

BEFORE THE STATE ENGINEER OF OREGON

Harney County

IN THE MATTER OF THE DETERMINATION OF )  
THE RELATIVE RIGHTS TO THE USE OF THE )  
WATERS OF DONNER UND BLITZEN RIVER AND )  
ITS TRIBUTARIES, A TRIBUTARY OF MALHEUR )  
LAKE. )  
----- )

FINDINGS AND ORDER  
OF  
DETERMINATION

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

FINDINGS AND ORDER OF DETERMINATION

1.

That on the 2nd day of May, 1929, there was filed in the office of the State Engineer a petition signed by the Eastern Oregon Live Stock Company, requesting a determination of the relative rights of the various claimants to the use of the waters of Donner und Blitzen River and its tributaries, a tributary of Malheur Lake. That the State Engineer, after a full investigation and due consideration of said petition, finding the facts and conditions such as to justify it, fixed a time for the beginning of such examinations and investigations and surveys as would enable him to determine the relative rights of the various claimants to the use of the waters of Donner und Blitzen River and all of its tributaries.

2.

That a notice was prepared by the State Engineer setting forth the date when the State Engineer or his assistants would begin an investigation of the flow of said Donner und Blitzen River and its tributaries and the ditches diverting water therefrom, and said notice was published in two issues of the Burns Times-Herald, a weekly newspaper of general circulation in Harney County, Oregon, and published at Burns, Harney County, Oregon, said two issues being those of May 25th and June 1st, 1929, the date of the last publication of said notice being more than ten days prior to the date fixed for the beginning of the measurements of said stream, as provided by law.

3.

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

4.

That as soon as practicable after the examination and measurements were completed as described in the preceding paragraph, the State Engineer did prepare a notice setting forth a time and place certain when he would begin the taking of testimony (statements and proofs of claim) as to the relative rights of the various claimants to the use of the waters of said stream and its tributaries; that said notice was published in two issues of the Burns Times-Herald, a newspaper of general circulation published weekly at Burns, Harney County, Oregon, said two issues being those of April 4th and 11th, 1930, the last publication of said notice being at least 30 days prior to the first date fixed for the taking of claims by the State Engineer.

5.

That the State Engineer did send by registered mail to each person, firm or corporation claiming a right to the use of any of the waters of said stream, and to each person, firm or corporation owning or being in possession of lands bordering on or having access to said stream or its tributaries, insofar as said claimants and owners and persons in possession could be reasonably ascertained, a notice similar to such published notice, setting forth the date when the State Engineer or his authorized assistants would receive the statements and proofs of claim of the various claimants to the waters of said stream and its tributaries. That said notice was mailed at least 30 days prior to the date set therein for the receiving of claims in each instance. And the State Engineer did enclose with each of said notices a blank form upon which the claimant or owner could prepare in writing all the particulars necessary for the determination of his rights, under oath.

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

On Tuesday, May 20, 1930, in the Circuit Court Room of the County Court House at Burns, Oregon.

On Thursday, May 22, 1930, in the C. H. Smyth Hotel at Diamond, Oregon,

And for a period of 30 days, beginning with Monday, May 26, and ending with Wednesday, June 25, 1930, in the office of the State Engineer in the Capitol Building at Salem, Oregon.

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

Beckley, Ernest H., Diamond, Oregon	Kado, Joe and Sarah, Narrows, Oregon
Beckley, Ernest H. and Walter H., Diamond, Oregon	Kidwell, Carrie, Narrows, Oregon
Beckley, Mary C., Princeton, Oregon	McGowan, Julia, Reno, Nevada
Benson, George M., Voltage, Oregon	McKee, James, Plush, Oregon
Brown, Fred G., Frenchglen, Oregon	Mackey, Pete, Diamond, Oregon
Brown, R. H., Rt. 1, Box 9-A, Nyssa, Oregon	Marshall, A. L., Voltage, Oregon
Bundy, Manville J., Diamond, Oregon	Marshall, Culver H., Voltage, Oregon
Bunyard, Jas. G., Voltage, Oregon	Marshall, Culver H., and Violet W., Voltage, Oregon
Caldwell, Myrtle, Voltage, Oregon	Moore, Myrtle, Diamond, Oregon
Caldwell, Myrtle Haines, Narrows, Oregon	Porter, John, Diamond, Oregon
Comegys, Sidney, Diamond, Oregon	Pugsley, R. F. Diamond, Oregon
Dollarhide, Ross, Frenchglen, Oregon	Reed, Charles V., Burns, Oregon
Dunn, P. F., Estate of, Voltage, Oregon	Reineman, Albert A., Estate, Burns, Oregon
Dunn, W. J., Narrows, Oregon	Silvey, Nathaniel L., Diamond, Oregon
Dunn, William, Estate of, Narrows, Oregon	Smith, R. A. and Elizabeth, Diamond, Oregon
Eastern Oregon Live Stock Company, Crane, Oregon	Smyth, Claud H., Diamond, Oregon
Frazier, Chas. W., Burns, Oregon	Smyth, Claud H. and Grace, Diamond, Oregon
Graves, D. S., Estate, Lawen, Oregon	Smyth, D. H., Sr., Diamond, Oregon
Griffin, Mary, Burns, Oregon	Smyth, Fred W., Diamond, Oregon
Haines, Wilbur E., Diamond, Oregon	Springer, Alva, Voltage, Oregon
Haley, W. S. & E. T., Narrows, Oregon	United States Department of Agriculture, Biological Survey, Post Office Building, Portland, Oregon
Hill Brothers, Voltage, Oregon	Vickers, Tom and Len, Burns, Oregon
Horton, Dean and Marion, Diamond, Oregon	Waddell, Mrs. R. V., Crane, Oregon
Hutchinson, R. W., Voltage, Oregon	Wells, C. A., Diamond, Oregon
Jenkins, John R., Diamond, Oregon	

That the following named persons were duly notified of the proceeding by registered mail and by publication of said notice, as shown by Paragraphs 4 and 5 hereof, and by the affidavits of publication and post office registry receipts in Volume 1, pages 7 to 11, of the evidence herein, and each of them, although so notified, has failed, neglected and refused to appear herein and submit proof of a right to the use of the waters of said stream or its tributaries, if any they have or claim, and that such parties are in

default, and that such default is here and now entered against them, and each of them and said parties are hereby enjoined and inhibited from using or asserting any rights to the use of the waters of said stream, or any tributary thereof, except by, through or under the rights of the persons whose water rights are defined herein, or under and by virtue of permits issued by the State Engineer:

Anderson, C. C.,	Diamond, Oregon	Huffman, Norman	Andrews, Oregon
Bradeen, Robert W.,	Frenchglen, "	Huffman, Wm.	The Narrows, "
Brown, A. F.	Crane, "	Huffman, Wm. D.	Andrews, "
Brown, Harry	Princeton, "	Jones, W. R.	Frenchglen, "
Brown, O. A.	Crane, "	Keller, Emil	Frenchglen, "
Buck, Benj. Harry	Diamond, "	Keller, Herman	Diamond, "
Bunyard, Jas. H.	Voltage, "	Kueny, Frank and Mary,	Frenchglen, "
Campbell, ?	The Narrows, "	McConnel, J. C.,	Diamond, "
Comegy, Chas.	Diamond, "	McWilliams, Gordon	Diamond, "
Craig, Chas.	Diamond, "	Miller, Gail C.,	Blitzen, "
Creason, A.	Diamond, "	Myrtle, Charles	Diamond, "
Crow, Rankin	The Narrows, "	Olafson, Albert	Diamond, "
Crowley, Geo. W.	Diamond, "	Oliver, Burt L.	Diamond, "
Davies, J. W.	Princeton, "	Reed, Jas. R.	Diamond, "
Davisson, Chas. R.,	Diamond, "	Renwick, Wm.	Follyfarm, "
Ebar, Peter	Blitzen, "	Riddle, Benj. A.,	Frenchglen, "
Edwards, Richard J.,	Diamond, "	Riddle, Fred	Frenchglen, "
Elliott, Hayden, and		Riddle, Walter	Frenchglen, "
" Catherine,	Diamond, "	Roberts, Pleasant S.,	
Emmit, Mr.,	Frenchglen, "	Estate of,	Frenchglen, "
Evans, Mary	Crane, "	Saubert, Frank K.	The Narrows, "
Gable, Chas. N.,	Diamond, "	Saubert, ?	Diamond, "
Garay, Pedro	Diamond, "	Schaper, Ernest	Diamond, "
Gibson, Jas.	Voltage, "	Shafer, Alton G.	Diamond, "
Gordon, John	Diamond, "	Skinner, Chas. S.	Diamond, "
Green, C. S.	Crane, "	Smith, Harry	The Narrows, "
Green, J. S.	Blitzen, "	Smith, Harry L.,	
Griffin, Francis	The Narrows, "	c/o Bud Kidwell,	Diamond, "
Griffith, John	Diamond, "	Smith, Catherine	
Grousbeck, Etna	Diamond, "	c/o Fred Smith	Diamond, "
Haley, Scot	The Narrows, "	Smyth, Geo. A. Jr.,	Andrews, "
Hamilton, A. J.	Diamond, "	Watson, Wm. & Bertha,	Diamond, "
Hamilton, H. M.	Diamond, "	Witzel, Fred	Diamond, "
Hardie, Jas. S.	Burns, "	Witzel, Freddie B.	Diamond, "
Hawkins, Chas. A.	Diamond, "	Williams, D. A.	Diamond, "
Hembree, A.	Diamond, "	Williams, Ethel L.,	Crane, "
Henderson, J. W.	The Narrows, "	Young, Jas.,	
Henderson, Rose,		c/o May Evans	Diamond, "
c/o Jas. Henderson,	The Narrows, "	Yribarren, Santos,	
Hoskins, Emma	Diamond, "	Estate of, c/o	
Huff, J. R.	Andrews, "	J. M. McDode,	Fields, "

8.

That after the completion of the taking of such statements and proofs of claim the State Engineer did, on the 25th day of August, 1930, 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 Monday and Tuesday, September 8 and 9, 1930, in the Circuit Court Room of the County Court House at Burns, Oregon.

On Thursday, September 11, 1930, in the Diamond Hotel, at Diamond, Oregon,

And from Wednesday, September 17, to October 1, 1930, inclusive, (Sundays excepted) at the office of the State Engineer in the Capitol Building at Salem, Oregon,

the testimony and proofs of claim theretofore filed would be open to public inspection. That said notice did also state therein the county in which the determination of the State Engineer in said proceedings would be heard by the Circuit Court of the State of Oregon, to-wit: The County of Harney.

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

Contest No. 1

Alva Springer and Hill Brothers, a co-partnership  
of Lyle B. Hill and Lloyd H. Hill,  
Contestants,

vs.

Joe Kado and Sarah Kado,

Contestees.

Contest No. 2

Ernest H. Beckley, Walter H. Beckley, Manville J.  
Bundy, Chas. W. Frazier, Pete Mackey, James McKee,  
Myrtle Moore, John Porter, Nathaniel L. Silvey,  
R. A. Smith and Elizabeth Smith, Claud H. Smyth  
and Grace Smyth, and C. A. Wells,  
Contestants,

vs.

Wilbur E. Haines, John R. Jenkins and Fred W.  
Smyth,

Contestees.

Contest No. 3

Alva Springer and Hill Brothers, a co-partnership  
of Lyle B. Hill and Lloyd H. Hill,  
Contestants,

vs.

George M. Benson,

Contestee.

Contest No. 4

Alva Springer and Hill Brothers, a co-partnership  
of Lyle B. Hill and Lloyd H. Hill,  
Contestants,

vs.

W. J. Dunn,

Contestee.

Contest No. 5

R. H. Brown,

Contestant,

vs.

Wilbur E. Haines, John R. Jenkins and  
Fred W. Smyth,

Contestees.

Contest No. 6

Alva Springer and Hill Brothers, a co-partnership  
of Lyle B. Hill and Lloyd H. Hill,  
Contestants,  
vs.

Eastern Oregon Live Stock Company, a Corporation,  
Contestee.

Contest No. 7

Ernest H. Beckley, Walter H. Beckley, Manville J.  
Bundy, Chas. W. Frazier, Pete Mackey, James McKee,  
Myrtle Moore, John Porter, Nathaniel L. Silvey,  
R. A. Smith and Elizabeth Smith, Claud H. Smyth  
and Grace Smyth, and C. A. Wells,  
Contestants,  
vs.

Eastern Oregon Live Stock Company, a Corporation,  
Contestee.

Contest No. 8

R. H. Brown,  
Contestant,  
vs.

Eastern Oregon Live Stock Company, a Corporation,  
Contestee.

Contest No. 9

Malheur Lake Owners Association,  
Contestant,  
vs.

Biological Survey of the United States Department  
of Agriculture,  
Contestee.

Contest No. 10

U. S. Department of Agriculture, Biological  
Survey,  
Contestant,  
vs.

Joe and Sarah Kado,  
Contestees.

Contest No. 11

U. S. Department of Agriculture, Biological  
Survey,  
Contestant,  
vs.

Ross Dollarhide,  
Contestee.

Contest No. 12

U. S. Department of Agriculture, Biological  
Survey,  
Contestant,  
vs.

D. H. Smyth, Sr.  
Contestee.

Contest No. 13

U. S. Department of Agriculture, Biological  
Survey,  
vs. Contestant,  
Culver H., and Violet W. Marshall,  
Contestees.

Contest No. 14

United States Department of Agriculture,  
Biological Survey,  
vs. Contestant,  
A. L. Marshall,  
Contestee.

Contest No. 15

United States Department of Agriculture,  
Biological Survey,  
vs. Contestant,  
R. F. Pugsley,  
Contestee.

Contest No. 16

U. S. Department of Agriculture, Biological  
Survey,  
vs. Contestant,  
Carrie Kidwell,  
Contestee.

Contest No. 17

U. S. Department of Agriculture, Biological  
Survey,  
vs. Contestant,  
Fred W. Smyth,  
Contestee.

Contest No. 18

United States Department of Agriculture,  
Biological Survey,  
vs. Contestant,  
John R. Jenkins,  
Contestee.

Contest No. 19

U. S. Department of Agriculture, Biological  
Survey,  
vs. Contestant,  
Wilbur E. Haines,  
Contestee.

Contest No. 20

U. S. Department of Agriculture, Biological  
Survey,  
vs. Contestant,  
Dean and Marlon Horton,  
Contestees.

Contest No. 21

U. S. Department of Agriculture, Biological  
Survey,  
vs. Contestant,  
Alva Springer,  
Contestee.

Contest No. 22

U. S. Department of Agriculture, Biological  
Survey,  
vs. Contestant,  
C. A. Wells,  
Contestee.

Contest No. 23

U. S. Department of Agriculture, Biological  
Survey,  
vs. Contestant,  
Myrtle Moore, (successor to Chas. Moore, deceased)  
Contestee.

Contest No. 24

U. S. Department of Agriculture, Biological  
Survey,  
vs. Contestant,  
Charles W. Frazier,  
Contestee.

Contest No. 25

U. S. Department of Agriculture, Biological  
Survey,  
vs. Contestant,  
John Porter,  
Contestee.

Contest No. 26

U.S. Department of Agriculture, Biological  
Survey,  
vs. Contestant,  
Manville J. Bundy,  
Contestee.

Contest No. 27

U. S. Department of Agriculture, Biological  
Survey,  
vs.  
Contestant,  
Pete Mackey,  
Contestee.

Contest No. 28

U. S. Department of Agriculture, Biological  
Survey,  
vs.  
Contestant,  
Ernest H. Beckley,  
Contestee.

Contest No. 29

U. S. Department of Agriculture, Biological  
Survey,  
vs.  
Contestant,  
R. H. Brown,  
Contestee.

Contest No. 30

U. S. Department of Agriculture, Biological  
Survey,  
vs.  
Contestant,  
Ernest H. Beckley and Walter H. Beckley,  
Contestees.

Contest No. 31

U. S. Department of Agriculture, Biological  
Survey,  
vs.  
Contestant,  
James McKee,  
Contestee.

Contest No. 32

U. S. Department of Agriculture, Biological  
Survey,  
vs.  
Contestant,  
Lloyd and Lyle Hill, as Hill Brothers,  
Contestees.

Contest No. 33

U. S. Department of Agriculture, Biological  
Survey,  
vs.  
Contestant,  
Nathaniel L. Silvey,  
Contestee.

Contest No. 34

U. S. Department of Agriculture, Biological  
Survey, Contestant,  
vs.  
R. A. and Elizabeth Smith, Contestees.

Contest No. 35

U. S. Department of Agriculture, Biological  
Survey, Contestant,  
vs.  
Claud H. and Grace Smyth, Contestees.

Contest No. 36

U. S. Department of Agriculture, Biological  
Survey, Contestant,  
vs.  
Claud H. Smyth, Contestee.

Contest No. 37

U. S. Department of Agriculture, Biological  
Survey, Contestant,  
vs.  
W. J. Dunn, Contestee.

Contest No. 38

U. S. Department of Agriculture, Biological  
Survey, Contestant,  
vs.  
Estate of Albert A. Reineman, Contestee.

Contest No. 39

U. S. Department of Agriculture, Biological  
Survey, Contestant,  
vs.  
R. V. Waddell, Contestee.

Contest No. 40

U. S. Department of Agriculture, Biological  
Survey, Contestant,  
vs.  
Mary E. Beckley, Contestee.

Contest No. 41

U. S. Department of Agriculture, Biological  
Survey,  
vs. Contestant,  
Fred G. Brown, Contestee.

Contest No. 42

U. S. Department of Agriculture, Biological  
Survey,  
vs. Contestant,  
Myrtle Caldwell, Contestee.

Contest No. 43

U. S. Department of Agriculture, Biological  
Survey,  
vs. Contestant,  
Myrtle Haines Caldwell, Contestee.

Contest No. 44

U. S. Department of Agriculture, Biological  
Survey,  
vs. Contestant,  
Sidney Comegys, Contestee.

Contest No. 45

U. S. Department of Agriculture, Biological  
Survey,  
vs. Contestant,  
Charles V. Reed, Contestee.

Contest No. 46

U. S. Department of Agriculture, Biological  
Survey,  
vs. Contestant,  
Mrs. P. F. Dunn, and Elmer Dawn, Frankie,  
Philip, Edith and Thomas Dunn, widow and  
heirs at law of P. F. Dunn, deceased,  
Contestees.

Contest No. 47

U. S. Department of Agriculture, Biological  
Survey,  
vs. Contestant,  
William Dunn (estate of) Contestee.

Contest No. 48

United States Department of Agriculture,  
Biological Survey,  
Contestant,  
vs.  
Eastern Oregon Livestock Company,  
Contestee.

Contest No. 49

Eastern Oregon Live Stock Company,  
Contestant,  
vs.  
Ernest H. Beckley and Walter H. Beckley,  
Contestees.

Contest No. 50

Eastern Oregon Live Stock Company,  
Contestant,  
vs.  
R. H. Brown,  
Contestee.

Contest No. 51

Eastern Oregon Live Stock Company,  
Contestant,  
vs.  
Manville J. Bundy,  
Contestee.

Contest No. 52

Eastern Oregon Live Stock Company,  
Contestant,  
vs.  
Ross Dollarhide,  
Contestee.

Contest No. 53

Eastern Oregon Live Stock Company,  
Contestant,  
vs.  
Mrs. P. F. Dunn, Administratrix of the Estate  
of P. F. Dunn, deceased,  
Contestee.

Contest No. 54

Eastern Oregon Live Stock Company,  
Contestant,  
vs.  
W. J. Dunn,  
Contestee.

Contest No. 55

Eastern Oregon Live Stock Company,  
Contestant,  
vs.  
W. J. Dunn, Administrator of Estate of  
William Dunn, deceased,  
Contestee.

Contest No. 56

Eastern Oregon Live Stock Company,  
Contestant,  
vs.  
Charles W. Frazier,  
Contestee.

Contest No. 57

Eastern Oregon Live Stock Company,  
Contestant,  
vs.  
Hill Brothers, a partnership consisting of  
Lloyd Hill and Lyle Hill,  
Contestees.

Contest No. 58

Eastern Oregon Live Stock Company,  
Contestant,  
vs.  
Dean Horton and Marion Horton,  
Contestees.

Contest No. 59

Eastern Oregon Live Stock Company,  
Contestant,  
vs.  
Carrie Kidwell,  
Contestee.

Contest No. 60

Eastern Oregon Live Stock Company,  
Contestant,  
vs.  
A. L. Marshall,  
Contestee.

Contest No. 61

Eastern Oregon Live Stock Company,  
Contestant,  
vs.  
Culver H. Marshall and Violet W. Marshall,  
Contestees.

Contest No. 62

Eastern Oregon Live Stock Company,  
Contestant,  
vs.  
James McKee,  
Contestee.

Contest No. 63

Eastern Oregon Live Stock Company,  
Contestant,  
vs.  
Myrtle Moore,  
Contestee.

Contest No. 64

Eastern Oregon Live Stock Company,  
Contestant,  
vs.  
R. F. Pugsley,  
Contestee.

Contest No. 65

Eastern Oregon Live Stock Company,  
Contestant,  
vs.  
Charles V. Reed,  
Contestee.

Contest No. 66

Eastern Oregon Live Stock Company,  
Contestant,  
vs.  
Nathaniel L. Silvey,  
Contestee.

Contest No. 67

Eastern Oregon Live Stock Company,  
Contestant,  
vs.  
R. A. Smith and Elizabeth Smith,  
Contestees.

Contest No. 68

Eastern Oregon Live Stock Company,  
Contestant,  
vs.  
Alva Springer,  
Contestee.

Contest No. 69

Eastern Oregon Live Stock Company,  
Contestant,  
vs.  
United States Department of Agriculture,  
Biological Survey,  
Contestee.

Contest No. 70

Eastern Oregon Live Stock Company,  
Contestant,  
vs.  
Ethel Graves, Administratrix of Estate of  
D. S. Graves, deceased,  
Contestee.

Contest No. 71

Eastern Oregon Live Stock Company,  
Contestant,  
vs.  
Tom Vickers and Len Vickers,  
Contestees.

Contest No. 72

Eastern Oregon Live Stock Company,  
Contestant  
vs.  
Julia McGowan,  
Contestee.

Contest No. 73

Eastern Oregon Live Stock Company,  
Contestant,  
vs.  
James G. Bunyard,  
Contestee.

