

BEFORE THE STATE ENGINEER OF OREGON

KLAMATH COUNTY

IN THE MATTER OF THE DETERMINATION OF )  
THE RELATIVE RIGHTS TO THE USE OF THE )  
WATERS OF WOOD RIVER, CRANE CREEK, )  
SEVEN-MILE CREEK AND FOUR-MILE CREEK, )  
TRIBUTARIES OF AGENCY LAKE. )  
----- )

FINDINGS  
and  
ORDER OF DETERMINATION

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

FINDINGS AND ORDER OF DETERMINATION.

1.

That on the 5th day of April, 1926 there was filed in the office of the State Engineer a petition signed by James Pelton and S. C. Miller requesting a determination of the relative rights of the various claimants to the use of the waters of Wood River and its tributaries, tributary of Agency Lake; that on the 5th day of April, 1926 there was filed a petition in the office of the State Engineer signed by S. C. Miller requesting a determination of the relative rights of the various claimants to the use of the waters of Seven-Mile Creek and its tributaries, tributary of Agency Lake; that on the 3rd day of September, 1927 there was filed in the office of the State Engineer a petition signed by J. F. Loosley requesting a determination of the relative rights of the various claimants to the use of the waters of Seven-Mile Creek and its tributaries, tributary of Agency Lake; that on the 3rd day of September, 1927 there was filed in the office of the State Engineer a petition signed by Fort Klamath Meadows Company, by its agent, W. K. Brown, requesting a determination of the relative rights of the various claimants to the use of the waters of Crane Creek and its tributaries, tributary of Agency Lake; that on the 3rd day of September, 1927 there was filed in the office of the State Engineer a petition signed by the Fort Klamath Meadows Company, by its agent, W. K. Brown, requesting a determination of the relative rights of the various claimants to the use of the waters of Four-Mile Creek and its tributaries, tributary of Agency Lake. That the State Engineer, after a full investigation and due consideration of said petitions, finding the facts and conditions such as to justify it, fixed a time for the

beginning of such examinations and investigations and surveys as would enable him to determine the relative rights of the various claimants to the use of the waters of Wood River, Crane Creek, Seven-Mile Creek, Four-Mile Creek and all of their tributaries except Anna Creek, upon which such a determination had already been made.

2.

That a notice was prepared by the State Engineer setting forth the fact that such examinations, surveys and investigations of the flow of the streams and of the ditches diverting water therefrom were being conducted, and said notice was published in two issues of The Evening Herald, a newspaper published daily, except Sunday, in the town of Klamath Falls, Klamath County, Oregon, and having general circulation in the county in which such streams are located; said two issues being those of June 13th and 14th, 1927.

3.

That duly qualified assistants of the State Engineer did proceed to make examinations, surveys and measurements of said streams and their tributaries, and of the ditches and canals or other works diverting water therefrom and surveys of the lands irrigated, and gathered such data and information as were essential to the proper determination of the relative rights of the parties interested, which said observations and measurements were reduced to writing and made a matter of record in his office. And the State Engineer did cause to be prepared a set of maps or plats on a scale of four inches to the mile, showing with substantial accuracy the course of said streams and their tributaries, the location of each ditch or canal diverting water therefrom, and the number of acres of land which had been irrigated in each legal subdivision; blue prints of said maps and plats being now on file and a part of the record herein.

4.

That as soon as practicable after the examination and measurements were completed as described in the preceding paragraph, the State Engineer did prepare a notice setting forth a place and time certain when he would begin the taking of testimony (statements and proofs of claim) as to the relative rights of the various claimants to the use of the waters of said streams and their tributaries; that such notice was published in two issues of The Evening Herald, a newspaper published daily, except Sunday, in the town of Klamath Falls, Klamath County, Oregon, said two issues being those of June 7th and 14th, 1928; said newspaper having general circulation in the county in which such streams are situated, the last publication of said notice in each case being at least 30 days prior to the first date fixed for 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 a right to the use of any of the waters of said streams, and to each person, firm or corporation owning or being in possession of lands bordering on or having access to said streams or their tributaries, insofar as said claimants and owners and persons in possession could reasonably be ascertained, a notice similar to such published notice, setting forth the date when the State Engineer or his authorized assistants would receive the statements and proofs of claim of the various claimants to the waters of said streams and their tributaries. That said notice was mailed at least 30 days prior to the date set therein for the receiving of claims in each instance. And the State Engineer did enclose with each of said notices a blank form upon which the claimant or owner could prepare in writing all the particulars necessary for the determination of his rights, under oath.

## 6.

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

On Monday and Tuesday, July 16th and 17th, 1928, at the City Hall at Fort Klamath, Oregon.

And for a period of 30 days, beginning with Monday, July 23rd, and ending with Tuesday, August 21st, 1928, at the office of the State Engineer in the Capitol Building, at Salem, Oregon.

That during the period so specified in such notice, claims to the use of the waters of said streams and their tributaries were filed by the following parties, to-wit:

Bloomingcamp, Geo.W., Estate of, and J.W.Siemens, by Edw.Bloomingcamp, admr., Burdette, Margarite	Klamath Falls, Ore. Fort Klamath, Ore.	King, Mrs. S. H. Kirkpatrick, A.	Fort Klamath, Ore. " " "
Cardwell, E. R. Culbertson, T. A.	Fort Klamath, Ore. " " "	Leever, E. M. Leever, Lizzie	Fort Klamath, Ore. Rt.#3, Box 158, Medford, Ore.
Denton, Cleo Rose Denton, Lee S. Dixon Brothers, Dixon, James T. Dixon, R. S.	Malin, Ore. " " " Fort Klamath, Ore. " " " " " "	Loosley, Emma T. Loosley, Cary V. Loosley, Geo. W. Loosley, J. F. Loosley, R. S.	Fort Klamath, Ore. " " " " " " " " " " " "
Elliott, Orville & J.R.	Klamath Agency, Ore.	McAuliffe, J. P. & Nora, Meadows Drainage Dist.	" " " Klamath Falls, Ore.
Gordon, James L.	Fort Klamath, Ore.	Miller, Frank S. Miller, S. C.	Fort Klamath, Ore. Dillard, Ore.
Hessig, Jos.V., & Hessig, J. H. Hoyt, C. E.	Fort Klamath, Ore. Chiloquin, Ore. Fort Klamath, Ore.	Nicholson, W. E. Northwestern Nat'l Bank, Pelton, James	Fort Klamath, Ore. Portland, Ore. Fort Klamath, Ore.

Ryan, D. W. & Amy L.	Fort Klamath,Ore.	Turner, E. S.	Fort Klamath,Ore.
Savage, Dan	" " "	U.S.Forest Service,	
Sisemore, Linsy C.	" " "	Dept. of Agriculture, Medford, Ore.	
Streeter, L. M.	" " "	Woodruff, Leonard J., Fort Klamath,Ore.	
		Zamzow, Mrs. Veva,	Gilroy, Calif.

7.

That the following named persons were duly notified of the proceeding by registered mail and by publication of said notice, as shown by Paragraphs 4 and 5 hereof, and by the affidavits of publication and post office registry receipts in Volume 1,(pages 6 to 13) of the evidence herein, and each of them, although so notified, have failed, neglected and refused to appear herein and submit proof of a right to the use of the waters of said streams or their tributaries, if any they have or claim, and that such parties are in default, and that such default is here and now entered against them, and each of them, and said parties are hereby enjoined and inhibited from using or asserting any rights to the use of the waters of said streams, or any tributary thereof, except by, through or under the rights of the persons whose water rights are defined herein, or under and by virtue of permits issued by the State Engineer:

Ashpole, Bernice,	Fort Klamath,Ore.	Elliott, K. M.	Klamath Falls, Ore.
Ashpole, C. W.	" " "	Elliott, Merrill,	" " "
Beckley,Christine B.	1149 Hassalo St.,	Elliott, M. E.	" " "
	Portland, Ore.	First St.& Savings Bank,	Roseburg, Ore.
Beckley, Mrs. James	Fort Klamath,Ore.	Fleishhacker, Herbert	
Beckley, Mrs. Joe	" " "	c/o K. D. Co.,	Klamath Falls, Ore.
Boyd, Daniel,	" " "	Fordyce, Mrs. Anna	Fort Klamath, Ore.
Briscoe, E. D.	" " "	Fort Meadows Co.,	
Brown, Abbie J.	Crystal, Ore.	c/o P.F.Brown,	Hollister, Calif.
Brown, Cecil M.	" " "	Fort Meadows Co.,	
Brown, C. O.	" " "	c/o E. L. Davis,	Klamath Falls, Ore.
Brown, D. C.	" " "	Fort Klamath, City of,	Fort Klamath, Ore.
Brown, Fred G.	" " "	Fort Klamath Creamery Co.,	" " "
Brown, P. F.	Hollister, Calif.	Fort Klamath Meadows Co.,	
Brown, Sadie B.	Crystal, Ore.	c/o Wm. Hackler,	Fort Klamath,Ore.
Brown, Sherman A.	" " "	Gray, J. A.	Fort Klamath,Ore.
Brown, W. K.	Hollister, Calif.	Hackler, William	" " "
Burns or Pheneger Mill,	Fort Klamath, Ore.	Harris, Ida J.	" " "
Butterfield, J.P.	Box 334, Klamath	Harris, Walter, C.	" " "
	Falls, Ore.	Hawkins, C. N.	Hollister, Calif.
Campbell, D. B.	Fort Klamath, Ore.	Hill, G.	Fort Klamath, Ore.
Chiloquin, City of,	Chiloquin, Ore.	Hill, Lovinda	" " "
Cooper, Dr. I. C.	Fort Klamath, Ore.	Hovish, Peter	" " "
Copeland, L. W.	Fort Klamath, Ore.	Jackson, T. J.	" " "
Crawford, D. W.	" " "	Johnson, Daniel, R.F.D.1,	Marquette, Mich.
Darling, Ralph	" " "	King, Hattie M.	Fort Klamath, Ore.
Darling, R. L.	" " "	Klamath Agency, City of,	Klamath Agency, Ore.
Denton, Frank M.	" " "	Lawton, Gertrude P.	Pine Ridge, Ore.
Denton, Geo.	Medford, Ore.	Lewis, Ben P., 223 S.6th St.,	
Dixon, Walter,	Fort Klamath, Ore.	Lisk, Byron	Klamath Falls, Ore.
Doak, D. P. Estate of,		Lisk, Geo.	Fort Klamath, Ore.
c/o W.K.Brown,	Hollister, Calif.	Lisk, Geo. A.,	Klamath Falls, Ore.
Dodge, Cora M. 1435-74 Ave.,Oakland,Calif.		Loosley, H. B.	Fort Klamath, Ore.
Drake, Mrs. Ella,		Loosley, K.	" " "
c/o C.V.Loosley,	Fort Klamath,Ore.	Loosley, Ray	" " "
Elder, J. D.	" " "		

McDanough, J. W., 830 Iowa St., Ashland, Ore..	Pockell, Douglass	Fort Klamath, Ore.
Meadows Company, Fort Klamath, Ore.	Pomeroy, E. N.	Alturas, Calif.
Mercantile Trust Co.,	Portland Trust Co.,	Portland, Ore.
464 California St., San Francisco, Calif.	Reames, E. R.	Medford, Ore.
Miller & Ashpole, Fort Klamath, Ore.	Rogers, Leslie	
Miller, Myrtle	1st. Nat'l Bank Bldg.,	Klamath Falls, Ore.
Nicholson, T. R.	Rose, Jessie Perkins	
Norris, Christian B.,	Box 495,	Fontana, Calif.
Box 143,	Sanderson, W.C., 11-3rd St.,	Petaluma, Calif.
Norris, Thos. C.	Short, J. H.	Klamath Falls, Ore.
North Pacific R.R.Co.,	Sisemore, J. R.	Fort Klamath, Ore.
c/o Clarence Moulton, Wilcox Bldg.,	U.S. Indian Irr. Service,	
Portland, Ore.	Klamath Reservation,	Chiloquin, Ore.
Oregon State Game Comm., " "	U. S. National Bank,	Portland, Ore.
Pelton, Josephine, Fort Klamath, Ore.	Willson, C. D.	Fort Klamath, Ore.
Pelton, Meta M. " " "	Wood, B. R.	" " "
Pierce, J.G. Estate,	Wood, Irma	" " "
c/o Agness Pierce, B.551,	Wood River Power Co.,	Klamath Falls, Ore.
108 Ocean Blvd., Sea Breeze, Florida.		

8.

That after the completion of the taking of such statements and proofs of claim the State Engineer did, on the 15th day of February, 1929, give notice by registered mail to each of the various claimants to the use of the waters of said streams or their tributaries and to those parties on Anna Creek whose rights have heretofore been determined that at the times and places named in said notice, the testimony and proofs of claim theretofore filed would be open to public inspection, to-wit:

On Wednesday and Thursday, February 27 and 28, 1929, at the Tourist Hotel at Fort Klamath, Oregon.

And from Monday, March 4 to Friday, March 15, 1929, inclusive, (Sundays and holidays 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 Klamath.

9.

That duly authorized representatives of the State Engineer did attend in accordance with said notice as described in the preceding paragraph, and keep said claims open to public inspection at said times and places. That within the time fixed by law therefor, the following contests were initiated by the filing with the State Engineer of notice of contest in writing:

Contest No. 1.

W. E. Nicholson, T. R. Nicholson, S. E. Nicholson,  
James Pelton, E. D. Briscoe, Gertrude Lawton,  
G. M. Denton, R. S. Darling, H. B. Loosley,  
E. M. Leever and F. M. Denton,  
Contestants,

vs.

James T. Dixon,  
Contestee.

Contest No. 2.

Meadows Drainage District, a municipal corporation of the State of Oregon, and Fort Klamath Meadows Company, a corporation, Contestants,

vs.

Leonard J. Woodruff, Contestee.

Contest No. 3.

Meadows Drainage District, a municipal corporation of the State of Oregon, and Fort Klamath Meadows Company, a corporation, Contestants,

vs.

James T. Dixon, Contestee.

Contest No. 4.

Edward Bloomingcamp, Administrator of the Estate of Edward W. Bloomingcamp, deceased; J. W. Siemens, J. T. Dixon, J. F. Loosley, Cary V. Loosley, Emma T. Loosley, Marie Culbertson, widow of T. A. Culbertson, deceased, who died intestate; Homer W. Culbertson, Ruth Warren and Claude H. Warren, her husband, and Paul T. Culbertson, being all of the next of kin and heirs at law of T. A. Culbertson, deceased, who died intestate; S. C. Miller, Meadows Drainage District, a quasi municipal corporation, and Fort Klamath Meadows Company, a corporation, Contestants,

vs.

Leonard J. Woodruff, Contestee.

Contest No. 5.

Meadows Drainage District, a municipal corporation of the State of Oregon, and Fort Klamath Meadows Company, a corporation, Contestants,

vs.

J. R. Elliott and Orville Elliott, Contestees.

10.

That after the filing of said statements of contest, the State Engineer did fix a time and place for the hearing of each and every of said contests and did, on the 17th day of May, 1929, serve notice of hearing of said contests on each of the parties to each and every of said contests, the dates fixed for hearing in each instance being more than 30 days and less than 60 days from the date the notice of hearing was served upon said parties. That due proof of serving of said notices has been made and filed as a part of the record herein. (Vol. 1, pages 80 to 85 inclusive.) That upon the date as fixed for the hearing of said contests, the taking of testimony was commenced before a duly authorized reporter, and

continued until each of said contests was fully heard, settled by stipulation or otherwise disposed of.

11.

