation domestic and stock	Clark Curry	Pine Creek	17 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 34 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 24 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 35, T. 7 S. R. 45 E. W. M.
(Proof #189)	1890		59	Irrigation domestic and stock	Carson Creek	Carson Creek	9 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 10 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 19 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 21 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26, T. 7 S. R. 45 E. W. M.
	(NOTE: The above 59 acres of land have a supplemental supply through the Posey Valley Ditch from Pine Creek with priority of 1890)						
Irwin, Pearl 10355 Taft, California (Proof #183)	1883		20	Irrigation domestic and stock	Hewitt	Clear Creek trib. of Pine Creek	20 acres in N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, T. 7 S. R. 46 E. W. M.



Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Jefferis, John T. Payette, Idaho (Proof #192) <sup>10356</sup>	1883		12	Irrigation domestic and stock	Foot Hills	Pine Creek	12 acres in N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, T. 8 S. R. 45 E. W. M.
(Proof #193)	1890		28	Irrigation domestic and stock	Posey Valley	Pine Creek	8 acres in N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ 20 acres in N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12, T. 8 S. R. 45 E. W. M.
Jeldness, H. Halfway, Ore. <sup>10357</sup> (Proof #197)	1883		150.5	Irrigation domestic and stock	Foot Hills	Pine Creek	17 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 13.5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 38 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 13 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 39 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 30 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17, T. 8 S. R. 46 E. W. M.
(Proof #195)	1890		51.2	Irrigation domestic and stock	Posey Valley	Pine Creek	8.4 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 7.2 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 30.6 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20, T. 8 S. R. 46 E. W. M.
(Proof #196)	1895		15	Irrigation domestic and stock	Myers	Clear Creek trib. of Pine Creek	5 acres in W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ 15 acres in W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 29, T. 7 S. R. 46 E. W. M.
(Proof #194)	(NOTE: This claim is covered by Permit No. E Ditch Co. --- See Paragraph 65.)					31, Sag	
Kinsey, Annie E., in behalf and as guardian of Elmer L. and Minnie L. Kinsey, minors, and as agent for Viola Kinsey Martin, Hattie Kinsey Johnson, Leon Kinsey, Mabel Kinsey Farber, Edw. F. Kinsey, and Rhoda Kinsey Coundaux, Payette, Idaho. (Proof #197-D) <sup>400</sup> <sup>10358</sup> <sup>35917</sup> <sup>48214</sup>	1874		10	Irrigation domestic and stock	McMullen Slough	Pine Creek	10 acres described as being within Lots 5, 6, and 7, Block 3 of Claude Officer's First Add. to Town of Halfway and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 8. Commencing at a point E. of N.W. corner of NE $\frac{1}{4}$ of Section 17; thence S. 110 ft; thence E. 50 ft; thence N. 110 ft; thence W. 50 ft. in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 17, all being in T. 8 S. R. 48 E. W. M. (6) Also, commencing at a point 627 ft. E. of NW. corner of NE $\frac{1}{4}$ of Section 17; thence S. 90 ft; thence W. 140 ft; thence S. 220 ft; thence E. 140 ft; thence N. 200 ft; thence E. 100 ft; thence N. 20 ft; thence W. 50 ft; thence N. 90 ft; thence W. 50 ft. to place of beginning and being in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 17, T. 8 S. R. 46 E. W. M.
(Proof #197-A) <sup>400</sup>	1883		80	Irrigation domestic and stock	Gravel Flat	Pine Creek	40 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8, T. 8 S. R. 46 E. W. M. 79° to 105 Sp. Co. V. 17, p. 298

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
(Proof #197-B) <i>As amended by Decree Vol. 11, p. 400</i>			117	Irrigation domestic and stock	Pine Lakes Ditch and Reservoir Company	Pine Lakes Reservoir	37 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8, T. 8 S. R. 46 E. W. M.
(Proof #197-C) <i>10358</i>	1886		37	Irrigation domestic and stock	Record or Haynie	Pine Creek	37 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 8, T. 8 S. R. 46 E. W. M.
Koopman, Charles Halfway, Ore. <i>10359</i> (Proof #198)	1879		50	Irrigation domestic and stock	Crow	Clear Creek trib. of Pine Creek	25 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 25 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15, T. 8 S. R. 46 E. W. M.
Koopman, Fred Halfway, Ore. <i>10360</i> (Proof #200-B)	1887		34.2	Irrigation domestic and stock	H. K. Oliver	East Pine Creek	34.2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3 T. 8 S. R. 46 E. W. M.
*Chg. (Proof #200-A) Point Diversion Sp. 100 Vol. 4, p. 25	1883		95	Irrigation domestic and stock	Gravel Flat	Pine Creek *	40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 35 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 20 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 6, T. 8 S. R. 46 E. W. M.
Koopman, Fritz Halfway, Ore. <i>10361</i> (Proof #199)	1884		91	Irrigation domestic and stock	Koopman	East Pine Creek	20 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 20 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 25 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 20 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 6 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11, T. 8 S. R. 46 E. W. M.
(Proof #200)	1901		91	Supplemental Irrigation domestic and stock	Koopman	Lake Fork of North Pine Creek.	Same lands as described under Proof #199.
(Note: This right is a supplemental supply for lands irrigated under Proof #199 from East Pine Creek with priority of 1884)							
Koopman, Lorena <i>10362</i> Pine, Ore. (Proof #201)	1870		25	Irrigation domestic and stock	Foster-Stewart-Mehlhorn and private ditch	Clear Creek trib. of Pine Creek	12.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 15 12.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 22, T. 8 S. R. 46 E. W. M.
Koopman, Richard <i>10363</i> Pine, Ore. (Proof #202)	1908		28.2	Irrigation domestic and stock	Hooker Flat	Fish Creek trib. of Pine Creek	10.3 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 12.9 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 30, T. 7 S. R. 47 E. W. M.
Laird, Lewis Halfway, Ore. <i>10364</i> (Proof #206)	1885		77	Irrigation domestic and stock	McMullen Slough	Pine Creek	9 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 28 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 21, T. 8 S. R. 46 E. W. M.
Laird, Percy <i>10365</i> Halfway, Ore. (Proof #203)	1874		39	Irrigation domestic and stock	McMullen Slough	Pine Creek	39 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17, T. 8 S. R. 46 E. W. M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Laird, Tom Halfway, Ore. (Proof #204)							(NOTE: This claim is covered by Permit No. E.31, Sag Ditch Company ---- See Paragraph 65; also Findings in Contest No. 40)
Laird, Tom and Robert Halfway, Ore. (Proof #205) 10366	1897		21	Irrigation domestic and stock	Posey Valley & Sag	Pine Creek	7 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 12 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21, T. 8 S. R. 46 E. W. M.
Lee, Mrs. Viola Halfway, Ore. (Proof #210) 10367 Modified by Decree Val # 401	1896		4	Irrigation domestic and stock	Five Point	East Pine Creek	4 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, T. 8 S. R. 46 E. W. M.
Leep, Elles Halfway, Ore. (Proof #207) 10368	1883		37.5	Irrigation domestic and stock	Foot Hills	Mining Channel, trib. of Pine Creek	37.5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8, T. 8 S. R. 46 E. W. M.
(Proof #208)	1883		20	Irrigation domestic and stock	Foot Hills	Pine Creek	(NOTE: See Findings in Contest No. 33) 20 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, T. 8 S. R. 46 E. W. M.
(Proof #209)	1883		20	Irrigation domestic and stock	Foot Hills	Pine Creek	(NOTE: See Findings in Contest No. 8, Groups D and E, and Contest No. 42.) 20 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, T. 8 S. R. 46 E. W. M.
Leep, Thaddeus Halfway, Ore. (Proof #212) 10369	1876		45	Irrigation domestic and stock	Thad Leep	Pine Creek	(NOTE: See Findings in Contest No. 8, Groups D and E, and Contest No. 43.) 10 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 35 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9, T. 8 S. R. 46 E. W. M.
(Proof #213)	1883		2.5	Irrigation domestic and stock	Private	Old Mining Channel, trib. of Pine Creek	(NOTE: See Findings in Contest No. 9) 5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9, T. 8 S. R. 46 E. W. M. 2.5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8, T. 8 S. R. 46 E. W. M.
Leep, Thomas B. Halfway, Ore. (Proof #211) 47046 70125 76491 T #4021 APOD part	1883		57	Irrigation domestic and stock	Foot Hills	Pine Creek	(NOTE: See Findings in Contest No. 23.) 15 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 37 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 7, 5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17, T. 8 S. R. 46 E. W. M.
	1903		22				22 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 7, T. 8 S. R. 46 E. W. M. (NOTE: See Findings in Contest No. 8, Group D, Contest No. 11, and Contest No. 13.)

