

BEFORE THE STATE ENGINEER OF OREGON

JOSEPHINE and CURRY COUNTIES

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IN THE MATTER OF THE DETERMINATION OF )  
THE RELATIVE RIGHTS TO THE USE OF THE )  
WATERS OF ILLINOIS RIVER AND ITS )  
TRIBUTARIES, A TRIBUTARY OF ROGUE RIVER.)  
----- )

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 9th day of April, 1910, there was filed in the office of the Board of Control of the State of Oregon (afterwards State Water Board, and now State Engineer) a petition signed by M. M. Kohler and others, requesting the determination of the relative rights of the various claimants to the waters of the Illinois River, a tributary of Rogue River; that on the 25th day of June, 1915, there was filed in the office of the State Water Board, a petition signed by George W. Van Buskirk requesting a determination of the relative rights of the various claimants to the waters of Deer Creek, a tributary to the Illinois River; that on the 8th day of December, 1919, there was filed in the office of the State Water Board, a petition signed by Mike J. McBriety requesting a determination of the relative rights of the various claimants to the waters of the East Fork of the Illinois River, a tributary of Rogue River; all of the said petitioners being water users on the stream named in their respective petitions. That thereafter the State Engineer, after a full investigation and due consideration of said petitions, finding the facts and conditions such as to justify it, made and entered an order that a determination be had of the relative rights of the various claimants to the

waters of Illinois River and its tributaries, fixing a time for the making of the necessary surveys and examinations, and the beginning and taking of such testimony as would enable the State Engineer to determine the rights of the various claimants to the use of water from said stream, as provided by law.

2.

That a notice was prepared by the State Engineer setting forth the date when the State Engineer or his assistants, would begin an investigation of the flow of said Illinois River and its tributaries, and the ditches diverting water therefrom, and said notice was published in two issues of the Rogue River Courier, a newspaper published daily at Grants Pass, Josephine County, Oregon, and being of general circulation in said county; said two issues being those of September 7th and 8th, 1927, the date of the last publication of notice being more than ten days prior to the date fixed for the beginning of the measurements of said streams by the State Engineer, as provided by law.

3.

That duly qualified assistants of the State Engineer did proceed to make examinations, surveys and measurements of said stream and its 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 not less than one inch to the mile, showing with substantial accuracy the course of said stream and its 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 stream and its tributaries; that said notice was published in two issues of the Rogue River Courier, a newspaper published daily at Grants Pass, Josephine County, Oregon, and of general circulation in said county; said two issues being those of October 4th and 6th, 1928, and the last publication of said notice being more than thirty 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 stream, and to each person, firm or corporation owning or being <sup>in</sup> possession of lands bordering on or having access to said stream or its tributaries, insofar as said claimants and owners and persons in possession could reasonably be ascertained, a notice similar to 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 stream and its tributaries. That said notice was mailed at least thirty (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 time and place when and where the State Engineer, or his duly authorized assistant, should attend and receive the claims of the various parties was fixed as follows, to-wit:

On Friday and Saturday, November 9th and 10th, 1928, at the Hall, at Kerby, Oregon.

And for a period of 30 days, beginning with Thursday, November 15th, and ending with Friday, December 14th, 1928, at the office of the State Engineer in the Capitol Building at Salem, Oregon.

7.

That during the period specified in said notice for the taking of testimony, the State Engineer did attend and take the testimony of the various claimants. That statements and proofs of claim to the use of the waters of said stream or its tributaries were filed by the following parties, to-wit:

Adams, B. R.	Kerby, Oregon.	Bocock, A.L.	Grants Pass, Ore.
Bailey, A.L. & Agnes,	Waldo, Oregon, and	Bour, David	Kerby, Ore.
Bailey, W.S.	Grants Pass, Ore.	Bour, George	" "
Baird, John W.	" " "	Brand, Frederick,	Dryden, Ore.
Baker, S.D., Emmett Addy,		Breazeale, T.J.	Selma, Ore.
and John Slate,	Kerby, Oregon.	Buell, L.J., or Leslie J.,	Selma, Ore.
Barr, William	Dryden, Oregon.	Burke, Ed	Kerby, Ore.
Barrett, Francis E.	Kerby, Oregon.	Cameron, C.D., and	
Bear, J. L.	Grants Pass, Oregon.	John Valen,	Takilma, Ore.
Bechtel, Ed and Maybelle,	Selma, Ore.	Cameron, C.D., John Valen,	
Bechtel, Maybelle,	Selma, Oregon.	Della Shadinger and	
Bigelow, J.W.	Kerby, Oregon.	Dan Pfefferle,	Takilma, Ore.

Carlisle, W.J.	Selma, Ore.	McBriety, M.J.	Takilma, Ore.
Christensen, Mary C., or Mary C.Christy,	304 So.4th St., Klamath Falls,Ore.	Messinger, Mary	Selma, Ore.
Crooks, M.D.L.,Estate of, by M.F.Crooks, Admr.,	Dryden, Oregon.	Miller, R.F.,	514 Isham St., Grants Pass,Ore.
Crossman, Edw. C.	142 So.Rockingham Ave., Brentwood Hts.,Calif.	Morrison, D. R.	Kerby, Oregon
Crouch, E.F.,	Kerby, Oregon.	Naucke, T. O.	Kerby, Oregon
Croy, A.G.	Kerby, Oregon.	Norton, H. D.	Grants Pass,Ore.
Dahl, Soren,	O'Brien, Oregon.	O'Brien, John,	Estate of, O'Brien, Oregm.
Deep Gravel Mining Co.,	412 Liberty Bldg., Medford, Oregon.	Parker, H. N.	Selma, Oregon.
DeGrasse, Edward H.	Dryden, Oregon.	Payne, Delia L.	Kerby, Oregon.
Dessinger, Phil	Kerby, Oregon.	Pfefferle, Henry M.,	Waldo, Oregon.
Dixon, Fred	Kerby,Oregon.	Pope, A.	Selma, Oregon.
Doney, W. A.	Kerby, Oregon.	Prentice, John Wm.	Selma, Ore.
Drake, David H., R.#1,	Kerby, Oregon.	Reynolds, C.E.	O'Brien, Ore.
Duncan, Dollie V.	Kerby, Oregon.	Reynolds, Charles	Waldo, Oregon.
Dysert, J. C.	Kerby, Oregon.	Richardson, Lewis W.,	Grants Pass,Ore.
Elder, George W.,		Robinson, Lucius	Kerby, Oregon.
By J.R.Elder,Trustee,	O'Brien, Ore.	Roby, Harold	Gig Harbor, Wn.
Farren, Joseph,	O'Brien, Ore.	Sargent, J. F.	Selma, Ore.
Fetterly, Guy	Kerby, Oregon.	Sargent, Oliver	Selma, Ore.
Floyd, Merilde J.	Kerby, Oregon.	Sauer, Clement	Kerby, Ore.
Fulk, A.J.	Kerby, Oregon.	Sauer, Maurice	Kerby, Oregon.
Fulton, A.	Selma, Oregon.	Sauer, Nicholous	Kerby, Oregon.
Gandolfo, Joseph L.,	Box 44, Sonora, Calif.	Sawyer, C.G. & F.L.,	Kerby, Oregon.
George, Benjamin	Kerby, Oregon.	Sawyer, Grace Cosson,	Kerby, Ore.
George, R. P.	Kerby, Oregon.	State Land Board of Oregon,	Salem, Oregon.
Gilligan, Thomas	O'Brien, Ore.	Scherffius, B.F,	Cape Haitien, Haiti.
Griffin, Frank	Kerby, Oregon.	Schmitt, Joseph, and L.E.Schmitt,	Grants Pass, Ore.
Haberman, H.T., and G.C.Summer	Selma, Oregon.	Seat, J. W. Estate,	Kerby, Ore.
Hales, G.W., c/o A.E.Reames,	Medford, Oregon.	Shade, John C.	Selma, Ore.
Hanseth, A.A.	Dryden, Oregon.	Smith, Ora, Estate of,	Kerby, Oregon.
Harmon, Charles E.	Dryden, Oregon.	Sowell, John G.	Algoma, Oregon.
Harmon, J.W.	Dryden, Oregon.	Stevens, John F.	Selma, Oregon.
Harmon, T.G.	420 A St., Grants Pass, Ore.	Stith, Mrs. J.F.,	1709 Howard Ave., Seattle, Wash.
Hart, Camseydell	Kerby, Oregon.	Stockton, O. I.	O'Brien, Oregon.
Hart, George F., and Florence T. Hart,	Kerby, Oregon.	Thrasher, G. W.	Kerby, Oregon.
Hayden, Harris M.	Kerby, Oregon.	Tolin, Julia,	656 So. Daly St., Los Angeles, Cal.
Herman, John	Selma, Oregon.	Tolin, R. L.	Selma, Oregon.
Hill, John A.	Kerby, Oregon.	Trimble, Fannie	Brookings, Ore.
Hinkle, W.K.	Selma, Oregon.	Tucker, Ella H.	Takilma, Ore.
Hogue, J.D., and Alice J. Hogue	Kerby, Oregon.	Tuff, Max	Kerby, Oregon.
Hogue, W.A.	Selma, Oregon.	Turner, Alfred, and Mary C. Turner,	Selma, Oregon.
Horstmann, Anna Martha,	Kerby, Ore.	Tuttle, Jennie	Selma, Oregon.
Houck, Viola M.	Kerby, Oregon.	Twohy Bros. Company,	623 Underwood Bldg., San Francisco,Cal.
Howard, Charles J.	Kerby, Oregon.	Tycer, Edward F.	Kerby, Oregon.
Jones, Geo. T.	Kirk, Oregon.	Walton, G. W.	Dryden, Oregon.
Jones, Walter S.	Kerby, Oregon.	Walton, Geo. W.	Dryden, Oregon.
Khoery, K. J.	Takilma, Ore.	Warren, Frank L.,	920 N.19th St., Salem, Oregon.
Kohler, W. O.	Kerby, Oregon.	Webb, David L.	O'Brien, Oregon.
Lange, Michael,	Selma, Oregon.	Webb, Louis R.	O'Brien, Oregon.
Lima, Frank	Dryden, Oregon.	Wells, Roy	Kerby, Oregon.
Logan, J. T.	Grants Pass, Ore.	White, Homer, and Mary E. White,	Takilma, Oregon.
Loughridge, M.N.	1617 Oak St., St.Petersburg,Fla.	White, Lillie May,	Kerby, Oregon.

Wilber, Edw. J.	Kerby, Ore.	Woodcock, H.S., Estate of	
Williams, Arthur	O'Brien, Ore.		Kerby, Oregon.
Williams, C.A.,		Wright, E. W.	
822 N. Central St.	Medford, Oregon.	321 East 16th St., North,	
Williams, William A.	Dryden, Oregon.		Portland, Oregon.
Wilson, J. E.	Takilma, Oregon.		
Wing, Mrs. Ida J.	Waldo, Oregon.		
Wittrock, J.H.	Kerby, Oregon.	Young, Thos. E.	Kerby, Oregon.

8.

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

Ahlberg, Fred	Waldo, Ore.	Carson, Edward	Kerby, Ore.
Allard, D.	Kerby, Ore.	Chamberlin, C.L.	Grants Pass, Ore.
Allen, Geo. L.	Waldo, Ore.	Chamberlin, Nettie	" " "
Allen, Jas. F.	Grants Pass, Ore.	Christy, Geo. A.	Klamath Falls, Ore.
Anderson, Archie	Kerby, Ore.	Churchill, A.E.	Selma, Ore.
Ayers, David	Kerby, Ore.	Churchill, E.L.	"
		Clark, A. D.	Takilma, Ore.
Babcock, W.L.	Kerby, Ore.	Clayton, F. O.	Selma, Ore.
Bacus, Cecil	Grants Pass, Ore.	Coffey, Eva	Kerby, Ore.
Bacus, Otho	Kerby, Ore.	Coffey, Jas.	"
Baird, John W. Jr.,	Selma, Ore.	Cornelius, Lydia A.,	Holland, Ore.
Baker, Jake	Kerby, Ore.	Cornelius, Theresa	"
Bank of Southern		Cox, Edward A.	Selma, Ore.
Oregon,	Grants Pass, Ore.	Crooks, Marion T.	Dryden, Ore.
Banta, C. W.	Kerby, Ore.	Crossman, E. N.	Takilma, Ore.
Banta, John	"	Crouch, Nera J.	Kerby, Ore.
Barrick, F. B.	Holland, Ore.	Cummings, Jack	Ivan, Ore.
Basye, E. N.	Takilma, Ore.		
Blanchard Investment		Daly, Ed	Kerby, Ore.
Co., O.S.	Grants Pass, Ore.	Damey, Richard	Grants Pass, Ore.
Brasille, J. H.	Selma, Ore.	Dellinger, John O.	" " "
Briggs, Geo., c/o O.J.		Dellinger, Zuls O.	" " "
Faulk,	Kerby, Ore.	Dilson, Arlie Tom	Kerby, Ore.
Britton, M. R.	Grants Pass, Ore.	Dunlap, Art	Kerby, Ore.
Brown, Beatrice,	Waldo, Ore.	Dunlap, Grace	"
Brown, E. R.	"	Dunlap, Howard	"
Brown, Eugene,	"		
Burbee, Elmer E.	Selma, Ore.	Egger, Fannie	Grants Pass, Ore.
Burbee, Frank	"	Egger, H. P.	" " "
Burke, C. F.	Kerby, Ore.	Eirtt, Hallie	Kerby, Ore.
Burke, Oscar	Santa Barbara, Cal.	Ellendahl, Sweek	Waldo, Ore.
		Elliott, C. H.	Takilma, Ore.
Calvert, J. L.	Grants Pass, Ore.	Ettelson, Sadie	Kerby, Ore.
Campbell, Truman	Kerby, Ore.		