Contest No. 74

Eastern Oregon Live Stock Company,  
Contestant,  
vs.  
W. S. Haley and E. T. Haley,  
Contestees.

Contest No. 75

Eastern Oregon Live Stock Company,  
Contestant,  
vs.  
Mary Griffin,  
Contestee.

Contest No. 76

Eastern Oregon Live Stock Company,  
Contestant,  
vs.  
George M. Benson,  
Contestee.

Contest No. 77

Eastern Oregon Live Stock Company,  
Contestant,  
vs.  
Wilbur E. Haines,  
Contestee.

Contest No. 78

Eastern Oregon Live Stock Company,  
Contestant,  
vs.  
John R. Jenkins,  
Contestee.

Contest No. 79

Eastern Oregon Live Stock Company,  
Contestant,  
vs.  
Fred W. Smyth,  
Contestee.

Contest No. 80

Eastern Oregon Live Stock Company,  
Contestant,  
vs.  
Mrs. R. V. Waddell,  
Contestee.

Contest No. 81

Eastern Oregon Live Stock Company,  
Contestant,  
vs.  
D. H. Smyth, Sr.  
Contestee.

Contest No. 82

Eastern Oregon Live Stock Company,  
Contestant,  
vs.  
R. W. Hutchinson,  
Contestee.

Contest No. 83

Fred W. Smyth,  
Contestant,  
vs.  
R. H. Brown,  
Contestee.

Contest No. 84

Wilbur E. Haines, John R. Jenkins, and  
Fred W. Smyth,  
Contestants,  
vs.

Ernest H. Beckley, Walter H. Beckley,  
Manville J. Bundy, Chas. W. Frazier,  
Pete Mackey, James McKee, Myrtle Moore,  
John Porter, Nathaniel L. Silvey, R. A.  
Smith and Elizabeth Smith, Claud H.  
Smyth and Grace Smyth, and C. A. Wells,  
Contestees.

Contest No. 85

Fred W. Smyth, John R. Jenkins, and  
Wilbur E. Haines,  
Contestants,  
vs.

Eastern Oregon Live Stock Company,  
a corporation,  
Contestee.

10.

That after the filing of said statements of contest the State Engineer did fix a time and place for the hearing of each of said contests, and did on the 17th day of March, 1931, serve notice of hearing of said contests on each of the parties to said contests, the date fixed for hearing being more than thirty days and less than sixty days from the date the notice of said hearing was served on said parties. That upon the date as fixed for the hearing of said contests, the taking of testimony was commenced before a duly authorized reporter and continued until each of said contests was fully heard, settled by stipulation, or disposed of otherwise.

11.

That due proof of the sending of the various notices by registered mail as hereinbefore set forth has been made and filed as a part of the record herein.

12.

Contest No. 1

Alva Springer and Hill Brothers,  
a co-partnership of Lyle B. Hill  
and Lloyd H. Hill,

vs.

Joe Kado and Sarah Kado,

Contestants,

Contestees.

The contestees filed Statement and Proof of Claim No. 24, for the use of water from the Sod House Spring, for the irrigation of 212 acres of land located in Section 36, Township 26 South, Range 31 East, W. M. This claim was contested on the grounds that the contestees did not use water directly from the Sod House Spring but from the Sod House Spring Branch or the main east channel of the Donner und Blitzen River, and further that a decree defining the rights of the contestees had been entered subsequent to the filing of the claim and the provisions thereof should determine the rights of the contestees.

The decree referred to was based upon a stipulation between the parties and entered by the Circuit Court of the State of Oregon for Harney County on October 1, 1930, the contestees herein being designated as plaintiffs and Alva Springer, Mary M. Bunyard, James G. Bunyard, Lorena Baker, Mrs. R. C. Goodlaw, and the unknown heirs of Jesse Bunyard, deceased, defendants.

It was stipulated by the parties that the Sod House Spring Branch, described in the complaint of the plaintiffs (contestees herein), was the main east channel of the Donner und Blitzen River. The court awarded the contestees herein a right to irrigate 212 acres of land within Section 36, Township 26 South, Range 31 East, W. M., from waters in the main east channel of the Donner und Blitzen River, with a date of priority of 1888. The decree further provided that the contestees should be allowed to use 2.65 cubic feet per second of water for the irrigation of their land during the irrigation season which was determined to be from April 1 to August 15 of each and every year. From the court's decree, it does not appear whether the quantity of water allowed was to be measured at the point of diversion or upon the land. In order that no dispute may arise over this question, it is ordered here that the water allowed shall be measured at the point of diversion from the stream. With this clarification and the provision that the source of the contestees' water supply shall be described as the main east channel of the Donner und Blitzen River instead of the Sod House Spring, the contestees shall be allowed a water right for the lands as claimed in these proceedings and as awarded by the decree of the court referred to herein.

13.

Contest No. 2

Ernest H. Beckley, Walter H. Beckley,  
Manville J. Bundy, Chas. W. Frazier,  
Pete Mackey, James McKee, Myrtle Moore,  
John Porter, Nathaniel L. Silvey, R. A.  
Smith and Elizabeth Smith, Claud H. Smyth  
and Grace Smyth, and C. A. Wells,

Contestants,

vs.

Wilbur E. Haines, John R. Jenkins, and  
Fred W. Smyth,

Contestees.

The claims of the contestees above named and filed in this proceeding were contested on two grounds:

(1) That none of the lands involved or for which a water right was claimed were irrigated prior to 1885.

(2) That the use of the water by contestants was adverse to that of the contestees.

There is nothing in the record which would tend to support an adverse right in favor of the contestants as against the contestees; therefore, this matter will not be considered further.

The priorities as claimed by the contestees under their respective proofs of claim present a matter of some doubt and will be disposed of according to the following findings:

Wilbur E. Haines - (Proof of Claim No. 51)

Contestee Haines filed Statement and Proof of Claim No. 51 for the use of water from Kiger Creek for the irrigation of 588.4 acres of land, with a date of priority of 1872. The place of use was described as being as follows:

80.0 acres in Section 32  
46.8 acres in Section 33  
Twp. 29 S., R. 33 E., W. M.

62.8 acres in Section 3  
256.7 acres in Section 4  
99.4 acres in Section 5  
42.7 acres in Section 10  
Twp. 30 S., R. 33 E., W. M.

Of the foregoing described lands, it appears that the  $S\frac{1}{2}$  SE $\frac{1}{4}$ , Section 32,  $S\frac{1}{2}$  SW $\frac{1}{4}$ , Section 33, Township 29 South, Range 33 East, W. M., and the N $\frac{1}{2}$  NE $\frac{1}{4}$ , Section 5, Township 30 South, Range 33 East, W. M., were settled upon first by Samuel Kiger during the winter of 1873. In the same year, R. C. Kiger settled on the NW $\frac{1}{4}$ , Section 4, Township 30 South, Range 33 East, W. M., and W. B. Kiger, during the same year, settled on the  $S\frac{1}{2}$  SW $\frac{1}{4}$ , Section 3, and the E $\frac{1}{2}$  NW $\frac{1}{4}$ , Section 10, Township 30 South, Range 33 East, W. M. Subsequently, all these lands were filed upon by the respective settlers under the preemption act. There was no controversy over the title to the land and for the purpose of these findings it is presumed that the present owner came into possession in the regular manner and without interruption in the chain of title.

According to the testimony of early settlers, the Kiger brothers were among the very first to settle in Diamond Valley. Although the testimony is meager in respect to the early use of water, there is evidence that dams were placed in the channel of Kiger Creek, thus causing the water to spread out over the fields to irrigate the lands. There was also testimony indicating that hay was cut on the Kiger lands during the spring of 1874. There is no evidence which would support a priority of 1872 for the water right claimed and, as a consequence, the claimant will be allowed a water right for the Kiger lands consisting of 419.9 acres, with a date of priority of 1874.

As to the remainder of the lands, there is no evidence when water was applied first to beneficial use. On the other hand, there is no evidence to the effect that water was not used. It is clear, however, that the land was unoccupied government land until filed upon by the various individuals under the public land laws. In absence of proof to the contrary and considering the nature of the country in general and the use of the lands, it only would be equitable to assume that water was applied to beneficial use at the time of settlement. There is nothing in the record disclosing when these lands were settled upon first, but the record does show the dates when title was initiated first under the various public and state land laws by the particular settler.

Consequently, the remainder of the lands will be awarded a water right with date of priority corresponding to the date of initiating title as follows:

$W\frac{1}{2}$  NE $\frac{1}{4}$ , Section 10, Twp. 30 S., Rge. 33 E., W. M. (Preemption Claim filed by Chas. Fletcher, December 21, 1889.) 9.3 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$  and 14.1 acres in SW $\frac{1}{2}$  NE $\frac{1}{4}$ ; date of priority, 1889.

NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 3, Twp. 30 S., Rge. 33 E., W. M. (Indemnity School Selection by P. W. North, filed May 25, 1887.) 18.9 acres; date of priority, 1887.

N $\frac{1}{2}$  SW $\frac{1}{4}$ , Section 4, Twp. 30 S., Rge. 33 E., W. M. (Timber Culture Entry, filed March 13, 1886.) 29.7 acres; date of priority, 1886.

S $\frac{1}{2}$  NE $\frac{1}{4}$ , Section 4, Twp. 30 S., Rge. 33 E., W. M. (Preemption Claim filed by Thomas Janny, August 14, 1882.) 48.8 acres; date of priority, 1882.

NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 4, Twp. 30 S., Rge. 33 E., W. M. (Preemption Claim filed by Armado Mirando, 1891.) 19.1 acres; date of priority, 1891.

SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 5, Twp. 30 S., Rge. 33 E., W. M. (Preemption Claim filed by James Brown, December 15, 1885.) 4 acres; date of priority, 1885.

SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 5, Twp. 30 S., Rge. 33 E., W. M. (Indemnity School Selection filed January 8, 1891.) 24.6 acres; date of priority, 1891.

John R. Jenkins - (Proof of Claim No. 52)

Contestee John R. Jenkins filed Proof of Claim No. 52, for the irrigation of 551 acres of land, claiming a priority date of 1872. The lands for which the water right is claimed are described as being within Sections 25, 26, 35, and 36, Township 29 South, Range 32 East, W. M., and the source of supply is designated as McCoy Creek.

It would appear that the earliest settler in the vicinity of Contestee Jenkins' land was a man by the name of McCoy. When he first came to Diamond Valley and when he first located is not clear from the record. What holdings he claimed were not established with any degree of certainty. In a general way, it is evident that he was running cattle in the valley prior to 1874 and that he was suspected of selling whatever interest he had to A. H. Robie, who settled in Diamond Valley during the year 1876.

No documentary evidence of this transfer of interest was introduced at the hearing and, consequently, it is not clear just what lands, if any, were intended to be conveyed.

During the year 1872, Robie filed an application with the State of Oregon under the Swamp Act to acquire certain lands. Included in the application were the following described lands of the contestee:

$S\frac{1}{2}$  SW $\frac{1}{4}$ , Section 25  
SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 25  
S $\frac{1}{2}$  SE $\frac{1}{4}$ , Section 26  
W $\frac{1}{2}$  NW $\frac{1}{4}$ , Section 36  
NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 36  
Twp. 29 S., Rge. 32 E., W. M.

Subsequently, during the year of 1877, the above described lands were conveyed by Robie to Glenn, one of the predecessors to the contestee, and in the year 1882 all of said lands, with exception of those situated within Section 36, Township 29 South, Range 32 East, W. M., were conveyed by the State to Peter French and the heirs of H. J. Glenn.

Included also in the conveyance from Robie to Glenn were the following lands, now owned by Contestee Jenkins:

$S\frac{1}{2}$   $SW\frac{1}{4}$   
 $SW\frac{1}{4}$   $SE\frac{1}{4}$ , Section 25  
 $SE\frac{1}{4}$   $NE\frac{1}{4}$ , Section 36  
Twp. 29 S., Rge. 32 E., W. M.

The record does not disclose how the lands, other than those included in the Swamp Act application filed by Robie and deeded subsequently by the State to French and the heirs of Glenn, were, if ever, acquired by Robie. In view of the fact that Robie did not come to the valley and occupy the lands until 1876, he would not be in position to claim the same as a squatter and transfer whatever rights he might have acquired prior to such date. Therefore, under the circumstances and proof submitted, the only lands of the contestee which are entitled to and awarded herein a priority date of 1872 are as follows:

$SW\frac{1}{4}$   $SE\frac{1}{4}$   
 $S\frac{3}{8}$   $SW\frac{1}{4}$ , Section 25  
 $S\frac{3}{8}$   $SE\frac{1}{4}$ , Section 26

All of the lands of the contestee located within Section 36, Township 29 South, Range 32 East, W. M., were conveyed to the French-Glenn interest by Robie in the year of 1877. The record indicates, however, that the  $SE\frac{1}{4}$   $NW\frac{1}{4}$  was conveyed to a party by the name of George A. Smith by the State as school land on September 8, 1882. Nothing in the record would indicate that the interest to this tract of land ever passed from the French-Glenn interest to Smith; consequently, in absence of proof to the contrary, it must be assumed that the chain of title was broken and the water right will be allowed a priority date of the time Smith made application to the State to purchase the same, which appears to have been during the year of 1881. The remainder of the lands within Section 36 will be allowed a water right with priority date of 1876, the description of such lands being as follows:

$NW\frac{1}{4}$   $NE\frac{1}{4}$   
 $S\frac{1}{2}$   $NE\frac{1}{4}$   
 $N\frac{1}{2}$   $NW\frac{1}{4}$   
 $SW\frac{1}{4}$   $NW\frac{1}{4}$ , Section 36  
Twp. 29 S., Rge. 32 E., W. M.

Although the  $NW\frac{1}{4}$   $NE\frac{1}{4}$ , Section 35, Township 29 South, Range 32 East, W. M., appears to have been conveyed by Robie to the French-Glenn interest, the record indicates that this particular tract and the remainder of the lands within Section 35 now owned by the contestee were filed upon by a party named John Halstein during the year 1888. Consequently, these lands will be allowed a date of priority as of 1888, described as follows:

$N\frac{1}{2}$   $NE\frac{1}{4}$   
 $SE\frac{1}{4}$   $NE\frac{1}{4}$ , Section 35  
Twp. 29 S., Rge. 32 E., W. M.

Testimony introduced during the hearing indicated that as early as 1874 water was used on the Diamond Ranch, of which the lands of the contestee, being within Section 36, Township 29 South, Range 32 East, W. M., are a part. The more convincing evidence, however, in this regard is to the effect that these lands were not irrigated by an actual diversion through ditches to the place of use until 1876 when Robie constructed a dam in the channel of Cucamonga Creek at a point near the half-mile corner of the east line of Section 36, Township 29 South, Range 32 East, W. M.. It also appears that about the year 1874 McCoy constructed a dam in McCoy Creek which was extended later to irrigate the lands of the contestee. The nearest date as to when this ditch was extended would appear to be in the early eighties. At the present time, all of the lands of the contestee are irrigated from McCoy Creek. Just when the ditch leading from Cucamonga Creek was abandoned does not appear from the record but insofar as no contests or objections were made to the change of diversion the contestee's water right will be awarded in accordance with the foregoing findings, and the source of supply will be awarded from McCoy Creek, as claimed.

Fred W. Smyth

Contestee Smyth filed in these proceedings Proofs of Claim Nos. 53, 54, 55, 56, 57, and 58. For the purpose of convenience, these claims will be disposed of in numerical order.

Proof of Claim No. 53: This claim was filed for the irrigation of 762 acres located within Sections 31 and 32, Township 29 South, Range 33 East, W. M., and Sections 5 and 6, Township 30 South, Range 33 East, W. M., the source of water supply being designated as Kiger and Cucamonga Creeks. The contestee asks that the water right for the irrigation of these lands be awarded a date of priority of 1872. The basis of such a claim, however, appears to be based upon the presence of Peter French who was known to have been in the Blitzen Valley at that time. There is nothing in the record which would justify such an early priority.

Although some of the lands were included in the application of Robie to purchase swamp lands from the State, the deed issued to his successors does not include any of the lands so applied for. There is no evidence which would indicate that French at any time exercised any control or had any interest in the lands which was passed on to later settlers. The evidence submitted does indicate, however, that the settlers who came to the valley acquired an interest to the lands and later conveyed to French which was the general practice.

There is evidence that a portion of the lands covered by this claim was included in the deed, transferring Robie's interest to H. J. Glenn, but there was no continuity of title insofar as successors to the lands were concerned. To trace the history of each tract would be an endless task and for the purpose of these findings of no avail. Some of the lands were applied for by the State, pursuant to the provisions of the Swamp Act, and rejected; other lands were filed upon as provided by the laws governing the disposal of public lands and rejected on account

of fraud and various other reasons. Later, these lands were acquired by other settlers. In a general way, testimony was introduced indicating the present owner came in possession of the lands in a regular manner without a break in the chain of title. This evidence, however, only pertains to the title or rights of settlers which appear from the record to have initiated the same in a regular manner from the government.

Due to the lack of satisfactory evidence in support of and against the claim as contended herein, the lands will be allowed a water right for the acreage claimed with a date of priority as designated herein, based upon the time the particular settler or entryman took the first step to initiate title to the same as hereinafter set forth:

Preemption Entry by Thomas Kennedy, 1885

40.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$   
32.6 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$   
9.7 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 31,  
Twp. 29 S., Rge. 33 E., W. M.

Preemption Entry by Nichlos H. Boley, 1885

39.7 acres in SE $\frac{1}{4}$  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 $\frac{1}{4}$   
Section 31,  
Twp. 29 S., Rge. 33 E., W. M.

Indemnity School Selection, 1885

22.4 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$   
40.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 31,  
Twp. 29 S., Rge. 33 E., W. M.

Homestead Entry, 1884

147.9 acres in SW $\frac{1}{4}$   
Section 32,  
Twp. 29 S., Rge. 33 E., W. M.

Preemption Entry by H. M. Horton, 1888

16.3 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$   
39.6 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$   
17.1 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$   
39.9 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 6,  
Twp. 30 S., Rge. 33 E., W. M.

Preemption Entry by Jesse T. Kidd, 1888

40.0 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 6,  
Twp. 30 S., Rge. 33 E., W. M.

Indemnity School Selection, 1887

14.7 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 6,  
Twp. 30 S., Rge. 33 E., W. M.

Timber Culture Entry by Jesse Kidd, 1886

16.1 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$   
7.1 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$   
39.9 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$   
3.4 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$   
16.2 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 5,  
Twp. 30 S., Rge. 33 E., W. M.

Preemption Entry by Jesse Kidd, 1888

40.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$   
19.4 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$   
40.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 5,  
Twp. 30 S., Rge. 33 E., W. M.

It appears that none of the lands included under this claim are irrigated directly from the waters of Cucamonga Creek, other than those located within Sections 5 and 6, Township 30 South, Range 33 East, W. M. It is apparent, however, that a part of the lands within Sections 31 and 32, Township 29 South, Range 33 East, W. M., does receive the benefit of being irrigated to a certain extent from the waters of Cucamonga Creek which pass naturally on to said lands after being used on the lands lying within Sections 5 and 6. In view of this fact, the source of water supply shall be limited and restricted to the use of water from Kiger Creek for all the lands included in this claim other than those located within Sections 5 and 6, Township 30 South, Range 33 East, W. M., which shall be irrigated from the waters of Cucamonga Creek. During the period of time, however, when the waters of Cucamonga Creek are being applied for irrigation purposes on the lands situated in Sections 5 and 6, nothing herein shall be construed so as to prevent the use of such water on other lands which reach the same naturally without a direct diversion from said stream.

Proof of Claim No. 54: The contestee filed a claim for the irrigation of 139.4 acres within Section 32, Township 29 South, Range 33 East, W. M. The record indicates that these lands were homesteaded by Dean Horton in 1900 and will be allowed a date of priority as of such date. In all other respects, the claim will be allowed as filed and as hereinafter described in the tabulation of water rights involved in these proceedings and made a part of these findings.

Proof of Claim No. 55: Contestee Smyth claims the right under this proof of claim to irrigate 1,338.6 acres of land located within Sections 25 and 36, Township 29 South, Range 32 East, W. M., and Sections 29, 30, 31, and 32, Township 29 South, Range 33 East, W. M., from the waters of Kiger, Cucamonga, and Swamp Creeks, with a date of priority of 1872. There is nothing in the record which would support such an early date of priority for the water right claimed. The same reasons heretofore stated in disposing of contestee's claim under Proof No. 53 are applicable in determining the rights under this claim and need not be repeated herein.

With one exception, all of the lands for which a water right is claimed were filed upon by settlers, pursuant to one of the various laws pertaining to the disposition of government lands. Consequently, the contestee will be allowed a date of priority for the water right claimed, based upon the initial step taken by the particular settler to acquire title from the government unless specified otherwise by these findings hereinafter set forth.

40.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 25,  
Twp. 29 S., Rge. 32 E., W. M.

The above described land was included in the application made by A. H. Robie to the State of Oregon to acquire the land in accordance with the provisions of the Swamp Act. The application was filed in 1872. Subsequently (1877), Robie transferred the same to H. J. Glenn and in 1885 the State of Oregon deeded the tract to Peter French and the heirs of H. J. Glenn. Although the record is not clear as to further transfers, it is presumed that the contestee came in possession and ownership without a break in the chain of title. This tract will be allowed a priority date of 1872.

Homestead Entry by George A. Smyth, 1889

40.0 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 25,  
Twp. 29 S., Rge. 32 E., W. M.

80.1 acres in W $\frac{1}{2}$  SW $\frac{1}{4}$   
Section 30,  
Twp. 29 S., Rge. 33 E., W. M.

School Land Purchased by D. H. Smith, 1882

40.0 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$   
10.0 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 36,  
Twp. 29 S., Rge. 32 E., W. M.

Indemnity School Selection Filed by R. D. Cooper, 1885

38.6 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 29,  
Twp. 29 S., Rge. 33 E., W. M.

NW $\frac{1}{4}$ , Section 29,  
Twp. 29 S., Rge. 33 E., W. M.

It appears that of the above described land the NW $\frac{1}{4}$ , Section 29, was occupied first by Billy Dyer in 1881. Later, Dyer sold his interest to Abe King who conveyed his rights subsequently to Prestly Smyth. In 1891, Prestly Smyth filed a preemption entry after having resided on the land for three years. Smyth first became acquainted with the land in 1884 and testified that there were ditches on the place at that time and that some of the land was irrigated. When the ditches were constructed and water applied first to the land does not appear from the record. Assuming that Dyer and King occupied the lands as squatters and that their rights were transferred in a regular manner to Smyth, the lands will be awarded a water right with a priority of 1884, being the year Smyth first saw the property and observed the ditches and irrigation.

