

BEFORE THE STATE ENGINEER OF OREGON

Marion and Linn Counties

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

FINDINGS AND ORDER
OF
DETERMINATION

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

FINDINGS AND ORDER OF DETERMINATION

1.

That the North Santiam River proper rises in Township 12 South, Range 7½ East of
the Willamette Meridian, on the western slopes of the Cascade Range between two mountain peaks,
Mt. Jefferson with an elevation of 10,495 feet and Three-Fingered Jack which reaches an altitude
of 7,848 feet above sea level. This region forms the upper and most easterly portion of the
river's drainage basin and is situated in Marion and Linn Counties, Oregon. It is a rough,
mountainous, and heavily-forested region, practically the entire area of which is included in
the Santiam National Forest. Here flow small mountain streams, many of which are formed by
the run-off of the perpetual glaciers and snows of Mt. Jefferson. These small streams join
the main stream, providing a steady flow throughout the entire year.

From its source the main stream of the North Santiam River flows in a general
northerly direction to the section line between Sections 20 and 29, Township 10 South, Range
7 East of the Willamette Meridian, where it becomes the boundary between Marion and Linn
Counties, Oregon, and continues as such as it flows in a general westerly direction to its
confluence with the Santiam River. On its westward course, the river cascades through rugged
terrain, rocky gorges, and narrow steep-sided canyons until it reaches the vicinity of Mill
City. It is in this stretch of its 65-mile course that the flow of the main stream is aug-
mented by its two principal tributaries, the Breitenbush and the Little North Santiam Rivers.

From Mill City westward, the valley of the North Santiam begins to broaden into a
flat agricultural area until it reaches the town of Stayton, where the river enters the floor
of the Willamette Valley through which, for the remaining fifteen miles of its course, it
runs between low gravel and clay banks. In this broad and cultivated region, the North Santiam

joins with the South Santiam River about six miles northeast of Albany, Oregon, in Section 24, Township 10 South, Range 3 West of the Willamette Meridian to form the Santiam River which, in turn, continues westerly to join with the Willamette River about ten miles south of the City of Salem.

The entire drainage area of the North Santiam River is approximately 743 square miles, the northern portion of which is situated in Marion County, Oregon, and the southern portion in Linn County, Oregon. That therefore, for the purposes of these findings, the North Santiam River and its tributaries and the lands irrigated therefrom are found to be situated in said Marion and Linn Counties, Oregon.

2.

That on the 5th day of April, 1938, there was filed in the office of the State Engineer an order of the Circuit Court of the State of Oregon for Marion County, dated October 26, 1937, wherein it was ordered that, pursuant to the laws of the State of Oregon, the cause of the Western Oregon Development Company and the Flaxland Development Company, Plaintiffs, vs. Rhea Luper, State Engineer of the State of Oregon, and Henry C. Porter, Trustee, Defendants, be transferred to the State Engineer for determination in connection with the determination of all rights to the use of the waters of the North Santiam River and its tributaries. That the State Engineer thereafter fixed a time for making the necessary surveys and examinations and the beginning and taking of such testimony as would enable him to determine the rights of the various claimants to the use of the waters of said stream and its tributaries, as provided by law.

3.

That a notice was prepared by the State Engineer setting forth the date on or about which the State Engineer or his assistants would begin the investigation of the flow of said stream and its tributaries and of the ditches diverting water therefrom, and said notice was published in two issues of the Oregon Statesman, a newspaper printed and published daily at Salem, Marion County, Oregon, and of general circulation in said county; said notice was also published in two issues of the Albany Democrat-Herald, a newspaper printed and published daily at Albany, Linn County, Oregon, and of general circulation in said county, said two issues of each of said newspapers being June 21 and June 28, 1938, the date of the last publication in each case being more than ten days prior to the date fixed for the beginning of the taking of the measurements of said stream and its tributaries by the State Engineer, as provided by law.

4.

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 land irrigated, and gathered such other 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 were made a matter of record in his office. And the State Engineer did cause to be prepared a set of maps or plats, showing with substantial accuracy the course of said stream and its tributaries, the location of each ditch or canal or other works 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.

5.

That as soon as practicable after the examinations 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 Capital Journal, a newspaper printed and published daily at Salem, Marion County, Oregon, and of general circulation in said county; said notice was also published in two issues of the Albany Democrat-Herald, a newspaper printed and published daily at Albany, Linn County, Oregon, and of general circulation in said county, said two issues of each of said newspapers being those of June 6 and June 13, 1940, the date of the last publication in each case being at least thirty days prior to the first date fixed for the taking of claims by the State Engineer.

6.

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 or its tributaries 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, in so far 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 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 right, under oath.

7.

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

On Monday, July 15, 1940, in the High School at Detroit, Oregon;

On Tuesday, July 16, 1940, in the High School at Mill City, Oregon;

On Wednesday, July 17, 1940, in the Circuit Court Room of the County Court House at Albany, Oregon;

On Thursday, July 18, 1940, in the City Hall at Stayton, Oregon;

On Friday, July 19, 1940, in the Town Hall at Aumsville, Oregon,

And for a period of thirty days, beginning July 22, 1940, at the office of the State Engineer in the State Office Building at Salem, Oregon.

That thereafter, the State Engineer did extend the time so fixed within which to file said statements and proofs of claim until the 28th day of August, 1940; that within said time claims to the use of the waters of said stream and its tributaries were filed, each of which will be hereinafter considered.

8.

That the following persons were duly notified of the proceeding by registered mail and by publication of said notices, as set forth by Paragraphs 3 and 5 hereof, and by the affidavits of publication and post office registry receipts in Volume I of the evidence herein, and having 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, such parties are in default; such default is here and now entered against them, and each of them, and such parties are hereby enjoined and inhibited from using or asserting any right to the use of the waters of said stream or any tributary thereof included in this proceeding, 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:

-A-

Adams, James M., Mehama, Oregon
Aegerter, David and Maggie, Scio, Oregon
Aegerter, Margarith, Scio, Oregon
Aitken, D., Mill City, Oregon
Akins, Roy and Winifred, Stayton, Oregon
Albert Estate, Inc., c/o Ladd & Bush,
Salem, Oregon
Allen, Burton L., Mill City, Oregon
Allen, Newton, Lyons, Oregon
Ammon, Henry and Mary, Albany, Oregon
Anderson, F. E., Jefferson, Oregon

Anderson, Henry, Lebanon, Oregon
Andrews, Fredrick B., 2546 N. E. 12th
Avenue, Portland, Oregon
Archambau, Elmer R., Scio, Oregon
Arnold, A. I., Scio, Oregon
Arnold, Ida L., Scio, Oregon
Arnold, Nancy D. and James L., Scio, Oregon
Asche, E., Gates, Oregon
Associated Creditors Adjustment Company,
Pittock Block, Portland, Oregon
Asper, G. W., Albany, Oregon

-B-

Babb, R. A. Hardware Company, 771 Willamette
Street, Eugene, Oregon
Baldwin Corporation, c/o Brown & Brown, Inc.,
Lewis Building, Portland, Oregon
Baldwin, W. P., Route 1, Box 94, Stayton,
Oregon
Bank of Stayton, Stayton, Oregon
Barnes, V. and Mary, Lyons, Oregon
Barney, E. O. and F. E., Lyons, Oregon
Bartch, Frank, Turner, Oregon
Barton, W. B., c/o Merchants' National Bank,
Fort Smith, Arkansas
Bartoz, Hildegard, Gates, Oregon
Bartoz, Joseph, Gates, Oregon
Bass, Matt, Scio, Oregon
Bass, Sam, Scio, Oregon
Bass, Sherman, Halsey, Oregon
Bassett, F. N. and E. E., 1580 N. 21st
Street, Salem, Oregon
Bassett, S. M. and Lizzie J., Lyons, Oregon
Bates, A. C., Aumsville, Oregon
Bates, Bertel E., Scio, Oregon
Bates, Chas. A., Scio, Oregon
Bates, O. D., Scio, Oregon
Bayley, Harold, 2925 E. 17th Street N.,
Portland, Oregon
Bayne, Albert E., 627 N. Church Street,
Salem, Oregon
Bayne, John, 414 Bellevue Street,
Salem, Oregon
Baysinger, Henry, Stayton, Oregon
Beach, Ralph L., Turner, Oregon
Beal, F., West Stayton, Oregon
Beauchamp, Mabel, 626 W. 3rd Street,
Albany, Oregon
Beck, W. S., c/o Iven B. Jones,
Jefferson, Oregon
Becker, Joseph, Route 1, Box 96,
Stayton, Oregon
Beedle, Anna J., 2459 Virginia Street,
Berkeley, California
Beeson, R. G., Mill City, Oregon
Behl, A., West Stayton, Oregon
Belden, Ben, Aumsville, Oregon
Belknap, Gilbert M., Route 1, Box 127,
Jefferson, Oregon
Bell, George, Stayton, Oregon
Bennett, I. A. and L., Scio, Oregon

Bennett, J. W., Scio, Oregon
Bennett, Wilma and Ivy G., Scio, Oregon
Benson, John P., Stayton, Oregon
Beringer, A. J., 543 Hill Street,
San Francisco, California
Beringer, Gail E., Mehama, Oregon
Beringer, Lizzie, Mehama, Oregon
Beringer, Sarah J., c/o R. K. Page, 1815 S.
Commercial Street, Salem, Oregon
Berry, J. H. and E. H., 223 Vernon Street,
Roseville, California
Berry, Mrs. Laura Leffler, Scio, Oregon
Bethell, J. W., Aumsville, Oregon
Bilyeu, H., Route 1, Box 181, Jefferson,
Oregon
Bilyeu, M., Route 1, Box 181, Jefferson,
Oregon
Black, Marian, Stayton, Oregon
Bliss, O. Dean and Leah R., 2745 N. Front
Street, Salem, Oregon
Blinston, Ethel, Jefferson, Oregon
Blum, C. J., Stayton, Oregon
Blum, Mrs. Ethel I., Stayton, Oregon
Blum, John J. and Susan, Stayton, Oregon
Bock, Herman, Gates, Oregon
Bodeker, H. F., Estate of, c/o B. F. Bodeker,
Mill City, Oregon
Bone, W. W., West Stayton, Oregon
Boone, Claude D., Aumsville, Oregon
Bosch, H. H. and Maril, Turner, Oregon
Bosl, Frank, Route 1, Box 232, Stayton,
Oregon
Bouche, Fred, Mehama, Oregon
Bouck, C. B., Turner, Oregon
Bouck, Oscar, Turner, Oregon
Bowes, J. F., Lyons, Oregon
Bowman, F. A., Scio, Oregon
Boyington, F. A., Lyons, Oregon
Bradley, H. M., Aumsville, Oregon
Bradley, Nelson J., Gates, Oregon
Bradley, R. M., c/o H. D. Bradley, 1011 Ruge
Street, West Salem, Oregon
Bradshaw, J. B. and H. A., Lyons, Oregon
Branch, Raymond and Winifred, Mehama, Oregon
Brand, James and Appolonia, Stayton, Oregon
Brand, Joe and Apolene, Stayton, Oregon
Brand, Joseph, Stayton, Oregon
Bratoz, Ed. A., Turner, Oregon

Braun, John, Scio, Oregon
Bressler, C. H., Lyons, Oregon
Brewer, Esther D., Stayton, Oregon
Bridges, M. and E., Albany, Oregon
Bristol, L., Estacada, Oregon
Brooks, Bert, Francis, and Elsie F.,
c/o Mrs. B. O. Brooks, 4932 N. E.
Thompson Street, Portland, Oregon
Brown, Geo. and Johanna, Aumsville, Oregon
Brown, H. S., Aumsville, Oregon
Brown, Martha K., Stayton, Oregon
Brown, Selmer and Lucretia, Aumsville, Oregon

Browning, Ben and Emily, Aumsville,
Oregon
Buckner, C. W., Turner, Oregon
Burdick, Lizzie M., Mehama, Oregon
Burnett, D. M., Route 1, Box A,
Jefferson, Oregon
Burns, G. E., Mehama, Oregon
Burson, O. L., Stayton, Oregon
Bushey, Iva B., c/o A. T. Walter, 961 Alameda,
Eugene, Oregon
Bushey, William, 1689 B Street,
Salem, Oregon

-C-

Camp, Fred, Turner, Oregon
Campbell, Newt, Aumsville, Oregon
Carson, V. E., 995 N. Summer Street,
Salem, Oregon
Carter, Wm. H., Stayton, Oregon
Cascade Operating Company, Silverton, Oregon
Case, Crotser & Wade, c/o R. R. Case,
Kingsley, Michigan
Case, Crotser & Wade, c/o De Vries Wade,
California Forest Experiment Station,
Berkeley, California
Caywood, Wilber and Nellie, Albany, Oregon
Chamberlin, B. H., West Stayton, Oregon
Champ, R. H., Mehama, Oregon
Champ, S. W., Lyons, Oregon
Chance, C. H., Aumsville, Oregon
Chance, M. I., c/o Weatherford & Thompson,
Albany, Oregon
Chapel, Earl and James, 857 N. 15th Street,
Salem, Oregon
Chastain, W. L., Lebanon, Oregon
Childs, Leo N. and Elma, 320 N. 14th Street,
Salem, Oregon
Chinnock, Thelma A., Reid City, Michigan
Chrisman, G. and P. E., Scio, Oregon
Chrisman, H. E. and Lena, Scio, Oregon
Christopher, J. M., Marion, Oregon
Chrz, Charles F., Scio, Oregon
Chrz, Ed, Scio, Oregon
Clark, B. H. and R. B., Lyons, Oregon
Clark, Ed., Stayton, Oregon
Clark, T. H., 1025 Cross Street, Salem,
Oregon
Clark, Verne H., Lyons, Oregon
Coates, Arthur E. and Helen B., Scio, Oregon

