

IN THE MATTER OF THE DETERMINATION)
OF THE RELATIVE RIGHTS TO THE USE)
OF THE WATERS OF SILVER CREEK, AND)
ITS TRIBUTARIES, A TRIBUTARY OF)
HARNEY LAKE.)
-----)

FINDINGS OF FACT.

Now, at this time the above entitled matter coming before the Court for its findings and decree herein, and it appearing that on the 21st day of May, 1928, the State Engineer of the State of Oregon made Findings of Fact and Order of Determination in the above entitled matter, and the same were duly filed in the office of the County Clerk of Harney County, Oregon, on the 26th day of May, 1928, and duly recorded in Book "H", page 344, of the Circuit Court Journal of said County; and that within the time prescribed by law and the extensions thereof as granted by order of this Court made and entered in said matter, exceptions to said findings and order of determination were taken and filed by the various interested parties to said proceedings, and said exceptions were duly argued and submitted to the Court by counsel for the respective exceptors, and the Court having considered the record of the proceedings before the State Engineer, and being fully advised in the matter, the following Findings of Fact are made:

1.

That on the 11th day of September, 1909, there was filed in the office of the State Water Board (now State Engineer) a petition signed by T. J. Shields and others, requesting the determination of the relative rights of the various claimants to the waters of Silver Creek, and its tributaries, a tributary of Harney Lake; that on the 17th day of September, 1909, there was filed in the office of the State Water Board a petition signed by T. J. Shields and Fred Oakerman, requesting the determination of the relative rights of the various claimants to the waters of the said Silver Creek, and its tributaries; and that on the 9th day of September, 1913, there was filed in the office of the State Water Board a petition signed by T. J. Shields, R. J. Williams, Grace Foster and D. R. Thorne, requesting the determination of the relative rights of the various claimants to the waters of the said Silver Creek, and its tributaries; all of the said petitioners being water users on the stream named in their respective petitions. That the State Water Board thereupon entered an order on the 28th day of July, 1919, directing that such determination be made and that the State Engineer proceed to make the necessary surveys and examinations, as

provided by law, and that the State Water Superintendent proceed to take such evidence and testimony as would enable the Board to determine the relative rights of the various claimants to the waters of Silver Creek and its tributaries.

2.

That a notice was prepared by said Board setting forth the date when the State Engineer or his assistants would begin the investigation of the flow of said stream and its tributaries, and the ditches diverting water therefrom, and a time and place certain when the State Water Superintendent would begin the taking of testimony as to the relative rights of the various claimants to the use of the waters thereof, and said notice was published in two issues of The Times-Herald, a newspaper published weekly at Burns, Harney County, Oregon, and of general circulation in said county; said two issues being those of April 22nd and 29th, 1922, and the date of the last publication of said notice being more than thirty days prior to the date fixed for the beginning of the investigation of the flow of said stream by the State Engineer, and for the beginning of taking testimony by the State Water Superintendent.

3.

That the time set forth in said notice when said State Engineer or his assistants should begin the examination of said stream and its tributaries was set for Wednesday, the 31st day of May, 1922, and the time and place when the State Water Superintendent or his duly authorized assistant should attend and take the testimony of the various claimants was set as follows: On Thursday and Friday, the 8th and 9th days of June, 1922, in the Circuit Court Room of the County Court House at Burns, Harney County, Oregon; and for a period of 15 days beginning on Monday, the 12th day of June, 1922, at the office of the State Water Superintendent, at La Grande, Oregon.

4.

That on the 1st day of May, 1922, the State Water Superintendent did send by registered mail, to each person, firm or corporation claiming a right to the use of the waters of said stream, or any tributary thereof, and to each person, firm or corporation, owning or being in possession of land bordering on or having access to said stream or its tributaries, insofar as said claimants, owners, firms or corporations could be reasonably ascertained, a similar notice to such published notice, setting forth the date when the State Engineer would commence the examination of the stream and the time and place when the State Water Superintendent would commence the taking of testimony as to the relative rights of the various claimants to the waters of said stream or its tributaries; and said Superintendent did enclose with each of said notices a blank form upon which the said claimant or person in possession could present in writing all the particulars necessary for the determination of his rights to the waters of said stream or a tributary thereof, under oath. That due proof of the publication of said notice and of the sending of said notice by registered mail has been made and is duly filed as a part of the record hereof.

That at the time specified in said original notice, a duly qualified assistant of the State Engineer did proceed to make an examination of the said stream and its tributaries, and of the ditches diverting water therefrom, and of the lands irrigated from said ditches and canals, which observations and measurements were reduced to writing and made a matter of record in his office. And the State Engineer did cause to be prepared a set of maps or plats, on a scale of measurement of four inches to the mile, showing with substantial accuracy the course of said stream and its tributaries, and the location of the various ditches diverting water therefrom, and the number of acres of land which had been irrigated in each legal subdivision, blue prints and copies of the said maps being now on file in the office of the State Engineer and a part of the record hereof.

6.

That during the period specified in said notice for the taking of testimony of the various claimants, and during an extension of this period, a duly authorized representative of the State Water Superintendent did attend and take the testimony of the various claimants; and that statements and proofs of claim to the use of the waters of said stream or its tributaries were filed by the following named parties, to-wit:

Allison, Jesse W. and Bessie May, Suplee, Ore.
 Amort, W. S., Suntext, Ore.
 Arnwine, Rector, Burns, Ore.
 Baker, Lucy, 1515 Grove St., Boise, Idaho; W.L. Best, Agt., Suntext, Ore.
 Baur, Wm. J., Suntext, Ore.
 Best, W. L., Suntext, Ore.
 Brown, Wm. W., Fife, Ore.
 Cecil, Homer D., Suntext, Ore.
 Cecil, Ollie, Suntext, Ore.
 Cecil, W. C., Suntext, Ore.
 Cook, J. S., Burns, Ore.
 Cote, Ubald, Burns, Ore.
 Cryder, A. Delbert, Burns, Ore.
 Dibble, Frank C., Suntext, Ore.
 Dibbel, Martha A., Suntext, Ore.
 Dodge, M. V., Burns, Ore.
 Farmer, Chas. C., Francisco, Ind.
 Freeman, Estate of John C., deceased, Caroline Freeman, sole heir,
 1115 Wash. St., Boise, Idaho, Thos. E. Browning, Agt., Burns, Ore.
 Gibbons, Clyde A., Suntext, Ore.
 Gibbons, Albert, Portland, Ore., Clyde A. Gibbons, Agt., Suntext, Ore.
 Gibson, Lulah, Suntext, Ore., Tin Gibson, Agt., Suntext, Ore.
 Hanley, Wm., Company, Wm. Hanley, Pres., Burns, Ore.
 Hanson, Peter, Burns, Ore.
 Harney Valley Improvement Co., Wm. Hanley, Pres., Burns, Ore.
 Heck, Rufus W., Portland, Ore. (Albert Cote (or Ubald Cote) Agt.,) Burns, Ore.
 Hill, Joseph, Burns, Ore.
 Jetley, Hens, A., Narrows, Ore., A.C.L. Jetley, Agt., Narrows, Ore.
 Jetley, Ole O., Narrows, Ore., A.C.L. Jetley, Agt., Narrows, Ore.
 Jetley, Theo I., Narrows, Ore., A.C.L. Jetley, Agt., Narrows, Ore.
 Johnson, Alfred, Suntext, Ore.
 Johnson, Emmitt, Suntext, Ore.
 Johnson, Geo. W., Suntext, Ore.
 Johnson, Mary E., Suntext, Ore.
 Johnson, W. B., Suntext, Ore.
 Jones, David T. and Estate of F. P. Lane, deceased, by David T. Jones, Admr.,
 Suntext, Ore.
 Leonard, C. H., and First National Bank of Burns, Burns, Ore.
 McDonald, E. H., Burns, Ore.
 Miller, Lenora E., Burns, Ore.
 Miller, David, Estate of, by R. A. Miller, Admr., Burns, Ore.
 Mutter, Benj., Bend, Ore.
 Noonchester, L. L., Bend, Ore.
 Oregon & Western Colonization Co., a corporation of South Dakota, St. Paul,
 Minn., by R. J. Williams, Agt., Suntext, Ore.

Reynolds, Lucinda, Burns, Ore.
 Rogers, R. R., Spokane, Wash., J. W. Biggs, Agt., Burns, Ore.
 Sagardoy & Obiague, a co-partnership consisting of Peter Sagardoy,
 Peter Obiague and John Obiague, all of Burns, Ore.
 Shields, T. J., Suntex, Ore.
 Silver Creek Valley Irr. Dist., a municipal corporation,
 Suntex, Ore., by C.B.McConnell, Atty., Burns, Ore.
 Spencer, W. L., Suntex, Ore.
 Street, Wm. H., Suntex, Ore.
 Street, James, Suntex, Ore.
 Thorne, D. K., Suntex, Ore.
 Tyler, S. F., Estate (Lester, Lyda & Dessel Tyler, Heirs) by
 Hattie May Tyler, Widow, Burns, Ore.
 Tyler, Hattie May, Burns, Ore.
 Williams, J. Lester, Suntex, Ore.
 Williams, R. J., Suntex, Ore.
 Williams Land & Livestock Co., a corporation, by R.J.Williams,
 Pres., Suntex, Ore.

7.

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

Adams, John, Wauna, Washington.
 Altschul, Charles, c/o Oregon & Western Colonization Co.,
 Pioneer Building, St. Paul, Minn.
 Baker, Harry W., Western Union Bldg., Chicago, Ill.
 Baldwin, Oscar, c/o A. H. Lippman, Prineville, Ore.
 Bedard, Marguerite, St. Paul, Minn.
 Bell, J. B., St. John, Wash.
 Buoy, George, Suntex, Ore.
 Chase, Willis, Dinuba, California.
 Crozier, William, Burns, Ore.
 Cryder, Ernest, Suntex, Ore.
 Deschutes Lumber Co., c/o Shevlin-Hixon Co., Minneapolis, Minn.
 Eberwein, Mary, c/o A. S. Hodgdon, Hoquiam, Wash.
 Everett, Fremont, c/o Bracher Timber Co., Portland, Ore.
 Everett, Walter, c/o Bracher Timber Co., Portland, Ore.
 Everhart, John, Route A., Portland, Ore.
 Foster, America, Egli, Ore.
 Funk, Herman L., 706 B St., Vancouver, Wash.
 Gollings, Oliver W., 400 N. Harvey Ave., Oak Park, Ill.
 Harding, Mary A., 289 1/2 First St., Portland, Ore.
 Harney Basin Development Co., c/o C.B.McConnell, Burns, Ore.
 Hoyt, Ralph W., Court House, Portland, Ore.
 Hubble, Fred A., c/o A. S. Hodgdon, Hoquiam, Wash.
 Hughet, I. M., Narrows, Ore.
 Hughet, Lillie, Narrows, Ore.
 Hurlburt, W. A., Narrows, Ore.
 James, Frank A., c/o West & Wheeler, 2d & Marion Sts., Seattle, Wash.
 Kissinger, W. E., Suntex, Ore.
 Lowe, Clara Elizabeth, Suntex, Ore.
 Maddux, James A., Ontario, Ore.
 Maddux, Nora, Ontario, Ore.
 McBride, Oscar, 810 W. 26th St., Vancouver, Wash.
 McGowan, Archie, Burns, Ore.
 Miller, James, L., c/o A. S. Hodgdon, Hoquiam, Wash.
 Miller, Mary A., c/o A. S. Hodgdon, Hoquiam, Wash.
 Miller, Vincent, E., c/o A. S. Hodgdon, Hoquiam, Wash.
 Miller, Mattie, c/o Wm. Miller, Atty., Astoria, Oregon.
 Miller, R. A., Burns, Ore.
 Miller, R. A., Admr. Estates of Ivan, David, William, Ida and Alice
 Kyniston, Burns, Ore. 301