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
Lindsay, S. E. Baker, Ore. (Proof #215) <i>Modified by Decree Vol. 11 p 401</i> <i>10371</i>	1883		60	Irrigation domestic and stock	Fee	East Pine Creek	35 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 25 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11, T. 8 S. R. 46 E. W. M.
(Proof #214)	1914		4				4 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 11, T. 8 S. R. 46 E. W. M.
	1886		55	Irrigation domestic and stock	Holbrook and Lindsay	Dry Creek trib. of Pine Creek	23 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 27 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12, T. 8 S. R. 46 E. W. M.
Littlefield, A. E. Mary S. Halfway, Ore. (Proof #216) <i>10372</i>	1883		38.4	Irrigation domestic and stock	Foot Hills	Pine Creek	3.4 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17, 35 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 18, T. 8 S. R. 46 E. W. M.
(NOTE: See Findings in Contest No. 8, Group D, and Contest No. 22.)							
Lloyd, W. W. Halfway, Ore. (Proof #217) <i>10373</i>	1874		50	Irrigation domestic and stock	McMullen Slough	Pine Creek	11 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 39 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 17, T. 8 S. R. 46 E. W. M.
(NOTE: See Findings in Contest No. 8, Group A.)							
(Proof #218) <i>10374</i>	1883		6.5	Irrigation domestic and stock	Foot Hills	Pine Creek	6.5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 17, T. 8 S. R. 46 E. W. M.
Locke, B. F. and Mark Wynia Halfway, Ore. (Proof #219) <i>10375</i>	1883		19	Irrigation domestic and stock	Foot Hills	Pine Creek	19 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, T. 7 S. R. 45 E. W. M.
Lurchin, B. F. Halfway, Ore. (Proof #220) <i>10376</i>	1883		40	Irrigation domestic and stock	Foot Hills	Pine Creek	40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1, T. 8 S. R. 45 E. W. M.
Mack, J. C. Estate By Emily M. Mack Multnomah, Ore. and Meade L. Boyd Dallas, Ore. Executors, (Proof #221) <i>10377</i> <i>see p 401</i>	1859		41	Irrigation domestic and stock	Curry	Pine Creek	4 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 37 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26, T. 7 S. R. 45 E. W. M.
(NOTE: See Findings in Contest No. 21)							
Maddern, Sophie N. Halfway, Ore. (Proof #223) <i>10378</i>	1905		30	Irrigation domestic and stock	Five Point	East Pine Creek	3 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 27 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 3, T. 8 S. R. 46 E. W. M.
Makinson, Fred Halfway, Ore. (Proof #226) <i>10379</i>	1894		20	Irrigation domestic and stock	Gravel Flat	Pine Creek	20 acres in <sup>S<math>\frac{1}{2}</math></sup> SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 6, T. 8 S. R. 46 E. W. M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Makinson, Soh. Springfield, Ore. 10380 (Proof #225)	1909		5	Irrigation domestic and stock	Spring	Spring in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 18-8-46	5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 18, T. 8 S. R. 46 E. W. M.
(Proof #224)	(NOTE: This claim is eliminated as it is covered by Permit No. E. 31, Sag Ditch Company --- See Findings in Contest No. 19, Page 26; also Paragraph 65.)						
Makinson, Warren E. and Lillie M. Halfway, Ore. 10381 (Proof #227)	1883		57	Irrigation domestic and stock	Foot Hills	Pine Creek	40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, T. 8 S. R. 45 E. W. M. 17 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7, T. 8 S. R. 46 E. W. M.
	(NOTE: See Findings in Contest No. 11)						
(Proof #228)	1883		7	Supplemental Irrigation		Spring in S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 12 8-45	7 acres in SW corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, T. 8 S. R. 45 E. W. M.
	(NOTE: See Findings in Contest No. 12, also Paragraph 65)						
Maley, Chester Halfway, Ore. 10387 (Proof #236)	1874		96.9	Irrigation domestic and stock	McMullen Slough	Pine Creek	30.1 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 2.8 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 24 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16, T. 8 S. R. 46 E. W. M.
Malone, William Halfway, Ore. 10383 (Proof #229)	1890		3	Irrigation domestic and stock	Neet	Clear Creek trib. of Pine Creek	3 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32, T. 7 S. R. 46 E. W. M.
(Proof #230)	1890		3	Irrigation domestic and stock	Irwin	Clear Creek trib. of Pine Creek.	3 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32, T. 7 S. R. 46 E. W. M.
(Proof #231)	1890		14	Irrigation domestic and stock	Private	Clear Creek trib. of Pine Creek & Spring	4 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 10 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32, T. 7 S. R. 46 E. W. M.
	1910		8				8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32, T. 7 S. R. 46 E. W. M.
(Proof #232)	1890		12	Irrigation domestic and stock	Malone	Clear Creek trib. of Pine Creek	12 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32, T. 7 S. R. 46 E. W. M.
(Proof #233)	1890		10	Irrigation domestic and stock	Lytle	Clear Creek trib. of	10 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32, T. 7 S. R. 46 E. W. M.
(Proof #234)	1890		15	Irrigation domestic and stock	Crego	Clear Creek trib. of Pine Creek	15 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32, T. 7 S. R. 46 E. W. M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Malone, William, (Continued) <sup>10383</sup> <sub>cont</sub> (Proof #235)	1890		3	Irrigation domestic and stock	Walter Allen	Clear Creek trib. of Pine Creek	3 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32, T. 7 S. R. 46 E. W. M.
Marker, E. E. et al., Halfway, Ore. (Proof #222) <sup>10384</sup>	1874		36	Irrigation domestic and stock	McMullen Slough and Marker ditch	Pine Creek	Small tracts and town lots in town of Halfway, aggregating: 36 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, T. 8 S. R. 46 E. W. M.
(NOTE: See Findings in Contest No. 8, Group B, and in Contest No. 20)							
Marr, Mary E. Halfway, Ore. (Proof #238) <sup>10385</sup>	1886		3.2	Irrigation domestic and stock	Perry	Pine Creek	3.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, T. 7 S. R. 45 E. W. M.
(Proof #237)	1893		5	Irrigation domestic and stock	Curry	Pine Creek	5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, T. 7 S. R. 45 E. W. M.
Marshallsay, Mrs. A. L. Halfway, Ore. (Proof #244) <sup>10386</sup>	1884		20	Irrigation domestic and stock	Marshall-say and McNutt	Clear Creek trib. of Pine Creek	20 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5, T. 8 S. R. 46 E. W. M.
	1910		7				7 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5, T. 8 S. R. 46 E. W. M.
Martin, A. L. Halfway, Ore. (Proof #240) <sup>10387</sup>	1886		34	Irrigation domestic and stock	Ritter	Clear Creek trib. of Pine Creek	34 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 30, T. 7 S. R. 46 E. W. M.
(Proof #239)	1895		6	Irrigation domestic and stock	Deaderick	Clear Creek trib. of Pine Creek	6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 30, T. 7 S. R. 46 E. W. M.
(Proof #241)	1907		9	Irrigation domestic and stock	Steele	Pine Creek	9 acres in S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 30, T. 7 S. R. 46 E. W. M.
Martin, Chas. W. Baker, Ore. (Proof #243-A)	1910		46	Irrigation domestic and stock	Posey Valley	Main Pine Creek	2.5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28, 13.9 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28, 23.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 33, 6.1 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 33, T. 8 S. R. 46 E. W. M.
<i>Continued: See Darcy Vol. II, p. 401</i>							
Martin, Claude Halfway, Ore. <sup>10388</sup> (Proof #243)	1885		20	Irrigation domestic and stock	Private	Spring Creek rising on SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 2-8-45	5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 2, 15 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 2, T. 8 S. R. 45 E. W. M.
(Proof #242)	1890		9	Irrigation domestic and stock	Posey Valley	Pine Creek	9 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 2, T. 8 S. R. 45 E. W. M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
McCullum, J. M. Halfway, Ore. (Proof #245) 10389	1898		50 4	Irrigation domestic and stock	Akers	Clear Creek trib. of Pine Creek	20 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 20 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32, T. 7 S. R. 46 E. W. M.
	1910		21				5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 16 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32, T. 7 S. R. 46 E. W. M.
McFadden, W. M. Halfway, Ore. (Proof #246) 10390	1889		20	Irrigation domestic and stock	Clark Curry	Pine Creek	20 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26, T. 7 S. R. 45 E. W. M.
McKinnon, J. E. Carson, Ore. (Proof #248) 10391	1904		2.1	Irrigation domestic and stock	Private	Pine Creek	1.2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 0.9 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15, T. 7 S. R. 45 E. W. M.
(NOTE: This claim is covered by Permit No. 1039, Certificate No. 1644 --- See Paragraph 65.)							
McMullen, Joe Pine, Ore. (Proof #249) 10392	1885		35.2	Irrigation domestic and stock	McMullen Slough	Pine Creek	35.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, T. 8 S. R. 46 E. W. M.
McNutt, E. L. Halfway, Ore. (Proof #254) 10393	1883		5	Irrigation domestic and stock	McNutt	Spring Branch	5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, T. 8 S. R. 46 E. W. M.
(Proof #250) 10394	1884		57	Irrigation domestic and stock	Marshall- say and McNutt	Clear Creek trib. of Pine Creek	39 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 18 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, T. 8 S. R. 46 E. W. M.
	1910		14				14 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, T. 8 S. R. 46 E. W. M.
McNutt, J. O. Halfway, Ore. (Proof #253) 10395	1883		10	Irrigation domestic and stock	McNutt	Clear Creek trib. of Pine Creek	10 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5, T. 8 S. R. 46 E. W. M.
(Proof #252) 10396	1885		35	Irrigation domestic and stock	McNutt	Clear Clear trib. of Pine Creek	35 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, T. 8 S. R. 46 E. W. M.
	1910		3.6				3.6 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, T. 8 S. R. 46 E. W. M.
(Proof #251) 10397	1896		20	Irrigation domestic and stock	Irwin	Pine Creek	20 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5, T. 8 S. R. 46 E. W. M.
Mehlhorn, Albert Halfway, Ore. (Proof #255) 10398	1882		6	Irrigation domestic and stock	Akers	Clear Creek trib. of	6 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 32, T. 7 S. R. 46 E. W. M.
	1883		75				35 acres in Lot 1, (NE $\frac{1}{4}$ NE $\frac{1}{4}$ ) 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 5, T. 8 S. R. 46 E. W. M.