Cobb, Lena, 125 River Street, Salem, Oregon
Coffey, Margaret, Scio, Oregon
Coffman, N. B., Stayton, Oregon
Coleman, Charles, Turner, Oregon
Colgan, G. H., Marion, Oregon
Colgan, James A., Route 1, Box 231,
Jefferson, Oregon
Collier, H. E., 1220 Spaulding Building,
Portland, Oregon
Colvin, Lillie D., Aumsville, Oregon
Commonwealth Inc., 415 S. W. 6th,
Portland, Oregon
Comstock, Clyde, Aumsville, Oregon
Conant, George W., Stayton, Oregon
Condit, H. B., West Stayton, Oregon
Conner, Ella, Albany, Oregon
Cook, D. L. and E. A., Albany, Oregon
Cooper, E. M. and Ella, Route 1, Box 108,
Stayton, Oregon
Cooper, J. E., Albany, Oregon
Cooper, R. F., Albany, Oregon
Corey, Mrs. Harriet, Lyons, Oregon
Cornforth, E. W., Lyons, Oregon
Cram, J. J., West Stayton, Oregon
Grane, Mrs. V. R., West Stayton, Oregon
Crawford, Henry R., 1440 Court Street,
Salem, Oregon
Crouch, Marguerite, 6106 N. E. Alameda Drive,
Portland, Oregon
Crown-Zellerbach Corporation, Pittock Block,
Portland, Oregon
Crum, Sarah A., Aumsville, Oregon
Cullums, W. L., Lyons, Oregon
Curtis, Albert A., Aumsville, Oregon
Cutler, B. H., Stayton, Oregon

-D-

Danforth, D. W., 9605 N. Hodge Avenue,
Portland, Oregon
Darley, Chas., Aumsville, Oregon
Darley, C. T., West Stayton, Oregon
Davidson, Albert, Route 1, Box 105,
Jefferson, Oregon
Davidson, Dalmer A., Route 1, Box 103,
Jefferson, Oregon
De Lough, Herman, Turner, Oregon
Denhem, Fred, Aumsville, Oregon

Denhem, W. J., Turner, Oregon
Denison, Frank, Lyons, Oregon
Dennell & Correll, West Stayton,
Oregon
Denny, F. J., c/o J. G. Reed,
Lebanon, Oregon
Devine, Merle, Gates, Oregon
Dickie, H. E. and G., Detroit, Oregon
Diekman, Fred W., Aumsville, Oregon
Dike, J. C., Gates, Oregon

Doernbecher Manufacturing Company, 1100 N. E.
28th Avenue, Portland, Oregon
Dolezal, Walter, Scio, Oregon
Dollarhide, C. M. and Alma, c/o Willamette
Land Company, 120 Ellsworth Street,
Albany, Oregon
Donnell, Sam, Silverton, Oregon
Doty, W. E. and Sarah, Route 1, Box 117 A,
Jefferson, Oregon
Doughty, B. J., Aumsville, Oregon
Downing, Harry, c/o Elmer Phillippi, Stayton,
Oregon

Downing, Wm. and Emma, c/o O. C. Downing,
Lyons, Oregon
Doyle, John, Gates, Oregon
Dozler, Ernest and Clara, Aumsville, Oregon
Dozler, John and Regina, Aumsville, Oregon
Dozler, Walter, Scio, Oregon
Dresner, R., Turner, Oregon
Duncan, George R. and Therese, Stayton,
Oregon
Dunkle, W. E., Mill City, Oregon
Dunlap, Harry, 114 S. Bartlett Street,
Medford, Oregon

-E-

Eana Company, c/o Ladd & Bush, Salem, Oregon
Eggen, Olaf H., Scio, Oregon
Elder, Mrs. H. E., Stayton, Oregon
Elliott, L. P., Route 1, Box 1420,
Oregon City, Oregon
Elser, Fred and Regina, Turner, Oregon
Elsteen, Carrie B. Estate, c/o F. M. Elsteen,
Mill City, Oregon
Elston, F. M., Brownsville, Oregon
Emer, A. G., 15918 Monica Street, Detroit,
Michigan
Engle, Henry, Dewey Hotel, 193 - 4th Street,
San Francisco, California
English, Elizabeth, Shelburn, Linn County,
Oregon
English, Julia M., Stayton, Oregon

Erpelding, A. P., 370 $\frac{1}{2}$ State Street, Salem, Oregon
Erpelding, F. E., c/o Valley Land Company,
370 $\frac{1}{2}$ State Street, Salem, Oregon
Erpelding, L. F., c/o Valley Land Company,
370 $\frac{1}{2}$ State Street, Salem, Oregon
Etherington, J. J., Jefferson, Oregon
Etzel, Frank B. and Anna, Route 1, Box 237,
Stayton, Oregon
Etzel, John W., Stayton, Oregon
Etzel, Joseph, Stayton, Oregon
Etzel, Peter T., Route 1, Box 234, Stayton, Oregon
Evans Bros., Detroit, Oregon
Evans, Lester R. and Marie A., Route 2, Box 62 A,
Salem, Oregon
Ewing, Elizabeth J., Scio, Oregon
Ewing, W. A., Scio, Oregon

-F-

Farlow, Maude, c/o Carrol M. Robinson,
2280 S. High Street, Salem, Oregon
Farlow, M., Turner, Oregon
Federal Farm Loan Company, Spokane,
Washington
Federal Land Bank of Spokane,
Spokane, Washington
Feit, Vitus and Theresa, c/o Jack Sherer,
Mill City, Oregon
Fencl, Frank, Lyons, Oregon
Ferguson, Alice M., c/o Margaret Crouch,
5106 N. E. Alameda Drive, Portland, Oregon
Fery, Andrew, Aumsville, Oregon
Fery, Frank, Aumsville, Oregon
Fery, F. J., Route 1, Box 176, Stayton, Oregon
Fery, John C. B., Stayton, Oregon
Findley, Myrtle V., Mehama, Oregon
Finlay, Eugene, Route 1, Box 40 C, Salem,
Oregon
Finley, G. M. and L., Stayton, Oregon
Fischer, Anna, 332 N. 20th Street, Salem,
Oregon
Fischer, Frederick F., Stayton, Oregon
Fish, E. H., Jefferson, Oregon
Fish, M. G., Turner, Oregon
Fitzgerald, A. M. and M., 578 Almond Street,
Palo Alto, California
Fitzpatrick, Wm. A. and Carrie, Route 1,
Box 14, Aumsville, Oregon

Follis, John T., Stayton, Oregon
Follis, Venus M., Stayton, Oregon
Forgey, William, Aumsville, Oregon
Forrest, W. W., and M. F., Lyons, Oregon
Forrette, C., Stayton, Oregon
Forrette, Edwin N. and Agnes, Stayton,
Oregon
Forrette, Oliver and Roxie E., Stayton,
Oregon
Foster, Margaret Talbot, 2911 N. W. Cornell
Road, Portland, Oregon
Franklin, D. H., Mehama, Oregon
Freitag, A., Albany, Oregon
Freitag, Chas. and M., Scio, Oregon
Freres, Theodore G., Stayton, Oregon
Fresh, Francis M. and Helen M., Stayton,
Oregon
Fresh, M. L. and Alice, Stayton, Oregon
Fry, D. J., 375 W. Lefelle Street, Salem,
Oregon
Funk, Eugene C. and Alice M., Route 3,
Box 253, Hemett, California
Funk, O. D., Griswold, Iowa
Funk, Sophronia O., L. E., and Wilbur,
Scio, Oregon
Fuson, E. G. and Opal, Aumsville, Oregon
Fuson, Gaius E., Aumsville, Oregon
Fuson, Luta and R. M., Aumsville, Oregon
Fyock, Paul L., Stayton, Oregon

Galloway, P. E. and Kracenia, Scio, Oregon
 Garbe, F. A. and A. M., Aumsville, Oregon
 Garbe, Fred, Aumsville, Oregon
 Gardner, Arthur W., Lyons, Oregon
 Garey, Susan O., Mehama, Oregon
 Garrison, Ernest, Aumsville, Oregon
 Garrison, H. G., Aumsville, Oregon.
 Gassner, Anna, Stayton, Oregon
 Gassner, George, Stayton, Oregon
 Gassner, J. G., Stayton, Oregon
 Gates, Birdie, 402 N. 9th Street, Corvallis, Oregon
 Gavette, H. R. and Dorothea, Lyons, Oregon
 Geddes, J. S., Lyons, Oregon
 Gedney, Mary E., c/o Mrs. R. E. Gedney, 466 W. 17th Street, Eugene, Oregon
 General Construction Company, 3840 Iowa Avenue, Seattle, Washington
 Gentry, Z. F., Stayton, Oregon
 George, C. A., 1010 Highland Avenue, Salem, Oregon
 Gibson, Carl, Aumsville, Oregon
 Giebler, John, Stayton, Oregon
 Gilbert, Ed, Aumsville, Oregon
 Gilbert, Howard, Turner, Oregon
 Gillingham, Eugenia, c/o E. N. Gillingham, Supreme Court Library, Salem, Oregon

Gilmour, W. H. and S., Jefferson, Oregon
 Gisler, Louis and Minnie, Scio, Oregon
 Glaser, F. M., Jefferson, Oregon
 Goin, C. T. and S. H., Route 1, Box 194, Jefferson, Oregon
 Goin, Sterling, Jefferson, Oregon
 Goodwin, George, Turner, Oregon
 Goodwin, Nora E., Lyons, Oregon
 Gordon, J. B. and J. E., Albany, Oregon
 Graham, Thomas Estate, Lyons, Oregon
 Grate, Elizabeth, Albany, Oregon
 Grate, Nathan, Albany, Oregon
 Green Basin Lumber Company, 1322 King Street, Saginaw, Michigan
 Green, George, Route 1, Box 84, Stayton, Oregon
 Green, Iva, Stayton, Oregon
 Gregory, Mary E., 6615 S. E. 42nd Avenue, Portland, Oregon
 Griffin, Jennie J., Route 1, Box 98, Boring, Oregon
 Groblebe, Ed, Mill City, Oregon
 Groblebe, Phenton, Mill City, Oregon
 Grolig, Gabe, Scotland, South Dakota
 Grubbe, W. G. and F., Albany, Oregon
 Gryckowsky, Frank, Albany, Oregon
 Gulvin, W. F., Route 1, Box 217, Turner, Oregon

Hadden, Isaac M., Stayton, Oregon
 Hadden, John C., Stayton, Oregon
 Hageman, Gus, Marion, Oregon
 Haight, Clair D. and Edna, Albany, Oregon
 Ham, A. B. and Ora, Aumsville, Oregon
 Hamby, Mack and Estella, Jefferson, Oregon
 Hammond Lumber Company, Terminal Sales Building, Portland, Oregon
 Hampton, M. and J. H., Route 1, Box 140, Jefferson, Oregon
 Hankel, E. C., Turner, Oregon
 Harbec, Chas., 104 James Street, Silverton, Oregon
 Harmon, H. C., Lyons, Oregon
 Harns, John, Aumsville, Oregon
 Harold, Christina M., Stayton, Oregon
 Harold, Janet L., Stayton, Oregon
 Harper, E. H., Aumsville, Oregon
 Harrington, Delbert, c/o R. E. Grimm, Route 1, Box 112, Stayton, Oregon
 Harris, B. U. and B. E., Scio, Oregon
 Hart, E. and M. C., Route 1, Box 4, Jefferson, Oregon
 Harvey, Patrick, Aumsville, Oregon
 Harwood, Charles A. and Nellie E., Aumsville, Oregon
 Hayes, Otis, Jefferson, Oregon
 Haynes, Paul, Aumsville, Oregon
 Hayward, George, Aumsville, Oregon
 Healy, Louise B., c/o Paul B. Sims, Route 1, Box 116, Aumsville, Oregon
 Heater, W. Adolph, Sublimity, Oregon
 Heath, G. B., Lyons, Oregon
 Heath, J. M., Lyons, Oregon
 Hein, Charles F., Aumsville, Oregon
 Heisler, W. H., Route 1, Box 227, Jefferson, Oregon