Nold, Amelia, c/o A.S.Hodgdon, Hoquiam, Wash.
 Oakerman, Albert, Suntex, Ore.
 Oakerman, Hannah M., Suntex, Ore.
 Palmer, Nellie, c/o R. A. Miller, Burns, Ore.
 Pollock, Eva, c/o R. A. Miller, Burns, Ore.
 Portville Timber Co., c/o C. L. Starr, Sailing Bldg., Portland, Ore.
 Raymond, Irving C., Ione, California.
 Roberts, George A., Liberty Bldg., Seattle, Wash.
 Saunders, Manuel, Lakeview, Ore.
 Sharp, Sarah S., c/o County Auditor, Vancouver, Wash.
 Sizemore, James E., Narrows, Ore.
 Sizemore, Otis, Narrows, Ore.
 Skiens, A. J., Burns, Ore.
 Skiens, Mary F., Burns, Ore.
 Skiens, Walter F., Skiens, Ore.
 Smith, Estate of Eratus, e/o P.G.Smith, Burns, Ore.
 Smith, P. G., Burns, Ore.
 Smith, R. K., Burns, Ore.
 Smith, Seth S., Burns, Ore.
 Stadter, E. O., and Amy E., Bend, Ore.
 Tipton, H. H., Burns, Ore.
 Walters, Augusta, c/o H.L.Funk, 706 B St., Vancouver, Wash.
 Warnick, Sadie, c/o R. A. Miller, Admr., Burns, Ore.
 Weist, John, c/o John W. Percy, 928 Chamber of Commerce, Portland, Ore.
 Welcome, J. C., Jr., Burns, Ore.
 Williams, R. Fred., Burns, Ore.
 Williams, W. Edgar, Suntex, Ore.
 Witherspoon, Carroll W., Guthrie, Okla.
 Wright, Alvarance, 2044 So. 7th St., Tacoma, Wash.
 Wright, Florence, 2044 So. 7th St., Tacoma, Wash.

8.

That upon the completion of the taking of testimony and proofs of claim as aforesaid, the State Water Superintendent did on the 1st day of November, 1922, give notice by registered mail to each of the various claimants to the use of the waters of said stream or its tributaries that at the times and places named in said notice, to-wit:

On Tuesday, Wednesday and Thursday, the 5th, 6th and 7th days of December, 1922, in the Circuit Court Room of the County Court House at Burns, Harney County, Oregon; and

For a period of 15 days beginning on Monday, the 18th day of December, 1922, (Sundays excepted) at the office of the State Water Superintendent at La Grande, 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 Superintendent did, in accordance with said notice, attend at said times and places, and 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 Water Board would be heard by the Circuit Court, to-wit: the County of Harney. 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.

9.

That within the time fixed by law therefor, the following contest was initiated by the filing with said Superintendent of notice of contest in writing:

CONTEST NO. 1:

Silver Creek Valley Irrigation District,
a municipal corporation, Geo. W. Johnson,
Emmitt Johnson, Wm. H. Street and James
Street,

Contestants,

vs.

Lucy Baker, W. C. Cecil, J. S. Cook, Ubald
Cote, Chas. C. Farmer, Caroline Freeman, sole
heir of the Estate of John C. Freeman, deceased,
William Henley Company, a corporation, Harney
Valley Improvement Company, a corporation,
Rufus W. Heck, Joseph Hill, David T. Jones,
David T. Jones, Admr. of the Estate of F.P. Lane,
deceased, C. H. Leonard and First National Bank
of Burns, Oregon, a corporation, E. H. McDonald,
Lenora Miller, R. A. Miller, Admr. of the Estate
of David Miller, deceased, Lucinda Reynolds, R. R.
Rogers, Peter Sagardoy, Peter Obiague and John
Obiague, partners under the firm name and style
of Sagardoy and Obiague, Hattie May Tyler, Hattie
May Tyler, Administratrix of the Estate of F. S.
Tyler, deceased,

Contestees.

10.

That after the filing of said notice of contest, the State Water Superintendent did fix a time and place for the hearing of said contest, as follows, to-wit: In the Circuit Court Room of the County Court House, at Burns, Harney County, Oregon, at the hour of 10 o'clock A.M., on Wednesday, June 6th, 1923. That the State Water Superintendent served notice of hearing of said contest on each of the parties to said contest, which said notice was served upon said parties more than thirty days and less than sixty days prior to the date set for said hearing. That due proof of the serving of such notice has been made and filed as a part of the record herein.

That upon the date as fixed for said hearing, to-wit: at the hour of 10 o'clock A.M., on Wednesday, the 6th day of June, 1923, in the Circuit Court Room of the County Court House at Burns, Oregon, the taking of testimony on said contest was commenced before the State Engineer of Oregon and continued until Friday, June 8th, when an adjournment was taken until Tuesday, August 28, 1923. On this date the hearing was resumed before a duly authorized reporter acting under and by authority of the State Engineer and continued until the contest was fully heard.

11.

That the contest filed with the State Engineer, referred to in Findings 9 and 10 above, involved the rights of virtually all the claimants filing proofs herein, as it involved the lands which are watered in whole or in part each year by the flood waters of the stream, assisted in some cases by small dikes, dams and ditches which serve to check the flow and spread it over the lands.

The Court finds that said contest and objections were directed and lodged against the acreage of irrigated land contained in the respective claims in excess of that acreage shown by the survey and report of the State Engineer in his original examination and measurements made in said adjudication under the requirements of Section 5742 Oregon Laws. However, the dates of priorities of some of the contestees are also involved and the determination of these depends on the date when the claimant or his predecessor first settled on the land under claim of ownership which later ripened into title and his priority should be determined by the time when he or his predecessor accepted the gift of Nature, by his settlement on the land, rather than the date when his title was perfected.

Considerable question also arises over the right to irrigate lands which are in a very low state of cultivation, if indeed they can be said to be cultivated at all. In many cases lands are claimed as irrigated which receive occasional floodings during extreme high water period, and are not cleared of sage brush and grease wood, although a benefit has been derived through the growth of grasses which are utilized for pasture. The distinction is not broad enough between lands which are or are not cleared of all brush to warrant allowing water for one without the other, as apparently as much feed may be produced in some cases on brushy land as in other cases where there is no such growth. The rights for this class of land should not be considered as inchoate rights as allowed in the Order of Determination of the State Engineer with an arbitrary date of priority but rather as an inferior vested right, and except in case where the acreage claimed is clearly in excess of that shown by the evidence to be benefited a right should be allowed for such land in the decree herein with date of priority as to the time when first so used as determined by the evidence submitted on the respective claims.

The contest before the State Engineer was dismissed as to the claims of Lucy Baker, and W. C. Cecil for all his lands except those in Sections 27 and 28, T. 25 S., R. 28 East, W. M., David T. Jones, David T. Jones as Administrator of the Estate of F. P. Lane, deceased, C. H. Leonard and the First National Bank of Burns, Oregon, and all of the lands of R. R. Rogers within Township 23 S., R. 27, East, W.M. Evidence was introduced in support of these claims before the State Engineer, however, to support the acreage as claimed as against the State Engineer's maps, the same as the other lands involved in said contest, and the Court finds that the Findings and Order of Determination pertaining to the above claims and to the individual contestees as set forth in Paragraph 11 of said determination, should be modified and corrected and that the lands of said claimants are entitled to and shall be decreed to have such rights as are specifically set forth in the tabulated list contained in and made a part of the decree herein.

12.

That Silver Creek has its source in a spur of the Blue Mountains in the northwestern portion of Harney County and flows in a general southerly course into Harney Lake.

Practically all of the water for irrigation purposes is furnished by the streams which unite in what is known as the reservoir site which is located in the south part of Township 21 South, Range 26 East, W.M. Below the reservoir site, Silver Creek flows through a narrow canyon for some three or four miles entering Upper Silver Creek Valley through which it flows in two main channels, from which water is diverted for the irrigation of several thousand acres of land in the valley floor. Below Upper Silver Creek Valley, Silver Creek flows for a distance of approximately seven miles through a narrow canyon into the upper end of Warm Springs Valley where the main channel gradually loses its individuality and the water spreads out, flooding several thousand acres producing wild meadow hay, and the surplus water drains into Harney Lake and other small lakes, to the south and west.

That the Upper Silver Creek Valley is defined as lying between the upper or western side of the W. C. Cecil ranch in Section 30, T. 22 S., R. 26 E., W.M., and the lower or southern end of the Oakerman Ranch in the NW $\frac{1}{4}$ and the N $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 34, T. 23 S., R. 27 E., W.M., and the lower or Warm Springs Valley is defined as lying between the upper side of the Dunn Field at the north line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 18, T. 25 S., R. 28 E., W.M., and the mouth of Silver Creek.

The total area classified as irrigated from Silver Creek proper as shown by the maps prepared under the direction of the State Engineer is approximately 13,800 acres. Of this area about 3,581 acres are located in the Upper Silver Creek Valley, 299 acres above the Upper Valley, 9,823 acres in Warm Springs Valley and 98 acres between the Upper Valley and the Warm Springs Valley.

The proofs of appropriation filed with the State Water Board in this proceeding show that the total acreage claimed as irrigated directly from Silver Creek waters is 23,669.2, situated as follows: Above Upper Silver Creek Valley, 407.6 acres; in Upper Silver Creek Valley, 6,829.6 acres; in Warm Springs Valley, 15,634.7 acres, and between the Upper Valley and Warm Springs Valley, 797.3 acres. That the difference in the area shown as irrigated upon the State Engineer's maps and that claimed is due largely to the fact that lands which are flooded during the high water stage and are still in sage brush or greasewood, were claimed as irrigated. This class of lands was not classified as irrigated on the State Engineer's maps.

The soil of the Warm Springs Valley which is subject to flooding is a fine silt or sandy loam and the subsoil is such that it is believed practically no water is lost through deep percolation. In the Upper Silver Creek Valley the soil is a sandy loam, becoming coarser in the upper end of the Valley, where there are some indications of gravel. The land is arid and irrigation is necessary for the raising of profitable crops. The principal crop raised is natural meadow hay, but alfalfa and grain are grown to some extent.

That said Silver Creek and its tributaries are perennial streams and their waters are subject to appropriation under the laws of the State of Oregon.

Duty of Water

That the rights to the use of water from Silver Creek or its tributaries for the irrigation of the lands tabulated herein and shown as completely irrigated by the survey of the State Engineer, shall be limited to the diversion of not to exceed a uniform flow of 1/60 cubic foot per second or its equivalent in case of rotation for each acre irrigated prior to April 30th of each year, and during the remainder of the irrigation season the rights shall be limited to the diversion of not to exceed a uniform flow of 1/80 cubic foot per second or its equivalent in case of rotation for each acre irrigated; provided, that the total quantity diverted during the months of March, April, May and June shall not exceed 2.5 acre feet per acre.

14.

That the irrigation season during which water users from Silver Creek and its tributaries shall be entitled to the use of water for irrigation purposes extends from March first to August first of each year, and that at all other times all dams and obstructions are to be opened up and removed from each and all of the channels of said stream system, in order that prior to March first the flood waters of said stream may pass down through and spread over the valley lands in their natural manner, and that after August 1st, the entire flow of the stream may be used for domestic and stock watering purposes.

15.

Stock Use

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

Creek Valley, and all diversion or other dams used for irrigation shall be opened or removed for the purpose of allowing stock water to reach as many of the users as possible, and the water shall be divided without priority as among the various users.

16.

The Court finds that for the purpose of compromising and settling the rights between the majority of the land owners and water users in the Upper Silver Creek Valley, an agreement was entered into during the pendency of this adjudication proceeding, to-wit: on the 8th day of June, 1923, the same was taken into consideration during the hearing before the State Engineer, and subsequently and on or about the 24th day of May, 1924, said original agreement was filed in the office of the State Engineer and became a part of the records in the above entitled matter.

