

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR JOSEPHINE COUNTY

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

MODIFIED FINDINGS
AND
DECREE

Now, at this time, this matter coming on for the entry of final decree herein and it appearing to the Court that all exceptions filed since the entry of the findings and order of determination of the State Engineer have been duly heard by the Court and that the Court, after having carefully considered all evidence submitted herein, has entered its findings and decrees modifying the order of the State Engineer in certain particulars and where not so modified has accepted the order of the State Engineer as the findings of the Court on which a decree may be based, and it appearing that modified findings and decree should be entered embracing all of the provisions of the Court's decrees on exceptions and the findings of the State Engineer where not modified by the Court, and the Court being now fully advised in the premises,

It is hereby CONSIDERED, ORDERED, ADJUDGED, AND DECREED that the findings of fact and order of determination of the State Engineer, filed in the office of the County Clerk of this county on the 7th day of July, 1932, is hereby modified in accordance with said decrees of the Court and as so modified shall read as follows:

1.

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

as to justify it, made and entered an order that a determination be had of the relative rights of the various claimants to the waters of Illinois River and its tributaries, fixing a time for the making of the necessary surveys and examinations and the beginning and taking of such testimony as would enable the State Engineer to determine the rights of the various claimants to the use of water from said stream, as provided by law.

2.

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

3.

That duly qualified assistants of the State Engineer did proceed to make examinations, surveys, and measurements of said stream and its tributaries and of the ditches and canals or other works diverting water therefrom and surveys of the lands irrigated and gathered such data and information as were essential to the proper determination of the relative rights of the parties interested, which said observations and measurements were reduced to writing and made a matter of record in his office. And the State Engineer did cause to be prepared a set of maps or plats on a scale of not less than one inch to the mile, showing with substantial accuracy the course of said stream and its tributaries, the location of each ditch or canal diverting water therefrom, and the number of acres of land which had been irrigated in each legal subdivision, blue prints of said maps and plats being now on file and a part of the record herein.

4.

That as soon as practicable after the examination and measurements were completed, as described in the preceding paragraph, the State Engineer did prepare a notice setting forth a place and time certain when he would begin the taking of testimony (statements and proofs of claim) as to the relative rights of the various claimants to the use of the waters of said stream and its tributaries; that said notice was published in two issues of the Rogue River Courier, a newspaper published daily at Grants Pass, Josephine County, Oregon, and of general circulation in said county; said two issues being those of October 4 and 6, 1928, and the last publication of said notice being more than thirty days prior to the first date fixed for the taking of claims by the State Engineer.

5.

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

6.

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

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

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

7.

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

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

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

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

8.

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

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

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

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

9.

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

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

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

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

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

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

10.

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

Contest No. 1

Anna Martha Horstmann and Maurice Sauer,
Contestants,

vs.

Fannie Trimble and Virginia Niederman,
Contestees.

Contest No. 2

Julia Tolin,
Contestant,

vs.

L. J. Buell and Jennie Tuttle,
Contestees.

Contest No. 3

H. D. Norton,
Contestant,

vs.

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

Contest No. 4

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

Contestants,

vs.

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

Contest No. 5

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

Contestants,

vs.

G. W. Hales,
Contestee.

Contest No. 6

J. R. Elder, Trustee,
Contestant and
Intervenor,

vs.

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

That after the filing of said statements of contest the State Engineer did fix a time and place for the hearing of each and every of said contests and did on the 4th day of September, 1930, serve notice of hearing of said contests on each of the parties to each and every of said contests, the dates fixed for hearing in each instance being more than 30 days and less than 60 days from the date the notice of hearing was served upon said parties. That due proof of serving of said notices has been made and filed as a part of the record herein.

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

CONTEST NO. 1

Anna Martha Horstmann and Maurice Sauer,
Contestants,

vs.

Fannie Trimble and Virginia Niederman,
Contestees.

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

Proof of Claim No. 72 (Anna Martha Horstmann)

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

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

It being stipulated that the water rights of Contestee Niederman were subsequent and inferior to those water rights of the other parties to this controversy, the contest was dismissed. The water rights will be allowed as claimed by Contestee Niederman under Proof of Claims Nos. 95 and 95-A and will be so tabulated.

Proof of Claim No. 122 (Fannie Trimble)

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

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

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

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

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

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

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

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

Proof of Claim No. 102 (Maurice Sauer)

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

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

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

As to the number of acres irrigated prior to 1909 and shortly thereafter the testimony is conflicting. It appears however, that Mr. Dailey, who previously owned the premises prior to Contestant Sauer, testified that no more than 14 acres had been irrigated prior to 1914. In 1922 a suit was filed and prosecuted in the Circuit Court for Josephine County by said contestant et al, wherein it was sought to enjoin Martha Hildebrandt et al (now Anna Martha Horstmann) among other things, from diverting from Henderson Creek any waters of said stream except that in excess of 60 miner's inches flowing at the intake of the Sauer (Dailey) ditch. In the complaint filed in this suit it was set out that the lands of the plaintiff (Nicholas Sauer) were irrigated prior to 1882 and that such irrigable acreage was increased until ten acres had been irrigated at the time the suit was filed. When decree was entered the Court allowed the defendants (Martha Hildebrandt et al) a superior right to the use of the water over that of the plaintiffs (Nicholas Sauer et al). The decision apparently was based upon the theory of adverse user on part of the defendants. (Martha Hildebrandt et al). Although this suit is not binding between Contestant Sauer and Contestee Trimble, in view of the conflicting testimony in regard to the number of acres irrigated, considerable weight should be given to the statements made by Contestant Sauer in the complaint.

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

The decree in this case is clearly conclusive as between contestants Sauer and Horstmann, and while contestee Trimble was not a party to this suit, it is clear that contestant Sauer could not have a right inferior to contestant Horstmann and at the same time a right superior to contestee Trimble. This would result in no determination of the relative rights, and the rights of contestee Trimble cannot be made subsequent in time and right to the rights of contestant Horstmann as the result of a suit to which she was not a party and in which Sauer's rights were subordinated to those of contestant Horstmann without any fault on the part of contestee Trimble.

The right of contestee Trimble on the proof of claim No. 121 is prior and superior to the right of Anna Martha Horstmann under proof of claim No. 72, and in turn the said right of Anna Martha Horstmann is superior to the right of contestant Sauer under proof of Claim No. 102. It follows, therefore, that the right of contestee Trimble under proof of claim No. 121, allowed in these proceedings for the irrigation of three acres of land with the waters of Henderson Creek, is superior to the right of Sauer under proof of claim No. 102, recognized in these proceedings to the extent of water from Henderson Creek for the irrigation of ten acres of land.

The right of contestant Sauer under proof of claim No. 102 to the use of the water from Henderson Creek shall be reduced from 28 acres to 10 acres from the date of priority of 1871, subject and inferior, however, to the right of Anna Martha Horstmann under proof of claim No. 72 for the irrigation of 35 acres, and subject and inferior to the right of Contestee Fannie Trimble under proof of claim No. 121 for the irrigation of three acres of land.

Proof of Claim No. 121 (Fannie Trimble)

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

The testimony discloses that water was first used through the Vincent Bar Ditch for mining purposes some time between 1860 and 1865. While the priority date of this right was questioned by Contestants, in view of the fact that under these findings it can make no difference to any of the Contestants in this proceeding whether the water right is given a

priority of 1864, as claimed by Contestee Trimble under her proof of claim No. 121, or a priority date of 1891, as found by the State Engineer, the priority date for this right is hereby fixed and determined as 1864.

Considerable testimony was introduced in support of contestant's claim to a right as against contestee Trimble on the ground of adverse user. The testimony clearly shows that there was almost a continual controversy over the water and that at no time was Contestee Trimble deprived of the water by the adverse use of contestants for the statutory period, and contestants therefore failed to establish a right by adverse user against contestee Trimble.

J. L. Knighten testified that in 1891 he used water for irrigation purposes on two or three acres of the land for which a water right is claimed under Contestee Trimble's proof of claim No. 121. The testimony relative to the use of the water in later years was conflicting, and while contestee Trimble contends that the doctrine of relation should be applied and that a water right for the irrigation of 15 acres should be allowed, it appears that this contention is not supported by the testimony and that contestee Trimble's right under said proof of claim No. 121 should be limited to the irrigation of three acres of land.

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

After considering all the evidence submitted and carefully reading the testimony it appears that Contestee Trimble's right to the use of the waters of Henderson Creek for irrigation purposes under proof of claim No. 121 should be restricted and limited to three (3) acres with priority of 1864.

Relative Rights Between the Parties to this Contest.

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

Henderson Creek is a small stream originating in the SW $\frac{1}{4}$ of Section 22, Twp. 38 S., Range 8 West, W. M. The general course of the stream is in a southeasterly direction, flowing into the Illinois River within the SE $\frac{1}{4}$ of Section 28, Twp. 38 S., Range 8 West, W. M. The

head waters of the stream originate from springs arising mostly on the western slopes of Eight Dollar Mountain. In the early spring sufficient water flows in the channel to satisfy all water users but as the summer progresses the flow diminishes until there is not sufficient water to meet the requirements of all the irrigators.

In accordance with the findings herein made and in settlement of the rights of the parties to this contest, it is hereby ordered and determined that the rights of the parties shall be as set forth in the following tabulation, and that the waters of Henderson Creek and its tributaries shall be distributed to said parties in the order set forth in said tabulation:

<u>Designation of Right</u>	<u>Proof of Claim No.</u>	<u>Name</u>	<u>Priority</u>	<u>Acreage</u>	<u>Description</u>
1	121	Fannie Trimble	1864	3	3 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28, T. 38 S., R. 8 W., W.M.
2	72	Anna Martha Horstmann	1903	35.5	3.5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 8.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 8 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 10 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 27, Section 28, T. 38 S., R. 8 W., W.M.
3	102	Nickolaus Sauer	1871 (See Findings)	10	10 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 33, T. 38 S., R. 8 W., W.M.
4	122	Fannie Trimble	1908	31.0	15.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 8.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 8.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28, T. 38 S., R. 8 W., W. M.
5	95 - 95-A	Virginia Niederman	1908	6.7	1.9 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 2.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 2.8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 22, T. 38 S., R. 8 W., W.M.

13.

CONTEST NO. 2

Julia Tolin,

Contestant,

vs.

L. J. Buell and Jennie Tuttle,

Contestees.

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

The above claim was contested on the belief that the Contestee was claiming a right to appropriate water direct from Thompson Creek. The claim does not indicate this to be true. The Contestant at the hearing stated that there was no contest against the use of the water as claimed by Contestee from Tuttle Springs which appear to be located on the Contestee's property

and conveyed to the place of use by means of a pipe line. The Contestee will be allowed a water right as claimed and as hereinafter tabulated. The Contestee, however, will not be permitted to make a diversion of water nor shall these findings be construed so as to allow Contestee to divert any water from Thompson Creek direct.

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

L. J. Buell was awarded water from Thompson Creek, a tributary of Deer Creek, with the priority of 1905 for the irrigation of 5.9 acres in the Northeast quarter of the Southeast quarter and 10.1 acres in the Southeast quarter of the Southeast quarter of Section 28, Township 38 South, Range 7 West of the Willamette Meridian, the Contestant appearing in person and by Niel R. Allen, her attorney, and the Contestee appearing in person and by J. N. Johnston, his attorney, and testimony having been offered and it appearing to the Court that the Contestee had used water for irrigation on 5.9 acres in the Northeast quarter of the Southeast quarter and 10.1 acres in the Southeast quarter of the Southeast quarter of Section 28, Township 38 South, Range 7 West of the Willamette Meridian, and that said water right has a priority date of 1905 as established in the Contestee's Proof of Claim No. 16 and as awarded the Contestee by the findings and order of the State Engineer.