CONTEST NO. 1

W. E. Nicholson et al,  
Contestant,  
vs.  
James T. Dixon,  
Contestee.

This contest was settled by stipulation, which, omitting the heading and title, provides as follows:

"IT IS HEREBY STIPULATED by and between the above named contestants, through A. E. Reames, their attorney, and James T. Dixon, Contestee, through Claude McColloch, his attorney as follows:

"That the Shattuck Ditch mentioned in the Notice of Contest herein, and from which the contestee claims irrigation rights enters the lands of contestants Nicholson near the North East Corner of the South East Quarter ( $SE\frac{1}{4}$ ) of the South West Quarter ( $SW\frac{1}{4}$ ) of Section Seven (7) Township Thirty-three (33) South of Range Seven and one-half ( $7\frac{1}{2}$ ) East of Willamette Meridian. And thence extends south and parallel to the east line of said forty acre tract just described, entering the North East corner of the North East Quarter ( $NE\frac{1}{4}$ ) of the North West Quarter ( $NW\frac{1}{4}$ ) of Section Eighteen (18), said Township; said ditch there turns east, paralleling the north line of said Section 18 into the north east quarter ( $NE\frac{1}{4}$ ) of the north east quarter ( $NE\frac{1}{4}$ ) of said section 18; thence diagonally across said north east quarter ( $NE\frac{1}{4}$ ) of the north east quarter ( $NE\frac{1}{4}$ ) of said Section 18, and into the North West Quarter ( $NW\frac{1}{4}$ ) of the South West Quarter ( $SW\frac{1}{4}$ ) of Section 17, said Township.

"At the time of the beginning of this contest the present headgate and diversion dam then used by contestants Nicholson to divert their water for irrigation of their lands, hereinafter described, from said Shattuck Ditch, was where it still is, in the North East corner of the South East Quarter ( $SE\frac{1}{4}$ ) of the South West Quarter ( $SW\frac{1}{4}$ ) of said Section 7. And from said point of diversion the Nicholson Ditch extended in a westerly direction and then in a southerly direction where it enters the north east quarter ( $NE\frac{1}{4}$ ) of the north west quarter ( $NW\frac{1}{4}$ ) of said Section 18.

"In order to comply with this stipulation which had been orally made, it was necessary to construct an extension of said Nicholson Ditch so as to connect it with a then existing ditch which then terminated near the middle of the north line of the south east quarter ( $SE\frac{1}{4}$ ) of the north west quarter ( $NW\frac{1}{4}$ ) of said Section 18, and from there to construct a new ditch on practically a north and south line and entirely across the south east quarter ( $SE\frac{1}{4}$ ) of the north west quarter ( $NW\frac{1}{4}$ ) of said section 18. Accordingly said connecting ditches have been since the making of said oral stipulation constructed by the contestants Nicholson. It was likewise necessary to enlarge the headgate of the said Shattuck

Stipulation - continued.

Contest No. 1 - continued.

Ditch, and to make some enlargements in said ditch between the headgate and the river. These enlargements have also been made.

"AND IT IS STIPULATED that the contestants Nicholson and the contestee Dixon shall have the right to use the said lateral out of the said Shattuck Ditch as it has now been so connected and extended for the irrigation of their lands respectively as the same are hereinafter described, conditioned however, that the right of the Nicholsons to so irrigate their lands consisting of the 720 acre tract hereinafter described, shall at all times be prior to the right of the contestee Dixon for the irrigation of his 100 acres of land hereinafter described, and that the Order of Determination and Decree herein shall so provide and shall provide that the contestee Dixon must not in the irrigation of his said lands interfere with the use of said waters by the contestants Nicholson through the said ditch for the irrigation of the said 720 acre tract of Nicholson land.

"There is a slough which is not connected with Anna Creek, but which slough begins in what is known as "The Miller Lands" in the north east quarter ( $NE\frac{1}{4}$ ) of the south west quarter ( $SW\frac{1}{4}$ ) of said Section 7, and passes thence into the south east quarter ( $SE\frac{1}{4}$ ) of the south west quarter ( $SW\frac{1}{4}$ ) of said section; thence southerly and westerly and across the northwest quarter ( $NW\frac{1}{4}$ ) of the north west quarter ( $NW\frac{1}{4}$ ) of said Section 18, crossing the township line between ranges 6 East and  $7\frac{1}{2}$  East and into the north east corner of the south east quarter ( $SE\frac{1}{4}$ ) of the north east quarter ( $NE\frac{1}{4}$ ) of Section 13, Township 33 South of Range 6 East of Willamette Meridian.

"In order to carry into effect this stipulation a ditch has been constructed to convey the waters of said slough from a point near the middle of the west line of the north west quarter ( $NW\frac{1}{4}$ ) of Section 18 by the most direct route upon and for the irrigation of the lands of the contestee Dixon in the south east quarter ( $SE\frac{1}{4}$ ) of the north east quarter ( $NE\frac{1}{4}$ ) of said Section 13. But it is stipulated and the Order of Determination and Decree herein shall so provide that this right to use the waters from said slough is a right to use waste waters only. That is to say - waters that have been used for irrigation by the contestants Nicholson, but there shall be no obligation upon the Nicholsons to keep water in said slough nor to waste any waters that will find their way into said slough.

Nicholson Lands.

"The lands of the contestants Nicholson referred to in this stipulation as constituting the 720 acre tract of land having a priority for irrigation over the lands of the contestee Dixon are as follows:

In Section 7	$S\frac{1}{2}$ of $SW\frac{1}{4}$	80
Section 18	$N\frac{1}{2}$	320
Section 18	$SE\frac{1}{4}$	160
Section 17	$SW\frac{1}{4}$	<u>160</u>
T o t a l		720 acres



Stipulation - continued.

Contest No. 1 - continued.

"The lands of the contestee James T. Dixon herein referred to are as follows:

James T. Dixon Lands.

30 acres in the  $SE\frac{1}{4}NE\frac{1}{4}$ , Sec. 13, T.33 S.R.6 E.W.M.  
16 acres in the  $NW\frac{1}{4}SW\frac{1}{4}$ , Sec. 18, T.33 S.R.7 $\frac{1}{2}$  E.W.M.  
40 acres in the  $NE\frac{1}{4}SW\frac{1}{4}$ , Sec. 18, T.33 S.R.7 $\frac{1}{2}$  E.W.M.  
14 acres in the  $SE\frac{1}{4}SW\frac{1}{4}$ , Sec. 18, T.33 S.R.7 $\frac{1}{2}$  E.W.M.

"These Dixon lands have a priority of 1927.

"All of the lands of the parties hereto above described and referred to are situated in Township 33 South of Range 7 $\frac{1}{2}$  East of Willamette Meridian, except the lands in the South East Quarter ( $SE\frac{1}{4}$ ) of the North East Quarter ( $NE\frac{1}{4}$ ) of said Section 13, which are in Township 33 South of Range 6 East of W. M.

"The successors in interest of the said contestants Nicholson and the successors in interest in the lands of the contestee Dixon shall be held and firmly bound by the provisions of this stipulation and the Order of Determination herein and the Decree of the Circuit Court herein shall so provide, and said Decree of said Circuit Court shall enjoin the respective parties hereto and their successors in their said lands respectively, from a violation of any of the provisions hereof, or from interfering with any of the rights of the parties hereto as the same shall be so decreed and determined upon this stipulation.

"Dated at Klamath Falls, Oregon, this 5th day of April, 1932.

A. F. REAMES

Attorney for Contestants W.E.Nicholson,  
T.R.Nicholson, S.E.Nicholson, James Pelton,  
E. D. Briscoe, Gertrude Lawton, G.M.Denton,  
R. L. Darling, H.B.Loosley, E.M.Leever and  
F. M. Denton.

CLAUDE McCOLLOCH

Attorney for Contestee James T. Dixon. "

The terms of the above stipulation shall be adopted in disposing of the contest and the water be distributed according to the provisions thereof.

12.

CONTEST No.2

Meadows Drainage District, a municipal  
corporation, et al,

Contestants,

vs.

Leonard J. Woodruff,

Contestee.

The controversies raised by this contest were settled by the following stipulation which shall be adopted in settlement of the contest and the rights of contestee tabulated in accordance with the provisions thereof:

"Comes now contestants, Meadows Drainage District, a municipal Corporation of the State of Oregon, and Fort Klamath Meadows Company, a corporation, by their attorney,

Contest No. 2- continued.(Stipulation)

J. H. Carnahan, and Contestee, Leonard J. Woodruff, by his attorney, J. A. Coleman, Henry E. Perkins, and Percy A. Cupper, and in full settlement of all matters in the above entitled contest stipulate and agree as follows, to-wit:

"That the rights of contestee shall be as set forth in his statement and proof of claim No. 63 (sixty-three) filed in these proceedings insofar as acreage is concerned except as to ten (10) acres in Lot 16 (sixteen) on the west side thereof; twenty (20) acres in Lot No. 17 (seventeen) on the west side thereof, and twenty (20) acres in Lot No. 24 (twenty-four) on the west side thereof, and five (5) acres in the southwest corner of Lot No. 9 (nine), all in Section two (2), Twp. thirty-four (34) south, Range six (6) E.W.M., Klamath County, Oregon, for which said excluded lands contestee shall have no water right. Contestants by this stipulation waive none of their claims under contest No. 4 (four).

Done October 28, 1929.

J. H. Carnahan  
Attorney for Contestants;

J. A. Coleman

Henry E. Perkins

Percy A. Cupper  
Attorney for Contestee."

13.

CONTEST No. 3.

Meadows Drainage District, a municipal corporation of the State of Oregon, and Fort Klamath Meadows Company, a corporation,

Contestants,

vs.

James T. Dixon,

Contestee.

This contest was dismissed by the following stipulation:

" Come now the respective attorneys for the contestants and contestee, above, into open Court and before the State Engineer of Oregon in the Court House at Klamath Falls, Klamath County, Oregon, at the hour of ten o'clock A. M., October 26th, 1929, being the place at which, according to notice of hearing by the said State Engineer, the said contest was to be heard, and being the time to which said hearing had been duly postponed, and stipulate and agree as follows:

"1. This Contestee, above named, has claimed a duty of water of one second foot to fifty acres, in the above proceedings, for contestee's lands on Seven Mile Creek,

Contest No. 3 - continued (Stipulation)

a tributary of Wood River, the waters of which are being adjudicated by the State Engineer in said proceeding. In this regard contestee stipulates with contestants that contestee does not claim that his lands need or require any greater amount of water for irrigation than other similar lands on said Seven Mile Creek, and that the duty of water in this proceeding as to contestee's said lands on Seven Mile Creek may be left to the determination of the State Engineer the same as other lands on that Creek. The Contestee and Contestants reserve the same right to except to the State Engineer's determination of the proper duty of water for lands on Seven-Mile Creek as the other land owners may have,

"2. Based upon the foregoing stipulation, the Contestants dismiss their said contest against contestee.

J. H. Carnahan  
Attorney for Contestants

Manning, McColloch & Driscoll  
Attorneys for Contestee. "

14.

CONTEST NO. 4

Edward Bloomingcamp et al,  
Contestants,

vs.

Leonard J. Woodruff,  
Contestee.

This contest was settled by stipulation which provided as follows:

"Comes now the above contestants, by and through their attorneys Manning, McColloch & Driscoll and J. H. Carnahan, and Contestee, by his attorneys J.A.Coleman, Henry E. Perkins and Percy A. Cupper, and in full settlement of all matters in the above entitled contest, stipulate and agree as follows:

"THAT WHEREAS, the said Contestee did file in the above entitled matter and adjudication his proof of claims numbers 61, 62 and 63, and

"WHEREAS on or about the 18th day of April, 1929, the Contestants above named did serve upon the Contestee and file with the State Engineer of Oregon in the above entitled adjudication their contest affidavit, wherein and whereby the said contestants did contest the rights of the said contestee Leonard J. Woodruff in and to the waters of Seven Mile Creek, as shown by the claims of the said Leonard J. Woodruff in said proceeding namely Claim numbers 61, 62 and 63, and

"WHEREAS said contests having been duly set for trial and hearing in Klamath Falls, Oregon, upon this the 25th day of October, 1929, and being contest No. 4, and

"WHEREAS the said contestants and the said contestee have been endeavoring to

Contest No. 4 - continued (Stipulation)

reach a mutual agreement as to the rights of the said contestee in and to the waters of Seven Mile Creek and its tributaries, and

" WHEREAS, it is the mutual desire of the parties to agree among themselves at this time as to their respective rights and priorities in and to the waters of the said Seven Mile Creek and its tributaries for the purpose of quieting said rights and titles among the parties hereto and for the purpose of providing a stipulation which can be used by the State Engineer of Oregon as the basis of a final order and determination in said pending proceedings for the adjudication of the waters and water rights of said Seven Mile and its tributaries, and for a decree to be entered therein by the Circuit Court of the State of Oregon for the County of Klamath, and this agreement is intended to finally settle and determine the respective rights and priorities of the said contestants and contestee in and to the waters of the said Seven Mile Creek, and its tributaries, and it is further stipulated and agreed that findings and order of determination by the State Engineer shall be made in accordance herewith and a decree shall be entered in the Circuit Court of the State of Oregon for Klamath County, or other Court that may lawfully take or assume jurisdiction in accordance with such findings and order of determination and that the said State Engineer of Oregon is hereby ordered and directed to make his findings and order of determination in accordance with and in pursuance of this stipulation:

" (1) That the rights of the contestants and contestee shall be as set forth in their respective statements and proofs of claims filed in these proceedings, except as specifically modified and changed hereby, and provided further that the rights of the said contestee in and to the waters of Seven Mile Creek and its tributaries shall be as are hereinafter expressly stated and not otherwise.

"(2) Contestee Leonard J. Woodruff is entitled to and shall have a right in and to the waters of Seven Mile Creek and its tributaries for the irrigation of forty (40) acres in the Northeast quarter of the Southeast quarter, and twenty-five (25) acres in the Southeast quarter of the Southeast quarter, and Twenty (20) acres in the Southeast quarter of the northeast quarter of Section thirty five (35) Township Thirty three (33) South, Range six (6) East Willamette Meridian, with a priority of 1890.

" It is further stipulated and agreed that the water for the irrigation of the above described lands shall be diverted from Seven Mile Creek below its confluence with Short Creek, and that said point of diversion shall not be changed by Contestee, it being one of the conditions of this stipulation and one of the considerations therefor that said point of diversion shall be made from Seven Mile Creek below the point of confluence of Short Creek and Seven Mile Creek.

" It is further stipulated and agreed that contestee shall have the right to divert and deliver the waters of Seven Mile Creek for the irrigation of those lands lying in the

## Contest No. 4 - continued (Stipulation)

East one half of Southeast Quarter of Section 35, T. 33 S. R. 6 E. W. M. through the Loosley Ditches, should contestee so desire, after said contestee shall make such enlargement and extension of said Loosley Ditches as may be necessary to serve said lands in the East half of Southeast quarter of said Section 35, in addition to the lands now served through said Ditch. Such enlargement and extensions shall be made at the expense of Contestee.

" It is further stipulated and agreed that said contestee shall contribute his proper proportion of the cost of maintaining said Ditch and/or Ditches after the same shall have been enlarged by him.

" (3) It is further stipulated and agreed that the Contestee Leonard J. Woodruff shall be entitled to and shall have a right in and to the waters of Seven Mile Creek for the irrigation of 53.6 acres in lots number 7 and 10 in Section 1, Township 34 S. Range 6 E. W. M. (that being that portion of Lots 7 and 10 lying east of Seven Mile Creek) with a priority of 1891.

" It is further stipulated and agreed that the Contestee shall have the right to divert and deliver the waters of Seven Mile Creek for the irrigation of said lands through the Loosley Ditches, after making such enlargements and extension of said ditch as may be necessary to serve said land in addition to the lands now served through said ditch. Said enlargement and extension shall be made at the expense of contestee.

" It is further stipulated and agreed that contestee shall contribute his proper proportion of the cost of maintaining said ditch and/or ditches.

" (4) Contestee, Leonard J. Woodruff, is entitled to and shall have a right in and to the waters of Seven Mile Creek for the irrigation of twenty acres in the Southeast quarter of the Northeast quarter and forty acres in the northeast quarter of the Northeast quarter in Section 35, and eighty acres in the West one half of the Northwest quarter of Section thirty six, all in Township thirty three (33) South Range Six (6) East of Willamette Meridian, with a priority of 1900, it being expressly stipulated and agreed that the right of contestee to irrigate the lands described in this paragraph shall be subject and inferior to the rights of contestants to divert and use the waters of Blue Springs for supplemental irrigation under contestants' rights initiated in 1928, and for their respective rights as shown under their respective applications to the State Engineer for Oregon, for supplemental rights out of Blue Springs through the Melhase Kingdon Ditch, for the irrigation of their various tracts of land, as shown under said applications and permits and certificates that have been or may be issued, based on said applications.