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Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Mehlhorn, Albert (Continued) (Proof #255)	1906		65				34 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 26 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 32, T. 7 S. R. 46 E. W. M.  5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 5, T. 8 S. R. 46 E. W. M.
	1910		14				14 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 32, T. 7 S. R. 46 E. W. M.
Mehlhorn, Catherine Halfway, Ore. (Proof #256) 10399	1891		18	Irrigation domestic and stock	Jim Leep	Clear Creek trib. of Pine Creek	18 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 5, T. 8 S. R. 46 E. W. M.
	1910		2				2 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sections 5, T. 8 S. R. 46 E. W. M.
Mehlhorn, Edward, Halfway, Ore. (Proof #259) 10400	1883		45	Irrigation domestic and stock	McNutt	Clear Creek trib. of Pine Creek	20 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, 25 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T. 8 S. R. 46 E. W. M.
	1910		30	Irrigation domestic and stock	McNutt	Clear Creek trib. of Pine Creek	15 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, 15 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T. 8 S. R. 46 E. W. M.
(Proof #260)	1902		6	Irrigation domestic and stock	Mehlhorn- Dearth	East Pine Creek	6 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, T. 8 S. R. 46 E. W. M.
Mehlhorn, Henry Halfway, Ore. (Proof #258) 10401	1870		20	Irrigation domestic and stock	Foster- Mehlhorn Slough	Clear Creek, trib. of Pine Creek	20 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23, T. 8 S. R. 46 E. W. M.
	1910		18				18 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23, T. 8 S. R. 46 E. W. M.
Mehlhorn, Mrs. Louis Halfway, Ore. (Proof #261) 10402	1870		35	Irrigation domestic and stock	Foster Mehlhorn Slough	Clear Creek trib. of Pine Creek	20 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14, 15 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23, T. 8 S. R. 46 E. W. M.
	1910		22				22 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23, T. 8 S. R. 46 E. W. M.
(Proof #257)	1874		5	Irrigation domestic and stock	Private	Old Mining Channel trib. of Pine Creek	5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17, T. 8 S. R. 46 E. W. M.

(NOTE: See Findings in Contest No. 8, Group E.)