The Contestee, L. J. Buell, is hereby awarded water from Thompson Creek, a tributary of Deer Creek, for the irrigation of 5.9 acres in the Northeast quarter of the Southeast quarter and 10.1 in the Southeast quarter of the Southeast quarter of Section 28, Township 38 South, Range 7 West of the Willamette Meridian, with a priority date of 1905.

That the amount of water so allowed shall be at the rate of 1 second foot for each 50 acres of land irrigated as was awarded by the State Engineer.

14.

CONTEST NO. 3

H. D. Norton,
Contestant,

vs.

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

Contestees.

This contest was settled by the following stipulation:

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

"1. Contestees expressly recognize the priority of Contestant's water rights for mining purposes out of Day's Gulch, a tributary of Josephine Creek, under Proof

of Claim No. 86, as duly submitted in the above entitled adjudication, and as stated and alleged in Contestant's Statement of Contest, based upon the decree of the Circuit Court of the State of Oregon for Josephine County, and a certified copy of which was filed with said statement of contest as Exhibit "A" thereof; and

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

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

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

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

"In the presence of

(sd) Niel R. Allen

(sd) Anna W. Harmon

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

CONTESTEE S. D. BAKER

By (sd) John Slate
His Agent.

CONTESTEE EMMETT ADDY,

By (sd) John Slate
His Agent.

(sd) John Slate
Contestee John Slate."

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

CONTEST NO. 4

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

Contestants,

vs.

Deep Gravel Mining Company, a corporation,

Contestee.

The following stipulation, filed in settlement of the above contest, shall be binding on the parties hereto:

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

DO HEREBY STIPULATE AS FOLLOWS:

"That the Order of Determination of the State Engineer herein, and the Decree of the Circuit Court of the State of Oregon for Josephine County in the above entitled matter, shall provide that neither the Contestee, nor any of its successors, or the agents or employees of any, shall ever use through their Quinn or Darkis Ditch any of the waters of the East Fork of the Illinois River for irrigation purposes, and that the use of such waters through said ditch shall be confined wholly to mining purposes and power purposes in connection therewith; otherwise the right may be determined and decreed as alleged and set forth in the Contestee's Proof of Claim filed covering said Quinn or Darkis Ditch, which Proof of Claim is Number 28.

"Dated this 10 day of March, 1932.

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

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

The stipulation set out in Paragraph 18 hereof was filed in avoidance of a contest between G. W. Hales, under his Proofs of Claim Nos. 37, 38, and 39, and the Deep Gravel Mining Company, under its Proofs of Claim Nos. 28 and 29, and the provision of said stipulation will govern the rights of the parties thereto and the water distributed between them accordingly.

The Deep Gravel Mining Company's right to use said waters through the Hunt or Wimer Ditch out of the East Fork of the Illinois River, claimed under said Proof of Claim No. 29, is a right to use such waters (subject to the terms of said stipulations) continuously throughout the year, and this right shall also belong to the successors in interest in and to said Deep Gravel Mining Company in the ownership of said rights through said Hunt or Wimer Ditch.

CONTEST NO. 5Guy Fetterly, W. O. Kohler, Viola M.
Houck, Earl F. Crouch, and Henry M.
Pfefferly,

Contestants,

vs.

G. W. Hales,

Contestee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Dated this 10th day of March, 1932.

(sd) James T. Chinnock
Attorney for Contestants.

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

17.

CONTEST NO. 6

J. R. Elder,
Contestant,
vs.

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

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

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

18.

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

"It is hereby stipulated by and between W. G. HALES of Chicago, Illinois, claimant herein to a right to the use of waters from the East Fork of the Illinois River through the 'Esterly Upper Ditch', originally known as the 'Waldo Ditch' and the 'Esterly Middle Ditch', originally known as 'Scotch Gulch Ditch' and the 'Esterly Lower Ditch', originally known as the 'Wash Ditch', by George M. Esterly, his duly appointed, and qualified agent herein with full power to make this stipulation, first party, and DEEP GRAVEL MINING COMPANY, an Oregon corporation officing at 412 Liberty Building, Medford, Oregon, a claimant to the use of waters from the East Fork of said Illinois River through the Quinn or Darkis Ditch, sometimes called

Deep Gravel Mining Company Ditch, and through the Hunt or Wimer Ditch, also called Deep Gravel Mining Ditch, by A. E. Reames, its principal stockholder, secretary and duly authorized agent, with full power to make this stipulation, second party, that as between the parties hereto the rights of said parties to the use of the waters of said streams through said respective ditches, and upon which they have respectively filed claims herein, are defined in a decree, findings of fact and conclusions of law made, entered and filed in the Circuit Court of the State of Oregon for Josephine County, on the 18th day of April, 1906, in a cause then pending in said court wherein Jane Simmons, T. Cameron and T. J. Logan, partners doing business under the firm name and style of Simmons, Cameron & Logan, were plaintiffs, versus Deep Gravel Mining Company, a corporation, defendant, and second party hereto; a duly certified copy of which findings, conclusions and decree, was filed by the first party concurrently with the filing of his statements and proofs of claims upon his said ditches respectively, and made parts thereof, a certified copy of which is also attached to the second party's statement and proof of claim on its Quinn or Darkis Ditch, reference being made to such findings, conclusions and decree, and the same being made a part hereof.

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

"3. That the priorities of said ditches and the right to divert water through the same from said East Fork of the Illinois River are in the order following, namely:

1. The Waldo Ditch, 518 inches;
2. The Scotch Gulch Ditch, 1330 inches;
3. The Quinn or Darkis Ditch, 500 inches;
4. The Hunt Ditch, 2300 inches;
5. The Wash Ditch, 11000 inches.'

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

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

"It is further stipulated, as it is provided in said decree, that as between the parties hereto, the first party is entitled to first right to the use of 518 inches miners measurement, under six inch pressure, of said waters through said ditch, and to the next 1330 miners inches under six inch pressure of said waters through said Scotch Ditch, and that the second party is entitled to the use of the next 500 inches of said waters from said East Fork through said Quinn and Darkis Ditch, and to the use

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

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

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

"This stipulation shall bind the heirs, successors in interest and assigns of the first party, and the successors in interest and assigns of the second party.

Dated this 5th day of April, 1929.

G. W. Hales, Claimant

By G. M. Esterly
His duly authorized Agent,

FIRST PARTY.

DEEP GRAVEL MINING COMPANY,
an Oregon corporation,

By A. E. Reames
Its Secretary and Agent.

SECOND PARTY."

Based upon the exceptions filed by Ed Bechtel and Maybelle Bechtel, husband and wife, in and to the waters of Deer Creek, a tributary of the Illinois River, a tributary of Rogue River, as to the duty of water and rotation in use of water from Deer Creek through what is known as the Hiatt Ditch, said Ed Bechtel and Maybelle Bechtel are hereby decreed to be the owners of the waters of Deer Creek through the ditch originally dug and constructed from Deer Creek to the lands hereinafter described and known as the Hiatt Ditch, having a priority of 1885, to the amount and extent of one cubic foot per second of water for each fifty (50) acres of land irrigated during the irrigation season, which season is fixed and determined as the period from April 1st to November 1st of each year, as allowed by the State Engineer of the State of Oregon in his findings on file in this Court, for the acreage and lands described therein and hereinafter described, and in addition thereto the said Ed Bechtel and Maybelle Bechtel jointly are hereby awarded an additional one cubic foot per second out of the unappropriated waters of Deer Creek with a priority of July 7, 1932, subject to all prior rights in and to the waters of said creek by others.

The waters of Deer Creek to be flowed and conducted to the lands to be irrigated thereby of Ed Bechtel and Maybelle Bechtel shall be distributed thereto in accordance with this decree and rotated, if and when necessary, by mutual consent and agreement of the parties and their successors, or those in privity with them, or if they are unable to agree, then by the State Engineer or under his authority in accord with the amount of the flow of the waters through said Hiatt Ditch as the same may be applied to all of the lands irrigated during each and any irrigation season.

The description of the lands of Ed Bechtel and Maybelle Bechtel upon which said waters may be used is:

28 acres in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$),
 30.3 acres in the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ of SE $\frac{1}{4}$),
 7.9 acres in the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ of SE $\frac{1}{4}$),
 22.8 acres in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ of SE $\frac{1}{4}$), and

all in Section 10;

2.4 acres in the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ of SW $\frac{1}{4}$), and
 4.5 acres in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ of SW $\frac{1}{4}$)

all in Section 11, Township 38 South, Range 8 West of the Willamette Meridian.

Based upon the exceptions filed by Cora F. Baird, successor in title and interest to John W. Baird, deceased, in and to the waters of McMullen Creek, a tributary of Deer Creek, a tributary of the Illinois River, a tributary of Rogue River, said Cora F. Baird, as successor in right, title and interest to John W. Baird, deceased, is hereby awarded and decreed to be

the owner of all of the waters of McMullen Creek through that ditch originally dug by Homer Vannoy during the year 1880 and having a priority of 1880, leading from McMullen Creek to the lands of the said Cora F. Baird, hereinafter described, for the purpose of irrigation of 34.2 acres as hereinafter described, to the extent of one cubic foot per second of water for each 50 acres, as awarded and found by the State Engineer of the State of Oregon and contained in his findings on file in this Court, the same having a priority of the year 1880, and in addition thereto the said Cora F. Baird is hereby decreed and awarded an additional one (1) cubic foot per second to fifty acres out of the unappropriated waters of McMullen Creek with a priority of July 7, 1932.

Paragraph 27 of this decree as set forth on page 28 hereof shall not apply to this award, and no application of rotation or system of rotation of the use of water shall apply to the said Cora F. Baird or her successors in title.

The description of the lands upon which said water of McMullen Creek may be used for irrigation is situate in Section 19, Township 38 South, Range 7 West of the Willamette Meridian in Josephine County, Oregon, to-wit:

- 7 acres in the Southwest Quarter ($SW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$),
- 6 acres in the Northeast Quarter ($NE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$),
- 9.5 acres in the Northwest Quarter ($NW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$),
- 8.2 acres in the Southwest Quarter ($SW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$), and
- 3.5 acres in the Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$).

21.

Based upon the exceptions filed by John F. Stevens to the findings of the State Engineer in and to the waters of Squaw Creek, a tributary of Deer Creek, a tributary of the Illinois River, a tributary of Rogue River, said John F. Stevens is hereby awarded and decreed to be the owner and entitled to the use for irrigation of all the waters of Squaw Creek and the small creeks leading into Squaw Creek above the points of diversion of the said John F. Stevens in Section 4, Township 38 South, Range 8 West of the Willamette Meridian, and through his system of ditches and means of diversion from Squaw Creek and the various small creeks or branches leading into the same, for the purpose of irrigating 44.4 acres of land hereinafter described, with priority of August 1, 1894, to-wit:

- 2.3 acres in the Northwest Quarter ($NW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$),
 - 16.1 acres in the Southwest Quarter ($SW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$),
 - 23.9 acres in the Northwest Quarter ($NW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$), and
 - 2.1 acres in the Southwest Quarter ($SW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$),
- all in said Section 4 aforesaid.

And in addition thereto the said John F. Stevens is hereby decreed and awarded an additional one (1) cubic foot per second to 50 acres out of the unappropriated waters of Squaw Creek and the small creeks leading into Squaw Creek above the points of diversion of the said John F. Stevens.

Paragraph 27 of this decree as set forth on page 28 herein shall not apply to this award, and no application of rotation or system of rotation of the use of water shall apply to the said John F. Stevens or his successors in title.

22.