Henderson, George D., (Henson & Pruitt) 555 N. 24th Street, Salem, Oregon
 Hendricks, Clarence, Stayton, Oregon
 Hendricks, Joe, Stayton, Oregon
 Hendricks, Joseph J. and Bertha, Stayton, Oregon
 Hennes, C. and M. K., Lyons, Oregon
 Hennes, L., Lyons, Oregon
 Henningsen, A. C. and E., Jefferson, Oregon
 Henningsen, E. B. and Constance, Jefferson, Oregon
 Herrling, F., Stayton, Oregon
 Herrling, Otto, Star Route, Maupin, Oregon
 Heseman, Mrs. Mabel, Lyons, Oregon
 Hetrick, Desmond, Stayton, Oregon
 Hiatt, A. L. and M. A., Lyons, Oregon
 Hiatt, P. J. and E. M., Lyons, Oregon
 Higdon, Simon G. and Mary, Mill City, Oregon
 Hilberg, W. S., Route 5, Vancouver, Washington
 Hinkle, A. H., et al., Mill City, Oregon
 Hinnis, T., Lyons, Oregon
 Hirsans, A. P. and Annie, Scio, Oregon
 Hobson, A. M. and W. H., Castle Rock, Washington
 Hobson, E. H., 303 Guardian Building, Salem, Oregon
 Hobson, Hadley, 919 Mill Street, Salem, Oregon
 Hofer, Fred, Albany, Oregon
 Hofenbradl, J. J., Aumsville, Oregon
 Hofenbradl, Will, West Stayton, Oregon
 Hoffart, Jake, Timber, Oregon
 Holloway, E. H., Albany, Oregon
 Holthouse, A., Mill City, Oregon
 Holthouse & Newman, Mill City, Oregon
 Holtien, B. A. and Franc, Brownsville, Oregon
 Hood, R. I., Scio, Oregon
 Hoover Lumber Company, 565 N. Cottage Street, Salem, Oregon

Horn, William, c/o Scott C. Young,
Detroit, Oregon
Hornbuckle, A., Route 2, Box 49,
Salem, Oregon
Horner, Fred W. and Ralph, Lyons, Oregon
Horner, Paul, Lyons, Oregon
Horst, G. H., 4233 Glen Albyn Drive,
Los Angeles, California
Hottinger, Francis and Katie, Stayton,
Oregon
Howell, Mary, Lyons, Oregon
Hovser, E., Route 3, Box 203, Salem, Oregon

Huber, R. A., Lyons, Oregon
Hudel, Albert T., Mill City, Oregon
Huddleston, C. A. and Rhoda D., c/o O. W. Cobb,
Willamina, Oregon
Huffman, H. C. and E. H., Albany,
Oregon
Hugh, John, Lyons, Oregon
Hughes, W. T., Mehama, Oregon
Hunt, Marion, Route 1, Box 159,
Stayton, Oregon
Hunt, Ray, Mehama, Oregon
Huntley, H. M. and Angeline, Scio, Oregon

-I-

Imbler, J. W., c/o Hadley Hobson, 919 Mill
Street, Salem, Oregon

Imper, Alois, Route 1, Box 107,
Stayton, Oregon

-J-

Jackson, Edw., Stayton, Oregon
James, J. W. and L. M., Route 1,
Box 96, Aumsville, Oregon
Jenson, Oscar, Turner, Oregon
Jeter, James B., Stayton, Oregon
Johms, Jesse J., Route 3, Box 365,
Salem, Oregon
Johnson, Clarence D., Lyons, Oregon
Johnson, Harley, Mehama, Oregon
Johnston, Alta M., Scio, Oregon
Johnston, Frankie S., Lyons, Oregon
Johnston, Geo. F. Estate, c/o Daisy M.
Johnston, Lyons, Oregon

Jones, David E. Estate and Minnie,
c/o R. M. Russell, 817 Ferry Street,
Albany, Oregon
Jones, Nellie E., Stayton, Oregon
Jorgenson, J., Route 1, Box 134,
Jefferson, Oregon
Jost, Mrs. Henry, Gates, Oregon
Judd, Orin, c/o Adeline Judd,
3747 S. E. Taylor Street,
Portland, Oregon
Julian, Albert and Anna, Lyons,
Oregon

-K-

Kahler, N. W., Mill City, Oregon
Kamph, W. A. and H., Albany, Oregon
Kenoff, L. A., Mill City, Oregon
Kaplinger, H. L. and C., Lyons, Oregon
Kaplinger, L. and O., Lyons, Oregon
Karr, W. D. and Ada M., Scio, Oregon
Kazda, Charles, Mill City, Oregon
Kearns, Susie M., Stayton, Oregon
Keech, Edwin, 212 Masonic Building,
Salem, Oregon
Keech, George, Stayton, Oregon
Keene, A. A., c/o S. F. Etzel, Stayton,
Oregon
Keithley, A. F., Aumsville, Oregon
Kelle, L. W. and L. N., Lyons, Oregon
Kelley, Francis M., Stayton, Oregon
Kelly, James J., c/o Mrs. E. F. O'Neil,
Box 694, Glendive, Montana
Kelly, Michael, Jefferson, Oregon
Kelly, Timothy F. and Hazel F.,
Jefferson, Oregon
Kendrick, Andrew M. and Alice J.,
Stayton, Oregon
Kerber, Joseph F. and Susan, Stayton, Oregon
Kiernan Corporation, Inc., Failing Building,
Portland, Oregon

Kimsey, Arch N. and Gladys, Stayton,
Oregon
Kimsey, Dean, Stayton, Oregon
Kirkwood, L., Aumsville, Oregon
Kirsch, Paul N., Route 1, Box 75,
Stayton, Oregon
Klutke, Ferdinand, Gates, Oregon
Knox, Mollie H., 1017 E. 8th Street,
Albany, Oregon
Knutson, Carl, Gates, Oregon
Knutson, Oluf and Helga, Lyons, Oregon
Koenke, John and Mary (Koenke Estate)
902 N. Stafford Street,
Portland, Oregon
Kolb, C. M., Lyons, Oregon
Kramer, Katherine C., Stayton, Oregon
Kranes, Keith, 1710 N. Commercial Street,
Salem, Oregon
Kraschnawski, Carl and Curtis,
Scio, Oregon
Krueger, G. A., Lyons, Oregon
Kubin, F. and Caroline F., Mehama, Oregon
Kubin, June M. and Caroline, Mehama, Oregon
Kunkle, H. W., Gates, Oregon
Kurtz, Dorothy M., 141 - 9th Avenue,
San Francisco, California

-L-

Lacey, Owen, Turner, Oregon
Lafky, E. H., West Stayton, Oregon
Lafky, Herman, 770 Stewart Street,
Salem, Oregon
Lake, T. F., Lyons, Oregon
Lake, W. H., Stayton, Oregon
Lamb, Chas. and Helen, Albany, Oregon
Lamb, Frank, Stayton, Oregon
Lambrecht, Henry, Lyons, Oregon
Lambrecht, Jacob, Route 1, Box 236,
Stayton, Oregon
Lambrecht, John, Route 1, Box 245,
Stayton, Oregon
Lance, R. M., c/o Tripp & Tripp,
Albany, Oregon
Landers, Arthur, Mehama, Oregon
Larsen, A. J., Sublimity, Oregon
Lau, John F. and Clara M., Stayton, Oregon
Lee, Charles R. and Margaret, Stayton,
Oregon
Lee, G. R., Stayton, Oregon
Lee, Jean, Turner, Oregon
Lee, P. E., Turner, Oregon
Leffler, August, Lebanon, Oregon
Leffler, Chas. M., Scio, Oregon
Leffler, Pearl, Lyons, Oregon
Leffler, J. C. and L., Scio, Oregon
Leighton, Everette, Lyons, Oregon
Lenstrom, Edward, Kuprum, Idaho
Lesley, Frank and Nora B., Stayton, Oregon
Lewis, Clifford, 1525 State Street,
Salem, Oregon
Lewis, C. O. and Hazel, Lyons, Oregon

Lewis, V. R. and Nellie, Lyons, Oregon
Libby, Harney, Jefferson, Oregon
Libby, H. W., Jefferson, Oregon
Libby, K. Keith, Jefferson, Oregon
Linbeck, Otto H. and Valma, Scio, Oregon
Linn, J. R., Jefferson, Oregon
Linn County, Albany, Oregon
Linn Lumber Company, 212 Masonic Building,
Salem, Oregon
Liska, Joseph, Estate of, c/o E. L. Liska,
382 Bowdoin Street, Dorchester, Massachusetts
Looney, D. H., Jefferson, Oregon
Looney, Fred E., Route 1, Box 13, Jefferson,
Oregon
Looney, Margaret, Jefferson, Oregon
Looney, W. C., Jefferson, Oregon
Looney, Dr. W. W., et al., Oregon State
Hospital, Salem, Oregon
Lott, Jesse D., Aumsville, Oregon
Luhrman, Thelma, 211 - 18th Avenue N.,
Seattle, Washington
Lynes, Ida, Kuprum, Idaho
Lyon, Carl O., Lyons, Oregon
Lyon, E. O., Lyons, Oregon
Lyon, Mathilda, Scio, Oregon
Lyon, Mrs. O. S., Lyons, Oregon
Lyons, A. F., Lyons, Oregon
Lyons, Bert, Lyons, Oregon
Lyons, Clyde and Hazel, Lyons, Oregon
Lyons, P. M., Lyons, Oregon
Lyons, R. B. and E., Lyons, Oregon
Lyons, Ruth P., Lyons, Oregon
Lyons, R. T., Lyons, Oregon

-M-

Mack, Mary E., Astoria, Oregon
Maertz, Edward and Mary, El Centro, California
Maertz, Rosie, El Centro, California
Magarrell, R. R., Scio, Oregon
Maine, E. A. and Jennie, Scio, Oregon
Manis, Mrs. H. E., Scio, Oregon
Manis, H. E., Scio, Oregon
Mannis, W. M., Scio, Oregon
Mariels, Fred A. Estate, c/o Mrs. D. E. Mann,
915 Electric Street, Salem, Oregon
Marion County, Salem, Oregon
Marlatt, George, Sr., Route 1, Box 129,
Salem, Oregon
Marsh, R. A. and M. E., Albany, Oregon
Martin, M., Lyons, Oregon
Mason, Lester F. and Lora, Lyons, Oregon
Mathes, Jacob, Turner, Oregon
Matson, E. E. and Alice, c/o Willamette
Land Company, 120 Ellsworth Street,
Albany, Oregon
Matthews, H. E., Lyons, Oregon
Matthieu, Ernest and Josephine, Stayton,
Oregon
May, A. S., Rainier, Oregon
Maywood Investment Company, 715 First National
Bank Building, Salem, Oregon

McCall, Stacy, c/o M. A. McCall, 209 Taylor
Street, Chevy Chase, Maryland
McClary, Mabel and Inez, c/o Mrs. Mabel
Collins, 14737 Sherman Way, Van Nuys,
California
McClellan, G. E., Turner, Oregon
McClellan, T. Y., Aumsville, Oregon
McCurdy, Alfred Willard, Gates, Oregon
McCurdy, George, c/o H. W. Kunkle, Gates, Oregon
McDaniel, J. M. and Bertha, Scio, Oregon
McDonald, A. Roy, 1005 N. Cottage Street,
Salem, Oregon
McDonald, C. A., Shelburn, Oregon
McGhee, Carl and Florence, 1800 - 43rd Place,
Los Angeles, California
McGinty, J. J., P. O. Box 518, Eugene, Oregon
McKenzie, Charles, Scio, Oregon
McKim, Charles, Aumsville, Oregon
McLain, B. N. and W. H., Scio, Oregon
McLaughlin, F., Aumsville, Oregon
McLeod, Wm., D. F., and W. F.,
c/o Silver Falls Timber Company,
Silverton, Oregon
McRae, Clyde A., Lyons, Oregon
Meier, Julius Estate, c/o Jack Meier, Meier
& Frank Company, Portland, Oregon

Meiser, M. M., c/o Maynard Cothren,
Scio, Oregon
Merkal Timber and Land Company, 32 N. State
Street, Chicago, Illinois
Mertz, J. P., Scio, Oregon
Mertz, John P. and Mary, Scio, Oregon
Meskimons, Errin, West Stayton, Oregon
Mill City Light and Water Company,
Mill City, Oregon
Miller, Benjamin, Berthoud, Colorado
Miller, Bertie, Aumsville, Oregon
Miller, E. E. and L. A., Lyons, Oregon
Miller, George C. and Agnes M., Scio, Oregon
Miller, Geo. K. and Leona, Turner, Oregon
Miller, J. R., 1556 Ferry Street, Salem, Oregon
Miller, J. Wm. and Mary, c/o B. R. Holt,
Halsey, Oregon
Miller, Margaret, Scio, Oregon
Miller, Margaret M., Scio, Oregon
Miller, Mary, c/o B. R. Holt, Halsey, Oregon
Miller, Mary I., Aumsville, Oregon
Miller, Nancy E., Jefferson, Oregon
Miller, R. L., Scio, Oregon
Miller, Roberta, Aumsville, Oregon
Miller, William, Scio, Oregon
Millsap, Albert, Gates, Oregon
Minton, A. B., Aumsville, Oregon
Minton, Henry, Aumsville, Oregon