The Court finds that said agreement is a covenant running with the lands of the respective parties as the same are mentioned and described therein, and is binding upon each of the parties signing said agreement, their heirs, successors, assigns and legal representatives forever; and said agreement shall be incorporated in and made a part of the decree entered herein fixing and determining the relative rights of the respective parties, and which rights shall be based upon and granted in accordance with said agreement.

17.

The Court finds that for the purpose of compromising and settling the dates of relative priorities and the distribution of the waters of Silver Creek for irrigation, stock and domestic purposes and settling and avoiding threatened litigation, certain of the claimants owning lands in the Upper Silver Creek Valley, as parties of the first part, entered into an agreement with certain of the claimants owning lands in the lower or Warm Springs Valley, as parties of the second part. That said agreement was so made and entered into on the 8th day of June, 1923, and the same was taken into consideration during the hearing before the State Engineer, and subsequently and on or about the 24th day of May, 1924, said original agreement was filed in the office of the State Engineer and became a part of the records in the above entitled matter.

The Court finds that said agreement purports to be and is binding upon the parties thereto, their heirs, successors, assigns and legal representatives forever; that while the land holdings of the respective parties to said agreement are not mentioned and described, said agreement is a covenant running with the lands of the respective parties thereto involved in this adjudication proceeding and as set forth in the decree herein. Said agreement shall be incorporated in and made a part of the decree entered herein fixing and determining the rights of the respective parties and which rights shall be based upon and granted in accordance with said agreement.

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

That the following parties having rights under permits and final certificate, made an appearance in this proceeding:

NAME	APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
Dodge, M. V.	4052	2315	6736
Gibbons, Clyde) Gibbons, Albert)	2557	1431	9468
Jetley, Hans A.) Jetley, Ole O.) Jetley, Theo. I.)	5068	3055	2860
Silver Creek Valley Irrigation Dist.	638 1055 2355	R-232 R-234 1531	

The Court finds that the rights of the various appropriators of water from Silver Creek and its tributaries, arranged in a tabulated form under Paragraph 24 of the Order of Determination of the State Engineer filed herein, should be modified in conformity with the foregoing findings of this Court, and that a decree be entered in accordance therewith, setting forth the corrected dates of the relative priorities of such appropriations and the number of acres entitled to a water right from said source, and that provision should be made in said decree for the correction of any errors in the descriptions of said lands within six months after the date of the entry of said decree.

Done and dated in open court

in Burns, Oregon, this

29th day of Sept., 1934.

W. W. Wood
Circuit Judge.

IN THE MATTER OF THE DETERMINATION OF)
THE RELATIVE RIGHTS TO THE USE OF THE)
WATERS OF SILVER CREEK, AND ITS TRIBU-)
TARIES, A TRIBUTARY OF HARNEY LAKE,)
HARNEY COUNTY, STATE OF OREGON.)
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NOW AT THIS TIME, the above entitled matter coming regularly before the Court for determination and entry of decree, and it appearing that on the 21st day of May, 1928, the State Engineer of the State of Oregon, made Findings of Fact and Order of Determination in the above-entitled matter, and the same were duly filed in the office of the County Clerk of said Harney County, Oregon, on the 26th day of May, 1928, and recorded in Book H, page 344, Circuit Court Journal of said county; that exceptions were filed thereto and a hearing had thereon before the court and the same was submitted to the court; that the court has considered and reviewed the record in said matter and has made and filed his Findings of Fact and Conclusions of Law, and that based thereon makes and renders the following final

DECREE

It is hereby CONSIDERED, ORDERED, ADJUDGED AND DECREED that the relative rights of the various parties claimant to the use of the waters of Silver Creek and its tributaries are hereby and herein adjudicated and determined; that the proceedings had in the above entitled matter before the State Engineer of Oregon and his Order of Determination filed herein are in all respects regular and legal, and the same are hereby modified, affirmed and approved as hereinafter set forth; that complete and legal jurisdiction has been acquired of the parties and over the respective tracts and parcels of real property mentioned and described in the tabulated list hereinafter contained.

Duty of Water.

It is hereby ORDERED, ADJUDGED AND DECREED that the rights to the use of the waters of Silver Creek and its tributaries for the irrigation of the lands awarded a right hereunder as tabulated herein, shall be limited to the diversion of not to exceed a uniform flow of 1/60 cubic foot per second or its equivalent in case of rotation for each acre irrigated prior to April 30th of each year, and during the remainder of the irrigation season the rights shall be limited to the diversion of not to exceed a uniform flow of 1/80 cubic foot per second or its equivalent in case of rotation for each acre irrigated; provided that the total quantity diverted during the months of March, April, May and June shall not exceed 2.5 acre feet per acre.

Irrigation Season

It is hereby ORDERED, ADJUDGED AND DECREED that the irrigation season during which the water users of Silver Creek and its tributaries shall be entitled to the use of water for irrigation purposes extends from March the first to August first of each year, and that at all other times all dams and obstructions are to be opened up in all of the channels of said stream system, in order that prior to March 1st the flood waters of said stream may pass down through and spread over the valley lands in their natural manner, and that after August 1st the entire flow of the stream may be used for domestic and stock watering purposes.

Stock Use.

That all parties herein allowed the right to the use of water for irrigation shall be entitled to use such water for stock and domestic purposes; provided, that during the irrigation season such appropriators shall not be entitled to divert any water for stock or domestic purposes in addition to the amount which they are entitled to divert for irrigation purposes. That outside of the irrigation season, the right to the use of water for stock and domestic purposes as herein confirmed, entitles the owner of such right to divert and use such a quantity of water as is reasonably necessary for stock and domestic purposes, and to prevent the water in the ditches and channels used for such purposes from being completely frozen; provided, that the amount diverted for stock uses shall not exceed one-tenth of one cubic foot per second for each one hundred head of stock, and the amount diverted for domestic use shall not exceed one-tenth of one cubic foot per second for each family, and, provided further, that all water users shall so far as practicable provide stock watering holes or ponds into which stock water may be diverted periodically. That at any time when the entire flow of the stream is necessary for stock purposes, except during the irrigation season, the water shall be evenly divided between the two channels of Silver Creek in the Upper Silver Creek Valley, and all diversion or other dams used for irrigation shall be opened up or removed for the purpose of allowing stock water to reach as many of the users as possible, and the water shall be divided without priority as among the various users.

Contract Between Claimants in the Silver Creek Valley.

It is ORDERED, ADJUDGED AND DECREED that the agreement by and between certain claimants in the Silver Creek Valley, dated June 8th, 1923, is hereby confirmed and made a part of this decree, and that upon the entry of this decree the Clerk of said Harney County, Oregon, shall record said agreement in the deed records of said county that the same may be indexed against the respective tracts and parcels of land thereby affected.

That said agreement is in words and figures as follows, to-wit:

This agreement made and entered into this 8th day of June, 1923, by and between the following parties, to-wit: W. C. Cecil; Jones & Lane by David T. Jones; W. B. Johnson; Mary E. Johnson; Lulah Gibson; R. J. Williams; W. L. Best; Lucy Baker, by W. L. Best, her Attorney in Fact; Williams Land & Livestock Company, a corporation, by R. J. Williams, President; D. R. Thorne; E. R. Rogers, by J. W. Biggs, Agent; First National Bank of Burns, by E. H. Conser, Cashier and C. H. Leonard; Pryor Barnes; Frank C. Dibble; W. J. Baur; Martha A. Dibble; Harney Valley Improvement Company, a corp., by Wm. Hanley, President; T. J. Shields and A. J. Johnson,

who have met for the purpose of outlining a plan and forming an agreement as to the proper distribution and economical use of the waters of Silver Creek, and having reached an agreement do hereby agree among and between themselves as follows:

I.

That the parties to this agreement are each the owners of land on Upper Silver Creek between the upper end of the Cecil property and the lower end of the Oakerman property, inclusive, each diverting and claiming rights to the waters of Silver Creek, and each have filed with the State Water Board of Oregon in a pending adjudication of the water rights of Silver Creek their statement of use and claim of water right.

II.

That the claims as filed by the undersigned herein shall be taken as true as to the number of acres of land involved in each claim.

III.

That for the purpose of compromising and settling the rights between the parties hereto all claims of said parties as filed in the pending water adjudication having a priority date of eighteen hundred eighty eight (1888) or earlier shall be considered on a par as to the priority of water rights and as to the lands claimed as irrigated under said rights each shall have a right to the same number of acre feet or to the same quantity of water to each acre of irrigated land.

IV.

That W. C. Cecil for Section 30 shall not at any time claim water therefor other than the natural subirrigation from the natural streams as they exist, until the rights herein mentioned have received the amount necessary for the proper irrigation thereof.

V.

That the lands of the Harney Valley Improvement Company as described in their statement and proof of claim herein shall never at any time by reason of such claim obtain rights prior or superior to the water rights claimed by the parties hereto in their proofs now filed before the State Water Board.

VI.

That the claimants and parties hereto who have lands with a date of priority subsequent to 1888 shall have the right to use the water upon said lands for the purpose of irrigation at any time there is sufficient water in the stream for them to irrigate same without interfering with the rights of 1888 or earlier.

VII.

That the names of the parties hereto together with the acreage of their lands is hereto attached, being segregated as follows: the number of acres with date of priority of 1888 or earlier; the number of acres with a priority later than 1888.

VIII.

It is further agreed between the parties hereto that for the purpose of irrigating the lands herein the water shall be rotated in such manner and under such conditions as shall give to each water user his pro-rata share of the water at the time and in the manner to produce the best results.

IX.

It is agreed between the parties hereto that at all times when there is sufficient water in the creek not to interfere with the distribution above mentioned that, first, W.C.Cecil shall use such water, or so much thereof as may be necessary to properly irrigate his lands in Section 30, and that thereafter whenever there is sufficient water then the Harney Valley Improvement Company shall have the right to use such water as is necessary for the irrigation of its lands.

X.

It is also further agreed that after August 15th each year all dams shall be taken out for the purpose of allowing stock water to reach as many of the users as is possible.

XI.

It is also further agreed that after August 15th each year the water shall be as near equally divided between the two channels as possible for stock purposes.

XII.

That nothing herein shall be construed to prevent the parties hereto from hereafter constructing necessary and proper dams, canals and ditches to thoroughly and economically carry the water to the lands to be irrigated hereunder.

XIII.

That this agreement is a covenant running with the lands of the respective parties hereto and shall bind each of said parties hereto, their heirs, successors, assigns and legal representatives forever.

IN WITNESS WHEREOF the said parties have hereunto set their hands and seals.

W.C.Cecil	(Seal)	Jones & Lane	(Seal)
W.B.Johnson	(Seal)	By David T. Jones	
R.J.Williams	(Seal)	Frank C. Dibble	(Seal)
W.L.Best	(Seal)	W. J. Baur	(Seal)
Lucey Baker	(Seal)	Martha A. Dibble	(Seal)
By W. L. Best		Harney Valley Improvement	
Her Attorney in fact		Company, a Corporation	(Seal)
Williams Land & Live		By Wm. Hanley, Pres.	
Stock Company,		F. J. Shields	(Seal)
By R.J.Williams, Pres.	(Seal)	A. J. Johnson	(Seal)
D.R.Thorne	(Seal)	Lulah Gibson	(Seal)
R.R.Rogers, by J.W.Biggs,	(Seal)		
Agent.			
First National Bank of Burns	(Seal)		
By E.H.Conser, Cashier.			
C.H.Leonard			
Pryor Barnes	(Seal)		
Mary E. Johnson	(Seal)		

THE IRRIGATED LANDS BELONGING TO THE PARTIES TO
THIS AGREEMENT AND EMBRACED THEREIN TOGETHER WITH DATES
OF PRIORITIES CLAIMED ARE AS FOLLOWS:

LUCY BAKER, (1877) 160 acres in SW $\frac{1}{4}$ Sec. 8, Twp. 23 S., R. 26 E., W.M.