M. J. McBriety filed Proof of Claim No. 82, claiming the right to the use of three second-feet of water for irrigation of 18.5 acres in the Northeast Quarter of the Southeast Quarter and 32.7 acres in the Southeast Quarter of the Southeast Quarter of Section 34, Township 40 South, Range 8 West of the Willamette Meridian, out of the East Fork of the Illinois River. After the filing of said proof of claim, Fred L. Merrill purchased said real property from M. J. McBriety and has succeeded to all the rights of said M. J. McBriety in and to said real property and the water rights belonging thereto and covered by said Proof of Claim No. 82. On October 8, 1932, the said Fred L. Merrill filed his exceptions to the findings and order of determination of the State Engineer, excepting to that part of said findings and order wherein the amount of water allowed on said proof of claim was fixed at and limited to 1 second-foot of water for each 50 acres of land irrigated, the said amount of water being fixed by paragraph 19 of the State Engineer's findings and order, and 1 second-foot of water for each 50 acres is not sufficient to irrigate the above-described land, but that additional amount of water cannot be adjudicated to said land with a priority date of 1855 without doing injustice to present users of water from said stream.

Fred L. Merrill is hereby given and awarded 1 second-foot of the water out of the East Fork of the Illinois River for use in irrigating 18.5 acres in the Northeast Quarter of the Southeast Quarter and 32.7 acres in the Southeast Quarter of the Southeast Quarter of Section 34, Township 40 South, Range 8 West of the Willamette Meridian, Josephine County, Oregon, with a priority date of 1855.

The said Fred L. Merrill is further awarded for irrigation of said land, out of the East Fork of the Illinois River, an additional 1 second-foot of water with a priority date of October 8, 1932, said additional second-foot of water being so awarded the said Fred L. Merrill subject to all water rights out of the East Fork of the Illinois River which have been adjudicated with a priority date to October 8, 1932.

23.

Based upon the written stipulation of T. W. Gibson, intervenor herein and successor to James T. Logan in the ownership of the Osgood Ditch and the water rights belonging thereto, and G. W. Hales as the owner of his Scotch Gulch Ditch under his Claim No. 37, the Waldo Ditch under his Claim No. 38, and his Wash Ditch under his Claim No. 39, the Hydroplass Mining Company, an Oregon corporation, is substituted for James T. Logan in the ownership of Proof of Claim No. 80, covering said Osgood Ditch and its water rights; the said Hydroplass Mining Company is

substituted for said Gibson in the petition to intervene herein; the said petition is dismissed as to Deep Gravel Mining Company; the petition for such intervention be and the same hereby is allowed and said Proof of Claim No. 80 be and the same hereby is amended so as to claim thirty (30) cubic feet per second additional to that stated in the claim of the waters of said East Fork of the Illinois River, with a priority of the year 1880, making the total amount of said appropriation as against the rights of the said Hales under his said Wash Ditch the sum of forty (40) cubic feet per second.

The said Hydroplass Mining Company has the right with a priority of the year 1880 to so divert and use through said Osgood Ditch a total of forty (40) cubic feet per second of the waters of the East Fork of the Illinois River for mining purposes but this use shall not in any manner interfere with any irrigation rights heretofore determined by the findings of fact and order of determination of the State Engineer under date of July 6, 1932. The said right to use said forty (40) cubic feet per second includes the ten (10) cubic feet per second so found and determined by said State Engineer in said findings and order of determination. Said water shall be diverted from the East Fork of the Illinois River by means of a dam or diversion works constructed at a point on the East Fork of the said Illinois River located as shown by the map of the State Engineer herein in Section 9, Township 18 North, Range 5 East, Humboldt Meridian, being at a point North 13 degrees 36 minutes West 12258 feet from the post on the boundary line between the State of Oregon and State of California, common to Sections 14 and 15 in Township 41 South, Range 8 West of the Willamette Meridian.

The right under said Proof of Claim No. 80 is for forty (40) cubic feet per second, instead of ten (10) cubic feet per second, of the waters of said stream through said ditch.

As between the rights of the said Hales and those of said Hydroplass Mining Company, the rights of the said Hales under his Proof of Claim No. 37 for his Scotch Gulch Ditch and his Proof of Claim No. 38 for his said Waldo Ditch shall be and remain as found and determined by said State Engineer and shall not be disturbed or affected in any way by anything contained herein, but as to the rights of the said Hales under his Proof of Claim No. 39 for waters through his said Wash Ditch the rights of the said Hydroplass Mining Company are prior in point of time to the rights of the said Hales through his said Wash Ditch but to the extent only of forty (40) cubic feet per second and no more; but except as so modified herein, the rights of the said Hales through his said Wash Ditch shall be and remain as heretofore determined by the findings of fact and order of determination of said State Engineer.

The intervenor holds Permit No. 1333, issued February 23, 1922, by the State Engineer's Office of California, for the appropriation of certain additional waters through said Osgood Ditch, but the rights under such permit are not involved in this proceeding and therefore not determined.

This decree shall stand and remain the decree between said Hydroplass Mining Company and said G. W. Hales, and their respective successors, as determining their respective rights to the use of the waters of said East Fork of the Illinois River, and the tributaries thereof.

Based upon the exceptions filed by W. K. Hinkle and Maybelle Bechtel in and to the waters of Clear Creek, a tributary of Deer Creek, a tributary of the Illinois River, a tributary of Rogue River, as to the duty of water and rotation in use of water from Clear Creek through what is known as the Hogue Ditch, said W. K. Hinkle and Maybelle Bechtel are hereby decreed to be the owners of the waters of Clear Creek through the ditch originally dug and constructed from Clear Creek to the lands hereinafter described and known as the Hogue Ditch, having a priority of November 2, 1880, to the amount and extent of one cubic foot per second of water for each fifty (50) acres of land irrigated during the irrigation season, which season is fixed and determined as the period from April 1st to November 1st of each year, as allowed by the State Engineer of the State of Oregon in his findings on file in this Court, for the acreage and lands described therein and hereinafter described, and in addition thereto the said W. K. Hinkle and Maybelle Bechtel jointly are hereby awarded an additional one cubic foot per second out of the unappropriated waters of Clear Creek with a priority of July 7, 1932, subject to all prior rights in and to the waters of said creek by others.

The waters of Clear Creek to be flowed and conducted to the lands to be irrigated thereby of W. K. Hinkle and Maybelle Bechtel shall be distributed thereto in accordance with this decree and rotated, if and when necessary, by mutual consent and agreement of the parties and their successors, or those in privity with them, or if they are unable to agree, then by the State Engineer or under his authority in accord with the amount of the flow of the waters through said Hogue Ditch as the same may be applied to all of the lands irrigated during each and any irrigation season.

The description of the lands of W. K. Hinkle and upon which said waters may be used is:

- 8.4 acres in the Northwest Quarter of the Northeast Quarter ($NW\frac{1}{4}$ of $NE\frac{1}{4}$),
- 6 acres in the Southwest Quarter of the Northeast Quarter ($SW\frac{1}{4}$ of $NE\frac{1}{4}$), and
- 13.6 acres in the Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4}$ of $NW\frac{1}{4}$),

all in Section 11, Township 38 South, Range 8 West, Willamette Meridian.

The description of the lands of Maybelle Bechtel and upon which said waters may be used is:

- 6 acres in the Southwest Quarter of the Northeast Quarter ($SW\frac{1}{4}$ of $NE\frac{1}{4}$),
- 1 acre in the Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$), and
- 13.9 acres in the Northwest Quarter of the Southeast Quarter ($NW\frac{1}{4}$ of $SE\frac{1}{4}$),

all in Section 11, Township 38 South, Range 8 West, Willamette Meridian.

25.

DUTY OF WATER

That considering the character of the soil, kind of crops grown, the length of the irrigation season and the water supply, the rights to the use of the waters of Illinois River and its tributaries, as herein defined, except as otherwise provided herein, shall entitle the holders thereof to the diversion of a quantity of water which may be applied to beneficial use upon the lands to which such water is appurtenant; PROVIDED, that the quantity of water diverted shall not exceed one cubic foot per second for each 50 acres of land irrigated during the irrigation season, which season is hereby fixed as the period from April 1st to November 1st of each year.

26.

STOCK AND DOMESTIC USE

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

27.

ROTATION

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

APPURTENANCY

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

PRIORITIES

That except as otherwise determined herein, the order of the rights of the respective appropriators of the waters of said Illinois River and its tributaries and in which order they are entitled to divert and use the said water shall be and is according to the date of the relative priority of the rights as herein set forth and determined, and the first in order of time according to the date of relative priority shall be and is the first in order of right, and so on down to the date of the latest right, and those having prior rights are entitled to divert and use the waters of said stream and its tributaries when necessary for beneficial use in connection with the irrigation of their respective lands or other useful and beneficial purposes for which they are decreed the right of use, at all times against those having subsequent rights without let or hindrance, and whenever the water is not required by the appropriator having a prior right to its use for the purpose for which said water was appropriated, he must and shall permit it to flow down the natural channel of the stream as it was wont to flow in its natural course without hindrance or diversion thereof, and those having subsequent rights are entitled to the use of such water and to divert the same to the extent of their rights of appropriation according to the order of priority of their rights; and at all times the water shall be beneficially, economically, and reasonably used without waste by those having a right to the use of such water, and no rights of appropriation are hereby confirmed to divert a greater quantity of water than such appropriator can beneficially use for the purpose to which the water is to be put.

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

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
¹³⁸²⁴ Adams, B. R. Kerby, Ore. Proof 1	May, 1887		2	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 9, T. 39 S., R. 8 W., W.M.
¹³⁸²⁵ Bailey, A. L. and Agnes Waldo, Ore., and Bailey, W. S. Grants Pass, Ore. Proof 2	1868	12.5 c.f.s.		Mining	Woods Creek Ditch	Woods Creek, trib. of West Fork Illinois River	PLACE OF USE: NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28; NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33, T. 40 S., R. 8 W., W.M.
	(NOTE:	This right is subsequent and inferior to any irrigation rights during the irrigation season as herein fixed.)					
¹³¹²⁶ Baird, Cora F. (Successor to John W. Baird) Grants Pass, Ore. Proof 3 (Findings, Paragraph 20 Page 23)	1880		34.2	Irrigation	Baird Ditch	McMullen Creek, trib. of Deer Creek	7 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 6 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 9.5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 8.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 3.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 19, T. 38 S., R. 7 W., W.M.
	(NOTE:	1.0 cubic foot per second to 50 acres is awarded for the irrigation of the above-described land, with a date of priority of July 7, 1932, in addition to that allowed under Paragraph 25, Page 28 herein.)					
¹³¹²⁷ Baker, S. D., Emmett Addy, and John Slate, Kerby, Ore. Proof 4 (Findings, Paragraph 14 Page 15)	June 6, 1877	20.0 c.f.s.		Mining	Anderson Ditch	Fiddler's Gulch, Day's Gulch and Mike's Gulch, tribs. of Illinois River	PLACE OF USE: NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 18; E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 19; E $\frac{1}{2}$ W $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30, T. 38 S., R. 8 W., W.M.
	(NOTE:	The use of water for mining is restricted to the period from November 1st to August 31st of the following year.)					
	(NOTE:	This right from Day's Gulch is inferior to Proof of Claim No. 86, H. D. Norton.)					
¹³⁸²⁸ Barr, William Dryden, Ore. Proof 5	April 1, 1893		15	Irrigation	Hathaway Ditch	Unnamed creek, trib. of Deer Creek	8.7 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 6.3 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34, T. 37 S., R. 7 W., W.M.