Mitchell, Harvey, Jefferson, Oregon
Montgomery, Roger, Mehama, Oregon
Moore, G. W., Pendleton, Oregon
Morgan, Josephine, Stayton, Oregon
Morris, B. C., Lyons, Oregon
Morrison, A. V., Lyons, Oregon
Moss, Ruth T., McCredie, Missouri
Mountain States Power Company, Albany,
Oregon
Mueller, Mathias and Mary, Stayton,
Oregon
Mulkey, C. A., Mehama, Oregon
Mulkey, L. I. and W. T., Mehama, Oregon
Mulkey, William P., Mehama, Oregon
Mulligan, Alvin and Nita, Albany, Oregon
Murphy, A. D., Stayton, Oregon
Murphy, F., 191 Clay Street, Monmouth,
Oregon
Murphy, Grant and Alda, Stayton, Oregon
Murphy, H. A., Monmouth, Oregon
Myers, Albert R., Mehama, Oregon
Myers, Anthony V., Mehama, Oregon
Myers, Aubrey G., Mehama, Oregon
Myers, D. B. Estate, c/o Mrs. D. B. Myers,
Lyons, Oregon
Myers, Lou, Mehama, Oregon
Myers, P. H., Turner, Oregon
Myers, Steve, Mehama, Oregon

-N-

Neal, Harry L. and Gertrude, Lyons, Oregon
Neal, J. N. and Laura, Lyons, Oregon
Neibert, G. P., Mehama, Oregon
Neibert, J. J., c/o J. F. Trimble,
Lyons, Oregon
Neitling, Theresa, Route 1, Box 249,
Stayton, Oregon
New, W. R., Aumsville, Oregon
Newman, Gus, Aumsville, Oregon
Nichols, J. W. and A., Scio, Oregon

Ninke, Dutch, West Stayton, Oregon
Novak, Joe, Mill City, Oregon
Nunn, E. J., Scio, Oregon
Nydegger, George and Helen, Lyons,
Oregon
Nye, Mrs. Mary, Route 1, Box 130,
Jefferson, Oregon
Nye, R. P., Route 1, Box 130, Jefferson,
Oregon
Nystrom, Peter, Gates, Oregon

-O-

Ogdon, Esther L., Mill City, Oregon
Ogle, J. M. and Lula, Aumsville,
Oregon
Ogle, S. J. and Dora, Aumsville,
Oregon
Oglesbee, J. L., Scio, Oregon
Oldenberg, H. L. and Ida, Jefferson,
Oregon
Olsen, Arthur, Mehama, Oregon
Olsen, Gustav, Gates, Oregon
Olsen, T., Mill City, Oregon
Olsen, Thos. E., 1315 Clay,
Portland, Oregon
Olson, Carl, Marion, Oregon
O'Neill Bros., 252 Acton Place, Oakland,
California

O'Neill Bros. & Callaghan Company, 252 Acton
Place, Oakland, California
Oregon & California Railway Company,
c/o Secretary of the Interior Ickes,
Washington, D. C.
Oregon State Board of Forestry,
Salem, Oregon
Oregon State Highway Commission,
Salem, Oregon
Oregon-Washington Joint Stock Land Bank,
Platt Building, Portland, Oregon
Osborn, W. B., Lyons, Oregon
Outerson, John, Detroit, Oregon
Outerson, John, 1024 N. Front, Marquette,
Michigan
Overholtz, Clarence, Stayton, Oregon

-P-

Paddock, Grover and Lila, Box 426,
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Page, A. L., Jefferson, Oregon
Page, Claude, Route 1, Box 241,
Jefferson, Oregon
Palmer, Henry, Salem, Oregon
Palmer, John and John Jr., Marion,
Oregon
Park, Charles A., 1589 Chemeketa Street,
Salem, Oregon
Pate, J. G., Route 1, Box 17,
Jefferson, Oregon
Peabody, Cora H., Route 1, Box 186,
Jefferson, Oregon
Pearson, M. C., Turner, Oregon
Pearson, M. O. and G. M., Turner, Oregon
Perry, H. F. and M. E., Box 215,
Lompoc, California
Perry, Merley R., Box 215, Lompoc,
California
Pesheck, Jack and Ruby E., Albany, Oregon
Peters, Amelia, c/o Frank Peters, Stayton,
Oregon
Peters, Anna, c/o Herman Otjen,
Woodburn, Oregon
Peters, C. J., Stayton, Oregon
Peters, Frank M. and Sophia, Stayton, Oregon
Petersen, Louise E., Turner, Oregon
Peterson, J. L., Junction City, Oregon
Pettyjohn, Mary, Lyons, Oregon
Philippi, Elmer S., Stayton, Oregon
Philippi, Helen C., Stayton, Oregon
Phillips, Keith R., Mehama, Oregon
Phillips, M. V., Route 1, Box 78-A,
Aumsville, Oregon
Phillips, W. M., Scio, Oregon
Pickard, Ovid O., Marion, Oregon
Pieser, Joseph, Stayton, Oregon
Pieser, T. T., Stayton, Oregon
Pietrok, Andres, Scio, Oregon
Pietrok, Elizabeth, Stayton, Oregon
Pietrok, J. B., Stayton, Oregon
Pietrok, Jas. B., Scio, Oregon

Pietrok, John T. and E., Stayton, Oregon
Pietrok, Joe, Scio, Oregon
Pietrok, Paul B., Stayton, Oregon
Pilcher, T. H., Jefferson, Oregon
Pintler, Wilbur N., Dr., Stayton, Oregon
Pletzer, Fred, Jefferson, Oregon
Podrabsky, Jas. and Mary, Lyons, Oregon
Pohle, H., 240 S. Liberty Street, Salem,
Oregon
Pohle, Warren F., 872 Belmont Street, Salem,
Oregon
Pomeroy, C. T., c/o S. F. Etzel, Stayton,
Oregon
Poole, Alfred, Route 1, Box 103, Stayton,
Oregon
Poole, Roscoe F., Route 1, Box 99, Stayton,
Oregon
Poole, Walter, Route 1, Box 105, Stayton,
Oregon
Porter, Bessie and D. W., Albany, Oregon
Porter, Elbert L., Aumsville, Oregon
Porter, G. W., Aumsville, Oregon
Porter, Harry, Aumsville, Oregon
Porter, H. C., Aumsville, Oregon
Porter, H. W., Aumsville, Oregon
Porter, John J., Howard, and Donald J.,
East Jordan, Michigan
Porter, Roy, Aumsville, Oregon
Potter, Frank, Mill City, Oregon
Potter, J. E., Estate of, Mill City, Oregon
Potter, J. F., Mill City, Oregon
Potts, Elda Wintermantel, Jefferson, Oregon
Powers, James F., Mehama, Oregon
Poyner, Boone, Route 1, Box 81, Stayton,
Oregon
Pugaley, V. M. and Patrick, c/o A. H.
Bradford, Turner, Oregon
Pratt, H. G. and L. F., Lyons, Oregon
Prudential Life Insurance Company, c/o
Hawkins & Roberts, Salem, Oregon
Pruitt, E. A., c/o George D. Henderson,
555 N. 24th Street, Salem, Oregon
Pulver, R. J. and Grace, Lyons, Oregon

-Q-

Quinn, J. H. and Lula B., Scio, Oregon

-R-

Raines, Oscar, Idanha, Oregon
Raines, T., Lyons, Oregon
Ramsey, Eva, Route 1, Box 212,
St. Helens, Oregon
Ramsey, Mrs. Janie, Turner, Oregon
Ransom, Susie, Aumsville, Oregon
Rauscher, William, Sublimity, Oregon
Ray, J. E. Estate, c/o J. K. Weatherford,
Albany, Oregon
Reade, Elizabeth N., Aumsville, Oregon
Reece, Ercill W. and Grace E., 736 N. E.
Killingsworth Avenue, Portland, Oregon
Reed, Katie E., c/o Henry E. Reed, 805 Title
& Trust Building, Portland, Oregon

Reeves, Ray Estate, c/o H. D. Reeves,
Oregon Electric Depot, Albany, Oregon
Rice, F. J., 950 Market Street,
Salem, Oregon
Richards, C. E., Gates, Oregon
Richards, J. F., Mehama, Oregon
Richardson, B. S. and Ellen, Jefferson,
Oregon
Richol, Harry, Aumsville, Oregon
Richter, R. V., c/o H. H. and Vera Bennett,
Route 1, Box 48, Stayton, Oregon
Rider, U. S., Gates, Oregon
Rieger, Edwin M. and Mary, Scio, Oregon
Riggs, Wesley A., Stayton, Oregon

Ring, Inez, Lyons, Oregon
Rishel, Harry, Aumsville, Oregon
Robbins, M. H., Turner, Oregon
Robbins, W. L., Turner, Oregon
Robinson, G. A., Stayton, Oregon
Rock, Leo J. and Josephine, Stayton,
Oregon
Roda, A. F., Mill City, Oregon
Rogers, C. E., Mill City, Oregon
Rohn, B., Albany, Oregon
Roidt, Adams, Scio, Oregon
Roner, John, Scio, Oregon
Ross, George G., Lyons, Oregon

Roth, Dan G. and Susan, Albany, Oregon
Rueck, V. I., Aumsville, Oregon
Ruef, Arnold, Route 1, Box 106, Stayton, Oregon
Ruggles, Mrs. M. C., Aumsville, Oregon
Russell, A. E. and F., Marion, Oregon
Russell, B. F., 1735 N. 5th Street,
Salem, Oregon
Russell, R. M. and G. J., 817 Ferry Street,
Albany, Oregon
Russell, T. M., Albany, Oregon
Ryan, M. F. and Mary L., Scio, Oregon
Ryckman, Stella, 5045 York Building,
Los Angeles, California

-S-

Sanden, G. A., Scio, Oregon
Sander, George and Nellie, Stayton, Oregon
Sander, George A., Scio, Oregon
Sander, John, Scio, Oregon
Sander, Mrs. Retha, Scio, Oregon
Sandner, George A. and Nellie L.,
Scio, Oregon
Sanford, Rex, Scio, Oregon
Sanford, Rex, c/o Federal Land Bank of
Spokane, Spokane, Washington
Santiam Electric Company, c/o Joseph M.
Healy, 516 S. W. Oak Street, Portland,
Oregon
Santiam Electric Company, Lyons, Oregon
Sarver, Charles, Marion, Oregon
Sather, Ruth, 4260 - 12th Avenue,
Sacramento, California
Saunders, C. K., 515 Oregonian Building,
Portland, Oregon
Schaefer, Lloyd E., Scio, Oregon
Schiffer, Joseph W., Stayton, Oregon
Schlies, Adam, Scio, Oregon
Schlies, Martin and Mary K., Stayton, Oregon
Schlosser, Peter Estate, 234 Ferry Street,
Albany, Oregon
Schmidt, A. L., Fred, and W., c/o Elma S. Rowe,
580 N. 12th Street, Salem, Oregon
Schmidt, Nicholas, Riverside, California
Schoff, N. E., Jefferson, Oregon
Schuff, Nelda and Albert, 8029 S. E. 16th Avenue,
Portland, Oregon
Schultz, Mariam F., Mehama, Oregon
Schultz, R. R. and Maude, Scio, Oregon
Schultz, Max F., Jefferson, Oregon
Scofield, C. F. and R. J., Turner, Oregon
Scofield, L. C., Turner, Oregon
Scordrite Company, Foot of Richmond Street,
Portland, Oregon
Scott, A. D. and Genevieve, Lyons, Oregon
Seitzinger, Albert, Mill City, Oregon
Seitzinger, C., Lyons, Oregon
Shafer, Will, Aumsville, Oregon
Shank, Roxie, Scio, Oregon
Shaw, H., c/o Glenn Rice, 950 Market Street,
Salem, Oregon
Shaw, R. S., Mill City, Oregon
Shermacher, Fred C. and Dora, Turner, Oregon
Sherven, A. C., Mabona, Washington

Shields, H. C., Jefferson, Oregon
Shields, H. G., Jefferson, Oregon
Shumaker, May, 1475 South Commercial Street,
Salem, Oregon
Sigmund, Lawrence J., Stayton, Oregon
Silver King Mining Company, Albany, Oregon
Silvers, David S., Route 1, Box 173, Stayton,
Oregon
Silverton Lumber Company, Silverton, Oregon
Simpson, F. B., Route 1, Box 50, Jefferson,
Oregon
Sims, R. R., Stayton, Oregon
Skinner, Mark, 563 Court Street, Salem, Oregon
Slephus, Phillip, Aumsville, Oregon
Smith, Chas., Gates, Oregon
Smith, Don O., Gates, Oregon
Smith, F. T. and Mabel, Scio, Oregon
Smith, George A. and F. C., Stayton, Oregon
Smith, Grace, P. O. Box 805, Roseburg, Oregon
Smith, Ira M. and E. Maude, Ann Arbor, Michigan
Smith, J. P. and B. M., Box 131, Mill City,
Oregon
Smith, J. Sterling, Box 221, Jewell, Iowa
Smith, Katie, 1710 N. Commercial Street,
Salem, Oregon
Smith, Lawrence, Aumsville, Oregon
Smith, Maude N., Estacada, Oregon
Smith, O. E. and Alice, Lyons, Oregon
Smith, Owen, Route 1, Box 104, Stayton, Oregon
Smith, Paul G., Jefferson, Oregon
Smith, W. C. and Nelly, Halsey, Oregon
Smythe, Josephine, c/o Ray Smythe, 501 Park
Building, Portland, Oregon
Sneider, S. M., Scio, Oregon
Snider, O. E., West Stayton, Oregon
Snoddy, Henry, Aumsville, Oregon
Spaniol, Jacob and Bertha, Stayton, Oregon
Spaniol, Ruth H. and E. M., Stayton, Oregon
Spaulding Logging Company, Ferry Street,
Salem, Oregon
Spencer, F. W., 287 N. 13th Street,
Salem, Oregon
Spencer, George A., Lyons, Oregon
Spencler, H. V., 616 S. Berendo Street,
Los Angeles, California
Springman, Chas., Turner, Oregon
Stadnicka, Frank E. and S. A., Scio, Oregon
Stafford, L. E., Lyons, Oregon