Fanno, Mary A.	Kerby, Ore.	Lallemand, Fred	Selma, Ore.
Farren, Jas.	Kerby, Ore.	Leonard, Mary E.	Kerby, Ore.
Finch, Ann Mary	"	Leonard, Rapheal	"
First Trust Co.	"	Lloyd, Ellen	Wonder, Ore.
French, Warren W.	"	Lloyd, Frank	Kerby, Ore.
Freoliek, Therodore	Crescent City, Cal.	Lloyd, M. F.	"
Fulton, Archie	Selma, Ore.	Lockeridge, Dr.	Grants Pass, Ore.
Galbraith, Elizabeth	Grants Pass, Ore.	MacFarland, W. S.	Takilma, Ore.
Garner, H. M.	Kerby, Ore.	Mack, John	Kerby, Ore.
George, B. F.	Kerby, Ore.	Mack, Leta	"
George, W. D.	Kerby, Ore.	Mack, Mark	"
Gilmore, Thos.	"	Mack, Sarah	"
Gordon, W. H.	Selma, Ore.	Mack, W. A.	"
Grants Pass and Josephine County Bank,		Masonic Lodge,	"
	Grants Pass, Ore.	Mastin, W. H. Estate,	Dryden, Ore.
Grunow, Fritz	Kerby, Ore.	Maurer, Geo.	Estacada, Ore.
		Maurer, M. H.	Kerby, Ore.
Haberman, H. D.	Selma, Ore.	McCaleb, Robinson E.	Selma, Ore.
Haberinan, H. T.	Selma, Ore.	McCallister, Mary	Kerby, Ore.
Hacker, Nancy	Selma, Ore.	McCann, Ed	Kerby, Ore.
Hall, J. W.	"	McGiath, H. H.	Selma, Ore.
Hammer, R. L.	"	McGuire, Henry	Newberg, Ore.
Hanseth, Jacob Estate,	"	McLeod, Dan	Kerby, Ore.
Harrimer, R. L.	"	McMullen, Wm.	Selma, Ore.
Hayes, Clyde	Kerby, Ore.	Merrill, Alta	Takilma, Ore.
Henderson, Wilbur	"	Merrill, Fred	"
Hendricks, Cash	Waldo, Ore.	Messinger, Clarence	Dryden, Ore.
Herman, Henry	Selma, Ore.	Miller, Clarence E.	Bray Mill, Ore.
Herman, Wm. M.	"	Montgomery, W. L.	Brookings, Ore.
Hevener, Wm. W.	Grants Pass, Ore.	Morris, M. A.	Selma, Ore.
Hevvey, Fred	Kerby, Ore.	Mundell, L. Naomi,	Kerby, Ore.
Hill, L. J.	"		
Hill, W. O.	"	Nelson, Fred	Kerby, Ore.
Hill, W. O.	Wilderville, Ore.	Norman, E. T.	Selma, Ore.
Hogue, D. A.	Selma, Ore.	Norton, N. D.	
Houck, A. J.	Kerby, Ore.	1st Natl. Bank,	Grants Pass, Ore.
Houck, Mary	Kerby, Ore.		
Houk, Geo.	Holland, Ore.	O'Brien, Flora	Waldo, Ore.
Huff, Max	Kerby, Ore.	Owens, Chas.	Takilma, Ore.
Huggert, F. W.	"	Owens, C. S.	Takilma, Ore.
Humphreys, Fred V.	Dryden, Ore.		
Humpton, Dora	Grants Pass, Ore.	Pacific Coast Investment Co.,	
Hunt, Clarence	Kerby, Ore.		Kerby, Ore.
Hunt, W. D.	Kerby, Ore.	Pfefferle, Myrtle	Brookings, Ore.
		Plant, N.P.,	
		1st Natl. Bank Bldg., Room 609,	
		San Francisco, Cal.	
Inks, Geo. B.	Kerby, Ore.	Pope, Henry	Selma, Ore.
I.O.O.F. Lodge,	Kerby, Ore.	Portland Trust Co.,	Portland, Ore.
Isaacson, Mr.	"	Powers, Harry O.	Dryden, Ore.
		Prentice, Cora	Selma, Ore.
Johnson, Augustus	Holland, Ore.	Pullen, C. E.	Kerby, Ore.
Judd, Frank	Selma, Ore.		
Judd, Jackson,	"	Ragan, Roy O.	Selma, Ore.
		Rawson, D. L.	Grants Pass, Ore.
Kahler, Lucretha	Kerby, Ore.	Ramsey, Clay	Waldo, Ore.
Khovy, K. J.	Takilma, Ore.	Rawson, Ratphl	Grants Pass, Ore.
Kilduff, Jas.,		Reynolds, A.I., Estate,	Waldo, Ore.
c/o N.P. Plant, 1st Natl. Bank Bldg.,		Rhodes, F. H.	Selma, Ore.
Room 609, San Francisco, Calif.		Richardson, L. W.	Kerby, Ore.
King, David	Medford, Ore.	Rogan, R. O.	Selma, Ore.
Kiphart, A.H.	Grants Pass, Ore.	Rose, M. M.	Dryden, Ore.
Kitterman, Robert W.,	Kerby, Ore.	Rose, W. M.	" "
Knapp, Mary	Kerby, Ore.	Sargent, J. T.	Selma, Ore.
Koler, Mr. M.M.	"	Sargent, W.	"
Krauss, Karl W.	"	Sawell, Emma	Kerby, Ore.
Krauss, Deborah	"	Sawell, Jas. E.	"
Krokstrom, Bessie E.	"	Sawell, J. G.	Medford, Ore.

Sawell, Lee	Kerby, Ore.	Truman, Sarah M.	Selma, Ore.
Sawell, W.J.	Algoma, Ore.	Tucker, J. R.	Dryden, Ore.
Sawyer, C.J.	Kerby, Ore.	Tucker, Mrs. L. H.	Takilma, Ore.
Sawyer, F.F.	"	Turner, A. P.	Waldo, Ore.
Schmitt Bros.	Grants Pass, Ore.	Turner, Joe	Grants Pass, Ore.
Schmidt, J.W.	Selma, Ore.	Tuttle, W. L.	Selma, Ore.
Schmidt, Joe	Grants Pass, Ore.	Tuttle, W.L.	Dryden, Ore.
Schmidt, L.A.	Selma, Ore.		
Schmidt, Lou E.	Grants Pass, Ore.	Ulverstad, Martin A.	Holland, Ore.
Schmidt, W. M.	Selma, Ore.	Urban, Mike	Kerby, Ore.
Schmitt, Pacht	Wonder, Ore.		
Schmitt, Welter,	Wonder, Ore.	Van Buskirk, J.S.	Selma, Ore.
Schumacher, Rolf,	Grants Pass, Ore.	Vinson, Pearl	Waldo, Ore.
Seward, C. H.	Kerby, Ore.		
Seyforth, Sarah	Kerby, Ore.	Wagstaff, Elmer E.	Corvallis, Ore.
Shaffer, D. S.	Kerby, Ore.	Walton, Chas. J.	Dryden, Ore.
Sherffius, Lillie	Dryden, Ore.	Walton, J. W.	Selma, Ore.
Sidley, Mabel	Grants Pass, Ore.	Watts, Alec.	Kerby, Ore.
Sidler, Mabel,	Grants Pass, Ore.	Webb, Gertrude	Kerby, Ore.
Smith, Agnes,	Kerby, Ore.	Wells, Geo.	"
Smith, O.	Kerby, Ore.	Welter, Pracht &	
Smock, J.M.	Holland, Ore.	Schmitt	Wonder, Ore.
Sowell, J.Lee	Kerby, Ore.	Welter, C. D.	Wonder, Ore.
Spalding, Elmer W.	Grants Pass, Ore.	Wheeler, Michall W.,	
Spines, Anton	Selma, Ore.	c/o Mrs.W.E.Wheeler,	Grants Pass, Ore.
Spokane & Eastern		Wheeler, Sheridan B.	Selma, Ore.
Trust Co.,	Spokane, Wash.	White, Alex	Kerby, Ore.
Steeton, O. I.	Waldo, Ore.	White, C. H.	Takilma, Ore.
Stephens, Betty A.	Selma, Ore.	White, S.	Kerby, Ore.
Stiff, Mrs. J.F.		Whitmore, E.A.	"
Estate,	Kerby, Ore.	Whitrock, John	Kerby, Ore.
Stiwald, F.G.	Waldo, Ore.	Williams, Cora E.	Dryden, Ore.
Strong, W.J.	Kerby, Ore.	Williams, Frank T.	Kerby, Ore.
Sugar Pine Lbr. Co.	Grants Pass, Ore.	Williams, W. M.	Dryden, Ore.
Sweed Basin Lbr.Co.	Wonder, Ore.	Wilson, G. A.	Kerby, Ore.
		Wilson, Wm.	Dryden, Ore.
Talbot, C.O.	Selma, Ore.	Winter, Jake	Kerby, Ore.
Thompson, Elizabeth E.,	Kerby, Ore.	Woodbery, Bert	Waldo, Ore.
Thornberg, Wm.	Kerby, Ore.	Woodbury, Herbert	Waldo, Ore.
Tilley, Benj.	Selma, Ore.	Woodcock, Lotto	Kerby, Ore.
Tilley, B. F.	"	Woodcock, Q.	"
Tolan, Wm.	Dryden, Ore.	Woodring, Emory G.	"
Tolin, E. J.	Selma, Ore.		
Tolin, Jas. A.	Selma, Ore.	Yarbough, Elbert	Kerby, Ore.
Tolin, W. N.	Selma, Ore.	Yarbough, H. M.	Kerby, Ore.
Treffelhen, C.A.	Holland, Ore.	Yarbough, Howard	"
		York & Fick,	Selma, Ore.
		Young, Ella R.	Kerby, Ore.

9.

That upon the completion of the taking of testimony and proofs of claim, as aforesaid, the State Engineer did on the 28th day of January, 1929, give notice by registered mail to each of the various claimants to the use of the waters of said stream, or its tributaries (Including those users on Sucker and Althouse Creeks) that at the times and places named in the said notice, to-wit:

On Thursday and Friday, February 14th and 15th, 1929,  
at the Hall at Kerby, Oregon;

And from Monday, February 18, to Friday, March 15, 1929,  
inclusive (Sundays and holidays excepted), at the office  
of the State Engineer in the Capitol Building, at Salem,  
Oregon,

all of said testimony and proofs of claim would be open to inspection by the various claimants or owners. That a duly authorized representative of said State Engineer did,

in accordance with said notice, keep said evidence open to inspection for the periods aforesaid. That said notice did also state therein the county in which the determination of the State Engineer would be heard by the Circuit Court, to-wit: The County of Josephine.

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

10.

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

Contest No. 1

Anna Martha Horstmann and Maurice Sauer,  
Contestants,

vs.

Fannie Trimble and Virginia Niederman,  
Contestees.

Contest No. 2

Julia Tolin,  
Contestant,

vs.

L. J. Buell and Jennie Tuttle,  
Contestees.

Contest No. 3

H. D. Norton,  
Contestant,

vs.

S. D. Baker, Emmett Addy and John  
Slate,  
Contestees.

Contest No. 4

Guy Fetterly, W. O. Kohler, Earl F.  
Crouch, Viola M. Houch, and Henry M.  
Pfefferly,  
Contestants,

vs.

Deep Gravel Mining Company, a corpora-  
tion,  
Contestee.

Contest No. 5

Guy Fetterly, W. O. Kohler, Viola M.  
Houck, Earl F. Crouch, and Henry M.  
Pfefferly,  
Contestants,

vs.

G. W. Hales,  
Contestee.



Contest No. 6

J. R. Elder, Trustee,

Contestant and  
Intervenor,

vs.

A. L. Bailey, Agnes Bailey, and  
W. S. Bailey,

Contestees.

11.

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 4th day of September, 1930, 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.

That the time so set by said notices was later extended to suit the convenience of the interested parties and upon the dates as finally fixed for the hearing of each of the respective contests, the taking of testimony upon said contests was commenced before a duly authorized reporter, and continued until each and every of said contests were fully heard, settled or otherwise disposed of.

12.

CONTEST No. 1

Anna Martha Horstmann and Maurice Sauer,

Contestants,

vs.

Fannie Trimble and Virginia Niederman,

Contestees.

The rights of the parties to this contest shall be allowed in accordance with the following findings:

Proof of Claim No. 72 (Anna Martha Horstmann)

It was stipulated that the rights of Anna Martha Horstmann under Proof of Claim No. 72 should be allowed as determined in a previous suit entitled "Anna Martha Hildebrant vs. Fannie Montgomery and Halsey Montgomery" wherein Contestant Horstmann was awarded a water right as set forth in her Proof of Claim No. 72. The rights of said Contestant Horstmann shall be tabulated and allowed accordingly.

Proof of Claims Nos. 95 and 95-A (Virginia Niederman)

It being stipulated that the water rights of Contestee Niederman were subsequent and inferior to those water rights of the other parties to this controversy, the contest was dismissed. The water rights will be allowed as claimed by Contestee

Contest No. 1 - continued.

Niederman under Proof of Claims Nos. 95 and 95-A and will be so tabulated.