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
13829 Barrett, Francis E. Kerby, Ore. Proof 6	1878		16	Irrigation	Barrett Ditch	Tycer Creek and adjoining draws, trib. of East Fork of Illinois River	1 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 4 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 30, T. 39 S., R. 7 W., W.M. 7 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 4 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25, T. 39 S., R. 8 W., W.M.
13830 Bear, J. L. Grants Pass, Ore. Proof 43	Aug., 1896	20.0 c.f.s.		Mining	Bear Ditch	Fiddler's Gulch	PLACE OF USE: All lands lying and being between Day's Gulch and Fiddler's Gulch, consisting of 280 acres and being within: Sections 35 & 36, T. 38 S., R. 9 W., W.M. and Sections 1 & 2, T. 39 S., R. 9 W., W.M.
(NOTE: This right is subsequent and inferior to any irrigation right during the irrigation season as herein fixed.)							
13831 Bechtel, Ed and Maybelle Selma, Ore. Proof 7 (Findings, Paragraph 19 Page 23)	1885		95.9	Irrigation	Hyatt or Bechtel Ditch	Deer Creek	28 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 2 ^d Cl. 30.3 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 7.9 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 22.8 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ 15 th Cl. Section 10; 2.4 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 4.5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 2 ^d Cl. Section 11, T. 38 S., R. 8 W., W.M.
195 Ac. ... Sp. ...							
(NOTE: 1.0 cubic foot per second is awarded for the irrigation of the above-described land with a date of priority of July 7, 1932, in addition to that allowed under Paragraph 25, Page 28 herein.)							
13832 Bechtel, Maybelle Selma, Ore. Proof 8 (Findings, Paragraph 24 Page 27)	Nov. 2, 1880		20.9	Irrigation	Hogue Ditch	Clear Creek, trib. of Illinois River	6 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 1 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 13.9 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11, T. 38 S., R. 8 W., W.M.
(NOTE: 0.427 cubic foot per second is awarded for the irrigation of the above-described land with a date of priority of July 7, 1932, in addition to that allowed under Paragraph 25, Page 28 herein.)							
13833 Bigelow, J. W. Kerby, Ore. Proof 9	May 23, 1887		0.5	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	0.5 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T. 39 S., R. 8 W., W.M.

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
1385 51587, 60014 Bocock, A. L. Grants Pass, Ore. Proof 10 T-51684 POU 3 ¹⁵ 26 SW NE	1887		8	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	6 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 2 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, T. 39 S., R. 8 W., W.M.
13835 Bour, David Kerby, Ore. Proof 11	1853	3.0 c.f.s.		Mining	Bour Ditch	Mike's Gulch	PLACE OF USE: NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 18, T. 38 S., R. 8 W., W.M.
	(NOTE:	This right is subsequent and inferior to any irrigation right during the irrigation season as herein fixed.)					
13836 Bour, George Kerby, Ore. Proof 12	1885	6.25 c.f.s.		Mining	Sebastopol Ditch	Sebastopol Creek, trib. of Illinois River	PLACE OF USE: NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10, T. 39 S., R. 9 W., W.M.
	(NOTE:	The use of water for mining is restricted to the period from October to June of the following year.)					
Proof 13	1885	12.5 c.f.s.		Mining	Rock Cr. & Hansen Ditch	Hansen Gulch & Rocky Bar Gulch, tribs. of Canyon Cr.	PLACE OF USE: NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10, T. 39 S., R. 9 W., W.M.
	(NOTE:	The use of water for mining is restricted to the period from October to June of the following year.)					
Brand, Frederick Dryden, Ore. Proof 14	(NOTE:	Rights acquired under State Engineer's Permit No. 8068)					
13837 36607 Breazeale, T. J. Selma, Ore. Proof 15	Aug. 22, 1902		16.5	Irrigation	Wimer Ditch	McMullen Creek, trib. of Deer Creek	9 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 7.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13, T. 38 S., R. 8 W., W.M.
		16 $\frac{1}{2}$ Ac. Twp. 4 min. 20 sec. of Land Sec. 14 S. 10. 15 p. 343					
13838 Buell, L. J. or Leslie J. Selma, Ore. Proof 16 (Findings, Paragraph 13 Page 14)	1905		16	Irrigation	Buell Ditch	Thompson Creek, trib. of Deer Creek	5.9 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 10.1 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28, T. 38 S., R. 7 W., W.M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
<p>31667, 31668, 33256 13337</p> <p>Burke, Ed Kerby, Ore. Proof 17</p>	May, 1887		18.5	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	18.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 9, T. 39 S., R. 8 W., W.M. <i>A. J. M. v. M. J. M. Sp. Or. Val. 13, p. 480</i>
<p>13340 44084</p> <p>Cameron, C. D., and John Valen Takilma, Ore. Proof 18</p>	Sept. 26, 1908	0.05 c.f.s.		Domestic and stock	Pipe line	Springs in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 25, T. 40 S., R. 8 W., W. M.	PLACE OF USE: NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26, T. 40 S., R. 8 W., W.M.
Proof 19	(NOTE: Rights acquired under State Engineer's Permit No. 3713)						
<p>Cameron, C. D., John Valen, Della Shadinger, and Dan Pfefferle Takilma, Ore. Proof 20</p>	(NOTE: Rights acquired under State Engineer's Permit No. 3944)						
<p>33041 13341</p> <p>Carlisle, W. J. Selma, Ore. Proof 21</p>	Mar. 21, 1898		2	Irrigation	Carlisle Ditch	McMullen Creek, trib. of Illinois River	2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18, T. 38 S., R. 7 W., W.M. <i>2^d Ac. Trsf to Lake Maintenance Sp. Or. Val. 13, p. 480</i>
<p>Christensen, Mary C., or Mary C. Christy 304 So. 4th St. Klamath Falls, Ore. Proof 22</p>	(NOTE: Rights acquired under State Engineer's Permit No. 2276, Certificate No. 4896.)						
<p>13342</p> <p>Crooks, M. D. L., Estate of, by M. F. Crooks, Admr. Dryden, Ore. Proof 23</p>	1888		10	Irrigation, domestic, and stock	Crooks Ditch	Crooks Creek, trib. of Deer Creek	8.9 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4, T. 38 S., R. 7 W., W.M. 1.1 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4, T. 38 S., R. 7 W., W.M.
<p>Crossman, Edw. C. 142 So. Rockingham Ave. Brentwood Heights California Proof 24</p>	(NOTE: Rights acquired under State Engineer's Permit No. 4691, Certificate No. 3776.)						

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
¹³⁸⁴³ Crouch, E. F. Kerby, Ore. Proof 25 (Findings, Paragraph 16 Page 18)	1860		12.6	Irrigation	Bennett Ditch	East Fork Illinois River	4.4 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 8.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11, T. 40 S., R. 8 W., W.M.
13844 ⁴³⁵⁹⁸ Croy, A. G. Kerby, Ore. Proof 26	May, 1887		46.2	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	4.7 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17; 26 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 10.4 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 0.1 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20; 5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 21, T. 39 S., R. 8 W., W.M.
¹³⁸⁴⁵ Dahl, Soren O'Brien, Ore. Proof 27	1895		1.4	Irrigation	Reynolds Ditch	West Fork Illinois River	1.4 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, T. 40 S., R. 9 W., W.M.
13846 ^{12 443} Deep Gravel Mining Co. 412 Liberty Building Medford, Ore. Proof 28 (Findings, Paragraph 15 Page 17, and Paragraph 18, Page 20)	Jan. 1, 1858	12.5 c.f.s.		Mining	Quinn or Darkis Ditch	East Fork Illinois River	PLACE OF USE: SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16; NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17; NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20; NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ Section 21; W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28, T. 40 S., R. 8 W., W.M.
¹³⁸⁴⁷ ^{12 441} Proof 29 (Findings, Paragraph 15 Page 17, and Paragraph 18, Page 20)	Jan. 1, 1860		107	Irrigation, domestic, and stock	Hunt or Wimer Ditch	East Fork Illinois River	10 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16; 10 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20; 10 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 7 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 20 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 20 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 30 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21, T. 40 S., R. 8 W., W.M.
	Jan. 1, 1860	70.0 c.f.s.		Mining	Hunt or Wimer Ditch	East Fork Illinois River	PLACE OF USE: SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16; E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 17; E $\frac{1}{2}$ E $\frac{1}{2}$, Section 20; W $\frac{1}{2}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, and W $\frac{1}{2}$, Section 21; W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28, T. 40 S., R. 8 W., W.M.
(NOTE:	The right to the use of water for mining is continuous throughout the year.)						

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
DeGrasse, Edward H. Dryden, Ore. Proof 30	(NOTE: Rights acquired under State Certificate No. 2342.)						Engineer's Permit No. 3502,
¹³⁸⁴⁸ Dessinger, Phil Kerby, Ore. Proof 31	May, 1887		1	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	1 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, T. 39 S., R. 8 W., W.M.
¹³⁸⁴⁹ Dixon, Fred Kerby, Ore. Proof 32	May, 1887		3	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	3 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9, T. 39 S., R. 8 W., W.M.
Doney, W. A. Kerby, Ore. Proof 33	(NOTE: Rights acquired under State Certificate No. 7703.)						Engineer's Permit No. 7703.)
¹³⁸⁵⁰ Drake, David H. R. #1, Kerby, Ore. Proof 34	May 24, 1901		20	Irrigation	Drake Ditch	Chapman Creek, trib. of Illinois River	18 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24, T. 39 S., R. 8 W., W.M. 2 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24, T. 39 S., R. 8 W., W.M.
¹³⁸⁵¹ Duncan, Dollie V. Kerby, Ore. Proof 35	May, 1887		1	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	1 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, T. 39 S., R. 8 W., W.M.
¹³⁸⁵² Dysert, J. C. Kerby, Ore. Proof 36	1894		14	Irrigation	Dysert and Sowell Ditch	Spring in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 26, T. 39 S., R. 8 W., Tycer Cr. and Kelly Cr., trib. of East Fork Illinois River	8 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26; 6 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 35, T. 39 S., R. 8 W., W.M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
<p>13855</p> <p>Elder, George W. By J. R. Elder, Trustee O'Brien, Ore. Proof 153 (Findings, Paragraph 17 Page 20)</p>	1867	20.0 c.f.s.		Mining	Woods Creek Ditch, or Frainey Ditch	Woods Creek, trib. West Fork Illinois River	<p>PLACE OF USE: Lots 1,2,3,4 & 5 W$\frac{1}{2}$ W$\frac{1}{2}$ SW$\frac{1}{4}$ NE$\frac{1}{4}$ S$\frac{1}{2}$ NE$\frac{1}{4}$ SW$\frac{1}{4}$ S$\frac{1}{2}$ NW$\frac{1}{4}$ SW$\frac{1}{4}$ E$\frac{1}{2}$ SW$\frac{1}{4}$ SW$\frac{1}{4}$ N$\frac{1}{2}$ NW$\frac{1}{4}$ SE$\frac{1}{4}$ Section 28; E$\frac{1}{2}$ NW$\frac{1}{4}$ NW$\frac{1}{4}$ E$\frac{1}{2}$ SW$\frac{1}{4}$ NW$\frac{1}{4}$ NE$\frac{1}{4}$ NE$\frac{1}{4}$ SW$\frac{1}{4}$ NE$\frac{1}{4}$ NW$\frac{1}{4}$ SW$\frac{1}{4}$ Section 33, T. 40 S., R. 8 W., W.M.</p>
		5.0 c.f.s.				Fry Gulch Creek and unnamed tribs. of Woods Cr. above ditch	
	(NOTE: The right to use of water for mining is restricted to the period from November 1st to June 1st of the following year.)						
<p>55919 & 70871 42474 13854</p> <p>Farren, Joseph O'Brien, Ore. Proof 40 T-5891 A POD 652c</p>	Sept. 15, 1899		15	Irrigation, domestic, and stock	Wing and Farren Ditch	Rough and Ready Creek, trib. of West Fork Illinois River	15 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12, T. 40 S., R. 9 W., W.M.
							Domestic Use Certificate Sp. Or. Vol. 24, p. 326
<p>43597 48978</p> <p>Fetterly, Guy Kerby, Ore. Proof 41 (Findings, Paragraph 16 Page 18) T-4942 A POD Right Lost Sp. Or. 20, 239</p>	1857		47.4	Irrigation	Bennett Ditch	East Fork Illinois River	<p>3.6 acres in SW$\frac{1}{4}$ NE$\frac{1}{4}$ (1) 24.5 acres in SE$\frac{1}{4}$ NW$\frac{1}{4}$ (2) 18.7 acres in NE$\frac{1}{4}$ SW$\frac{1}{4}$ (3) 0.6 acre in NW$\frac{1}{4}$ SE$\frac{1}{4}$ (4) Section 11, T. 40 S., R. 8 W., W.M.</p>
							T-7216 A POD (1) 2 $\frac{1}{2}$ SWNE (2) 20 $\frac{1}{2}$ EBNW (3) 4 $\frac{1}{2}$ N ESW (4) 0 $\frac{1}{2}$ NWSE
							* chg. mpt. of div. Sp. Or. Vol. 127, p. 313 & chg. mpt. of div. Sp. Or. Vol. 127, p. 302 (T-3376)
<p>13856</p> <p>Floyd, Marilda J. Kerby, Ore. Proof 42</p>	May, 1887		1.5	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	1.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, T. 39 S., R. 8 W., W.M.
	(NOTE: Rights acquired under State Engineer's Permit No. 501, Certificate No. 760.)						
<p>13857</p> <p>Gandolfo, Joseph L. Box 44 Sonora, Calif. Proof 46 (By First National Bank of Southern Oregon, Grants Pass, Ore.)</p>	Spring 1888		19.2	Irrigation, domestic, and stock	Lower Abbott Creek Ditch	Abbott Creek	19.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, T. 39 S., R. 8 W., W.M.
	(NOTE: The lands irrigated under this ditch are supplemented by the flow from the right hand fork of Abbott Creek through the Upper Missner Ditch. See under Proof 47.)						