" It is further understood and agreed that there shall be included herein the application of the Meadows Drainage District, a quasi municipal corporation, contestant

## Contest No. 4 - continued (Stipulation)

herein, the respective right of the said Meadows Drainage District under its application No. 12508, upon the said Blue Springs, to be used upon the lands of the said Meadows Drainage District as supplemental irrigation for 360 acres, more or less, out of the waters of the said Blue Springs.

" It is further stipulated and agreed that the waters, for the irrigation of the lands in the paragraph above described, in the southeast quarter of the northeast quarter and northeast quarter of northeast quarter of said Section 35, shall be diverted from said Seven Mile Creek at a point below its confluence with Short Creek.

" It is further stipulated and agreed that contestee shall have the right to divert and deliver the waters of Seven Mile Creek for the irrigation of the West One half of the Northwest quarter of said Section 36, through the Loosley-Culbertson Ditch and a lateral thereof after contestee has made such enlargement and extension thereof as may be necessary to serve said lands in addition to the lands now served therefrom, and contestee shall contribute his proper proportion for the maintenance of said ditch and lateral.

" (5) It is further stipulated and agreed that contestee, Leonard J. Woodruff, shall have no other or greater rights in and to the waters of Seven Mile Creek and its tributaries than are set forth in paragraphs numbered two to four inclusive, hereof, and as to all other rights claimed by contestee under his statements and proofs of claim filed in these proceedings, they shall be as set forth in said statements and proof of claim, except as modified by the stipulation made and entered into and filed in these proceedings by and between contestee and Fort Klamath Meadows Company and Meadows Drainage District in full settlement of Contest No. 2.

" (6) It is further stipulated and agreed that contestant J. T. Dixon, shall be entitled to and shall have a right in and to the waters of Anna Creek for the lands described in his statement and Proof No. 11, with a priority of 1900, subsequent in time and rank to contestee's rights in and to the waters of said Anna Creek.

" (7) That contestant S. C. Miller, shall be entitled to and shall have a right in and to the waters of Anna Creek for the lands as set forth in his Claim No. 42, filed in these proceedings, and Contestee agrees that a decree in conformity with said claim shall be entered herein.

" That contestants Meadows Drainage District and Fort Klamath Meadows Company shall be entitled to and shall have a right in and to the waters of Anna Creek, as specifically set forth in a separate stipulation by and between said contestants and contestee, filed in these proceedings, and as set forth in the amended Proof of Claim of Meadows Drainage District, which is not intended to and does not increase the acreage for which a

Contest No. 4 - continued. (Stipulation)

water right was allowed in the Anna Creek Adjudication.

"Dated October 28th, 1929.

"MANNING, McCOLLOCH & DRISCOLL

By Claude McColloch

J. H. Carnahan  
Attorneys for Contestants.

J. A. Coleman

Henry E. Perkins

Percy A. Cupper  
Attorneys for Contestee."

The provisions of the above stipulation will govern the rights of the parties thereto and the water be distributed accordingly.

15.

CONTEST NO. 5

Meadows Drainage District, a municipal corporation of the State of Oregon, and Fort Klamath Meadows Company, a corporation,

Contestants,

vs.

J. R. Elliott and Orville Elliott,  
Contestees.

The Contestees in the above contest, not wishing to submit to the jurisdiction of the State Engineer in these proceedings, made a motion to withdraw their Claim No. 17. The motion is hereby allowed and the contest dismissed.

16.

In order to avoid contests among and between the various users of the waters of Blue Springs, a tributary to Seven Mile Creek, and to settle the rights and priorities as to the use of Blue Springs water and ditch, the following stipulation was entered into and filed in these proceedings prior to the time for hearing of contests:

"This stipulation and agreement, made and entered into in Klamath County, Oregon, this 26th day of December, 1928, by, between and among the Fort Klamath Meadows Company, a private corporation of the State of California, Meadows Drainage District, a corporation, and/or Fort Klamath Meadows Drainage District, a corporation, FIRST PARTIES hereto, and James T. Dixon, unmarried, S. C. Miller and Jennie Miller, his wife, T. A. Culberson and Mamie Culberson, his wife, Edward Bloomingcamp, administrator of the Estate of George W. Bloomingcamp, deceased, and J. W. Siemens and Lucinda Siemens, his wife, and Northwestern

National Bank, a corporation, having its principal office and place of business in Portland, Multnomah County, Oregon, SECOND PARTIES hereto,

"WITNESSETH: that

"WHEREAS, there is now pending before the State Engineer of the State of Oregon, a proceeding for the adjudication of the waters and rights thereto of Wood River and its tributaries, which adjudication also includes Seven Mile Creek and Blue Springs in Klamath County, Oregon, and

"WHEREAS, All of the parties hereto are the owners of lands irrigated from Seven Mile Creek and Blue Springs, as are more particularly hereinafter scheduled and described in Exhibit A hereto attached, which said Exhibit is hereby referred to and incorporated herein and made a part hereof, as fully as if set out in exact words and figures at this place, and

"WHEREAS, all of said lands, described in "Exhibit A", were, in earlier times, irrigated by means of the waters of said Seven Mile Creek, diverted through a ditch commonly known as the Melhase-Kingdon Ditch, and

"WHEREAS, in later years and prior hereto, in order to supplement said waters, so obtained through said Melhase-Kingdon Ditch, all of the said parties hereto joined in the construction of what is known as the Blue Springs Ditch, which diverted the waters of Blue Springs and carried the same by means of a flume across Seven-Mile Creek to a junction with said Melhase-Kingdon Ditch, and thence through said Melhase-Kingdon Ditch from the point of said Junction to and upon the said land of all of the parties hereto, for the irrigation thereof and for stock and domestic purposes thereon, supplemental to said waters obtained through said Melhase-Kingdon Ditch from said Seven-Mile Creek, and

"WHEREAS, said Blue Springs Ditch was so constructed and the waters of said Blue Springs so diverted subsequent to the enactment of the water code of the State of Oregon, which requires that all water rights initiated after the enactment of said Code shall be, by written application to the State Engineer for permit, issued by him, and

"WHEREAS, all of the second parties hereto have heretofore made and filed with the State Engineer written applications IN WRITING, in order to properly and regularly perfect and acquire their said respective rights for their said lands out of said Blue Springs, and by means of said Blue Springs Ditch, and

"WHEREAS, the said first parties hereto expect, through, and/or by one of said first parties, to immediately or shortly hereafter make and file with the State Engineer their written application in order to properly and regularly perfect and acquire their said right for their said lands described in Exhibit A out of said Blue Springs, and by means of said Blue Springs Ditch, and

"WHEREAS, it is also the mutual desire of the parties to agree among themselves



at this time as to their respective rights and priorities to the said Blue Springs water and the said Blue Springs Ditch for the purpose of quieting said rights and titles among the parties hereto, and for the purpose of providing a stipulation which can be used by the State Engineer as the basis of a final order and determination in said pending proceedings for the adjudication of the waters and water rights of said Wood River and its tributaries, including Seven-Mile Creek and said Blue Springs, and for a decree to be entered therein by the Circuit Court of the State of Oregon for Klamath County, and

"WHEREAS, said applications to appropriate the waters of said Blue Springs were made by each of second parties hereto and filed with the State Engineer, since January 1, 1928, and

"WHEREAS, the application of first parties, to be hereafter made and filed upon Blue Springs, will, when filed with the State Engineer, be filed later than January 1st, 1928, and

"WHEREAS, the Fort Klamath Meadows Company and Meadows Drainage District, did, by and in the name of Fort Klamath Meadows Drainage District, make their application No. 7535 on September 13, 1920, to said State Engineer, for a permit to divert 116.49 cubic feet per second of time of the waters of Four-Mile, Seven-Mile and Anna Creek, for the irrigation of a large body of land in said application #7535 more particularly described, and

"WHEREAS, said Blue Springs is a tributary of and to said Seven-Mile Creek, and

"WHEREAS, the State Engineer heretofore issued his Permit No. 4791, based upon said application, which said application and permit, as the same appears of record in the office of said State Engineer in the State House at Salem, Oregon, are hereby referred to and incorporated herein and made a part hereof, as fully as if set out in exact words and figures at this place, and

"WHEREAS, the said Fort Klamath Meadows Company and Meadows Drainage District are willing that said blanket filing for appropriation of said waters of Seven-Mile Creek, as contained in Application No. 7535, Permit No. 4791, shall be postponed in use, priority and right to the rights of the second parties hereto to said Blue Springs water, according to their respective applications to appropriate the waters of Blue Springs, now on file with the State Engineer, and

"WHEREAS, said Fort Klamath Meadows Company and Meadows Drainage District are willing that said Blanket filing for appropriation of said waters of Seven Mile, as contained in application #7535, permit #4791, shall be postponed in use, priority and right to the said application to appropriate the waters of Blue Springs hereafter to be filed by one or any of first parties for a supplemental right for irrigation, stock and domestic

use upon the lands of first parties or either of them, described in the annexed Exhibit A,

"NOW THEREFORE, in consideration of the premises and of the mutual covenants to quiet title, as herein contained and waivers of other rights, as herein expressed, and of the sum of One Dollar to each in hand paid, and of other good and valuable considerations, it is hereby mutually understood, promised, stipulated and agreed:

"(1) That the said applications of all of the second parties hereto upon Blue Springs, now on file with the State Engineer, and the said application upon Blue Springs to be hereafter made and filed with the State Engineer, by one or either of first parties hereto, as aforesaid, excepting the said application #7535, and permit #4791 of the first parties hereto, on Seven-Mile, for a permit to divert and appropriate the waters of said Blue Springs through said Blue Springs Ditch for the irrigation of their said lands, as described in said applications, supplemental to their said several rights for the irrigation thereof and stock and domestic purposes thereon by means of said Seven-Mile Creek waters through said Melhase-Kingdon Ditch, and any permits issued thereunder and appropriations and/or rights thereby acquired, shall have and be of the same priority in time regardless of the dates on which said applications shall be filed or may be received by said State Engineer, and that said State Engineer shall and may, in the pending proceeding above entitled, enter his findings and order of determination to the effect that said rights of second parties under said supplemental applications on Blue Springs and the said rights of first parties under the said supplemental application to appropriate the waters of Blue Springs to be hereafter filed by one or either of them, are of the same priority and right in time regardless of the dates of their being so filed and received by the State Engineer, and decree may be based thereon to said effect by Circuit Court of the State of Oregon for Klamath County.

"(2) That all of said filings and applications on Blue Springs heretofore made and filed by each of the second parties hereto, including said supplemental filing and/or application to be hereafter made on Blue Springs by one or either of first parties, and all permits or certificates issued or based thereunder, or rights thereunder acquired, shall be prior in time and superior in right to any rights of the Fort Klamath Meadows Drainage District and/or Fort Klamath Meadows Company and/or Meadows Drainage District, acquired under said application #7535 to the State Engineer's office, permit #4791, more particularly above described, or any certificates issued thereunder in or to the waters of said Seven-Mile Creek, and Blue Springs, and finding and order of determination to such effect shall or may be entered by said State Engineer in the proceeding now pending before said State Engineer, as above entitled, and decree may be and shall be entered to such effect by the Circuit Court of the State of Oregon for the County of Klamath, based

upon such findings and order of said State Engineer.

"It is understood, however, that the rights of the first parties under the supplemental filing on Blue Springs to be hereafter made by one or either of first parties hereto, to irrigate through the Blue Springs and Melhase ditches the lands described in Exhibit A, are not in any manner waived, and that such application, when filed, shall be equal in time and priority with the supplemental applications of second parties on Blue Springs, as aforesaid.

"PROVIDED, HOWEVER, as to any surplus of said waters of Blue Springs or any other surplus of waters in said Blue Springs Ditch and/or Melhase-Kingdon Ditch, over and above the amounts needed to satisfy the requirements for irrigation and/or stock and domestic uses on the lands of the second parties hereto, and the lands of the first parties hereto, as described in first parties supplemental filing to be hereafter made, and in Exhibit A hereto attached, then the first parties hereto shall be entitled to divert and use said waters not needed upon the lands of second parties and first parties, which are described in the annexed Exhibit A, said lands being the lands described in the said supplementary filings of second parties and in the supplementary filing to be hereafter made on Blue Springs by one or either of first parties hereto, upon other lands of the first parties hereto for irrigation and other beneficial purposes.

"(3) It is agreed that each of the parties hereto shall sign an original of this stipulation and agreement, and that it shall be filed in said pending proceeding above entitled, and this agreement shall be binding upon all parties who thus sign it, regardless of whether any other parties fail to sign or not, and shall be binding on and among all parties who sign the agreement.

"(4) This agreement is intended to finally settle and determine the respective rights and priorities of the parties to the said waters of said Blue Springs, PROVIDED HOWEVER, that T. A. Culbertson and Mamie Culbertson, his wife, Edward Bloomingcamp, administrator of the Estate of George W. Bloomingcamp, deceased, J. W. Siemens, Northwestern National Bank, parties hereto, claim the right to the use of waters of Seven-Mile Creek through the Loosley-Culbertson Ditch, taken out of Seven-Mile Creek at a point below the point of the diversion of the said Blue Springs Ditch, and nothing in this agreement contained is intended in any manner to affect the said right of said T. A. Culbertson and Mamie Culbertson, his wife, or either of them, Edward Bloomingcamp, administrator of the Estate of George W. Bloomingcamp, deceased, J. W. Siemens, and Northwestern National Bank, or either of them to said right to the said waters of Seven-Mile Creek through said Loosley-Culbertson Ditch, but this agreement, as to said T. A. Culbertson and Mamie Culbertson, his wife, Edward Bloomingcamp, administrator of the Estate of George W. Bloomingcamp, deceased, J. W. Siemens, and Northwestern National Bank, is only intended

to fix and determine their rights through said Blue Springs Ditch with respect to the rights of other users through that particular ditch, and PROVIDED FURTHER, that first parties are the owners of a right in Seven-Mile at a point above Blue Springs on Seven Mile Creek through the Melhase-Kingdon Ditch with a priority right of 1898, for the irrigation of lands of first party, described in Exhibit A, and this agreement is not intended to nor shall it in any manner operate as a waiver by first parties of any priority it may have in Seven-Mile Creek through said Melhase-Kingdon Ditch for irrigation, stock and domestic uses upon their lands described in Exhibit A.

"(5) It is agreed that said first parties recognize the priorities of the said filings and/or applications to appropriate the waters of Blue Springs by second parties and the priority of the said supplemental application of one or either of first parties on Blue Springs, to be hereafter filed, as aforesaid, over its and/or their said application #7535, permit #4791, but does not in any manner waive its and/or their priority in favor of any other person or persons, who are not parties to this agreement, whatsoever, and is limited strictly to the parties hereto and, as a further consideration herefor, it is agreed by and between all of the parties hereto that should the said Fort Klamath Meadows Company and/or Fort Klamath Meadows Drainage District and/or Meadows Drainage District desire to change any of its points of diversion upon Seven Mile Creek to a point at or above the present intake of the said Blue Springs Ditch and/or the said Melhase-Kingdon Ditch, that it shall have the right to do so and may, for such purpose, enlarge the said Blue Springs Ditch and/or Melhase-Kingdon Ditch for the purpose of flowing through said ditch and/or ditches, a larger quantity of water than said ditch and/or ditches will now contain and/or flow, PROVIDED, NEVERTHELESS, that said Fort Klamath Meadows Company and/or Fort Klamath Meadows Drainage District and/or Meadows Drainage District, in case it or they should desire to so change any of its said present points of diversion on Seven-Mile Creek, as aforesaid, and should desire to change and enlarge said ditch and/or ditches, that it and/or they shall enlarge said ditch and/or ditches at its and/or their own expense and shall construct and install all necessary dams, headgates, and spillways at its and/or their own expense, and shall make any and all necessary changes, construction and repair of any and all present headgates and intakes at its and/or their own expense and maintain and keep in good repair all such additional enlargements and new construction on said ditch and/or ditches.

"(6) This agreement shall apply to and bind the heirs, executors, administrators, successors and assigns of the respective parties hereto.