WILLIAM J. BAUR, (1884) 40 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 32 acres
in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, Twp. 23 S., R. 26 E., W.M.

Contract Between Claimants in
Silver Creek Valley (cont'd.)

W.L.BEST (1877) 160 acres in NW $\frac{1}{4}$ Sec. 8, Twp. 23 S., R. 26 E., W.M.

W.C.CECIL (1884) 20 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$
40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30,
40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Twp. 22 S., R. 26 E., W.M.
Sec. 25,
Twp. 22 S., R. 25 E., W.M.

25.7 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 160 acres in the SW $\frac{1}{4}$,
11 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 30,
38 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 80 acres in the W $\frac{1}{2}$ NW $\frac{1}{4}$, said
15.9 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 30,
40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Twp. 22 S., R. 26 E., W.M.
31.4 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$,
34.1 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 128.6 acres in SE $\frac{1}{4}$,
36.3 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 125.3 acres in NE $\frac{1}{4}$,
27.7 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, 11.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$,
30.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, 25.7 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$,
Sec. 6, Sec. 6,
Twp. 23 S., R. 26 E., W.M. Twp. 23 S., R. 26 E., W.M.

7 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, 40 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$,
25 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 41 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$,
6 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 30,
40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Twp. 22 S., R. 26 E., W.M.
32 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 30,
Twp. 22 S., R. 26 E., W.M.

FRANK C. DIBBLE (1882) 80 acres in W $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 24, Twp. 23 S., R. 26 E., W.M.

MARTHA A. DIBBLE (1882) 160 acres in SE $\frac{1}{4}$, Sec. 24, and (1884) 160 acres in
NE $\frac{1}{4}$, Sec. 23, Twp. 23 S., R. 26 E., W.M.

HARNEY VALLEY IMPROVE-
MENT COMPANY, a corp. (1866):

80 acres in W $\frac{1}{2}$ NE $\frac{1}{4}$ 30 acres in E $\frac{1}{2}$ NW $\frac{1}{4}$
50 acres in E $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 5;
40 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$
38 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 3 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$
32 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 9;
40 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 10 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$
40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 13,
20 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 20 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$
5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 3 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$
40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$
160 acres in SE $\frac{1}{4}$, 20 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$
Sec. 31, 40 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$
Twp. 22 S., R. 26 E., W.M. 35 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$
80 acres in N $\frac{1}{2}$ SW $\frac{1}{4}$
35 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$
40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$
160 acres in SE $\frac{1}{4}$,
Sec. 15;
80 acres in N $\frac{1}{2}$ NE $\frac{1}{4}$
38 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$
40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$
35 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$
5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$
7 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$
39 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$
15 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$
6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 17,
40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$
20 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$
6 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$
39 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 23,
80 acres in N $\frac{1}{2}$ NE $\frac{1}{4}$
35 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$
40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 25,
Twp. 23 S., R. 26 E., W.M.

Contract Between Claimants in
Silver Creek Valley (cont'd)

ALFRED JOHNSON (1877-1882)

38.2 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$
 38.9 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$
 Sec. 8,
 28 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$,
 Sec. 9,
 Twp. 23 S., R. 26 E., W.M.

DAVID T. JONES and
 Estate of F.P.LANE. (1878)

160 acres in NE $\frac{1}{4}$,
 160 acres in NW $\frac{1}{4}$,
 40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$,
 25 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$,
 21.7 acs. in SW $\frac{1}{4}$ SW $\frac{1}{4}$,
 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$,
 80 acres in N $\frac{1}{2}$ SE $\frac{1}{4}$,
 30 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$,
 8.5 acs. in SE $\frac{1}{4}$ SE $\frac{1}{4}$,
 Sec. 16;

(1883)
 31.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$,
 39.6 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$,
 31.3 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$,
 35.7 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$,
 5.8 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$,
 25.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$,
 3.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$,
 Sec. 9,
 Twp. 23 S., R. 26 E., W.M.

MARY E. JOHNSON (1883)

5.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$
 20 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$
 Sec. 32,
 Twp. 22 S., R. 26 E., W.M.

W. B. JOHNSON (1877)

160 acres in SE $\frac{1}{4}$,
 Sec. 8;

(1882)

80 acres in N $\frac{1}{2}$ NE $\frac{1}{4}$,
 Sec. 8;
 Twp. 23 S., R. 26 E., W.M.

C.H.LEONARD and FIRST NATIONAL
 BANK OF BURNS, OREGON.

(1882)

35 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$
 24 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$
 2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$
 20 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$,
 Sec. 22;
 80 acres in W $\frac{1}{2}$ SW $\frac{1}{4}$,
 Sec. 24;
 5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$,
 Sec. 26;
 Twp. 23 S., R. 26 E., W.M.

W. B. JOHNSON, successor L.L.
 Noonchester. (1887)

35.5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$
 38 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$
 Sec. 5,
 Twp. 23 S., R. 26 E., W.M.

R. R. ROGERS (1883)

35.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$,
 80 acres in E $\frac{1}{2}$ SE $\frac{1}{4}$,
 Sec. 29;
 30 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$
 30 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$
 80 acres in N $\frac{1}{2}$ SW $\frac{1}{4}$,
 Sec. 28;

(1886)

32.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$
 29 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$,
 Sec. 28;

(1888)

5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$
 10 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$
 30 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$
 35 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$,
 Sec. 32;

(1894)

160 acres in SE $\frac{1}{4}$, Sec. 28;

(1899) 160 acres in NW $\frac{1}{4}$, 30 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acs. in NW $\frac{1}{4}$ SW $\frac{1}{4}$,
 Section 34, All in Twp. 23 S., R. 27 E., W.M.

Contract Between Claimants in
Silver Creek Valley (cont'd)

D. R. THORNE	(1880)	26 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 37 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 80 acres in S $\frac{1}{2}$ SW $\frac{1}{4}$;
	(1884)	40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 36 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 14; 40 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 23, All in Twp. 23 S., R. 26 E., W.M.
R. J. WILLIAMS	(1899)	12.4 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 38 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, 31.7 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19, Twp. 23 S., R. 27 E., W.M.
WILLIAMS LAND AND LIVESTOCK COMPANY, a corporation.	(1880)	18.3 acres in NE-NE $\frac{1}{4}$ 40 acres in NW-NE $\frac{1}{4}$ 38 acres in SW-NE $\frac{1}{4}$, 35.7 acres in SE-NE $\frac{1}{4}$, 38 acres in NE-SE $\frac{1}{4}$, 38 acres in NW-SE $\frac{1}{4}$, 35.7 acres in SW-SE $\frac{1}{4}$, 38 acres in SE-SE $\frac{1}{4}$, Sec. 30, Twp. 23 S., R. 27 E., W. M.
	(1883)	15.7 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 39 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 38 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 35.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$,
	(1885)	5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 39 acres in SW-NE $\frac{1}{4}$ 30.2 acres in SE-NE $\frac{1}{4}$, Sec. 24, Twp. 23 S., R. 26 E., W.M.
	(1899)	15.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, Twp. 23 S., R. 27 E., W.M.
PRIOR BARNES, successor to J. Lester Williams,	(1896)	80 acres in W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 5, Twp. 23 S., R. 26 E., W.M.
LULAH GIBSON	(1895)	7 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 14, Twp. 23 S., R. 26 E., W.M.
T. J. SHIELDS	(1880)	320 acres in W $\frac{1}{2}$ Sec. 30. Twp. 23 S., R. 27 E., W.M.

It is ORDERED, ADJUDGED AND DECREED that said agreement is a covenant running with the lands of the respective parties as the same are mentioned and described therein, and is binding upon each of the parties signing said agreement, their heirs, successors, assigns and legal representatives forever; and that the rights of the respective parties

to said agreement and the distribution of water under said rights are subject to the terms and conditions of said agreement, and in conformity therewith it is hereby ordered, adjudged and decreed as follows, to-wit:

That as to the parties signing said agreement and the lands therein mentioned all rights having a priority date of 1888 or earlier shall be considered on a par and in all respects equal one with the other and each entitled to the same quantity of water, with the exception, however, that the land mentioned in said agreement as belonging to the signer W. C. Cecil and located in Section 30, Township 22 South, Range 26 East, W.M., shall not at any time be entitled to the use of water other than the natural subirrigation from the natural streams as they exist until the rights of the other parties to said agreement have been fully provided for, and provided further that all water rights for any of the lands owned by the signer The Harney Valley Improvement Company, a corporation, mentioned and described in said agreement, shall be subsequent and inferior to the rights of each of the other parties to said agreement.

It is hereby ORDERED, ADJUDGED AND DECREED that for the purpose of distribution that each of said contracting parties and the respective tracts and parcels of land affected by said agreement may receive the proper and equal proportionate share of water at the time and in the manner to produce the best results that the use of said water shall be rotated as in said agreement provided.

Contract between Claimants in Upper and Lower Valleys.

It is ORDERED, ADJUDGED AND DECREED that the agreement made and entered into on the 8th day of June, 1923, between certain claimants owning lands in the Upper Silver Creek Valley, as parties of the first part, with certain claimants owning lands in the Lower or Warm Springs Valley, as parties of the second part, is hereby confirmed and made a part of this decree, and that said agreement is in words and figures as follows, to-wit:

This agreement made and entered into this 8th day of June, 1923, by and between the following parties, to-wit: A.J. Johnson; W.B. Johnson; W.C. Cecil; W.L. Best; Lucy Baker by W.L. Best, her attorney in fact; Martha A. Dibble; First National Bank of Burns, by E.H. Conser, Cashier, C.H. Leonard; T.J. Shields; Jones & Lane by David T. Jones; Frank C. Dibble; D.R. Thorne; R.R. Rogers by J.W. Biggs, agent; W.J. Baur; Pryor Barnes; Harney Valley Improvement Co., a corp. by William Hanley, President; being the water users on Upper Silver Creek from the Oakerman ranch to the Cecil ranch, inclusive, parties of the first part herein, and the following parties, to-wit: Sagradoy & Obiague by Peter Obiague; Ubaldo Cote; R.R. Rogers by J.W. Biggs, Agent; W.C. Cecil; Ollie Cecil; William Hanley Company by William Hanley, President; Hattie May Tyler; being the water users in the Lower or Warm Springs Valley beginning with the Dunn Field and extending to the mouth of Silver Creek, parties of the second part herein,

WITNESSETH:

That WHEREAS an application has heretofore been made to the State Water Board of this State to adjudicate all of the rights of the users of waters of Silver Creek, and

WHEREAS claims have been filed by each and all of the parties hereto, which said claims set out the number of acres and the dates of priority claimed by the respective parties hereto, and said claims have been open for inspection, and

WHEREAS it appears from the claims as filed and from the records of the flow of Silver Creek at different seasons of the year and at different points that unless some compromise agreement is made as to the use of the waters a large number of contests will be filed by different parties, which said contests will be very expensive and will require a long time to become fully adjudicated;

NOW THEREFORE, for the purpose of compromising and settling between the parties hereto the dates of relative priority and distribution of the waters of Silver Creek for irrigation, stock and domestic purposes and for the further purpose of settling and avoiding a large amount of litigation, it is hereby agreed between the parties of the first part and the parties of the second part as follows, to-wit:

I.

That all dates of priority as between the parties of the first part and parties of the second part are hereby waived.

II.

That the parties of the first part shall be entitled to the use as against the parties of the second part, of all of the normal flow of Silver Creek, and by "normal" is meant the right to use for irrigation upon all the lands of the parties of the first part such amount of water as may be necessary to properly irrigate the lands of said first parties claimed as irrigated lands in the various claims filed in said proceedings before the State Water Board.

III.

The parties of the first part do agree that they, nor either nor any of them, will not in any manner interfere with the waters of Silver Creek so as to prohibit or interfere with the annual and regular flow of Silver Creek so as to prevent the same from flowing on directly to the parties of the second part, except that the said first parties, and each thereof, shall have the full and unrestricted right to divert the waters from said Silver Creek and all the channels and tributaries thereof for the irrigation of their respective lands for which water rights are now claimed, in the manner and at such seasons as may be necessary to properly irrigate their lands.