Preemption Entry by Andrew E. Lucas, 1886

E $\frac{1}{2}$  SW $\frac{1}{4}$ , Section 29,  
SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 29,  
Twp. 29 S., Rge. 33 E., W. M.

Preemption Entry by Warren Lucas, 1895

W $\frac{1}{2}$  SW $\frac{1}{4}$ , Section 29,  
Twp. 29 S., Rge. 33 E., W. M.

Indemnity School Selection by R. D. Cooper, 1885

NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 29,  
Twp. 29 S., Rge. 33 E., W. M.

W $\frac{1}{2}$  SE $\frac{1}{4}$  & E $\frac{1}{2}$  SW $\frac{1}{4}$ , Section 30,  
Twp. 29 S., Rge. 33 E., W. M.

The first settler to occupy the  $W\frac{1}{2} SE\frac{1}{4}$  and  $E\frac{1}{2} SW\frac{1}{4}$ , Section 30, Township 29 South, Range 33 East, W. M., containing 160 acres of irrigated land, was a party by the name of Rowland. The year he settled upon the land does not appear from the record. While Rowland was still in possession, a man by the name of Dave Lambert attempted to claim the land. Later, as a result of the controversy, the rights of both parties were sold to Mrs. Smyth, who transferred her rights later to Prestly Smyth. Undoubtedly, the lands were irrigated while in possession of Rowland but when this irrigation began first is uncertain. The testimony shows that Indian Ditch Creek runs through the property and that the ditch was constructed in 1876. When Mrs. Smyth occupied the lands, improvement work was carried on but the date of her occupancy was not disclosed. There is evidence, however, that Rowland was on the place in 1884 when he attempted to make a timber culture entry. In absence of proof to the contrary, it will be assumed that the irrigation of these lands began at that time and, as a consequence, the lands will be allowed a water right with a priority date of 1884.

Indemnity School Selection by J. Berdugo, 1886

$E\frac{1}{2} NE\frac{1}{4}$ , Section 30,  
Twp. 29 S., Rge. 33 E., W. M.

Preemption Entry by T. C. Stewart, 1895

$NE\frac{1}{4} SE\frac{1}{4}$ , Section 30,  
Twp. 29 S., Rge. 33 E., W. M.

Preemption Entry by Warren Lucas, 1895

$SE\frac{1}{4} SE\frac{1}{4}$ , Section 30,  
Twp. 29 S., Rge. 33 E., W. M.

$NE\frac{1}{4}$ , Section 31,  
Twp. 29 S., Rge. 33 E., W. M.

Probably, the  $NE\frac{1}{4}$ , Section 31, as above described, was one of the earliest settled tracts in the Blitzen Valley. Upon the arrival of the earliest settlers in the Diamond area, Peter Bohn was known to have been living on this land. One witness testified that hay was raised on the place during the year of 1874. There also was evidence of the construction of a dam in the channel of Bohn Creek (southerly branch of Kiger Creek), which caused the water to spread out over the land for irrigation purposes. Ditches leading from Kiger Creek were constructed in 1878 for the purpose of conveying water to the place of use. In all probability, water was used prior to 1874, but the record does not disclose how many years prior; therefore, the date of priority for the water right will have to be allowed in accordance with the evidence of record which appears to be 1874. The chain of title to the present owner appears regular and is not disputed.

Preemption Entry by Allen F. Clark, 1884

$NW\frac{1}{4}$ , Section 31,  
Twp. 29 S., Rge. 33 E., W. M.

Preemption Entry by Andrew E. Lucas, 1889

NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 32,  
Twp. 29 S., Rge. 33 E., W. M.

Preemption Entry by Margaret Smyth, 1884

NW $\frac{1}{4}$ , Section 32,  
Twp. 29 S., Rge. 33 E., W. M.

The water rights of the contestee will be awarded as determined heretofore and as set forth in the tabulation of water rights made a part of these findings.

Proofs of Claim Nos. 56, 57, and 58: These claims were filed for the irrigation of 650 acres of land within Sections 9, 14, 16, 23, 26, and 35, Township 32 South, Range 33 East, W. M. The lands were not surveyed and the irrigable acreage was not shown on the maps prepared by the State Engineer in connection with these proceedings. No testimony was given in support of the priority of the water rights claimed and nothing of certainty was given as to the area irrigated. No map showing the irrigated area was filed by the contestee, and the extent of the irrigation was based purely on an estimation. It is the opinion of the State Engineer that the evidence submitted will not support the claims, and, therefore, it is ordered that the same be denied.

14.

Contest No. 3

Alva Springer and Hill Brothers, a  
co-partnership of Lyle B. Hill and  
Lloyd H. Hill,

Contestants,

vs.

George M. Benson,

Contestee.

The contestee herein filed Proof of Claim No. 50, claiming a water right from the main east channel of the Donner und Blitzen River for the irrigation of 155.8 acres designated on the State Engineer's map as Tract No. 23, with a priority date of 1887. There is nothing in the record which would show or prove such an early date of priority. The contestee first attempted to settle on the land in question during the year of 1908. There is no evidence showing the land to have been irrigated or crops used beneficially prior to said date. Therefore, the contestee will be allowed a water right as claimed except the date of priority shall be 1908 instead of 1887.

15.

Contest No. 4

Alva Springer and Hill Brothers, a  
co-partnership of Lyle B. Hill and  
Lloyd H. Hill,

Contestants,

vs.

W. J. Dunn,

Contestee.

The contestee herein filed Proofs of Claim Nos. 18 and 19.

Proof of Claim No. 18: Under this claim, the contestee asked to be awarded a water right from the Donner und Blitzen River for irrigation, stock, and domestic purposes. The claim for irrigation covers 1,848.23 acres.

The claim was contested on the grounds that the contestee claimed a date of priority of 1880 while as a matter of fact the lands in question, according to the contestants, never were irrigated prior to 1886 and 1889, respectively. Then again, it is contended by the contestants herein that none of the lands for which a water right is claimed by contestee lying within Townships 26 and 27 South, Range 30 East, W. M., ever was irrigated directly from the Donner und Blitzen River, but said lands border on Mud Lake and only received the benefit of the water of Malheur Lake at such times as there was sufficient water in said lake to flow through the Narrows; hence into Mud Lake, and from there spread over contestee's land to such extent as was determined by the quantity of water reaching said lake. It was contended also by contestants that the contestee should be estopped from claiming a water right from the Donner und Blitzen River for the reason that the waters in Malheur Lake which found their way to Mud Lake were not waters of the Donner und Blitzen River altogether but also consisted of water coming from the Silvies River which flows into the lake on the north side.

At the hearing, the testimony was very doubtful as to the irrigation of these lands. The contestee admitted that the lands were used for pasture and for the past seven years no hay had been cut from such lands. Undoubtedly, when a wet season is experienced and the water flows in such quantities as to reach Mud Lake, it spreads out over the lands of the contestee and he enjoys the benefit of such natural irrigation. There is no evidence showing that the contestee diverted or conveyed water directly from the Donner und Blitzen River for the purpose of applying the same to the lands located within Townships 26 and 27 South, Range 30 East, W. M.

As an exhibit in support of his claim for a water right to be used upon the lands in question, the contestee introduced a decree of the Supreme Court of Oregon (Dunn vs. Henderson, et al, 122 Ore. 331). An examination of this decree does not reveal that the contestee's water rights were adjudicated therein. The case could not be considered in any way as binding on the State Engineer and could not influence his findings herein. It merely enjoined the defendant therein from obstructing the flow of the waters from Malheur Lake into Mud Lake. The decision did not recognize any right whatever as to the defendant's right to the use of the water but as between the parties declared the plaintiff's right to have the water flow through the Narrows to Mud Lake superior to that of defendants. In commenting on the rights of the plaintiff, the court remarked that it did not know whether the plaintiff claimed as a riparian owner or by the right of appropriation. Consequently, the plaintiff's water rights could not possibly be considered as determined or adjudicated; therefore, the question was not before the court properly.

Should the claim of the contestee be allowed for the irrigation of the aforementioned lands, under the circumstances it would border necessarily on the theory of riparian ownership

which is not recognized in this State. Then again, should it be based upon the right of appropriation, the testimony is silent as to when the water was applied first to beneficial use and as to the extent of such use. There is merit also to the contention that the waters of the Donner und Blitzen River and those of the Silvies River commingle in Malheur Lake, and insofar as the contestee filed no claim during the time the waters of Silvies River were being adjudicated he should be estopped from asserting such a claim in these proceedings. In addition to the aforementioned objections, were the contestee awarded a water right for the irrigation of these lands by the method employed it would constitute a tremendous waste of water. Mud Lake merely is a large evaporation pan. The use of water to keep the lake at sufficient level to spread out over the lands in question would be most uneconomical.

The contestee in no sense has justified his right to the use of water for the irrigation of his lands located in Townships 26 and 27 South, Range 30 East, W. M., and, therefore, his claim in this respect is denied and held for naught in every particular.

The testimony would indicate that the lands in Sections 32, 33, 34, and 35, Township 26 South, Range 31 East, W. M., were first irrigated in 1889, and the right to the use of water for irrigation of these lands will be allowed as claimed except the date of priority shall be 1889.

Proof of Claim No. 18 - Continued: Included under Claim No. 18, the contestee claims a water right with date of priority of 1880 for the following described lands:

125.0 acres in SW $\frac{1}{4}$   
Section 15,  
Twp. 27 S., Rge. 31 E., W. M.

The record indicates that William Dunn took up his residence on said lands during the year of 1885 and began the construction of a dam across the Donner und Blitzen River during the same year, said dam being located within the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 15, Township 27 South, Range 31 East, W. M. The purpose of this dam was to cause the water to overflow the lands in question. The testimony shows, however, that the dam was not completed until 1886, nor was the water applied to beneficial use and advantage taken by the contestee of the awards resulting from the application of such water until said year of 1886; therefore, the contestee will be allowed a water right for the lands heretofore described with a date of priority of 1886 and shall be so tabulated.

Proof of Claim No. 19: Under this proof of claim, the contestee claims a water right for the irrigation of 125 acres of land located within the SE $\frac{1}{4}$ , Section 15, Township 27 South, Range 31 East, W. M., and also for stock and domestic use. The record indicates that the land in question was filed upon under the homestead laws by William Dunn on July 22, 1885; during the same year the contestee began the construction of the dam as described heretofore under the findings herein (Proof of Claim No. 18 - Continued). The same facts apply to this claim as to the lands located within the SW $\frac{1}{4}$ , Section 15, Township 27 South, Range 31 East, W. M., and, consequently, will be awarded the same date of priority; namely, 1886. The right of the contestee for the use of water for domestic and stock purposes will be governed by the general findings as provided hereinafter appertaining to such uses.

16.

Contest No. 5

R. H. Brown,

vs.

Wilbur E. Haines, John R. Jenkins,  
and Fred W. Smyth,

Contestant,

Contestees.

The rights of the contestees herein have been determined fully in accordance with the findings made under Contest No. 3, and the rights of said contestees shall be controlled as determined therein.

17.

Contest No. 6

Alva Springer and Hill Brothers,  
a co-partnership of Lyle B. Hill  
and Lloyd H. Hill,

vs.

Eastern Oregon Live Stock Company,  
a corporation,

Contestants,

Contestee.

The rights of the contestee herein were contested also under Contests Nos. 7, 8, 48, 85, and 86. It shall be the purpose of the findings made in disposition of this contest to determine fully the rights of the contestee hereunder and such findings shall apply in and be decisive of all other contests filed in these proceedings against the contestee.

A stipulation, indicating that the United States of America had succeeded to all the interest of the contestee in the lands for which a water right was applied under its Proof of Claim No. 20, was filed during the proceedings at the close of the hearings held. Therefore, the water rights for the lands covered by this claim, as determined herein, will inure to and be for the benefit of the U. S. Department of Agriculture, Biological Survey, as successor-in-interest to the contestee, Eastern Oregon Live Stock Company.

The contestee claimed a right to use the waters of the Donner und Blitzen River and its tributaries for the irrigation of 49,382.6 acres of land and, in addition thereto, claimed a right to use the water for stock and domestic purposes. Dates of priority for the use of this water ranged from the year 1872 up to and including the year of 1902. Claims for water right were filed in these proceedings covering a total of 65,555.8 acres, of which 49,382.6 acres were lands belonging to the contestee and held under one ownership. Sixty-three additional claims were filed covering an area of 16,173.2 acres, making the total 65,555.8, as aforesaid.

The claim of the contestee was contested on various grounds and for numerous reasons but those of importance involved the dates of priority, duty of water, length of the irrigation

season, area claimed as having been irrigated, and the water used beneficially thereon.

The properties of the contestee are divided into several large ranches and for the purpose of identification are described as follows:

1. "P" Ranch (Sometimes called Frenchglen Area): This area comprises all of that part of the Donner und Blitzen Valley between a point where the Donner und Blitzen River enters the valley at the southern end of the contestee's holdings within Section 8, Township 32 South, Range 32 $\frac{1}{2}$  East, W. M., said point being above all irrigation, and includes an area extending on both sides of the stream in a northerly direction approximately 11 $\frac{1}{2}$  miles, which is one-quarter mile south of the east and west section line common to Sections 23, 24, 25, and 26, Township 30 South, Range 31 East, W. M., where the hills surrounding the sides of the valley come up close to the Blitzen River to form a contraction in the wide valley floor. This area is irrigated from waters of the Blitzen River, Mud and Bridge Creeks, and Knox Springs.
2. Krumbo Ranch: This area lies to the east of the northern portion of the "P" Ranch, being within Sections 11, 14, 13, and 24, Township 30 South, Range 31 East, W. M., the lands being irrigated from Krumbo Creek.
3. Buena Vista Ranch (Sometimes called the Grain Camp): This area joins and is a continuation of the "P" Ranch to the north and terminates at Rockyford Lane, being the next contraction of the valley on the section lines dividing Sections 18, 17, 16, and 15 from Sections 19, 20, 21, and 22, Township 28 South, Range 30 East, W. M.
4. Diamond Ranch: This area lies to the east of the southern portion of the Buena Vista Ranch, having as its division line the range line separating Range 32 East from Range 31 East in Township 29 South. The lands in this area are irrigated chiefly from McCoy, Kiger, and Cucamonga Creeks.
5. Big Sage Brush Field: This area consists of those lands to the north of the Buena Vista Ranch and Rockyford Lane, continuing in a northerly direction to the south line of the Sod House Field, said line being described as follows: Beginning at the S $\frac{1}{4}$  corner of Section 8, Township 27 South, Range 31 East, W. M.; thence running east to the S $\frac{1}{4}$  corner of Section 9; thence diagonally across the NE $\frac{1}{4}$  of Section 16 to the E $\frac{1}{4}$  corner of said Section 16; thence east through the center of Sections 15 and 14, same township and range.
6. Sod House Ranch: This area comprises the remainder of the contestee's lands extending northward from the Big Sage Brush Field to the Sod House Lane.

The Donner und Blitzen River has its source on Steens Mountain which rises to an elevation of more than 10,000 feet. The western and northern slopes of this mountain constitute the watershed of the river and its tributaries and the winter snows drifting on the high slopes of this mountain furnish water for irrigation purposes. The main stream and its tributaries descend very rapidly from their sources until they flow into the "P" Ranch area

and the Diamond Valley. The river flows almost due north. From the head of the "P" Ranch to Malheur Lake, it is approximately 32 miles. In this 32 miles, the stream falls but 90 feet which in its natural state and before any reclamation work was done caused the stream to overflow the entire valley and form extensive swamps.

The inception of the water right for the irrigation of these lands dates back to 1872 when Peter French arrived in the valley. During the same year, application was made to the State of Oregon to purchase 24,000 acres of this land as swamp land. Shortly thereafter, settlement and reclamation of the lands were undertaken, the first settlement and reclamation being on the southern end of the "P" Ranch and within the Diamond Valley.

Between the years of 1872 and 1886, settlement on these lands increased steadily, many filings being made in the Blitzen and Diamond Valleys under the various public land laws. These settlers began immediately to improve their properties by controlling the water reaching them through natural channels or by natural overflow and at the same time began to utilize the crops growing thereon as feed for horses and cattle. In addition to the lands acquired by French under the Swamp Act, he purchased the holdings of individual settlers whenever he could until the consolidation of these lands constituted the lands for which the contestee is now claiming a water right from the Donner und Blitzen River and its tributaries.

There is little doubt but what shortly after his arrival in the valley Peter French proceeded to improve these lands and began the construction of an irrigation system. The intention to irrigate the lands was established without question. This intent was carried out with due diligence, considering the magnitude of the undertaking and the obstacles to be overcome. The very nature of things was opposed to the construction of what we would now consider a modern irrigation system. As time proceeded and the lands of the individual settlers were acquired, small ditches and dams used by these settlers were connected and joined with the irrigation works of those constructed by French and his successors.

At the hearing held in connection with these proceedings, the controversy between the parties centered upon one question mainly and that concerned the area irrigated actually and upon which the water was used beneficially within the Big Sage Brush Field.

Irrigation System: The system utilized in the irrigation of the contestee's lands consists mainly in the use of numerous canals and ditches, the principal ones and a brief description of each being as follows:

Blitzen Canal: Construction of this canal was begun in 1900 by the French-Glenn Company and was completed during the year of 1906. The head of this canal is located within the NW $\frac{1}{4}$ , Section 35, Township 28 South, Range 31 East, W. M., terminating at the southeast corner of Section 24, Township 31 South, Range 32 East, W. M., being 17 miles in length, 20 feet wide at the bottom, 40 feet wide at the top, and 10 feet deep. This canal serves as a drainage ditch in flood seasons and for the diversion of irrigation water during the irrigation season.

Stubblefield Canal: This canal diverts water from the Busse Dam in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 22, Township 28 South, Range 31 East, W. M., and follows a northwesterly direction along the west portion of the Blitzen Valley, being approximately 15 miles in length, 20 feet wide at the bottom, 32 feet wide at the top, and 4 feet deep. It was constructed in 1911 and replaced numerous natural sloughs and channels that irrigated the same land previously by natural overflow, supplementing and completing ditches constructed by the French-Glenn Company beginning in 1880.

Busse Canal: This canal diverts water from the Busse Dam in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 22, Township 28 South, Range 31 East, W. M. It follows a northeasterly direction along the eastern portion of the Blitzen Valley, is 9 miles in length, 20 feet wide at the bottom, 32 feet wide at the top, and 4 feet deep. It was constructed in 1880 and replaced numerous natural sloughs and channels that irrigated the same land previously by natural overflow.

Buena Vista Canal: This canal diverts water from the Blitzen Canal through the "Grain Camp" control in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 26, Township 29 South, Range 31 East, W. M., and follows a northwesterly direction along the west line of the valley, is approximately 7 miles long, 14 feet wide at the bottom, 18 feet wide at the top, and 3 feet deep. It was constructed in 1880 and replaced numerous small ditches and dams diverting water from sloughs and water courses that irrigated the same land previously by natural overflow.

Warm Springs Canal: This canal diverts water from the Donner und Blitzen River in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 8, Township 32 South, Range 32 $\frac{1}{2}$  East, W. M., and follows a northwesterly direction along the west line of the valley, is 14 miles in length, 10 feet wide at the bottom, 16 feet wide at the top, and 2 feet deep. It was constructed during the year of 1918 and replaced numerous small ditches and dams diverting water from the main stream, sloughs, and water courses that since 1879 have irrigated the same land by natural overflow.

Bridge Creek Canal: This canal diverts water from Bridge Creek and sloughs from the Blitzen River in the NE $\frac{1}{4}$ , Section 29, Township 31 South, Range 32 $\frac{1}{2}$  East, W. M., follows a westerly direction, is 1 $\frac{1}{2}$  miles in length, 12 feet wide at the bottom, 20 feet wide at the top, and 3 feet deep. It was constructed in 1914 and replaced small ditches, dams, and natural channels that irrigated the same land previously by natural overflow.

Diamond Canal: This canal diverts water from McCoy, Cucamonga, and Kiger Creeks in Diamond Valley, heads in the NE $\frac{1}{4}$ , Section 25, Township 29 South, Range 32 East, W. M., and follows a westerly direction, is 7 miles long, 14 feet wide at the bottom, 22 feet wide at the top, and 4 feet deep. It was constructed in 1914. This canal serves as both a drain ditch and irrigation ditch, controls the water in Diamond Valley, and irrigates the land irrigated formerly through sloughs and natural water courses by natural overflow, the land comprising the holdings of the contestee (now U. S. Government) in Diamond Valley, approximately 5,000 acres.

The foregoing ditches and canals control all the waters of the Donner und Blitzen River. In addition, there are numerous ditches and canals used in the irrigation of the lands and also natural depressions and sloughs too numerous to be described and if described would serve no particular purpose.

The big question for determination in this contest is in regard to the irrigation of the Big Sage Brush Field and this relates to the acreage irrigated actually and entitled to a water right.

The map prepared originally by the State Engineer indicates practically the entire area to have been irrigated. At the hearing this was contested vigorously. As a matter of fact, the contestants concentrated their whole attack upon this question. During the hearing, the government introduced in evidence a map, in contradiction to that of the State Engineer, which indicated a considerably less area irrigated. Then attorneys for the contestants insisted that the State Engineer resurvey the Big Sage Brush Field and examine the area more closely in order to determine more accurately the area irrigated. The maps prepared originally by the State Engineer showed 14,553.1 acres to be irrigated while that of the resurvey indicated 6,488.7 acres, a difference of 8,064.4 acres.

The testimony relative to this matter was voluminous. The company or contestee attempted to show a part of the area to be irrigated by means of sub-irrigation. In this respect, no account should be given, for to allow a water right for lands sub-irrigated would be bordering on the recognition of riparian rights.

In regard to the priorities of the water rights as claimed by the contestee, there was practically no controversy. The documentary evidence supported by the testimony introduced by the contestee supported the priorities as claimed, and, therefore, will be allowed accordingly.