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
Meyers, L. H. Payette, Idaho (Proof #262) 10403	1883		10	Irrigation domestic and stock	Drake	Clear Creek trib. of Pine Creek	10 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, T. 7 S. R. 46 E. W. M.
Miller, G. W. Richland, Ore. (Proof #263) 10404	1890		39	Irrigation domestic and stock	Posey Valley	Pine Creek	39 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12, T. 8 S. R. 45 E. W. M.
Mills, Alice Halfway, Ore. (Proof #272) 10406	1886		3	Irrigation domestic and stock	Perry	Pine Creek	3 acres being within SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, T. 7 S. R. 45 E. W. M. Commencing 280 feet North of SE. corner of Sec. 36 T. 7 S. R. 45 E., thence W. 27 rods, thence N. 281 feet, thence E. 27 rods, thence S. 281 feet to place of beginning.
Mills, Amos Halfway, Ore. (Proof #266) 10406	1886		38	Irrigation domestic and stock	Gaylord-Mill Race	Pine Creek	38 acres in Lot 1, (NW $\frac{1}{4}$ NW $\frac{1}{4}$ ) Sec. 31 T. 7 S. R. 46 E. W. M.
Mills, B. Burwell, Neb. (Proof #267)				(This right and proof eliminated)			
Mills, Clay Halfway, Ore. (Proof #268) 10407 7-6187 $\Delta$ P.O. P.O. V. 43/493-4	1898		50	Irrigation domestic and stock	Five Point	East Pine Creek	11 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 35 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 4 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33, T. 7 S. R. 46 E. W. M.
Mills, Fred L. Halfway, Ore. (Proof #273) 10408	1886		7	Irrigation domestic and stock	Marker	Pine Creek	7 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8, T. 8 S. R. 46 E. W. M.
				(NOTE: See Findings in Contest No. 18)			
Mills, Howard A. Halfway, Ore. (Proof #271) 10409	1886	Ch. Pt. of Div. Sp. Or. Vol. 9, p 264	36	Irrigation domestic and stock	Gaylord-Mill Race	Pine Creek	36 acres in Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$ ) Section 31, T. 7 S. R. 46 E. W. M.
Mills, John Halfway, Ore. (Proof #270) 10410	1886	Ch. Pt. of Div. Sp. Or. Vol. 9, p 264	40	Irrigation domestic and stock	Gaylord-Mill Race	Pine Creek	40 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31, T. 7 S. R. 46 E. W. M.
(Proof #269)	1889		3.75	Irrigation domestic and stock	Private ditch thru Tarter Slough	Pine Creek	0.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, T. 7 S. R. 45 E. W. M. 3.25 acres in Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$ ) Section 31, T. 7 S. R. 46 E. W. M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Mitchell, Willis Halfway, Ore. (Proof #264) 10411	1883		80	Irrigation domestic and stock	Foot Hills	Pine Creek	40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1, T. 8 S. R. 45 E. W. M.
(Proof #265)	1890		20	Irrigation domestic and stock	Private	Clear Creek trib. of Pine Creek	20 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32, T. 7 S. R. 46 E. W. M.
Morrison, F. S. Halfway, Ore. (Proof #288) 527218 470252 T-4012 APD	1877		30	Irrigation domestic and stock	Pancake	Clear Creek trib. of Pine Creek	30 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 5, T. 8 S. R. 46 E. W. M.
(Proof #289)	1910		4				4 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 5, T. 8 S. R. 46 E. W. M.
(Proof #289)	1891		30	Irrigation domestic and stock	Private	Clear Creek trib. of Pine Creek	18 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 12 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5, T. 8 S. R. 46 E. W. M.
	1910		18				11 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 7 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5, T. 8 S. R. 46 E. W. M.
Motley, A. W. Halfway, Ore. (Proof #275) out							(NOTE: This claim is included in Claim No. 222 under the name of E. E. Marker et al., --- See Findings in Contest No. 8, Group B.)
Motley, Almon Halfway, Ore. (Proof #284) 10413	1883		6	Irrigation domestic and stock	Foot Hills	Pine Creek	6 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 17, T. 8 S. R. 46 E. W. M.
(Proof #283)	1885		38	Irrigation domestic and stock	Steele	Pine Creek	38 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24, T. 7 S. R. 45 E. W. M.
(Proof #285)	1886		20	Irrigation domestic and stock	Marker	Pine Creek	20 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, T. 8 S. R. 46 E. W. M.
Motley, Alsie Halfway, Ore. (Proof #276) out							(NOTE: This claim is included in Claim No. 222 under the name of E. E. Marker et al. --- See Findings in Contest No. 8, Group B.)
Motley, Charles L. Halfway, Ore. (Proof #282) 10414	1870		25	Irrigation domestic and stock	Pindell	Clear Creek trib. of Pine Creek	25 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15, T. 8 S. R. 46 E. W. M.
	1910		10				10 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15, T. 8 S. R. 46 E. W. M.
Motley, Fannie B. Halfway, Ore. (Proof #286) 10415	1883		5	Irrigation domestic and stock	Foot Hills	Pine Creek	5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 17, T. 8 S. R. 46 E. W. M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Fannie B. Motley (Continued)  (Proof #287)	<i>Modified: See Decree Vol. 11 p. 451</i>						(NOTE: This claim is included in Claim No. 238 under the name of T. F. Quinn, et al., and is therefore eliminated.)
Motley, James F. Halfway, Ore. <i>10416</i> (Proof #274)	1886		12	Irrigation domestic and stock	Marker	Pine Creek	12 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 8, T. 8 S. R. 46 E. W. M.
Motley, Josa A. Halfway, Ore. <i>10417</i> (Proof #278)	1884		1	Irrigation domestic and stock	Gravel Flat	Pine Creek	0.5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 0.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 31, T. 7 S. R. 46 E. W. M.
(Proof #279) <i>10418</i>	1884		1.5	Irrigation domestic and stock	Steelman	Pine Creek	1.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 31, T. 7 S. R. 46 E. W. M.
(Proof #281) <i>10419</i>	1885		8	Irrigation domestic and stock	Gaylord or Hunt	Pine Creek	8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 31, T. 7 S. R. 46 E. W. M.
(Proof #277) <i>10420</i>	1890		28	Irrigation domestic and stock	Posey Valley	Pine Creek	18 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 10 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 36, T. 7 S. R. 45 E. W. M.
(Proof #280) <i>10421</i>	1908		10	Irrigation domestic and stock	Motley	Pine Creek	10 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 31, T. 7 S. R. 46 E. W. M.
Neet, J. D. Halfway, Ore. <i>10422</i> (Proof #290)	1893		15	Irrigation domestic and stock	Private	Clear Creek trib. of Pine Creek	15 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32, T. 7 S. R. 46 E. W. M.
(Proof #291)	1893		3	Irrigation domestic and stock	Private	Clear Creek trib. of Pine Creek	3 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32, T. 7 S. R. 46 E. W. M.
(Proof #292)	1893		15	Irrigation domestic and stock	Private	Clear Creek trib. of Pine Creek	15 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32, T. 7 S. R. 46 E. W. M.
(Proof #293)	1893		3	Irrigation domestic and stock	Private	Clear Creek trib. of Pine Creek	3 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32, T. 7 S. R. 46 E. W. M.
Officer, Claude <i>10423</i> Halfway, Ore. (Proof #294)	1874		30	Irrigation domestic and stock	McMullen Slough	Pine Creek	30 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, T. 8 S. R. 46 E. W. M.
							(NOTE: 5 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 8 T. 8 S. R. 46 E. W. M. claimed under this proof is included in Claim No. 222,--- See Findings in Contest No. 8, Group B.)
Oliver, C. A. <i>10424</i> Halfway, Ore. (Proof #295)	1877		82	Irrigation domestic and stock	Greener-Oliver	East Pine Creek	12 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 10 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 30 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 30 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10, T. 8 S. R. 46 E. W. M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Oliver, George Halfway, Ore. (Proof #296) <i>10425 36813 846052</i>	1881		85	Irrigation domestic and stock	George Oliver	East Pine Creek	25 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 15 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 30 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 15 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T. 8 S. R. 46 E. W. M.
Oliver, H. K. Halfway, Ore. (Proof #299) <i>10426</i>	1881		30.1	Irrigation domestic and stock	Oliver and Sullivan	East Pine Creek	2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3, 4 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 24.1 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10, T. 8 S. R. 46 E. W. M.
(Proof #300)	1881		5	Irrigation domestic and stock	Oliver House	East Cr. of East Pine Cr. spring and waste water	5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10, T. 8 S. R. 46 E. W. M.
(Proof #301)	1881		100	Irrigation domestic and stock	H. K. Oliver	East Pine Creek	37 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 35 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3, 23 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10, T. 8 S. R. 46 E. W. M.
	1914		3.6				3.6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10, T. 8 S. R. 46 E. W. M.
Oliver, Joseph D. Halfway, Ore. (Proof #298) <i>10427</i>	1882		40	Irrigation domestic and stock	Oliver and Sullivan	East Pine Creek	15 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 25 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3, T. 8 S. R. 46 E. W. M.
(Proof #297)				(NOTE: This claim is eliminated	--- see Paragraph 65.)		
Olk, Jessie Carson, Ore. (Proof #303) <i>10428 51477</i>	1883		30	Irrigation domestic and stock	Foot Hills	Pine Creek	30 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25, T. 7 S. R. 45 E. W. M.
(Proof #302)	1888		18	Irrigation domestic and stock	Tarter	Pine Creek	8 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 10 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25, T. 7 S. R. 45 E. W. M.
(Proof #304)	1906		3	Irrigation domestic and stock	Private	Pine Creek	3 acres in E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25, T. 7 S. R. 45 E. W. M.
(Proof #305)	1908		8	Irrigation, domestic and stock	Mills	Pine Creek	8 acres in E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25, T. 7 S. R. 45 E. W. M.
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Orr, William Halfway, Ore. (Proof #306) <i>10429</i>	1890		25	Irrigation domestic and stock	Posey Valley	Pine Creek	20 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 13, T. 8 S. R. 45 E. W. M., 5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 18, T. 8 S. R. 46 E. W. M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Painter, Fred E. Halfway, Ore. (Proof #310) 10430	1884		0.367	Irrigation domestic and stock	Gravel Flat	Pine Creek	0.367 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 31, T. 7 S. R. 46 E. W. M. A subdivision comprising the townsite of Langrell consisting of 3 lots 50x80 feet. Lots 7,8,13 in Block 2, of the Town of Langrell, Baker County, Oregon.
Painter, Ira Halfway, Ore. (Proof #307) 10431	1886		5	Irrigation domestic and stock	McMullen Slough	Pine Creek	5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 8, T. 8 S. R. 46 E. W. M. Being Lots 26 and 27, Block B, of Black & Motley Addition to the Town of Halfway, Baker County, Oregon.
Painter, Mary Jane Boise, Idaho. By Samuel Painter, Halfway, Ore. (Proof #309) (Proof #308) 10433	1883		110.7	Irrigation domestic and stock	Gravel Flat	Pine Creek	35 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 36.3 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 39.4 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 6, T. 8 S. R. 46 E. W. M.
	1895		15.5	Irrigation domestic and stock	Gravel Flat	Pine Creek	15.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 6, T. 8 S. R. 46 E. W. M.
Pancake, Bruce Halfway, Ore. (Proof #311) 10434	1881		35	Irrigation domestic and stock	Pancake	Clear Creek trib. of Pine Creek	7 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 28 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 5, T. 8 S. R. 46 E. W. M.
	1891		30				30 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5, T. 8 S. R. 46 E. W. M.
	1910		12				4 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 8 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5, T. 8 S. R. 46 E. W. M.
Panter, Lawrence, Cornucopia, Ore. (Proof #312) 10435	1886		2.8	Irrigation domestic and stock	Panter	Lost Horse trib. of Pine Cr.	1.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 1.3 acres in S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34, T. 6 S. R. 45 E. W. M.
	1907	3.0		Mining			Place of use, S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 34, T. 6 S. R. 45 E. W. M.
Parker, Susie E. Halfway, Ore. (Proof #312-A) 10436	1886		4.5	Irrigation domestic and stock	McMullen Slough	Pine Creek	4.5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, T. 8 S. R. 46 E. W. M.
Pearce, P. R. Halfway, Ore. (Proof #313) 10437	1870		30	Irrigation domestic and stock	Foster-Mehlhorn	Clear Creek trib. of Pine Creek	10 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 20 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14, T. 8 S. R. 46 E. W. M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Pearce, P. R. (Proof #313) (Continued)	1910		24				19 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14, T. 8 S. R. 46 E. W. M.
(Proof #314)	1885		36	Irrigation domestic and stock	Marker	Pine Creek	16 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16, 20 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 21, T. 8 S. R. 46 E. W. M.
	1885	21 inches		Supplemental Irrigation		Waste water and Sag Cr.	Same land as above described.
	1907	16 inches		Supplemental Irrigation		Waste Water & Spring Cr.	Same land as above described.
Perkins, A. C. Halfway, Ore. (Proof #315)	1883		30.8	Irrigation domestic and stock	Foot Hills	Pine Cr.	2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 28.8 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17, T. 8 S. R. 46 E. W. M.
Perry, Samuel Albert and Gertrude D. Eugene, Ore. (Proof #318)	1891	10 inches	10	Irrigation domestic and stock	Pancake	Clear Creek trib. of Pine Creek	10 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31, T. 7 S. R. 46 E. W. M.
(NOTE: The right under the date of 1891 is limited to one-fourth second foot see Findings in Contest No. 3.)							
Perry, W. T. Halfway, Ore. (Proof #317)	1886		35.8	Irrigation domestic and stock	Perry	Pine Creek	13 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 22.8 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, T. 7 S. R. 45 E. W. M.
(Proof #316)	1886		8	Irrigation domestic and stock	Gravel Flat	Pine Creek	8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, T. 7 S. R. 45 E. W. M.
Pierce, R. A. Halfway, Ore. (Proof #320)	1885		20	Irrigation domestic and stock	Akers	Clear Creek trib. of Pine Creek	10 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 10 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 32, T. 7 S. R. 46 E. W. M.
	1910		6				6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 32, T. 7 S. R. 46 E. W. M.
(Proof #319)	1907		30	Irrigation domestic and stock	Sanders	East Pine Creek	15 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 15 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 32, T. 7 S. R. 46 E. W. M.
	1914		6				6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 32, T. 7 S. R. 46 E. W. M.
Pine Lakes Ditch & Reservoir Co., Ben Ashley, Pres., Halfway, Ore. (Proof #322)	1903			Storage and supplemental irrigation	Three reservoirs owned by Pine Lakes Ditch & Reservoir Company	Storage in Twin Lakes Reservoir, and reservoir at head of E. Fork of Pine Creek.	Water used to supplement direct flow rights of about sixty users, upon an aggregate of about 3,300 acres.