Proof of Claim No. 122 (Fannie Trimble)

Contestee Trimble filed Proof of Claim No. 122 for the use of water from certain springs and Montgomery Creek (Henderson Creek) for the irrigation of 31 acres with date of priority of 1904. The lands upon which the water is proposed to be used and the number of acres in each legal subdivision for which a water right is claimed are described as follows:

15 acres in  $SW\frac{1}{4}NE\frac{1}{4}$   
8 acres in  $NE\frac{1}{4}SW\frac{1}{4}$   
8 acres in  $NW\frac{1}{4}SE\frac{1}{4}$ ,  
Section 28,  
Twp. 38 South, Range 8 West., W.M.

It appears that possession and title to the above property was acquired by predecessors of Contestee Trimble under the public land laws and settlement was first made upon the homestead sometime during the year of 1908.

In settlement of the controversy over this claim the following stipulation was read into the record:

"It is hereby stipulated by and between Fannie Trimble, the Contestee and Maurice Sauer and Anna Martha Horstmann, Contestants, that as to those certain springs located along either side of the line dividing the  $SW\frac{1}{4}$  of the  $NE\frac{1}{4}$  from the  $NW\frac{1}{4}$  of the  $NE\frac{1}{4}$ , being the springs described in the case of Anna Martha Hildebrant vs. Fannie Montgomery and Halsey Montgomery in the Circuit Court of the State of Oregon for the County of Josephine, that Anna Martha Horstmann shall have the prior and superior right to the waters of said springs to the extent of 30 miner's inches as set forth in said decree in said suit and that said decree provides that said springs "overflow the surface of the ground and the water arising therefrom flows in a southeasterly direction over said  $SW\frac{1}{4}$  of the  $NE\frac{1}{4}$  of Section 28, and across the  $SE\frac{1}{4}$  of the  $NE\frac{1}{4}$  of Section 28 in the general direction of plaintiff's (Anna Martha Horstmann) house and have so flowed from time immemorial except as diverted by artificial means.

"And it is further stipulated that reference is hereby made to Judgment Roll No. 139 in the office of the County Clerk of Josephine County in the suit referred to.

"This stipulation is entered in settlement of the contest in so far as it applies to Claim No. 122 in the name of Fannie Trimble."

The above stipulation appears to have been approved by the parties to this contest and based upon its provision it was agreed to dismiss the contest in so far

as it applies to Proof of Claim No. 122 in the name of Fannie Trimble. The record in the suit referred to in the stipulation indicates that the water of the springs was first attempted to be developed by the predecessors of Contestee Trimble in 1908, consequently the said Contestee will be allowed a water right as claimed with the exception that the date of priority shall be changed to 1908 instead of 1904 and the source of the appropriation shall be designated as "Springs located within the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 28, Township 38 South, Range 8 West, W.M.;" instead of "Springs and Montgomery Creek, tributary of Illinois River". As provided by the decree herein referred to, Contestee Fannie Trimble is enjoined from interfering with the right of Contestant Anna Martha Horstmann to the use of the water from said springs to the extent allowed said Contestant by said suit and as herein allowed.

Proof of Claim No. 102 (Maurice Sauer)

During the hearing of this contest a motion was made by counsel for the Contestant Maurice Sauer that Nickolaus Sauer be substituted as contestant and as claimant under Proof of Claim No. 102. The motion is hereby granted and the rights under said claim as allowed shall appear and be tabulated under the name of Nickolaus Sauer instead of Maurice Sauer.

The controversy over this claim mainly considered the number of acres and priority for which a water right was claimed from Henderson Creek. Under his Proof of Claim No. 102 as filed by Contestant Sauer, it is asked that he be awarded a water right from Henderson Creek for the irrigation of 29 acres with priority of 1869.

The testimony showed that the Dailey or Sauer Ditch having its intake from said creek within the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 28, Twp. 38 South, Range 8 West, W.M., and used to convey the waters to the lands of Contestant Sauer, was constructed in 1871.

As to the number of acres irrigated prior to 1909 and shortly thereafter the testimony is conflicting. It appears however, that Mr. Dailey, who previously owned the premises prior to Contestant Sauer, testified that no more than 14 acres had been irrigated prior to 1914. In 1922 a suit was filed and prosecuted in the Circuit Court for Josephine County by said contestant et al, wherein it was sought to enjoin Martha Hildebrandt et al (now Anna Martha Horstmann) among other things, from diverting from Henderson Creek any waters of said stream except that in excess of 60 miner's inches flowing at the intake of the Sauer (Dailey) Ditch. In the complaint filed in this suit it was set out that the lands of the plaintiff (Nicholas Sauer) were irrigated prior to 1882 and that such irrigable acreage was increased until ten acres had been irrigated at the time the suit was filed. When decree was entered the Court allowed the defendants (Martha Hildebrandt et al) a superior right to the use of the water over that of the

plaintiffs (Nicholas Sauer et al.) The decision apparently was based upon the theory of adverse user on part of the defendants. (Martha Hildebrandt et al). Although this suit is not binding between Contestant Sauer and Contestee Trimble, in view of the conflicting testimony in regard to the number of acres irrigated, considerable weight should be given to the statements made by Contestee Sauer in the complaint.

Considerable testimony was introduced by Contestee in respect to the use of a reservoir by Contestant Sauer. The record clearly indicates that no waters are claimed in addition to the irrigation right, for storage purposes. The reservoir is merely used to temporarily withhold the waters to be later released, enabling the Contestant to work with a larger head of water in applying it to his lands. It was estimated by one witness that it would require three to four hours to empty the reservoir and approximately twelve hours to fill it. The Contestant's use of the reservoir shall not be interfered with but in no event shall he be allowed a quantity of water in addition to that awarded for irrigation purposes, for use in filling said reservoir.

The right of Contestant Sauer under Proof of Claim No. 102 to the use of waters from Henderson Creek shall be reduced from 29 acres to 10 acres, with date of priority of 1871, the water to be applied and made appurtenant to the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 33, Tp. 8 South, Range 8 West, W.M.

Proof of Claim No. 121 (Fannie Trimble)

Contestee Trimble, under Proof of Claim No. 121, filed in these proceedings, claimed a water right from Henderson Creek (Montgomery Creek) for the irrigation of 15 acres located within the SW $\frac{1}{4}$  of the SE $\frac{1}{4}$ , Section 28, Twp. 38 South, Range 8 West, W.M., with priority of 1864. The statement of contest as filed by the contestants, challenges the claim in every particular and at the time of hearing, Contestants amended their claims, setting up an adverse use of the waters of Henderson Creek against that of Contestee Trimble. The acreage upon which it is proposed to use the water is known and referred to as the Chapman place and the water is conveyed for use on the premises through the so-called Vincent Bar Ditch, having its intake from Henderson Creek within the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$ , Section 28, Tp. 38 South, Range 8 West, W.M.

It is indicated that water was first used through the Vincent Bar Ditch for mining purposes some time between 1860 and 1865. On what properties the water was used or to what extent, is not disclosed by the testimony. Mr. Thomas Chapman, who owned and lived on the Chapman place from 1870 to 1887, testified that during his occupancy no water was used on the place for irrigation purposes. It appears that the Chapman place was used in the earlier years as headquarters for a sheep ranch and the only use of the water flowing through the Vincent Bar Ditch at this time was that for sheep dipping purposes. No substantial evidence of the use of the water for irrigation purposes appears in the record prior to 1891 when the property was occupied by J. L. Knighten, who testified he used the water for the irrigation

of two or three acres. The testimony relative to the use of the water in later years was conflicting but the preponderance of the evidence clearly shows that whatever use was made, that it was subordinate to that of Contestants. It is doubtful if the use of the water by Contestee Trimble ever resulted in the production of profitable crops. The record indicates that the Vincent Bar Ditch was not properly kept and was in poor condition and neglected to such an extent that it is questionable as to whether water could have been run through it successfully. It is contended by Contestee that the doctrine of relation should be applied and that a water right for the irrigation of 15 acres be allowed with a priority dating from the time the ditch was first constructed. There is no evidence which would support such contention.

It is also contended by Contestee that a right should be allowed for the irrigation of 2.5 to 4 acres of the Chapman place lying south of Henderson Creek, it being claimed that this area was irrigated from waters flowing through the Dailey Ditch. There is some evidence supporting the contention that this area was irrigated but the source of the appropriation is a matter of dispute, some witnesses testifying that the water used was from the Dailey Ditch while others testified it was waste water escaping from the reservoir of the Contestant. It is not believed that an appropriation of water should be allowed from a ditch belonging to another. No claim was made by Contestee for the use of waste water and it does not appear that an appropriation from Henderson Creek direct was ever perfected by Contestee, therefore the claim for this acreage will not be allowed.

After considering all the evidence submitted and carefully reading the testimony it is the opinion of the State Engineer that Contestee Trimble's right to the use of the waters of Henderson Creek for irrigation purposes should be restricted and limited to three (3) acres with priority of 1891.

Relative Rights Between the Parties to this Contest.

It appears that considerable trouble has been experienced by the parties to this contest resulting in expensive litigation and in some instances physical combat over the use of the water from Henderson Creek (sometimes called Montgomery Creek).

Henderson Creek is a small stream originating in the SW $\frac{1}{4}$  of Section 22, Twp. 38 S., Range 8 West, W.M. The general course of the stream is in a southeasterly direction, flowing into the Illinois River within the SE $\frac{1}{4}$  of Section 28, Twp. 38 S., Range 8 West, W.M. The head waters of the stream originate from springs arising mostly on the western slopes of Eight Dollar Mountain. In the early spring sufficient water flows in the channel to satisfy all water users but as the summer progresses the flow diminishes until there is not sufficient water to meet the requirements of all the irrigators.

In accordance with the findings herein made in settlement of the rights of the parties to this contest, the following tabulation shows the priorities and acreage allowed:

<u>Designation of Right</u>	<u>Proof of Claim No.</u>	<u>Name</u>	<u>Priority</u>	<u>Acreage</u>	<u>Description</u>
A	95 - 95-A	Virginia Niederman	1908	6.7	1.9 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 2.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 2.8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 22, T.38 S., R.8 W., W. M.
B	122	Fannie Trimble	1908	31.0	15.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 8.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 8.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 28, T. 38 S., R. 8 W., W.M.
C	72	Anna Martha Horstmann	1903	35.5	3.5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 8.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27, 6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 8 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 10 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28, T. 38 S., R. 8 W., W.M.
D	102	Nickolaus Sauer	1871	10	10 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 33, T. 38 S., R. 8 W., W. M.
E	121	Fannie Trimble	1891	3	3 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 28, T. 38 S., R. 8 W., W.M.

It will be noted that right C (Anna Martha Horstmann, Proof of Claim No. 72), has a priority of 1903 for the irrigation of 35.5 acres. This right, however, was held to be prior to right D (Nickolaus Sauer, Proof of Claim No. 102) in the suit of Sauer et al vs. Martha Hildebrandt et al by virtue of defendant having obtained a superior right on the grounds of adverse user. In this suit the plaintiff Sauer (herein Contestant) attempted to restrain the defendant (Martha Hildebrandt, now Anna Martha Horstmann) from using the waters of certain springs originating in the W $\frac{1}{2}$  of the NE $\frac{1}{4}$  of Section 28, Twp. 38 South, Range 8 West, W.M. The record in the case indicated that the waters from these springs unmolested would flow into Henderson Creek. The result of this suit naturally complicates the rights of the parties to this contest for it has been found herein that right E (Fannie Trimble, Proof of Claim No. 121) is earlier than right C (Anna Martha Horstmann, Proof of Claim No. 72) and right D (Nickolaus Sauer, Proof of Claim No. 102) is earlier than right E. Contestee Trimble (right E) not having been a party to the suit of Sauer et al vs. Hildebrandt et al) could not, in absence of other reason, be bound by the decree entered in said suit. To leave these findings in this manner would not settle the relative rights of the parties and would only result in continued litigation and ill feeling.

Beginning upstream and coming down, the points of diversion of the rights are

located as follows: (1) right C; (2) right D; (3) right E. It will be noted that the point of diversion by Contestee Trimble is below that of the Contestants. In settlement of the contest in so far as it affected the claim of Contestee Trimble under Proof No. 122 it was stipulated that the suit of Hildebrant vs. Montgomery (113 Ore.687) should control the rights of the parties. The plaintiff in this suit (Hildebrant) brought an action to restrain the defendants from interfering with the use of the water by defendant (Montgomery, predecessor to Contestee Trimble). The Court held in favor of the plaintiff. It appears that the waters involved in this suit were the same as those in the suit of Sauer et al vs. Hildebrant et al. as the springs are described as being within the  $W\frac{1}{2}$  of the  $NE\frac{1}{4}$ , Section 28, Twp. 38 S., R. 8 W., W.M. Consequently Contestee Trimble recognizes a superior use to these springs by Contestant Horstmann in so far as the right to use the water upon the lands described in Proof of Claim No. 122, ( right B) but does not concede such superior use as to the right claimed for those lands described under Proof of Claim No. 121. ( right E)

The springs which were involved in the litigation referred to flow into Henderson Creek and contribute a substantial portion of the entire flow of the stream. How much water flows in the stream above the point where the springs empty into the creek is not clearly indicated by the record nor is the point where these springs flow into Henderson Creek clearly described, but it is alleged that the waters flow therefrom in well defined water courses till reaching the creek. Contestants Horstmann depend entirely upon the use of water from these springs and nothing in the record indicates that they are entitled to divert any water from Henderson Creek other than from the tributaries formed by these springs. Consequently whatever waters are found in the creek above the place where the waters of these springs would naturally flow into said creek should be available for the use of contestant Sauer under Proof of Claim No. 102 (right D) first, and Contestee Trimble under Proof of Claim No. 121 (right E) second.