Big Sage Brush Field: As to the area irrigated and upon which the water was used beneficially within the Big Sage Brush Field, there can be little doubt but what the original map prepared by the State Engineer showed the same to be excessive. The greater part of the testimony consisting of eight volumes was confined to attempting to show the irrigation of or the lack of irrigation in this area. A resurvey of the field was made by the State Engineer and considerable time was spent in examining the lands. The result of the resurvey and examination indicated clearly the claim of the contestee of the acreage irrigated to be excessive. Due to the time and extensive study made of this area by the State Engineer, together with the testimony submitted at the hearing, a water right will be allowed the contestee for the lands as shown by and in accordance with the map prepared by the State Engineer from the data assembled from the resurvey. The water rights will be awarded with priority as claimed and as shown by the tabulation of such rights made hereinafter.

Contestee claimed a water right for the irrigation of 2,133.9 acres of land within Sections 19, 20, 21, 22, and 23, Township 28 South, Range 31 East, W. M., these lands lying south of the Rockyford Lane and adjoining the area known as the Big Sage Brush Field on the south. During the hearing, considerable testimony was submitted, indicating that the claim for the acreage irrigated in this particular area was excessive. At the time the resurvey of the Big Sage Brush Field was made, a resurvey of these lands was made also. The result of the survey showed that beneficial use of water was made on only 520.6 acres of these lands. In a great part, the lands appear to be nothing more than an alkali flat supporting no vegetation of any kind. Consequently, the lands will be allowed a water right in accordance with the resurvey and will be tabulated accordingly.

As to the remainder of the lands included under this claim, the contestee will be allowed a water right with dates of priority and for the lands as described in said claim and tabulated hereinafter.

The duty of water, as the same applies to the lands included under the contestee's proof of claim, will be governed and controlled by the general findings made herein, being Paragraph No. 62.

18.

Contest No. 7

Ernest H. Beckley, Walter H. Beckley,  
Manville J. Bundy, Chas. W. Frazier,  
Pete Mackey, James McKee, Myrtle Moore,  
John Porter, Nathaniel L. Silvey, R. A.  
Smith and Elizabeth Smith, Claud H.  
Smyth and Grace Smyth, and C. A. Wells,

Contestants,

vs.

Eastern Oregon Live Stock Company, a  
corporation,

Contestee.

This contest involves the rights of the Eastern Oregon Live Stock Company and will be disposed of in accordance with the findings determining the company's rights under Contest No. 6.

19.

Contest No. 8

R. H. Brown,

Contestant,

vs.

Eastern Oregon Live Stock Company,  
a corporation,

Contestee.

This contest, being against the Eastern Oregon Live Stock Company, is determined by the findings entered in Contest No. 6 herein.

Contest No. 9

Malheur Lake Owners Association,

Contestant,

vs.

Biological Survey of the United  
States Department of Agriculture,

Contestee.

No appearance was made on behalf of the contestant herein; therefore, the contest hereby is dismissed.

Contests Nos. 10 to 47, inclusive

All of the foregoing enumerated contests filed against the various claimants in these proceedings by the U. S. Department of Agriculture, Biological Survey, as contestant, were based upon the grounds and for the reasons as follows:

(1) That the contestant's use of the water to the extent of 200 second-feet throughout the year long antedated the use of the contestees.

(2) That the amount of water delivered to the land of the contestees should be restricted not to exceed 1/80th of one second-foot per acre, or 2 acre-feet during the irrigation season.

(3) That the irrigation season for the contestees should be declared to begin not earlier than May 15 of each year.

The contention on the part of the contestant herein that its use of the waters of the Donner und Blitzen River to the extent of 200 cubic feet per second throughout the year had long antedated the use made by the contestees is without any foundation whatsoever. The rights of the contestant to the use of the waters as claimed will be determined as set forth under the findings made in determining the rights involved under Contest No. 87, being Paragraph No. 59 herein.

The objections on the part of the contestant as to the quantity of water used by the contestees and the length of the irrigation season will be determined and controlled by the findings made hereinafter pertaining to such rights, being Paragraph No. 62 herein.

Contest No. 48United States Department of Agriculture,  
Biological Survey,

Contestant,

vs.

Eastern Oregon Live Stock Company,

Contestee.

The rights of the contestee are determined by the findings made under Contest No. 6 herein, being Paragraph No. 17.

Contest No. 49

Eastern Oregon Live Stock Company,

Contestant,

vs.

Ernest H. Beckley and Walter H.  
Beckley,

Contestees.

The contestees herein filed Proof of Claim No. 2, claiming a water right from McCoy, Kiger, and Cucamonga Creeks, with a date of priority of 1874, for the irrigation of 172.4 acres of land described as follows:

12.3 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$   
 30.4 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$   
 Section 22;  
 12.7 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$   
 17.8 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 $\frac{1}{4}$   
 19.2 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$   
 Section 23,  
 Twp. 29 S., Rge. 32 E., W. M.

In additon to the right to use the water for irrigation purposes, it is proposed to use the same for stock purposes.

The claim was contested upon the following grounds:

- (1) That a part of the lands for which a water right was claimed was not irrigated at such an early date of priority as claimed.
- (2) That the duty of water as claimed was in excess of that required for the proper irrigation of the lands.

Testimony relative to the irrigation of these lands, at least when the first irrigation was practiced, was nil. It does appear, however, that the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 22, Township 29 South, Range 32 East, W. M., was claimed by a man by the name of Robie and applied for under the Swamp Act. The same appears to be true also in regard to the N $\frac{1}{2}$  SW $\frac{1}{4}$ , Section 23, Township 29 South, Range 32 East, W. M.

As to the remainder of the lands, it appears that title to the same was acquired under the Homestead, Indemnity School Selection, and Preemption Entry Acts at a considerably later date.

The NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 22, Township 29 South, Range 32 East, W. M., was filed on by a man by the name of Huffman during the year of 1889. While the S $\frac{1}{2}$  NW $\frac{1}{4}$ , Section 23, Township 29 South, Range 32 East, W. M., was filed on under the Indemnity School Selection Act during the year of 1887, it appears that the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 23, Township 29 South, Range 32 East, W. M., was filed on under the Preemption Entry Act in 1890.

There is no question but what these lands were irrigated from the overflow of the aforementioned creeks and that ditches were used later for the purpose of conveying the waters

of said streams to the place of use, but there is nothing in the record to justify awarding the lands a water right with a date of priority as claimed. Therefore, of the lands in question those lands for which application was made under the Swamp Act will be awarded a water right with a date of priority of 1872, and the remainder of the lands will be allowed a water right as of the date entered under the public land laws as related heretofore and will be so tabulated.

The right to use the water for stock purposes will be governed and controlled by the general provision made hereinafter a part of these findings. The contestees will be governed also by the general finding made herein relative to the duty of water.

24.

Contest No. 50

Eastern Oregon Live Stock Company,	Contestant,
vs.	
R. H. Brown,	Contestee.

During the hearing this contest was withdrawn, and, consequently, the same hereby is dismissed.

25.

Contest No. 51

Eastern Oregon Live Stock Company,	Contestant,
vs.	
Manville J. Bundy,	Contestee.

The contestee herein filed Proof of Claim No. 7, claiming a water right from McCoy, Cucamonga, and Kiger Creeks, for the irrigation of 105 acres of land with a date of priority as of 1874. Claim was made also for use of the water for stock purposes.

The claim was contested upon two grounds:

- (1) That the date of priority was earlier for a part of the lands than that to which the claimant was entitled.
- (2) That the duty of water as claimed was in excess of that necessary for the proper irrigation of said lands.

From the record it would appear that the contest was well-founded, especially relative to the date of priority.

The contestee will be awarded a water right as of the date the various tracts were entered under the public land laws, being as follows:

36.5 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , with a date of priority of 1887, being the date the same was entered as a homestead by Wm. Stewart.

40.0 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , with a date of priority of 1874, being the date as claimed.

28.5 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , with a date of priority of 1890, the date the same was entered by James W. Wadman as a preemption claim.

(All above lands are within Section 23, Township 29 South, Range 32 East, W. M.)

The rights of said contestee will be tabulated hereinafter as above indicated.

The general findings herein will govern the question of duty of water and determine also the contestee's right to use the water for stock purposes.

26.

Contest No. 52

Eastern Oregon Live Stock Company,

Contestant,

vs.

Ross Dollarhide,

Contestee.

The contestee filed Proof of Claim No. 11, claiming a water right from Swamp, Kiger, and McCoy Creeks, with a date of priority of 1874, for the irrigation of 104 acres described as follows:

24.0 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 23,  
Twp. 29 S., Rge. 32 E., W. M.

The claim was contested on the following grounds:

(1) That the date of priority claimed by contestee with respect to the contestee's rights to the use of the waters of said Swamp, Kiger, and McCoy Creeks is earlier in date than the true dates of initiation of such rights.

(2) That the duty of water as claimed was in excess of that required for the proper irrigation of the lands in question.

A reply to the contest was filed by the contestee wherein it is set forth that the contestant conveyed the lands to the contestee and in the deed of conveyance granted the contestee a certain portion of its water rights from the Donner und Blitzen River and its tributaries; therefore, the contestant should be estopped from contesting claimant's rights.

The conveyance in question was made prior to this adjudication and cannot be given serious consideration. The contestant is not contesting the right of the claimant to the use of the water but merely the priority of the use. The contestant is claiming the right to use the waters of the Donner und Blitzen River for irrigation purposes with dates of priority

ranging from 1872 to 1902. No specific waters are designated. The provision in the deed is too indefinite to be considered, and, therefore, cannot control these findings in this respect. The water is appurtenant to the land and it is the purpose of these findings to ascertain and establish when the water right was first initiated.

In the absence of testimony to the contrary, it appears that the lands in the SE $\frac{1}{4}$  NE $\frac{1}{4}$  were entered by Wm. Stewart under the homestead law during the year of 1887 and such lands will be awarded a date of priority of this date. The remainder of the lands will be awarded a date of priority as claimed, being 1874.

From the record it appears that the lands in question were irrigated first by natural overflow but later through the R. A. Smith Ditch and a slough entering said lands at the southeast corner of Section 23, Township 29 South, Range 32 East, W. M.

The rights of the contestee will be tabulated in accordance with the foregoing findings in disposition of this contest.

27.

Contest No. 53

Eastern Oregon Live Stock Company,

Contestant,

vs.

Mrs. P. F. Dunn, Administratrix of  
the Estate of P. F. Dunn, Deceased,

Contestee.

Proofs of Claim Nos. 15 and 16: Under Proof of Claim No. 15, the contestee claimed the right to use the waters of Malheur Lake for irrigation, domestic, and stock use with a date of priority of 1897. It is stated in the claim that no ditches or other means are used to convey the water for the irrigation of the lands but that the waters back up over and across the land.

Under Proof No. 16, apparently, the claim is based solely upon back waters from Malheur Lake, with a date of priority of 1906. Both claims are of the same character and were contested on the following grounds:

(1) That the lands described by contestee in her claims (Proofs Nos. 15 and 16) are not tributary or riparian to the Donner und Blitzen River.

(2) That said lands lie on Malheur Lake and not within the survey of the State Engineer in connection with the examination and measurement of said Donner und Blitzen River and its tributaries.

To allow these claims would be novel indeed. In the first place, it was not the purpose of this adjudication proceeding to attempt to adjudicate or determine the rights to the use of the waters of Malheur Lake. Only the rights to the use of the waters of the Donner und Blitzen River and its tributaries are involved in these proceedings. In the second place,

the contestee would claim as an appropriator of these waters with a definite date of priority. The claim appears to be based upon the right to have the waters of the lake back up and overflow the lands in question. In this respect, it would seem as though the contestee would assert a right against those on the river proper to turn the water on down into the lake for the purpose of causing the same to overflow these lands, that is, of course, those having later priority rights than the contestee herein. Malheur Lake covers an area of some 48,000 acres and to permit such a use of the water would be exceedingly wasteful and uneconomical. Again, it borders upon a right based upon riparian ownership which has been abolished in this State, at least for the purpose of irrigation.

To allow the rights as claimed under the foregoing proofs of claim would do an injustice to all concerned, and such claims hereby are denied.

Proof of Claim No. 17: Under this claim, the contestee claims a right with a date of priority of 1893 for the irrigation of 140 acres of land from the Donner und Blitzen River described as follows:

23.4 acres in Lot 3  
9.6 acres in Lot 4  
40.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$   
40.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 29,  
Twp. 26 S., Rge. 31 E., W.M.  
(Known as the McCoy place)

18.0 acres in Lot 2  
Section 29;  
4.0 acres in Lot 8  
Section 30;  
5.0 acres in Lot 9  
Section 32,  
Twp. 26 S., Rge. 31 E., W.M.  
(Known as the Woodcock place)

Water is claimed also from the same source for domestic and stock use.

No ditches are necessary for the irrigation of said lands but it is stated in the claim that natural swales and sloughs were utilized through which the water reached the place of use. Levees were constructed also for the purpose of controlling the water and spreading it over the lands.

The only question involved under this proof is in reference to the date of priority as claimed, and there being no evidence introduced in these proceedings that the lands were not irrigated at the time claimed and the water used beneficially at such time, the priority will stand as claimed, being 1893.

The general finding herein relative to the use of water for stock and domestic use will govern the rights of the contestee to the use of the water for such purposes.

28.

Contest No. 54

Eastern Oregon Live Stock Company,	Contestant,
vs.	
W. J. Dunn,	Contestee.

The contestee's rights under Proof of Claim No. 18 have been determined fully by the findings made heretofore under Contest No. 4 (Paragraph No. 15), and such findings shall control and govern the rights of the parties hereto.

29.

Contest No. 55

Eastern Oregon Live Stock Company,	Contestant,
vs.	
W. J. Dunn, Administrator of the Estate of William Dunn, Deceased,	Contestee.

The rights of contestee herein are determined fully by the findings made in disposition of Contest No. 4, Paragraph No. 15.

30.

Contest No. 56

Eastern Oregon Live Stock Company,	Contestant,
vs.	
Charles W. Frazier,	Contestee.

The contestee herein filed Proof of Claim No. 21, claiming a right with a date of priority of 1874 for the irrigation of 105.2 acres of land from McCoy Creek, a tributary of the Donner und Blitzen River, described as follows:

31.5 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 2;  
16.3 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 11;  
37.5 acres in W $\frac{1}{2}$  NW $\frac{1}{4}$   
19.9 acres in N $\frac{1}{2}$  SW $\frac{1}{4}$   
Section 12,  
Twp. 30 S., Rge. 32 E., W. M.

Claim is made also for the use of the water from said source for stock purposes.

The claim was contested on the following grounds:

(1) That the date of priority claimed by contestee with respect to the contestee's rights to the use of the waters of McCoy Creek is earlier in date than the true dates of the initiation of such rights.

(2) That three acre-feet of water are sufficient for the proper irrigation of the lands in question.

There is nothing in the record which would justify or tend to show that the lands for which a water right was claimed would be entitled to a date of priority as contended.

The lands in Section 2, 11, and the  $W\frac{1}{2}$   $NW\frac{1}{4}$ , Section 12, were settled and entered under a preemption claim by a man by the name of Smyth during the year of 1885. As to these lands, a water right will be awarded with priority of such date.

The lands within the  $NE\frac{1}{4}$   $SW\frac{1}{4}$ , Section 12, were included in an indemnity school selection during the year of 1887 by R. D. Cooper and a water right will be allowed as of such date for these lands while those within the  $NW\frac{1}{4}$   $SW\frac{1}{4}$ , Section 12, entered as timber culture lands during the year of 1888, will be awarded a water right with priority of such date.

The water rights as allowed heretofore will be tabulated hereinafter in accordance with the findings made herein.

The rights of the contestee as to the use of the water for stock purposes and as to the duty of water will be allowed as determined by the general findings made herein governing such uses.

31.

Contest No. 57

Eastern Oregon Live Stock Company,

Contestant,

vs.

Hill Brothers, a partnership consisting of Lloyd Hill and Lyle Hill,

Contestees.

Proof of Claim No. 22: Under this proof, the contestee, Lyle Hill, claims a water right from the main stream of the Donner und Blitzen River for the purpose of irrigating 486.1 acres of land lying within Sections 26, 27, 34, and 35, Township 26 South, Range 31 East, W. M., with a date of priority of 1888. The contestee claimed a right also for the use of the water for stock purposes.

This claim was contested on the following grounds:

(1) That the date of priority as claimed by the contestee, Lyle Hill, to the use of the water of said river was earlier in date than the true date of the initiation of such right.

(2) That the quantity of water necessary for the proper irrigation of said lands was excessive.

According to the claim filed by the contestee, the lands were irrigated by means of diverting the water from the Donner und Blitzen River through the so-called Bull Field Ditch and a further diversion from the main or sometimes called east channel of said river. The

acreage irrigated from each source is not set out definitely, but in general terms it is claimed that the westerly half of the land is irrigated by means of water diverted from the river through the Bull Field Ditch and the easterly half, by water diverted from the main or east channel of the river below the diversion dam of said ditch, which dam is located within the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 2, Township 27 South, Range 31 East, W. M.

It appears that prior to the year of 1925 the contestant and predecessor of contestee were involved in controversies over the use of the water in question which resulted in litigation, and on February 24, 1926, a final decree was entered in the Circuit Court of Harney County, Oregon, upon mandate from the Oregon Supreme Court (Alva Springer and Mary M. Bunyard, Administratrix of the Estate of James H. Bunyard, Deceased, vs. William Dunn and Eastern Oregon Live Stock Company, a corporation, 117 Ore. 30). This decree awarded the predecessor-in-interest of the contestee a water right for the irrigation of the land mentioned heretofore with a date of priority of 1888. Testimony introduced during the hearing of this contest supported the date of priority as claimed and as awarded by the court's decree; therefore, the date of priority will be allowed as claimed, and when the date of priority of the water rights awarded to lands belonging to the contestant is of equal or later date than 1888, the contestee's right shall be superior and prior in time to that of contestant.

The court's decree, referred to herein, confirmed the right of the predecessor-in-interest to the contestee to divert the water of the Donner und Blitzen River through the Bull Field Ditch but left the question of acreage open for further determination. The contestee testified and set out in his claim that approximately one-half of the 486.1 acres was irrigated from water conveyed through the so-called Bull Field Ditch. This contention was opposed by the contestant, and in support thereof a map, showing the lands irrigated from the ditch, was introduced. Upon cross examination of the party who made the survey and prepared the map, it was admitted that the lands so indicated thereon necessarily would have to be irrigated with water conveyed through said ditch but the map did not show all of the land which could be irrigated in such a manner. According to the map introduced in evidence by the contestant, only 101 acres were shown to be irrigated, while from a close examination of the map and from consideration of the testimony of the witnesses it is evident that additional acreage could be irrigated by utilization of the Bull Field Ditch, which land could not be irrigated from the waters of the river diverted below the dam at the intake of said ditch.

The acreage which appears possible to be irrigated from said ditch and not from any other water diverted from the river below the aforementioned dam hereby is fixed to be a total of 190.7 acres as follows:

8.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 26;  
19.2 acres in Lot 1  
30.9 acres in Lot 2  
40.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 27;  
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 34;  
12.6 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 35,  
Twp. 26 S., Rge. 31 E., W. M.

The remainder of the lands for which a water right is claimed, being 295.4 acres, will be allowed a water right from the east or main channel of the Donner und Blitzen River to be diverted at a point below the dam referred to heretofore, said lands being described more definitely in the tabulation of water rights made a part of these findings.

The rate of flow, duty of water, and irrigation season as they apply to the parties to this contest shall be governed and controlled by the general findings made in this respect, being Paragraph No. 62.

Proof of Claim No. 45: Under this proof of claim, the contestees filed a claim for the irrigation of two tracts of land designated upon the State Engineer's map as Tract No. 13, consisting of 238.6 acres, and Tract No. 17, consisting of 600 acres, with a date of priority of 1887. These lands are unsurveyed public lands, lying chiefly between the meander lines of Malheur Lake. A part of the lands under Tract No. 13, however, lies beyond the second meander line. The source of the water supply used in the irrigation of these lands is described as being the entire river system after the same reaches the meander boundary of Malheur Lake.

This claim was contested on the following grounds:

(1) That the date of priority claimed by contestees with respect to the contestees' rights to the use of the waters of said Donner und Blitzen River is earlier in date than the true date of initiation of such rights.

(2) That said lands are unsurveyed lake lands, not subject to entry and if so claimants' rights would be limited to the filing for 160 acres.

(3) That the quantity of water claimed is in excess of that required for the proper irrigation of the lands.

Tract No. 17: According to the testimony introduced during the hearing, it appears that the lands included within Tract No. 17 were irrigated from water of the Donner und Blitzen River, reaching the place of use through sloughs and low depressions where it spreads in a northwesterly direction over the eastern portion of the lands in question. The remainder of the lands to the west appears to be irrigated partially from waters reaching the land through the Bull Field Ditch. These lands will be allowed a water right with a date of priority of 1887.

Tract No. 13: Apparently, the lands included within Tract No. 13 rely upon receiving their water from the lake proper, depending upon the rise and fall of the same. Undoubtedly, during a time when sufficient water flows into the lake to raise its level to such a height that the water backs up over the lands, hay crops are raised. Nothing in the testimony would indicate, however, that these lands are irrigated from the waters of the Donner und Blitzen River. By utilizing certain channels and natural depressions, it may be that water from the river could be conveyed to the lands but there is no convincing evidence that this is the case. Should the contestees be in position to make such a claim, it may be that they could ask the court's permission to submit further testimony in this respect at the time exceptions are heard to these findings.

Due to the uncertainty of the source of water supply as claimed and in view of no definite testimony that these lands were or could be irrigated from the river proper, the claim for a water right for these lands will be denied.

The contention that, if a water right were awarded, the claimants should be allowed the same for only 160 acres cannot be considered for the reason that the public land laws are ever changing, and, also, it is believed that a squatter may initiate a water right and a successor to such lands to which the water is appurtenant may claim such right so initiated. It is believed further that a water right may be initiated by making beneficial use of the water upon public lands although they are unsurveyed.

32.

Contest No. 58

Eastern Oregon Live Stock Company,  
vs.  
Dean Horton and Marion Horton,

Contestant,  
Contestees.

This contest was withdrawn during the hearing by the contestant; therefore, the same will be dismissed and the water rights allowed as claimed.

33.

Contest No. 59

Eastern Oregon Live Stock Company,  
vs.  
Carrie Kidwell,

Contestant,  
Contestee.