IV.

The parties of the second part do hereby covenant and agree not to interfere with the parties of the first part in the irrigation of their lands at any season of the year in a fit and proper manner.

V.

The parties of the first part, in consideration of the covenants and agreements of the parties of the second part, do promise and agree to irrigate their lands in such

V. (cont'd)

manner as to cause as little water waste as practical in the flow of Silver Creek through their respective lands to the lower end of the Oakerman place, and may at their election and when they deem expedient change the existing points of diversion, ditches and canals to better irrigate their said lands and to carry out the intention and purpose of this agreement in securing an economical use of the said waters.

VI.

That this agreement is a covenant running with the lands of the respective parties hereto and shall bind each of said parties hereto, his heirs, successors, assigns or legal representatives forever.

IN WITNESS WHEREOF the said parties have hereunto set their hands and affixed their seals.

Harney Valley Improvement Company	(Seal)
By Wm. Hanley, President.	
A. J. Johnson,	(Seal)
W.B. Johnson	(Seal)
W.C. Cecil	(Seal)
W.L. Best	(Seal)
Lucey Baker by W.L. Best,	(Seal)
Her attorney in fact.	
Martha A. Dibble	(Seal)
First National Bank of Burns	(Seal)
By E.H. Conser, Cashier.	
C.H. Leonard	(Seal)
T. J. Shields	(Seal)
Jones & Lane by David T. Jones	(Seal)
Frank C. Dibble	(Seal)
D. R. Thorne	(Seal)
R.R. Rogers By J.W. Biggs, Agent.	(Seal)
W. J. Baur	(Seal)
Pryor Barnes	(Seal)

PARTIES OF THE FIRST PART,

and

Sagardoy & Obiague (Seal)	W.C. Cecil (Seal)
By Peter Obiague	Ollie Cecil (Seal)
Ubaldo Cote (Seal)	Wm. Hanley Co., (Seal)
R.R. Rogers (Seal)	a corp. by
By J.W. Biggs.	Wm. Hanley, Pres.
	Hattie May Tyler (Seal)

PARTIES OF THE SECOND PART.

It is hereby ORDERED, ADJUDGED AND DECREED that said agreement is a covenant running with the lands of the respective parties thereto and is binding upon each of said parties signing the said agreement, their heirs, successors, assigns and legal representatives forever, and upon the respective tracts and parcels of land owned by the parties to said agreement and which lands are awarded rights under this decree, and upon the entry of this decree the clerk of said Harney County, Oregon, shall record said agreement in the deed records that the same may be indexed against the names of the respective parties signing same, and the rights of the respective parties to said

agreement and the distribution of water under said rights are subject to the terms and conditions of said agreement, and in conformity therewith, it is hereby ORDERED, ADJUDGED AND DECREED as follows, to-wit:

That as to the parties signing said agreement and the lands owned by them and involved in this adjudication proceeding all dates of priority of use are waived and the lands are entitled to the use of water as follows: That the parties of the first part and the lands in the Upper Silver Creek Valley, shall be entitled to the use, as against the parties of the second part and the lands located in the Warm Springs Valley, of all the normal flow of Silver Creek, and by "normal" is meant the right to use for irrigation such amount of water as may be necessary to properly irrigate the land; that the diversion of water from said stream system by the Upper Silver Creek Valley users shall be limited to the amount necessary to properly irrigate the land from the natural flow of the stream and no other interference to the natural flow of the stream shall be made or caused to be made by the first parties to said contract so as to prevent the same from flowing on directly to the parties of the second part for use upon their lands in the said Warm Springs Valley.

It is further ORDERED that nothing herein contained, construing the provisions of said agreements above set forth, shall in any manner prevent the parties thereto and any and all users of water from said stream from hereafter constructing the necessary and proper dams, canals and irrigation works to thoroughly and economically distribute the water used on the lands with rights under this decree.

It is hereby CONSIDERED, ORDERED, ADJUDGED AND DECREED that the rights of the various parties claimant to the waters of Silver Creek and its tributaries, are hereby adjudicated, determined and awarded as set out in the following tabulation, including the name of the claimant, the amount of water and priority of right of use, the name of the ditch, if any, through which the same is used, the stream or tributary from which the water is diverted, and a description of the land having the right, all of which lands are located in Harney County, State of Oregon, 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
14033 Allison, Jesse W. & Bessie May, Suplee, Ore. (Proof No. 1)	1889		160	Irrigation and stock	Various dams and ditches	Silver Creek & upper tribu- taries, includ- ing Spoon, Fox and Allison creeks	6 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 4 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 26 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 18 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 22 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 16 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, 26 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15, 9 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 18 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 13 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16, T. 19 S., R. 26 E., W.M.
14034 Amort, W. S. Suntex, Ore. (Proof No. 2)	1911		50	Irrigation and stock	Dams in stream channel	Chicka- hominy Creek	10 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 10 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 15 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 15 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13, T. 25 S., R. 25 E., W.M.
14035 Arnwine, Rector, Burns, Ore. (Proof No. 3)	1885		20	Irrigation and stock	Various dams and ditches	Egypt Creek, trib. of Wickaup Creek	10 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 10 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19, T. 21 S., R. 27 E., W.M.
	1887		30	Irrigation and stock	Various dams and ditches	Egypt Creek, trib. of Wickaup Creek	15 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 15 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 29, T. 21 S., R. 27 E., W.M.
(Proof No. 4)	1897		50	Irrigation and stock	Williams dams and ditches	Wickaup Creek	20 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 10 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, T. 21 S., R. 26 E., W.M.
	1902		50	Irrigation and stock	Williams dams and ditches	Wickaup Creek	20 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 10 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 14, T. 21 S., R. 26 E., W.M.
14036 Baker, Lucy 1515 Grove St., Boise, Idaho. (W.L. Best, Agent.) (Proof No. 5)	1877		153	Irrigation and stock	Various dams and ditches	Silver Creek	40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 53 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 8, T. 23 S., R. 26 E., W.M.
(See Decree, pages 13 and 19)							
14037 Barnes, Pryor Burns, Ore. (Successor in interest to J.L. Williams) (Proof No. 86) (See Decree, pages 13 and 19.)	1887		80	Irrigation and stock	Various dams and ditches	Silver Creek	40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, T. 23 S., R. 26 E., W.M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
14038 Baur, Wm. J. Suntex, Ore. (Proof No. 6) (See Decree, Pages 13 and 19)	May, 1884		76.2	Irrigation and stock	Various dams and ditches	Silver Creek	38 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 7.2 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 31 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23, T. 23 S., R. 26 E., W.M.
14039 Best, W. L. Suntex, Ore. (Proof No. 7) (See Decree, pages 13 and 19)	1877		160	Irrigation and stock	Various dams and ditches	Silver Creek and Curry Springs	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 $\frac{1}{4}$ Section 8, T. 23 S., R. 26 E., W.M.
(Proof No. 8)	1905		120	Irrigation and stock	Various dams and ditches	Chickahominy Creek	25 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 15 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T. 23 S., R. 25 E., W.M.
14040 Brown, Wm. W. Fife, Ore. (Proof No. 9)	1905	200 ac. ft.		Storage for Irrigation		Rimrock Lake	
	1905	200 ac. ft.		Storage for Irrigation		Hay Lake	
	1905	200 ac. ft.		Storage for Irrigation		Gap Lake	
	1905		684	Irrigation and stock	Various dams and ditches	Gap Lake, Rimrock Lake, Hay Lake and gulches and water stored in said lakes, trib. to Chickahominy Creek	30 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 32 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 34 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 38 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35, 30 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 30 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 $\frac{1}{4}$ 20 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 33 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 20 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 36, T. 23 S., R. 24 E., W.M. 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 SW $\frac{1}{4}$ SE $\frac{1}{4}$ 30 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, 20 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 12 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 35 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, T. 23 S., R. 25 E., W.M.
(NOTE: The lands in Sections 30 and 31 have a supplemental supply under Proof No. 10 from Sheep Lake and a tributary gulch, tributary of Chickahominy Creek.)							

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	
14041 Browning, Thos. E. Burns, Ore. (Successor in interest to Est. of John C. Freeman) (Proof No. 29)	Mar. 24, 1892		158.5	Irrigation and stock	Freeman Ditch & natural overflow & various dams and ditches	Silver Creek & Cote Slough	40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 38.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18, T. 26 S., R. 29 E., W.M.	
	Mar. 1, 1896		146.1	Irrigation and stock	Freeman	Silver Creek	35.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18, 32.1 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 38.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17, T. 26 S., R. 29 E., W.M.	
	1900		30	Irrigation and stock	Freeman	Silver Creek	15 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 7 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, 8 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, T. 26 S., R. 29 E., W.M.	
	May 15, 1899		67.8	Irrigation and stock	Freeman	Silver Creek and Cote Slough	6.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 6, 4.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 6.9 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 6.1 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 2.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 2.1 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, 39.2 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 18, T. 26 S., R. 29 E., W.M.	
14042 Cecil, Homer D. Suntex, Ore. (Proof No. 11)	1912		40	Irrigation	dams and natural flooding	Chicka- hominy Creek	20 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 20 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 35, T. 22 S., R. 25 E., W.M.	
14043 Cecil, Ollie Suntex, Ore. (Proofs Nos. 12 & 17)	June, 1885		398.1	Irrigation and stock	Harris Ditch & natural flooding	Silver Creek	27.3 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 25 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 160 acres in the SE $\frac{1}{4}$, Section 33, T. 25 S., R. 28 E., W.M.	
	(NOTE:	These lands have a supplemental supply under Proofs Nos. 13 and 18, from Silver Creek through the Walters Ditch, with priority of 1890.)						40.3 acres in Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$) 40.3 acres in Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) 39.4 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 28 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 25.8 acres in Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) 14 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4, T. 26 S., R. 28 E., W.M.
14045 Cecil, W.C. Suntex, Ore. (Proof No. 17) (See Decree, pages 13 and 19)	June, 1885		531.1	Irrigation and stock	Harris Ditch and natural flooding	Silver Creek	8 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 7 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 25 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 25 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 25 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 38 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 38.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 26 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 36.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28,	
						Silver Creek, Harney County.	DECREE 25	

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
Cecil, W. C., (cont'd) (Proof No. 17-cont'd)							38 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 33 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 32.1 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27, 36.2 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 39.8 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 38.5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34, T. 25 S. R. 28 E., W. M.
(Proof No. 14)	Sept. 1884		390.6	Irrigation	Dams, ditches, natural flooding and sub-irrigation	Currey Springs Branch	25.7 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 11 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 38 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 15.9 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 51.4 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 34.1 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 26.3 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 27.7 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, 30.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6, T. 23 S., R. 26 E., W. M. 20 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 25, T. 22 S., R. 25 E., W. M.
							(NOTE: The land in Section 34 has a supplemental supply under Proof No. 18, from Silver Creek through the Walters Ditch, with priority of 1890.)
							(NOTE: The lands in Sec. 6, T. 23 S. R. 26 E. W. M., have a supplemental supply under Proof No. 15 from West Fork Silver Creek.) <i>Pl. of div. changed from West Fork Silver Crk - Sp. Or. Vol 6, p. 40</i>
	1884		121	Irrigation	Dams, ditches, natural flooding and sub-irrigation	Currey Springs Branch	40 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 41 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 30, T. 22 S., R. 26 E., W. M.
							(NOTE: This land has a supplemental supply under Proof No. 15, from West Fork Silver Creek)
(Proof No. 15)	1884		114	Irrigation, domestic, and stock	Dams, ditches, natural flooding and sub-irrigation	West Fork Silver Creek	34 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 30, T. 22 S., R. 26 E., W. M.
(Proof No. 16)	1884		110	Sub-Irrigation		East Fork Silver Creek	7 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, 40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, 32 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 6 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 25 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30, T. 22 S. R. 26 E., W. M.
14044 Cook, J. S. Burns, Ore. (Proof No. 19)	1898		120	Irrigation and Stock	Various dams and ditches	Silver Creek	20 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 20 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 14, T. 24 S., R. 27 E., W. M.
(Proof No. 20)	1902		280	Irrigation and stock	Various dams and ditches	Silver Creek	40 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 30 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 $\frac{1}{4}$,