Stahl, Oscar, West Stayton, Oregon
 Staiger, Frank, Route 1, Box 215, Sublimity,
 Oregon
 Stamalgianes, John, Mill City, Oregon
 Standley, C. O. and C. E., Scio, Oregon
 Stasney, John, Turner, Oregon
 State Land Board, Capitol Building, Salem,
 Oregon
 Stayton, Chas. D., Stayton, Oregon
 Stayton, City of, Stayton, Oregon
 Stayton Flour Mills, Inc., A. D. Gardner,
 President, Stayton, Oregon
 Stayton, M. A., Stayton, Oregon
 Steincamp, T., Aumsville, Oregon
 Stephens, Elizabeth, Stayton, Oregon
 Stevens, W. R. and L., Lyons, Oregon
 Stewart, Harry L., Aumsville, Oregon
 Stoddard, H. C., Butte Falls, Oregon
 Stone, Fred, Mill City, Oregon
 Stone, Manley J., Mehama, Oregon
 Stone, Z. A. and W. G., Mehama, Oregon
 St. Paul's Parrish Episcopal Church,
 c/o Keller, Murphy & Van Camper,
 304 Sherman Building, Flint, Michigan

Stout, Luther, Route 1, Box 87, Stayton,
 Oregon
 Stover, I. D. and R. E., Lyons, Oregon
 Stowell, A. Charles, Stayton, Oregon
 Stride, C. R. and B. E., Lyons, Oregon
 Strong, Frances Parkhurst, Reid City,
 Michigan
 Stuckart, W., Aumsville, Oregon
 Studnicka, Frank and S. A., Scio,
 Oregon
 Sturtevant, A., c/o T. H. Pilcher,
 Route 1, Box 267, Jefferson,
 Oregon
 Surry, C. B. and Thelma, Lyons,
 Oregon
 Surry, Mary J., Mehama, Oregon
 Swain, Chas. L., 1556 Harrison Street,
 Corvallis, Oregon
 Swan, G. S. and E. S., Lyons, Oregon
 Swan, Thomas E., U. S. Bank Building,
 Albany, Oregon
 Sydney Power Company, c/o Paul Wallace,
 375 Center Street, Salem,
 Oregon

-T-

Taylor, E. A., Lyons, Oregon
 Taylor, Ed A., Lyons, Oregon
 Taylor, Eliza, Stayton, Oregon
 Taylor, Elmer, Lyons, Oregon
 Taylor, F. M., Lyons, Oregon
 Taylor, Marion, Lyons, Oregon
 Taylor, Roy H., Lyons, Oregon
 Taylor, W. A. Estate, M. J. Taylor et al.,
 c/o Ada Steelhammer, Silverton, Oregon
 Teller, C. W. and G. A., Mill City, Oregon
 Teter, Ira and Emma, Mill City, Oregon
 Thayer, A., Stayton, Oregon
 Thayer, E. A., Estate of, c/o E. E.
 Thayer, Stayton, Oregon
 Thayer, E. E. and Ethel, Stayton, Oregon
 Thayer, F. T., Scio, Oregon
 Thiessen, Claus Estate, c/o Geo. Boyes,
 Albany, Oregon
 Thomas, Emma, Stayton, Oregon
 Thomas, George, Turner, Oregon
 Thomas, George E., Stayton, Oregon
 Thomas, Harriet H., c/o Mrs. Harriet Gay,
 422 South Division, Kellogg, Idaho
 Thomas, Mary K., Lyons, Oregon
 Thomas, Myrtle E., Stayton, Oregon
 Thomas, Norris Jacob, Lyons, Oregon
 Thomas, Samuel, Jefferson, Oregon
 Thomas, Thurston H., Stayton, Oregon
 Tietze, Albert, Stayton, Oregon
 Tindall, C. M., Scio, Oregon
 Tindall, Della, Scio, Oregon
 Titus, Carl, Stayton, Oregon
 Titze, A. G. and A. C., Mehama, Oregon

Toelle, Gehard H., Route 1, Box 270,
 Stayton, Oregon
 Toland, Herbert, c/o T. Y. McLellan,
 Route 1, Box 94, Aumsville, Oregon
 Tomasek, John, Route 1, Box 136,
 Jefferson, Oregon
 Tomb, James and Effie, Lyons, Oregon
 Townsend, F. F., c/o Harry Hobson,
 919 Mill Street, Salem, Oregon
 Tracy Estate, c/o Ball Bros., Turner, Oregon
 Trask, L. C., Lyons, Oregon
 Trask, L. H. and A. M., Lyons, Oregon
 Travelers Insurance Company, c/o Commerce
 Mortgage Company, 1115 Spalding Building,
 Portland, Oregon
 Trexler, C. D., Scio, Oregon
 Trexler, Katie B., Anaheim, California
 Trimble, J. F., Lyons, Oregon
 Trollinger, James, Scio, Oregon
 Trollinger Bros., c/o James Trollinger,
 Scio, Oregon
 Truax, Howard and Gerald, Albany, Oregon
 Tucker, Arthur, 1760 McCoy Street, Salem, Oregon
 Tucker, Robert L., 1045 N. 16th Street, Salem,
 Oregon
 Tucker, V. E., c/o Arthur Tucker, 1760 McCoy
 Street, Salem, Oregon
 Turner, J. C. and Margaret, Route 4, Box 31 A,
 Salem, Oregon
 Turner Memorial Home, Turner, Oregon
 Turnidge, H. and P., Jefferson, Oregon
 Tyner, W. C., c/o Hospital Annex,
 Agnew, California

-U-

Union Security Company, c/o Hawkins &
Roberts, Salem, Oregon

-V-

Van Handle, Goldie M., Route 1, Box 192,
Stayton, Oregon
Van Nuy, R. W. and E. A., West Stayton,
Oregon
Vernon, A. C. and Edith, Scio, Oregon

Vernon, Chas. C., Scio, Oregon
Vestag, Jim, Turner, Oregon
Voget, O., Aumsville, Oregon
Voss, Lula, Albany, Oregon

-W-

Wagner, Giles J., Mehama, Oregon
Walker, A. E., Aumsville, Oregon
Walker, Leonard, West Stayton, Oregon
Wallace, Edward, Aumsville, Oregon
Waln, A. T., c/o Paul Wallace,
375 Center Street, Salem, Oregon
Walsh, Joseph, c/o Agnes Hazel, 5604 - 4th
Street E., Flint, Michigan
Walsh, Joseph Estate and Heirs, c/o Keller,
Murphy & Van Camper, 304 Sherman
Building, Flint, Michigan
Ware, T. J., Stayton, Oregon
Watkins, Dennis, Jefferson, Oregon
Watkins, Walter D., Jefferson, Oregon
Webb, H. O., Turner, Oregon
Weid, Fred J., Route 1, Box 259,
Jefferson, Oregon
Weidner, Harry J. and Helen R.,
c/o Elks Club, Salem, Oregon
Weir, W. J., General Delivery,
Bingen, Washington
Weissenfels, Tony, Route 1, Box 10-B,
Aumsville, Oregon
Weitman, H. F., Aumsville, Oregon
Weitman, Sarah A. and Joseph W.,
Lyons, Oregon
Welch, John E. Estate, Lyons, Oregon
Walls, L. A., Route 1, Box 237,
Jefferson, Oregon
Wells, N. E. and C. A., Marion, Oregon
Welter, Albert F., Stayton, Oregon
Wernersten, V. S. and Fra, Pottstown,
Pennsylvania
Western Batt and Bedding Company,
Stayton, Oregon
Wetherbee, Buena, Route 2, Box 540,
Grants Pass, Oregon
Whaley, R., c/o Agnes Hazel, 5604 - 4th
Street, E., Flint, Michigan
White, Harold, Aumsville, Oregon
Wied, F. J. and F. F., Route 1, Box 259,
Jefferson, Oregon

Will, Otto, Route 1, Box 182, Jefferson,
Oregon
Wilcox, J. H., Jefferson, Oregon
Wiley, H. Ross and Ada E., 1395 N.
Liberty Street, Salem, Oregon
Wilfert, L. F., St. Helens, Oregon
Williams, Byron, Route 1, Box 230,
Stayton, Oregon
Williams, Milt, Route 1, Box 230,
Stayton, Oregon
Williams, Rex S. and L., P. O. Box 121,
Stirling City, California
Wilson, Harold N. and Mary A., Lyons,
Oregon
Wilson, John B. and Victoria, Aumsville,
Oregon
Wilson, R. E., Mehama, Oregon
Wineberg, Wm. J., 417 Davis Building,
Portland, Oregon
Winslow, W. K., Aumsville, Oregon
Winslow, W. R. and Nellie, Route 1,
Box 175-A, Jefferson, Oregon
Wintermantel, Edna, Jefferson, Oregon
Wirtanen, Charles W., Turner, Oregon
Witzel, Roy O., Turner, Oregon
Wolfkiel, E. R., Lyons, Oregon
Wonacott, W. P., Stayton, Oregon
Wood, Robert G. and Ruth, Stayton, Oregon
Woodruff, Geo. H. and B. E., Route 2,
Box 105, Scio, Oregon
Woods, B. M., 710 N. High Street,
Salem, Oregon
Woods, Earl, Route 1, Box 46, Jefferson,
Oregon
Woodward, F. E. and Martha, Wardner,
Idaho
Woodward, W. C., P. O. Box 33, Kellogg,
Idaho
Woodsley, Clarence, Aumsville, Oregon
Wriglesworth, E. J., Lyons, Oregon
Wyman, Walter H., and Henry F., Scio,
Oregon

-Y-

Yantiss, J. A. and Jennie M., Salem,
Oregon
Yates, L. M., Aumsville, Oregon

Young, Annie B., Detroit, Oregon
Young, Anna and L. E., Lyons, Oregon
Young, Scott, Detroit, Oregon

-Z-

Zimmerman, Otto and Waldo, Mehama, Oregon
Zink, J. A., Shelburn, Linn County, Oregon

Zoellner, J. G., Mehama, Oregon

That after the completion of the taking of such statements and proofs of claim the State Engineer did, on the 4th day of September, 1940, give notice by registered mail to each of the various claimants to the use of the waters of said stream and its tributaries, that at the times and places named in said notice, to-wit:

On Monday, September 16, 1940, in the Boy Scout Cabin, at Mill City, Oregon;

On Tuesday, September 17, 1940, in the Circuit Court Room of the County Court House at Albany, Oregon;

On Wednesday, September 18, 1940, in the City Hall at Stayton, Oregon,

And from Thursday, September 19, to Monday, September 30, 1940, inclusive, at the office of the State Engineer at Salem, Oregon,

the testimony and proofs of claim theretofore filed would be open to public inspection.

That said notice did also state therein the county in which the determination of the State Engineer in said proceeding would be heard by the Circuit Court of the State of Oregon, to-wit: the County of Marion.

10.

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

CONTEST NO. 1

F. H. Collins,

Contestant

v.

Chester B. Gaines,

Contestee

CONTEST NO. 2

Elizabeth O. Rider,

Contestant

v.

George Stafford,

Contestee

CONTEST NO. 3

Willamette Valley Water Company,
an Oregon corporation,

Contestant

v.

Oregon State Game Commission, by
M. T. Hoy, State Fish Warden, and
Chas. Lockwood, Assistant Superintendent,
State Game Commission,

Contestee

CONTEST NO. 4

The Willamette Valley Water Company,

Contestant

v.

Oregon Pulp and Paper Company, an Oregon corporation; The Thomas Kay Woolen Mills Company, an Oregon corporation, and City of Salem, a municipal corporation,

Contestees

CONTEST NO. 5

Willamette Valley Water Company, an Oregon corporation,

Contestant

v.

Charles Porter, Trustee, successor to Henry Porter, Trustee,

Contestee

CONTEST NO. 6

Willamette Valley Water Company, an Oregon corporation,

Contestant

v.

State of Oregon, by the Board of Control,

Contestee

CONTEST NO. 7

Oregon Pulp & Paper Company, The Thomas Kay Woolen Mills Company, and City of Salem, Oregon,

Contestants

v.