The contestee herein filed Proof of Claim No. 25, claiming a right to the use of the waters of the Donner und Blitzen River for the irrigation of 148.3 acres of land within Section 30, Township 26 South, Range 31 East, W. M., south of Malheur Lake, with a priority date of 1885.

The claim was contested as to the priorities claimed. Apparently, no evidence was submitted in support of or against the claim. One witness did testify, however, that in a greater part the land was irrigated from the back waters of a slough or swamp.

In the claim filed, it is stated that the water reaches the lands from the river following certain depressions and sloughs. An examination of the map indicates that this could be possible. Therefore, the contestee will be awarded a water right for the lands in question with dates of priority as of the dates the lands were filed on first under the various public land laws, as follows:

Priority, 1897	61.1 acres in E $\frac{1}{2}$ NE $\frac{1}{4}$
	52.2 acres in W $\frac{1}{2}$ NE $\frac{1}{4}$
Priority, 1909	35.0 acres in N $\frac{1}{2}$ SE $\frac{1}{4}$

The water right of the contestee will be tabulated and allowed accordingly.

34.

Contest No. 60

Eastern Oregon Live Stock Company,

Contestant,

vs.

A. L. Marshall,

Contestee.

The contestee filed Proof of Claim No. 27 for the use of the waters of the Donner und Blitzen River for the irrigation of 111.35 acres of land lying within Section 31, Township 26 South, Range 32 East, W. M., south of Malheur Lake, with a priority date of 1888.

Apparently, these lands were not shown on the map prepared in these proceedings by the State Engineer and indicated as having been irrigated. It appears further that the lands lie on Malheur Lake and that it would not be possible to irrigate them directly from the waters of the Donner und Blitzen River proper. No map was filed by the contestee in contradiction to that of the State Engineer. Further, the testimony on the part of the claimant would indicate that he depended on the rise and fall of the lake for the irrigation of his lands. No water right from the Donner und Blitzen River could be allowed and, therefore, the claim is denied.

35.

Contest No. 61

Eastern Oregon Live Stock Company,

Contestant,

vs.

Culver H. Marshall and Violet W.  
Marshall,

Contestees.

The contestees filed two proofs of claim herein, and each will be considered separately.

Proof of Claim No. 28: Under this proof of claim, the contestees claimed a right to the use of the waters of the Donner und Blitzen River for the irrigation of 155.7 acres of land lying within Section 25, Township 26 South, Range 31 East, W. M., with a priority date of 1888. Water is claimed also from the same source for stock purposes.

The claim is contested on the ground that the priorities claimed are earlier than initiated and that the duty of water is in excess of that necessary for proper irrigation of the lands.

It appears that this land was entered originally by a squatter by the name of Reinhart during the year of 1888 and subsequently traded to A. L. Marshall who in turn traded the same to a party by the name of Jones, predecessors to the contestees. The testimony indicated that the lands were partially fenced and other improvements made at the time Reinhart squatted on the same. A ditch was constructed leading from the river in the northeast corner of the property and dams placed in the stream to spread the water over the lands. The evidence is sufficient to support the date of priority as claimed and the contestees will be allowed a water right in accordance with the claim as filed.

Proof of Claim No. 61: Under this proof the contestees claimed a right to the use of the waters of the Donner und Blitzen River from the entire river system after the same reaches the meander boundary of Malheur Lake, for the irrigation of 600 acres of land with a priority of 1888.

The claim was contested on the ground that the priority as claimed was earlier than the date the water right was initiated actually and that the lands were unsurveyed public lands and not open to entry.

Testimony was introduced indicating that these lands were irrigated at first by natural overflow from the river proper and later by placing dams in the low depressions and causing the water to spread out over the lands. The map prepared by the State Engineer shows that these lands could be irrigated from the river direct. The date of priority of the water right will be awarded as claimed and for the irrigation of 600 acres.

As to the other grounds of contest, there is no special merit and they will not be considered herein.

36.

Contest No. 62

Eastern Oregon Live Stock Company,

Contestant,

vs.

James McKee,

Contestee.

The contestee filed Proof of Claim No. 29, claiming a right to use water from Swamp and Kiger Creeks for stock purposes and for the irrigation of 223.9 acres of land with a priority of 1874.

The lands for which a water right is claimed are described as follows:

1.5 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$   
70.5 acres in S $\frac{1}{2}$  SE $\frac{1}{4}$   
Section 24;  
80.0 acres in N $\frac{1}{2}$  NE $\frac{1}{4}$   
Section 25;  
Twp. 29 S., Rge. 32 E., W. M.

71.9 acres in S $\frac{1}{2}$  SW $\frac{1}{4}$   
Section 19,  
Twp. 29 S., Rge. 33 E., W. M.

The claim was contested on the following grounds:

(1) That the date of priority claimed by contestee is earlier in date than the true date of initiation of such right.

(2) That the quantity of water claimed for the irrigation of said land is in excess of that required.

Apparently, the contestee bases the date of priority claimed on the theory that the lands were a part of the holdings of Peter French or at least claimed by him. This does not appear from the record. The lands were not included with those for which application was made under the Swamp Act in 1872. On the contrary, the record indicates that the lands were filed on under the public land laws by certain individuals and acquired later by the contestant herein and sold to the contestee. There is nothing in the record to support the priority claimed and, consequently, the lands will be given a water right with priority dates identical to the dates on which applications were made for entry under the various land laws as follows:

<u>Priority</u>	<u>Homestead Entry - Francis M. Whitney</u>
1884	1.5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 70.5 acres in S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 24, Twp. 29 S., Rge. 32 E., W. M.
	<u>Preemption Entry - John M. Edwards</u>
1887	80.0 acres in N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 25, Twp. 29 S., Rge. 32 E., W. M.
	<u>Indemnity School Selection - Tony Flint</u>
1885	71.9 acres in S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 19, Twp. 29 S., Rge. 33 E., W. M.

There is no merit to the contention that the contestant should be estopped from contesting the contestee's claim for the reasons given heretofore in disposition of Contest No. 52, Paragraph No. 26.

The quantity of water allowed for the irrigation of contestee's lands shall be governed by the general findings made herein relative to the duty of water.

Contest No. 63

Eastern Oregon Live Stock Company,

Contestant,

vs.

Myrtle Moore,

Contestee.

The contestee herein filed Proof of Claim No. 30, claiming a right to use the waters of McCoy and Kiger Creeks for the irrigation of 77.2 acres of land and for stock purposes, with a date of priority of 1874.

The claim was contested on the grounds that the date of priority was earlier than that to which the claimant was entitled and that the quantity of water was in excess of the quantity necessary for proper irrigation of the lands.

There is nothing in the record which would entitle the contestee to the date of priority claimed, except for the lands within the  $SE\frac{1}{4}$   $NW\frac{1}{4}$ , Section 26, Township 29 South, Range 32 East, W. M., which appear to have been included in the Swamp Act application filed in 1872. The remainder of the lands was acquired under the Preemption Entry Act, residence being established first in 1885. The lands will be awarded a water right as claimed with dates of priority as follows:

Priority

1872

40.0 acres in  $SE\frac{1}{4}$   $NW\frac{1}{4}$   
Section 26,  
Twp. 29 S., Rge. 32 E., W. M.

Preemption Entry - Martin Brenton

1885

28.3 acres in  $NE\frac{1}{4}$   $SW\frac{1}{4}$   
8.9 acres in  $SE\frac{1}{4}$   $SW\frac{1}{4}$   
Section 26,  
Twp. 29 S., Rge. 32 E., W. M.

In other respects, the rights of the contestee will be governed by the general findings made herein in respect to the use of water for stock purposes and the duty of water.

Contest No. 64

Eastern Oregon Live Stock Company,

Contestant,

vs.

R. F. Pugsley,

Contestee.

The contestee filed Proof of Claim No. 32, claiming a right to the use of the waters of McCoy, Kiger, Cucamonga, and Swamp Creeks, for the irrigation of 29.8 acres of land, with a date of priority of 1880.

The claim was contested on the grounds of priority and quantity of water claimed for proper irrigation of the lands.

No appearance was made in behalf of the contestee and no evidence submitted in support of the claim. It appears that in 1917 the contestee filed for a homestead right to occupy the lands in question. When he settled first cannot be ascertained. The contestee will be allowed a water right as claimed but such right shall be subsequent and inferior to the rights of all other claimants within the Diamond area.

The general findings made herein shall be controlling as to the quantity of water used by the contestee.

39.

Contest No. 65

Eastern Oregon Live Stock Company,

Contestant,

vs.

Charles V. Reed,

Contestee.

The contestee herein filed Proof of Claim No. 33, claiming a right to the use of the waters of the Donner und Blitzen River for the irrigation of 73.8 acres with a date of priority of 1888, said land being located within Section 28, Township 26 South, Range 31 East, W. M., south of Malheur Lake.

The contestee claims a right also to the use of the waters of the Donner und Blitzen River for the irrigation of 237 acres designated as Tract No. 10 on the map prepared by the State Engineer.

The claim was contested as to the priority date and quantity of water claimed for irrigation of the lands.

There was no evidence submitted in support of the claim. When or through whom the contestee obtained title does not appear. The record does indicate that the lands within Section 28 were filed on as a homestead in 1897 by Charles John Anderson. These lands will be allowed a water right of such date. The duty of water will be in accordance with the general findings made in respect thereto.

As to the lands included within Tract No. 10 as shown on the map prepared by the State Engineer, there was no evidence showing how or when the same were acquired or irrigated; consequently, the claim for these lands will be denied.

40.

Contest No. 66

Eastern Oregon Live Stock Company,

Contestant,

vs.

Nathaniel L. Silvey,

Contestee.

The contestee filed Proof of Claim No. 36, claiming a right to use the waters of McCoy Creek for the irrigation of 289.7 acres of land located within Section 36, Township 29

South, Range 32 East, W. M., and Sections 1 and 2, Township 30 South, Range 32 East, W. M., with a date of priority as of the year 1874.

The claim was contested as to the date of priority claimed and also as to the quantity of water.

As in other contests decided heretofore, the contestee would base his date of priority upon the fact that these lands were owned at one time by the contestant and, therefore, should be entitled to a like priority. It is true that the contestant herein has been awarded an earlier priority for certain lands but these were included in the application made by its predecessor-in-interest to acquire the same under the provisions of the Swamp Act. It does not appear that the lands for which a water right is claimed herein were acquired under the Swamp Act but under various other public land laws. The contestee will be awarded a water right for the irrigation of the lands described as follows:

147.8 acres in the SW $\frac{1}{4}$ , Section 36, Twp. 29 S., Rge. 32 E., W. M.; priority, 1881, being the date application was made by Peter French to purchase the same.

14.4 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 36, Twp. 29 S., Rge. 32 E., W. M.; priority, 1897, these lands being purchased as school lands.

6.4 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 36, Twp. 29 S., Rge. 32 E., W. M., these lands being purchased as school lands in 1888.

With exception of 8.5 acres within Section 1, Township 30 South, Range 32 East, W. M., the lands within Sections 1 and 2 will be awarded a water right with a priority of 1882, said date being the date upon which the same were filed as a preemption claim. The 8.5 acres will be allowed a water right with a priority of 1887, the date when the same were acquired as an indemnity school selection.

The duty of water shall be governed by the general findings made hereinafter.

41.

Contest No. 67

Eastern Oregon Live Stock Company,

Contestant,

vs.

R. A. Smith and Elizabeth Smith,

Contestees.

The contestees herein filed Proof of Claim No. 37, claiming a right to the use of the waters of Kiger, Swamp, Cucamonga, and McCoy Creeks for the irrigation of 415.3 acres of land lying within Sections 24 and 25, Township 29 South, Range 32 East, W. M., with a date of priority of 1874.

This claim was contested on the ground that the date of priority as claimed was earlier than the inception of said right and also the quantity of water as claimed was in excess of that necessary for the irrigation of the lands.

The date of priority as claimed cannot be awarded for all the lands. Some of the lands were included in the Swamp Act application filed during the year of 1872 and will be allowed a water right with such date of priority. The remainder of the lands will be given a water right with date of priority corresponding to the time upon which they were filed under the public land laws, as follows:

Priority

1872	(Swamp Act)	40.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24; 80.0 acres in N $\frac{1}{2}$ 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 $\frac{1}{4}$ Section 25;
1887	(Homestead)	4.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 51.3 acres in N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 24;
1887	(Preemption Claim)	80.0 acres in S $\frac{1}{2}$ NE $\frac{1}{4}$ 40.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25;
1888	(Timber Culture)	40.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24, Twp. 29 S., Rge. 32 E., W. M.

The general findings pertaining to the duty of water will control the quantity of water to which the contestee is entitled.

42.

Contest No. 68

Eastern Oregon Live Stock Company,	Contestant,
vs.	
Alva Springer,	Contestee.

The contestee filed Proof of Claim No. 40 for the right to irrigate 309.1 acres of land from waters of the Donner und Blitzen River and a spring in Lot 6, Section 35, Township 26 South, Range 31 East, W. M., with a date of priority of 1888.

The contestee will be awarded a water right as claimed. The duty of water will be determined in accordance with the general findings made in respect thereto.

43.

Contest No. 69

Eastern Oregon Live Stock Company,	Contestant,
vs.	
United States Department of Agriculture, Biological Survey,	Contestee.

Inasmuch as the contestee has succeeded to the rights of the contestant, this contest is dismissed.

44.

Contest No. 70

Eastern Oregon Live Stock Company,  
vs.  
Ethel Graves, Administratrix of the  
Estate of D. S. Graves, Deceased,

Contestant,  
Contestee.

The contestee herein filed Proof of Claim No. 43, claiming a right to the use of the waters of the Donner und Blitzen River to irrigate 300 acres of land within Tract No. 20, as shown on the State Engineer's map, with a date of priority of 1886.

The claim was contested as to the date of priority, the fact that the lands were unsurveyed and that the water claimed was in excess of the quantity necessary for proper irrigation of the lands.

It appears that the contestee's predecessor-in-interest occupied the lands in question as far back as 1886. The contestee will be awarded a water right as claimed. The quantity of water to which she is entitled for the irrigation of her lands, however, shall be controlled and governed by the general findings made hereinafter.

45.

Contest No. 71

Eastern Oregon Live Stock Company,  
vs.  
Tom Vickers and Len Vickers,

Contestant,  
Contestees.

The contestees herein filed Proof of Claim No. 44, claiming a right to the use of the waters of the Donner and Blitzen River for the irrigation of 400 acres of land lying north of and adjoining Tracts Nos. 12 and 13.

There is no evidence in the record that these lands ever were irrigated from the Donner und Blitzen River proper, nor does the map prepared by the State Engineer indicate that such would be possible. It is evident that during times of high water the lands might be overflowed by water from Malheur Lake but no water right for this purpose can be claimed in these proceedings. Therefore, the claim is denied.

46.

Contest No. 72

Eastern Oregon Live Stock Company,  
vs.  
Julia McGowan,

Contestant,  
Contestee.

There is no evidence whatsoever that the lands covered by this claim ever were irrigated from the river. Therefore, the claim is denied in every respect.

Contest No. 73

Eastern Oregon Live Stock Company, Contestant,  
 vs.  
 James G. Bunyard, Contestee.

The contestee filed Proof of Claim No. 47, claiming a right for the irrigation of 840 acres of land from a very indefinite source, namely, the entire river source, with a date of priority of 1887. As a matter of fact, the water used for the irrigation of his lands comes from waste off the Hill Brothers' place adjoining the claimant's and to a certain extent from the waters accruing on the Springer place.

There is no evidence that an appropriation ever was made from the river direct. Apparently, the contestee is dependant upon the waters used by others. His claim will be denied.

Contest No. 74

Eastern Oregon Live Stock Company, Contestant,  
 vs.  
 W. S. Haley and E. T. Haley, Contestees.

The contestees claim a right for the irrigation of 480 acres of land north of Tracts Nos. 4, 7, and 11, as indicated on the State Engineer's map, with a date of priority of 1887, the source of supply being designated as the main river system. There is no indication in the record that these lands ever were irrigated from the Donner und Blitzen River direct. The right will be denied.

Contest No. 75

Eastern Oregon Live Stock Company, Contestant,  
 vs.  
 Mary Griffin, Contestee.

There is no evidence in the record which would support the claim as filed, and, therefore, said claim is denied.

Contest No. 76

Eastern Oregon Live Stock Company, Contestant,  
 vs.  
 George M. Benson, Contestee.

This contest has been disposed of in accordance with the findings of Contest No. 3, Paragraph No. 14.

51.

Contests Nos. 77, 78, and 79

These contests involve only the question of duty of water and will be disposed of in accordance with the general findings made herein relative thereto.

52.

Contest No. 80

Eastern Oregon Live Stock Company, Contestant,  
vs.  
Mrs. R. V. Waddell, Contestee.

The lands for which a water right is claimed are not involved in these proceedings; therefore, the claim is denied.

53.

Contest No. 81

Eastern Oregon Live Stock Company, Contestant,  
vs.  
D. H. Smyth, Sr., Contestee.

The contestee claims a water right for the irrigation of 847.8 acres of land, the source of supply being designated as the Donner und Blitzen River and the back water of Malheur Lake. No distinction is made of the acreage irrigated from each source. The claim is too indefinite to be considered and, therefore, it is denied.

54.

Contest No. 82

Eastern Oregon Live Stock Company, Contestant,  
vs.  
R. W. Hutchinson, Contestee.

The contestee herein filed Proof of Claim No. 62, claiming a right to the use of the waters of the Donner und Blitzen River in its entirety for the irrigation of 83.7 acres of land designated on the State Engineer's map as Tract No. 15, with a date of priority of 1887.

Evidence introduced would tend to show that this land was irrigated from the river by means of sloughs which overflowed and as a result crops were produced. The contestee, through squatters who occupied the lands before him, came into possession of the same. The water right will be allowed as claimed.

55.

Contest No. 83

Fred W. Smyth,

Contestant,

vs.

R. H. Brown,

Contestee.

There was no evidence which would justify a denial of this claim. Therefore, the contestee will be allowed a water right as claimed.

56.

Contest No. 84

Wilbur E. Haines, John R. Jenkins,  
and Fred W. Smyth,

Contestants,

vs.

Ernest H. Beckley, Walter H. Beckley,  
Manville J. Bundy, Chas. W. Frazier,  
Pete Mackey, James McKee, Myrtle Moore,  
John Porter, Nathaniel L. Silvey, R. A.  
Smith and Elizabeth Smith, Claud H.  
Smyth and Grace Smyth, and C. A. Wells,

Contestees.

The rights of the contestees herein have been determined heretofore and, therefore, this contest is dismissed.

57.

Contest No. 85

Fred W. Smyth, John R. Jenkins, and  
Wilbur E. Haines,

Contestants,

vs.

Eastern Oregon Live Stock Company,

Contestee.

The rights of the contestee have been determined heretofore. See Contest No. 6, Paragraph No. 17.

58.

Contest No. 86

State of Oregon,

Contestant,

vs.

Eastern Oregon Live Stock Company,

Contestee.

The rights of the contestee have been determined fully by the findings made herein under Contest No. 6 and such findings shall govern the disposition of this contest.

Contest No. 87

State of Oregon,

Contestant,

vs.

The United States Department of Agriculture,  
Biological Survey,

Contestee.

The contestee herein claimed a right to the use of the waters of the Donner und Blitzen River in the amount of 200 cubic feet per second for the purpose of providing a breeding and nesting place for migratory birds, with a date of priority of 1908, said date being the time that the President of the United States declared Malheur Lake to be a refuge for migratory fowl. During the proceedings, the government amended its claim in respect to the date of priority, claiming a right to the use of the waters of the Donner und Blitzen River since 1859, the date that the State of Oregon was admitted to the Union. This priority, however, was waived in favor of irrigation rights during the irrigation season.

The water right will be allowed as claimed originally, with a priority of 1908, being the date that the government first expressed itself as indicating an intention to put the waters in question to a beneficial use.

Contest No. 88

Eastern Oregon Live Stock Company,

Contestant,

vs.

State of Oregon,

Contestee.

The State of Oregon having no lands involved in these proceedings which were entitled to a water right from the Donner und Blitzen River, it is not a proper party in these proceedings and, therefore, its claim is denied in every respect.

On October 27, 1930, Myrtle Caldwell filed motion to amend her Statement and Proof of Claim No. 8 as to the date of priority claimed and to correct the description of lands claimed to be irrigated. The motion having been filed after expiration of the time for public inspection, the interested parties did not have an opportunity to examine the motion and file exceptions; therefore, said motion hereby is denied.

It appears that the error in description of lands is purely clerical and may be rectified without injury to other claimants.

DUTY OF WATER, HEAD OF WATER, AND IRRIGATION SEASON

The rights to the use of water for irrigation purposes as herein recognized shall entitle the owners thereof to the diversion of such a quantity of water as may be applied to beneficial use upon the lands to which such rights are appurtenant; provided, that the quantity diverted shall not exceed one-fortieth of a cubic foot per second per acre of land irrigated, prior to June 15, and one-eightieth of a cubic foot per second per acre of land irrigated, after June 15 of each year, with a total limitation during each irrigation season of three acre-feet per acre; all to be measured at the point of diversion from the stream or other body of water from which the water is obtained; provided, that in case of lands receiving water by natural overflow, no user shall be charged without his consent with more than three-fourths acre-foot per acre in April, one acre-foot per acre in May, and one acre-foot per acre in June. In regulating the quantity of water diverted by any appropriator, the watermaster shall take into account the quantity of water being received by such appropriator's lands as waste or overflow from lands above.

The irrigation season on Donner und Blitzen River and its tributaries is hereby fixed as the period from March 1 to October 1 of each year.

STOCK AND DOMESTIC USE

All parties herein allowed the right to the use of water for irrigation shall be entitled to use such water for stock and domestic purposes during the irrigation season; provided, that such appropriators shall not be entitled to any water for stock or domestic purposes in addition to the quantity which they are entitled to divert for irrigation purposes. Outside of the irrigation season, the rights to the use of water for stock and domestic purposes as herein confirmed shall entitle the owners thereof to one-tenth of a cubic foot per second for each one thousand head of stock, measured at the place of use; provided, that at no time shall more water be diverted for such purposes than is reasonably necessary for such purposes, and to prevent the ditches and channels used for such purposes from being completely frozen; provided, that the use of water for stock purposes shall be restricted to the ditches or channels which have customarily been used for such purposes, and that all water users shall so far as practicable provide stock watering holes or ponds into which stock water may be diverted periodically.