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
Cook, J. S., (continued) (Proof No. 20) (cont'd.)							40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 30 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 30 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 30 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14, T. 24 S., R. 27 E., W.M.
14046 Cote, Ubald Burns, Ore. (Proof No. 21)	1898		294.9	Irrigation and stock	Chaney	Silver Creek	35 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 35.5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22, 33 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 33.4 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 38 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25, 40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, T. 25 S., R. 28 E., W.M.
(Proof No. 22)	1887		957	Irrigation and stock	Cote Slough and ditch	Silver Creek	40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22, 40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 27, 40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 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 $\frac{1}{4}$, 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 37 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26; 40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35, T. 25 S., R. 28 E., W.M.
14047 Cryder, A. Delbert Burns, Ore. (Proof No. 23)	1908		28	Irrigation and stock	Cryder Bros.	Silver Creek	28 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10, T. 24 S., R. 27 E., W.M.
14048 Dibble, Frank C., Suntex, Ore. (Proof No. 24) (See Decree, pages 13 and 19)	May, 1882		80	Irrigation and Stock	Various dams and ditches	Silver Creek	40 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 24, T. 23 S., R. 26 E., W.M.
14049 Dibble, Martha A. Suntex, Ore. (Proofs Nos. 25 & 26) (See Decree, pages 13 and 19.)	May, 1882		160	Irrigation and stock	Various dams and ditches	Silver Creek	40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 24; 40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, T. 23 S., R. 26 E., W.M.
	May 1884		160	Irrigation and stock	Various dams and ditches	Silver Creek	40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, T. 23 S., R. 26 E., W.M.
					Silver Creek, Harney County.		DECREE. 27

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
14050 Farmer, Chas. C., Francisco, Ind. (Proof No.28)	1896		80	Irrigation	Cote	Silver Creek	40.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25, 40.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, T. 25 S., R. 28 E., W.M.
14051 Gibson, Lulah, Suntex, Ore. Tin Gibson, Agent, Suntex, Ore. (Proof No.32) (SEE Decree Page 15)	1895		7	Irrigation, domestic and stock	Thorne	Silver Creek	7.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 14, T. 25 S., R. 26 E., W.M.
14052 Hanley, Wm., Company Wm. Hanley, Pres., Burns, Ore. (Proof No.35)	1881		129	Irrigation, domestic and stock	Dams, ditches and natural flooding	Silver Creek and its tribu- taries	<u>DUNN FIELD</u> 14.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 37.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 38.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16, T. 25 S., R. 28 E., W.M.
	1884		557.1				24.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 25.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 15.9 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 30.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 32.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 8.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17; 4.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 18; 36.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 38.4 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 19.3 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 36.9 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 10.3 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 38.7 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21; 20.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 22; 27.1 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27; 21.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 12.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28, T. 25 S., R. 28 E., W.M.
	1895		65				<u>PETERSON FIELD</u> 20.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 20.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 25.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34; T. 25 S., R. 28 E., W.M.
	1885		480				40.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 160.0 acres in the SW $\frac{1}{4}$ 160.0 acres in the SE $\frac{1}{4}$ Section 36, T. 25 S., R. 28 E., W.M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Hanley, Wm., Company (continued) (Proof No. 33 cont'd.)	1897		410				(Peterson Field-cont'd.) 40.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 30.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 30.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 20.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 20.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 30.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1, T. 26 S., R. 28 E., W.M.
	1916		102				40.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 25.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 2.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 35.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1, T. 26 S., R. 28 E., W.M.
	1892		152				40.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 32.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4; T. 26 S., R. 28 E., W.M.
	1880		160				<u>STINKING LAKE FIELD</u> 40.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10, T. 26 S., R. 28 E., W.M.
	1887		260				40.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 30.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 30.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10; T. 26 S., R. 28 E., W.M.
	1889		154.7				40.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 35.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 39.7 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3, T. 26 S., R. 28 E., W.M.
	1890		134.8				25.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 30.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 39.8 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3, T. 26 S., R. 28 E., W.M.
	1892		134.7				39.7 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 35.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 20.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2; T. 26 S., R. 28 E., W.M.
						Silver Creek, Harney County.	

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
Hanley, Wm., Company (continued) (Proof No. 53 cont'd)	1893		240.1				40.0 acres in Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) 40.0 acres in Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) 40.1 acres in Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) 40.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5; T. 26 S., R. 28 E., W.M.
	1898		25				25.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 10; T. 26 S., R. 28 E., W.M.
	1898		40				25.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 15.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3, T. 26 S., R. 28 E., W.M.
	1899		51				6.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 10.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 35.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10; T. 26 S., R. 28 E., W.M.
	1899		40				40.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10, T. 26 S., R. 28 E., W.M.
	1880		636.8				<u>STINKING LAKE AND NORTH FIELD</u> 37.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 160 acres in the NW $\frac{1}{4}$, 160 acres in the SW $\frac{1}{4}$, 40.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ 39.8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11, T. 26 S., R. 28 E., W.M.
	1880		349				<u>NORTH FIELD AND DERRICK FIELD</u> 2.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 25.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 25.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 20.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 35.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 30.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 30.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 25.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 37.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12; T. 26 S., R. 28 E., W.M.
1898		50				10.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 15.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 5.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 20.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, T. 26 S., R. 28 E., W.M.	

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Hanley, Wm., Company, (continued) (Proof No. 33 cont'd.)	1887		37				<p style="text-align: center;"><u>DERRICK FIELD</u></p> 37.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15, T. 26 S., R. 28 E., W.M.
	1889		150				40.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 30.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 15, T. 26 S., R. 28 E., W.M.
	1880		2516.0				5.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 35.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 37.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 160.0 acres in the NW $\frac{1}{4}$ 40.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 30.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, 40.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 37.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 38.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14, 40.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 37.1 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 35.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 30.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 35.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 35.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 30.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 25.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 30.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 35.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 35.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24, T. 26 S., R. 28 E., W.M. 40.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 30.0 acres in Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) 20.0 acres in Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) 40.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 34.0 acres in Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$) 34.0 acres in Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) 40.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 18; 40.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 35.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 33.9 acres in Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) 33.0 acres in Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) 35.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Hanley, Wm., Company, (continued) (Proof No. 53 cont'd.)							35.0 acres in NE SW 32.0 acres in NW SW 30.0 acres in SW SW 35.0 acres in SE SW 35.0 acres in NE SE 35.0 acres in NW SE 40.0 acres in SW SE 40.0 acres in SE SE, Section 19, 35.0 acres in SW NW 35.0 acres in NE SW 40.0 acres in SW SW 40.0 acres in NW SW 40.0 acres in SE SW, Section 20; T. 26 S., R. 29 E., W.M.
	1890		505				25.0 acres in NE NE 35.0 acres in NW NE 40.0 acres in SW NE 35.0 acres in SE NE 40.0 acres in NE NW 40.0 acres in NW NW 35.0 acres in SW NW 35.0 acres in SE NW, Section 29, 20.0 acres in NE SE Section 33, T. 26 S., R. 29 E., W.M.
	1897		440				40.0 acres in NE SW 35.0 acres in NW SW 35.0 acres in SW SW 40.0 acres in SE SW, Section 31, T. 25 S., R. 29 E., W.M. 35.0 acres in NW NW 35.0 acres in SW NW 35.0 acres in NW SW 30.0 acres in SW SW, Section 6, 35.0 acres in SE SW Section 17, 40.0 acres in NE NW 40.0 acres in NW NW 40.0 acres in SE NW, Section 20, T. 26 S., R. 29 E., W.M.
	1898		529				35.0 acres in NE NE 35.0 acres in NW NE 30.0 acres in SW NE 30.0 acres in SE NE 35.0 acres in NE NW 32.0 acres in NW NW 25.0 acres in SW NW 35.0 acres in SE NW, Section 30; 15.0 acres in SE NW Section 33, 35.0 acres in NE SW 25.0 acres in NW SW 2.0 acres in SW SW 15.0 acres in SE SW 40.0 acres in SW SE, Section 34, T. 26 S., R. 29 E., W.M. 40.0 acres in NE NW 40.0 acres in NW NE 30.0 acres in SW NE 30.0 acres in SE NE, Sec. 25, T. 26 S., R. 28 E. W.M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Hanley, Wm., Company, (Continued) (Proof no. 33 con'td.)	1899		254				<p>38.0 acres in NW$\frac{1}{4}$SW$\frac{1}{4}$ 35.0 acres in SW$\frac{1}{4}$SW$\frac{1}{4}$ 37.0 acres in SE$\frac{1}{4}$SW$\frac{1}{4}$ 35.0 acres in NE$\frac{1}{4}$SE$\frac{1}{4}$ Section 14; 25.0 acres in NW$\frac{1}{4}$NW$\frac{1}{4}$ 1.0 acres in SW$\frac{1}{4}$NW$\frac{1}{4}$ 10.0 acres in SE$\frac{1}{4}$NW$\frac{1}{4}$ 35.0 acres in NE$\frac{1}{4}$SE$\frac{1}{4}$ Section 15; T. 26 S., R. 28 E., W. M.</p> <p>38.0 acres in SE$\frac{1}{4}$SW$\frac{1}{4}$, Section 7, T. 26 S., R. 29 E., W. M.</p>
	1901		105				<p>10.0 acres in NE$\frac{1}{4}$SE$\frac{1}{4}$ 40.0 acres in NW$\frac{1}{4}$SE$\frac{1}{4}$ 30.0 acres in SW$\frac{1}{4}$SE$\frac{1}{4}$ 25.0 acres in SE$\frac{1}{4}$SE$\frac{1}{4}$ Section 20; T. 26 S., R. 29 E., W. M.</p>
	1880		1197				<p>35.0 acres in NE$\frac{1}{4}$NE$\frac{1}{4}$ 35.0 acres in NW$\frac{1}{4}$NE$\frac{1}{4}$ 35.0 acres in SW$\frac{1}{4}$NE$\frac{1}{4}$ 40.0 acres in SE$\frac{1}{4}$NE$\frac{1}{4}$ 35.0 acres in NE$\frac{1}{4}$NW$\frac{1}{4}$ 55.0 acres in NW$\frac{1}{4}$NW$\frac{1}{4}$ 30.0 acres in SW$\frac{1}{4}$NW$\frac{1}{4}$ 35.0 acres in SE$\frac{1}{4}$NW$\frac{1}{4}$ 35.0 acres in NE$\frac{1}{4}$SE$\frac{1}{4}$ 35.0 acres in NW$\frac{1}{4}$SE$\frac{1}{4}$ 40.0 acres in SE$\frac{1}{4}$SE$\frac{1}{4}$, Section 34; 35.0 acres in NE$\frac{1}{4}$NE$\frac{1}{4}$ 35.0 acres in NW$\frac{1}{4}$NE$\frac{1}{4}$ 35.0 acres in SW$\frac{1}{4}$NE$\frac{1}{4}$ 37.0 acres in SE$\frac{1}{4}$NE$\frac{1}{4}$ 30.0 acres in NE$\frac{1}{4}$NW$\frac{1}{4}$ 30.0 acres in NW$\frac{1}{4}$NW$\frac{1}{4}$, Section 35; 35.0 acres in NE$\frac{1}{4}$NE$\frac{1}{4}$ 35.0 acres in NW$\frac{1}{4}$NE$\frac{1}{4}$ 35.0 acres in SW$\frac{1}{4}$NE$\frac{1}{4}$ 40.0 acres in SE$\frac{1}{4}$NE$\frac{1}{4}$, 35.0 acres in NE$\frac{1}{4}$NW$\frac{1}{4}$ 35.0 acres in NW$\frac{1}{4}$NW$\frac{1}{4}$ 40.0 acres in SW$\frac{1}{4}$NW$\frac{1}{4}$ 35.0 acres in SE$\frac{1}{4}$NW$\frac{1}{4}$, 40.0 acres in NE$\frac{1}{4}$SW$\frac{1}{4}$ 35.0 acres in NW$\frac{1}{4}$SW$\frac{1}{4}$ 40.0 acres in SW$\frac{1}{4}$SW$\frac{1}{4}$ 40.0 acres in SE$\frac{1}{4}$SW$\frac{1}{4}$, 160.0 acres in the SE$\frac{1}{4}$, Section 35, T. 26 S., R. 29 E., W. M.</p>
	1906		275				<p>30.0 acres in NW$\frac{1}{4}$NE$\frac{1}{4}$ 30.0 acres in NE$\frac{1}{4}$NW$\frac{1}{4}$ 30.0 acres in NW$\frac{1}{4}$NW$\frac{1}{4}$ Section 2, 30.0 acres in NE$\frac{1}{4}$NE$\frac{1}{4}$ Section 3, T. 27 S., E. 29 E., W. M.</p> <p>25.0 acres in NE$\frac{1}{4}$SW$\frac{1}{4}$ 30.0 acres in NE$\frac{1}{4}$SE$\frac{1}{4}$ 30.0 acres in NW$\frac{1}{4}$SE$\frac{1}{4}$ 5.0 acres in SW$\frac{1}{4}$SE$\frac{1}{4}$, Section 25, T. 26 S., R. 28 E., W.M. 30.0 acres in NW$\frac{1}{4}$SW$\frac{1}{4}$ 35.0 acres in SW$\frac{1}{4}$SW$\frac{1}{4}$, Sec. 28 T. 26 S., R. 29 E., 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
Hanley, Wm., Company, (continued) (Proof No. 33 contd)	1907		330				30.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 20.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 5.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 35.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 30.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 20.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 35.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, 10.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 15.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 10.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 10.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30, T. 26 S., R. 29 E., W.M. 35.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 25.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 35.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 2, 10.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 5.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 5, T. 27 S., R. 29 E., W.M.
	1908		225				40.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, T. 26 S., R. 29 E., W.M. 2.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 35.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 28.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, T. 26 S., R. 29 E., W.M.
	1892		50				15.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 35.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 32, T. 25 S., R. 29 E., W.M.
	1899		70				10.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 30.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 30.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 7, T. 26 S., R. 29 E., W.M.
	1901		32				32.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, T. 26 S., R. 29 E., W.M.
Hanson, Peter Burns, Oregon. (Proof No. 34)	1885		91.6	Irrigation and stock	Various dams and ditches	Wicksup Creek	50.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 50.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 19.2 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 12.4 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, T. 21 S., R. 26 E., W.M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
<p>14054 Harney Valley Improvement Company, Wm. Hanley, Pres., (Burns, Oregon. (Proof No. 35)</p> <p>(See Decree, pages 18 and 19.)</p>	1908		1520	Irrigation	Natural Overflow	Silver Creek and its tribu- taries	18.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 32.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 38.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 32.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 20.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 5.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 160.0 acres in the SE $\frac{1}{4}$ Section 31, T. 22 S., R. 26 E., W.M. 2.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 3.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 9, 10.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13, 20.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 3.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 2.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 20.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 35.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 35.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 160.0 acres in the SE $\frac{1}{4}$, Section 15; 40.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 38.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 35.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 5.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 7.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 39.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 15.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 6.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17; 40.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 20.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 6.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 39.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23; 40.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 35.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 25; T. 23 S., R. 26 E., W.M.
<p>14055 Heck, Rufus W., Portland, Oregon. Albert Cote (or Ubaldo Cote) Agent, Burns, Oregon. (Proof No. 36)</p>	1907		59	Irrigation and stock	R.W. Heck	Cote Slough, trib. of Silver Creek	40.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 12.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 7.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35, T. 25 S., R. 28 E., W.M.
<p>14056 Hill, Joseph Burns, Ore. (Proof No. 37)</p>	March, 1887		45.3	Irrigation, domestic and stock	Two un- named ditches	Silver Creek	1.0 acre in Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) 11.2 acres in Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) 7.1 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 24.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 1, T. 25 S., R. 27 E., W.M.