Contestee Trimble contends that in so far as the right claimed under Proof No. 121 (right E) is prior to the Horstmann right under Proof No. 72 (right C) and that the said Horstmann right being superior to the right of Contestant Sauer as claimed under Proof No. 102 ( right D) that Right E (Contestee Trimble) should be declared entitled to the first use of the water from Henderson Creek. This contention cannot be supported for Contestee Trimble diverts the water from Henderson Creek downstream from where Contestants Horstmann and Sauer make their diversion. The record leaves no doubt as to the superior right of Contestant Sauer over that of Contestee Trimble to use the water from Henderson Creek. The suit (Sauer vs. Hildebrant) decided that the use of the water from the springs involved by Contestant Horstmann was adverse to that of Contestant Sauer, consequently it was adverse to that of Contestee Trimble. To find otherwise in view of the record would

be most inequitable and permit the said Contestee to accomplish a purpose indirectly which could not be accomplished directly.

Distribution of Water

The waters from Henderson Creek and its tributaries shall be distributed between the parties to this contest in the following order and manner:

First:

Contestant Anna Martha Horstmann under Proof of Claim No. 72, water for the irrigation of 35.5 acres as described in the tabulation herein, but under no circumstance will said Contestant be permitted to divert any water from Henderson Creek direct, such right being confined to the use of waters of those springs located within the  $W\frac{1}{2}$  of the  $NE\frac{1}{4}$  of Section 28, Twp. 38 South, Range 8 West, W. M., flowing into said Creek.

Second:

Contestant Nickolaus Sauer under Proof of Claim No. 102, water for the irrigation of 10 acres as described in the tabulation herein.

Third:

Contestee Fannie Trimble under Proof of Claim No. 121, water for the irrigation of 3 acres as described in the tabulation herein.

Fourth:

Contestee Fannie Trimble under Proof of Claim No. 122, for the irrigation of 31 acres as described in the tabulation herein.

Fifth:

Contestee Niedermann under Proof of Claims Nos. 95 and 95-A for the irrigation of 6.7 acres as described in the tabulation herein.

In order that the water may be more accurately distributed between the parties to this contest, the officers in charge of the distribution of the waters may cause the parties to install suitable measuring devices and headgates for this purpose, the cost of which to be paid by the particular parties to whom the water is distributed.

13.

CONTEST No. 2

Julia Tolin,  
Contestant,  
vs.  
L. J. Buell, and Jennie Tuttle,  
Contestees.

Claim of Jennie Tuttle. (Proof of Claim No. 127)

The above claim was contested on the belief that the Contestee was claiming



a right to appropriate water direct from Thompson Creek. The claim does not indicate this to be true. The Contestant at the hearing, stated that there was no contest against the use of the water as claimed by Contestee from Tuttle Springs which appear to be located on the Contestee's property and conveyed to the place of use by means of a pipe line. The Contestee will be allowed a water right as claimed and as hereinafter tabulated. The Contestee, however, will not be permitted to make a diversion of water nor shall these findings be construed so as to allow Contestee to divert any water from Thompson Creek direct.

Claim of L. J. Buell (Proof of Claim No. 16)

The above Contestee filed Proof of Claim No. 16 for the irrigation of 16.0 acres of land from the waters of Thompson Creek with priority of 1905. The lands for which the irrigation right is claimed are described as follows:

5.9 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
10.1 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
Section 28,  
Township 38 South, Range 7 West, W.M.

The State Engineer's maps show but 2.4 acres of land irrigated but the Contestee filed a map indicating and claiming a larger area.

The Contestant failed to introduce any testimony showing the use of water prior to 1916 on the lands owned by Contestee. One of his own witnesses testified that a considerable area was irrigated in addition to the 2.4 acres. An attempt was made to show that the entire 16 acres were not irrigated from 1916 up to the time of these proceedings but the testimony in this respect was not convincing as the witness' only familiarity of what was being irrigated was by what knowledge they obtained by passing up and down the road.

The evidence of Contestee was not strong but witnesses testified that they had knowledge of the use of the water on Contestee's lands as early as 1905, and practically each year thereafter.

Considerable argument was had relative to the acreage actually claimed to be irrigated. One part of the claim appears to indicate 16 acres while the map might be interpreted to show 18.4 acres. The testimony, however, tends to indicate that not more than sixteen acres were irrigated. The Contestee will be allowed a water right for the irrigation of 16 acres with priority of 1905 as follows, and as shown in the tabulation of claims herein:

5.9 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
10.1 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
Section 28,  
Twp. 38 South, Range 7 West, W.M.

The quantity of water to which Contestant is entitled will be governed by that allowed by the State Engineer as set out in the certificate of proof.

CONTEST No. 3H. D. Norton,  
Contestant,

vs.

S. D. Baker, Emmett Addy, and  
John Slate,  
Contestees.

This contest was settled by the following stipulation:

"Come now H. D. Norton, Contestant in the above entitled matter, and S. D. Baker, Emmett Addy and John Slate, Contestees therein, appearing by John Slate, one of, and representing, the said Contestees, and stipulate and agree with regard to the statement of contest heretofore filed herein by the Contestant, and with regard to the water rights involved therein, as follows:-

"1. Contestees expressly recognize the priority of Contestant's water rights for mining purposes out of Day's Gulch, a tributary of Josephine Creek, under Proof of Claim No. 86, as duly submitted in the above entitled adjudication, and as stated and alleged in Contestant's Statement of Contest, based upon the decree of the Circuit Court of the State of Oregon for Josephine County, and a certified copy of which was filed with said statement of contest as Exhibit "A" thereof; and

"2. That the claim of water right set up by Contestees under their Proof of Claim No. 4, as filed in the above entitled matter, is and shall be deemed, so far as the same relates to the waters of Day's Gulch, aforesaid, subordinate to and subsequent to the superior right and to the priority of the said Contestant, H. D. Norton; and

"3. The parties hereto agree that the aforesaid decree of the Circuit Court of the State of Oregon for Josephine County may and shall be the basis of determining the amount and extent of said priority hereby recognized in the Contestant Norton; and

"4. Contestees S. D. Baker and Emmett Addy have departed from Josephine County and from the State of Oregon, and have heretofore expressly authorized Contestee, John Slate, the undersigned, to represent them in all matters relating to the said Proof of Claim No. 4, filed upon behalf of the three contestees, and the undersigned John Slate is at this time fully empowered and authorized to deal fully and completely with the said matter conclusively and binding himself and his co-claimants and co-contestees, Baker and Addy, and hereby does so according to the tenor of the foregoing stipulation and agreement, and agrees that the State Engineer may make his determination upon

the basis of this stipulation and agreement, and that the order of adjudication of relative water rights as between Contestant and Contestees may be founded hereon.

"Dated at Grants Pass, Oregon, this 24th day of May, 1929.

(sd) H. D. Norton  
H.D.Norton, Contestant

"In the presence of

CONTESTEE S. D. BAKER

(sd) Niel R. Allen

By (sd) John Slate  
His Agent.

(sd) Anna W. Harmon

CONTESTEE EMMETT ADDY,

By (sd) John Slate  
His Agent.

(sd) John Slate  
Contestee John Slate."

The rights of the parties shall be governed by the provisions of the above stipulation and the waters distributed accordingly.

15.

CONTEST No. 4

Guy Fetterly, W.O.Kohler, Earl F. Crouch, Viola M. Houck, and Henry M. Pfefferly,  
Contestants,

vs.

Deep Gravel Mining Company, a corporation,  
Contestee.

This contest was settled by the following stipulation which shall be binding on the parties hereto:

"Come now the Contestants herein, by James T. Chinnock, their attorney, and the DEEP GRAVEL MINING COMPANY, a corporation, Contestee, by A. E. Reames, its attorney, and in full settlement and determination of the above named contest,

DO HEREBY STIPULATE AS FOLLOWS :

"That the Order of Determination of the State Engineer herein, and the Decree of the Circuit Court of the State of Oregon for Josephine County in the above entitled matter, shall provide that neither the Contestee, nor any of its successors, or the agents or employees of any, shall ever use through their Quinn or Darkis Ditch any of the waters of the East Fork of the Illinois River for irrigation purposes,

and that the use of such waters through said ditch shall be confined wholly to mining purposes and power purposes in connection therewith; otherwise the right may be determined and decreed as alleged and set forth in the Contestee's Proof of Claim filed covering said Quinn or Darkis Ditch, which Proof of Claim is Number 28.

"Dated this 10 day of March, 1932.

(sd) James T. Chinnock  
Attorney for the Contestants.

(sd) A. E. Reames  
Attorney for the Contestee."

16.

CONTEST No. 5

Guy Fetterly, W.O.Kohler, Viola M. Houck, Earl F. Crouch, and Henry M. Pfefferly,  
Contestants,

vs.

G. W. Hales,  
Contestee.

The following stipulation was filed in these proceedings in settlement of the above contest, and shall govern the rights of the parties hereto:

"IT IS HEREBY STIPULATED by and between the Contestants herein, through their attorney, James T. Chinnock, and the Contestee, through his attorney, A. E. Reames, as follows:

"WHEREAS, during all the times herein mentioned, the Contestee and his predecessors in interest in the ownership of the water ditches and water rights involved in this proceeding, have maintained a reservoir situated on and around the center of Section 22, Township 40 South of Range 8 West of Willamette Meridian. And

"WHEREAS, Contestee's said predecessors, some years prior to the institution of this proceeding, constructed for their own use a small water ditch leading from said reservoir at a point in the edge thereof in the Southwest Quarter (SW $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of said Section 22; thence across said North East Quarter (NE $\frac{1}{4}$ ) of said Section in an easterly direction into the East Fork of the Illinois River, near where the same crosses the north line of Section 23, said Township, and

which water ditch was originally constructed and used for conveying waste waters into said stream for saw-mill purposes.

"AND WHEREAS, said ditch as so constructed and used conveyed into the East Fork of said Illinois River, at said point, certain of the waters that had wasted, either from the mining operations or from the electric power plant of said predecessors of said Contestee, or both; which said power plant is situated in said Section 22, and near the south line thereof.

"AND WHEREAS prior to the institution of this suit, the Contestants constructed a race from said reservoir in a northerly direction, which race cut off said water ditch from its connection with said reservoir, and prevented such waste waters from finding their way through said ditch back into said East Fork of the Illinois River, thereby depriving the Contestants for the use of said water through their ditches, described in their Proofs of Claims herein. And

"WHEREAS, the parties hereto desire to definitely settle this contest, and to provide for an Order of Determination and Decree in accordance herewith,

"NOW THEREFORE, IT IS HEREBY STIPULATED by and between the parties hereto that the Contestants shall have the right, at their own expense, to restore said ditch so as to again connect the same with said reservoir without injury, either to Contestee's said reservoir, or to the race; but making said connection in such manner as not to interfere with the use of said race or of said reservoir by the Contestee, or his successors, and to clean out said ditch so that the same will have a carrying capacity of seventy-five (75) inches under a six inch pressure, miner's measurement.

"That during the irrigation season of each year, as the same shall be fixed in the Order of Determination and Decree herein, the Contestants shall have the right to take from the said reservoir said quantity of the used and wasted waters aforesaid, and convey the same into said East Fork of said stream, through said ditch, when so restored, for the irrigation of the seventy-five (75) acres of land shown upon the State Engineer's map as irrigated from and through Contestant's said water ditches. These waters so to be taken back into said stream and through said ditch are not to be taken from waters needed by the Contestee, or his successors, for their mining operations, or for the

operation of their said power plant, but only from waters as the same shall have been wasted from and after use in such power plant and/or such mining operations of the Contestee, or his successors.

"The Contestee and/or his successors shall have the right to mine out any portion of the ground occupied by said reservoir, but if by so doing the Contestants shall be deprived of an opportunity to take said wasted water through the said ditch, then the Contestee, or his successors, shall make provision for putting such wasted waters into said ditch, and the expense thereof shall be borne by the Contestee, or his successors.

"IT IS HEREBY FURTHER STIPULATED that an Order of Determination may be entered by the State Engineer herein, and a Decree may be entered by the Circuit Court of Josephine County herein, in accordance with the provisions hereof. That in all other respects, as between the parties hereto, an Order or Determination shall be entered by the State Engineer in this proceeding and a Decree shall be entered in said Circuit Court, decreeing the Contestee's rights as they are set forth and alleged in the Contestee's Proofs of Claim on file herein, except as follows:

"That the Contestee's rights to use the waters covered by his proof of claims for irrigation purposes shall be limited to the irrigation of those of contestee's lands shown upon the State Engineer's maps herein as being irrigated lands, which amount to approximately sixty acres;

"That as between the parties hereto, contestee's right of irrigation through the contestee's ditches is limited to the said lands as shown on said map as irrigated lands.

"Contestee's proof of claim herein to what is known as the Esterly Middle ditch and also known as Scotch Gulch ditch (this is proof of Claim No. 37, Vol. 1.) shall be deemed to be and is amended so as to include the claim of a right to the irrigation of said lands so shown as irrigated upon said State Engineer's maps, and an order shall be entered herein so amending said proof of claim.

"Contestee's right to irrigation is confined to the said right embraced in said proof of Claim No. 37.

"Dated this 10th day of March, 1932.

(sd) James T. Chinnock  
Attorney for Contestants.

(SD) A. E. Reames  
Attorney for the Contestee."

CONTEST No. 6

J. R. Elder, Contestant,

vs.

A.L. Bailey, Agnes Bailey, and  
W. S. Bailey,  
Contestees.