"IN WITNESS WHEREOF, said Fort Klamath Meadows Company, a private corporation of the State of California, The Northwestern National Bank, a corporation, Fort Klamath Meadows Drainage District, a corporation and said Meadows Drainage District, a corporation,

pursuant to a resolution of their Board of Directors, duly and legally adopted, have caused these presents to be signed by their respective Presidents and Secretaries, and their respective corporate seals to be hereunto affixed, and

"IN WITNESS WHEREOF, the parties first above named, their respective husbands and wives, have hereunto set their hands and seals, on this 26th day of December, 1928.

FORT KLAMATH MEADOWS COMPANY

(SEAL)

By C. N. Hawkins President.

ATTEST P. F. Brown Secretary

MEADOWS DRAINAGE DISTRICT

By W. K. Brown President.

ATTEST E. I. Davis Secretary

(SEAL)

NORTHWESTERN NATIONAL BANK

By M. Skinner Vice President

(SEAL)

ATTEST: A. L. Fraley Cashier

J. W. Siemens (SEAL)

Lucinda Siemens (SEAL)

Edward Bloomingcamp (SEAL)

Administrator of the Estate of George W. Bloomingcamp, deceased.

James T. Dixon (SEAL)

By R. S. Dixon, his attorney in fact.

J. T. Dixon (SEAL)

By H. M. Manning, his attorney in fact.

Jennie Miller (SEAL)

By S. C. Miller, her attorney in fact.

S. C. Miller (SEAL)

Mamie Culbertson (SEAL)

Widow of T.A. Culbertson, deceased, who died intestate.

Homer W. Culbertson (SEAL)

Son and heir at law of T.A. Culbertson, deceased, who died intestate.

Ruth Warren (SEAL)

and Claude H. Warren (SEAL)  
her husband,

And Paul T. Culbertson (SEAL)

Heirs and next of kin of T.A. Culbertson, deceased, who died intestate.

By Mamie Culbertson (SEAL)

their attorney in fact."

"EXHIBIT A

"Lands of S. C. Miller and Jennie Miller, his wife:

<u>Description of lands.</u>	<u>Number of acres.</u>
NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 25, T. 33 S. R. 6 E. W. M.	40.
NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 25, T. 33 S. R. 6 E. W. M.	40.
NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 25, T. 33 S. R. 6 E. W. M.	28.
SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 25, T. 33 S. R. 6 E. W. M.	4.4
SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 25, T. 33 S. R. 6 E. W. M.	<u>37.6</u>
TOTAL ACREAGE	150.

The amount of water claimed under this filing, 2 cubic second feet. This filing is on Blue Springs through Blue Springs Ditch, and is supplemental to their water right out of Seven-mile through Melhase-Kingdon Ditch for above described lands.

"Lands of T. A. Culbertson and Mamie Culbertson, his wife.

<u>Description of Lands.</u>	<u>Number of acres.</u>
NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 31, T. 33 S. R. 7 $\frac{1}{2}$ E. W. M.	39.3
NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 31, T. 33 S. R. 7 $\frac{1}{2}$ E. W. M.	39.3
SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 31, T. 33 S. R. 7 $\frac{1}{2}$ E. W. M.	40.
SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 31, T. 33 S. R. 7 $\frac{1}{2}$ E. W. M.	40.
NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 32, T. 33 S. R. 7 $\frac{1}{2}$ E. W. M.	10.8
SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 32, T. 33 S. R. 7 $\frac{1}{2}$ E. W. M.	<u>11.</u>
TOTAL ACREAGE	180.4

Amount of water applied for out of Blue Springs under this filing is 2.25 cubic second feet, this is a supplemental filing through Blue Springs Ditch to supplement their water right in Seven-Mile through the Melhase-Kingdon Ditch for said lands.

"Lands of Edward Bloomingcamp, administrator of the Estate of George W. Bloomingcamp, deceased, J. W. Siemens and Lucinda Siemens, his wife.

<u>Description of lands.</u>	<u>Number of acres.</u>
NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 31, T. 33 S. R. 7 $\frac{1}{2}$ E. W. M.	40.
SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 31, T. 33 S. R. 7 $\frac{1}{2}$ E. W. M.	39.3
SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 31, T. 33 S. R. 7 $\frac{1}{2}$ E. W. M.	38.6
NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 31, T. 33 S. R. 7 $\frac{1}{2}$ E. W. M.	<u>39.3</u>
TOTAL ACREAGE	157.2

Quantity of water applied for out of Blue Springs under this filing 2.00 cubic second feet. This is a supplemental filing through Blue Springs Ditch to supplement their right in Seven Mile Creek through Melhase-Kingdon Ditch for said lands.

(Stipulation -EXHIBIT A- continued)

"Lands of Northwestern National Bank, a corporation.

<u>Description of lands.</u>		<u>Number of acres.</u>
SW $\frac{1}{4}$	NE $\frac{1}{4}$ Sec. 25, T. 33 S. R. 6 E. W. M.	40.
SE $\frac{1}{4}$	NE $\frac{1}{4}$ Sec. 25, T. 33 S. R. 6 E. W. M.	40.
NE $\frac{1}{4}$	SE $\frac{1}{4}$ Sec. 25, T. 33 S. R. 6 E. W. M.	40.
NW $\frac{1}{4}$	SE $\frac{1}{4}$ Sec. 25, T. 33 S. R. 6 E. W. M.	39.4
SE $\frac{1}{4}$	SE $\frac{1}{4}$ Sec. 25, T. 33 S. R. 6 E. W. M.	15.
SW $\frac{1}{4}$	NW $\frac{1}{4}$ Sec. 30, T. 33 S. R. 7 $\frac{1}{2}$ E. W. M.	40.
SE $\frac{1}{4}$	NW $\frac{1}{4}$ Sec. 30, T. 33 S. R. 7 $\frac{1}{2}$ E. W. M.	39.3
NE $\frac{1}{4}$	SW $\frac{1}{4}$ Sec. 30, T. 33 S. R. 7 $\frac{1}{2}$ E. W. M.	39.3
NW $\frac{1}{4}$	SW $\frac{1}{4}$ Sec. 30, T. 33 S. R. 7 $\frac{1}{2}$ E. W. M.	40.
SW $\frac{1}{4}$	SW $\frac{1}{4}$ Sec. 30, T. 33 S. R. 7 $\frac{1}{2}$ E. W. M.	22.
SE $\frac{1}{4}$	SW $\frac{1}{4}$ Sec. 30, T. 33 S. R. 7 $\frac{1}{2}$ E. W. M.	<u>22</u>
TOTAL ACREAGE		377.0

Total amount of water claimed out of Blue Springs under this filing is 5.00 cubic feet per second. This is a supplemental filing through Blue Springs Ditch to supplement its water right out of Seven-Mile Creek through Melhase-Kingdon Ditch for said lands.

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"Lands of James T. Dixon, an unmarried man.

<u>Description of lands.</u>		<u>Number of acres.</u>
SE $\frac{1}{4}$	SE $\frac{1}{4}$ Sec. 24, T. 33 S. R. 6 E. W. M.	15.
SW $\frac{1}{4}$	SE $\frac{1}{4}$ Sec. 24, T. 33 S. R. 6 E. W. M.	30.
SE $\frac{1}{4}$	SW $\frac{1}{4}$ Sec. 24, T. 33 S. R. 6 E. W. M.	40.
SW $\frac{1}{4}$	SW $\frac{1}{4}$ Sec. 24, T. 33 S. R. 6 E. W. M.	<u>15.</u>
TOTAL ACREAGE		100.

Quantity of water claimed out of Blue Springs under this filing, 1.35 cubic feet per second. This is a supplemental filing through Blue Springs Ditch, to supplement his right on Seven-Mile Creek through Melhase-Kingdon Ditch for said lands.

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"Lands of the Fort Klamath Meadows Company, the Meadows Drainage District, the Fort Klamath Meadows District.

<u>Description of lands.</u>		<u>Number of acres.</u>
SE $\frac{1}{4}$	NE $\frac{1}{4}$ Sec. 30, T. 33 S. R. 7 $\frac{1}{2}$ E. W. M.	40.
SW $\frac{1}{4}$	NE $\frac{1}{4}$ Sec. 30, T. 33 S. R. 7 $\frac{1}{2}$ E. W. M.	40.
NW $\frac{1}{4}$	SE $\frac{1}{4}$ Sec. 30, T. 33 S. R. 7 $\frac{1}{2}$ E. W. M.	40.
SE $\frac{1}{4}$	SE $\frac{1}{4}$ Sec. 30, T. 33 S. R. 7 $\frac{1}{2}$ E. W. M.	40.
SW $\frac{1}{4}$	SE $\frac{1}{4}$ Sec. 30, T. 33 S. R. 7 $\frac{1}{2}$ E. W. M.	40.
NW $\frac{1}{4}$	NE $\frac{1}{4}$ Sec. 31, T. 33 S. R. 7 $\frac{1}{2}$ E. W. M.	40.
NE $\frac{1}{4}$	NE $\frac{1}{4}$ Sec. 31, T. 33 S. R. 7 $\frac{1}{2}$ E. W. M.	40.
SW $\frac{1}{4}$	NE $\frac{1}{4}$ Sec. 31, T. 33 S. R. 7 $\frac{1}{2}$ E. W. M.	40.
SE $\frac{1}{4}$	NE $\frac{1}{4}$ Sec. 31, T. 33 S. R. 7 $\frac{1}{2}$ E. W. M.	<u>40.</u>
TOTAL ACREAGE		360.

"The foregoing are the lands of first parties for the irrigation of which the first parties are hereafter to make application for a water right on Blue Springs, for 4.5 cubic second feet through the Blue Springs Ditch, to supplement first parties water right from Seven Mile through Melhase-Kingdon Ditch on lands last above described. "

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The above stipulation shall govern the rights of the parties thereto and the water be distributed in accordance with the provisions thereof, except, that nothing

therein shall be construed so as to determine the quantity of water the parties are entitled to, but such quantity of water to which the parties are entitled shall be governed by the provisions of the water right certificates issued under the permits filed with the State Engineer by the parties to the stipulation and mentioned therein.

## 17.

In settlement of various rights to the use of water from Wood River and to certain ditch rights, the following stipulation was filed:

"IT IS HEREBY STIPULATED by and between The Fort Klamath Meadows Company, a private corporation of California, Meadows Drainage District, a municipal drainage district corporation, of Oregon, FIRST PARTIES; and Christine B. Beckley, unmarried, S. C. Miller and Jennie Miller, his wife, J. P. McAuliffe and Nora McAuliffe, his wife, Frank S. Miller and Myrtle Miller, his wife, and Linsy C. Sisemore and Ann Sisemore, his wife, having adjudicated rights for the use of the waters of Anna Creek in Klamath County, Oregon, upon their lands described in Exhibit 1 to the claim of James Pelton, filed herein, copy of which said claim is hereto attached, through the ditch known as "Melhase Extension" and the "Melhase Ditch," as SECOND PARTIES; and James Pelton, under his permit No. 6454, issued by the State Engineer of Oregon, and the said James Pelton's Certificate of Water Right, based on said Permit No. 6454, and recorded in Volume 6, page 5501 of State Record of Water Right Certificates, as THIRD PARTY; and James Pelton, claimant under Permit No. 6981, issued by the State Engineer of Oregon, to the waters of Wood River in Klamath County, Oregon, out of Wood River Ditch, FOURTH PARTY; and L.C. Sisemore, and Anna Sisemore, his wife, James Pelton and Josephine Pelton, his wife, Frank S. Miller and Myrtle Miller, his wife, E. R. Cardwell and Rose D. Cardwell, his wife, Lee Denton and Cleo Rose Denton, his wife, Leonard Woodruff and \_\_\_\_\_ Woodruff, his wife, Mrs. Fred Zamzow, Margaritte Burdette and F.W.Burdette, her husband, M. H. Hess, a single man, H. Gorden and Ora Gorden, his wife. J. R. Sisemore, a single man, W. C. Sanderson, a single man, L. M. Streeter and Nora Streeter, his wife, and other land owners and water users, whose names are hereafter annexed under this heading, all under this heading being either land owners and water users having adjudicated water rights or rights by permit out of said Anna Creek, or being claimants to the waters of said Wood River under said Permit No. 6981, or having or claiming rights both out of Anna Creek and Wood River, FIFTH PARTIES, as follows:

"That, as between all of the parties hereto, and for their respective heirs, representatives, executors, administrators, successors and assigns, the water



rights and ditch rights, of the said parties respectively, to and out of said Wood River are, as to priorities, quantities and in other respects, as follows, to-wit:

"1. Based upon diversion and use, the first parties have the first priority for 25 cubic feet per second for irrigation of lands owned by first parties and for stock and domestic purposes thereon. This water right is not to be diverted or used through the Melhase Extension or the Melhase Ditch.

"2. The second parties have the second priority and right, as of May, 1914, to the use of 30 cubic feet per second of time, of the waters of Wood River, diverted through said Melhase Ditch for the irrigation of, and for stock and domestic uses on, the said second parties several tracts of land, as described in Exhibit 1 to the claim to be filed by said James Pelton under said Permit No. 6454, which said lands are the same as described in the Certificate of Water Right, heretofore issued by the State Engineer of Oregon on October 1, 1925, under said Permit No. 6454, and recorded in Volume 6, page 5501, of State Record of Water Right Certificates. Included in said 30 second feet shall be the fourteen-fiftieths ( $14/50$ ) of one cubic foot of water per second of Linsy C. Sisemore, for which Permit was issued in the year 1928 and numbered \_\_\_\_\_ and the said Sisemore shall have the right to convey said water through said ditch.

"3. It is specially stipulated and agreed that the 30 cubic feet per second, provided in the preceding paragraph to be diverted through the Melhase Extension Ditch and carried through the Melhase Ditch, shall be measured at the point where the Melhase Extension Ditch takes out of Wood River. The reason for making this provision for measurement of the Melhase Ditch right at the head of the ditch is because of the length of the ditch to the lands on which the water is to be applied, and the resulting loss through seepage and evaporation and from other natural causes, and for the further reason that it appears from the stipulations and agreements, entered into at the time of the Anna Creek Adjudication in 1914 and 1915, that the Melhase Ditch had, prior thereto, diverted a considerably larger amount of water than the 30 cubic feet per second herein allowed and stipulated.

"4. The users, under what is known as "Wood River Ditch", proof of claim for which has been filed by James Pelton, are as follows: L. Woodruff, M. Hess, H. Gorden, James Pelton, L. C. Sisemore, J. R. Sisemore, W. C. Sanderson, Lee Denton, Fort Klamath Meadows Company and Frank Miller.

"The said users out of said Wood River Ditch are entitled to the use, through the same, for their respective lands, of thirty cubic feet per second under Permit No. 6981, and said 30 cubic feet per second shall have an equal priority with an additional 75 cubic feet of water per second, the right to the use of which 75 cubic feet shall belong to the first parties, as their interests appear under the respective Permits No. E 81 of the State Engineer for 1.26 second feet, No. E 97 for 3 second feet, and Permit No. 309 for 210 cubic

(Stipulation-cont'd.)

feet per second. The said 30 second feet for said Wood River Ditch users, and the said 75 second feet for said first parties, being a total of 105 cubic feet per second, shall, as between the parties hereto, have the next priority following the priorities mentioned in the foregoing paragraphs 1 and 2, the said first parties to be entitled to use their said water upon said lands described in said permits. In the event of a shortage, so that there shall not be available to the said first parties and to said users out of said Wood River Ditch, the total of 105 cubic feet per second of water, then the said users out of said Wood River Ditch, on one part, and the said first parties on the other part, shall be supplied their pro rata of the water available. Such first parties shall be entitled to a decree to take not to exceed 1.26 cubic feet per second of said waters through the Loosley-Wood River Ditch and not to exceed 3 second feet of said waters through said Melhase Extension and the Melhase Ditch, the remainder of said total 214.26 second feet under said three permits above, to-wit: 210 second feet, to be diverted and used by means of other ditches than the ditches above named. But all of the rights of the first parties to the use of the waters out of said river, except the 25 cubic feet per second mentioned in paragraph 1 hereof, and the said 75 cubic feet per second mentioned in this paragraph 4 hereof, shall be and are subsequent in point of time and right to the rights of all of the users and claimants above mentioned out of said Wood River Ditch.