DISTRIBUTION BETWEEN WATER USERS ON TRIBUTARIES OF THE DONNER UND BLITZEN RIVER  
IN THE DIAMOND AREA AND THE DONNER UND BLITZEN RIVER

It appears that it has long been the practice of the water users in the Diamond area to use the water on lands within said area independently from those on the Donner und Blitzen River regardless of priorities and that the most efficient use of water results from such practice. In view of this custom and practice which has been in force for many years, those tributaries of the Donner und Blitzen River within the Diamond area will be considered independent of said stream for the purpose of administration, insofar as it applies to rights initiated prior to the beginning of these proceedings. The watermaster shall distribute the water between the users within the Diamond area in accordance with the respective priorities in such area regardless of priorities on the main river.

The Diamond area as herein defined shall consist of those lands irrigated as herein determined lying within Sections 7, 8, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 35, and 36, Township 29 South, Range 32 East, W. M.; Sections 19, 28, 29, 30, 31, 32, and 33, Township 29 South, Range 33 East, W. M.; Sections 1, 2, 11, 12, and 13, Township 30 South, Range 32 East, W. M., and Sections 3, 4, 5, 6, and 10, Township 30 South, Range 33 East, W. M.

65.

FAILURE OF WATER TO FLOW IN CHANNEL

In case the water flowing in the channel of a stream or ditches sinks or fails to flow down the channel so as to be of benefit to an appropriator having the prior right to its use, the watermaster shall allow the diversion thereof by the next appropriator in order of priority who can make a beneficial use of such water.

66.

ROTATION

The watermaster of the district in which Donner und Blitzen River and its tributaries may be situated may arrange such system or systems of rotation as may be best applicable to the conditions arising from time to time in the distribution of water on such streams. When two or more appropriators agree between themselves as to a system of rotation, the watermaster shall distribute water to them in accordance with such agreement, provided that in so doing he does not interfere with the rights of other appropriators.

67.

APPURTENANCY

That the rights to the use of water for irrigation purposes hereby confirmed are appurtenant to the lands herein described, and the rights of use of the waters of said 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 and its tributaries on such other lands without lawful approval first obtained from the State Engineer.

68.

PRIORITIES

That 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 except as otherwise provided herein, shall be and is according to the date of the relative priority of the right as herein set forth and determined, and the first in order of time according to the date of relative priority shall be and is the first in order of right, and so on, down to the date of the latest priority, 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 a right of use, at all times and 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 waters diverted shall be beneficially, economically, and reasonably used without waste by those having a right to do so by reason of the priority of their rights, and no rights of appropriation are hereby confirmed to divert a greater quantity of water into the head of the ditch or ditches of the appropriator having a valid right to divert the water, than such appropriator can beneficially use for the purposes to which the water is to be put.

69.

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

61.

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
Alberson, J. O. Diamond, Oregon Proof #63	May 22, 1886		11	Irrigation, domestic, and stock	Unnamed ditches	Kiger and Swamp Creeks	11 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 19, T. 29 S. R. 33 E. W. M.
Proof #63	May 24, 1886		118	Irrigation, domestic, and stock	Unnamed ditches	Kiger and Swamp Creeks	18 acres in W $\frac{1}{2}$ 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 W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30, T. 29 S. R. 33 E. W. M.
Proof #63	Jan. 7, 1878		159.5	Irrigation, domestic, and stock	Unnamed ditches	Kiger and Swamp Creeks	40 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 39.7 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 39.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 30, T. 29 S. R. 33 E. W. M.
Beckley, Ernest H. Diamond, Oregon Proof #1	1874		146	Irrigation and stock	Unnamed ditches	Kiger, McCoy, and Cucamonga Creeks	40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22; 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23; 26 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27, T. 29 S. R. 32 E. W. M.
Beckley, Ernest H., and Beckley, Walter H. Diamond, Oregon Proof #2 (Findings, Paragraph 23, Page 37)	1872		110.4	Irrigation and stock	Unnamed ditches	Kiger, Cucamonga, and McCoy Creeks	30.4 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 22; 40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23, T. 29 S. R. 32 E. W. M.
Proof #2 (Findings, Paragraph 23, Page 37)	1887		30.5	Irrigation and stock	Unnamed ditches	Kiger, Cucamonga, and McCoy Creeks	12.7 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 17.8 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23, T. 29 S. R. 32 E. W. M.
Proof #2 (Findings, Paragraph 23, Page 37)	1889		12.3	Irrigation and stock	Unnamed ditches	Kiger, Cucamonga, and McCoy Creeks	12.3 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 22, T. 29 S. R. 32 E. W. M.
Proof #2 (Findings, Paragraph 23, Page 37)	1890		19.2	Irrigation and stock	Unnamed ditches	Kiger, Cucamonga, and McCoy Creeks	19.2 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23, T. 29 S. R. 32 E. W. M.
Beckley, Mary C. Princeton, Oregon Proof #3	1885		158	Irrigation and stock	Watson Ditch and Road Ditch	Kiger, McCoy, and Cucamonga Creeks	39 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 39 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22, T. 29 S. R. 32 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
Benson, George M. Voltage, Oregon Proof #50 (Findings, Paragraph 14, Page 27)	1908		155.8	Irrigation	Overflow, dams and dykes	Donner und Blitzen River	155.8 acres of unsurveyed lands within the meandered boundaries of Malheur Lake and designated as Tract #23 on the official maps prepared by the State Engineer in connection with this proceeding.
Brown, Fred G. Frenchglen, Oregon Proof #4	1909		66	Irrigation, domestic, and stock	Alfalfa Ditch	Donner und Blitzen River	14 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 38.2 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 13.8 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, T. 32 S. R. 32 $\frac{1}{2}$ E. W. M.
Brown, R. H. Route 1, Box 9-A Nyssa, Oregon Proof #5 (Findings, Paragraph 55, Page 57)	1888		334.3	Irrigation	Unnamed ditches	Cucamonga Creek	5.3 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 0.4 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 0.4 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 18.7 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22; 5.3 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 31.6 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 1 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 11.8 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 32.5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 17.2 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 25.4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26; 19.1 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 4 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27; 1 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 13.7 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 38.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 13.1 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 4.2 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 12 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 29.1 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 7.1 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 3.2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35, T. 30 S. R. 33 E. W. M.
Proof #6	1908		50	Irrigation	Lower Ditch and Upper Ditch	Unnamed spring in NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 20; spring in SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 17, & spring in NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 17, all in T. 30 S. R. 34 E.W.M.	10 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 20 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17; 20 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 20, T. 30 S. R. 34 E. W. M.
Bundy, Manville J. Diamond, Oregon Proof #7 (Findings, Paragraph 25, Page 38)	1874		40	Irrigation and stock	Unnamed ditches	Kiger, Cucamonga, and McCoy Creeks	40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, T. 29 S. R. 32 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
Bundy, Manville J. (Continued) Proof #7 (Findings, Paragraph 25, Page 38)	1887		36.5	Irrigation and stock	Unnamed ditches	Kiger, Cucamonga, and McCoy Creeks	36.5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23, T. 29 S. R. 32 E. W. M.
Proof #7 (Findings, Paragraph 25, Page 38)	1890		28.5	Irrigation and stock	Unnamed ditches	Kiger, Cucamonga, and McCoy Creeks	28.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, T. 29 S. R. 32 E. W. M.
Bunyard, Jas. G. Voltage, Oregon Proof #47 (Findings, Paragraph 47, Page 55)				Claim Denied			
Caldwell, Myrtle Narrows, Oregon Proof #8 (Findings, Paragraph 61, Page 58)	1889		39	Irrigation	Unnamed ditches and sloughs	Donner und Blitzen River	17 acres in Lot 3 22 acres in Lot 4 Section 33, T. 26 S. R. 31 E. W. M., South of Malheur Lake.
Proof #8 (Findings, Paragraph 61, Page 58)	1890		129.5	Irrigation	Unnamed ditches and sloughs	Donner und Blitzen River	41 acres in Lot 1 48.5 acres in Lot 2 40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33, T. 26 S. R. 31 E. W. M., South of Malheur Lake.
Proof #8 (Findings, Paragraph 61, Page 58)	1892		40	Irrigation	Unnamed ditches and sloughs	Donner und Blitzen River	40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33, T. 26 S. R. 31 E. W. M., South of Malheur Lake.
Proof #9	1896		179.6	Irrigation, domestic, and stock	Caldwell Slough from Simmons Slough and an unnamed slough running NW through land	Donner und Blitzen River	40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29; 40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 39.3 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 20.3 acres in Lot 8 Section 32, T. 26 S. R. 31 E. W. M.
Comegys, Sidney Diamond, Oregon Proof #10	1898		0.5	Irrigation	Boughton Ditch	Kiger Creek	0.5 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32, T. 29 S. R. 33 E. W. M.
Dollarhide, Ross Frenchglen, Oregon Proof #11 (Findings, Paragraph 26, Page 39)	1874		80	Irrigation	R. A. Smith Ditch and natural sloughs	Swamp, Kiger, and McCoy Creeks	40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, T. 29 S. R. 32 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
Dollarhide, Ross (Continued) Proof #11 (Findings, Paragraph 26, Page 39)	1887		24	Irrigation	R. A. Smith Ditch and natural sloughs	Swamp, Kiger, and McCoy Creeks	24 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23, T. 29 S. R. 32 E. W. M.
Dunn, P. F., Estate of Mrs. P. F. Dunn, Ad- ministratrix Vantage, Oregon Proof #12	August, 1888		90	Irrigation, domestic, and stock	Simmons Slough	Donner und Blitzen River	10 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28; 40 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33, T. 26 S. R. 31 E. W. M., South of Malheur Lake.
Proof #13	August, 1888		230	Irrigation, domestic, and stock	Natural sloughs and swales	Donner und Blitzen River	40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 30 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 $\frac{1}{4}$ Section 28; 40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 33, T. 26 S. R. 31 E. W. M., South of Malheur Lake.
Proof #14	May, 1904		88.4	Irrigation, domestic, and stock	Natural sloughs and swales	Donner und Blitzen River	19.4 acres in Lot 1 Section 28; 29 acres in Lot 6 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, T. 26 S. R. 31 E. W. M., South of Malheur Lake.
Proofs #15 and 16 (Findings, Paragraph 27, Page 40)				Claims Denied			
Proof #17 (Findings, Paragraph 27, Page 40)	1893		140	Irrigation, domestic, and stock	Natural sloughs and swales	Donner und Blitzen River	23.4 acres in Lot 3 9.6 acres in Lot 4 40 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 18 acres in Lot 2 Section 29; 4 acres in Lot 8 Section 30; 5 acres in Lot 9 Section 32, T. 26 S. R. 31 E. W. M., South of Malheur Lake.
Dunn, W. J. Narrows, Oregon Proof #18 (Findings, Paragraph 15, Page 27)	1886		125	Irrigation, domestic, and stock	Unnamed sloughs	Donner und Blitzen River	40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 15, T. 27 S. R. 31 E. W. M.
Proof #18 (Findings, Paragraph 15, Page 27)	1889		786.2	Irrigation, domestic, and stock	Unnamed sloughs	Donner und Blitzen River	40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 21.5 acres in Lot 7 Section 32; 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 $\frac{1}{4}$ 31.5 acres in Lot 7

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
Dunn, W. J. (Continued) Proof #18							39 acres in Lot 8 41 acres in Lot 1 18 acres in Lot 5 22.5 acres in Lot 6 Section 33; 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 $\frac{1}{4}$ 38.7 acres in Lot 7 41.3 acres in Lot 2 11 acres in Lot 8 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 42.8 acres in Lot 3 40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34; 19.2 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 19.7 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 35; T. 26 S. R. 31 E. W. M., South of Malheur Lake.
Proof #19 (Findings, Paragraph 15, Page 27)	1886		125	Irrigation, domestic, and stock	Unnamed sloughs	Donner und Blitzen River	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 $\frac{1}{4}$ 5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15; T. 27 S. R. 31 E. W. M.
Frazier, Chas. W. Burns, Oregon Proof #21 (Findings, Paragraph 30, Page 42)	1885		85.3	Irrigation and stock	Unnamed ditches	McCoy Creek	31.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2; 16.3 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11; 16.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 21.3 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12; T. 30 S. R. 32 E. W. M.
Proof #21 (Findings, Paragraph 30, Page 42)	1887		3	Irrigation and stock	Unnamed ditches	McCoy Creek	3 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12; T. 30 S. R. 32 E. W. M.
Proof #21 (Findings, Paragraph 30, Page 42)	1888		16.9	Irrigation and stock	Unnamed ditches	McCoy Creek	16.9 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12; T. 30 S. R. 32 E. W. M.
Graves, D. S., Estate of, by Ethel Graves Lawen, Oregon Proof #43 (Findings, Paragraph 44, Page 54)	1886		300	Irrigation	Natural overflow	Donner und Blitzen River	300 acres of unsurveyed lands within the meandered boundaries of Malheur Lake, which lands would be lo- cated in Sections 14 and 15, Township 26 South, Range 31 East, W. M., south of Malheur Lake, if the general land survey were extended.
Griffin, Mary Burns, Oregon Proof #49 (Findings, Paragraph 49, Page 55)				Claim Denied			

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
Haines, Wilbur E. Diamond, Oregon Proof #51 (Findings, Paragraph 13, Page 18)	1874		419.9	Irrigation, domestic, and stock	Unnamed ditches	Kiger Creek	40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 32; 35.3 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 11.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, T. 29 S. R. 33 E. W. M.  28.5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 15.4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3; 39.7 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 39.4 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4; 40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 30.8 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 5; 16 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 3.3 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10, T. 30 S. R. 33 E. W. M.
Proof #51 (Findings, Paragraph 13, Page 18)	1882		48.8	Irrigation, domestic, and stock	Unnamed ditches	Kiger Creek	40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 8.8 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4, T. 30 S. R. 33 E. W. M.
Proof #51 (Findings, Paragraph 13, Page 18)	1885		4	Irrigation, domestic, and stock	Unnamed ditches	Kiger Creek	4 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 5, T. 30 S. R. 33 E. W. M.
Proof #51 (Findings, Paragraph 13, Page 18)	1886		29.7	Irrigation, domestic, and stock	Unnamed ditches	Kiger Creek	26.3 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 3.4 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, T. 30 S. R. 33 E. W. M.
Proof #51 (Findings, Paragraph 13, Page 18)	1887		18.9	Irrigation, domestic, and stock	Unnamed ditches	Kiger Creek	18.9 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3, T. 30 S. R. 33 E. W. M.
Proof #51 (Findings, Paragraph 13, Page 18)	1889		23.4	Irrigation, domestic, and stock	Unnamed ditches	Kiger Creek	9.3 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 14.1 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10, T. 30 S. R. 33 E. W. M.
Proof #51 (Findings, Paragraph 13, Page 18)	1891		43.7	Irrigation, domestic, and stock	Unnamed ditches	Kiger Creek	19.1 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4; 24.6 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 5, T. 30 S. R. 33 E. W. M.
Haley, W. S., and Haley, E. T. Narrows, Oregon Proof #48 (Findings, Paragraph 48, Page 55)				Claim Denied			

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
Hill Brothers, a partnership composed of Lloyd Hill and Lyle Hill, Voltage, Oregon Proof #22 (Findings, Paragraph 31, Page 43)	1888		190.7	Irrigation and stock	Bull Field Ditch	Donner und Blitzen River	8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26; 19.2 acres in Lot 1 30.9 acres in Lot 2 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 27; 40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 34; 12.6 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 35, T. 26 S. R. 31 E. W. M., South of Malheur Lake.
Proof #22 (Findings, Paragraph 31, Page 43)	1888		295.4	Irrigation and stock	Dam and natural overflow	Donner und Blitzen River	40.1 acres in Lot 1 41.4 acres in Lot 2 11.4 acres in Lot 3 23.1 acres in Lot 4 32 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26; 40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 27.4 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 35, T. 26 S. R. 31 E. W. M., South of Malheur Lake.
Proof #45 (Findings, Paragraph 31, Page 43)	1887		600	Irrigation	Dams and overflow from lands above	Donner und Blitzen River	600 acres of unsurveyed lands within the meandered boundaries of Malheur Lake and designated as Tract #17 on the official maps prepared by the State Engineer in connection with this proceeding.
Horton, Dean, and Horton, Marion Diamond, Oregon Proof #23 (Findings, Paragraph 32, Page 46)	1886		16.4	Irrigation	Unnamed ditch and natural overflow	Swamp Creek	16.4 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28, T. 29 S. R. 33 E. W. M.
Hutchinson, R. W. Voltage, Oregon Proof #62 (Findings, Paragraph 54, Page 56)	1887		83.7	Irrigation	Natural overflow	Donner und Blitzen River	83.7 acres of unsurveyed lands within the meandered boundaries of Malheur Lake and designated as Tract #15 on the official maps prepared by the State Engineer in connection with this proceeding.
Jenkins, John R. Diamond, Oregon Proof #52 (Findings, Paragraph 13, Page 18)	1872		200	Irrigation, domestic, and stock	McCoy Ditch	McCoy Creek	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 $\frac{1}{4}$ Section 25; 40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26, T. 29 S. R. 32 E. W. M.
			580	68.			

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
Jenkins, John R. (Continued) Proof #52 (Findings, Paragraph 13, Page 18)	1876		223.2	Irrigation, domestic, and stock	McCoy Ditch	McCoy Creek	40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 23.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36, T. 29 S. R. 32 E. W. M.
Proof #52 (Findings, Paragraph 13, Page 18)	1881		40	Irrigation, domestic, and stock	McCoy Ditch	McCoy Creek	40 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36, T. 29 S. R. 32 E. W. M.
Proof #52 (Findings, Paragraph 13, Page 18)	1888		87.8	Irrigation, domestic, and stock	McCoy Ditch	McCoy Creek	40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 23.6 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 24.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 35, T. 29 S. R. 32 E. W. M.
Kado, Joe, and Kado, Sarah Narrows, Oregon Proof #24 (Findings, Paragraph 12, Page 17)	1888	2.65 (April 1 to August 15)	212	Irrigation	Kado Ditch and dams	Main east channel of Donner und Blitzen River	20.5 acres in Lot 11 13.8 acres in Lot 12 32.2 acres in Lot 10 40 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 39 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 5.8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 20.7 acres in Lot 7 Section 36, T. 26 S. R. 31 E. W. M., South of Malheur Lake.
Kidwell, Carrie Narrows, Oregon Proof #25 (Findings, Paragraph 33, Page 46)	1897		113.3	Irrigation, domestic, and stock	Unnamed sloughs	Donner und Blitzen River	21.1 acres in Lot 16 14.7 acres in Lot 15 37.5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30, T. 26 S. R. 31 E. W. M., South of Malheur Lake.
Proof #25 (Findings, Paragraph 33, Page 46)	1909		35	Irrigation, domestic, and stock	Unnamed sloughs	Donner und Blitzen River	29.2 acres in Lot 9 5.8 acres in Lot 10 Section 30, T. 26 S. R. 31 E. W. M., South of Malheur Lake.
McGowan, Julia Reno, Nevada By Wm. H. Huffmann, Agent, Burns, Ore. Proof #46 (Findings, Paragraph 46, Page 54)				Claim Denied			

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
McKee, James Plush, Oregon Proof #29 (Findings, Paragraph 36, Page 48)	1884		72	Irrigation and stock	Unnamed ditches	Swamp and Kiger Creeks	1.5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 37 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 33.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24, T. 29 S. R. 32 E. W. M.
Proof #29 (Findings, Paragraph 36, Page 48)	1885		71.9	Irrigation and stock	Unnamed ditches	Swamp and Kiger Creeks	39.8 acres in Lot 4 32.1 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 19, T. 29 S. R. 33 E. W. M.
Proof #29 (Findings, Paragraph 36, Page 48)	1887		80	Irrigation and stock	Unnamed ditches	Swamp and Kiger Creeks	40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25, T. 29 S. R. 32 E. W. M.
Mackey, Pete Diamond, Oregon Proof #26	1874		110.1	Irrigation and stock	Mart Brenton Ditch and two unnamed ditches and dredged canal	McCoy and Kiger Creeks	40 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 30.1 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26, T. 29 S. R. 32 E. W. M.
Marshall, A. L. Voltage, Oregon Proof #27 (Findings, Paragraph 34, Page 47)				Claim Denied			
Marshall, Culver H., & Marshall, Violet W. Voltage, Oregon Proof #28 (Findings, Paragraph 35, Page 47)	1888		155.7	Irrigation and stock	Natural overflow, dams, and ditches	Donner und Blitzen River	13.4 acres in Lot 1 25.5 acres in Lot 2 46.8 acres in Lot 3 30 acres in Lot 4 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25, T. 26 S. R. 31 E. W. M., South of Malheur Lake.
Marshall, Culver H. Voltage, Oregon Proof #61 (Findings, Paragraph 35, Page 47)	1888		600	Irrigation	Natural overflow	Donner und Blitzen River	600 acres of unsurveyed lands within the meandered boundaries of Malheur Lake and designated as Tract #22 on the official maps prepared by the State Engineer in connection with this proceeding.

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
Moore, Myrtle Diamond, Oregon Proof #30 (Findings, Paragraph 37, Page 50)	1872		40	Irrigation	Unnamed ditches and Mart Brenton Ditch	McCoy Creek	40 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26, T. 29 S. R. 32 E. W. M.
Proof #30 (Findings, Paragraph 37, Page 50)	1885		37.2	Irrigation	Unnamed ditches and Mart Brenton Ditch	McCoy Creek	28.3 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 8.9 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26, T. 29 S. R. 32 E. W. M.
Proof #30	1900			Stock	Diamond Canal	Kiger Creek	SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26, T. 29 S. R. 32 E. W. M.
Porter, John Diamond, Oregon Proof #31	1874		75.6	Irrigation and stock	Unnamed ditch from McCoy Creek and unnamed ditch and overflow from Kiger Creek	Kiger and McCoy Creeks	40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 35.6 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, T. 29 S. R. 32 E. W. M.
Pugsley, R. F. Diamond, Oregon Proof #32 (Findings, Paragraph 38, Page 50)	1880		29.8	Irrigation	Diamond Canal	McCoy, Kiger, Cucamonga, and Swamp Creeks	12.6 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 17.2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21, T. 29 S. R. 32 E. W. M.
NOTE: This water right is subsequent and inferior to the rights of all other claimants within the Diamond area.							
Reed, Charles V. Burns, Oregon Proof #33 (Findings, Paragraph 39, Page 51)	1897		73.8	Irrigation	Natural overflow and sloughs	Donner und Blitzen River	13.8 acres in Lot 2 20 acres in Lot 3 40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28, T. 26 S. R. 31 E. W. M., South of Malheur Lake.
Reineman, Albert A., Estate of, by Albert A. Reineman, Jr., Agent, Burns, Oregon Proof #34	July 9, 1897		37.6	Irrigation	Natural overflow	Donner und Blitzen River	37.6 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29, T. 26 S. R. 31 E. W. M., South of Malheur Lake.
Proof #35	Spring of 1900		165.1	Irrigation	Natural overflow	Donner und Blitzen River	45.1 acres in Lot 5 40 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, T. 26 S. R. 31 E. W. M., South of Malheur Lake.