The Contestant made no appearance at the time set for hearing nor was he represented at said hearing, therefore the contest will be dismissed and the rights of the parties allowed as claimed.

A motion was made by Contestee opposing the petition filed by the Contestant herein for intervention and moving for vacation of the Order of the State Engineer permitting such intervention and filing of proof of claim by Contestant. The motion will be denied and the Contestant allowed a water right as claimed and tabulated herein.

## 18.

The following stipulation was filed in avoidance of contest between G. W. Hales and the Deep Gravel Mining Company. The provisions of the stipulation will govern the rights of the parties thereto and the water distributed between them accordingly:

"It is hereby stipulated by and between W. G. HALES of Chicago, Illinois, claimant herein to a right to the use of waters from the East Fork of the Illinois River through the "Esterly Upper Ditch", originally known as the "Waldo Ditch" and the Esterly Middle Ditch", originally known as "Scotch Gulch Ditch" and the Esterly Lower Ditch, originally known as the "Wash Ditch", by George M. Esterly, his duly appointed, and qualified agent herein with full power to make this stipulation, first party, and DEEP GRAVEL MINING COMPANY, an Oregon corporation officing at 412 Liberty Building, Medford, Oregon, a claimant to the use of waters from the East Fork of said Illinois River through the Quinn or Darkis Ditch, sometimes called Deep Gravel Mining Company Ditch, and through the Hunt or Wimer Ditch, also called Deep Gravel Mining Ditch, by A. E. Reames, its principal stockholder, secretary and duly authorized agent, with full power to make this stipulation, second party, that as between the parties hereto the rights of said parties to the use of the waters of said streams through said respective ditches, and upon which they have respectively filed claims herein, are defined in a decree, findings of fact and

conclusions of law made, entered and filed in the Circuit Court of the State of Oregon for Josephine County, on the 18th day of April, 1906, in a cause then pending in said court wherein Jane Simmons, T. Cameron and T. J. Logan, partners doing business under the firm name and style of Simmons, Cameron & Logan, were plaintiffs, versus Deep Gravel Mining Company, a corporation, defendant, and second party hereto; a duly certified copy of which findings, conclusions and decree, was filed by the first party concurrently with the filing of his statements and proofs of claims upon his said ditches respectively, and made parts thereof, a certified copy of which is also attached to the second party's statement and proof of claim on its Quinn or Darkis Ditch, reference being made to such findings, conclusions and decree, and the same being made a part hereof.

"That paragraph 3 of said conclusions correctly states the priority of said ditches respectively, and the amount of water which the parties hereto are entitled to take through their said ditches respectively, and is as follows, to-wit:

- " 3. That the priorities of said ditches and the right to divert water through the same from said East Fork of the Illinois River are in the order following, namely:
1. The Waldo Ditch, 518 inches;
  2. The Scotch Gulch Ditch, 1330 inches;
  3. The Quinn or Darkis Ditch, 500 inches;
  4. The Hunt Ditch, 2800 inches;
  5. The Wash Ditch, 11000 inches."

"The term "inches", as therein used, means miners measurement under six inches pressure, as stated in the conclusions of law Number 2 in said cause. 40 miners inches, by such measurement equals one cubic foot of water per second of time, commonly expressed as "one second foot".

"It is further stipulated that the first party is entitled to the perpetual use of 12 miners inches under a six inch pressure out of said Hunt Ditch in accordance with Conclusion of Law #4 filed in said suit.

"It is further stipulated, as <sup>it</sup> is provided in said decree, that as between the parties hereto, the first party is entitled to first right to the use of 518 inches miners measurement, under six inch



pressure, of said waters through said ditch, and to the next 1330 miners inches under six inch pressure of said waters through said Scotch Ditch, and that the second party is entitled to the use of the next 500 inches of said waters from said East Fork through said Quinn and Darkis Ditch, and to the use of the next 2800 miners inches under six inch pressure, of said waters through said Hunt or Wimer Ditch, and that the first party is entitled to use through his said Wash Ditch 11,000 miners inches under six inch pressure, of said waters of said East Fork, after the second party shall have been supplied with said 500 inches of said waters through said Quinn and Darkis Ditch, and said 2800 inches through said Hunt or Wimer Ditch.

"It is further stipulated by and between the parties hereto that the rights of each one of the parties hereto to the use of such waters through their said several ditches for mining and power purposes, is superior to any right of the other party hereto for water for irrigation purposes, through any of such other party's said ditches.

"Provided, however, that the parties may respectively use through their said ditches respectively, water sufficient to irrigate not more than 160 acres of land, using thereon not to exceed one miners inch under six inch pressure per acre, irrespective of the rights of the parties to use their said waters for mining purposes and power in connection with mining. That is to say that the use of such waters for mining and power purposes in connection with mining are as defined in said findings, conclusions and decree in the suit above mentioned. The irrigation use by neither party hereto shall interfere with such priorities, except that the parties hereto respectively shall<sup>be</sup>/entitle to use not exceeding said 160 miners inches for the irrigation of not exceeding 160 acres respectively, But it is especially stipulated and agreed that each party hereto is entitled to irrigate all of the land described in its proofs of claims respectively, but that not more than 160 acres shall be irrigated by either party when such use would interfere with mining operations by the other.

"This stipulation shall bind the heirs, successors in interest

and assigns of the first party, and the successors in interest  
and assigns of the second party.

"Dated this 5th day of April, 1929.

G. W. Hales, Claimant

By G. M. Esterly  
His duly authorized Agent,

FIRST PARTY.

DEEP GRAVEL MINING COMPANY,  
an Oregon corporation,

By A. E. Reames,  
Its Secretary and Agent.

SECOND PARTY."

19.

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 Illinois River and its 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 cubicfoot per second for each 50 acres of land irrigated during the irrigation season, which season is hereby fixed as the period from April 1st to November 1st of each year.

20.

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.

ROTATION

That the water master of the district in which Illinois River and its 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.

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

PRIORITIES

That except as otherwise determined herein, the order of the rights of the respective appropriators of the waters of said Illinois River and its tributaries, and in which order they are entitled to divert and use the said water shall be and is according to the date of the relative priority of the rights as herein set forth and determined, and the first in order of time according to the date of relative priority shall be and is the first in order of right, and so on down to the date of the latest right, and those having prior rights are entitled to divert and use the waters of said stream and its tributaries when necessary for beneficial use in connection with the irrigation of their respective lands or other useful and beneficial purposes for which they are decreed the right of use, at all times against those having subsequent rights without let or hindrance, and whenever the water is not required by the appropriator having a prior right to its use for the purpose for which said water was appropriated, he must and shall permit it to flow down the natural channel of the stream as it was wont to flow in its natural course

without hindrance or diversion thereof, and those having subsequent rights are entitled to the use of such water and to divert the same to the extent of their rights of appropriation according to the order of priority of their rights; and at all times the water shall be beneficially, economically and reasonably used without waste by those having a right to the use of such water, and no rights of appropriation are hereby confirmed to divert a greater quantity of water than such appropriator can beneficially use for the purpose to which the water is to be put.

24.

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

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Adams, B. R. Kerby, Ore. (Proof #1)	May, 1887		2	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 9, T. 39 S., R. 8 W., W. M.
Bailey, A.L., and Agnes Bailey, Waldo, Ore., and W. S. Bailey, Grants Pass, Ore. (Proof #2)	1868	12.5 s.f.		Mining	Woods Creek Ditch	Woods Creek, trib. of West Fork Illinois River	PLACE OF USE: NW $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 28; NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 33; T. 40 S., R. 8 W., W. M.
				(NOTE: This right is subsequent and inferior to any irrigation rights during the irrigation season as herein fixed.)			
Baird, John W. Grants Pass, Ore. (Proof #3)  <i>Modified Decree Vol. 12, p. 356</i>	1880		34.2	Irrigation	Baird Ditch	McMullen Creek, trib. of Deer Creek	7 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ , 6 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ , 9.5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ , 8.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ , 3.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 19, T. 38 S., R. 7 W., W. M.
Baker, S.D., Emmett Addy, and John Slate, Kerby, Ore. (Proof #4)	June 6, 1877	20.0 s.f.		Mining	Anderson Ditch	Fiddler's Gulch, Day's Gulch and Mike's Gulch, trib. of Illinois River	PLACE OF USE: E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 19; E $\frac{1}{2}$ of W $\frac{1}{2}$ , W $\frac{1}{2}$ of NW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ of SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 30; T. 38 S., R. 8 W., W. M. Also NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 18; T. 38 S., R. 8 W., W. M.
				(NOTE: The use of water for mining is restricted to the period from November 1st to August 31st of the following year.)			
				(NOTE: This right from Day's Gulch is inferior to Proof of Claim No. 86, H.D.Norton. See Findings, Contest No. 3, Paragraph 14, Page 18)			
Barr, William Dryden, Ore. (Proof #5)	April 1, 1893		15	Irrigation	Hathaway Ditch	Unnamed Creek, trib. of Deer Creek	8.7 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ , 6.3 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 34, T. 37 S., R. 7 W., W. M.
Barrett, Francis E. Kerby, Ore. (Proof #6)	1878		16	Irrigation	Barrett Ditch	Tyler Creek and adjoining draws, trib. of East Fork of Illinois River	1 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$ , 4 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 30, T. 39 S., R. 7 W., W.M. 7 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ , 4 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 25, T. 39 S., R. 8 W., 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
Bear, J. L. Grants Pass, Ore. (Proof #43)	Aug. 1896	20.0 s.f.		Mining	Bear Ditch	Fiddler's Gulch	PLACE OF USE: All lands lying and being between Day's Gulch and Fiddler's Gulch, consisting of 280 acres and being within: Sections 35 & 36, T. 38 S.R., 9 W.W.M., and Sections 1 & 2, T. 39 S., R. 9 W., W. M.
(NOTE: This right is subsequent and inferior to any irrigation right during the irrigation season as herein fixed.)							
Bechtel, Ed, and Maybelle Bechtel, Selma, Ore. (Proof #7) <i>Modified by Decree Vol. 12 p 358</i>	1885		95.9	Irrigation	Hyatt or Bechtel Ditch	Deer Creek	28 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ , 30.3 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ , 7.9 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ , 22.8 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 10; 2.4 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ , 4.5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 11, T. 38 S., R. 8 W., W. M.
Bechtel, Maybelle Selma, Ore. (Proof #8) <i>Modified by Decree Vol. 12 p. 361</i>	Nov. 2, 1880		20.9	Irrigation	Hogue Ditch	Clear Creek, trib. of Illinois River	6.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ , 1.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ , 13.9 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 11, T. 38 S., R. 8 W., W.M.
Bigelow, J. W. Kerby, Ore. (Proof #9)	May 23, 1887		0.5	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	0.5 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 9, T. 39 S., R. 8 W., W.M.
Bocock, A. L. Grants Pass, Ore. (Proof #10)	1887		8	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	6 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ , 2 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 4, T. 39 S., R. 8 W., W. M.
Bour, David Kerby, Ore. (Proof #11)	1853	3.0 s.f.		Mining	Bour Ditch	Mike's Gulch	PLACE OF USE: NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 18, T. 38 S., R. 8 W., W. M.
(NOTE: This right is subsequent and inferior to any irrigation right during the irrigation season as herein fixed.)							
Bour, George Kerby, Ore. (Proof #12)	1885	6.25 s.f.		Mining	Sebastopol Ditch	Sebastopol Creek, trib. of Illinois River	PLACE OF USE: NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 10, T. 39 S., R. 9 W., W. M.
(NOTE: The use of water for mining is restricted to the period from October to June of the following year.)							
(Proof #13)	1885	12.5 s.f.		Mining	Rock Cr.& Hansen Ditch	Hansen Gulch & Rocky Bar Gulch tribs. of Canyon Cr.	PLACE OF USE: NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 10; T. 39 S., R. 9 W., W.M.
(NOTE: The use of water for mining is restricted to the period from October to June of the following year.)							