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
¹³⁸⁵⁸ Gandolfo, Joseph L. (Continued) Proof 47	1896		19.2	Irrigation, domestic, and stock	Upper Abbott Creek Ditch	Abbott Creek, both right and left forks above junction	19.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, T. 39 S., R. 8 W., W.M.
(NOTE: The lands irrigated under this ditch are supplemented by the flow from main Abbott Creek through the lower Missner Ditch. See under Proof 46.)							
¹³⁸⁵⁹ Proof 48	Fall 1902		35.8	Irrigation, domestic, and stock	Missner Ditch or Twohy Ditch	Illinois River	30.8 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ 5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8 T. 39 S., R. 8 W., W.M.
42160 49701 & 76805 George, Benjamin Kerby, Ore. Proof 49	1884		5.5	Irrigation	George Ditch	Springs and George Creek, trib. of East Fork Illinois River	1.5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 4 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 16, T. 39 S., R. 8 W., W.M.
T-4172 Δ POU P 0 D 1 $\frac{1}{2}$ ac SENE SP 01 V 33 P 265							
¹³⁸⁶¹ 42163 Proof 50	May, 1887		20.6	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	14 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 6.6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 16, T. 39 S., R. 8 W., W.M.
divided place SP 01 V 33 P 175 T-4173 Δ POU 9 $\frac{1}{2}$ SW NE 6 $\frac{1}{2}$ SE NW SP 01 V 33 P 267							
¹³⁸⁶² George, R. P. Kerby, Ore. Proof 51	1871		41	Irrigation	Adams Ditches	Springs and Wood Creek, trib. of West Fork Illinois River	1.3 acres in Lot 3 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) 12.7 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 17.4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 2.8 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29; 3.1 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 3.7 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32, T. 40 S., R. 8 W., W.M.
¹³⁸⁶³ Gilligan, Thomas O'Brien, Ore. Proof 52	May 1, 1905		20	Irrigation	Dam and ditch	Elk Creek	10 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 10 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11, T. 41 S., R. 9 W., W.M.
Griffin, Frank Kerby, Ore. Proof 53	(NOTE: Rights acquired under State Engineer's Permit No. 5553, Certificate No. 5145.)						
Proof 54	(NOTE: Rights acquired under State Engineer's Permits Nos. 6862 and 7686.)						

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
<p>13864</p> <p>Haberman, H. T. and G. C. Summer Selma, Ore. Proof 55</p> <p>Proof 56</p>	1897		29.9	Irrigation	Squaw Creek Ditch	Squaw Creek, trib. of Deer Creek	5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 2.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 16 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9; 1.7 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10; T. 38 S., R. 8 W., E.M.
(NOTE: Rights acquired under State Engineer's Permit No. 4255, Certificate No. 6067.)							
<p>13865</p> <p>Hales, G. W. c/o A. E. Reames, Attorney, Medford, Ore. Proof 37 (Findings, Paragraph 16, Page 18, and Paragraph 18, Page 20.)</p>	1853		59.8	Irrigation, domestic, and stock	Scotch Gulch Ditch	East Fork Illinois River	9.8 acres in Lot 2 (NW $\frac{1}{4}$ SW $\frac{1}{4}$) 2.3 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 2 acres in Lot 1 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) 10 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 22; 22.7 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 0.2 acre in Lot 5 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) 2.4 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 7 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 1.9 acres in Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$) 1.5 acres in Lot 2 (SW $\frac{1}{4}$ NE $\frac{1}{4}$) Section 27, T. 40 S., R. 8 W., E.M.
	1853	33.25 c.f.s.		Mining	Scotch Gulch Ditch	East Fork Illinois River	PLACE OF USE: NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 4; NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ Section 5; NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ Section 8; NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9; NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ Section 10; NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 14; NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ Section 15; NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 16; NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21; NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ Section 22; NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 23, T. 40 S., R. 8 W., E.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
Hales, G. W. Proof 37 (Continued)				Mining			NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26; NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 27, T. 40 S., R. 8 W., W. M. Also Mineral Lot No. 38 Section 3, T. 41 S., R. 8 W., W. M.
	(NOTE: The right to the use of water for mining is continuous throughout the year.)						
¹³⁸⁶⁶ Proof 38 Findings, Paragraph 18 Page 20)	1853	12.95 c.f.s.		Mining	Waldo Ditch	East Fork Illinois River	PLACE OF USE: Appurtenant to same lands as described under the mining right under Proof of Claim No. 37 above.)
	(NOTE: The right to the use of water for mining is continuous throughout the year.)						
¹³⁸⁶⁷ Proof 39 Findings, Paragraph 18 Page 20, and Paragraph 23, Page 25)	1895	75.0 c.f.s.		Mining	Wash Ditch	East Fork Illinois River	PLACE OF USE: Appurtenant to same lands as described under the mining right under Proof of Claim No. 37 above.)
	(NOTE: The right to the use of water for mining is continuous throughout the year.)						
¹³⁸⁶⁸ Hanseth, A. A. Dryden, Ore. Proof 57	1904		1.5	Irrigation and domestic	Unnamed ditch	Brockhurst Creek, trib. of Deer Creek	1.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, T. 38 S., R. 7 W., W. M.
¹³⁸⁶⁹ Harmon, Charles E. Dryden, Ore. Proof 58	1882		4.6	Irrigation	Ditch, reservoir, and pipe line	Spring in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, T. 37 S., R. 7 W., W. M.	4.6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 34, T. 37 S., R. 7 W., W. M.
¹³⁸⁷⁰ Proof 59	Spring, 1895		9	Irrigation	Sarah Harmon Ditch	Crooks Creek, trib. of Deer Creek	9 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 34, T. 37 S., R. 7 W., W. M.
Proof 60	(NOTE: Rights acquired under State Engineer's Permit No. 5154, Certificate No. 5314.)						
Harmon, J. W. Dryden, Ore. Proof 61	(NOTE: Rights acquired under State Engineer's Permit No. 7125.)						

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
<i>1387¹ Superseded by Cont No 44966 57729</i> Harmon, T. G. 420 A Street Grants Pass, Ore. Proof 62 <i>T-3184</i>	May 15, 1886		36.9	Irrigation, domestic, and stock	Unnamed ditch	Deer Creek and Messinger Slough	0.8 acre in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14; 18.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15, 17.3 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15, T. 38 S., R. 7 W., W.M.
<i>1387²</i> Hart, Camseydell Kerby, Ore. Proof 63	May, 1887		0.33	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	0.33 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, T. 39 S., R. 8 W., W.M.
<i>1387³</i> Hart, George F. and Florence T. Kerby, Ore. Proof 64	May, 1887		7	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	7 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9, T. 39 S., R. 8 W., W.M.
<i>1387⁴</i> Hayden, Harris M. Kerby, Ore. Proof 65	May, 1887		16	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	16 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 21, T. 39 S., R. 8 W., W.M.
<i>1387⁵</i> Herman, John Selma, Ore. Proof 66	June 16, 1904		5	Irrigation	Herman Ditch and pump from Draper Creek	Spring and Draper Creek	5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 1, T. 38 S., R. 8 W., W.M.
<i>63175 1387⁶</i> Hill, John A. Kerby, Ore. Proof 67 <i>T-5229 Δ POD 211</i>	1905		8.6	Irrigation	Hill Ditch	West Fork Illinois River	0.8 acre in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28, 7.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28, T. 39 S., R. 8 W., W.M.
<i>1387⁷</i> Hinkle, W. K. Selma, Ore. Proof 68 (Findings, Paragraph 24 Page 27)	Nov. 2, 1880		28	Irrigation	Hogue Ditch	Clear Creek, trib. of Deer Creek	8.4 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11, 6 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11, 13.6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11, T. 38 S., R. 8 W., W.M.

(NOTE: 0.572 cubic foot per second is awarded for the irrigation of the above-described land with a date of priority of July 7, 1932, in addition to that allowed under Paragraph 25, Page 28 herein.)

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
13878 Hogue, J. D. and Alice J. Kerby, Ore. Proof 69	May, 1887		41.3	Irrigation and stock	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	19.2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 22.1 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, T. 39 S., R. 8 W., W.M.
Hogue, W. A. Selma, Ore. Proof 70	(NOTE:	Rights acquired					under State Engineer's Permit No. 7759.)
Proof 71	(NOTE:	Rights acquired					under State Engineer's Permit No. 4294, Certificate No. 3907.)
13879 Horstmann, Anna Martha Kerby, Ore. Proof 72 Findings, Paragraph 12 Page 9)	1903		35.5	Irrigation	Hildebrandt Ditches	Springs in Sec. 28, T. 38 S., R. 8 W., W. M., trib. of Henderson Creek	3.5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27; 6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 8 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 10 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28, T. 38 S., R. 8 W., W.M.
Houck, Viola M. Kerby, Ore. Proof 73 Findings, Paragraph 16 Page 18)	(NOTE:	Rights acquired					under State Engineer's Permit No. 7294, Certificate No. 7590.)
13880 Howard, Charles J. Kerby, Ore. Proof 74	May, 1887		0.66	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	0.66 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T. 39 S., R. 8 W., W.M.
13881 Hydroplass Mining Company, an Oregon corporation, successor to J. T. Logan) Portland, Ore. Proof 80 Findings, Paragraph 23 Page 25)	1880	40 c.f.s.		Mining	Logan Ditch or Osgood Ditch	East Fork Illinois River	40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 10 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 27; 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 $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33, T. 40 S., R. 8 W., W.M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Hydroplass Mining Company Proof 80 (Continued)				Mining			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 $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 20 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34, T. 40 S., R. 8 W., W.M. 10 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4, T. 41 S., R. 8 W., W.M.
13882 ones, Geo. T. Kirk, Ore. Proof 152	1897		9	Irrigation	Clark Ditch	McMullen Creek	9 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32, T. 38 S., R. 7 W., W.M.
13883 ones, Walter S. Kerby, Ore. Proof 75	May, 1887		4	Irrigation	Kerbyville East Milling & Irrigation Co. Ditch	East Fork Illinois River	2.5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 1.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21, T. 39 S., R. 8 W., W.M.
hoeery, K. J. Takilma, Ore. Proof 76							(NOTE: Rights acquired under State Engineer's Permit No. 1322.)
13884 36485 45764 ohler, W. O. 54457 Kerby, Ore. Proof 77 Findings, Paragraph 16 (page 18) T-2579 Δ P 0 D	1881		7	Irrigation	Brady Ditch	East Fork Illinois River	7 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 2, T. 40 S., R. 8 W., W.M.
	1905		23	Irrigation	Unnamed ditch	East Fork Illinois River	20 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 3 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 2, T. 40 S., R. 8 W., W.M.
	1907		5.2	Irrigation	Unnamed ditch	East Fork Illinois River	2.2 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 3.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2, T. 40 S., R. 8 W., W.M.