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
Silvey, Nathaniel L. Diamond, Oregon Proof #36 (Findings, Paragraph 40, Page 51)	1881		147.8	Irrigation, domestic, and stock	High-Line Ditch, Main Ditch, and Frazier's High-Line Ditch	McCoy Creek	40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 37.8 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 34 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 36 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 36, T. 29 S. R. 32 E. W. M.
Proof #36 (Findings, Paragraph 40, Page 51)	1882		112.6	Irrigation, domestic, and stock	High-Line Ditch, Main Ditch, and Frazier's High-Line Ditch	McCoy Creek	40 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 37.5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 12.5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1; 5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 17.6 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2, T. 30 S. R. 32 E. W. M.
Proof #36 (Findings, Paragraph 40, Page 51)	1887		8.5	Irrigation, domestic, and stock	High-Line Ditch	McCoy Creek	8.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 1, T. 30 S. R. 32 E. W. M.
Proof #36 (Findings, Paragraph 40, Page 51)	1888		6.4	Irrigation, domestic, and stock	High-Line Ditch	McCoy Creek	6.4 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, T. 29 S. R. 32 E. W. M.
Proof #36 (Findings, Paragraph 40, Page 51)	1897		14.4	Irrigation, domestic, and stock	High-Line Ditch	McCoy Creek	14.4 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, T. 29 S. R. 32 E. W. M.
Smith, R. A., and Smith, Elizabeth Diamond, Oregon Proof #37 (Findings, Paragraph 41, Page 52)	1872		200	Irrigation and stock	Unnamed ditches and dams	Kiger, Swamp, Cucamonga, and McCoy Creeks	40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24; 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 SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25, T. 29 S. R. 32 E. W. M.
Proof #37 (Findings, Paragraph 41, Page 52)	1887		175.3	Irrigation and stock	Unnamed ditches and dams	Kiger, Swamp, Cucamonga, and McCoy Creeks	4 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 15 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 36.3 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24; 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 NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25, T. 29 S. R. 32 E. W. M.
Proof #37 (Findings, Paragraph 41, Page 52)	1888		40	Irrigation and stock	Unnamed ditches and dams	Kiger, Swamp, Cucamonga, and McCoy Creeks	40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24, T. 29 S. R. 32 E. W. M.
Smyth, Claud H., and Smyth, Grace Diamond, Oregon Proof #38	1874		240	Irrigation and stock	Dams and ditches	McCoy and Kiger Creeks	40 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25; 40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26, T. 29 S. R. 32 E. W. M.
NOTE: The use of water for stock purposes is from Kiger Canal crossing the lands of claimant, with a priority of 1900.							

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
Smyth, Claud H. Diamond, Oregon Proof #39	1901		1	Irrigation and domestic	Unnamed ditch	Kiger Creek	1 acre in SE cor. of NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32, T. 29 S. R. 33 E. W. M., surrounding the "Diamond" or "Smyth" Hotel.
Smyth, D. H., Sr. Diamond, Oregon Proof #60 and amendment thereto #53 A (Findings, Paragraph 53, Page 56)				Claim Denied			
Smyth, Fred W. Diamond, Oregon Proof #53 (Findings, Paragraph 13, Page 18)	1884		147.9	Irrigation, domestic, and stock	Unnamed ditches	Kiger Creek	40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 27.9 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32, T. 29 S. R. 33 E. W. M.
Proof #53 (Findings, Paragraph 13, Page 18)	1885		264.4	Irrigation, domestic, and stock	Unnamed ditches	Kiger Creek	40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 32.6 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 9.7 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 39.7 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 22.4 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 31, T. 29 S. R. 33 E. W. M.
Proof #53 (Findings, Paragraph 13, Page 18)	1886		82.7	Irrigation, domestic, and stock	Unnamed ditches	Kiger and Cucamonga Creeks	7.1 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 39.9 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 16.2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 16.1 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 3.4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5, T. 30 S. R. 33 E. W. M.
Proof #53 (Findings, Paragraph 13, Page 18)	1887		14.7	Irrigation, domestic, and stock	Unnamed ditches	Kiger and Cucamonga Creeks	14.7 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, T. 30 S. R. 33 E. W. M.
Proof #53 (Findings, Paragraph 13, Page 18)	1888		252.3	Irrigation, domestic, and stock	Unnamed ditches	Kiger and Cucamonga Creeks	40 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 19.4 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5; 39.9 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 39.6 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 17.1 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 16.3 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 6, T. 30 S. R. 33 E. W. M.

NOTE: None of the lands described herein above under Proof #53 shall be irrigated from the waters of Cucamonga Creek, other than those located in Sections 5 and 6, T. 30 S., R. 33 E., W. M., except as to such water from said creek which may naturally commingle with the waters of Kiger Creek without a direct diversion.

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
Smyth, Fred W. (Continued) Proof #54 (Findings, Paragraph 13, Page 18)	1900		139.4	Irrigation, domestic, and stock	Unnamed ditch	Kiger Creek	40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 21.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 37.9 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 32, T. 29 S. R. 33 E. W. M.
Proof #55 (Findings, Paragraph 13, Page 18)	1872		40	Irrigation, domestic, and stock	Unnamed ditches	Kiger, Cucamonga, and Swamp Creeks	40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25, T. 29 S. R. 32 E. W. M.
Proof #55 (Findings, Paragraph 13, Page 18)	1874		155	Irrigation, domestic, and stock	Unnamed ditches	Kiger, Cucamonga, and Swamp Creeks	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 $\frac{1}{4}$ 35 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 31, T. 29 S. R. 33 E. W. M.
Proof #55 (Findings, Paragraph 13, Page 18)	1882		50	Irrigation, domestic, and stock	Unnamed ditches	Kiger, Cucamonga, and Swamp Creeks	40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 10 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, T. 29 S. R. 32 E. W. M.
Proof #55 (Findings, Paragraph 13, Page 18)	1884		578.4	Irrigation, domestic, and stock	Unnamed ditches	Kiger, Cucamonga, and Swamp Creeks	4.7 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 12.8 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 29; 40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30; 40 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.9 acres in Lot 2 40 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31; 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 32, T. 29 S. R. 33 E. W. M.
Proof #55 (Findings, Paragraph 13, Page 18)	1885		78.6	Irrigation, domestic, and stock	Unnamed ditches	Kiger, Cucamonga, and Swamp Creeks	38.6 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, T. 29 S. R. 33 E. W. M.
Proof #55 (Findings, Paragraph 13, Page 18)	1886		125	Irrigation, domestic, and stock	Unnamed ditches	Kiger, Cucamonga, and Swamp Creeks	40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 11.6 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29; 13.4 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 20 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30, T. 29 S. R. 33 E. W. M.
Proof #55 (Findings, Paragraph 13, Page 18)	1889		151.6	Irrigation, domestic, and stock	Unnamed ditches	Kiger, Cucamonga, and Swamp Creeks	40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25, T. 29 S. R. 32 E. W. M. 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.1 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 30; 31.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32, T. 29 S. R. 33 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
Smyth, Fred W. (Continued) Proof #55 (Findings, Paragraph 13, Page 18)	1895		160	Irrigation, domestic, and stock	Unnamed ditches	Kiger, Cucamonga, and Swamp Creeks	40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29; 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30, T. 29 S. R. 33 E. W. M.
Proofs #56, 57, and 58 (Findings, Paragraph 13, Page 18)				Claims Denied			
Springer, Alva Voltage, Oregon Proof #40 (Findings, Paragraph 42, Page 53)	1888		309.1	Irrigation	Bull Field Ditch and unnamed ditch	Donner und Blitzen River and from spring in Lot 6, Sec. 35, T. 26 S. R. 31 E. W. M., South of Malheur Lake.	38.2 acres in Lot 5 37.7 acres in Lot 6 Section 34; 8.2 acres in Lot 5 19.5 acres in Lot 6 3.8 acres in Lot 7 41.7 acres in Lot 8 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 SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 35, T. 26 S. R. 31 E. W. M., South of Malheur Lake.
State of Oregon Salem, Oregon Proof #64 (Findings, Paragraph 60, Page 58)				Claim Denied			
U. S. Department of Agriculture, Biological Survey, U. S. Court House Portland, Oregon Proof #41 (Findings, Paragraph 59, Page 58, and Paragraph 43, Page 53)	August 18, 1908	200 sec.-ft.		Breeding and nesting place for migratory birds	Natural overflow	Donner und Blitzen River	All smallest legal subdivisions which touch the shore line of Lakes Malheur and Harney and the streams and waters connecting these lakes in Township 25 South, Ranges 32, 32 $\frac{1}{2}$ , and 33; Township 26 South, Ranges 29, 30, 31, 32, and 33; Township 27 South, Ranges 29, 29 $\frac{1}{2}$ , 30, and 32, all East of the Willamette Meridian, Oregon, together with all islands and unsurveyed lands situated within the meander lines of said lakes and connecting waters, excepting that portion lying west of The Narrows which is approximately a line running from between Sections 34 and 35, Township 26 South, Range 30 East, on the south to a line between Sections 26 and 27, Township 26 South, Range 31 East, W. M., on the north.

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
U. S. Department of Agriculture, Biological Survey, (Successors to Eastern Oregon Live Stock Company) U. S. Court House Portland, Oregon Proof #20 (Findings, Paragraph 17, Page 30)	1872	18,813.9		Irrigation, domestic, and stock	Blitzen, Stubblefield, Busse, Buena Vista, Warm Springs, Bridge Creek, and Diamond Canals and laterals therefrom. Natural sloughs, channels, and dams.	Donner und Blitzen River	20.4 acres in NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 34.4 acres in SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 40 acres in NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> 40 acres in SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> Section 2; 41 acres in Lot 1 40.9 acres in Lot 2 40 acres in SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 40 acres in SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 40.9 acres in Lot 3 40.8 acres in Lot 4 40 acres in SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 40 acres in SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 40 acres in NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> 40 acres in NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> 40 acres in SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> 40 acres in SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> 40 acres in NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> 40 acres in NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> 40 acres in SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> 40 acres in SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> Section 3; 40.7 acres in Lot 1 40.6 acres in Lot 2 40 acres in SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 40 acres in SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 40.5 acres in Lot 3 40 acres in NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> 40 acres in NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> 40 acres in SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> 40 acres in SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> Section 4; 40 acres in NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 40 acres in SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> Section 9; 40 acres in NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 40 acres in NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 40 acres in SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 40 acres in SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> 40 acres in NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 40 acres in NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 40 acres in SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 40 acres in SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 40 acres in NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> 40 acres in NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> 40 acres in SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> 40 acres in SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> 40 acres in NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> 40 acres in NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> 40 acres in SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> 40 acres in SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> Section 10; 30.9 acres in NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> 18.8 acres in SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> Section 11, T. 27 S. R. 31 E. W. M. 40 acres in NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> 40 acres in NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> 40 acres in SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> 40 acres in SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> 27.8 acres in NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> 40 acres in SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> Section 25; 40 acres in SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> 40 acres in SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> Section 26; 40 acres in SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> 40 acres in SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> Section 27, T. 28 S. R. 31 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
U. S. Department of Agriculture, Biological Survey, (Continued) Proof #20	1872 (Continued)						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 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 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in 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 28; 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 $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33; 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 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 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34; 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 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 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35, T. 28 S. R. 31 E. W. M. 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 $\frac{1}{4}$ 36.7 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 37.3 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1; 40 acres in NE $\frac{1}{4}$ 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 $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in 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 2, T. 29 S. R. 31 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
U. S. Department of Agriculture, Biological Survey, (Continued) Proof #20	1872 (Continued)						40 acres in Lot 1 40 acres in Lot 2 40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 39.8 acres in Lot 3 40 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3; 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 $\frac{1}{4}$ 31 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10; 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 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 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in 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 11; 38.2 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in 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 12; 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 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 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in 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 13; 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 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 $\frac{1}{4}$ 20.6 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 25.5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$

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
U. S. Department of Agriculture, Biological Survey, (Continued) Proof #20	1872 (Continued)						<p>40 acres in NE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  40 acres in NW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  40 acres in SW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  40 acres in SE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  Section 14;  40 acres in NE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  40 acres in SE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  29.1 acres in NE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  35 acres in NW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  21.1 acres in SE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  Section 15;  40 acres in NE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  40 acres in NW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  40 acres in SW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  40 acres in SE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  40 acres in NE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  23.5 acres in NW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  22.7 acres in SE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  40 acres in NE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  31.3 acres in NW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  6 acres in SW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  40 acres in SE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  Section 23;  34.8 acres in NE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  37.7 acres in SW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  34.5 acres in NE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  40 acres in NW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  40 acres in SW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  40 acres in SE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  23.7 acres in SW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  Section 24;  38.8 acres in NE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  40 acres in NW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  33.5 acres in SW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  Section 25;  31.8 acres in NE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  40 acres in SE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  14.8 acres in SE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  25.7 acres in NE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  33.9 acres in NW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  37.5 acres in SW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  Section 26;  29 acres in SE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  Section 34;  30 acres in NE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  12.7 acres in NW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  Section 35,  T. 29 S. R. 31 E. W. M.  28.8 acres in SW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  38.5 acres in NE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  34.6 acres in Lot 3  34.9 acres in Lot 4  40 acres in SE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  40 acres in NE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  40 acres in NW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  40 acres in SW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  40 acres in SE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  Section 7;  33.3 acres in NW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  40 acres in SW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  36.9 acres in SE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  Section 8;  40 acres in SW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  40 acres in SE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  29.7 acres in SW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  Section 15,  T. 29 S. R. 32 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
U. S. Department of Agriculture, Biological Survey, (Continued) Proof #20	1872 (Continued)						<p>28.5 acres in NW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></p> <p>40 acres in SW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></p> <p>40 acres in SE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></p> <p>40 acres in NE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math></p> <p>40 acres in NW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math></p> <p>40 acres in SW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math></p> <p>40 acres in SE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math></p> <p>40 acres in NE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math></p> <p>40 acres in NW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math></p> <p>40 acres in SW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math></p> <p>40 acres in SE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math></p> <p>40 acres in NE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math></p> <p>40 acres in NW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math></p> <p>40 acres in SW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math></p> <p>40 acres in SE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math></p> <p>Section 17;</p> <p>40 acres in NE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></p> <p>40 acres in NW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></p> <p>40 acres in SW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></p> <p>40 acres in SE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></p> <p>40 acres in NE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math></p> <p>35.1 acres in Lot 1</p> <p>35.3 acres in Lot 2</p> <p>40 acres in SE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math></p> <p>40 acres in NE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math></p> <p>35.5 acres in Lot 3</p> <p>35.7 acres in Lot 4</p> <p>40 acres in SE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math></p> <p>40 acres in NE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math></p> <p>40 acres in NW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math></p> <p>40 acres in SW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math></p> <p>40 acres in SE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math></p> <p>Section 18;</p> <p>40 acres in NE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></p> <p>40 acres in NW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></p> <p>40 acres in SW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></p> <p>40 acres in SE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></p> <p>40 acres in NE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math></p> <p>35.9 acres in Lot 1</p> <p>35.3 acres in Lot 2</p> <p>40 acres in SE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math></p> <p>Section 19;</p> <p>40 acres in NE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></p> <p>40 acres in NW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></p> <p>40 acres in SW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></p> <p>40 acres in SE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></p> <p>40 acres in NE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math></p> <p>40 acres in NW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math></p> <p>40 acres in SW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math></p> <p>40 acres in SE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math></p> <p>40 acres in NE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math></p> <p>40 acres in NW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math></p> <p>40 acres in NW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math></p> <p>Section 20;</p> <p>40 acres in NE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></p> <p>40 acres in NW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></p> <p>40 acres in SW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></p> <p>40 acres in SE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></p> <p>40 acres in NE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math></p> <p>40 acres in NW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math></p> <p>36.5 acres in SW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math></p> <p>40 acres in SE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math></p> <p>40 acres in NE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math></p> <p>40 acres in NW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math></p> <p>Section 21;</p> <p>40 acres in NW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math></p> <p>40 acres in SW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math></p> <p>40 acres in NW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math></p> <p>28.3 acres in SW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math></p> <p>Section 22;</p> <p>27 acres in NW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></p> <p>40 acres in NE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math></p> <p>29.6 acres in NW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math></p> <p>Section 29,</p> <p>T. 29 S. R. 32 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
U. S. Department of Agriculture, Biological Survey, (Continued) Proof #20	1872 (Continued)						<p>26 acres in SE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math></p> <p>30 acres in SW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math></p> <p>Section 3;</p> <p>26.8 acres in NE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></p> <p>22.4 acres in NE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math></p> <p>24.2 acres in SE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math></p> <p>39.7 acres in NE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math></p> <p>32 acres in SE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math></p> <p>40 acres in NE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math></p> <p>40 acres in NW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math></p> <p>27 acres in SE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math></p> <p>Section 10;</p> <p>40 acres in NW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math></p> <p>40 acres in SW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math></p> <p>37.8 acres in SE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math></p> <p>Section 11;</p> <p>40 acres in NW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></p> <p>22.8 acres in SW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></p> <p>37.8 acres in NE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math></p> <p>40 acres in NE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math></p> <p>20.2 acres in NW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math></p> <p>37.4 acres in SE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math></p> <p>Section 14;</p> <p>23.6 acres in SE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math></p> <p>35 acres in NE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math></p> <p>40 acres in SE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math></p> <p>29.8 acres in NW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math></p> <p>32.2 acres in SW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math></p> <p>Section 15;</p> <p>40 acres in NE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math></p> <p>40 acres in SE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math></p> <p>40 acres in NE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math></p> <p>37 acres in NW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math></p> <p>40 acres in SW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math></p> <p>40 acres in SE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math></p> <p>40 acres in SE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math></p> <p>Section 22;</p> <p>18.8 acres in NE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></p> <p>20 acres in NE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math></p> <p>Section 24;</p> <p>40 acres in NE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></p> <p>40 acres in NW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></p> <p>40 acres in SW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></p> <p>40 acres in SE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></p> <p>40 acres in NE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math></p> <p>40 acres in NW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math></p> <p>40 acres in SW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math></p> <p>40 acres in SE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math></p> <p>40 acres in NE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math></p> <p>40 acres in NW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math></p> <p>40 acres in SW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math></p> <p>40 acres in SE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math></p> <p>40 acres in NW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math></p> <p>40 acres in SW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math></p> <p>Section 27;</p> <p>37.8 acres in NE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math></p> <p>40 acres in SE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math></p> <p>Section 28;</p> <p>40 acres in NE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></p> <p>16 acres in NW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></p> <p>32.9 acres in SE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></p> <p>39.5 acres in NE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math></p> <p>35.1 acres in SW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math></p> <p>40 acres in SE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math></p> <p>Section 33;</p> <p>40 acres in NW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></p> <p>40 acres in SW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></p> <p>40 acres in NE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math></p> <p>40 acres in NW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math></p> <p>40 acres in SW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math></p> <p>40 acres in SE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math></p> <p>40 acres in NE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math></p> <p>40 acres in NW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math></p> <p>40 acres in SW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math></p> <p>40 acres in SE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math></p> <p>40 acres in NW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math></p> <p>Section 34,</p> <p>T. 30 S. R. 31 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
U. S. Department of Agriculture, Biological Survey, (Continued) Proof #20	1872 (Continued)						35.3 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5; 3.6 acres in Lot 2 3.5 acres in Lot 1 3.3 acres in Lot 4 3.2 acres in Lot 3 34.2 acres in Lot 5 34.4 acres in Lot 6 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6; 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 $\frac{1}{4}$ SW $\frac{1}{4}$ 34.2 acres in Lot 4 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7; 31.4 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 39.8 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 36.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 37.9 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8; 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 $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17; 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 $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18; 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 $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ 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 19; 40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 39.6 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 35.9 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 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 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 34.3 acres in Lot 4 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$

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
U. S. Department of Agriculture, Biological Survey, (Continued) Proof #20	1872 (Continued)						40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in 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 20; 40 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21; 39 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28; 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 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 $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29; 40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 35 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 32.2 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 39.7 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 30.7 acres in Lot 1 29.2 acres in Lot 2 39.2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 30.8 acres in Lot 3 32.5 acres in Lot 4 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 27.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30; 18.7 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 37.5 acres in SW $\frac{1}{4}$ 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 $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32, T. 31 S. R. 32 $\frac{1}{2}$ E. W. M.  32.8 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 36.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 39.1 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 36.7 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 31, T. 31 S. R. 32 $\frac{1}{2}$ E. W. M.  40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1; 40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 29 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 17.6 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12, T. 32 S. R. 32 E. W. M.
	1877		1,166.1				

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
U. S. Department of Agriculture, Biological Survey, (Continued) Proof #20	1877 (Continued)						38.2 acres in Lot 4 40 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 5; 39.6 acres in Lot 1 39.7 acres in Lot 2 40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 34.2 acres in Lot 7 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 6; 40 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 34.2 acres in Lot 1 34.1 acres in Lot 2 40 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 34.1 acres in Lot 3 Section 7, T. 32 S. R. 32 $\frac{1}{2}$ E. W. M.
	1881		640				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 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 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in 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 36, T. 31 S. R. 32 E. W. M.
	1882		109.4				16 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 8.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 1 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 12.2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 12 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 7 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 2 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 1.7 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 13.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 12.8 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16, T. 28 S. R. 31 E. W. M. ✓  22.7 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, T. 31 S. R. 32 $\frac{1}{2}$ E. W. M.
	1883		687.5				12.9 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 18.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 3.8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 20, T. 30 S. R. 32 E. W. M.  40 acres in Lot 1 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1, T. 32 S. R. 32 E. W. M.  33.9 acres in Lot 4 34 acres in Lot 5 40 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 34.1 acres in Lot 6 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 6;
			596	84.			