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
Brand, Frederick Dryden, Ore. (Proof #14)	(NOTE: Rights acquired under State Engineer's Permit No. 8068)						
Breazeale, T. J. Selma, Ore. (Proof #15)	Aug. 22, 1902		16.5	Irrigation	Wimer Ditch	McMullen Creek, Trib. of Deer Creek	9 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ , 7.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 13, T. 38 S., R. 8 W., W. M.
Buell, L.J., or Leslie J. Selma, Ore. (Proof #16) <i>Affirmed by Decree Vol. 12, p. 350</i>	1905		16	Irrigation	Buell Ditch	Thompson Creek, trib. of Deer Creek	5.9 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ , 10.1 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 28, T. 38 S., R. 7 W., W. M.
(NOTE: SEE FINDINGS, Paragraph 13 , Page 17 ) Contest No. 2.							
Burke, Ed Kerby, Ore. (Proof #17)	May 1887		18.5	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork of Illinois River	18.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 9, T. 39 S., R. 8 W., W. M.
Cameron, C. D., and John Valen, Takilma, Ore. (Proof #18)	Sept. 26, 1908	0.05 s.f		Domestic and stock	Pipe line	Springs in NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 25, T. 40 S., R. 8 W. WM	PLACE OF USE: NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 26, T. 40 S., R. 8 W., W. M.
(Proof #19)	(NOTE: Rights acquired under State Engineer's Permit No. 3713)						
Cameron, C. D., John Valen, Della Shadinger and Dan Pfefferle, Takilma, Ore. (Proof #20)	(NOTE: Rights acquired under State Engineer's Permit No. 3944)						
Carlisle, W. J. Selma, Ore. (Proof #21)	Mar. 21, 1898		2	Irrigation	Carlisle Ditch	McMullen Creek trib. of Illinois River	2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 18, T. 38 S., R. 7 W., W. M.
Christensen, Mary C., or Mary C. Christy, 304 So. 4th St., Klamath Falls, Ore. (Proof #22)	(NOTE: Rights acquired under State Engineer's Permit No. 2276, Certificate No. 4896.)						
Crooks, M.D.L., Estate of, By M.F. Crooks, Admr., Dryden, Ore. (Proof #23)	1888		10	Irrigation, domestic and stock	Crooks Ditch	Crooks Creek, trib. of Deer Creek	8.9 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ , 1.1 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 4, T. 38 S., R. 7 W., 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
Crossman, Edw. C. 142 So. Rockingham Ave., Brentwood Heights, Calif. (Proof #24)							(NOTE: Rights acquired under State Engineer's Permit No. 4691, Certificate No. 3776.)
Crouch, E. F. Kerby, Ore. (Proof #25)	1860		12.6	Irrigation	Bennett Ditch	East Fork Illinois River	4.4 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ , 8.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 11, T. 40 S., R. 8 W., W. M.
Croy, A. G. Kerby, Ore. (Proof #26)	May 1887		46.2	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork of Illinois River	4.7 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17; 26 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 10.4 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 0.1 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20; 5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 21, T. 39 S., R. 8 W., W. M.
Dahl, Soren O'Brien, Ore. (Proof #27)	1895		1.4	Irrigation	Reynolds Ditch	West Fork Illinois River	1.4 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 26, T. 40 S., R. 9 W., W. M.
Deep Gravel Mining Co., 412 Liberty Bldg., Medford, Ore. (Proof #28)	Jan. 1, 1858			Mining, domestic and stock use	Quinn or Darkis Ditch	East Fork of Illinois River	PLACE OF USE: W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 28;  NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ and SW $\frac{1}{4}$ , Section 21;  SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 16;  NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 20;  NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 17; T. 40 S., R. 8 West, W.M.
(Proof #29)  Modified by Decree Vol. 12, p. 344	Jan. 1, 1860		107	Irrigation, domestic and stock	Hunt or Wimer Ditch	E. Fork Illinois River	10.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 16; 10.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 20; 10.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ , 7.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 20.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 20.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 30.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 21, T. 40 S., R. 8 W., W. M.
	Jan. 1, 1860	70.0 s.f.		Mining	Hunt or Wimer Ditch	E. Fork Illinois River	PLACE OF USE: SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 16; E $\frac{1}{2}$ SE $\frac{1}{4}$ , " 17; E $\frac{1}{2}$ E $\frac{1}{2}$ , " 20; W $\frac{1}{2}$ SE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , and W $\frac{1}{2}$ , " 21; W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 28; T. 40 S., R. 8 W., W. M.
							(NOTE: The use of water for mining is restricted to the period from April 1st to October 1st of each year.) (NOTE: See Findings, Paragraph 18, Page 23.)



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
DeGrasse, Edward H. Dryden, Ore. (Proof #30)							NOTE: Rights acquired under State Engineer's Permit No. 3502, Certificate No. 2342.)
Dessinger, Phil Kerby, Ore. (Proof #31)	May, 1887		1	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork of Illinois River	1 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 4, T. 39 S., R. 8 W., W. M.
Dixon, Fred Kerby, Ore. (Proof #32)	May, 1887		3	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork of Illinois River	3 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 9, T. 39 S., R. 3 W., W. M.
Doney, W. A. Kerby, Ore. (Proof #33)							(NOTE: Rights acquired under State Engineer's Permit No. 7703.)
Drake, David H. R. #1, Kerby, Ore. (Proof #34)	May 24, 1901		20	Irrigation	Drake Ditch	Chapman Creek, trib. of Illinois River	18 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ , 2 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 24, T. 39 S., R. 8 W., W.M.
Duncan, Dollie V. Kerby, Ore. (Proof #35)	May, 1887		1	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork of Illinois River	1 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 4, T. 39 S., R. 8 W., W.M.
Dysert, J. C. Kerby, Ore. (Proof #36)	1894		14	Irrigation	Dysert and Sowell Ditch	Spring in SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 26, T. 39 S, R. 8 W.; Tycer Cr. and Kelly Cr., trib. E. Fork of Illinois River.	8 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 26, 6 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 35, T. 39 S., R. 8 W., W. M.
Elder, George W., By J.R.Elder, Trustee, O'Brien, Ore. (Proof #153)	1867	20.0 s.f.  5.0 s.f.		Mining	Woods Creek Ditch, or Frainey Ditch	Woods Creek, trib. W. Fk. Illinois River.  Fry Gulch Creek and unnamed trib. of Woods Cr. above Ditch	PLACE OF USE: Lots 1, 2, 3, 4 & 5, W $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 28; E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 33; T. 40 S., R. 8 W., W. M.
							(NOTE: The right to use of water for mining is restricted to the period from Nov. 1st to June 1st of the following year.)  (NOTE: See Findings, Paragraph 17, Page 23, Contest No. 6.)

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
Farren, Joseph O'Brien, Ore. (Proof #40)	Sept. 15, 1899		15	Irrigation, domestic and stock	Wing and Farren Ditch	Rough and Ready Creek, trib. of West Fork Illinois River	15 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 12, T. 40 S., R. 9 W., W. M.
Fetterly, Guy Kerby, Ore. (Proof #41)	1857		47.4	Irrigation	Bennett Ditch	East Fork Illinois River	3.6 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ , 24.5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ , 18.7 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ , 0.6 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 11; T. 40 S., R. 8 W., W. M.
Floyd, Marilda J. Kerby, Ore. (Proof #42)	May, 1887		1.5	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork of Illinois River	1.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 4, T. 39 S., R. 8 W., W. M.
Fulk, A. J. Kerby, Ore. (Proof #44)	(NOTE: Rights acquired under State Engineer's Permit No. 501, Certificate No. 760.)						
Gandolfo, Joseph L. Box 44, Sonora, Calif. (Proof #46) (By 1st Nat'l Bank of Southern Oregon, Grants Pass, Ore.)	Spring, 1888		19.2	Irrigation, domestic and stock	Lower Abbott Creek Ditch	Abbott Creek	19.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 8, T. 39 S., R. 8 W., W. M.
(Proof #47)	1896		19.2	Irrigation, domestic and stock	Upper Abbott Creek Ditch	Abbott Creek, both right and left forks above junction.	19.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 8, T. 39 S., R. 8 W., W. M.
(Proof #48)	Fall, 1902		35.8	Irrigation, domestic and stock	Missner Ditch or Twohy Ditch	Illinois River	30.8 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ , 5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 8, T. 39 S., R. 8 W., W. M.
George, Benjamin Kerby, Ore. (Proof #49)	1884		5.5	Irrigation	George Ditch	Springs, and George Creek, trib. of East Fork Illinois River.	1.5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ , 4 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 16, T. 39 S., R. 8 W., W. M.
(Proof #50)	May, 1887		20.6	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	14.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ , 6.6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 16, T. 39 S., R. 8 W., 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
George, R. P. Kerby, Ore. (Proof #51)	1871		41	Irrigation	Adams Ditches	Springs, and Wood Creek, trib. of West Fork of Illinois River	1.3 acres in Lot 3 (SW $\frac{1}{4}$ NW $\frac{1}{4}$ ) 12.7 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 17.4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 2.8 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29; 3.1 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 3.7 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32, T. 40 S., R. 8 W., W. M.
Gilligan, Thomas O'Brien, Ore. (Proof #52)	May 1, 1905		20	Irrigation	Dam and ditch	Elk Creek	10 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 10 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11, T. 41 S., R. 9 W., W. M.
Griffin, Frank Kerby, Ore. (Proof #53)	(NOTE: Rights acquired under State Engineer's Permit No. 5553, Certificate No. 5145.)						
(Proof #54)	(NOTE: Rights acquired under State Engineer's Permits Nos. 6862 and 7686.)						
Haberman, H.T. and G.C. Sumner, Selma, Ore. (Proof #55)	1897		29.9	Irrigation	Squaw Creek Ditch	Squaw Creek, trib. of Deer Creek	5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 2.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 16 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9; 1.7 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10; T. 38 S., R. 8 W., W. M.
(Proof #56)	(NOTE: Rights acquired under State Engineer's Permit No. 4255, Certificate No. 6067.)						
Hales, G. W. c/o A.E. Reames, Att'y. Medford, Ore. (Proof #37)	1853		59.8	Irrigation, domestic and stock	Scotch Gulch Ditch	East Fork Illinois River	9.8 acres in Lot 2 (NW $\frac{1}{4}$ SW $\frac{1}{4}$ ) 2.3 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 2.0 acres in Lot 1 (SW $\frac{1}{4}$ SW $\frac{1}{4}$ ) 10.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 22; 22.7 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 0.2 acres in Lot 5 (NW $\frac{1}{4}$ NW $\frac{1}{4}$ ) 2.4 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 7.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 1.9 acres in Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$ ) 1.5 acres in Lot 2 (SW $\frac{1}{4}$ NE $\frac{1}{4}$ ) Section 27; T. 40 S., R. 8 W., W. M.
	(NOTE: See Findings, Paragraph 18, Page 23) Also Findings, Contest No. 5, Paragraph 16, Page 20)						
	1853	33.25 s.f.		Mining	Scotch Gulch Ditch	East Fork Illinois River	PLACE OF USE: NE $\frac{1}{4}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4; NE $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5; NE $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8; NE $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , and W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 9;

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
<p>Hales, G. W., Proof #37-continued</p>				(Mining)			<p>NE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, NW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>  NE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, NW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>  NE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, NW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>  NE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, NW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>  Section 10;</p> <p>NE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, NW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>  NE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, NW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>  Section 14;</p> <p>NE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, NW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>  NE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, NW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>  NE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, NW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>  NE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, NW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>  Section 15;</p> <p>NE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, NW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>  NE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>,  Section 16;</p> <p>NE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>,  NE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>,  Section 21;</p> <p>NE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, NW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>  NE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, NW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>  Section 22;</p> <p>NE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, NW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>  NE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, NW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>  Section 23;</p> <p>NE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, NW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>  Section 26;</p> <p>NE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, NW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>;  NE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, NW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>  N<math>\frac{1}{2}</math>NW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>;  Section 27;  All T. 40 S., R. 8 W., W. M.</p> <p>→ Also Mineral Lot No. 38,  Section 3,  T. 41 S., R. 8 W., W. M.</p>
<p>(Proof #38)</p>	1853	22.0 s.f.		Mining	Waldo Ditch	East Fork Illinois River	<p>PLACE OF USE:  (Appurtenant to same lands as described under the Mining right under Proof of Claim No. 37 above.)</p>
<p>(Proof #39)  Modified by decree  Vol. 12, p. 347</p>	1895	75.0 s.f.		Mining	Wash Ditch	East Fork Illinois River	<p>PLACE OF USE:  (Appurtenant to same lands as described under the Mining right under Proof of Claim No. 37 above.)</p>
<p>Hanseth, A.A.  Dryden, Ore.  (Proof #57)</p>	1904		1.5	Irrigation and domestic	Unnamed ditch	Brockhurst Creek, trib. of Deer Creek	<p>1.5 acres in SE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>,  Section 4;  T. 38 S., R. 7 W., W. M.</p>

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
Harmon, Charles E. Dryden, Ore. (Proof #58)	1882		4.6	Irrigation	Ditch, reservoir and pipe line	Spring in SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec.27, T.37 S. R.7 W.W.M.	4.6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 34, T. 37 S., R. 7 W., W. M.
(Proof #59)	Spring, 1895		9	Irrigation	Sarah Harmon Ditch	Crooks Creek, trib.of Deer Creek	9 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 34, T. 37 S., R. 7 W., W. M.
(Proof #60)	(NOTE: Rights acquired under State Engineer's Permit No. 5154, Certificate No. 5314.)						
Harmon, J. W. Dryden, Ore. (Proof #61)	(NOTE: Rights acquired under State Engineer's Permit No. 7125.)						
Harmon, T. G. 420 A Street, Grants Pass, Ore. (Proof #62)	May 15, 1886		36.9	Irrigation, domestic and stock	Unnamed ditch	Deer Creek and Messinger Slough	0.8 acre in SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 14; 18.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ , 17.3 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 15, T. 38 S., R. 7 W., W. M.
Hart, Camseydell Kerby, Ore. (Proof #63)	May, 1887		0.33	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	0.33 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 4, T. 39 S., R. 8 W., W. M.
Hart, George F., and Florence T. Hart, Kerby, Ore. (Proof #64)	May, 1887		7	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	7 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 9, T. 39 S., R. 8 W., W. M.
Hayden, Harris M. Kerby, Ore. (Proof #65)	May, 1887		16	Irrigation	Kerbyville Milling & Irrigation Co. Ditch.	East Fork Illinois River	16 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 21, T. 39 S., R. 8 W., W. M.
Herman, John Selma, Ore. (Proof #66)	June 16, 1904		5	Irrigation	Herman Ditch and pump from Draper Creek.	Spring, and Draper Creek	5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 1; T. 38 S., R. 8 W., W. M.
Hill, John A. Kerby, Ore. (Proof #67)	1905		8.6	Irrigation	Hill Ditch	West Fork Illinois River	0.8 acre in NW $\frac{1}{4}$ NW $\frac{1}{4}$ , 7.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 28 T. 39 S., R. 8 W., 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
Hinkle, W. K. Selma, Ore. (Proof #68) <i>Modified by Decree Vol. 12 p. 361</i>	Nov. 2, 1880		28	Irrigation	Hogue Ditch	Clear Creek, trib. of Deer Creek	8.4 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ , 6 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ , 13.6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 11; T. 38 S., R. 8 W., W. M.
Hogue, J.D., and Alice J. Kerby, Ore. (Proof #69)	May 1887		41.3	Irrigation and stock	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	19.2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ , 22.1 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 4, T. 39 S., R. 8 W., W. M.
Hogue, W. A. Selma, Ore. (Proof #70)							(NOTE: Rights acquired under State Engineer's Permit No. 7759.)
(Proof #71)							(NOTE: Rights acquired under State Engineer's Permit No. 4294, Certificate No. 3907.)
Horstmann, Anna Martha Kerby, Ore. (Proof #72) <i>Modified by Decree Vol. 12 p. 364</i>	1903		35.5	Irrigation	Hildebrandt Ditches	Springs in Sec. 28, T. 38 S., R. 8 W.W.M., trib. of Henderson Creek	3.5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ , 8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 27; 6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ , 8 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ , 10 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 28, T. 38 S., R. 8 W., W. M.
							(NOTE: See Findings, Paragraph 12 , Page 9.) (Contest No. 1)
Houck, Viola M. Kerby, Ore. (Proof #73)							(NOTE: Rights acquired under State Engineer's Permit No. 7294, Certificate No. 7590.)
Howard, Charles J. Kerby, Ore. (Proof #74)	May, 1887		0.66	Irrigation	Kerbyville Milling & Irrigation Co. Ditch.	East Fork Illinois	0.66 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 9, T. 39 S., R. 8 W., W. M.
Jones, Geo. T. Kirk, Ore. (Proof #152)	1897		9	Irrigation	Clark Ditch	McMullen Creek	9 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 32, T. 38 S., R. 7 W., W. M.
Jones, Walter S. Kerby, Ore. (Proof #75)	May, 1887		4	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	2.5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ , 1.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 21, T. 39 S., R. 8 W., W. M.
Khoeery, K. J. Takilma, Ore. (Proof #76)							(NOTE: Rights acquired under State Engineer's Permit NO. 1322.)