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
¹³⁸⁸⁵ Lange, Michael Selma, Ore. Proof 78	1905		3.2	Irrigation	Lange Pipe Line	Sandy Bar Gulch, trib. of Illinois River	3.2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, T. 37 S., R. 9 W., W.M.
¹³⁸⁸⁶ Lima, Frank Dryden, Ore. Proof 79	1898		2	Irrigation	Unnamed ditch	Spring Branch of Deer Creek	2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, T. 38 S., R. 7 W., W.M.
¹³⁸⁸⁷ Link, W. H., and Harry Sibley Selma, Ore. Proof 45 (Successors in interest to A. Fulton)	1908		9.4	Irrigation	Fulton Ditch	Baker Creek, trib. of Illinois River	4.8 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 1.8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 0.4 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 2.4 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, T. 37 S., R. 9 W., W.M.
³⁵⁰²³ ^{14,384} ¹³⁸⁸⁸ Loughridge, M. N. 1617 Oak St. St. Petersburg, Fla. Proof 81	Aug. 22, 1902		43.4	Irrigation and stock	Wimer Ditch	McMullen Creek, trib. of Deer Creek	15.7 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 10.4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 7.3 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12; 10 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 13, T. 38 S., R. 8 W., W.M.
¹³⁸⁸⁹ Merril, Fred L. (Successor to M. J. McBriety) Takilma, Ore. Proof 82 (Findings, Paragraph 22 Page 25)	1855		51.2	Irrigation	Jimmy Little Ditch	East Fork Illinois River	18.5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 32.7 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34, T. 40 S., R. 8 W., W.M.
	(NOTE:	1.0 cubic foot per second is awarded for the irrigation of the above-described land with a date of priority of October 8, 1932, in addition to that allowed under Paragraph 25, Page 28 herein.)					
¹³⁸⁹⁰ Messinger, Mary Selma, Ore. Proof 83	1856		161	Irrigation	Messinger Ditch	North Fork of Deer Creek	0.6 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11; 3.9 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 1.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 11.5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 29.7 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 31.1 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 13; 26.9 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 31.9 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 0.5 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 0.5 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 21.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 1.7 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14, T. 38 S., R. 7 W., W.M.

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
<i>1389¹</i> Miller, R. F. 514 Isham Street Grants Pass, Ore. Proof 155	Sept. 22, 1898	7.0 c.f.s.		Placer mining	Dutchy Creek Ditch	Dutchy Creek, trib. of Briggs Creek	PLACE OF USE: Placer mining claims in Section 18, T. 36 S., R. 8 W., W.M. and in Section 13, T. 36 S., R. 9 W., W.M.
	(NOTE:	The use of water for mining is restricted to the period from October 1 to June 1 of the following year.)					
<i>1389²</i> Proof 156	Feb. 22, 1907	7.0 c.f.s.		Placer mining	Brushy Creek Ditch	Brushy Creek, trib. of Briggs Creek	PLACE OF USE: Lands as described under Proof No. 155 above.
	(NOTE:	The use of water for mining is restricted to the period from October 1 to June 1 of the following year.)					
<i>1389³</i> Morrison, D. R. Kerby, Ore. Proof 84	1888		6.6	Irrigation	Hamilton Ditch	Jimmy Creek, trib. of Illinois River	0.6 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 3 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 3 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17, T. 39 S., R. 8 W., W.M.
<i>1389⁴</i> Naucke, T. O. Kerby, Ore. Proof 85	May, 1887		0.5	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	0.5 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T. 39 S., R. 8 W., W.M.
<i>1389⁵</i> Niederman, E. L. (Successor in interest to Lewis W. Richardson) Grants Pass, Ore. Proof 95 (Findings, Paragraph 12 Page 9)	Nov., 1908		3	Irrigation	Richardson Ditch	Springs in Sec. 22, T. 38 S., R. 8 W., W.M.	2 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 1 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 22, T. 38 S., R. 8 W., W.M.
<i>1389⁶</i> 47289 Proof 95-A (Findings, Paragraph 12 Page 9)	Nov. 11, 1908		3.7	Irrigation	Richardson Ditch	Springs in Sec. 22, T. 38 S., R. 8 W., W.M.	1.9 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 1.8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 22, T. 38 S., R. 8 W., W.M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
<p>13197 Norton, H. D. Grants Pass, Ore. Proof 86 (Findings, Paragraph 14 Page 15)</p>	1884	5.0 c.f.s.		Mining	Norton Ditch	Days Gulch, a branch of Jose- phine Creek	<p>PLACE OF USE: Illinois and Josephine Placer Mine, comprising 400 acres, more or less, of placer mining ground as follows:</p> <p>STOCKBARGER CLAIM, comprising 35 acres, as recorded May 2, 1903, in Vol. 15 of Mining Records of Josephine County, Oregon, at Page 206 thereof;</p> <p>BATTLE BAR CLAIM, comprising 40 acres, as recorded May 2, 1903, in Vol. 15 of Mining Records of Josephine County, Oregon, at Page 207 thereof;</p> <p>TRIANGLE CLAIM, comprising 8 acres, as recorded May 4, 1903, in Vol. 15 of Mining Records of Josephine County, Oregon, at Page 208 thereof;</p> <p>WATTS EXTENSION #1 CLAIM, comprising 10 acres, as re- corded May 4, 1903, in Vol. 15 of Mining Records of Josephine County, Oregon, at Page 209 thereof;</p> <p>WHITESIDE #1 CLAIM, comprisin 160 acres, as recorded April 1889, in Vol. 12 of Mining Records of Josephine County, Oregon, at Page 569 thereof;</p> <p>WHITESIDE #2 CLAIM, comprisin 140 acres, as recorded May 4, 1903, in Vol. 15 of Mining Records of Josephine County, Oregon, at Page 210 thereof; and</p> <p>WATTS & TURNER CLAIM, com- prising 40 acres, as located by Alex Watts and _____ Turner.</p>
<p>1224 43768 + 44088 O'Brien, John, Estate of, by Mrs. Flora O'Brien, Admrx., O'Brien, Ore. Proof 87</p>	1876		134.6	Irrigation	O'Brien Ditch	West Fork Illinois River	<p>6 acres in SW$\frac{1}{4}$ NE$\frac{1}{4}$ 3.9 acres in SE$\frac{1}{4}$ NW$\frac{1}{4}$ 34.1 acres in NE$\frac{1}{4}$ SW$\frac{1}{4}$ 21.3 acres in NW$\frac{1}{4}$ SW$\frac{1}{4}$ 20.5 acres in SW$\frac{1}{4}$ SW$\frac{1}{4}$ 8.9 acres in SE$\frac{1}{4}$ SW$\frac{1}{4}$ 17.7 acres in NW$\frac{1}{4}$ SE$\frac{1}{4}$ Section 19, T. 40 S., R. 8 W., W.M.</p> <p>5.5 acres in NE$\frac{1}{4}$ SE$\frac{1}{4}$ 16.7 acres in SE$\frac{1}{4}$ SE$\frac{1}{4}$ Section 24, T. 40 S., R. 9 W., W.M.</p>
(NOTE: The right to the use of water for mining is continuous throughout the year.)							
<p>Placing pt. from record. p. 36 Chg. pt. of div for 1.0 cc. Sp. Cr. Vol. 27, p. 397 (Tr. 2951)</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
¹³⁸⁹⁹ Parker, H. N. Selma, Ore. Proof 88	1870		2	Irrigation	Pipe line and sprinkler system	Springs in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7, T. 38 S., R. 7 W., W.M.	1 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 1 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, T. 38 S., R. 7 W., W.M.
¹³⁹⁰⁰ Payne, Delia L. Kerby, Ore. Proof 89	May, 1887		0.6	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	0.6 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T. 39 S., R. 8 W., W.M.
¹³⁹⁰¹ Pfefferle, Henry M. Waldo, Ore. Proof 90 (Findings, Paragraph 16 Page 18)	1890		15	Irrigation	Pfefferle Ditch	East Fork Illinois River	15 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11, T. 40 S., R. 8 W., W.M.
Pope, A. Selma, Ore. Proof 91	(NOTE: Rights acquired under State Engineer's Permit No. 4030, Certificate No. 3412.)						
¹³⁹⁰² Prentice, John Wm. Selma, Ore. Proof 92	1896		10.2	Irrigation	Unnamed ditch	Anderson Creek	4.3 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 5.9 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 2, T. 38 S., R. 8 W., W.M.
¹³⁹⁰³ Reynolds, C. E. O'Brien, Ore. Proof 93	May, 1894		13.8	Irrigation	Unnamed ditch	West Fork Illinois River	11.8 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 1 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 1 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, T. 40 S., R. 9 W., W.M.
Reynolds, Charles Waldo, Ore. Proof 94	(NOTE: Rights acquired under State Engineer's Permit No. 4462.)						