"5. Findings, Order of Determination and Decree herein shall provide that the first parties shall be entitled to a decree under said Permit No. 309 for so much of said 139.26 second feet for the irrigation of their lands under said permit, and for stock and domestic use, as the State Engineer shall find and determine is proper, and without objection by the parties hereto. But the whole of the same so allowed shall be subject to the priorities specified in paragraphs 1, 2 and 3 hereof, and the rights of the users out of said Wood River Ditch to their said 30 second feet, and of the first parties' 75 cubic feet per second mentioned in paragraph 4.

"It is intended hereby, and it is now specially stipulated and agreed that this Stipulation does define, limit and determine all of the rights of the first parties, both and each of them, in and to the waters of Wood River, whether under applications heretofore filed, under the Water Code and other irrigation statutes of the State of Oregon, or under Permits or Certificates issued by the State Engineer, or whether under claims or rights initiated or used prior to the passage of said Water Code of 1909, or whether initiated, claimed or acquired by said first parties from any other source or in any other manner, and it is specially stipulated and agreed that the first parties shall have a priority of no more than 25 cubic feet per second as provided in paragraph numbered 1 above, over and ahead of the right of the second parties to 30 cubic feet per second of the waters of

Wood River, as provided in paragraph numbered 2, above, and that the right of the second parties to said 30 cubic feet per second of the waters of said stream, shall be prior in time and superior in right to every right and claim of the first parties in or to the waters of said stream, except said right owned by the first parties to 25 cubic feet per second, as defined and provided in said paragraph numbered 1, above.

"6. It is further stipulated that J. P. McAuliffe, under his Permit No. 6646, shall be entitled to convey waters, which he is entitled to use under said permit through said Melhase Extension and Melhase Ditch in the irrigation of his land, for stock and domestic uses thereon, described in said permit, approximately 60 acres, but the priority for said right shall be as of October 25, 1924, the date of said permit, and said right shall not be included in the 30 second feet awarded to the Melhase Ditch under paragraph 2 above.

"7. It is further stipulated that evidence, given by persons competent and qualified to testify to the same, has been introduced in this cause to establish said duty of water, and to establish, and which has been established, the said priorities, and this stipulation is made in lieu of such evidence and is stipulated to be taken and considered as such proof.

"8. It is further stipulated that findings and order of determination shall be made in accordance herewith and a decree shall be entered in the Circuit Court of the State of Oregon for Klamath County, or other court that may lawfully take or assume jurisdiction, in accordance with such findings and order of determination. That James Pelton, one of the parties hereto, and his wife, have executed and delivered contemporaneously herewith to the second parties, and receipt thereof is hereby acknowledged by the second parties, a deed of conveyance, conveying to the second parties all of the rights acquired by said grantors to the waters of Wood River under said Permit No. 6454, issued by the State Engineer of Oregon, and under the said Certificate of Water Right, issued pursuant to said permit, and recorded in Volume 6, page 5501 of State Record of Water Right Certificates, and conveying also to said second parties said Melhase Extension Ditch and all of the right, title and interest of said grantors therein.

"Now therefore, in consideration of the execution and delivery of said deed, and of other good and valuable considerations, the receipt of which is hereby acknowledged, the second parties undertake and agree that they will, by a good and sufficient deed of conveyance, convey to the State of Oregon all of their rights to the use of the waters of Anna Creek through the Melhase Ditch, in trust for all of those users holding adjudicated rights out of said Anna Creek, except said second parties as users through said Melhase Ditch out of said Anna Creek. They will make and execute said deed, and deliver the same to the

State Engineer of Oregon, for and on behalf of the State of Oregon, whenever there shall be entered in this proceeding a final decree as follows: A decree that shall, as between the parties to this stipulation, confirm in the second parties a water right out of said Wood River which, as between the parties hereto, shall be the second right out of said stream, and subject only to the first parties' rights herein provided for in paragraph 1 of this stipulation, and shall be for all of the rights granted under said permit No. 6454, and Certificate of Water Right based on said permit recorded in Volume 6, page 5501 of the State Record of Water Right Certificates. Said decree may, but it is not necessary to this provision that it shall, provide for more water than is provided for in said permit, but not to exceed 30 cubic feet per second diverted at the head of said Melhase Extension Ditch, and for use by the second parties through the same, and through said Melhase Ditch upon the lands of the second parties, as described in said permit, and said Certificate of Water Right. Said right shall be for the irrigation of said lands and for stock and domestic uses thereon.

"The second parties shall not be required to execute said deed until such a decree shall have been entered herein. Such decree, when made, shall provide that the second parties shall execute said deeds whenever the said decree shall become final and that if they, or any of them fail so to do, said decree shall stand in lieu of such deed or deeds, and shall have the same force and effect as if said deeds had been so executed. And if the water rights of said Anna Creek shall be involved in this adjudication so that a decree with reference to the same may be made, then the former decree heretofore entered in the adjudication of the waters of said Anna Creek shall be so modified that the rights of the second parties to the waters of said Anna Creek through said Melhase Ditch shall be decreed to belong to all of those who were adjudicated rights out of said Anna Creek in said former adjudication, other than through the said Melhase Ditch.

"This stipulation is not intended, in any manner, to refer to, nor shall it in any manner, affect rights out of Anna Creek belonging to the Melhase users or any of them, through other ditches than the Melhase Ditch, and the deed of conveyance, in the next paragraph above, conditionally agreed to be made by the Melhase users, of their rights in Anna Creek, shall only apply to their rights in Anna Creek as adjudicated by the State Water Board through the Melhase Ditch and later confirmed by decree of the Circuit Court for Klamath County, Oregon.

"9. This stipulation shall be binding as between the parties signing, when it shall have been signed by the first parties, thereunto duly authorized, by the second parties, and by James Pelton, in his respective capacities as third party and fourth party, as herein described. The said parties will cooperate to obtain the signatures hereto of as many parties as possible, included in the classification of fifth parties, but signature

shall not be necessary by any of the fifth parties in order to make the stipulation effective as between the other parties, if the said other parties have all signed.

"10. This stipulation shall bind and be in favor of the lands owned by the parties hereto and irrigated by the respective water rights, the subject hereof, and the covenants of this stipulation shall run with said lands.

"IN TESTIMONY WHEREOF we have executed this instrument this 12 day of December, A. D 1928.

(SEAL)

THE FORT KLAMATH MEADOWS COMPANY

By C. N. Hawkins President

By P. F. Brown Secretary

MEADOWS DRAINAGE DISTRICT

By W. K. Brown President

By E. L. Davis Secretary

FIRST PARTIES.

Linsy C. Sisemore

Ann Sisemore

Nora McAuliffe

J. P. McAuliffe

Frank S. Miller

Myrtle Miller

Jennie Miller

By S. C. Miller, her Attorney in fact.

S. C. Miller

Christine B. Beckley

SECOND PARTIES.

James Pelton  
James Pelton under his Permit #6454,  
THIRD PARTY.

James Pelton  
James Pelton under his Permit #6981,  
FOURTH PARTY.

L. M. Streeter

Nora Streeter

Lee Denton

Cleo Rose Denton

M. H. Hess

(SEAL)

\_\_\_\_\_  
Margarite Burdette

\_\_\_\_\_  
Mrs. Vera Zamzow  
By Floyd B. Miller, her Attorney in Fact.  
(Sometimes called Mrs. Fred Zamzow.)  
Power of Attorney on file with State  
Engineer attached to claim of Vera Zamzow.

\_\_\_\_\_  
James Pelton

\_\_\_\_\_  
Josephine Pelton

\_\_\_\_\_  
Linsy C. Sisemore

\_\_\_\_\_  
Ann Sisemore

\_\_\_\_\_  
J. R. Sisemore

\_\_\_\_\_  
Ora Gorden

\_\_\_\_\_  
Henry J. Gorden

\_\_\_\_\_  
W. C. Sanderson  
By Linsy C. Sisemore, his Atty. in fact.

\_\_\_\_\_  
Rose D. Cardwell

\_\_\_\_\_  
E. R. Cardwell

\_\_\_\_\_  
Frank S. Miller

\_\_\_\_\_  
Myrtle Miller

\_\_\_\_\_  
F. W. Burdette

\_\_\_\_\_  
Fred Zamzow  
By H.M. Manning, his attorney in fact.

FIFTH PARTIES."

"EXHIBIT 1.

"Exhibit 1 shows the lands irrigated by each of said claimants named in the Answer to Question 9 hereof. Except as herein noted, all of the lands herein described are situated in Township 33 South, Range 7 1/2 E. W. M., in Klamath County, Oregon.

"LANDS OF CHRISTINE B. BECKLEY, WHICH ARE IRRIGATED THROUGH THE MELHASE DITCH and the MELHASE EXTENSION DITCH:

SECTION		NUMBER OF ACRES
33	NE 1/4 NE 1/4	40
	SE 1/4 NE 1/4	40
	NE 1/4 SE 1/4	40
	SE 1/4 SE 1/4	40
	NW 1/4 NE 1/4	40
	SW 1/4 NE 1/4	40
	NW 1/4 SE 1/4	40
	SW 1/4 SE 1/4	40
	NE 1/4 NW 1/4	40
	SE 1/4 NW 1/4	40
	NE 1/4 SW 1/4	40
	SE 1/4 SW 1/4	40
	NW 1/4 NW 1/4	40
	SW 1/4 NW 1/4	40
	NW 1/4 SW 1/4	40
	SW 1/4 SW 1/4	40
32	NE 1/4 NE 1/4	40
	SE 1/4 NE 1/4	40
	NE 1/4 SE 1/4	40
	SE 1/4 SE 1/4	40

EXHIBIT 1 - (cont'd.)	<u>Lands of Christine B. Beckley - continued.</u>	<u>No. of Acres.</u>
Section 4, T.34 S.,	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40
R.7 $\frac{1}{2}$ E. W. M.	NW $\frac{1}{4}$ NW $\frac{1}{4}$	4
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>7</u>
	(being portions of Lots 1, 2, 3 and 4 of Sec. 4, township 34 South, Range 7 $\frac{1}{2}$ East W.M.)	
	TOTAL . . . . .	851

"LANDS OF S. C. MILLER WHICH ARE IRRIGATED THROUGH THE MELHASE EXTENSION AND THE MELHASE DITCH.

<u>SECTION</u>		<u>NUMBER OF ACRES</u>
28	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	40
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	40
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	40
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	40
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	40
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>40</u>
	TOTAL . . . . .	320.

"LANDS OF J. P. McAULIFFE AND NORA McAULIFFE and which are irrigated through MELHASE EXTENSION AND THE MELHASE DITCH.

<u>SECTION</u>		<u>NUMBER OF ACRES</u>
28	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	40
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	40
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	40
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40
27	NW $\frac{1}{4}$ NW $\frac{1}{4}$	40
	(Being Lots 1 and 7, Sec. 27)	
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	40
	(Being Lot 2, Sec. 27)	
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	40
	(Being Lots 3 and 4, Sec. 27.)	
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>2.</u>
	TOTAL . . . . .	442

"LANDS BELONGING TO FRANK S. MILLER, IRRIGATED THROUGH THE MELHASE EXTENSION AND MELHASE DITCH.

<u>SECTION</u>		<u>NUMBER OF ACRES</u>
21	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	40
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	40
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	40
22	SW $\frac{1}{4}$ SW $\frac{1}{4}$	40
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	<u>40</u>
	TOTAL . . . . .	280.

## EXHIBIT 1 - (continued)

"LANDS BELONGING TO L. C. SISEMORE, WHICH  
ARE IRRIGATED THROUGH THE MELHASE EXTENSION  
AND THE MELHASE DITCH.

<u>SECTION</u>		<u>NUMBER OF ACRES.</u>
21	NE $\frac{1}{4}$ NE $\frac{1}{4}$	28
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>40</u>
	TOTAL . . . . .	68

"CONDITIONS

"In the matter of the determination of the relative rights to the waters of Anna Creek, a tributary of said Wood River, the then State Water Board of Oregon, on April 14, 1915, made its Findings of Fact and Order of Determination, which subsequently became the decree of the Circuit Court of the State of Oregon for Klamath County in the matter of said adjudication.

"There is set out in Finding number 12 of said Findings, a copy of an agreement between the then water claimants and water users out of the Melhase Ditch and out of Anna Creek, and various other water users out of said stream, and therein mentioned. Among other things, it was determined in said Order of Determination, paragraph 6 thereof, in effect, that if the said claimants out of said Melhase Ditch should acquire the full quantity of water to which they were entitled under said Order of Determination from the said Wood River, or any other source, that then and in that event, they should not be entitled to divert said quantity of water out of Anna Creek through said Melhase Ditch. Pursuant to said agreement and immediately following the execution thereof, this claimant and the other parties for whom said Permit No. 6454 was acquired, began the construction of said extension of said Melhase Ditch, with its diversion works, and constructed the same to and through the bed of said Anna Creek, a distance of some 400 feet, and supplied those entitled under said order of determination to use waters through the Melhase Ditch, with the full quantity of water that had been adjudicated to them from Anna Creek. This construction work was completed in 1914, and the said Melhase Ditch users have ever since said time obtained their water for the irrigation of their lands out of said Wood River and through said Melhase Extension Ditch and Melhase Ditch.

"This claimant has conveyed to Christine B. Beckley, S. C. Miller, J. P. McAuliffe and Nora McAuliffe, Frank S. Miller and L. C. Sisemore, in this claim and commonly known as the "Melhase users", for the irrigation of their said lands described in this exhibit, and for stock and domestic uses thereon, and to the successors in ownership of said lands, the said Permit No. 6454 and the Certificate of Water Right, issued October 1, 1925, thereon, by



## EXHIBIT 1 -(continued.)

the State Engineer, which is recorded in VOL. 6, Page 5501 of State Record of Water Right Certificates, and this claimant has conveyed also, to said Melhase users, all of the grantor's right, title and interest in and to the Melhase Extension Ditch, and in consideration thereof and for other considerations, said Melhase users have stipulated with this claimant and with the Fort Klamath Meadows Company, a private corporation of California, and the Meadows Drainage District, a municipal drainage district corporation, organized under the laws of Oregon, to the effect that the Melhase users would, at the conclusion of the proceedings above entitled, for the adjudication of the waters of Wood River, make, execute and deliver to the State Engineer of Oregon, a deed running to the State of Oregon, of all of the Melhase users' right and claim to the waters of Anna Creek, which they acquired by virtue of the adjudication of the State Water Board, made and entered by it, April 14, 1915, and by virtue of the certificate of water right, thereafter issued to the said Melhase users, pursuant to said order of determination of the State Water Board, and the decree of the State Circuit Court for Klamath County, Oregon, confirming said order, said deed to be for the benefit of the Anna Creek users having adjudicated rights other than the Melhase users, and the making and delivery of the deed to be on the condition that there shall have been, prior thereto, adjudicated to the said Melhase users, and their successors in interest, by final decree in the said pending adjudication of Wood River, a right out of the waters of Wood River to the extent of and for the irrigation of the lands described in said Permit No. 6454, and the Certificate of Water Right issued thereon, and for stock and domestic uses on said lands; said decree to provide for the use of the same by diversion into the said Melhase Extension, and through said Melhase Ditch for the total acreage described in said Permit, and providing for a priority therefor as between the parties to said stipulation, as is provided in paragraph 2 of said stipulation.

"This claimant files this claim upon the further condition: that Linsy C. Sisemore, under a permit taken out by him in the year 1928, for 14/50 of one cubic foot of water per second out of said Wood River through said Melhase Ditch, shall be entitled to convey the same through said Melhase Extension and Melhase Ditch for the irrigation of his 13.3 acres in the northwest quarter of the northeast quarter of Section 21, township 33 South of Range 7 $\frac{1}{2}$  E. W. M. The said water for said 13.3 acres shall have the same priority as that of the other water users through said Melhase Extension Ditch. Said water is a part of the 30 second feet belonging to said Melhase Extension Ditch users.