Willamette Valley Water Company,

Contestee

CONTEST NO. 8

Oregon Pulp & Paper Company, The Thomas Kay Woolen Mills Company, and City of Salem, Oregon,

Contestants

v.

A. D. Gardner,

Contestee

CONTEST NO. 9

Oregon Pulp & Paper Company, The Thomas Kay Woolen Mills Company, and City of Salem, Oregon,

Contestants

v.

State of Oregon,

Contestee

CONTEST NO. 10

Oregon Pulp & Paper Company, The
Thomas Kay Woolen Mills Company, and
City of Salem, Oregon,

Contestants

v.

Charles Porter, Trustee,

Contestee

CONTEST NO. 11

Oregon Pulp & Paper Company, The
Thomas Kay Woolen Mills Company,
and City of Salem, Oregon,

Contestants

v.

Donker Bros.,

Contestees

CONTEST NO. 12

Oregon Pulp & Paper Company, The
Thomas Kay Woolen Mills Company,
and City of Salem, Oregon,

Contestants

v.

Theresa M. Smelser,

Contestee

CONTEST NO. 13

Oregon Pulp & Paper Company, The
Thomas Kay Woolen Mills Company,
and City of Salem, Oregon,

Contestants

v.

C. E. Colvin,

Contestee

CONTEST NO. 14

Oregon Pulp & Paper Company, The
Thomas Kay Woolen Mills Company,
and City of Salem, Oregon,

Contestants

v.

Dora Hunt,

Contestee

CONTEST NO. 15

Oregon Pulp & Paper Company, The
Thomas Kay Woolen Mills Company,
and City of Salem, Oregon,

Contestants

v.

Chas. L. Martin and Margaret Martin,

Contestees

CONTEST NO. 16

Oregon Pulp & Paper Company, The
Thomas Kay Woolen Mills Company,
and City of Salem, Oregon,

Contestants

v.

Robert Colvin,

Contestee

CONTEST NO. 17

Oregon Pulp & Paper Company, The
Thomas Kay Woolen Mills Company,
and City of Salem, Oregon,

Contestants

v.

C. T. Weibert,

Contestee

CONTEST NO. 18

Oregon Pulp & Paper Company, The
Thomas Kay Woolen Mills Company,
and City of Salem, Oregon,

Contestants

v.

Edwin Van Nuys,

Contestee

CONTEST NO. 19

Oregon Pulp & Paper Company, The
Thomas Kay Woolen Mills Company,
and City of Salem, Oregon,

Contestants

v.

State of Oregon,

Contestee

CONTEST NO. 20

Oregon Pulp & Paper Company, The
Thomas Kay Woolen Mills Company,
and City of Salem, Oregon,

Contestants

v.

Elmer A. Klein and Hilda S. Klein,

Contestees

CONTEST NO. 21

A. D. Gardner,

Contestant

v.

Oregon Pulp and Paper Company, an
Oregon corporation, The Thomas Kay
Woolen Mills Company, an Oregon
corporation, and City of Salem, a
municipal corporation,

Contestees

CONTEST NO. 22

A. D. Gardner,
v. Contestant

R. D. Paris,
Contestee

CONTEST NO. 23

A. D. Gardner,
v. Contestant

Oregon State Game Commission, by
M. T. Hoy, State Fish Warden, and
Chas. Lockwood, Assistant Superin-
tendent, State Game Commission,
Contestee

CONTEST NO. 24

A. D. Gardner,
v. Contestant

State of Oregon, by the Board
of Control,
Contestee

CONTEST NO. 25

A. D. Gardner,
(Proof No. 34)
v. Contestant

Willamette Valley Water Company,
(Proof No. 147)
Contestee

CONTEST NO. 26

A. D. Gardner,
(Proof No. 34)
v. Contestant

Willamette Valley Water Company,
(Proofs Nos. 145 and 146)
Contestee

CONTEST NO. 27

Sidney Irrigation Cooperative,
a non-profit cooperative association,
v. Contestant

James F. Duncan,
Contestee

CONTEST NO. 28

Sidney Irrigation Cooperative,
a non-profit cooperative association,

Contestant

v.

H. W. Husted,

Contestee

CONTEST NO. 29

Sidney Irrigation Cooperative,
a non-profit cooperative association,

Contestant

v.

Willamette Valley Water Company,
a corporation, and W. E. Keyes and
Ida Keyes, his wife,

Contestees

CONTEST NO. 30

Sidney Irrigation Cooperative,
a non-profit cooperative association,

Contestant

v.

Herbert Looney and Ida M. Looney,

Contestees

CONTEST NO. 31

Fred L. Comstock and Charlotte
Comstock, his wife,

Contestants

v.

Sidney Irrigation Cooperative,

Contestee

CONTEST NO. 32

A. S. Wosley,

Contestant

v.

Willamette Valley Water Company,

Contestee

CONTEST NO. 33

Fred L. Comstock and Charlotte
Comstock, his wife,

Contestants

v.

Willamette Valley Water Company,

Contestee

CONTEST NO. 34

E. R. Clark and Ida A. Clark,
husband and wife,

Contestants

v.

Willamette Valley Water Company,

Contestee

CONTEST NO. 35

W. O. Royse,

Contestant

v.

Willamette Valley Water Company,

Contestee

CONTEST NO. 36

State of Oregon, by the Oregon
State Board of Control,

Contestant

v.

Donker Brothers,

Contestees

CONTEST NO. 37

State of Oregon, by the Oregon
State Board of Control,

Contestant

v.

Sidney Irrigation Cooperative
Association,

Contestee

CONTEST NO. 38

State of Oregon, by the Oregon
State Board of Control,

Contestant

v.

Willamette Valley Water Company,
an Oregon corporation,

Contestee

CONTEST NO. 39

State of Oregon, by the Oregon
State Board of Control,

Contestant

v.

A. D. Gardner,

Contestee

11.

That after the filing of said statements of contest the State Engineer did fix a time and place for the hearing of each of said contests and did, on the 26th day of October, 1940, serve notice of hearing of said contests on each of the parties to said contests, the date fixed for hearing being more than thirty and less than sixty days from the date the notice of said hearing was served on said parties. That upon the date and at the place as fixed for said hearing, to-wit: Wednesday, November 27, 1940, at the hour of 10:00 o'clock A. M., in Room 321 of the Oregon State Capitol Building at Salem, Marion County, Oregon, the taking of testimony was commenced before a duly authorized assistant of the State Engineer and continued until each of said contests was fully heard, settled by stipulation, or otherwise disposed of.

12.

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

13.

CONTEST NO. 1

F. H. Collins,
Contestant
v.
Chester B. Gaines,
Contestee

Contestee, Chester B. Gaines, filed herein Statement and Proof of Claim No. 33, wherein he asserts a right to the use of the waters of an unnamed tributary of the North Santiam River in Section 28, Township 9 South, Range 4 East, W. M., with a priority of May, 1893, for domestic use through a pipe line and stock purposes, such right to be appurtenant to a parcel of land in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 28, Township 9 South, Range 4 East, W. M., Marion County, Oregon, hereinafter more fully described.

To said Statement and Proof of Claim No. 33, contestant, F. H. Collins, filed herein Statement of Contest No. 1, denying each and every paragraph, allegation, and matter set forth and contained in said statement and proof of claim, and wherein it is contended that the owners of the premises for which contestee claims a right to the use of the waters of said unnamed stream failed, neglected, and ceased to use said waters for a period of more than five successive years, on account whereof any water right appurtenant to said premises has ceased and has been abandoned.

In settlement of said Contest No. 1, there was filed at the time of the hearing on contests herein, (Transcript, Page 1267) a stipulation entered into between the contestant and the contestee whereby it was agreed that the contestee, Chester B. Gaines, is entitled to

the use of the waters of said unnamed stream to the extent of, but not to exceed, 0.005 cubic foot per second continuous flow, and further that for a period of one year from May 18, 1941, said water shall be measured at a point at which contestee now diverts water from said unnamed stream, and from and after one year from May 18, 1941, said quantity of water shall be measured at the present location of contestant's diversion dam across said stream. Lastly, it was agreed in said stipulation that said Contest No. 1 be dismissed without cost to either party and that the State Engineer be authorized to enter his findings and order of determination in accordance with the provisions thereof.

Therefore, contestee is allowed a right to the use of 0.005 cubic foot per second of water continuous flow from an unnamed tributary of the North Santiam River in Section 28, Township 9 South, Range 4 East, W. M., Marion County, Oregon, with a priority of May, 1893, for domestic and stock purposes, such right to be appurtenant to the following-described lands:

Beginning at a point 50 feet north and 65 feet west of a point in the center of the track of the Oregon Pacific Railroad at the west end of Bridge 261 (now No. 7335) at Niagara in Marion County, Oregon, running thence west 75 feet, thence north 125 feet, thence east 75 feet, thence south 125 feet to the place of beginning in Section 28, Township 9 South, Range 4 East, W. M., Marion County, Oregon.

Contestee's right herein is allowed subject to the provisions of the aforesaid stipulation entered into with the contestant.

14.

CONTEST NO. 2

Elizabeth O. Rider,	Contestant
v.	
George Stafford,	Contestee

Statement and Proof of Claim No. 119, in the name of contestee, George Stafford, was filed herein by Mrs. George W. Stafford. In said statement and proof of claim, there was asserted a right to the use of the waters of an unnamed tributary of the North Santiam River in Section 28, Township 9 South, Range 4 East, W. M., for domestic and stock purposes, with a date of priority of 1890, said right to be appurtenant to Lot 12 and Lots 1 and 2, all in Block 6, in the City of Niagara, Marion County, Oregon, as shown by the original plat thereof duly recorded and on file in the County Recorder's office for Marion County, Oregon, a more particular description of which appears in Book 132, Page 399, Record of Deeds for Marion County, Oregon.

To said statement and proof of claim, Contestant Elizabeth O. Rider filed herein Statement of Contest No. 2, denying each and every paragraph, allegation, and matter set forth and contained in said statement and proof of claim, and wherein it is contended that

said statement and proof of claim does not disclose any power of attorney or other evidence of any kind by said contestee authorizing anyone to execute said statement and proof of claim and that on account thereof said statement and proof of claim is not properly executed and is not entitled to be filed herein. It is further contended by contestant that the owner of the premises for which contestee claims a right to the use of the waters of said unnamed stream, failed, neglected, and ceased to use said waters for a period of more than five successive years, on account whereof any water right appurtenant to said premises has ceased and has been abandoned.

It appears from the evidence and testimony offered at the hearing on this contest that the property for which contestee claims a water right was once included in a larger tract upon which water from said unnamed stream was used. It further appears that, after said larger tract was divided into parcels, said waters were used on the parcel now possessed by contestee. It is shown, however, that this particular parcel and the dwelling thereon were unoccupied for a long period of time, to-wit: from the year 1914 until 1936, at which time it was acquired by contestee from the County of Marion by tax deed. Thus it appears that, although water from said unnamed stream was used on adjoining parcels of land which, with the one here involved, were at one time included in a single tract, no use of said waters was made on said parcel described in contestee's statement and proof of claim for a period greatly in excess of ten years.

At the conclusion of the hearing on this contest, contestee reserved the right to offer further evidence in support of her claim. No further evidence has been so offered.

In the light of the above findings of fact, the State Engineer deems it unnecessary to consider contestant's question as to the sufficiency of the execution of contestee's statement and proof of claim.

Therefore, the right claimed by contestee in Statement and Proof of Claim No. 119 hereby is deemed to have ceased and to have been abandoned, and said statement and proof of claim hereby is denied.

15.

CONTESTS NOS. 3, 19, AND 23

CONTEST NO. 3

Willamette Valley Water Company,
an Oregon corporation,

Contestant

v.

Oregon State Game Commission, by
M. T. Hoy, State Fish Warden, and
Chas. Lockwood, Assistant Superintendent,
State Game Commission,

Contestee

CONTEST NO. 19

Oregon Pulp & Paper Company, The
Thomas Kay Woolen Mills Company,
and City of Salem, Oregon,

Contestants

v.

State of Oregon,

Contestee

CONTEST NO. 23

A. D. Gardner,

Contestant

v.

Oregon State Game Commission, by
M. T. Hoy, State Fish Warden, and
Chas. Lockwood, Assistant Superin-
tendent, State Game Commission,

Contestee

Contestee, Oregon State Game Commission, by M. T. Hoy, State Fish Warden, and Chas. Lockwood, Assistant Superintendent, State Game Commission, filed Statement and Proof of Claim No. 84, wherein it asserts "a right to the uninterrupted flow in the natural channel of the South Branch of the North Fork of the Santiam River from a point about 500 feet above the west quarter corner of Section 18, Township 9 South, Range 1 East, W. M., at dam preventing the natural flow of water into said branch to the point where Gardner tailrace empties into said branch, together with the right to 200 second feet of water from said point to the point of confluence of the North Fork and the South Fork of the Santiam River and thence to the mouth of the Santiam River". Said right was purportedly initiated with the settlement of the Oregon country and is for the purpose of affording a natural passage for food and game fish in the above-described waters.