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
54424 13904 68700 & 68701 Robinson, Lucius Kerby, Ore. Proof 96 #7-5890 A POD 12 ⁵ ac T-6247 A POD	May, 1887 Ch. Pt. of Div., Sp. Or. Vol. 10, p. 171		79.2	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	11.2 acres in NE ¹ / ₄ SW ¹ / ₄ 11.5 acres in SE ¹ / ₄ SW ¹ / ₄ 8 acres in NE ¹ / ₄ SE ¹ / ₄ 22 acres in NW ¹ / ₄ SE ¹ / ₄ 8.8 acres in SW ¹ / ₄ SE ¹ / ₄ 5.2 acres in SE ¹ / ₄ SE ¹ / ₄ Section 33, T. 38 S., R. 8 W., W.M. 12.5 acres in NE ¹ / ₄ NW ¹ / ₄ Section 4, T. 39 S., R. 8 W., W.M.
13905 Roby, Harold Gig Harbor, Wash. Proof 97	1906		14	Irrigation	No ditch - pump from creek	Chapman Creek	14 acres in NW ¹ / ₄ SW ¹ / ₄ Section 26, T. 39 S., R. 8 W., W.M.
13906 Sanborn, H. S., and Beulah B. (Successors in interest to Alfred and Mary C. Turner) Selma, Ore. Proof 126	1880		4.5	Irrigation	Bechtel Ditch	Deer Creek	4.5 acres in SE ¹ / ₄ SE ¹ / ₄ Section 10, T. 38 S., R. 8 W., W.M.
13907 Sargent, J. F. Selma, Ore. Proof 98	May 2, 1908		7	Irrigation	Sargent Ditch	Sauer Creek, trib. of McMullen Creek	7 acres in SW ¹ / ₄ NE ¹ / ₄ Section 24, T. 38 S., R. 8 W., W.M.
13908 Sargent, Oliver Selma, Ore. Proof 99	April 15, 1898		5	Irrigation	Sargent Ditch	Sargent Gulch, trib. of McMullen Creek	2 acres in SW ¹ / ₄ NE ¹ / ₄ 3 acres in SE ¹ / ₄ NE ¹ / ₄ Section 24, T. 38 S., R. 8 W., W.M.
13909 Sauer, Clement Kerby, Ore. Proof 100 Pt. of Div. Changed for parts Sp. Or. Vol. 9, p. 111. Sp. Or. Vol. 12, p. 101	May, 1887 (NOTE: These lands have a supplemental supply under the Reeves Creek Ditch, with priority of September 24, 1893.)		71.2	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	2.5 acres in NE ¹ / ₄ NE ¹ / ₄ 8.6 acres in NW ¹ / ₄ NE ¹ / ₄ 22 acres in SW ¹ / ₄ NE ¹ / ₄ 7.7 acres in SE ¹ / ₄ NE ¹ / ₄ 6 acres in NE ¹ / ₄ NE ¹ / ₄ 13.8 acres in SE ¹ / ₄ NW ¹ / ₄ 6.4 acres in NE ¹ / ₄ SW ¹ / ₄ 4.2 acres in NW ¹ / ₄ SE ¹ / ₄ Section 33, T. 38 S., R. 8 W., W.M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
<p>13910 Sauer, Clement (Continued) Proof 101</p>	<p>Sept. 24, 1893</p>		<p>71.2</p>	<p>Supplemental irrigation and stock</p>	<p>Reeves Creek Ditch</p>	<p>Reeves Creek, trib. of Illinois River</p>	<p>2.5 acres in NE 1/4 NE 1/4 8.6 acres in NW 1/4 NE 1/4 22 acres in SW 1/4 NE 1/4 7.7 acres in SE 1/4 NE 1/4 6 acres in NE 1/4 NW 1/4 13.8 acres in SE 1/4 NW 1/4 6.4 acres in NE 1/4 SW 1/4 4.2 acres in NW 1/4 SE 1/4 Section 33, T. 38 S., R. 8 W., W.M.</p>
							<p>(NOTE: This is a supplemental supply to the lands under the Kerbyville Milling & Irrigation Company Ditch, with priority of 1887.)</p>
<p>13911 Sauer, Nickolaus Kerby, Ore. Proof 102 (Findings, Paragraph 12 Page 9)</p>	<p>1871</p>		<p>10</p>	<p>Irrigation and stock</p>	<p>Henderson Creek Ditch and Reservoir</p>	<p>Henderson Creek, trib. of Illinois River</p>	<p>10 acres in NW 1/4 NE 1/4 Section 33, T. 38 S., R. 8 W., W.M.</p>
<p>13912 Proof 103</p>	<p>May, 1887</p>		<p>41.5</p>	<p>Irrigation</p>	<p>Kerbyville Milling & Irrigation Co. Ditch</p>	<p>East Fork Illinois River</p>	<p>15.6 acres in SW 1/4 NE 1/4 9.1 acres in SE 1/4 NE 1/4 5 acres in NE 1/4 SE 1/4 11.8 acres in NW 1/4 SE 1/4 Section 33, T. 38 S., R. 8 W., W.M.</p>
							<p>(NOTE: This right has a supplemental supply under the Reeves Creek Ditch, with priority of September 24, 1893.)</p>
<p>13913 Proof 104</p>	<p>Sept. 24, 1893</p>		<p>41.5</p>	<p>Irrigation and stock</p>	<p>Reeves Creek Ditch</p>	<p>Reeves Creek</p>	<p>15.6 acres in SW 1/4 NE 1/4 9.1 acres in SE 1/4 NE 1/4 5 acres in NE 1/4 SE 1/4 11.8 acres in NW 1/4 SE 1/4 Section 33, T. 38 S., R. 8 W., W.M.</p>
							<p>(NOTE: This right is a supplemental supply to the lands irrigated through the Kerbyville Milling & Irrigation Co. Ditch, with priority of May, 1887.)</p>
<p>13914 Sawyer, C. G. & F. L. Kerby, Ore. Proof 105</p>	<p>1875</p>		<p>18.3</p>	<p>Irrigation</p>	<p>Two unnamed ditches</p>	<p>Kelly Creek</p>	<p>1.6 acres in SW 1/4 SW 1/4 Section 25; 8.3 acres in NE 1/4 NW 1/4 8.4 acres in NW 1/4 NW 1/4 Section 36, T. 39 S., R. 8 W., W.M.</p>
<p>34665 13915 Sawyer, Grace Cosson Kerby, Ore. Proof 106 Recorded by Cert. No. 44190 + 44242 1 Sp. Or. V. 24 p. 235</p>	<p>1903</p>		<p>30</p>	<p>Irrigation</p>	<p>Chapman Ditch</p>	<p>Chapman Creek, trib. of Illinois River</p>	<p>25 acres in SW 1/4 NE 1/4 5 acres in SE 1/4 NE 1/4 Section 26, T. 39 S., R. 8 W., W.M.</p>

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
<p>13916 Scherffius, B. F. Cape Haitien, Haiti Proof 111</p>	<p>May, 1886</p>		<p>20.2</p>	<p>Irrigation</p>	<p>Wills Ditch</p>	<p>Deer Creek, trib. of Illinois River</p>	<p>4.5 acres in SW$\frac{1}{4}$ NW$\frac{1}{4}$ 15.7 acres in SE$\frac{1}{4}$ NW$\frac{1}{4}$ Section 15, T. 38 S., R. 7 W., W.M.</p>
<p>13917 Schmitt, Joseph and L. E. Schmitt Grants Pass, Ore. Proof 109</p>	<p>Dec. 24, 1874</p>		<p>180.65</p>	<p>Irrigation and stock</p>	<p>Schmitt Ditch</p>	<p>Clear Creek & East Fork of Clear Creek, trib. of Deer Creek</p>	<p>1 acre in SW$\frac{1}{4}$ SW$\frac{1}{4}$ Section 25; 4.47 acres in SE$\frac{1}{4}$ SW$\frac{1}{4}$ 5.5 acres in NE$\frac{1}{4}$ SE$\frac{1}{4}$ 16.25 acres in NW$\frac{1}{4}$ SE$\frac{1}{4}$ 23.46 acres in SW$\frac{1}{4}$ SE$\frac{1}{4}$ 19.07 acres in SE$\frac{1}{4}$ SE$\frac{1}{4}$ Section 26; 14.13 acres in NE$\frac{1}{4}$ NE$\frac{1}{4}$ 33.9 acres in NW$\frac{1}{4}$ NE$\frac{1}{4}$ 24.51 acres in SW$\frac{1}{4}$ NE$\frac{1}{4}$ 19.97 acres in NE$\frac{1}{4}$ NW$\frac{1}{4}$ 18.39 acres in SE$\frac{1}{4}$ NW$\frac{1}{4}$ Section 35, T. 37 S., R. 8 W., W.M.</p>
<p>52998 13918 Seat, J. W., Estate of by J. O. Seat, Admr., Kerby, Ore. Proof 107 T-2723 Δ POU ←</p>	<p>1855</p>		<p>26.8</p>	<p>Irrigation</p>	<p>Woodcock Ditch</p>	<p>Choke Cherry Gulch and springs</p>	<p>7.6 acres in NE$\frac{1}{4}$ SE$\frac{1}{4}$ 19.2 acres in SE$\frac{1}{4}$ SE$\frac{1}{4}$ Section 31, T. 39 S., R. 8 W., W.M.</p>
<p>13919 Proof 108 31729 1892</p>	<p>1902</p>		<p>205.9</p>	<p>Irrigation</p>	<p>Woodcock Ditch</p>	<p>Rough & Ready Creek</p>	<p>4 acres in Lot 3 (NE$\frac{1}{4}$ SW$\frac{1}{4}$) 26.4 acres in NW$\frac{1}{4}$ NW$\frac{1}{4}$ 0.2 acre in SE$\frac{1}{4}$ NW$\frac{1}{4}$ 26 acres in NE$\frac{1}{4}$ SW$\frac{1}{4}$ 25.6 acres in SE$\frac{1}{4}$ SW$\frac{1}{4}$ 27.6 acres in SW$\frac{1}{4}$ SE$\frac{1}{4}$ Section 5; 10.8 acres in NW$\frac{1}{4}$ NE$\frac{1}{4}$ 17.6 acres in NE$\frac{1}{4}$ NW$\frac{1}{4}$ Section 8, T. 40 S., R. 8 W., W.M. 3.3 acres in NE$\frac{1}{4}$ SW$\frac{1}{4}$ 20 acres in NW$\frac{1}{4}$ SW$\frac{1}{4}$ 36.4 acres in SW$\frac{1}{4}$ SW$\frac{1}{4}$ 8 acres in SE$\frac{1}{4}$ SW$\frac{1}{4}$ Section 32, T. 39 S., R. 8 W., W.M.</p>
<p>13920 Shade, John C. Selma, Ore. Proof 110</p>	<p>1898</p>		<p>4</p>	<p>Irrigation, domestic, and stock</p>	<p>Spring Creek Ditch and Shade Creek Ditch</p>	<p>Shade Creek Spring Creek</p>	<p>3.8 acres in SE$\frac{1}{4}$ SE$\frac{1}{4}$ Section 35, T. 37 S., R. 9 W., W.M. 0.2 acre in Lot 1 (NE$\frac{1}{4}$ NE$\frac{1}{4}$) Section 2, T. 38 S., R. 9 W., W.M.</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
¹³⁹²¹ Smith, Ora, Estate of by Agnes M. Smith, Admrx. Kerby, Ore. Proof 112	1897		6	Irrigation	Unnamed ditch <i>Ch. Pt. of Div. Sp. Or. Vol. 11 p. 327</i>	Tycer Creek	6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25, T. 39 S., R. 8 W., W.M.
¹³⁹²² Sowell, John G. Algoma, Ore. Proof 113	1908		5	Irrigation	Unnamed ditch	Tycer Creek	5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26, T. 39 S., R. 8 W., W.M.
13923 51985 State Land Board of Oregon Salem, Ore. Proof 154	1887		40	Irrigation	Craig Ditch	Draper Creek, trib. of Deer Creek	12 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 8 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 15 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 31, T. 37 S., R. 7 W., W.M. 5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, T. 37 S., R. 8 W., W.M.
¹³⁹²⁴ Stevens, John F. Selma, Ore. Proof 114 (Findings, Paragraph 21 Page 24)	Aug. 1, 1894		44.4	Irrigation	Unnamed ditches	Squaw Creek and small tribu- taries	2.3 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 16.1 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 23.9 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 2.1 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, T. 38 S., R. 8 W., W.M.
	(NOTE:	1.0 cubic foot per second to 50 acres is awarded for the irrigation of the above-described land in addition to that allowed under Paragraph 25, Page 28 herein.)					
¹³⁹²⁵ Stith, Mrs. J. F. 1709 Howard Avenue Seattle, Washington Proof 115	May, 1887		0.5	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	0.5 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T. 39 S., R. 8 W., W.M.
Stockton, O. I. O'Brien, Ore. Proof 116	(NOTE:	Rights acquired under State Engineer's Permit No. 3201, Certificate No. 3223.)					
¹³⁹²⁶ Thrasher, G. W. Kerby, Ore. Proof 117	May, 1887		1.5	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	1.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T. 39 S., R. 8 W., W.M.