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
U. S. Department of Agriculture, Biological Survey, (Continued) Proof #20	1883 (Continued)						40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 37.8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7; 25.1 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 7.1 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8, T. 32 S. R. 32 $\frac{1}{2}$ E. W. M.
	1884		162				1.4 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 23.5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16; 34.5 acres in Lot 1 34.3 acres in Lot 2 34.2 acres in Lot 3 34.1 acres in Lot 4 Section 31, T. 31 S. R. 32 $\frac{1}{2}$ E. W. M.
	1885		3,634				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 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 15; 40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 10.6 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 27.2 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 37.6 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 9.6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 15.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 6 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 15.2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 1 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 39 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 36.4 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 28.2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16; 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 20; ✓ 14.8 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 33.2 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 31.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 0.3 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 36 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 16 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21; 7.4 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 13.2 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 21.2 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 2.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27; 13.4 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 12.4 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 14.8 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 26.2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28;

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
U. S. Department of Agriculture, Biological Survey, (Continued) Proof #20	1885 (Continued)						<p>8 acres in NE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  17.2 acres in NW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  10.1 acres in SW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  8.7 acres in SE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  7.2 acres in NE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  25.4 acres in NW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  7 acres in SW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  7.2 acres in SE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  Section 33,  T. 27 S. R. 31 E. W. M.</p> <p>16.7 acres in Lot 3  8.2 acres in Lot 4  9.2 acres in SW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  16.8 acres in SE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  Section 3;  4 acres in Lot 3  16.8 acres in Lot 4  Section 4;  40 acres in NE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  27.6 acres in NW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  25.4 acres in SW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  40 acres in SE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  Section 8;  26.2 acres in NE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  40 acres in NW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  34.8 acres in SW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  35.4 acres in SE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  24.4 acres in NE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  37.2 acres in NW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  35.2 acres in SW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  4.8 acres in SE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  Section 9;  3 acres in NE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  15.6 acres in NW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  1.8 acres in SW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  15.6 acres in SE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  Section 10;  4 acres in NW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  2.4 acres in NW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  9.6 acres in SW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  Section 15;  40 acres in NE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  36.2 acres in NW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  36.3 acres in SW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  40 acres in SE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  22 acres in NE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  12.2 acres in NW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  10.3 acres in SW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  12 acres in SE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  29.7 acres in NE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  26.8 acres in NW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  8.2 acres in SW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  26.4 acres in SE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  Section 17;  24.4 acres in NE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  11.4 acres in NW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  4.4 acres in SE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  Section 20;  12.4 acres in NE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math> ✓  14.6 acres in NW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  2.8 acres in SW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  22.8 acres in SE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  Section 21;  9.2 acres in NW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  22.2 acres in SW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  18.4 acres in NE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  17.4 acres in NW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  Section 22;</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
U. S. Department of Agriculture, Biological Survey, (Continued) Proof #20	1885 (Continued)						<p>28 acres in NE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  38 acres in NW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  40 acres in SW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  40 acres in SE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  40 acres in NE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  40 acres in NW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  40 acres in SW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  40 acres in SE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  Section 26;  40 acres in SW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  40 acres in SE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  40 acres in NE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  40 acres in NW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  Section 27,  T. 28 S. R. 31 E. W. M.</p> <p>12.4 acres in SE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  Section 24,  T. 30 S. R. 31 E. W. M.</p> <p>11.3 acres in NE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  1 acre in NW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  17 acres in SW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  0.4 acre in SE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  Section 19,  T. 30 S. R. 32 E. W. M.</p> <p>9 acres in NE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  17 acres in SE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  Section 17;  20 acres in SW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  Section 28;  40 acres in SE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  Section 29;  31.3 acres in SE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  Section 30;  27.4 acres in NW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  39.4 acres in NE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  Section 31;  4.6 acres in SE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  38.7 acres in NW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  28.5 acres in SW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  29.1 acres in NW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  31.3 acres in SW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  40 acres in SE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  13.5 acres in NE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  40 acres in SW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  8.3 acres in SE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  Section 32,  T. 31 S. R. 32<math>\frac{1}{2}</math> E. W. M.</p> <p>40 acres in Lot 2  40 acres in SW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  40 acres in NW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  Section 1,  T. 32 S. R. 32 E. W. M. ✓</p> <p>20.2 acres in Lot 1  31.1 acres in Lot 2  21.4 acres in SW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  39.8 acres in Lot 3  40 acres in SE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  34 acres in NE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  40 acres in NW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  40 acres in SW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  17.7 acres in SE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  Section 5;  40 acres in SW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  40 acres in SE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  Section 7;  38.9 acres in NW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  30 acres in SW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  Section 8,  T. 32 S. R. 32<math>\frac{1}{2}</math> E. W. M.</p>
			599	87.			

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
U. S. Department of Agriculture, Biological Survey, (Continued) Proof #20	1886		1,481.5				<p>32 acres in NW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  40 acres in SW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  40 acres in NW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  20.4 acres in SW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  Section 21;  4.2 acres in NE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  5.4 acres in SW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  13.2 acres in SE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  Section 22,  T. 27 S. R. 31 E. W. M.</p> <p>22.8 acres in NE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  19.8 acres in NW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  12.4 acres in SW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  13.4 acres in SE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  Section 4;  11.1 acres in NE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  8.7 acres in SE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  12.2 acres in NE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  12.8 acres in SE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  Section 15;  17.8 acres in SW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  32.4 acres in NE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  4.8 acres in SE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  2.7 acres in SW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  18.5 acres in SE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  Section 22;  17.3 acres in SW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  18 acres in NW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  40 acres in SW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  34.6 acres in SE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  Section 25;  40 acres in NE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  40 acres in NW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  40 acres in SW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  40 acres in SE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  40 acres in NE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  40 acres in NW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  Section 26;  40 acres in NE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  40 acres in NW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  40 acres in NE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  40 acres in NW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  40 acres in SW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  40 acres in SE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  Section 27;  40 acres in NE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  40 acres in NW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  40 acres in SW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  40 acres in SE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  40 acres in NE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  40 acres in NW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  40 acres in SW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  40 acres in SE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  Section 36,  T. 28 S. R. 31 E. W. M. ✓</p> <p>13 acres in SW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  40 acres in SE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  38.1 acres in NE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  36 acres in NW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  Section 16,  T. 29 S. R. 32 E. W. M.</p> <p>20.1 acres in SW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  Section 29;  40 acres in NW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  Section 32,  T. 31 S. R. 32<math>\frac{1}{2}</math> E. W. M.</p> <p>39.8 acres in Lot 3  Section 6,  T. 32 S. R. 32<math>\frac{1}{2}</math> 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
U. S. Department of Agriculture, Biological Survey, (Continued) Proof #20	1887 (Continued)						8 acres in Lot 1 2 acres in Lot 2 25.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 29.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 39 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 19 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 20.6 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 39.5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 7.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4; 36.8 acres in Lot 1 39.2 acres in Lot 2 40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 22.8 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 23.1 acres in Lot 3 8.6 acres in Lot 4 3.6 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 29.8 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 39 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 19 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 36 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 38 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 5; 2.8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 8.6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6; 12 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 7; 1.8 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 5.2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 1 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 38.7 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 38 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8; 0.5 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17; 0.5 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18; 2.8 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 9.4 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 9.2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 19; 20 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 16.8 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 12.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 17 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 4 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 20; 13.4 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 18 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 37 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 23.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21; 38.3 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 39.4 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 39.1 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29; 40 acres in NE $\frac{1}{4}$ 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 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 35.8 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33; 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34; 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 $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35;

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
U. S. Department of Agriculture, Biological Survey, (Continued) Proof #20	1887 (Continued)						<p>40 acres in NW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  36 acres in SW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  28.8 acres in NW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  36.7 acres in SW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  Section 36;  T. 28 S. R. 31 E. W. M.</p> <p>36.2 acres in NW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  28.7 acres in SW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  Section 1;  40 acres in NW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  Section 2;  39.6 acres in Lot 4  36.3 acres in SW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  38 acres in NE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  30 acres in SE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  Section 3;  23 acres in SE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  Section 12;  4.3 acres in NW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  5.7 acres in SE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  Section 14;  23.4 acres in NW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  36.6 acres in SW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  Section 15;  31.7 acres in SE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  Section 25;  15 acres in SW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  Section 34;  32.1 acres in NE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  37.3 acres in SE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  28.6 acres in SW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  13.4 acres in SE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  Section 35,  T. 29 S. R. 31 E. W. M.</p> <p>39.5 acres in NE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  31.1 acres in NW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  Section 15;  0.2 acre in NW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  19 acres in NE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  32.9 acres in NW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  40 acres in SW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  40 acres in NE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  40 acres in NW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  40 acres in SW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  40 acres in SE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  40 acres in SW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  40 acres in SE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  Section 16;  33.1 acres in NE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  40 acres in NE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  40 acres in NW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  40 acres in SE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  Section 19;  40 acres in SW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  40 acres in SE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  28.6 acres in NE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  19 acres in SW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  Section 20;  25.9 acres in NE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  6.4 acres in NW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  Section 21;  40 acres in NE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  40 acres in NW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  26.4 acres in SE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  Section 22,  T. 29 S. R. 32 E. W. M.</p> <p>23 acres in Lot 2  3.9 acres in SE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  10.4 acres in NE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  Section 3;</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
U. S. Department of Agriculture, Biological Survey, (Continued) Proof #20	1887 (Continued)						<p>39.5 acres in SW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math> Section 11;</p> <p>16.1 acres in SW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math></p> <p>39.2 acres in NW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math></p> <p>40 acres in SW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math></p> <p>36 acres in SE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math> Section 13;</p> <p>29.3 acres in NE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></p> <p>40 acres in SE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math> Section 14;</p> <p>8.5 acres in NE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></p> <p>34.8 acres in NW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></p> <p>40 acres in SW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></p> <p>32.3 acres in SE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></p> <p>23.4 acres in SW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math></p> <p>36.8 acres in NE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math></p> <p>40 acres in NW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math></p> <p>40 acres in SW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math> Section 22;</p> <p>17.7 acres in SW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math> Section 23;</p> <p>26.3 acres in NW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math> Section 24;</p> <p>17.6 acres in NW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math></p> <p>22.6 acres in SW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math> Section 26;</p> <p>40 acres in NE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math></p> <p>24.2 acres in SE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math> Section 27;</p> <p>28.5 acres in NW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math></p> <p>24.3 acres in SW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math> Section 28;</p> <p>26.6 acres in NE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></p> <p>40 acres in SE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></p> <p>40 acres in NE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math></p> <p>40 acres in SW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math></p> <p>40 acres in SE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math> Section 34, T. 30 S. R. 31 E. W. M.</p> <p>32.1 acres in NW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></p> <p>6.7 acres in SW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></p> <p>25.9 acres in NE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math></p> <p>0.9 acre in NW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math> Section 19, T. 30 S. R. 32 E. W. M.</p> <p>40 acres in NE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math></p> <p>40 acres in NW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math></p> <p>40 acres in SW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math></p> <p>40 acres in SE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math> Section 25, T. 31 S. R. 32 E. W. M.</p> <p>34.5 acres in Lot 1</p> <p>34.4 acres in Lot 2</p> <p>34.3 acres in Lot 3 Section 7;</p> <p>34.2 acres in Lot 1</p> <p>34.2 acres in Lot 2</p> <p>34.2 acres in Lot 3 Section 18;</p> <p>36.1 acres in SE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math></p> <p>0.5 acre in SW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math> Section 21;</p> <p>12.4 acres in NE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math> Section 28; ✓</p> <p>40 acres in NE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math> Section 30, T. 31 S. R. 32<math>\frac{1}{2}</math> E. W. M.</p> <p>6.4 acres in Lot 4 Section 4, T. 32 S. R. 32<math>\frac{1}{2}</math> 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
U. S. Department of Agriculture, Biological Survey, (Continued) Proof #20	1888		890.5				29.2 acres in Lot 1 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34, T. 26 S. R. 31 E. W. M., South of Malheur Lake.  11.6 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 22 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 17.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34, T. 27 S. R. 31 E. W. M.  11.8 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3; 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 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27, T. 28 S. R. 31 E. W. M.  11.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 3.8 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, T. 30 S. R. 31 E. W. M.  40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 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 $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25, T. 31 S. R. 32 E. W. M.  34.2 acres in Lot 1 34.3 acres in Lot 2 34.3 acres in Lot 3 Section 19, T. 31 S. R. 32 $\frac{1}{2}$ E. W. M.
	1889		1,773.1				23.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 17 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 18.4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 22, T. 27 S. R. 31 E. W. M.  16 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 22 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 12.9 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 25.4 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22, T. 28 S. R. 31 E. W. M. ✓  30.2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12; 40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 24.4 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 34.3 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 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 13;

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
U. S. Department of Agriculture, Biological Survey, (Continued) Proof #20	1889 (Continued)						<p>40 acres in NE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  40 acres in NW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  40 acres in SE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  40 acres in SW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  27 acres in NE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  30.8 acres in SE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  40 acres in NE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  40 acres in SW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  Section 24;  40 acres in NE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  40 acres in NW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  40 acres in SW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  40 acres in NW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  40 acres in SW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  Section 25;  20.1 acres in NE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  19.8 acres in SE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  17.5 acres in NE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  30.8 acres in SE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  Section 26;  39 acres in NE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  40 acres in SE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  40 acres in NE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  25.1 acres in NW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  33 acres in SW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  40 acres in SE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  Section 35,  T. 31 S. R. 32 E. W. M.</p> <p>2.7 acres in Lot 4  2.7 acres in Lot 3  Section 5;  40 acres in NE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  40 acres in SW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  Section 6;  40 acres in NW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  40 acres in SW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  Section 8;  40 acres in NW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  40 acres in SW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  40 acres in SE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  Section 17;  34.2 acres in SW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  Section 18;  40 acres in NE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  40 acres in SW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  Section 21,  T. 31 S. R. 32<math>\frac{1}{2}</math> E. W. M.</p> <p>39.8 acres in Lot 1  33.6 acres in Lot 2  33 acres in SE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  Section 2,  T. 32 S. R. 32 E. W. M. ✓</p>
	1890		1,166.4				<p>41.8 acres in Lot 4  Section 34;  24.5 acres in Lot 2  36.9 acres in Lot 1  4.8 acres in Lot 3  Section 35,  T. 26 S. R. 31 E. W. M.,  South of Malheur Lake.</p> <p>7.4 acres in SW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  6.4 acres in SE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  20 acres in NE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  5.4 acres in NW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  10.5 acres in SW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  40 acres in SE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  Section 19;</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
U. S. Department of Agriculture, Biological Survey, (Continued) Proof #20	1890 (Continued)						<p>6 acres in NE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  0.3 acre in SE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  Section 21;  7.6 acres in NE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  Section 28;  35.2 acres in NW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  40 acres in SW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  40 acres in NW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  40 acres in SW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  Section 30;  38.7 acres in SW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  21 acres in NW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  2.4 acres in SW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  Section 31;  8.2 acres in NE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  4.6 acres in NW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  18 acres in SW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  8.9 acres in SE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  Section 33,  T. 27 S. R. 31 E. W. M.</p> <p>40 acres in NE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  40 acres in NW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  40 acres in SW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  40 acres in SE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  Section 2,  T. 29 S. R. 31 E. W. M.</p> <p>34.5 acres in SE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  Section 10;  15.5 acres in NE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  Section 15,  T. 30 S. R. 31 E. W. M. ✓</p> <p>40 acres in SW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  Section 5;  40 acres in NE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  40 acres in SE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  Section 6;  40 acres in NW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  40 acres in SW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  Section 8,  T. 31 S. R. 32<math>\frac{1}{2}</math> E. W. M.</p> <p>40 acres in Lot 3  40 acres in Lot 4  40 acres in SW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  40 acres in SE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  40 acres in NE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  40 acres in NW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  15 acres in SW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  32.8 acres in SE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  Section 1,  T. 32 S. R. 32 E. W. M.</p>
	1891		921.1				<p>40 acres in NW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  40 acres in SW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  40 acres in NE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  40 acres in NW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  40 acres in SW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  40 acres in SE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  Section 9;  31.4 acres in NW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  3.2 acres in SW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  1 acre in SE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  Section 28;  16 acres in NE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  5.6 acres in Lot 1  14.8 acres in Lot 2  32.4 acres in SE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  40 acres in NE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  6.8 acres in Lot 3  4.0 acres in Lot 4  36.8 acres in SE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  Section 30,  T. 27 S. R. 31 E. W. M. ✓</p>
			607	95.			

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
U. S. Department of Agriculture, Biological Survey, (Continued) Proof #20	1891 (Continued)						<p>3 acres in NW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math> Section 9;  40 acres in NE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  40 acres in NW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  35.2 acres in SW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  40 acres in SE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  13.7 acres in NW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math> Section 29,  T. 28 S. R. 31 E. W. M.</p> <p>40 acres in NE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  12.9 acres in SW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math> Section 10,  T. 29 S. R. 31 E. W. M.</p> <p>17.3 acres in Lot 3  8.1 acres in SW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math> Section 3,  T. 30 S. R. 31 E. W. M.</p> <p>9 acres in NW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math> Section 29,  T. 30 S. R. 32 E. W. M.</p> <p>8.1 acres in NE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  6.5 acres in SE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  13.9 acres in NE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math> Section 12;  3 acres in SW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math> Section 35,  T. 31 S. R. 32 E. W. M.</p> <p>38 acres in NW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  40 acres in SW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  37 acres in NE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math> Section 17;  10.6 acres in NW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math> Section 21;  40 acres in NW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math> Section 29,  T. 31 S. R. 32<math>\frac{1}{2}</math> E. W. M.</p> <p>2 acres in SW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  25.6 acres in NE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math> Section 2;  5.2 acres in NE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math> Section 12,  T. 32 S. R. 32 E. W. M.</p> <p>6.8 acres in NW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math> Section 22;  2.8 acres in NW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  1 acre in SW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math> Section 26,  T. 27 S. R. 31 E. W. M.</p> <p>11.6 acres in Lot 2  29.8 acres in SW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  0.5 acre in SE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math> Section 3; ✓  1 acre in NW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  20 acres in NE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  11.6 acres in SW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  19.5 acres in SE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math> Section 10;  11 acres in NE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  6 acres in NW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math> Section 21,  T. 28 S. R. 31 E. W. M.</p> <p>7.3 acres in NW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  14.8 acres in SE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  23.6 acres in NE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math> Section 11,  T. 30 S. R. 31 E. W. M.</p>
	1892		167.3				
			608	96.			

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
U. S. Department of Agriculture, Biological Survey, (Continued) Proof #20	1893		676.2				16.1 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 38.2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9; 1.2 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 9.6 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 17; 0.3 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 12.4 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 1.7 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 27.8 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 5.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22; 21.2 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 21.8 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 8.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 22 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 10 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 0.4 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 7.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 8.4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 6.7 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 12.7 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 25 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 3.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 27; 7.2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 12 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 36.4 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 11.6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 32; 11.2 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 19.3 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 13.2 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 10.6 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 11.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 11.2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ ✓ 5.2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 6.2 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 21.6 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 12.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34, T. 27 S. R. 31 E. W. M.
	1897		185.6				16.4 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 9.6 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 9.6 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 15.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9; 22 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29; 19.2 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 14.6 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32; 40 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33, T. 28 S. R. 31 E. W. M. 21.6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 2.4 acres in Lot 2 29.4 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 37 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 27.4 acres in Lot 3 20.8 acres in Lot 4 20.1 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 31, T. 27 S. R. 31 E. W. M. 5.2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25; 21.7 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, T. 28 S. R. 31 E. W. M.
			609	97.			

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
U. S. Department of Agriculture, Biological Survey, (Continued) Proof #20	1899		570.3				<p>40.4 acres in Lot 4  40 acres in SW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  40 acres in SE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  40 acres in NE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  40 acres in NW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  31 acres in SW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  40 acres in SE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  Section 4;  6.7 acres in SW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  26 acres in SE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  Section 8;  36.6 acres in NE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  4.3 acres in NW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math>  26.5 acres in NW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  Section 9;  40 acres in NE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  40 acres in NW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  40 acres in SE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math> ✓  40 acres in NE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  Section 31,  T. 27 S. R. 31 E. W. M.</p> <p>13.2 acres in NW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  18.4 acres in SW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  Section 3;  7.2 acres in NW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  Section 22,  T. 28 S. R. 31 E. W. M.</p>
	1901		60				<p>12.4 acres in NW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math>  Section 3;  31.6 acres in Lot 1  2.6 acres in SE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  Section 4;  13.4 acres in SW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  Section 26,  T. 29 S. R. 31 E. W. M.</p>
	1902		196.4				<p>36.4 acres in SW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  15.5 acres in NE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  16.1 acres in NW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  Section 3;  20 acres in NW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  33.4 acres in SW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  11.5 acres in SW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  Section 10;  11.4 acres in NW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  13 acres in SW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  Section 15;  16.6 acres in SE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>  Section 28;  22.5 acres in NW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>  Section 33,  T. 30 S. R. 31 E. W. M. ✓</p>
Vickers, Tom, and Vickers, Len Burns, Oregon Proof #44 (Findings, Paragraph 45, Page 54)				Claim Denied			
Waddel, Mrs. R. V. Crane, Oregon Proof #59 (Findings, Paragraph 52, Page 56)				Claim Denied			
			610				98.

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
Wells, C. A. Diamond, Oregon Proof #42	1887		50	Irrigation and stock	Unnamed ditches	McCoy Creek	5.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 9 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 11 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 8.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12; 5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13, T. 30 S. R. 32 E. W. M.  10.7 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 18, T. 30 S. R. 33 E. W. M.

All water rights which were initiated after February 24, 1909, on which date the Oregon Water Code became effective, are evidenced by permits issued by the State Engineer or by final water right certificates based upon the completion of rights under such permits. Each and every appropriator holding such a permit or certificate for the use of water from said stream and its tributaries shall have such rights thereunder as are provided by law, and such rights shall be perfected in the manner provided by law for the completion thereof.

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

Dated at Salem, Oregon, this 17th day of December, 1938.

  
CHAS. E. STRICKLIN

State Engineer