"With the exception also that the owner of Permit E 97 under Application No. 610 of Abner Weed, and which is Fort Klamath Meadows Company, or its successor, shall have the right to convey through said Melhase Extension and Melhase Ditch, the 3 cubic feet per second

## EXHIBIT 1 -(continued.)

of water for the irrigation of the 249.52 acres described in said permit, but the use of the same shall be under the priority specified in said stipulation, and shall not be a part of the 30 second feet stipulated above for the Melhase users.

"During the years since said Anna Creek order of determination and decree, this claimant, acting for himself and for all other Anna Creek users having adjudicated rights, other than under the Melhase Ditch, has caused to be delivered Wood River water to the Melhase users, which they have accepted for use on their lands in lieu of Anna Creek water, The time now having arrived for permanent adjudication of rights on Wood River, it is the desire of this claimant and said Anna Creek users, other than under the Melhase Ditch, to make said arrangement permanent, whereby the Melhase Ditch users will be adjudicated a permanent right in Wood River, as above specified herein, and which they will accept permanently, in lieu of their former adjudicated rights in Anna Creek. This claimant, therefore, carrying out the spirit of the arrangement made at the time of said Anna Creek order and decree, is making this filing herein in behalf of said Melhase users, and asks the State Engineer to adjudicate to said Melhase users, for use on their said respective lands for irrigation and stock and domestic purposes, an adequate quantity of the waters of Wood River, with priority of May, 1914, as a direct and original right belonging to said Melhase users, to be diverted through the Melhase Extension and the Melhase Ditch, not more than 30 cubic feet per second of time in quantity, measured at the head of the Melhase Extension, in lieu of the adjudicated Anna Creek rights belonging to said Melhase users, who are Christine Beckley, S. C. Miller, Frank S. Miller, J. P. McAuliffe and Nora McAuliffe, and L. C. Sisemore, and adjudicating otherwise the relative priority and rights to said Melhase Extension and Melhase Ditch and to said users out of the waters of Wood River, as provided in the said stipulation.

"Priority as of May, 1914, is asked for said 30 second feet to the Melhase Extension and Melhase Ditch, because diversion and use through said Ditch of said quantity of water for said users and their said lands was begun at that time with the knowledge and consent and approval of the then State Engineer of Oregon and of the State Water Board and has been thereafter carried on continuously until the present time.

"Reference is made to Permit No. 6454 applied for and granted to this claimant by the State Engineer, on September 3, 1920, wherein and whereby this claimant sought to confirm the said arrangement and practice, which had been continuously carried on previously, from May, 1914, for the diversion through said Melhase Ditch of said quantity of water to said Melhase users in lieu of their said adjudicated Anna Creek rights. In the application for said Permit No. 6454, it was stated that usage of said Wood River waters had been begun

## EXHIBIT 1- (continued)

in May, 1914, and that said stipulation and permit was without prejudice to the priority acquired by diversion and use of said Wood River waters since said date of May 1914, and this claimant asks at this time that said date be awarded as the priority to said Melhase ditch for said right to be given it out of Wood River in lieu of said adjudicated Anna Creek rights in order that the stipulation may become effective whereby said Melhase users have agreed to convey their said Anna Creek adjudicated rights, conditioned as aforesaid.

"Some of the Melhase Ditch users have water rights out of Anna Creek other than through the Melhase Ditch and it is not intended by anything that is said in this claim or Exhibit or in the stipulation between the Melhase users and this claimant and the Fort Klamath Meadows Company and the Meadows Drainage District, referred to above, to affect or pertain in any manner to said rights to Anna Creek water out of the Ditches, other than the Melhase Ditch, but this claim, Exhibit and Stipulation, when referring to rights in Anna Creek, conditionally agreed to be given up for a right in Wood River when such right is permanently adjudicated to the Melhase users, refers only to the Anna Creek rights adjudicated through the Melhase Ditch by the State Water Board, April 14, 1915, which adjudication was thereafter confirmed by the Circuit Court of the State of Oregon for Klamath County."

It appearing that the decree entered in the adjudication of the rights to the use of the waters from Anna Creek provided for a change in diversion by the water users through the Melhase ditch from Anna Creek to Wood River and that such change would benefit the water users on both streams and commit no apparent injury to any of such water users, the above stipulation will be adopted and made a part of these findings and govern the rights of the parties thereto with the following exceptions and modifications:

1. With reference to Paragraph 2 of the above stipulation wherein the parties of the second part are allowed 30 cubic feet per second of water by virtue of Permit No. 6454 and Water Right Certificate issued thereunder, being No. 5501, the quantity of water allowed shall be reduced to and is hereby so reduced to 24.38 cubic feet per second so as to conform with the provisions of the Water Right Certificate issued under said Permit No. 6454. Wherever in the above stipulation reference is made to the 30 cubic feet per second of water under Permit No. 6454, Water Right Certificate No. 5501, such reference shall mean 24.38 cubic feet per second instead of 30.

The quantity of water allowed Linsy C. Sisemore shall be governed by the provisions of the Water Right Certificate issued upon completion of his appropriation under Application No. 12391 and shall be in addition to said 24.38 cubic feet per second allowed under Water Right Certificate No. 5501.

2. The provisions of Paragraph No. 7 with be disregarded and the provisions of

the Water Right Certificate pertaining to the duty of water shall govern the rights of the parties claiming under permits granted by the State Engineer. In all other cases the general finding herein determining the duty of water shall control and govern the rights of the parties.

3. The provisions of Paragraph 8 of the above stipulation with reference to the second paragraph thereof, wherein it would impose upon the parties of the second part to execute a deed conveying to the State of Oregon all of their rights to the use of water from Anna Creek through the Melhase Ditch in trust for those water users having adjudicated rights out of said Anna Creek will be disregarded. The State Engineer, upon entry of final decree by the Circuit Court or decree upon mandate if appeals are taken to the Supreme Court affecting the rights of the parties to this stipulation, shall cause to be cancelled on his records of water rights any water right certificate issued to the parties of the second part entitling said parties to the use of water from Anna Creek through the Melhase Ditch and that the rights of said parties to the use of water shall be governed by the provisions of Water Right Certificate No. 5501. The State Engineer, upon cancelling any such water right certificate, shall notify the County Clerk of Klamath County of such cancellation and upon such notice the County Clerk shall cancel such water right certificate appearing of record in his custody as directed by the State Engineer in such notice. When such cancellation shall be completed the water rights represented by the certificate cancelled will revert to the water users from Anna Creek except those diverting water through the Melhase Ditch, in order of priority, but nothing herein shall be construed whereas to increase the quantity of water such users are entitled to under their respective dates of priority. The State Engineer shall change the date of priority under certificates of water right so as to conform to these findings.

## 18.

The following stipulation was filed before hearing of contests in settlement of claims to the use of water from Sun Creek, tributary to Wood River:

"This stipulation and agreement, made and entered into by and between E. R. Cardwell and Rose D. Cardwell, his wife, Lizzie Leever, unmarried, Jos. V. Hessig and Elizabeth Hessig, his wife, J. H. Hessig and Augusta Hessig, his wife, R. S. Dixon and Constance Dixon, his wife, Jas. T. Dixon, unmarried, and R. S. Dixon and Jas. T. Dixon, copartners, doing business under the name of Dixon Brothers, for the purpose of finally settling and determining the respective rights of said parties to the waters of Sun Creek,

a tributary of Wood River, which flows into Agency Lake, which said waters of Wood River and Sun Creek are being adjudicated at this time by the State Engineer of the State of Oregon, under the laws and statutes of the State of Oregon, providing for the adjudication by said officer of the waters of the State and the claims and rights to the use of the same and for the purpose of authorizing an Order, Adjudication and Decree to be entered in said pending adjudication proceedings by said State Engineer and the Circuit Court of the State of Oregon for Klamath County,

"WITNESSETH that the undersigned, owners of lands lying under and irrigated by means of ditches from said Sun Creek, do hereby mutually undertake, promise, stipulate and agree as follows, to-wit:

"(1) That the schedule of lands hereto attached and marked "Exhibit 1" is hereby referred to and incorporated herein and made a part hereof. That said schedule represents a true and correct statement of the lands owned by the parties hereto under said Sun Creek and irrigated therefrom and to which water rights are appurtenant out of Sun Creek from the Ditches named for the irrigation of said lands and for stock and domestic uses and purposes thereon and of the number of acres irrigated out of said Creek in each forty acre or other smallest legal subdivision thereof, and that the State Engineer is authorized to enter an order and adjudication granting to each said forty acre tract or legal subdivision, a water right appurtenant thereto out of said stream for the number of acres so declared to be irrigated in each said forty acre tract or legal subdivision, and decree may thereafter be entered based on said order to the same effect by the Circuit Court of the State of Oregon for Klamath County, and adjudicating, declaring and decreeing that the said parties have no other or further rights or claims to the waters of said Creek for said lands, and that such order and decree shall be a determination between the parties and binding on their successors, of their respective rights for said lands to the use of water out of said Creek.

"(2) That all priorities between the parties hereto for the use of the waters of Sun Creek are hereby waived and all parties hereby agree to take the same priority for their said lands, to-wit: a priority as of 1895 and the rights to the use by the parties, which shall be binding also on their successors in interest, of the said waters, shall be equal in time and priority and in times of shortage, the waters shall be used pro rata and the shortage proportioned over all of the said lands so that the said lands shall receive the said waters and shall bear such shortage ratably, that is, proportionate to the number of acres owned by each so that each acre of land shall be entitled to and use the same amount of water as every other acre of land in times of shortage and so that each acre of land will bear the same share of such shortage as every other acre of land.

"(3) That the duty of water to which said lands are and shall be entitled and which

shall be claimed for the same by all the parties hereto in their respective statements and proofs of claim, submitted to the said Engineer in said adjudication, shall be one cubic foot per second of time to each 50 acres, continuous flow from April 1 to October 15 of each irrigating season but the parties may accept a lesser amount if awarded and adjudicated by the State Engineer; PROVIDED however, it is agreed that all of the lands of the parties require the same amount of water per acre for irrigation, and it is the intent and spirit of this stipulation that the same amount for one shall be awarded to each party for his land as well as the same priority in time, EXCEPT that as to the lands now owned by Jos. V. Hessig and J. H. Hessig and described in the Schedule attached hereto, said quantity of water may be turned on to said lands by the owners thereof at any other time during the year on account of the advantages that have been demonstrated to follow from said land and adjacent land of other parties hereto soaking up, thus raising the water table on said land and adjacent land to the benefit and advantage of the owners thereof during the said regular irrigating season from April 1 to October 15.

"(4) That the ditches hereinafter named, are the ditches through which the lands described as being irrigated and entitled to be irrigated from Sun Creek, have previously taken and obtained their said water from said source and that each of the parties hereto is entitled to use said ditches so named for the irrigation of their said lands to the extent and for the lands as hereinafter named, and that said rights and interests in and to said ditches shall be and are appurtenant to the said lands and shall run with said lands to and for the benefit of the successors in interest of the respective parties hereto.

"(5) That the parties are willing and hereby agree to leave the determination of the amount of water, properly to be allotted to the said parties and for their said lands for stock and domestic purposes, to the said State Engineer.

"(6) It is stipulated and agreed that each of the parties herein named shall execute, sign and acknowledge and attach a copy of this stipulation to the statement and proof of claim in the pending proceeding for the adjudication of the rights of Wood River and its tributaries, and that each of said copies so executed and attached to the statements of claim shall be deemed, treated, and considered as an original and shall have the same binding effect as if all of the parties hereto had executed a single copy hereof and filed the same with the State Engineer in said pending proceedings for the adjudication of said water rights.

"IN WITNESS WHEREOF the parties and their respective wives and husbands have set their hands and seals this 29th day of August, 1928.

E. R. Cardwell (SEAL)

Rose D. Cardwell (Seal) "

The above stipulation shall govern the rights of the parties thereto and be

adopted as a part of these findings except as to Paragraph 3 thereof pertaining to the duty of water and irrigation season which shall be disregarded and the rights of the parties in these respects be governed by the general findings covering such matters herein after set forth.

## 19.

The Meadows Drainage District filed the following petition for a change of use of water:

"Comes now Meadows Drainage District, a municipal corporation of the State of Oregon, and shows to the Honorable State Engineer the following:

"(a) That heretofore, in Equity No. 690, in the Circuit Court of Klamath County, Oregon, by decree of said Court in the adjudication of the waters rights in Anna Creek, sufficient water to irrigate 40 acres of land was awarded to the predecessors of Meadows Drainage District, a municipal corporation, to be used on the  $SE\frac{1}{4}NW\frac{1}{4}$  of Section 32, Township 33 South, Range  $7\frac{1}{2}$  East, W. M., and also in Permit E 97, Certificate 958, issued to Meadows Drainage District, by the State Engineer of Oregon, said Meadows Drainage District was awarded a permit for sufficient water to irrigate said  $SE\frac{1}{4}NW\frac{1}{4}$  Section 32, with a priority date of 1910, and the said  $SE\frac{1}{4}NW\frac{1}{4}$  Section 32, has and owns two full water rights for the said entire 40 acres, which heretofore petitioner has used for irrigation of said  $SE\frac{1}{4}NW\frac{1}{4}$  Section 32; and  $NE\frac{1}{4}SE\frac{1}{4}$  Section 30, Township 33 South, Range  $7\frac{1}{2}$  East, W. M., belonging to said Meadows Drainage District, would be without a water right, and upon the maps of the State Engineer in the above proceedings 14 acres of said  $NE\frac{1}{4}SE\frac{1}{4}$  Section 30 are shown as having been irrigated and entitled to water, and the remainder thereof susceptible to irrigation; that this application involves only a change in the place of use of said water;

"(b) That in and by the decree of the Circuit Court of Klamath County, Oregon, in the cause therein pending entitled John W. Cox et al, vs. Horace A. Weed et al., Equity No. 1038, a full water right was awarded to all of the  $SE\frac{1}{4}SE\frac{1}{4}$  Section 30, and  $NE\frac{1}{4}NE\frac{1}{4}$  Section 31, all in Township 33 South, Range  $7\frac{1}{2}$  East, W. M., and by decree of the said Court dated June 1, 1915, in the matter of the adjudication of the waters of Anna Creek, Equity cause No. 690, a full water right was awarded to said  $SE\frac{1}{4}SE\frac{1}{4}$  Section 30, to irrigate 20 acres of land therein, and a full water right was also awarded to said  $NE\frac{1}{4}NE\frac{1}{4}$  Section 31, to irrigate 10 acres of land therein; and the maps of the State Engineer in these proceedings show that 28.5 acres of land belonging to this petitioner in  $NW\frac{1}{4}SW\frac{1}{4}$ ,

and 29 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 32, Township 33 South, Range 7 $\frac{1}{2}$  East, W.M., are entitled to a full water right for the irrigation thereof, but no water right or permit has been awarded or decreed to said lands last herein described, and it is desirable that said water right for the irrigation of 20 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$  Section 30, Township 37 South, Range 7 $\frac{1}{2}$  East, W.M., be transferred to said 28.5 acres owned by petitioner in NW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 32, and that said water right for irrigation of 10 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$  Section 31 be transferred to said 29 acres owned by petitioner in SW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 32, all of said descriptions being in said Township 33 South, Range 7 $\frac{1}{2}$  East, W.M., and if such transfers of the points of use of said waters are not made, said lands of petitioner in the W $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 32 aforesaid, will be without water;

"THEREFORE, the said Meadows Drainage District does hereby petition the Honorable State Engineer as follows:

"(a) For permission to change and to have changed the water awarded to it for irrigation under said Application No. 609, Permit E 97, Certificate No. 958, from SE $\frac{1}{4}$ NW $\frac{1}{4}$  Section 32, to the said NE $\frac{1}{4}$ SE $\frac{1}{4}$  Section 30, all in Township 33 South, Range 7 $\frac{1}{2}$  East, W. M., Klamath County, Oregon;

"(b) For permission to change and to have changed the water right awarded to it for irrigation under the decree of the Circuit Court of Klamath County, Oregon, in said Equity cause No. 690, in the matter of the adjudication of the waters of Anna Creek, for 20 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$  Section 30, from said SE $\frac{1}{4}$ SE $\frac{1}{4}$  Section 30 to the 28.5 acres of land owned by petitioner in the NW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 32; and that the water right for 10 acres awarded petitioner in said decree in NE $\frac{1}{4}$ NE $\frac{1}{4}$  Section 31, be transferred to the 29 acres of lands owned by petitioner in SW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 32, all in Township 33 South, Range 7 $\frac{1}{2}$  East, W.M., Klamath County, Oregon.