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
Kohler, W. O. Kerby, Ore. (Proof #77)	1881		7	Irrigation	Brady Ditch	East Fork Illinois River	7 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 2, T. 40 S., R. 8 W., W.M.
	1905		23	Irrigation	Unnamed Ditch	East Fork Illinois River	20 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ , 3 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 2, T. 40 S., R. 8 W., W. M.
	1907		5.2	Irrigation	Unnamed Ditch	East Fork Illinois River	2.2 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ , 3.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 2, T. 40 S., R. 8 W., W. M.
Lange, Michael Selma, Ore. (Proof #78)	1905		3.2	Irrigation	Lange Pipe Line	Sandy Bar Gulch, trib. of Illinois River	3.2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 33, T. 37 S., R. 9 W., W. M.
Lima, Frank Dryden, Ore. (Proof #79)	1898		2	Irrigation	Unnamed Ditch	Spring Branch of Deer Creek.	2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 8; T. 38 S., R. 7 W. W.M.
Link, W. H., and Harry Sibley, Selma, Ore. (Proof #45) (Successors in interest to A. Fulton.)	1908		9.4	Irrigation	Fulton Ditch	Baker Creek, trib. of Illinois River	4.8 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ , 1.8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ , 0.4 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$ , 2.4 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 8, T. 37 S., R. 9 W., W. M.
Logan, J. T. Grants Pass, Ore. (Proof #80)  <i>Modified by Decree Vol. 12 p. 347</i>	1880	10.0 s.f		Mining	Logan Ditch	Long Gulch & tribs., Cedar Gulch & tribs., and Scotch Gulch and tribs., trib. to East Fork Illinois River	40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ , 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ , 10 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 $\frac{1}{4}$ , and Section 27; 40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ , and 40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ , tribs., 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ , trib. to 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ , East 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Fork 40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Illinois 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ , River Section 33; 40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres in 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 $\frac{1}{4}$ ,
							(NOTE: The use of water for mining is restricted to the period from October 15th to June 20th of the following year.)

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
Logan, J. T. Proof #80-continued.				(Mining)			40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ , 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 20 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 34, All T. 40 S., R. 8 W., W. M.  10 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 4, T. 41 S., R. 8 W., W. M.
Loughridge, M.N., 1617 Oak St., St. Petersburg, Fla. (Proof #81)	Aug. 22, 1902		43.4	Irrigation and Stock	Wimer Ditch	McMullen Creek, trib. of Deer Creek	15.7 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 10.4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 7.3 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 12, 10 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 13; T. 38 S., R. 8 W., W. M.
McBriety, M.J. Takilma, Ore. (Proof #82) <i>Modified by Decree Vol. 12, p. 352</i>	1855		51.2	Irrigation	Jimmy Little Ditch	East Fork Illinois River	18.5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 32.7 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34, T. 40 S., R. 8 W., W. M.
Messinger, Mary Selma, Ore. (Proof 83)	1856		161	Irrigation	Messinger Ditch	North Fork of Deer Creek	0.6 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 11; 3.9 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 1.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 11.5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 29.7 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 31.1 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 13; 26.9 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 31.9 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 0.5 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 0.5 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 21.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 1.7 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 14; T. 38 S., R. 7 W., W. M.
Miller, R. F. 514 Isham St., Grants Pass, Ore. (Proof #155)	Sept. 22, 1898	7.0 s.f.		Placer Mining	Dutchy Creek Ditch	Dutchy Creek, trib. of Briggs Creek.	PLACE OF USE:  Placer Mining claims in Section 18, T. 36 S., R. 8 W., W.M., and in Section 13, T. 36 S., R. 9 W., W. M.
(Proof #156)	Feb. 22, 1907	7.0 s.f.		Placer Mining	Brushy Creek Ditch	Brushy Creek, trib. of Briggs Creek	PLACE OF USE:  (Lands as described under Proof No. 155 above.)
(NOTE: The use of water for mining is restricted to the period from Oct. 1st to June 1st of the following year.)							
(NOTE: The use of water for mining is restricted to the period from Oct. 1st to June 1st of the following year.)							



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
Morrison, D. R. Kerby, Ore. (Proof #84)	1888		6.6	Irrigation	Hamilton Ditch	Jimmy Creek, trib. of Illinois River.	0.6 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$ , 3.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ , 3 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 17, T. 39 S., R. 8 W., W. M.
Naucke, T. O. Kerby, Ore. (Proof #85)	May, 1887		0.5	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	0.5 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 9, T. 39 S., R. 8 W., W. M.
Niederman, E. L. Grants Pass, Ore. (Proof #95) (Successor in interest to Lewis W. Richardson.) <i>Modified by Decree Vol. 12, p. 364</i>	Nov. 1908		3	Irrigation	Richardson Ditch	Springs in Sec. 22, T. 38 S., R. 8 W., W.M.	2 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ , 1 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 22, T. 38 S., R. 8 W., W. M.
(Proof #95-A)	Nov. 11, 1908		3.7	Irrigation	Richardson Ditch	Springs in Sec. 22, T. 38 S., R. 8 W., W.M.	1.9 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ , 1.8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 22, T. 38 S., R. 8 W., W.M.
							(NOTE: See Findings, Paragraph 12, Page 9.) Contest No. 1
							(NOTE: See Findings, Paragraph 12, Page 9.) Contest No. 1.
Norton, H. D. Grants Pass, Ore. (Proof #86)	1884	5.0 s.f.		Mining	Norton Ditch	Days Gulch, a branch of Josephine Creek	PLACE OF USE: Illinois and Josephine Placer Mine, comprising 400 acres, more or less, of placer mining ground, as follows: STOCKBARGER CLAIM, comprising 35 acres, as recorded May 2, 1903, in Vol. 15 of Mining Records of Josephine County, Oregon, at page 206 thereof. BATTLE BAR CLAIM, comprising 40 acres, as recorded May 2, 1903, in Vol. 15 of Mining Records of Josephine County, Oregon, at Page 207 thereof; TRIANGLE CLAIM, comprising 8 acres, as recorded May 4, 1903, in Vol. 15 of Mining Records of Josephine County, Oregon, at page 208 thereof; WATTS EXTENSION #1 CLAIM, comprising 10 acres, as recorded May 4, 1903, in Vol. 15 of Mining Records of Josephine County, Oregon, at page 209 thereof; WHITESIDE #1 CLAIM, comprising 160 acres, as recorded April 20, 1889, in Vol. 12 of Mining Records of Josephine County, Oregon, at page 569 thereof; WHITESIDE #2 CLAIM, comprising 140 acres, as recorded May 4, 1903, in Vol. 15 of

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
Norton, H.D. (Proof #86-continued)				(Mining)			Mining Records of Josephine County, Oregon, at page 210 thereof; and WATTS & TURNER CLAIM, comprising 40 acres, as located by Alex Watts and _____ Turner.
				(NOTE: The right to the use of water for mining is continuous throughout the year.)			
				(NOTE: See Findings, Contest No. 3, Paragraph 14, Page 18).			
O'Brien, John, Estate of, By Mrs. Flora O'Brien, Admrx., O'Brien, Ore. (Proof #87)	1876		134.6	Irrigation	O'Brien Ditch	West Fork Illinois River	6 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 3.9 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ , 34.1 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ , 21.3 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ , 20.5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ , 8.9 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ , 17.7 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 19, T. 40 S., R. 8 W., W. M.  5.5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 16.7 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 24, T. 40 S., R. 9 W., W.M.
Parker, H. N. Selma, Ore. (Proof #88)	1870		2	Irrigation	Pipe Line and sprinkler system	Springs in SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 7, T. 38 S., R. 7 W., W.M.	1 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ , 1 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 7, T. 38 S., R. 7 W., W.M.
Payne, Delia L. Kerby, Ore. (Proof #89)	May, 1887		0.6	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	0.6 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T. 39 S., R. 8 W., W. M.
Pfefferle, Henry M. Waldo, Ore. (Proof #90)	1890		15	Irrigation	Pfefferle Ditch	East Fork Illinois River	15 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11, T. 40 S., R. 8 W., W. M.
Pope, A. Selma, Ore. (Proof #91)				(NOTE: Rights acquired under State Engineer's Permit No. 4030, Certificate No. 3412.)			
Prentice, John Wm. Selma, Ore. (Proof #92)	1896		10.2	Irrigation	Unnamed Ditch	Anderson Creek	4.3 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 5.9 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 2, T. 38 S., R. 8 W., W. M.
Reynolds, C.E. O'Brien, Ore. (Proof #93)	May, 1894		13.8	Irrigation	Unnamed Ditch	West Fork Illinois River	11.8 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 1 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 1 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, T. 40 S., R. 9 W., 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
Reynolds, Charles Waldo, Ore. (Proof #94)							(NOTE: Rights acquired under State Engineer's Permit No. 4462)
Robinson, Lucius Kerby, Ore. (Proof #96)	May, 1887		79.2	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	11.2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 11.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 22 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 8.8 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 5.2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33; T. 38 S., R. 8 W., W. M.  12.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 4, T. 39 S., R. 8 W., W. M.
Roby, Harold Gig Harbor, Wash. (Proof #97)	1906		14	Irrigation	No ditch-pump from Creek	Chapman Creek	14 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26, T. 39 S., R. 8 W., W. M.
Sanborn, H.S., and Beulah B Sanborn, Selma, Ore. (Proof #126) (Successors in interest to Alfred and Mary C. Turner.)	1880		4.5	Irrigation	Bechtel Ditch	Deer Creek	4.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 10; T. 38 S., R. 8 W., W. M.
Sargent, J. F. Selma, Ore. (Proof #98)	May 2, 1908		7	Irrigation	Sargent Ditch	Sauer Creek, trib. of McMullen Creek	7 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 24, T. 38 S., R. 8 W., W. M.
Sargent, Oliver Selma, Ore. (Proof #99)	April 15, 1898		5	Irrigation	Sargent Ditch	Sargent Gulch, trib. of McMullen Creek	2 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 3 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 24, T. 38 S., R. 8 W., W. M.
Sauer, Clement Kerby, Ore. (Proof #100)	May, 1887		71.2	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	2.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ , 8.6 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ , 22 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ , 7.7 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ , 6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ , 13.8 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ , 6.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ , 4.2 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33, T. 38 S., R. 8 W., W. M.
(Proof #101)	Sept. 24, 1893		71.2	Supplemental Irrigation, and stock	Reeves Creek Ditch	Reeves Creek, trib. of Illinois River	2.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ , 8.6 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ , 22 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ , 7.7 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ , 6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ , 13.8 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ , 6.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ , 4.2 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33, T. 38 S., R. 8 W., W. M.
							(NOTE: These lands have a supplemental supply under the Reeves Creek Ditch, with priority of Sept. 24, 1893.)
							(NOTE: This is a supplemental supply to the lands under the Kerbyville Milling & Irrigation Company Ditch, with priority of 1887.)