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Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
14057 Johnson, Alfred, Suntex, Ore. (Proof No.41)	1877		38.2	Irrigation and stock	Various dams and ditches	Silver Creek	38.2 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, T. 23 S., R. 26 E., W.M.
(SEE Decree, pages 18 and 19)	1882		38.9	Irrigation and stock	Various dams and ditches	Silver Creek	38.9 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 8, T. 23 S., R. 26 E., W.M.
(Proof No.42)	1911		28	Irrigation and stock	Various dams and ditches	Silver Creek	28.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 9, T. 23 S., R. 26 E., W.M.
14058 Johnson, Emmitt Suntex, Ore. (Proof No.45)	1877		32	Irrigation and stock	Various dams and ditches.	Silver Creek	6.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 26.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 5, T. 23 S., R. 26 E., W. M.
14059 Johnson, Geo. W. Suntex, Ore. (Proof No.46)	1905		100	Irrigation and stock	Various dams and ditches	Chicka- hominy Creek	35.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 12.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 15.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10, T. 23 S., R. 25 E., W.M.
14060 Johnson, Mary E. Suntex, Ore. (Proof No. 47)	1883		30	Irrigation and stock	Dam and ditch	East Branch Silver Creek	5.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 25.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32, T. 22 S., R. 26 E., W.M.
(SEE Decree Page 13)							
14061 Johnson, W.B. Suntex, Ore. (Proof No.48)	1877		160	Irrigation and domestic	Various dams and ditches	Silver Creek	40.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 8, T. 23 S., R. 26 E., W.M.
(Proof No.49)	1882		80	do	do	do	40.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, T. 23 S., R. 26 E., W.M.
(SEE Decree, Pages 13 and 19)							
14062 Jones, David T., and Estate of F.P.Lane, deceased, by David T. Jones, Admr. Suntex, Ore. (Proof No.43)	1878		559	Irrigation and stock	Various Dams and Ditches	Silver Creek	40.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 39.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 38.5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 39.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 38.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 25.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 21.7 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 39.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 30.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 8.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16, T. 23 S.R. 26 E., W.M.
(SEE Decree Pages 13 and 19)							
							(continued next page)

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
Jones, David T., and Estate of F.P.Lane, deceased, (continued) (Proof No. 44) (SEE Decree, pages 15 and 19)	1885		172.9	Irrigation and stock	Various dams and ditches	Silver Creek	31.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 39.6 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 31.3 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 35.7 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 5.8 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 25.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 3.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 9, T. 23 S., R. 26 E., W.M.
14063 Leonard, C.R., and First National Bank of Burns, Oregon, Burns, Oregon. (Proof No. 50) (SEE Decree, Pages 15 and 19)	1882		161	Irrigation, domestic and stock	Various dams and ditches	Silver Creek	35.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 24.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 2.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 20.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22, 40.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24, T. 23 S., R. 26 E., W.M.
(Proof No. 51)	1901		5	Irrigation	Dam and ditch	South Prong Silver Creek	5.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, T. 23 S., R. 26 E., W. M.
(Proof No. 52)	1898		150	Irrigation and stock	Various dams and ditches	Chickahominy Creek	10.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 35.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 35.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 35.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 35.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26, T. 23 S., R. 26 E., W.M.
14064 Miller, Lenora E., heirs of, Burns, Oregon. (Proof No. 54)	1905		87	Irrigation, domestic and stock	Miller dams and ditches	Silver Creek	20.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 12.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 25.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 12.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 10.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, 8.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 18, T. 25 S., R. 26 E., W.M.
14065 Miller, David, Estate of, by R.A.Miller, Administrator, Burns, Oregon. (Proof No. 55)	1887		111	Irrigation, domestic and stock	Dave Miller dams and ditches.	Silver Creek	6.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 35.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 30.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 15.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 25.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 36, T. 24 S., R. 27 E., W.M.
14066 Mutter, Benj. Bend, Oregon. (Proof No. 56)	1907		40	Irrigation and stock	Mutter	North Fork Chickahominy Creek	20.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 20.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26, T. 22 S., R. 25 E., W.M.
14067 Noonchester, L.L. Bend, Ore. (Proof No. 57) (SEE Decree, Page 13)	1877		73.5	Irrigation and stock	Various dams and ditches	Silver Creek	35.5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 38.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 5, T. 23 S., R. 26 E., W.M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
14068 Oregon & Western Colonization Company, a corporation of So. Dakota, St. Paul, Minn. By R.J. Williams, Agt., Suntex, Ore. (Proof No. 58)	1899		120	Irrigation and stock	Various dams and ditches	Silver Creek	20.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 50.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 50.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 19, T. 25 S., R. 27 E., W.M.
14069 Reynolds, Lucinda, Burns, Ore. (Proof No. 59)	1905		56	Irrigation, domestic and stock	Reynolds dams and ditches	Silver Creek	8.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 20.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1, 8.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 20.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, T. 25 S., R. 27 E., W. M.
14071 Rogers, R.R. Spokane, Wash. By J.W. Biggs, At., Burns, Oregon. (Proof No. 60)	1885		255	Irrigation, domestic and stock	Oakerman dams and ditches	Silver Creek	55.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, 50.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 30.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28, T. 25 S., R. 27 E., W.M.
(Proof No. 61)	1886		61.5	Irrigation, domestic and stock	Oakerman dams and ditches	Silver Creek	29.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 32.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28, T. 25 S., R. 27 E., W.M.
(Proof No. 62)	1887		140	Irrigation, domestic and stock	Sanders dams and ditches	Silver Creek	35.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 25.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33, T. 25 S., R. 28 E., W.M.
(Proof No. 63)	1887		80	Irrigation, domestic and stock	Sanders dams and ditches	Silver Creek	40.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 27, T. 25 S., R. 28 E., W.M.
(Proof No. 64)	1888		80	Irrigation, domestic and stock	Oakerman dams and ditches	Silver Creek	5.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 10.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 30.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 35.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32, T. 25 S., R. 27 E., W.M.
(Proof No. 65)	1892		160	Irrigation, domestic and stock	Sanders dams and ditches	Silver Creek	160 acres in the NW $\frac{1}{4}$, Section 34, T. 25 S., R. 28 E., W.M.
(Proof No. 66)	1894		160	Irrigation, domestic and stock	Oakerman dam and ditch	Silver Creek	40.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28, T. 25 S., R. 27 E., W.M.
					Silver Creek, Harney County.		DECREE 38.