"Dated this 28th day of October, 1929.

J. H. Carnahan,  
Attorney for Petitioner."

It appearing that no objections were filed to the allowance of said petition and that no water user would be injured by such allowance, said petition is allowed and the transfers as requested shall be made in accordance with the provisions thereof.

20.

A motion was filed by the Meadows Drainage District to file an amended proof of claim No. 35. The motion not being opposed, will be allowed and the amended claim be substituted for the original proof of claim No. 35.



21.

At the time of hearing a petition was filed with the State Engineer bearing the signatures of some fifteen waters users from Anna Creek, requesting that the irrigation season as established in the decree determining the rights to the use of the waters of Anna Creek be changed so as to conform with the irrigation season as fixed and determined in these proceedings. The Court having long since entered its decree in the Anna Creek adjudication, the State Engineer is of the opinion that he would have no jurisdiction or authority to alter or modify said decree in any way and the petition will therefore be denied.

22.

Proof of Claim No. 58 was filed by L. M. Streeter for domestic and stock purposes, said claim being made as a riparian owner. No date of priority or definite quantity of water was claimed. Riparian rights of this character not being recognized under the laws of Oregon, said claim is denied.

23.

#### DUTY OF WATER

That considering the character of the soil, kind of crops grown, the length of the irrigation season and the water supply, the rights to the use of the waters of Wood River, Crane Creek, Seven Mile Creek and Four Mile Creek and their tributaries, as herein defined, shall entitle the holders thereof to the diversion of a quantity of water which may be applied to beneficial use upon the lands to which such water is appurtenant, PROVIDED, that the quantity of water diverted shall not exceed one cubic foot per second for each 50 acres of land irrigated up to and including July 20th, and thereafter not to exceed one cubic foot per second for each 80 acres of land irrigated, with a total limitation of five acre feet per acre during the irrigation season, which season is hereby fixed as the period from April 1st to October 1st of each year.

Several claimants herein filed statement and proof of claims claiming the right to the use of the waters of Anna Creek. All of such claims as herein determined claiming the right to the use of the waters of Anna Creek shall be subject to the duty of water fixed by decree of the Court for Klamath County dated May 11th, 1914, in the matter of the determination of the relative rights to the waters of Anna Creek, a tributary of Wood River.

24.

#### STOCK AND DOMESTIC USE

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 any water for stock or domestic purposes in addition to the quantity which they are entitled to divert for irrigation. Outside of the irrigation season, the rights to the use of water for stock and domestic purposes as herein confirmed, shall entitle the owners thereof to one-tenth of a cubic foot per second for each one thousand head of stock, measured at the place of use; provided that at no time shall more water be diverted than is reasonably necessary, and to prevent the ditches and channels used for such purposes from being completely frozen; provided, that the use of water for stock purposes shall be restricted to the ditches or channels which have customarily been used for such purposes, and that all water users shall so far as practicable provide stock watering holes or ponds into which stock water may be diverted periodically.

25.

#### ROTATION

That the water master of the district in which Wood River, Crane Creek, Seven Mile Creek and Four Mile Creek and their tributaries may be 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 water on such streams. When two or more appropriators agree between themselves as to a system of rotation, the water master shall distribute water to them in accordance with such agreement, provided that in so doing he does not interfere with the rights of other appropriators.

26.

#### APPURTENANCY

That the rights to the use of water for irrigation purposes hereby confirmed are appurtenant to the lands herein described, and the rights of use of the waters of said Wood River, Crane Creek, Seven Mile Creek and Four Mile Creek and their tributaries by virtue of such rights are limited and confined to the irrigation of the lands described herein to the extent of said lands herein set forth, and the priorities of right herein confirmed confer no right of use of the waters of said streams and their tributaries on any lands other than those specified tracts to which such rights are herein set forth as appurtenant, and each and every person shall be and hereby is prohibited, restrained and enjoined from diverting and using water from said streams and their tributaries on such other lands without lawful permit first obtained from the State Engineer.

27.

#### PRIORITIES

That except as otherwise determined herein, the order of the rights of the respective appropriators of the waters of said Wood River, Crane Creek, Seven Mile Creek, and Four Mile Creek and their 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 date of the latest right, and those having prior rights are entitled to divert and use the waters of said streams and their 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.

28.

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

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
Bloomingcamp, Geo.W., Estate of, by Edw. Bloomingcamp, Admr., and J.W. Siemens, Klamath Falls, Ore.  (Proof No. 1)	1890		157.2	Irrigation and stock	Loosley- Culbertson	Seven Mile Creek	39.3 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 39.3 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 38.6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31, T. 33 S., R. 7 $\frac{1}{2}$ E., W., M.
				(NOTE: The above lands have a supplemental supply under Proof No. 2 through the Melhase-Kingdon Ditch with priority of 1898)			
(Proof No. 2)	1898		157.2	Supplemental Irrigation and stock	Melhase- Kingdon	Seven Mile Creek	
				(NOTE: This is a supplemental supply for the lands described under Proof No. 1 above)			
(Proof No. 3)				(NOTE: Rights acquired under State Engineer's Permit No. 9131, and by stipulation made equal in priority with rights under Permits No. 9371 (Jas. T. Dixon), No. 8566 (T. A. Culbertson) No. 9122 (Northwestern National Bank of Portland) and No. 9120 (Meadows Drainage District). SEE FINDINGS, Paragraph 16, Page 15.)			
Burdette, Margarite, Fort Klamath, Ore. (Proof No. 4)				(NOTE: Rights acquired under State Engineer's Permit No. 6981)			
Cardwell, E. R. Fort Klamath, Ore. (Proof No. 5)	1895		215.3	Irrigation, domestic and stock	Sun Creek Ditch and Robinson Ditch	Sun Creek, trib. of Wood River	33 acres in Lot 20 (NE $\frac{1}{4}$ SW $\frac{1}{4}$ ) 38.1 acres in Lot 21 (NW $\frac{1}{4}$ SW $\frac{1}{4}$ ) 39.9 acres in Lot 22 (SW $\frac{1}{4}$ SW $\frac{1}{4}$ ) 22.3 acres in Lot 23 (SE $\frac{1}{4}$ SW $\frac{1}{4}$ ) 3.1 acres in Lot 19 (NW $\frac{1}{4}$ SE $\frac{1}{4}$ ) Section 3; 38.9 acres in Lot 20 (NE $\frac{1}{4}$ SE $\frac{1}{4}$ ) 40 acres in Lot 21 (SE $\frac{1}{4}$ SE $\frac{1}{4}$ ) Section 4, T. 33 S., R. 7 $\frac{1}{2}$ E., W. M.
				(NOTE: See Findings, Paragraph 18, Page 36.)			
Culbertson, T. A. Fort Klamath, Ore. (Proof No. 6)	1890		158.6	Irrigation	Loosley- Culbertson	Seven Mile Creek	39.3 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 39.3 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 31, T. 33 S., R. 7 $\frac{1}{2}$ E., W. M.
(Proof No. 7)	1898		180.4	Irrigation	Melhase- Kingdon	Seven Mile Creek	39.3 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 39.3 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31, 10.8 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 11 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32, T. 33 S., R. 7 $\frac{1}{2}$ 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
Denton, Cleo Rose, Malin, Ore. (Proof No. 8)							(NOTE: Rights acquired under State Engineer's Permit No. 6981)
Denton, Lee S. Malin, Ore. (Proof No. 9)							(NOTE: Rights acquired under State Engineer's Permit No. 6981)
Dixon Brothers, Fort Klamath, Ore. (Proof No. 10)							(NOTE: Rights acquired under State Engineer's Application No. 12399)
Dixon, James T. Fort Klamath, Ore. (Proof No. 11)							(NOTE: Rights acquired under State Engineer's Permit No. 8029)
(Proof No. 12)	1891		1120.5	Irrigation, domestic and stock	Upper Seven Mile or Upper Cox Ditch	Seven Mile Creek	<p>36.8 acres in SW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math></p> <p>26.4 acres in SE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math></p> <p>14.4 acres in SE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math></p> <p>30 acres in NE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math></p> <p>28.8 acres in SE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math></p> <p>39.9 acres in NE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math></p> <p>40 acres in NW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math></p> <p>40 acres in SW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math></p> <p>40 acres in SE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, Section 13;</p> <p>40 acres in NE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math></p> <p>40 acres in NW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math></p> <p>39.9 acres in SW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math></p> <p>40 acres in SE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math></p> <p>31.2 acres in NE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math></p> <p>8.8 acres in NW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math></p> <p>22.4 acres in SW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math></p> <p>38.4 acres in SE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math></p> <p>20 acres in NE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math></p> <p>6 acres in NW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math></p> <p>40 acres in NE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math></p> <p>35 acres in NW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math></p> <p>5 acres in SW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math></p> <p>25 acres in SE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, Section 24, T. 33 S., R. 6 E., W. M.</p> <p>9.2 acres in NE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math></p> <p>28 acres in NW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math></p> <p>40 acres in SW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math></p> <p>39.3 acres in SE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, Section 18;</p> <p>38.1 acres in NE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math></p> <p>40 acres in NW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math></p> <p>40 acres in SW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math></p> <p>39.3 acres in SE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math></p> <p>39.3 acres in NE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math></p> <p>40 acres in NW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math></p> <p>40 acres in SW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math></p> <p>39.3 acres in SE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, Section 19; T. 33 S., R. 7<math>\frac{1}{2}</math> E., W. M.</p>

10900

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
Dixon, James T., continued. (Proof No. 13) 10901	1898		167.3	Irrigation, domestic and stock	Melhase- Kingdon Ditch	Seven Mile Creek	17.3 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 20 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 20 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 15 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 35 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 15 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24, T. 33 S., R. 6 E., W. M.
(Proof No. 14)	(NOTE: Rights acquired under State Engineer's Permit No. 9371, and by stipulation made equal in priority with rights under Permits No. 9179 (S.C. Miller), 9131 (Edward Bloomingcamp and J. W. Siemens), No. 8566 (T.A. Culbertson), No. 9122 (Northwestern National Bank of Portland) and No. 9120 (Meadows Drainage District) SEE FINDINGS, Paragraph 16, Page 15)						
Dixon, R. S. Fort Klamath, Ore. (Proof No. 15) 10902	1895		534.3	Irrigation, domestic and stock	Sun Creek and Robinson Ditch	Sun Creek, trib. of Wood River	18.4 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 33.4 acres in Lots 7 and 12 (SW $\frac{1}{4}$ NE $\frac{1}{4}$ ) 39.7 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 39.6 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 39.9 acres in Lots 5 and 14 (SW $\frac{1}{4}$ NW $\frac{1}{4}$ ) 39.9 acres in Lots 6 and 13 (SE $\frac{1}{4}$ NW $\frac{1}{4}$ ) 5 acres in Lot 16 (NE $\frac{1}{4}$ SW $\frac{1}{4}$ ) 5 acres in Lot 15 (NW $\frac{1}{4}$ SW $\frac{1}{4}$ ) 3 acres in Lot 17 (NW $\frac{1}{4}$ SE $\frac{1}{4}$ ) Section 3, 39.5 acres in Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$ ) 39.5 acres in Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$ ) 40.3 acres in Lots 7 and 13, (SW $\frac{1}{4}$ NE $\frac{1}{4}$ ) 40.3 acres in Lots 8 and 14, (SE $\frac{1}{4}$ NE $\frac{1}{4}$ ) 39.4 acres in Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$ ) 29.8 acres in Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$ ) 20.4 acres in Lots 5 and 11, (SW $\frac{1}{4}$ NW $\frac{1}{4}$ ) 40.3 acres in Lots 6 and 12, (SE $\frac{1}{4}$ NW $\frac{1}{4}$ ) 1 acre in Lot 17, (NE $\frac{1}{4}$ SW $\frac{1}{4}$ ) 4.8 acres in Lot 24, (NW $\frac{1}{4}$ SW $\frac{1}{4}$ ) 3.3 acres in Lot 23 (SW $\frac{1}{4}$ SW $\frac{1}{4}$ ) 8.8 acres in Lot 23 (SE $\frac{1}{4}$ SW $\frac{1}{4}$ ) 2 acres in Lot 15 (NE $\frac{1}{4}$ SE $\frac{1}{4}$ ) 1 acre in Lot 16 (NW $\frac{1}{4}$ SE $\frac{1}{4}$ ) Section 4, T. 33 S., R. 7 $\frac{1}{2}$ E. W. M.
(Proof No. 16)	(NOTE: Rights acquired under State Engineer's Permit No. 2475, Certificate No. 2432; Permit No. 2474, Certificate No. 412; and Permit No. 8028)						
Elliott, J. R., and Orville, Klamath Agency, Ore. (Proof No. 18) 10935	1902		305	Irrigation	Fort Creek Canal	Fort Creek and Crooked Creek, tribs. of Wood River	Vested Right - 305 acres: 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11, 40 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 20 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 30 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 15 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 11, T. 34 S. R. 7 $\frac{1}{2}$ , 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
Elliott, J. R., and Orville -continued. Proof No. 18-continued.  <i>This right lost - see Supl. findings, Vol. 14, p. 432</i>	1902		175	Irrigation	Fort Creek Canal	Fort Creek and Crooked Creek, tribs. of Wood River	<u>Inchoate Right:</u> 40 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 10 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11, T. 34 S., R. 7 $\frac{1}{2}$ E., W. M.
(Proof No. 17)							(NOTE: Application of the water to beneficial use for the above lands having an inchoate right shall be completed on or before October 1, 1934. Upon the expiration of such time for the complete application of water to beneficial use, the State Engineer shall cause due proof to be taken of such application of water to beneficial use, and grant such water right certificate as the said State Engineer may ascertain that such appropriator is entitled to receive by virtue of such proof.)
Gordon, James L. Fort Klamath, Ore. (Proof No. 19)							(NOTE: This claim withdrawn. See FINDINGS, Paragraph 15, Page 15, Contest No. 5.)
Hessig, Jos. V., Fort Klamath, Ore., and Hessig, J. H., Chiloquin, Ore. (Proof No. 20)	1895		119.7	Irrigation, domestic and stock	Hessig Ditch and Robinson Ditch	Sun Creek, trib. of Wood River	35.3 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33, 20.4 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 24 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 34, T. 32 S., R. 7 $\frac{1}{2}$ E., W. M.
Hoyt, C. E. (Fort Klamath, Ore. (Proof No. 21)							(NOTE: SEE FINDINGS, Paragraph 18, Page 36.)
King, Mrs. S. H. Fort Klamath, Ore. (Proof No. 22)							(NOTE: Rights acquired under State Engineer's Permit No. 5922, Certificate No. 6353.)
Kirkpatrick, A. Fort Klamath, Ore. (Proof No. 23)	1891		158.6	Irrigation	Seven Mile Ditch	Seven Mile Creek	39.3 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 39.3 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 19; T. 33 S., R. 7 $\frac{1}{2}$ E., W. M.
							WOOD RIVER - Findings