10437 Cont.

10438

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10441

10442

Superseded by Cert. No. 10443

Not issued as waiting for size of lands. See correspondence file

part Cancelled - sp. or Rec. Vol. 33 P. 902

part Cancelled - sp. or Rec. Vol. 77 P. 73

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
Pine Valley Cemetery Association, Halfway, Ore. (Proof #321) 10444	1874		4	Irrigation	McMullen Slough	Pine Creek	4 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 17, T. 8 S. R. 46 E. W. M.
Poulos, Fred Halfway, Ore. (Proof #323) 10445	1884		47.5	Irrigation domestic and stock	Morrison or Poulos	Pine Creek	40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31, T. 7 S. R. 46 E. W. M. 7.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 6, T. 8 S. R. 46 E. W. M.
Pritchard, H. C. & L. J. Halfway, Ore. (Proof #324) 10446	1877		30	Irrigation domestic and stock	Curless No. 1	East Pine Creek	30 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 14, T. 8 S. R. 46 E. W. M.
(Proof #325)	1879		45	Irrigation domestic and stock	Buck and Anderson	East Pine Creek	40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 14, T. 8 S. R. 46 E. W. M.
(Proof #326)	1885		35	Irrigation domestic and stock	Lloyd & Curless	East Pine Creek	5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 30 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 14, T. 8 S. R. 46 E. W. M.
(Proof #327)	1890		25	Irrigation domestic and stock	Curless No. 2	East Pine Creek	25 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 14, T. 8 S. R. 46 E. W. M.
Quinn, Lemuel Halfway, Ore. (Proof #328-A) 10447	1886		5	Irrigation domestic and stock	McMullen Slough	Pine Creek	5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, T. 8 S. R. 46 E. W. M.
Quinn, T. F. et al., Halfway, Ore. (Proof #328) 10448	1874		26.7	Irrigation domestic and stock	McMullen Slough Marker Ditch and Old Mining Channel	Pine Creek	Small tracts and town lots in the Town of Halfway, aggregating 26.7 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 17, T. 8 S. R. 46 E. W. M.
Reeder, C. H. Salem, Ore. (Proof #329) 10449	1910		25	Irrigation domestic and stock	Posey Valley	Pine Creek	25 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 18, T. 8 S. R. 46 E. W. M. springs on SW $\frac{1}{4}$ NW $\frac{1}{4}$ 18-8-46 and on NE $\frac{1}{4}$ 13-8-45
Richardson, Mary Baker, Ore. (Proof #330) 10450	1887		169.1	Irrigation domestic and stock	Baker, Mehlhorn Denny	Fish Lake Lake Fork of North Pine Creek	39.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 32.7 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 12 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 12.2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 33.1 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 39.3 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$
(Proof #331)	1885		169.1	"	"	West Dry Creek	Section 2, T. 8 S. R. 46 E. W. M.

(NOTE: This claim is covered by Permit No. E 45, Certificate No. 7058 --- See Paragraph 65.)