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
Tolin, Julia 656 So. Daly St. Los Angeles, Calif. Proof 118	(NOTE: Rights acquired under State Engineer's Permit No. 1794, Certificate No. 1280.)						
Proof 119	(NOTE: Rights acquired under State Engineer's Permit No. 4163, Certificate No. 4944.)						
<i>13927</i> Tolin, R. L. Selma, Ore. Proof 120	1898		0.3	Irrigation	Small ditches	Spring in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 17, T. 38 S., R. 7 W., W.M.	0.2 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 0.1 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17, T. 38 S., R. 7 W., W.M.
<i>13928</i> Trimble, Fannie Brookings, Ore. Proof 121 (Findings, Paragraph 12 Page 9)	1864		3	Irrigation	Vincent Bar Ditch	Henderson Creek, trib. of Illinois River	3 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28, T. 38 S., R. 8 W., W.M.
<i>13929</i> Proof 122 (Findings, Paragraph 12, Page 9)	1908		31	Irrigation	Montgomery Irrigation System	Springs in SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28, T. 38 S., R. 8 W., W.M.	15 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 8 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 8 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28, T. 38 S., R. 8 W., W.M.
<i>13930</i> Tucker, Ella H. Takilma, Ore. Proof 123	1863		60.3	Irrigation	Big Elder Creek Ditch	Big Elder Creek, trib. of East Fork Illinois River	18 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 7 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 7.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 26 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 1.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25, T. 40 S., R. 8 W., W.M.
	(NOTE: This land has a supplemental supply from Little Elder Creek, through the Little Elder Creek Ditch with same priority.)						
<i>13931</i> Proof 124	1863		60.3	Supplemental irrigation	Little Elder Creek	Little Elder Creek, trib. of E. Fork Illinois River	18 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 7 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 7.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 26 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 1.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25, T. 40 S., R. 8 W., W.M.
	(NOTE: This is a supplemental supply for the lands irrigated from Big Elder Creek through the Big Elder Ditch with same priority.)						

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
13932 Tuff, Max Kerby, Ore. Proof 125	May, 1887		10.4	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	9.6 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4; 0.8 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 9, T. 39 S., R. 8 W., W.M.
13933 Sponsored by Tuttle, Jennie Selma, Ore. Proof 127 (Findings, Paragraph 13, Page 14) 7-2901 7-3050	1858		14.4	Irrigation, domestic, and stock	Pipe line	Tuttle Spring in SW $\frac{1}{4}$, Sec. 21, T. 38 S., R. 7 W., W.M.	1 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 21, 1.8 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21, 8.3 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21, 3.3 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21, T. 38 S., R. 7 W., W.M.
13934 Twohy Bros. Company 623 Underwood Bldg. San Francisco, Calif. Proof 128	1875		132	Irrigation	Twohy Irrigation System or Old Mansfield Ditch	Big Spring Rice Creek and Straw Creek, Tribs. of Illinois River	20 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4; 5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4; 10 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4; 5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4; T. 38 S., R. 8 W., W.M. 12 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4; 30 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 5; 10 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5; 20 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5; 20 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5, T. 39 S., R. 8 W., W.M.
							(NOTE: These lands have a supplemental supply through Twohy Irrigation Ditch, with priority of 1898.)
13935 Proof 129	Oct. 1, 1898		110	Irrigation	Twohy Irrigation System or Mansfield Ditch	Illinois River	10 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28; 20 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28; 10 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28; 5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28; 20 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28, T. 38 S., R. 8 W., W.M. 25 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8; 20 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, T. 39 S., R. 8 W., W.M.
	Oct. 1, 1898		132	Supplemental irrigation	Twohy Irrigation System or Mansfield Ditch	Illinois River	20 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33; 5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33; 10 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33; 5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, T. 38 S., R. 8 W., W.M. 12 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4; 30 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 5; 10 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5; 20 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5; 20 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5, T. 39 S., R. 8 W., W.M.
							(NOTE: This is a supplemental supply to the lands under Proof 128 above.)

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
¹³⁹³⁶ Tycer, Edward F. Kerby, Ore. Proof 130	1878		28	Irrigation	Tycer Ditch	Tycer Creek	14 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 14 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 19, T. 39 S., R. 7 W., W.M.
¹³⁹³⁷ Walton, G. W. Dryden, Ore. Proof 131	1905		0.1	Irrigation	Pipe line	Unnamed spring in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, T. 38 S., R. 7 W., W.M.	0.1 acre in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, T. 38 S., R. 7 W., W.M.
¹³⁹³⁸ Proof 132	1905		3	Irrigation	Unnamed ditch	Potter Gulch Creek, trib. to Deer Creek	3 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, T. 38 S., R. 7 W., W.M.
Walton, Geo. W. Dryden, Ore. Proof 133	(NOTE: Rights acquired under State Engineer's Permit No. 2363, Certificate No. 2745.)						
¹³⁹³⁹ Warren, Frank L. 920 N. 19th Street Salem, Ore. Proof 134	Feb. 14, 1898		67.6	Irrigation	Unnamed ditches	Two spring branches and Eight Dollar Mountain Creek	7.5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 23.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 21.8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 14.9 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15, T. 38 S., R. 8 W., W.M.
¹³⁹⁴⁰ Webb, David L. O'Brien, Ore. Proof 135	April 1, 1902		29	Irrigation	Unnamed ditch	Elk Creek, trib. of West Fork Illinois River	29 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11, T. 41 S., R. 9 W., W.M.
¹³⁹⁴¹ Webb, Louis R. O'Brien, Ore. Proof 136	1907		1	Irrigation	Unnamed ditch	Elk Creek, trib. of West Fork Illinois River	1 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 14, T. 41 S., R. 9 W., W.M.

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
<i>13942</i> Wells, Roy Kerby, Ore. Proof 137	1860		4.6	Irrigation	Kelly Ditch	Kelly Creek	3.1 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 1.5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 20, T. 39 S., R. 7 W., W.M.
<i>13943</i> White, Homer and Mary E. Takilma, Ore. Proof 138	1903		3	Irrigation and domestic	Unnamed ditch	Waldo Creek, trib. of East Fork Illinois River	3 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 35, T. 40 S., R. 8 W., W.M.
<i>13944</i> White, Lillie May Kerby, Ore. Proof 139	May, 1887		2	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	2 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, T. 39 S., R. 8 W., W.M.
Wilber, Edw. J. Kerby, Ore. Proof 140	(NOTE:	Rights acquired under State			Engineer's Permit No.		7671.)
<i>13945</i> Williams, Arthur O'Brien, Ore. Proof 141	May, 1887		1	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	1 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T. 39 S., R. 8 W., W.M.
<i>13946</i> Williams, C. A. 822 N. Central Street Medford, Ore. Proof 142	1885		20	Irrigation, domestic, and stock	Wait Ditch	Wait Creek, trib. of Deer Creek	8 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 12 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24, T. 38 S., R. 7 W., W.M.
<i>13947</i> Williams, William A. Dryden, Ore. Proof 143	1896		6.5	Irrigation	Williams Ditch	Spring in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, T. 38 S., R. 7 W., W.M.	0.9 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 5.6 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10, T. 38 S., R. 7 W., W.M.
Wilson, J. E. Takilma, Ore. Proof 144	(NOTE:	Rights acquired under State			Engineer's Permit No.		3691, Certificate No. 3395.)
<i>13948</i> Wing, Mrs. Ida J. Waldo, Ore. Proof 145	Sept. 15, 1899		10	Irrigation and stock	Wing and Farren Ditch	Rough and Ready Creek	10 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 13, T. 40 S., R. 9 W., W.M.


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
¹³⁹⁴⁹ Wittrock, J. H. Kerby, Ore. Proof 146	May, 1887		2.5	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	2.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T. 39 S., R. 8 W., W.M.
¹³⁹⁵⁰ ³⁶⁴⁵⁶ ³⁶⁴⁵⁷ Woodcock, H. S. Estate of, by Lottie B. Woodcock, Admrx. Kerby, Ore. Proof 147 <i>part Cancelled-see or Rec. Vol. 18 P. 291-304</i>	1873		16.8	Irrigation and domestic	Home Ditch	Frost Gulch and Choke Cherry Gulch	4.8 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 31; 7.2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31; 3.2 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32, 1.6 acres in Lot 1 (NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32, T. 39 S., R. 8 W., W.M.
¹³⁹⁵¹ Proof 148	May, 1887		2.8	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	2.8 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, T. 39 S., R. 8 W., W.M.
¹³⁹⁵² Proof 149	1890		10	Irrigation	Unnamed ditch	Mendenhall Gulch	10 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 6, T. 40 S., R. 8 W., W.M.
68754 ⁶⁸⁷⁵⁴ 31668 & 33256 ^{31669 & Sp. O. Vol. 13 pp. 319} Wright, E. W. 321 E. 16th St., N. Portland, Ore. Proof 150	May, 1887		74	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	Springs in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 9, T. 39 S., R. 8 W., W.M., and East Fork Illinois River	3 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9; 5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9; 6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 9; 15 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 9; 5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9; 10 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9; 20 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9; 10 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 16, T. 39 S., R. 8 W., W.M. <i>See also map in Rec. Vol. 18 p. 291-304</i>
¹³⁹⁵⁴ Young, Thos. E. Kerby, Ore. Proof 151	May, 1887		0.34	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	0.34 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T. 39 S., R. 8 W., W.M.

This adjudication proceeding involves principally those water rights which were initiated prior to February 24, 1909, on which date the Oregon Water Code became effective, and which prior rights are tabulated in the preceding Paragraph 30. Rights initiated after that date are evidenced by permits issued by the State Engineer or by final water right certificates based upon the completion of rights under such permits. Each and every appropriator holding such a permit or certificate for the use of water from Illinois River or its tributaries shall have such rights thereunder as are provided by law, and such rights shall be perfected in the manner provided by law for the completion thereof.

The Court being fully advised in the premises, it is hereby ORDERED AND DECREED that the relative rights to the use of the waters of Illinois River and its tributaries, a tributary of Rogue River, are hereby adjudicated, determined, and settled in accordance with this decree; and

It is further ORDERED AND DECREED that, based upon the foregoing findings, which are hereby made a part of this decree, the various claimants are entitled to the use of water as contained in these findings and this decree; and they, and each of them, their successors and assigns, and all persons claiming under them, are hereby enjoined and prohibited from the use under the rights herein allowed of water in any other amounts, manner, or priorities than herein found.

Dated at Medford, Oregon, this 26th day of Sept., 1939.



 Circuit Judge

Endorsements:
 Case No. 5067-E
 In the Circuit Court of the State of
 Oregon for Josephine County
 In the Matter of the Determination of the
 Relative Rights to the Use of the Waters of
 Illinois River and its Tributaries, a
 Tributary of Rogue River.
 Modified Findings and Decree
 Filed Sep 26 1939
 F. L. Coon, County Clerk.

I, F. L. Coon, County Clerk and Assistant Clerk of
 the Circuit Court of said County and State, do hereby certify that I have
 carefully compared the foregoing copy of Modified Findings and Decree
 with the original, and that it is a true and correct copy of each and of the whole thereof as
 the same appears on file in my office
 and in my custody.

Witness my hand and the seal of said Court dated October 10, 1939
F. L. Coon

 Clerk

By _____
 Deputy

STATE OF OREGON)
) ss
County of Marion)

I, CHAS. E. STRICKLIN, State Engineer of Oregon, do hereby certify that the foregoing certified copy of MODIFIED FINDINGS AND DECREE in the Matter of the Determination of the Relative Rights to the Use of the Waters of ILLINOIS RIVER and its tributaries, tributary of Rogue River, was received in this office and entered of record herein on this 14th day of October, 1939.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of October, 1939.



Chas. E. Stricklin
Chas. E. Stricklin, State Engineer