To said Statement and Proof of Claim No. 84, three statements of contest were filed herein, to-wit:

1. Statement of Contest No. 3, filed by the Willamette Valley Water Company, wherein it is contended:

(a) That any and all water permitted to flow down the channel of the North Santiam River as claimed by contestee will not be available for use by contestant and contestant will be deprived of the use of said waters.

(b) That contestee is not entitled to have any water flow down the channel of said stream for said purpose or any purpose.

(c) That contestee has not initiated a right as required by law or otherwise for the use of any of said water for said purpose. That no withdrawal of said water or any part thereof has been made by the State of Oregon and at the time each and every appropriation claimed by contestants was made the waters of said stream were available for appropriation by the predecessors of contestant.

(d) That said pretended claim does not constitute a claim to the waters of the North Santiam River in that it does not specify the date of the initiation of said right and said claim does not specify any beneficial use of said water, and the fees provided for by statute and set forth in the rules and regulations of the State Engineer of the State of Oregon as a prerequisite to the filing of said claim have not been paid and said claim is not a valid and lawful claim to the use of the waters of the North Santiam River.

2. Statement of Contest No. 19, filed by the Oregon Pulp and Paper Company, The Thomas Kay Woolen Mills Company, and the City of Salem, Oregon, wherein it is contended:

(a) That the uninterrupted flow of said waters as claimed by said contestee would prevent the erection of a dam in the North Santiam River and would prevent contestants from diverting water therefrom for power and manufacturing purposes.

(b) That contestants have a vested right over contestee by territorial grant to 272 second-feet of said water. That the claims of contestants and contestee do now and in the future will exceed the flow of said river at certain periods of the year. That contestants have spent in excess of \$100,000.00 in reliance upon said grant. That if said claim of said contestee is not decreed subject to and inferior in right to the claim of contestants, contestants will be deprived of a valuable property right and their property will be taken without due process of law.

3. Statement of Contest No. 23, filed by A. D. Gardner, wherein it is contended:

(a) That any and all water diverted and used by contestee will not be available for use by contestant and contestant will be deprived of the use of said waters.

(b) That contestee is not entitled to have any water flow down the channel of said stream for said purpose or any purpose.

(c) That contestee has not initiated a right as required by law or otherwise for the use of any of said waters for said purpose. That no withdrawal of said waters or any part thereof has been made by the State of Oregon.

(d) That said contestee has no claim to the waters of the North Santiam River and has not attempted to perfect any claim thereto in the manner provided by law or otherwise.

From the above statements of contest, it appears that both Contests Nos. 3 and 23 are directed first against the purported "sovereign" right of the State of Oregon to the waters herein claimed, and second to the form in which said claim is presented.

In reaching an equitable determination of this right, the State Engineer must follow the basic principles of equity; hence he must regard substance rather than form. So here, despite the assertions of council for the contestee, the substance of the Oregon State Game Commission's statement and proof of claim appears to be a claim of right by appropriation for a specific beneficial use with a determinable date of priority rather than the establishment of some illusory sovereign right. It is upon this basis that the State Engineer treats herein said statement and proof of claim of the Oregon State Game Commission.

An acceptance of said statement and proof of claim upon this basis gives rise to the question of fees. In this connection it appears to the State Engineer that although the right here involved is not a sovereign right, yet the Oregon State Game Commission, in filing its statement and proof of claim in a proceeding of this nature, is in fact acting in its governmental as distinguished from its proprietary capacity, and thus it would appear to be entitled to an exemption from the ordinary fees prescribed by law for the filing of a statement and proof of claim in this proceeding.

The basis of the above Contest No. 19 appears to be primarily one of relative priority. The Oregon Pulp and Paper Company and its co-contestants asserted a right allegedly prior and superior to that of the Oregon State Game Commission, namely, the year 1857. They do not attack the validity of the right per se. Hence it would appear that if the right of the State of Oregon to the use of the waters in question for the protection of the feral naturai in its charge is valid, the priority of such right must antedate any other right to the use thereof or be, in the language of the statement and proof of claim, "with the settlement of the country".

On the assumption that the foregoing objections of the contestants herein have been resolved in favor of the contestee, it is now necessary to examine certain factual assertions in the contestee's claim in the light of the evidence and testimony presented before the State Engineer. The first of said assertions is to the right to the uninterrupted flow "in the natural channel of the South Branch of the North Fork of the Santiam River", from the upper dam used by the Salem Power Owners and A. D. Gardner to the point where the Gardner tail-race allegedly empties into said branch. By the preponderance of evidence and testimony taken at the hearing on these contests, it appears that the "natural channel" of the North Santiam River is not the so-called "South Branch" thereof, but rather the natural channel as it existed at the time of its original survey and meander was for a considerable distance substantially where A. D. Gardner now conducts these waters and, further, it appears that the so-called Upper Dam of the Salem Power Owners and A. D. Gardner serves as a means of keeping the waters of the river in its natural course during low water flow rather than being a means of diversion therefrom.

Much additional testimony was offered to show the feasibility of constructing fishways through this course. This, however, was not an issue for the determination of the State Engineer and the relative values thereof are not here considered. It appears sufficient for the purposes of these proceedings to find that the natural channel of the North Santiam River is substantially that of the A. D. Gardner Canal and not the alleged "South Branch" of the said North Santiam River.

→ The second assertion in contestee's statement and proof of claim, which is open to question in view of the evidence disclosed thereon, is that of the quantity of water necessary for the contestee's purpose. Here again much and varied testimony was offered, which, when given careful consideration, appears to refute the necessity of 200 cubic feet per second through the entire course of the river from a given point above Stayton to its confluence with the Santiam River. Upon further consideration, it does appear that a minimum of about 50 cubic feet per second would be adequate to sustain the fish life and maintain waterways therefor. It also appears that any danger of a depreciation of the stream to a flow of less than 50 cubic feet per second is improbable if the requirements of certain water users are met. Thus it is only after the river passes the point of diversion of the Sidney Irrigation Cooperative in Section 34, Township 9 South, Range 2 West, W. M., until it reaches its confluence with the Santiam River that a possible hazard arises; therefore, it appears necessary to maintain a minimum flow of 50 cubic feet per second from said point of diversion to the river's confluence with the Santiam River.

From the foregoing considerations and for the foregoing reasons, the contestee herein is allowed a right to the use of 50 cubic feet per second of water continuous flow, from a point 500 feet above the west quarter corner of Section 18, Township 9 South, Range 1 East, W. M., through the water course of A. D. Gardner Canal and then continuing along the natural water course of said North Santiam River until its confluence with the Santiam River in Section 24, Township 10 South, Range 3 West, W. M. The date of priority of such right is hereby deemed to be "with the settlement of the country" and prior and superior to all other rights allowed herein.

16.

CONTESTS NOS. 4 AND 21

CONTEST NO. 4

The Willamette Valley Water Company,

Contestant

v.

Oregon Pulp and Paper Company, an Oregon corporation; The Thomas Kay Woolen Mills Company, an Oregon corporation, and City of Salem, a municipal corporation,

Contestees

Modified
By Decree
Vol. 14, p. 354

CONTEST NO. 21

A. D. Gardner,

Contestant

v.

Oregon Pulp and Paper Company, an Oregon corporation, The Thomas Kay Woolen Mills Company, an Oregon corporation, and City of Salem, a municipal corporation,

Contestees

Contestees, Oregon Pulp and Paper Company, by A. M. Cronin, Jr., Secretary; The Thomas Kay Woolen Mills Company, by E. W. Kay, Vice President, and City of Salem, Oregon, by A. Warren Jones, ex-officio Clerk of the Salem Water Commission, filed herein Statement and Proof of Claim No. 79, wherein they assert a right to the use of 344 cubic feet per second of water from the North Santiam River through the Salem Ditch and the channels of Mill Creek, with a date of priority of 1856, for power and manufacturing purposes and all other privileges of every kind and character whether similar or different to power and manufacturing, said right to be appurtenant to lands described therein.

To said statement and proof of claim, Contest No. 4 was filed herein by the Willamette Valley Water Company, and Contest No. 21 was filed by A. D. Gardner. The ultimate issue raised by said contests is that of the quantity of water which contestees should be entitled to divert from the North Santiam River, Contestant Willamette Valley Water Company contending that it should be limited to 135 cubic feet per second of water by virtue of abandonment of any greater amount, and Contestant A. D. Gardner contending that it should be limited to 175 cubic feet per second of water on the grounds that contestees devote no greater quantity to beneficial use nor have they facilities to do so.

At the time of the hearing on these contests, contestees offered testimony supported by documentary evidence showing an unbroken succession of title to the right here claimed.

From said testimony and evidence, it appears that in the year 1856 the Legislative Assembly of the Territory of Oregon passed an act approved December 17, 1856, entitled "An Act to Incorporate the Willamette Woolen Manufacturing Company". Said act, after providing for the incorporation of said company, provided in part as follows:

"Sec. 5. Said corporation shall have power to bring water from the Santiam River to any place or places in or near Salem; to be brought as far as practicable through the channel or valley of Mill Creek; and for such purpose may enter upon lands and also said creek and do all things proper and suitable for a safe, direct, and economical conveyance of water as aforesaid. * * *

"Sec. 6. Said corporation shall have the exclusive right to the hydraulic powers, and privileges created by the water which it takes from the Santiam River and may use, rent, or sell the same, or any portion thereof, as it may deem expedient."

Pursuant to said act, in the year 1857, the Willamette Woolen Manufacturing Company dug a canal, known as the "Salem Canal" from the North Santiam River to Mill Creek, a distance of about six miles. Mill Creek was improved and water brought from said North Santiam River through said canal and the channels of Mill Creek to Salem to supplement the natural waters thereof during the dry season for use in the operation of a newly-constructed woolen mill located on what is now North Liberty Street in the City of Salem, Oregon. The same year saw the establishment by W. Waldo of a mill located on the present North Front Street in the City of Salem, near the confluence of said Mill Creek and the Willamette River, and a chair factory was put into operation on Mill Creek near the then Asylum Avenue. Both of said establishments used said waters of the North Santiam River and Mill Creek. Of the foregoing power sites on Mill Creek, sometimes known as the "North Power", the last-named Asylum Avenue power site is the only one now in use.

In the year 1864, the Willamette Woolen Manufacturing Company constructed a race from Waller Dam near 19th Street, Salem, to the Willamette River, which race is commonly known as the "South Power". Waters of the North Santiam River and Mill Creek were turned into said race in the fall of 1864 and have been available and used continuously since that time by claimants and their predecessors to the extent of 172 cubic feet per second of water.

It appears that contestees' right to said 172 cubic feet per second is unchallenged herein, save for the contention of the contestant, Willamette Valley Water Company, that any of said water in excess of 135 cubic feet per second should be deemed abandoned. Its contention is based upon the fact that in accordance with the provisions of Chapter 236, Laws of Oregon for 1911, and its amendments, contestees and their predecessors filed annual statements wherein they claimed but 135 cubic feet per second of water to be used in the "South Power" and that, in the words of said statute, "filing of any such claim to water shall be conclusive evidence as to the abandonment of all rights to water for power purposes in excess of the claim filed". Despite the foregoing quotation, it also appears that to constitute abandonment in any case, actual cessation of use or relinquishment of property must accompany and be concurrent with a declaration of intent to abandon. Therefore, here, although said annual statements may be interpreted as declarations of abandonment or even evidence of intent to abandon, the fact that no actual cessation of use or relinquishment of property took place causes it to appear that contestees' right to the use of 172 cubic feet per second of water in said "South Power" remains vested and is herein not deemed abandoned.

It appears that, in addition to said right to the use of 172 cubic feet per second of water in the "South Power", contestees also assert a right to the use of 172 cubic feet per second of water for the operation of two turbines located in the "North Power" or Mill Creek at the power site near Asylum Avenue formerly occupied by a chair factory. The evidence

herein shows that the water requirement for the operation of both of said turbines is 162.4 cubic feet per second of water rather than 172 cubic feet per second of water which, when added to the amount to which contestees are entitled to use in the "South Power", would total 334.4 cubic feet per second. The evidence also shows, however, that for many years total utilization of the amount indicated has not been realized in the "North Power" in the period of the year during which water from the North Santiam River is permitted to flow therein.

It further appears that at no time since the initiation of their right have the contestees or their predecessors diverted a greater quantity of water from the North Santiam River than could be contained in their canal between said river and the channel of Mill Creek. Hence, the limit of contestees' appropriation and application of said waters to beneficial use must needs be the capacity of said canal. This is apparent even though it is shown that the installed capacity of the generating units using said waters would require for ultimate total utilization an amount in excess of that actually flowing in said canal.

To determine the capacity of contestees' canal between the aforesaid point of diversion from the North Santiam River to the channel of Mill Creek, measurements thereof were made under direction of the State Engineer. To insure greater accuracy, in July, 1938, an automatic recorder was installed in said canal at Stayton from which was obtained a continuous record of the flow of water therein. From the aforesaid continuous record obtained through the use of the automatic recorder, calculations were made resulting in the determination of mean daily, monthly, and annual discharges, the maximum of which vary considerably, one from the other, as well as from the maximum momentary discharges recorded on the staff gage. Thus it appears that the highest quantity of water recorded by the staff gage is 269 cubic feet per second of water in September, 1936, while the highest annual mean determined by use of the automatic recorder is 153 cubic feet per second for the year 1939. The highest monthly mean is 221 cubic feet per second in June, 1940, and the highest mean daily discharge from June 13, 1938, to September 30, 1941, is 254 cubic feet per second.