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
10905 Leever, E. M. Fort Klamath, Ore. (Proof No. 24)	1888		27.72	Irrigation	Martin Ditch and Streeter-Leever Ditch.	Anna Creek	24.6 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ , 3.12 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 9, T. 33 S., R. 7 $\frac{1}{2}$ E., W. M.
10906 Leever, Lizzie Rt.#3, Box 158, Medford, Ore. (Proof No. 25)	1895		157.44	Irrigation, domestic and stock	Sun Creek Ditch	Sun Creek, Trib. of Wood River	39.55 acres in Lot 18(NE $\frac{1}{4}$ SW $\frac{1}{4}$ ) 26.37 acres in Lot 23(SE $\frac{1}{4}$ SW $\frac{1}{4}$ ) 39.20 acres in Lot 19(NW $\frac{1}{4}$ SE $\frac{1}{4}$ ) 40.82 acres in Lot 22(SW $\frac{1}{4}$ SE $\frac{1}{4}$ ) Section 4; 11.5 acres in Lot 7(NE $\frac{1}{4}$ NW $\frac{1}{4}$ ) Section 9, T. 33 S., R. 7 $\frac{1}{2}$ E., W. M.
(NOTE: SEE FINDINGS, Paragraph 18, Page 36.)							
10907 Loosley, Cary V. Fort Klamath, Ore. (Proof No. 27)	1890		79.3	Irrigation	Loosley-Culbertson Ditch	Seven Mile Creek	40 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ , 39.3 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 36, T. 33 S., R. 6 E., W. M.
10908 (Proof No. 28)	1895		20	Irrigation	Loosley Wood River Ditch	Wood River	The South 20 acres in Lot 22, Section 4, T. 34 S., R. 7 $\frac{1}{2}$ E., W. M.
10909 (Proof No. 29)	1902		100	Irrigation	Fort Creek Canal	Fort Creek, Trib. of Wood River	<u>Vested Right:</u> 30 acres in Lot 6, 18.8 acres in Lot 7, Section 34, 31.20 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 35, T. 33 S., R. 7 $\frac{1}{2}$ E., W. M.  20 acres in N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ , Section 3, T. 34 S., R. 7 $\frac{1}{2}$ E., W. M.
	1902		66.45	Irrigation	Fort Creek Canal	Fort Creek, Trib. of Wood River	<u>Inchoate Right:</u> 66.45 acres in Lot 8, Section 34, T. 33 S., R. 7 $\frac{1}{2}$ E. W. M., and N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ , Section 3, T. 34 S., R. 7 $\frac{1}{2}$ E., W. M.
(NOTE: Application of the water to beneficial use for the above lands having an inchoate right shall be completed on or before October 1, 1934. Upon the expiration of such time for the complete application of water to beneficial use, the State Engineer shall cause due proof to be taken of such application of water to beneficial use, and grant such water right certificate as the said State Engineer may ascertain that such appropriator is entitled to receive by virtue of such proof.)							
See Suppl Findings: Vol. 14, p. 432							
10910 Loosley, Emma T. Fort Klamath, Ore. (Proof No. 26)	1890		158.6	Irrigation	Loosley-Culbertson Ditch	Seven Mile Creek	40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 39.3 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 39.3 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 36, T. 33 S., R. 6 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
Loosley, Geo. W. Fort Klamath, Ore. (Proof No. 30) <sup>10911</sup>	1895		413	Irrigation	Loosley Wood River Ditch	Wood River	30.5 acres in Lot 1, 17.3 acres in Lot 2, Section 3; 35 acres in Lot 21, 25 acres in Lot 22, 27.1 acres in Lot 23, 27.1 acres in Lot 24, Section 4; T. 34 S., R. 7½ E., W. M.  40 acres in NE¼SW¼ 39.3 acres in NW¼SW¼ 39.3 acres in SW¼SW¼ 37.2 acres in Lot 5 (SE¼SW¼ 28.2 acres in Lot 3 (NE¼SE¼ 40.0 acres in NW¼SE¼ 27.0 acres in SW¼SE¼ (Lot 4) Section 34, T. 33 S., R. 7½ E., W. M.
Loosley, J. F. Fort Klamath, Ore. (Proof No. 31) <sup>10912</sup>	1886		285.1	Irrigation	Loosley Ditches	Seven Mile Creek	29.3 acres in NE¼SW¼ 39.3 acres in NW¼SW¼ 40 acres in SW¼SW¼ 40 acres in SE¼SW¼ 25 acres in SW¼SE¼ Section 36, T. 33 S., R. 6 E., W. M.  18.7 acres in Lot 2, 26.5 acres in Lot 3, (SW¼NE¼ 26.3 acres in Lot 4, 40 acres in Lot 9, (SW¼NW¼ Section 1, T. 34 S., R. 6 E., W. M.
(Proof No. 32) <sup>10913</sup> <sub>80691</sub>	1890		218.6	Irrigation	Loosley- Culbertson Ditch	Seven Mile Creek	10 acres in NE¼SW¼ 39.3 acres in NE¼SE¼ 39.3 acres in NW¼SE¼ 15.0 acres in SW¼SE¼, 40.0 acres in SE¼SE¼, Section 36, T. 33 S., R. 6 E., W. M.  27 acres in Lot 1, 8 acres in Lot 2, (SE¼NE¼ 40 acres in Lot 8, (NW¼NW¼ Section 1, T. 34 S., R. 6 E., W. M.
Loosley, R. S. Fort Klamath, Ore. (Proof No. 33) <sup>10914</sup>	1895		262.6	Irrigation	Loosley Wood River Ditch	Wood River	43 acres in Lot 1, (NW¼NE¼ 21 acres in Lot 2, (SE¼NE¼ 40 acres in SW¼NE¼ 40 acres in NE¼NW¼ 39.3 acres in NW¼NW¼ 39.3 acres in SW¼NW¼ 40 acres in SE¼NW¼, Section 34, T. 33 S., R. 7½ E., W. M.
McAuliffe, J.P. & Nora, Fort Klamath, Ore. (Proof No. 34)	(NOTE: Rights acquired under State Engineer's Permit No. 6646, Certificate No. 7761.)						
	(NOTE: SEE FINDINGS, Paragraph 17, Page 27.)						

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
Meadows Drainage District, a quasi-municipal corpn. of Oregon, Klamath Falls, Ore. (Proof No. 35-A)	1891		190	Irrigation	Anna Creek Ditch	Anna Creek	40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29; 20 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30; 10 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 31; 40 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31; 40 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31; 40 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 32; T. 33 S., R. 7 $\frac{1}{2}$ E., W. M.
(Proof No. 36)	1898		360	Irrigation	Melhase-Kingdon Ditch	Seven Mile Creek	40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30; 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30; 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30; 40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30; 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 30; 40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 31; 40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 31; 40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 31; 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 31; T. 33 S., R. 7 $\frac{1}{2}$ E., W. M.
(Proof No. 37)							(NOTE: Rights acquired under State Engineer's Permit No. F 97, Certificate No. 958.) (NOTE: SEE FINDINGS, Paragraph 17, Page 24.)
(Proof No. 38)							(NOTE: Rights acquired under State Engineer's Permits Nos. 309 and E 81.) (NOTE: SEE FINDINGS, Paragraph 17, Page 24.)
(Proof No. 39)							(NOTE: Rights acquired under State Engineer's Permit No. 4791.) (NOTE: SEE FINDINGS, Paragraph 16, Page 17.)
Miller, Frank S., Fort Klamath, Ore. (Proof No. 40)							(NOTE: Rights acquired under State Engineer's Permit No. 5922, Certificate No. 6353.)
(Proof No. 41)							(NOTE: Rights acquired under State Engineer's Permit No. 6981.) (NOTE: SEE FINDINGS, Paragraph 17, Page 24.)
Miller, S. C. Dillard, Oregon. (Proof No. 42)	Nov. 1883		241.53	Irrigation and stock	Shattuck Ditch	Anna Creek	40 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7, 40.55 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7, 40.52 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7, 40 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7, 40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 7, 40.46 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 7, T. 33 S., R. 7 $\frac{1}{2}$ E., W. M.
							(NOTE: SEE FINDINGS, Paragraph 14, Page 14.) (Contest #4)

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Miller, S. C. (cont'd) (Proof No. 43) <i>10918</i>	1891		226.2	Irrigation and stock	Unnamed Ditch	Short Creek, trib. of Seven Mile Creek.	35.6 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ , 2.4 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ , 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ , 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 25, 37.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ , 2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ , 29 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 26, T. 33 S., R. 6 E., W. M.
(Proof No. 44) <i>10919</i>	1891		31	Irrigation and stock	Unnamed ditch	Unnamed Springs, trib. of Short Creek, trib. of Seven Mile Creek.	20 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ , 11 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 26, T. 33 S., R. 6 E., W. M.
(Proof No. 45) <i>10920</i>	1891		112	Irrigation and stock	Ditch and overflow	Blue Springs and unnamed Springs, trib. to Seven Mile Creek.	30 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 23; 12 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ , 40 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 25; 30 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 26, T. 33 S. R. 6 E., W. M.
(Proof No. 46) <i>10921</i>	1898		150	Irrigation and Stock	Melhase-Kingdon Ditch	Seven Mile Creek	40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ , 28 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ , 4.4 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ , 37.6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 25; T. 33 S., R. 6 E., W. M.
							(NOTE: The above lands have a supplemental supply through the Blue Springs Ditch under State Engineer's Permit No. 9179.)
(Proof No. 47)							(NOTE: Rights acquired under State Engineer's Permit No. 9179, and by stipulation made equal in priority with rights under Permits Nos. 9371 (Jas.T.Dixon), No. 8566 (T.A. Culbertson), 9131 (Edward Bloomingcamp & J.W.Siemens), 9122 (Northwestern National Bank of Portland) 9120 (Meadows Drainage District) .SEE FINDINGS, Paragraph 16, Page 15.)
Nicholson, W. E. Fort Klamath, Ore. (Proof No. 48) <i>10922</i>	1891		158.6	Irrigation	Seven Mile Ditch	Seven Mile Creek	39.3 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ , 39.3 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 20, T.33 S., R. 7 $\frac{1}{2}$ E., W. M.
							(NOTE: 6 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ have a supplemental supply from waste water of a slough. See Proof No. 49 below.)
(Proof No. 49)	1891		6	Supplemental Irrigation	Dam and ditch	Waste Water from a Slough in W $\frac{1}{2}$ Sec.17, T.33 S.R. 7 $\frac{1}{2}$ , E.W.M.	6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 20, T. 33 S., R. 7 $\frac{1}{2}$ 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
Northwestern National Bank of Portland, a corporation, Portland, Oregon. (Proof No. 50)	1890		140.8	Irrigation, domestic and stock	Loosley-Culbertson Ditch	Seven Mile Creek	39.2 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 0.6 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 25 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25; T. 33 S., R. 6 E., W. M.  18 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 18 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 30, T. 33 S., R. 7 $\frac{1}{2}$ E., W. M.
(Proof No. 51)	1898		377	Irrigation, domestic and stock	Melhase-Kingdon Ditch	Seven Mile Creek	40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 39.4 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 15 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 25, T. 33 S., R. 6 E., W. M.  40 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 39.3 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 39.3 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 22 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 22 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 30, T. 33 S., R. 7 $\frac{1}{2}$ E., W. M.
Pelton, James Fort Klamath, Ore. (Proof No. 52)							(NOTE: Rights acquired under State Engineer's Permit No. 6454, Certificate No. 5501.) (NOTE: See Findings, Paragraph 17, Page 24.)
(Proof No. 53)							(NOTE: Rights acquired under State Engineer's Permit No. 6981) (NOTE: See Findings, Paragraph 17, Page 24.)
Ryan, D.W., and Amy L. Fort Klamath, Ore. (Proof No. 54)							(NOTE: Rights acquired under State Engineer's Permit No. 4158, Certificate No. 2807.)
(Proof No. 55)							(NOTE: Rights acquired under State Engineer's Permit No. 6369, Certificate No. 6700.)
Savage, Dan Fort Klamath, Ore. (Proof No. 56)	1900		248	Irrigation and domestic	Crooked Creek Ditch	Crooked Creek	16 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 32 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 35, T. 33 S., R. 7 $\frac{1}{2}$ E., W. M.  40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 20 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 20 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2, T. 34 S., R. 7 $\frac{1}{2}$ , E. W. M.
				500		WOOD RIVER	- Findings

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
Savage, Dan, Proof No. 56-cont'd. <i>10925</i>	1904		85	Supplemental Irrigation, and domestic use.	Fort Creek Ditch	Fort Creek	40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 10 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 15 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 20 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 2, T.34 S., R. 7 $\frac{1}{2}$ E., W. M.
Sisemore, Linsy C., Fort Klamath, Ore. (Proof No. 57)	(NOTE: Rights acquired under State Engineer's Application No. 12391.)						
Streeter, L. M. Fort Klamath, Ore. (Proof No. 58)	(NOTE: This claim denied. SEE FINDINGS, Paragraph 22, Page 41.)						
Turner, E. S. Fort Klamath, Ore. (Proof No. 59) <i>10926</i>	1891		397.8	Irrigation	Seven Mile Ditch	Seven Mile Creek	40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 39.3 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 39.3 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 19, 40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 20, 40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 39.9 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 39.3 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in Lot 1, (NW $\frac{1}{4}$ NW $\frac{1}{4}$ ) Section 30, T. 33 S., R. 7 $\frac{1}{2}$ E., W. M.
United States Forest Service, Department of Agriculture, Medford, Ore. (Proof No. 60)	(NOTE: Rights acquired under State Engineer's Permit No 5556, Certificate No. 6747.)						
Woodruff, Leonard J. Fort Klamath, Ore. (Proof No. 61) <i>10927</i>	1900		80	Irrigation	Loosley Ditch	Seven Mile Creek	40 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36, T.33 S., R. 6 E., W. M.
(Proof No. 62) <i>10928</i>	1888 1890 1900		299.3	Irrigation	Woodruff Ditches	Springs, Crane Creek, & Seven Mile Creek	40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ , 25 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ , 35 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ , 39.3 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ , 40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ , 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 35, T. 33 S., R. 6 E. W. M.
(NOTE: Of the above acreage, Claimant's right to water from Seven Mile Creek is limited as follows: 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ , 20 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ , 25 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ , SECTION 35, Twp. 33 S., R. 6 E., W.M. with priority of 1890; 40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ , 20 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SECTION 35, T. 33 S., R. 6 E., W. M. with priority of 1900. The remainder of the lands to be irrigated from the designated sources. SEE Findings, Paragraph 14, Page 13.) (Contest No. 4.)							

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Woodruff, Leonard J., continued. (Proof No. 63)	1889 1891		666.5	Irrigation, domestic and stock	Woodruff Irrigation System	Mares Egg Spring, Springs, Seven Mile Creek, and Crane Creek	39.6 acres in Lot 5, 39.2 acres in Lot 6, 38.4 acres in Lot 7, 40 acres in Lot 10, 40 acres in Lot 11, 40 acres in Lot 12, 40 acres in Lot 13, 40 acres in Lot 20, Section 1; 26.2 acres in Lot 1, 26.1 acres in Lot 2, 40 acres in Lot 7, 40 acres in Lot 8, 35 acres in Lot 9, 25.6 acres in Lot 3, 40 acres in Lot 6, 12 acres in Lot 4, 14.4 acres in Lot 5, 20 acres in Lot 10, 30 acres in Lot 16, 20 acres in Lot 17, 20, acres in Lot 24, Section 2; All in T.34 S., R. 6 E., W. M.
							(NOTE: SEE FINDINGS, Paragraph 12, Page 9, Contest #2)
							(NOTE: Of the above described lands Contestee shall only have a right to the use of water from Seven Mile Creek for the irrigation of the following described acreage: 38.4 acres in Lot 7, and 15.2 acres in Lot 10, with priority of 1891. The remainder of the lands to be irrigated from other designated sources. SEE FINDINGS, Paragraph 14, Page 13, Contest #4)
(Proof No. 64)							(NOTE: Rights acquired under State Engineer's Permit No. 6981.)
Zanzow, Mrs. Veva, Gilroy, Calif. (Proof No. 65.)							(NOTE: Rights acquired under State Engineer's Permit No. 6981.)

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 prior rights are tabulated in the preceding Paragraph 28. Rights initiated after that date are evidenced by permits issued by the State Engineer, or by final water right certificates based upon the completion of rights under such permits. Each and every appropriator holding such a permit or certificate for the use of water from Wood River, Crane Creek, Seven Mile Creek and Four Mile Creek or their tributaries shall have such rights thereunder as are provided by law, and such rights shall be perfected in the manner provided by law for the completion thereof.

And the State Engineer of Oregon, being fully advised in the premises, it is hereby CONSIDERED AND ORDERED, that the relative rights of the various claimants to the use of the waters of said streams and their tributaries be and the same are hereby determined and settled as set forth in the foregoing Findings and Order of Determination.

Dated this 21st day of June, 1932.

  
CHAS. E. STRICKLIN,  
State Engineer.