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
Rogers, R.R., Spokane, Wash. (Continued) (Proof No. 67)	1896		160	Irrigation, domestic and stock	Sanders dams and ditches	Silver Creek	40.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 33; T. 25 S., R. 28 E., W. M.
 (Proof No. 68)	1896		125	Irrigation, domestic and stock	Sanders dams and ditches	Silver Creek	40.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 20.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 30.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4; 35.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5; T. 26 S., R. 28 E., W. M.
 (Proof No. 69)	1899		230	Irrigation, domestic and stock	Oakerman dams and ditches	Silver Creek	160 acres in the NW $\frac{1}{4}$ 30.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34, T. 25 S., R. 27 E., W.M.
 (Proof No. 70)	1900		40	Irrigation, domestic and stock	Sanders dams and ditches	Silver Creek	20.0 acres in Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$) 20.0 acres in Lot 2 (SE $\frac{1}{4}$ NE $\frac{1}{4}$) Section 32, T. 25 S., R. 28 East, W.M.
 (Proof No. 71)	Sept. 2, 1901		80	Irrigation, domestic and stock	Sanders dams and ditches	Silver Creek	20.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 20.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 5, T. 26 S., R. 28 E., W.M. 20.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 20.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 32, T. 25 S., R. 28 E., W. M.
14070 Segardoy & Obiague, a co-partnership, consisting of Peter Segardoy, Peter Obiague and John Obiague, all of Burns, Oregon. (Proof No. 72)	1887		160	Irrigation, domestic and stock	Segardoy & Obiague dam and Parker dam and ditch	Silver Creek and Cote Slough	40.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 34, T. 25 S., R. 28 E., W.M.
 (Proof No. 73)	1899		170	Irrigation, domestic and stock	Parker Dam and Ditch and Cheney Ditch	Silver Creek and Cote Slough	10.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 20.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 35.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 35.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 35.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 35.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 25, T. 25 S., R. 28 E., W. M.
 (Proof No. 74)	May 1897		320	Irrigation, domestic and stock	Parker dam and ditch	Silver Creek and Cote Slough	40.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26; 40.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 36, T. 25 S., R. 28 E., W.M.
 (Proof No. 75)	1902		44	Irrigation, domestic and stock	Cote Slough, Parker Dam and ditch	Silver Creek and Cote Slough.	22.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 22.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 35, T. 25 S., R. 28 E., W. M.
					Silver Creek, Harney	County.	DECREE.

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
¹⁴⁰⁷² Shields, T. J. Suntex, Ore. (Proof No.76) (SEE Decree, Pages 18 and 19)	1880		312.5	Irrigation and stock	Various dams and ditches	Silver Creek	38.0 acres in NE ¹ / ₄ NW ¹ / ₄ 37.0 acres in NW ¹ / ₄ NW ¹ / ₄ 40.1 acres in SW ¹ / ₄ NW ¹ / ₄ 37.5 acres in SE ¹ / ₄ NW ¹ / ₄ 40.0 acres in NE ¹ / ₄ SW ¹ / ₄ 40.0 acres in NW ¹ / ₄ SW ¹ / ₄ 40.0 acres in SW ¹ / ₄ SW ¹ / ₄ 40.0 acres in SE ¹ / ₄ SW ¹ / ₄ Section 30, T. 23 S., R. 27 E., W. M.
¹⁴⁰⁷³ Spencer, W. L. Suntex, Ore. (Proof No. 78)	1903		40	Irrigation and stock	Various dams and ditches	Wickaup Creek	10.0 acres in NE ¹ / ₄ NE ¹ / ₄ 30.0 acres in SE ¹ / ₄ NE ¹ / ₄ Section 28, T. 21 S., R. 26 E., W. M.
¹⁴⁰⁷⁴ Street, Wm. H. Suntex, Ore. (Proof No.79)	1387		89	Irrigation and stock	Various dams and ditches	Silver Creek	40.0 acres in SE ¹ / ₄ SW ¹ / ₄ 40.0 acres in SW ¹ / ₄ SE ¹ / ₄ 9.0 acres in SE ¹ / ₄ SE ¹ / ₄ Section 5, T. 23 S., R. 26 E., W. M.
¹⁴⁰⁷⁵ Street, James Suntex, Ore. (Proof No.80)	1887		62	Irrigation and stock	Various dams and ditches	Silver Creek	40.0 acres in NE ¹ / ₄ SW ¹ / ₄ 22.0 acres in NW ¹ / ₄ SE ¹ / ₄ Section 5, T. 23 S., R. 26 E., W. M.
¹⁴⁰⁷⁶ Thorne, D. R. Suntex, Ore. (Proof No.81) (SEE Decree, Pages 13 and 19)	1880		143	Irrigation, domestic and stock	Thorne Ditch	Silver Creek	26.0 acres in NE ¹ / ₄ SW ¹ / ₄ 37.0 acres in NW ¹ / ₄ SW ¹ / ₄ 40.0 acres in SW ¹ / ₄ SW ¹ / ₄ 40.0 acres in SE ¹ / ₄ SW ¹ / ₄ Section 14, T. 23 S., R. 26 E., W. M.
(Proof No.82)	1884		76				40.0 acres in SW ¹ / ₄ SE ¹ / ₄ 36.0 acres in SE ¹ / ₄ SE ¹ / ₄ Section 14, T. 23 S., R. 26 E., W. M.
(Proof No.83)	1884		40				40.0 acres in NW ¹ / ₄ NW ¹ / ₄ Section 23, T. 23 S., R. 26 E., W. M.
¹⁴⁰⁷⁷ Tyler, S. F., Estate, (Lester, Lyda and Dessell Tyler, heirs) by Hattie May Tyler, widow; Burns, Oregon. (Proof No.84)	1898		225	Irrigation, domestic and stock	Tyler dams and ditches	Silver Creek	30.0 acres in SW ¹ / ₄ SW ¹ / ₄ 25.0 acres in SE ¹ / ₄ SW ¹ / ₄ 10.0 acres in NW ¹ / ₄ SE ¹ / ₄ 40.0 acres in SW ¹ / ₄ SE ¹ / ₄ Section 30; 40.0 acres in NW ¹ / ₄ NE ¹ / ₄ 40.0 acres in NE ¹ / ₄ NW ¹ / ₄ 40.0 acres in NW ¹ / ₄ NW ¹ / ₄ Section 31, T. 25 S., R. 29 E., W. M.
¹⁴⁰⁷⁸ Tyler, Hattie May, Burns, Ore. (Proof No.85)	1899		235	Irrigation, domestic and stock	Tyler dams and ditches	Silver Creek	15.0 acres in NE ¹ / ₄ SE ¹ / ₄ 30.0 acres in SE ¹ / ₄ SE ¹ / ₄ Section 30; 40.0 acres in NE ¹ / ₄ NE ¹ / ₄ 40.0 acres in SW ¹ / ₄ NE ¹ / ₄ 40.0 acres in SE ¹ / ₄ NE ¹ / ₄ 30.0 acres in SW ¹ / ₄ NW ¹ / ₄ 40.0 acres in SE ¹ / ₄ NW ¹ / ₄ Section 31, T. 25 S., R. 29 E., W. M.
					Silver Creek, Harney County.		DECREE. 40.

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>14079 Williams, R.J. Suntex, Oregon. (Proof No.87) (SEE Decree Page 15.)</p>	1889		82.1	Irrigation and stock	Various dams and ditches	Silver Creek	12.4 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 38.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 31.7 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19, T. 23 S., R. 27 E., W. M.
<p>14080 Williams Land & Live- stock Company, a corporation, by R.J.Williams, Pres., Suntex, Ore. (Proof No.88) (SEE Decree page 15)</p>	1880		51.2	Irrigation and stock	Various dams and ditches	Silver Creek	40.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 38.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 38.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 38.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 38.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, T. 23 S., R. 27 E., W. M.
<p>(Proof No.89)</p>	1885		128.2	Irrigation and stock	Various dams and ditches	Silver Creek	15.7 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 39.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 38.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 35.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 24, T. 23 S., R. 26 E., W. M.
	1885		74.2				5.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 39.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 30.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 24, T. 23 S., R. 26 E., W. M.
<p>(Proof No.90)</p>	1889		15.8	Irrigation and stock	Various dams and ditches	Silver Creek	15.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 20, T. 23 S., R. 27 E., W. M.

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

It is hereby ordered, adjudged and decreed that, except as otherwise determined herein, the order of the rights of the respective appropriators of the waters of said stream and its tributaries, and in which order they are entitled to divert and use the said water shall be and is according to the date of the relative priority of the rights as herein set forth and determined, and the first in order of time according to the date of relative priority shall be and is the first in order of time, 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.

It is hereby ORDERED, ADJUDGED AND DECREED that the quantity of water to which all of said lands are entitled shall be measured at the respective headgates of the diversion, ditch or lateral of said claimants from which the water is to be used on the land to be irrigated, provided, however, that until such time as the ditches, canals, headgates or levees or any of them or any other works which may be necessary to permit a determination with reasonable accuracy of the amount of water diverted and used upon any tract or tracts of land along Silver Creek shall be constructed, the water

for the irrigation of such tract or tracts for which no such measuring devices or controlling works are provided shall be measured at some proper and convenient point or points as near as may be to the lands to be irrigated. Such point or points of measurement shall be subject to change from time to time as changed conditions make such changes convenient or expedient, and the water for the irrigation of such tract or tracts for which no measuring devices or controlling works are provided shall be distributed to those entitled to its use by the regulation of dams, headgates or other works or devices for controlling or influencing the flow of the water, as nearly as may be in accordance with the priorities of the respective rights; subject, however, to the provisions of the decree hereinafter referred to and other findings herein. That the quantity of water herein specified to which any of such lands are entitled shall include the supply furnished or which may be or become available to any tract on account of the irrigation of other lands.

It is hereby ORDERED, ADJUDGED AND DECREED that the water master shall distribute the water for the lands described in these findings and in this decree, in accordance with this decree. The parties whose rights are adjudicated herein, and each of them, are herein, and each of them are hereby, directed and required to regulate, operate and construct and maintain their dams, ditches, canals, headgates, measuring devices, reservoirs and other works of all kinds and description, used for the purpose of distributing or aiding in the distribution of the waters of Silver Creek system, to or upon the lands described in these findings and this decree in such manner as to enable the water master to divert and apportion the water for said lands in accordance with the dates of priority of the several water users awarded a water right herein.

In all cases of construction or reconstruction or repairs of dams, canals, ditches, headgates, laterals, or other irrigation works, or systems for appropriating water, or in changing streams, sloughs, branches or depressions used as ditches, or as a means of conducting water from the river for any of the land awarded a right herein, in order to place such slough or branch stream or ditch on the line of the land over which the same runs, or to straighten the same, or for any purpose, the water user making such change, or building such works or system shall perform such work so as not to hinder or prevent the flow of water to any of the land awarded a right herein. And in the case of such change or reconstruction, a new ditch, flume, or conduit for water shall be furnished to take the place of the old, so that the various water users awarded a right herein shall be afforded a means of conducting their water equal to the old method before such change, upon their contributing an equitable part of the labor and expense thereof. In cases where the water formerly ran wholly or in part over one owner's land to that of another without a regular ditch or other artificial works, and it becomes necessary or convenient to build a ditch or other works, the labor and expense thereof shall be equitably borne by the interested parties. Such work of regulation and construction to be done under the guidance and direction of the State Engineer and Water Master; all

such new ditches or conduits to be of the size and dimension as directed by the Water Master or State Engineer. All to the end that the waters of Silver Creek and its tributaries may be distributed in accordance with this decree.

It is hereby ORDERED, ADJUDGED AND DECREED that the various claimants in the above entitled adjudication matter, and their successors in interest, are entitled to the use of the waters of Silver Creek and its tributaries as herein provided for, and each and all of said parties are hereby enjoined and prohibited from the use of the waters of said stream in any other amounts, manner or priorities than herein decreed. That this decree is final in all respects except that the same shall be considered open for the period of six months from the date hereof only for the purpose of correcting any typographical or clerical errors and mistakes in the description of the lands herein involved, which matters shall be presented to the court for correction.

Done in open court in Burns, Oregon,
this 29th day of Sept., 1934.

W. N. Wood
Circuit Judge.

Filed
Oct. 20th, 1934.
Wm. M. Carroll, Clerk

General Certificate of Copy

STATE OF OREGON, }
County of Harney, } ss.

I, Wm. M. Carroll -----, County Clerk and Clerk of the Circuit

Court of the County and State aforesaid, do hereby certify that the foregoing copy of Findings of Fact and Decree in the Matter of the Determination of the Relative Rights to the use of the waters of Silver Creek, and its Tributaries, a Tributary of Harney Lake

has been by me compared with the original, and that it is a correct transcript therefrom, and of the whole of such original Findings of Fact and Decree ----- as the same appears of record and on file ----- at my office and in my custody.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court this 26th day of October -----, 1934.

Wm. M. Carroll -----
County Clerk.
By Halter R. Powell -----, Deputy.