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
Sauer, Nickolaus Kerby, Ore. (Proof #102) <i>Modified by Decree Vol. 12, p. 364</i>	1871  (NOTE: See Findings, Paragraph 12 , Page 11) (Contest No. 1)		10	Irrigation and stock	Henderson Creek Ditch and Reservoir	Henderson Creek, trib.of Illinois River	10.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 33, T. 38 S., R. 8 W., W. M.
Sauer, Nickolaus Kerby, Ore. (Proof #103)	May, 1887  (NOTE: This right has a supplemental supply under the Reeves Creek Ditch, with priority of Sept. 24, 1893.)		41.5	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	15.6 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 9.1 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ . 11.8 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ . Section 33, T. 38 S., R. 8 W., W. M
(Proof #104)	Sept. 24, 1893  (NOTE: This right is a supplemental supply to the lands irrigated through the Kerbyville Milling & Irrigation Co. Ditch, with priority of May, 1887.)		41.5	Irrigation and stock	Reeves Creek Ditch	Reeves Creek	15.6 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 9.1 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 11.8 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33, T. 38 S., R. 8 W., W. M.
Sawyer, C.G. & F.L. Kerby, Ore. (Proof #105)	1875		18.9	Irrigation	Two un- named ditches	Kelly Creek	1.6 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25, 8.8 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 8.4 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36, T. 39 S., R. 8 W., W.M.
Sawyer, Grace Cosson Kerby, Ore. (Proof #106)	1903		30	Irrigation	Chapman Ditch	Chapman Creek, trib.of Illinois River	25 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 26, T. 39 S., R. 8 W., W. M.
Scherffius, B. F. Cape Haitien, Haitl. (Proof #111)	May, 1886		20.2	Irrigation	Wills Ditch	Deer Creek trib.of Illinois River	4.5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 15.7 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15, T. 38 S., R. 7 W., W. M.
Schmitt, Joseph and L.E. Schmitt, Grants Pass, Ore. (Proof #109)	Dec. 24, 1874  Cancelled on or Rec. Vol. 21 P. 358		180.65	Irrigation and stock	Schmitt Ditch	Clear Creek & East Fork of Clear Creek, trib. to Deer Creek	1 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25, 4.47 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 5.5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 16.25 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 23.46 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 19.07 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26, 14.13 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 33.9 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 24.51 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 19.97 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 18.39 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 35, T. 37 S., R. 8 W., 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
Seat, J.W., Estate of By J.O. Seat, Admr., Kerby, Ore. (Proof #107)	1855		26.8	Irrigation	Woodcock Ditch	Choke Cherry Gulch and Springs.	7.6 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 19.2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31, T. 39 S., R. 8 W., W. M.
(Proof #108)	1902		205.9	Irrigation	Woodcock Ditch	Rough & Ready Creek	4 acres in Lot 3 (NE $\frac{1}{4}$ SW $\frac{1}{4}$ ) 26.4 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 0.2 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 26 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 25.6 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 27.6 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5, 10.8 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 17.6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 8, T. 40 S., R. 8 W., W. M.  3.3 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 20 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 36.4 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32, T. 39 S., R. 8 W., W. M.
Shade, John C. Selma, Ore. (Proof #110)	1898		4	Irrigation, domestic and stock	Spring Creek Ditch and Shade Creek Ditch	Shade Creek Spring Creek	3.8 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35, T. 37 S., R. 9 W., W. M.  0.2 acre in Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$ ) Section 2, T. 38 S., R. 9 W., W. M.
Smith, Ora, Estate of By Agnes M. Smith, Admr., Kerby, Ore. (Proof #112)	1897		6	Irrigation	Unnamed Ditch	Tycer Creek	6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 25, T. 39 S., R. 8 W., W. M.
Sowell, John G. Algoma, Ore. (Proof #113)	1908		5	Irrigation	Unnamed ditch	Tycer Creek	5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26, T. 39 S., R. 8 W., W. M.
State Land Board of Oregon, Salem, Ore. (Proof #154)	1887		40.0	Irrigation	Craig Ditch	Draper Creek, trib. of Deer Creek	12.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 8.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 15.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 31 T. 37 S., R. 7 W., W. M.  5.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 36, T. 37 S., R. 8 WEST, W.M.
Stevens, John F. Selma, Ore. (Proof #114) <i>Modified by Decree Vol. 12, p. 354</i>	Aug. 1, 1894		44.4	Irrigation	Unnamed ditches	Squaw Creek, trib. to Deer Creek	2.3 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 16.1 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ , 23.9 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 2.1 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 4, T. 38 S., R. 8 W., 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
Stith, Mrs. J.F. 1709 Howard Ave., Seattle, Wash. (Proof #115)	May, 1887		0.5	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	0.5 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T. 39 S., R. 8 W., W. M.
Stockton, O. I. O'Brien, Ore. (Proof #116)	(NOTE: Rights acquired under State Engineer's Permit No. 3201, Certificate No. 3223.)						
Thrasher, G. W. Kerby, Ore. (Proof #117)	May, 1887		1.5	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	1.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T. 39 S., R. 8 W., W. M.
Tolin, Julia 656 So. Daly St., Los Angeles, Calif. (Proof #118)	(NOTE: Rights acquired under State Engineer's Permit No. 1794, Certificate No. 1280.)						
(Proof #119)	(NOTE: Rights acquired under State Engineer's Permit No. 4163, Certificate No. 4944.)						
Tolin, R. L. Selma, Ore. (Proof #120)	1898		0.3	Irrigation	Small ditches	Spring in SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec.17, T.38 S., R.7 W.W.M.	0.2 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 0.1 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 17, T. 38 S., R. 7 W., W. M.
Trimble, Fannie Brookings, Ore. (Proof #121)	1891		3	Irrigation	Montgomery Irrigation System	Montgomery Creek, trib. of Illinois River	3 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 28, T. 38 S., R. 8 W., W. M.
<i>Modified by Decree Vol. 12 p. 364</i>	(NOTE: See Findings, Contest No. 1, Paragraph 12, Page 12.)						
(Proof #122)	1908		31	Irrigation	Montgomery Irrigation System	Springs in SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 28, T.38 S., R. 8 W.W.M.	15 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 8 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ , 8 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28, T. 38 S., R. 8 W., W. M.
	(NOTE: See Findings, Paragraph 12, Page 10, Contest No. 1.)						
Tucker, Ella H. Takilma, Ore. (Proof #123)	1863		60.3	Irrigation	Big Elder Creek Ditch	Big Elder Creek, trib.of E.Fork Illinois River	18 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 7 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 7.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ , 26 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 1.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 25, T. 40 S., R. 8 W., W. M.
	(NOTE: This land has a supplemental supply from Little Elder Creek, through the Little Elder Creek Ditch with same priority.)						

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
Tucker, Ella H., continued. (Proof #124)	1863		60.3	Supplemental Irrigation	Little Elder Creek	Little Elder Creek, trib. of E. Fork Illinois River	18 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 7 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 7.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 26 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 1.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 25. T. 40 S., R. 8 W. W. M.
(NOTE: This is a supplemental supply for the lands irrigated from Big Elder Creek through the Big Elder Ditch with same priority.)							
Tuff, Max Kerby, Ore. (Proof #125)	May 1887		10.4	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	9.6 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, 0.8 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 9, T. 39 S., R. 8 W., W. M.
Tuttle, Jennie Selma, Ore. (Proof #127)	1858		14.4	Irrigation, domestic and stock	Pipe line	Tuttle Spring in SW $\frac{1}{4}$ , Sec. 21, T. 38 S. R. 7 W., W. M.	1 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 1.8 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 8.3 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 3.3 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 21, T. 38 S., R. 7 W., W. M.
(NOTE: See Findings, Paragraph 13, Page 16) Contest No. 2.							
Twohy Bros. Company, 623 Underwood Bldg., San Francisco, Cal. (Proof #128)	1875		132	Irrigation	Twohy Irrigation System or Old Mansfield Ditch	Big Spring, Rice Creek, and Straw Creek, trib. of Illinois River	20 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 10 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, T. 38 S., R. 8 W., W. M.  12 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 4; 30 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ , 10 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ , 20 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ , 20 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 5; T. 39 S., R. 8 W., W. M.
(NOTE: THESE lands have a supplemental supply through Twohy Irrigation Ditch, with priority of 1898.)							
(Proof #129)	Oct. 1, 1898		110	Irrigation	Twohy Irrigation System, or Mansfield Ditch	Illinois River	10 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 28; 20 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 10 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 20 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 33; T. 38 S., R. 8 W., W. M.  25 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 20 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 8, T. 39 S., R. 8 W., W. M.
	Oct. 1, 1898		132	Supplemental Irrigation	Twohy Irrigation System, or Mansfield Ditch	Illinois River	20 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 10 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33; T. 38 S., R. 8 W., W. M.  12 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 4; 30 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ , 10 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 20 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 20 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 5 T. 39 S., R. 8 W., W. M.
(NOTE: This is a supplemental supply to the lands under Proof #128 above.)							
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Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Tycer, Edward F. Kerby, Ore. (Proof #130)	1878		28	Irrigation	Tycer Ditch	Tycer Creek	14 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 14 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 19, T. 39 S., R. 7 W., W. M.
Walton, G. W. Dryden, Ore. (Proof #131)	1905		0.1	Irrigation	Pipe line	Unnamed spring in NE $\frac{1}{4}$ SE $\frac{1}{4}$	0.1 acre in NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 8; T. 38 S., R. 7 W., W. M.
(Proof #132)	1905		3	Irrigation	Unnamed ditch	Potter Gulch Creek, trib. to Deer Creek	3 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 8, T. 38 S., R. 7 W., W. M.
Walton, Geo. W. Dryden, Ore. (Proof #133)	(NOTE: Rights acquired under State Engineer's Permit No. 2363, Certificate No. 2745.)						
Warren, Frank L. 920 N. 19th St., Salem, Oregon. (Proof #134)	Feb. 14, 1898		67.6	Irrigation	Unnamed ditches	Two Spring Branches, and Eight Dollar Mountain Creek	7.5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 23.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 21.8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 14.9 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 15; T. 38 S., R. 8 W., W. M.
Webb, David L. O'Brien, Ore. (Proof #135)	April 1, 1902		29	Irrigation	Unnamed ditch	Elk Creek, trib. of West Fork Illinois River	29 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 11; T. 41 S., R. 9 W., W. M.
Webb, Louis R. O'Brien, Ore. (Proof #136)	1907		1	Irrigation	Unnamed ditch	Elk Creek, trib. of West Fork Illinois River	1 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 14; T. 41 S., R. 9 W., W. M.
Wells, Roy Kerby, Ore. (Proof #137)	1860		4.6	Irrigation	Kelly Ditch	Kelly Creek	3.1 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 1.5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 20 T. 39 S., R. 7 W., W. M.
White, Homer and Mary E. White, Takilma, Ore. (Proof #138)	1903		3	Irrigation and domestic	Unnamed ditch	Waldo Creek, trib. of E. Fork Illinois River	3 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 35, T. 40 S., R. 8 W., 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
White, Lillie May Kerby, Ore. (Proof #139)	May, 1887		2	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	2 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, T. 39 S., R. 8 W., W. M.
Wilber, Edw. J. Kerby, Ore. (Proof #140)	(NOTE: Rights acquired under State Engineer's Permit No. 7671.)						
Williams, Arthur O'Brien, Ore. (Proof #141)	May, 1887		1	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	1 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 9, T. 39 S., R. 8 W., W. M.
Williams, C. A. 822 N. Central St., Medford, Ore. (Proof #142)	1885		20	Irrigation, domestic and stock	Wait Ditch	Wait Creek, trib. of Deer Creek	8 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ , 12 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 24, T. 38 S., R. 7 W., W. M.
Williams, William A. Dryden, Ore. (Proof #143)	1896		6.5	Irrigation	Williams Ditch	Spring in SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 10, T. 38 S., R. 7 W., W. M.	0.9 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$ , 5.6 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 10; T. 38 S., R. 7 W., W. M.
Wilson, J. E. Takilma, Ore. (Proof #144)	(NOTE: Rights acquired under State Engineer's Permit No. 3691, Certificate No. 3395)						
Wing, Mrs. Ida J. Walco, Ore. (Proof #145)	Sept. 15, 1899		10	Irrigation and stock	Wing and Farren Ditch	Rough and Ready Creek	10 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 13; T. 40 S., R. 9 W., W. M.
Wittrock, J. H. Kerby, Ore. (Proof #146)	May, 1887		2.5	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	2.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 9, T. 39 S., R. 8 W., W. M.
Woodcock, H.S., Estate of, By Lottie B. Woodcock, Admr., Kerby, Ore. (Proof #147)	1873		16.8	Irrigation and domestic	Home Ditch	Frost Gulch and Choke Cherry Gulch	4.8 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 7.2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 31; 3.2 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ , 1.6 acres in Lot 1, (NW $\frac{1}{4}$ SW $\frac{1}{4}$ ) Section 32; T. 39 S., R. 8 W., 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
Woodcock, H.S., Estate of, continued. (Proof #148)	May, 1887		2.8	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	2.8 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, T. 39 S., R. 8 W., W. M.
(Proof #149)	1890		10	Irrigation	Unnamed Ditch	Mendenhall Gulch	10 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 6, T. 40 S., R. 8 W., W. M.
Wright, E. W. 321 E.16th St., N., Portland, Oregon. (Proof #150)	May, 1887		74	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	Springs in SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 9, T. 39 S., R. 8 W., W. M., and East Fork Illinois River	3 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ , 5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ , 6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ , 15 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ , 5, acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ , 10 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ , 20 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 9; 10 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 16, T. 39 S., R. 8 W., W. M.
Young, Thos. E. Kerby, Ore. (Proof #151)	May, 1887		0.34	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	0.34 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 9, T. 39 S., R. 8 W., W. M.

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 24. 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 Illinois River or its 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 stream and its tributaries be and the same are hereby determined and settled as set forth in the foregoing Findings and Order of Determination.

Dated this 6th day of July, 1932.

  
CHAS. E. STRICKLIN  
State Engineer.