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
Ritter, J. P. Halfway, Ore. (Proof #334) <i>10451</i>	1882		5	Irrigation domestic and stock	Pancake	Clear Cr. trib. of Pine Cr.	5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30, T. 7 S. R. 46 E. W. M.
(Proof #335)	1883		75	Irrigation domestic and stock	Ritter	Clear Cr. trib. of Pine Cr.	34 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 34 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 7 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30, T. 7 S. R. 46 E. W. M.
(Proof #336)	1885		40	Irrigation domestic and stock	Steele	Pine Cr.	40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 30, T. 7 S. R. 46 E. W. M.
(Proof #337)	1894		10	Irrigation domestic and stock	Ritter and Hudson	Clear Cr. trib. of Pine Cr.	10 acres in W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30, T. 7 S. R. 46 E. W. M.
Ritter, Joe Halfway, Ore. (Proof #340) <i>10452</i>	1885		3.5	Irrigation domestic and stock	Walter Allen	Clear Cr. trib. of Pine Cr.	3.5 acres in E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 31, T. 7 S. R. 46 E. W. M.
(Proof #338)	1885		8	Irrigation domestic and stock	Private	Clear Cr. trib. of Pine Cr.	8 acres in E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 31, T. 7 S. R. 46 E. W. M.
(Proof #339)	(NOTE: This claim not tabulated because lands are covered by Claims Nos. 338 and 340).						
Ritter, Mae Halfway, Ore. (Proof #332) <i>10453</i>	1894		4	Irrigation domestic and stock	Acers	Clear Cr. trib. of Pine Cr.	4 acres in N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29, T. 7 S. R. 46 E. W. M.
(Proof #333)	1894		16	Irrigation domestic and stock	Crego Steele	Clear Cr. trib. of Pine Cr.	16 acres in N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29, T. 7 S. R. 46 E. W. M.
Robbins, J. G. & Mae Halfway, Ore. (Proof #341) <i>10454</i>	1887	0.6 sec.ft.	24	Irrigation domestic and stock	Mills	Pine Cr.	24 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25, T. 7 S. R. 45 E. W. M.
	(NOTE: See Findings in Contest No. 16.)						
Robertson, Harry D. Halfway, Ore. (Proof #347) <i>10455</i>	1895		38	Irrigation domestic and stock	Robertson-Foster-Martin	Clear Cr. trib. of Pine Cr.	38 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 30, T. 7 S. R. 46 E. W. M.
	(NOTE: See Findings in Contest No. 4).						
Robertson, John T. Halfway, Ore. (Proof #345) <i>10456</i>	1884		35	Irrigation domestic and stock	Steele	Pine Creek	35 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 30, T. 7 S. R. 46 E. W. M.
(Proof #346)	1886		70	Irrigation domestic and stock	Ritter	Clear Cr. trib. of Pine Cr.	35 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 35 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 30, T. 7 S. R. 46 E. W. M.



Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Robinson, H. W. B. Halfway, Ore. (Proof #343) 10457	1881		5	Irrigation domestic and stock	Thad Leep	Pine Creek	5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9, T. 8 S. R. 46 E. W. M.
(Proof #344)	1886		30	Irrigation domestic and stock	Private	Clear Cr. trib. of Pine Cr.	27 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 9, 3 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9, T. 8 S. R. 46 E. W. M.
	1910		2				2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 9, T. 8 S. R. 46 E. W. M.;
Robinson, W. D. Route #1, Box 145, Sherwood, Ore. (Proof #342) 10458	1889		34.3	Irrigation domestic and stock	Private	East Pine Creek	2.6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15, 4.4 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15, 18.5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15, 8.8 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15, T. 7 S. E. 46 E. W. M.
Roop, G. P. Halfway, Ore. (Proof #348) 10459	1895		25	Irrigation domestic and stock	Hewitt	Clear Creek trib. of Pine Creek	21. acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 29, 4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29, T. 7 S. R. 46 E. W. M.
Rudd, A. C. Halfway, Ore. (Proof #349) 10460	1894		20	Irrigation domestic and stock	Rudd	East Pine Cr.	20 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, T. 7 S. R. 46 E. W. M.
(Proof #350)	1885		30	Irrigation domestic and stock	Oliver	East Pine Creek	5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, 25 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, T. 7 S. R. 46 E. W. M.
	1914		4.7				4.7 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, T. 7 S. R. 46 E. W. M.
Russell, J. A. Baker, Ore. (Proof #351)							(NOTE: See Findings in Contest No. 15, / Paragraph 65.) also 10461 per cont 710 E-31
Sample, Joe, et al. Halfway, Ore. (Proof #352) 10461	1874		10	Irrigation domestic and stock	McMullen Lloyd Ditch	Pine Creek	Small tracts and town lots in the Town of Halfway, aggregating 10 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 17, T. 8 S. R. 46 E. W. M.
Saunders, C. W. Halfway, Ore. (Proof #353) 10462	1891		15	Irrigation domestic and stock	Lansing North	Fish Creek trib. of Pine Cr.	4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, 2 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, 9 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, T. 7 S. R. 47 E. W. M.
(Proof #354)	1896		20	Irrigation domestic and stock	Lansing South	Fish Creek trib. of Pine Cr.	8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, 12 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33, T. 7 S. R. 47 E. W. M.
Schmidt, Louis, Halfway, Ore. (Proof #360) 10463	1885		15	Irrigation domestic and stock	Private	Clear Cr. trib. of Pine Cr.	15 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 31, T. 7 S. R. 46 E. W. M.
	1886		5.2				5.2 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 31, T. 7 S. R. 46 E. W. M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Schmidt, Louis (Continued) (Proof #361)	1888		11.6	Irrigation domestic and stock	Private	Spring Branches	0.5 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 11.1 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 31, T. 7 S. R. 46 E. W. M.
Schmidt, Otto R. 311 East 50th St., Portland, Ore. (Proof #359) 10464	1879		50	Irrigation	Buck and Anderson	East Pine Creek	13 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 30 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 7 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14, T. 8 S. R. 46 E. W. M.
(Proof #357) and (Proof #358)	1886		85	Irrigation	Schmidt	Clear Cr. trib. of Pine Cr.	35 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 16.5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 23.7 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 9.8 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14, T. 8 S. R. 46 E. W. M.
Schneider, Christpph Commucopia, Ore. (Proof #362) 10465	1883		25	Irrigation domestic and stock	McNutt-Schneider-Mehlhorn-Dearth	Clear Creek, trib. of Pine Cr.	15 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, 10 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 9, T. 8 S. R. 46 E. W. M.
	1910		28.5				24.3 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, 4.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 9, T. 8 S. R. 46 E. W. M.
Schubert, D. D. Payette, Idaho (Proof #356) 10466	1884		5/8 (.625)	Irrigation	Gravel Flat	Pine Creek	5/8 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 31, T. 7 S. R. 45 E. W. M. Consisting of Lots 1, 2, 11, 12, 19 and 20, Block 2, being 50x80 feet, in the town of Langrell, Baker County, Ore.
(NOTE: See Findings in Contest No. 14)							
Scott, J. B. Halfway, Ore. (Proof #363) 10467	1884		0.5	Irrigation	Lateral from Gravel Flat	Pine Creek	0.5 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 31, T. 7 S. R. 46 E. W. M. a fraction of an acre comprising the townsite of Langrell, Baker County, Ore., and consisting of 10 lots 50x80 feet; being Lots 2, 4, 5, 6, 18, 19 and 20, Block 1, and Lots 3, 4, and 18, Block 2, of said townsite
(NOTE: See Findings in Contest No. 29)							
Scott, J. W. Halfway, Ore. (Proof #355) 10468	1886		4.5	Irrigation domestic and stock	McMullen Slough	Pine Creek	4.5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, T. 8 S. R. 46 E. W. M.
Shock, Geo. Halfway, Ore. (Proof #364) 10469	1874		60	Irrigation domestic and stock	McMullen Slough	Pine Creek	20 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, T. 8 S. R. 46 E. W. M.
(Proof #365)	1885		25	Irrigation domestic and stock	McMullen Slough	Pine Creek	15 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, 10 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24, T. 8 S. R. 46 E. W. M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Shock, Jess Halfway, Ore. (Proof #366) 10470	1874		60	Irrigation domestic and stock	McMullen Slough	Pine Creek	20 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24, T. 8 S. R. 46 E. W. M.
Shook, Bessie Marshfield, Ore. (Proof #366-A) 10471	1890		88.7	Irrigation domestic and stock	Posey Valley	Pine Creek	29.3 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 28.9 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 2 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 2.7 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28, 16.3 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 9.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, T. 8 S. R. 46 E. W. M.
Smelcer, M. X. Halfway, Ore. (Proof #368) 10472	1874		119.2	Irrigation domestic and stock	McMullen Slough	Pine Creek	28.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 10.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 39.9 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22, T. 8 S. R. 46 E. W. M.
(Proof #367) 10473	1885		56.9	Irrigation domestic and stock	Marker	Pine Creek	24.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 32.7 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22, T. 8 S. R. 46 E. W. M.
South, Mary J. Halfway, Ore. (Proof #369) 10474	1883		60	Irrigation domestic and stock	Foot Hills	Pine Creek	40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 20 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, T. 7 S. R. 45 E. W. M.
(Proof #370) 52517 Cancelled - sp. or Rec. Vol. 37 P. 62 Superseded by Cert. No. <u>        </u> T-5173 A P40 ALL Cancelled - sp. or Rec. Vol. 37 P. 141	1884		20	Irrigation domestic and stock	John S. Curry	Pine Creek	20 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, T. 7 S. R. 45 E. W. M.
South, W. J. Halfway, Ore. (Proof #371) 10476	1883		20	Irrigation domestic and stock	Foot Hills	Pine Creek	20 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, T. 7 S. R. 45 E. W. M.,.
Stalker, W. W. Halfway, Ore. (Proof #372) 10477	1874		16	Irrigation domestic and stock	McMullen Slough	Pine Creek	16 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17, T. 8 S. R. 46 E. W. M.
(Proof #373) 10478	1890		43	Irrigation domestic and stock	Lansing and Blakesley	North Pine Creek	20 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 20 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 1 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34, T. 7 S. R. 47 E. W. M.
(Proof #374)	1890		20	Irrigation domestic and stock	Del Curto	North Pine Creek	20 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34, T. 7 S. R. 47 E. W. M.
(Proof #375)	1908		6	Irrigation domestic and stock	Stalker	Pine Creek	6 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34, T. 7 S. R. 47 E. W. M.
Starke, H.W. & Eva, Carson, Ore. (Proof #376) 10479	1888		3	Irrigation domestic and stock	Evans	Pine Creek	3 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, T. 7 S. R. 45 E. W. M.
Steele, Ethel M. Halfway, Ore. (Proof #377) 10480	1894		20	Irrigation domestic and stock	Crego	Clear Cr. trib. of Pine Cr.	20 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30, T. 7 S. R. 46 E. W. M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Estate of William L. Myers, (Proof #378) <i>10481</i>	1895		25	Irrigation domestic and stock	Myers	Clear Cr. trib. of Pine Creek	25 acres in E $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 29, T. 7 S. R. 46 E. W. M.
Steele, Inez Halfway, Ore. (Proof #379-A) <i>10482</i>	1876		60	Irrigation domestic and stock	Thad Leep	Pine Cr.	25 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 35 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9, T. 8 S. R. 46 E. W. M.
<i>Modified: see Decree Vol. 11, p. 401</i> (Proof #379-B) <i>10483</i>	1886		20	Irrigation domestic and stock	Private	Spring Cr. Branch trib. of Clear Cr.	15 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9, T. 8 S. R. 46 E. W. M.
(NOTE: See Findings in Contest No. 9).							
(Proof #379-C)	1895		2	Irrigation domestic and stock	Gravel Flat	Pine Cr.	2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 6, T. 8 S. R. 46 E. W. M.
Steele, John E. Halfway, Ore. (Proof #379) <i>10484</i>	1889		15	Irrigation domestic and stock	Barney Scott	Clear Cr. trib. of Pine Cr.	15 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 19, T. 7 S. R. 46 E. W. M.
Sturgill, Ola A. Halfway, Ore. (Proof #380) <i>10485</i> <i>35800</i> <i>246583</i>	1877		64	Irrigation domestic and stock	Oliver	East Pine Creek, and Spring NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ 4-8-46	20 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 35 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 9 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4, T. 8 S. R. 46 E. W. M.
	1886		12				12 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, T. 8 S. R. 46 E. W. M.
	1914		77				18 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 35 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, 24 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, T. 8 S. R. 46 E. W. M.
Tarter, Hanford, Halfway, Ore. (Proof #381) <i>10486</i>	1885		12	Irrigation domestic and stock	Painter and Tarter	Pine Creek	12 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25, T. 7 S. R. 45 E. W. M.
(Proof #382)	(NOTE: This claim is covered by Permit No. E 31 of Sag Ditch Co. --- See Findings in Contest No. 28, also see Paragraph 65.)						
Taylor, John L. Halfway, Ore. (Proof #385) <i>10487</i>	April 1883		20	Irrigation	Foot Hills	Pine Creek	20 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, T. 7 S. R. 45 E. W. M.
<i>Chq. (Proof #384) Point Diversion Sp. Cr. Vol. 4-P. 25</i> <i>10488</i>	1886		10.5	Irrigation domestic and stock	Perry	Pine Creek	*10.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, T. 7 S. R. 45 E. W. M.
Taylor, W. P. Halfway, Ore. (Proof #383) <i>10489</i> <i>DIVERSION Sp. Cr. Vol 4, P. 25</i>	1882		40	Irrigation domestic and stock	Lee	Pine Creek	40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 1, T. 8 S. R. 45 E. W. M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Teed, Helen and Margaret, Baker, Ore. (Proof #386) 10490	1888		8	Irrigation	Teed and Posey Valley	Pine Creek	8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 7, T. 8 S. R. 46 E. W. M.
	1890		68.5				37.5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 31 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 7, T. 8 S. R. 46 E. W. M.
	1900		3				3 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, T. 8 S. R. 46 E. W. M.
(NOTE: See Findings in Contest No. 27)							
Thaysen, John H. Halfway, Ore. (Proof #387) 10491	1881		49.3	Irrigation domestic and stock	Thaysen	Pine Creek	35 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 14.3 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9, T. 8 S. R. 46 E. W. M.
Thaysen, Peter Halfway, Ore. (Proof #386) 9 10492	1874		2.5	Irrigation domestic and stock	McMullen Slough	Pine Creek	2.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, T. 8 S. R. 46 E. W. M.
Thomas, C. L. Halfway, Ore. (Proof #401) 10493	1879		15	Irrigation domestic and stock	Buck and Anderson	East Pine Creek	15 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T. 8 S. R. 46 E. W. M.
(Proof #400)	1888		35	Irrigation domestic and stock	Greener-Oliver	East Pine Creek	35 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T. 8 S. R. 46 E. W. M.
(Proof #402)	1912		10	Irrigation domestic and stock	Thomas	East Pine Creek	10 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T. 8 S. R. 46 E. W. M.
Thompson, Birt Granger, Wash. (Proof #389) 10494	1885		25	Irrigation domestic and stock	Steele	Pine Creek	25 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24, T. 7 S. R. 45 E. W. M.
(Proof #390)	1887		15	Irrigation domestic and stock	Moore	Pine Creek	7 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, T. 7 S. R. 45 E. W. M.
Thompson, Charles Halfway, Ore. (Proof #397) 10495	1886		12.2	Irrigation domestic and stock	Perry Brothers	Pine Creek	12.2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, T. 7 S. R. 45 E. W. M.
Thompson, Harvey Halfway, Ore. (Proof #395) 10496	1890		26	Irrigation domestic and stock	Del Curto	North Pine Creek	3 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 16 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27, 4 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ 3 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28, T. 7 S. R. 47 E. W. M.
(Proof #396)	1900		5	Irrigation domestic and stock	Lansing & Blakesley	North Pine Creek	1 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 4 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27, T. 7 S. R. 47 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
Thompson, Henry Halfway, Ore. (Proof #392) 10499	1886		20	Irrigation domestic and stock	Gravel Flat	Pine Creek	13 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 7 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, T. 7 S. R. 45 E. W. M.
(Proof #394)	1886		6	Irrigation domestic and stock	Perry Brothers	Pine Creek	6 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, T. 7 S. R. 45 E. W. M.
(Proof #391)	1891		40	Irrigation	Posey Valley	Pine Creek	40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12, T. 8 S. R. 45 E. W. M.
(Proof #393)	1910		3	Irrigation	Private	Pine Creek	3 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, T. 7 S. R. 45 E. W. M.
Thompson, Lee & Nona B. Halfway, Ore. (Proof #398) 10498	1883		46.1	Irrigation	Foot Hills	Pine Creek	38.6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 6.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 1 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, T. 8 S. R. 45 E. W. M.
(Proof #399)	(NOTE: This claim is covered by Permit E. 31, Sag Ditch Company --- See Paragraph 65.)						
Turnbull, Milton S. Union, Ore. (Proof #403) 10499	1903		2	Irrigation	Lansing	North Pine Creek	2 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27, T. 7 S. R. 47 E. W. M.
Updike, M. Halfway, Ore. (Proof #405) 10500	1893		25	Irrigation domestic and stock	Steele	Pine Creek	25 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 19, T. 7 S. R. 46 E. W. M.
(Proof #404)	1897		3	Irrigation domestic and stock	Deaderick	Pine Creek	1 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 2 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 19, T. 7 S. R. 46 E. W. M.
	1910		22			Clear Creek trib. of Pine Cr.	14 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 19, T. 7 S. R. 46 E. W. M.
Waldron, R. A. Halfway, Ore. (Proof #406) 10501	Oct. 1885		106.3	Irrigation domestic and stock	Steele	Pine Creek	39 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 35.3 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 32 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25, T. 7 S. R. 45 E. W. M.
Wallace, Jessie Albert Fellows, Calif. (Proof #407) 10502	1887		3	Irrigation domestic and stock	Five Point	East Pine Creek	3 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33, T. 7 S. R. 46 E. W. M.
(Proof #408)	1898		47	Irrigation domestic and stock	Five Point	East Pine Creek	1 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28, 13 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 33 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33, T. 7 S. R. 46 E. W. M.
	1914		3				3 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33, T. 7 S. R. 46 E. W. M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Walter, Edward Halfway, Ore. (Proof #409) 10503	1888		13.8	Irrigation	Fish Creek	Fish Creek, Trib. of Pine Cr.	2 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 11.8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34, T. 7 S. R. 47 E. W. M.
Weiser National Bank, John H. Smith, Receiver, Weiser, Idaho. (Proof #410) 10504	1887		20	Irrigation domestic and stock	Denny Mehlhorn and Baker	Lake Fork of North Pine Creek and Fish Lake	4 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 16 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25, T. 7 S. R. 46 E. W. M. <small>See letter 10-23-33 from V.H. Strayer. Pine Cr. file.</small>
Whiteley, Earl Pine, Ore. (Proof #411) 10505	1870		20	Irrigation domestic and stock	Foster-Mehlhorn Slough Lock Ditches.	Clear Creek trib. of Pine Cr.	20 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14, T. 8 S. R. 46 E. W. M.
	1910		20				20 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14, T. 8 S. R. 46 E. W. M.
Whiteley, Tom Pine, Ore. (Proof 412) 10506	1870		25	Irrigation	Foster-Stewart Ditch, & Mehlhorn Slough	Clear Cr., trib. of Pine Creek	12.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15, 12.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 22, T. 8 S. R. 46 E. W. M.
	1910		25				12.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15, 12.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 22, T. 8 S. R. 46 E. W. M.
Whittier, E. A. Walla Walla, Wash. (Proof #412-A) 10507	1890		90	Irrigation domestic and stock	Posey Valley	Pine Creek	35 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 18 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 35 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20, T. 8 S. R. 46 E. W. M.
Williams, A. H. Halfway, Ore. (Proof #414) 10508	1894		20	Irrigation domestic and stock	Crego-Steele	Clear Cr. trib. of Pine	20 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29, T. 7 S. R. 46 E. W. M.
Williams, W. J. Halfway, Ore. (Proof #415) 10509	1887		10.8	Irrigation domestic and stock	J. S. Curry	Pine Cr.	10.8 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, T. 7 S. R. 45 E. W. M.
(Proof #416) 10510	1887		26	Irrigation domestic and stock	Mills	Pine Cr.	26 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, T. 7 S. R. 45 E. W. M.
Wilson, W. N. Nampa, Idaho (Proof #413) 10511	1885		8.5	Irrigation domestic and stock	Marker Ditch, from McMullen Slough	Pine Cr.	8.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8, T. 8 S. R. 46 E. W. M. Being Lot 4, Block A, and 2.5 acres in Lot 1, Block A, Black and Motleys Add. to the town of Halfway, Baker County, Oregon.
Woodel, Albert Baker, Ore. (Proof #417)							(NOTE: This claim is covered by Permit No. E. 31, Sag Ditch Company ---- See Paragraph 65.)

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
Wyatt, W. A. Halfway, Ore. (Proof #418) 10517	1874		1.62	Irrigation domestic and stock	McMullen Slough	Pine Creek	1.62 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, T. 8 S. R. 46 E. W. M.
Wynia, Mark Carson, Ore. (Proof #419) 10513	1885		73.1	Irrigation domestic and stock	Steele	Pine Creek	33.1 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25, T. 7 S. R. 45 E. W. M.
(NOTE: See also under B. F. Locke Claim No. 219)							
Young, W. L. Halfway, Ore. (Proof #420) 10514	1891		20.5	Irrigation domestic and stock	J. S. Curry	Pine Creek	20.5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, T. 7 S. R. 45 E. W. M.
(Proof #421) 10515	1893		13.5	Irrigation domestic and stock	J. S. Curry	Pine Creek	13.5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, T. 7 S. R. 45 E. W. M.
Zimmerman, Clara Carson, Ore. (Proof #422) 10516	1890		15	Irrigation domestic and stock	Clark Curry	Pine Cr.	15 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23, T. 7 S. R. 45 E. W. M.
Zimmerman, Otto W. Baker, Ore. W. L. Patterson Agt., Baker, Ore. (Proof #423) 10517	1889		45	Irrigation domestic and stock	Kennedy and Koopman	East Pine Creek	10 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 35 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11, T. 8 S. R. 46 E. W. M.
(NOTE: See Paragraph 56.)							



Rights under Permits of State Engineer.

This adjudication proceeding involves principally those water rights which were initiated prior to February 24, 1909, on which date the Oregon Water Code became effective, and which are tabulated in Paragraph 64 hereof. Rights initiated after that date are evidenced by permits issued by the State Engineer. Several parties filed claims herein, based upon use of water commenced after the above date, and without having secured such permits. It appearing that in some instances valid appropriations could not have been made under those circumstances, many of such claims have been rejected. However, some parties having in fact initiated rights prior to 1909 have by stipulation agreed to take later dates. These rights are tabulated in accordance with the stipulations, in Paragraph 64 hereof. Some individuals filed claims in their own names, whereas it appears that their rights depend upon Permit No.E-31 of the Sag Ditch Company, under which final proof has not yet been made or certificate issued. Each and every appropriator having rights under such a permit or certificate for the use of water from Pine Creek or its tributaries, shall have such rights as are provided by law, and which shall be perfected in the manner provided by law and by the rules and regulations of the State Engineer.

And the above entitled Court being fully advised in the premises, it is hereby CONSIDERED, ORDERED and DECREED that the relative rights of the various claimants to the use of the waters of Pine Creek and its tributaries be and the same are hereby adjudicated, determined and settled as set forth herein.

ATTEST:

D. R. Parker  
Circuit Judge.

A true Copy.

A. B. Combs, Jr., Co. Clerk.

STATE OF OREGON        )  
                              ) ss  
County of Marion        )

I, CHAS. E. STRICKLIN, do hereby certify that the foregoing copy of Decree of the Circuit Court for Baker County dated February 28, 1930, in the Matter of the Determination of the Relative Rights to the Use of the Waters of Pine Creek and its Tributaries, a Tributary of Snake River, is a true and correct copy of such decree as the same was received in this office and entered of record herein on April 4th, 1931.

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of April, 1931.

CHAS. E. STRICKLIN,  
State Engineer.