A difficulty arises in determining which of the aforesaid measurements constitutes a true representation of the capacity of the canal. The figure showing the highest momentary discharge obviously is not an accurate statement of continuous flow nor does it take into account operating conditions. The annual mean includes measurements taken during those months of the year, namely, the winter months, when the waters of the North Santiam River are not here at issue. The highest monthly mean is lowered by fluctuations in flow over a 30-day period. The maximum daily mean of 254 cubic feet per second, however, represents the continuous flow over a 24-hour period during which fluctuation is not likely to be great, and which does not include the winter months. Therefore, said maximum daily mean of 254 cubic feet per second appears to be the most proper basis for this determination of the capacity of contestees' canal.

It is noted that in contestees' statement and proof of claim there is asserted a right to use the waters here in question for purposes other than for the development of power and other manufacturing uses. It appearing that the evidence offered herein does not support said assertion, no allowance will be made herein therefor.

Therefore, contestees hereby are allowed a right to the use of 254 cubic feet per second of water from the North Santiam River through the Salem Canal and the channels of Mill Creek, with a date of priority of 1856, for the development of power and other manufacturing purposes at divers sites bordering on or adjacent to the aforesaid "South Power" running in a general westerly direction from 19th Street in the City of Salem, Oregon, to the Willamette River and at sites bordering on or adjacent to the aforesaid "North Power" or Mill Creek running northwesterly from said 19th Street to the Willamette River, all within the City of Salem, County of Marion, State of Oregon.

17.

CONTEST NO. 2

Willamette Valley Water Company,
an Oregon corporation,

Contestant

v.

Charles Porter, Trustee, successor
to Henry Porter, Trustee,

Contestee

It appears that on August 28, 1924, there was filed with the State Engineer by Henry C. Porter, Trustee, now deceased, an application for a permit to appropriate 16 cubic feet per second of water from North Santiam River and tail-race of A. D. Gardner Mill Ditch, for stock, domestic use, and for the irrigation of 1,220.5 acres of land located in Sections 5, 6, 8, and 9, Township 9 South, Range 1 West, W. M., Sections 35 and 36, Township 8 South, Range 2 West, W. M., Section 31, Township 8 South, Range 1 West, W. M., and Section 1, Township 9 South, Range 2 West, W. M., which lands were owned by individuals represented by Henry C. Porter as Trustee. This application is designated and referred to in the records of the State Engineer as Application No. 9789.

The point of diversion described in said Application No. 9789 is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 15, Township 9 South, Range 1 West, W. M., apparently at the same place as the point of diversion of the main canal of the contestant, Willamette Valley Water Company, and the ditch for a distance of about three-fourths mile is to parallel that of the contestant's.

Objections were filed by the Santiam Reclamation Company and the Western Oregon Development Company, predecessors-in-interest to the contestant, Willamette Valley Water Company, to the approval of said application filed by Henry C. Porter.

On March 23, 1925, the State Engineer entered an order and on April 16, 1925, entered an amended order, holding that it was his opinion that the right of any owner of land in this state to appropriate water for the irrigation of his lands is inherent and ordered that said Application No. 9789 of Henry C. Porter, Trustee, be duly approved when the same had been completed so as to conform to the regulations of the State Engineer.

The Santiam Reclamation Company and the Western Oregon Development Company appealed from said order of the State Engineer to the Circuit Court of the State of Oregon for Marion County, and on April 29, 1926, a restraining order issued by said court was served on the State Engineer, restraining and enjoining him from issuing a permit under said Application No. 9789, which injunction, it is understood, was in force up to the time of the filing of the order of the Circuit Court of the State of Oregon for Marion County, referred to in Paragraph 2 herein.

In these proceedings, Contestee Charles Porter as Trustee, successor to Henry C. Porter, Trustee, now deceased, filed Statement and Proof of Claim No. 89, asserting a right based upon the above-described application for permit filed by said Henry C. Porter, Trustee, now deceased.

To said Statement and Proof of Claim No. 89, the Willamette Valley Water Company, successor-in-interest to the Santiam Reclamation Company and the Western Oregon Development Company, filed Statement of Contest No. 5. It appears that said statement of contest does not set forth the basis of contest but makes reference to a suit filed in the Circuit Court of the State of Oregon hereinabove referred to, from which it appears that the issues may be summarized as follows:

That the approval of Application No. 9789, filed by Henry C. Porter as Trustee, on August 28, 1924, would conflict with existing rights and, therefore, should be denied.

That the permits held by the contestant include the lands described in said Application No. 9789, filed by Henry C. Porter as Trustee, and as the Willamette Valley Water Company and its predecessors-in-interest have expended a considerable sum of money in constructing irrigation works, said Application No. 9789 should be rejected.

That diverting the water at the same point as that of the contestant and either carrying the water in the same canal as that owned and operated by the contestant or in a canal paralleling the same would result in trespassing upon and injuring the rights of contestant.

It is assumed that the order of the State Engineer, directing the approval of the application filed by Henry C. Porter, Trustee, now deceased, is to be passed upon in these proceedings.

It appears that in 1924 the rights claimed by the objectors, Santiam Reclamation Company and Western Oregon Development Company, were those initiated under Enlargement Permit No. 82 and Permit No. 1401, which are the basis of the rights claimed in these proceedings in Statements and Proofs of Claim Nos. 146 and 147. The water claimed under Statement and Proof of Claim No. 145, filed in these proceedings, was diverted a considerable distance below the place where water from the Gardner-Bennett Waste Ditch is returned to the North Santiam River, and it appears that this right was never owned by either the Santiam Reclamation Company or the Western Oregon Development Company and was not acquired by the Willamette Valley Water Company until July, 1931.

An application for a permit to appropriate water, when approved by the State Engineer, is not a grant of a specific quantity of water nor does it give the holder thereof a vested right. The permit is a right which becomes vested only when the water is applied to beneficial use and then only in the amount to which beneficial use has been made. All rights to the use of water in this state, whether initiated by making application to the State Engineer for a permit or by appropriation prior to 1909, must have a definite date of priority. When there exist a number of rights with different dates of priority to the use of the waters of a stream and the flow is insufficient to supply water to all such rights, then those appropriators holding the later priorities are required to close their head-gates, beginning with the latest right and continuing in order of priority until those with the earlier priorities receive the water to which they are entitled.

It has long been recognized that the law in this state is that a prior appropriator of water does not own the water but only the right to use it for some beneficial purpose for which it was appropriated, and when not needed for that purpose it is subject to appropriation by others.

The approval of Application No. 9789 by the State Engineer would not give the owner of lands described therein the right to divert water which would be required by the Willamette Valley Water Company to supply the lands to which it was obliged to deliver water for beneficial use. The permits which the contestant now owns were issued subject to all rights to the use of the waters of the North Santiam River and also the Willamette River, of which the North Santiam River is a tributary. All permits to appropriate water in this state are issued subject to existing rights.

It appears that in 1940 the contestant, Willamette Valley Water Company, was supplying water for the irrigation of some 2,700 or 2,800 acres of land described under Enlargement Permit No. 82 and Permit No. 1401. Under the terms and conditions of these permits, the maximum quantity which could have been diverted was 35.0 cubic feet per second for the irrigation of 2,800 acres. It also appears that the maximum quantity that was diverted during the period from July 9, 1938, to November, 1941, was 79.0 cubic feet per second. An examination of the records of the flow of water in the North Santiam River at Mehama shows that there would have been some water available of which beneficial use could have been made by the contestee, even though the total quantity of water claimed by the contestant in these proceedings had been diverted and used beneficially. It is also believed evident that since 1924 there has been water available for use by the contestee throughout the irrigation season without depriving the contestant of any water which it was entitled to divert for beneficial purposes, and if the past record of placing under irrigation lands for which the contestant is asserting a right in these proceedings is any criterion, it will be many years before the contestant could be legally entitled to divert the water allowed herein.

The approval of an application for a permit by the State Engineer does not grant or authorize the entering upon the property of others for the purpose of constructing the works necessary to perfect the appropriation or to take possession of canals or works belonging to others. The right to do this must be secured from the owner or as provided for in Sections 12-129 and 12-130, O. C. L. A.

It does not appear that the owners of the lands described in Application No. 9789 consented to the inclusion of their lands in Applications Nos. 81 and 1508, now held by the contestant or that any works have been constructed by the Willamette Valley Water Company or its predecessors-in-interest to convey water to the lands described in said applications.

The Willamette Valley Water Company is not a "public utility"; consequently, it has the sole authority to determine the price for which water can be purchased, and if any owner of land described in permits held by said company cannot initiate a water right and construct works to irrigate his lands, he must pay the price set by the company or forego the use of water for irrigation.

To reject Application No. 9789 for the reason that the objectors or protestant had acquired permits issued by the State Engineer, describing the same lands as those described under said application, or to reject said application on the grounds that the objector should be protected in its development, under the conditions existing in this instance, would establish a precedent which it appears would be adverse to the development of agriculture in this state.

The order of the State Engineer entered on March 25, 1925, and the amended order entered on April 16, 1925, approving Application No. 9789, are approved.

18.

CONTESTS NOS. 6, 9, AND 24

CONTEST NO. 6

Willamette Valley Water Company,
an Oregon corporation,

Contestant

v.

State of Oregon, by the Board of
Control,

Contestee

CONTEST NO. 9

Oregon Pulp & Paper Company, The
Thomas Kay Woolen Mills Company,
and City of Salem, Oregon,

Contestants

v.

State of Oregon,

Contestee

CONTEST NO. 24

A. D. Gardner,

Contestant

v.

State of Oregon, by the Board of
Control,

Contestee

Contestee State of Oregon, by the Oregon State Board of Control, filed herein Statement and Proof of Claim No. 80, wherein it asserts a right to the use of the waters of the North Santiam River, through the Salem Canal and the channels of Mill Creek, with a date of priority of 1856, to the extent of 230 cubic feet per second for the development of power and 2.5 cubic feet per second for domestic, stock, institutional uses, and upkeep of grounds connected with state institutions in and around Salem, Oregon, and more particularly described therein.

Contestee State of Oregon, by the Oregon State Board of Control, also filed herein Statement and Proof of Claim No. 81, wherein it asserted a right to the use of the waters of the North Santiam River, through Salem Canal and the channels of Mill Creek, with a date of priority of 1891, to the extent of 0.9 cubic foot per second for domestic, stock, and institutional purposes in connection with the State Reform School, now the Penitentiary Annex, and the Tuberculosis Hospital near the City of Salem, Oregon, and 0.6 cubic foot per second for the irrigation of the following lands:

12.2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$
5.7 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$
1.4 acres in Lot 5 (SW $\frac{1}{4}$ SE $\frac{1}{4}$)
Section 7;
0.5 acre in Lot 1 (SW $\frac{1}{4}$ NE $\frac{1}{4}$)
0.1 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$
0.6 acre in Lot 2 (NW $\frac{1}{4}$ SE $\frac{1}{4}$)
7.9 acres in Lot 4 (NW $\frac{1}{4}$ SE $\frac{1}{4}$)
8.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$
3.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 18;
2.6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$
1.0 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 19,
Township 8 South, Range 2 West, W. M.
Marion County, Oregon

To said statements and proofs of claim, three contests were filed: Contest No. 6, by the Willamette Valley Water Company; Contest No. 9, by the Oregon Pulp and Paper Company, the Thomas Kay Woolen Mills Company, and City of Salem, Oregon, and Contest No. 24, by A. D. Gardner.

The principal grounds upon which Contestant Willamette Valley Water Company bases its contest are:

1. "That contestee initiated no right in 1856 and has since said time initiated no right to the use of the waters of the North Santiam River and the right, if any, which contestee has to the use of said water is only such as the Oregon Pulp and Paper Company, claimant herein, may have to divert the water of the North Santiam River which said quantity does not exceed 135 second feet of the said North Santiam River.

2. "That contestee has filed in the office of the State Engineer of the State of Oregon for water for power development under the provisions of Chapter 236, Laws of 1911, for 160 second feet of water and should be estopped from claiming any quantity in excess of this amount.

3. "That the water claimed by contestee for irrigation purposes was furnished to contestee by contestant, Willamette Valley Water Company, and contestee has no right to the use of any water for irrigation with a date of priority of 1891 or any other time and date except as said water may be furnished to said contestee by contestant.

4. "That contestee has initiated no right nor used any water of the North Santiam River for domestic, stock, and irrigation use, and if any such right was initiated it has long since been abandoned.

5. "That contestant believes and therefore alleges on information and belief that contestee has not the facility to beneficially apply 230 second feet to the development of power."

In Contest No. 24, Contestant A. D. Gardner enunciates some of the same grounds as the Willamette Valley Water Company, as set out above, namely:

1. "That contestee initiated no right in 1856 and has since said time initiated no right to the use of the waters of the North Santiam River and the right, if any, which said contestee has to the use of said waters is only such as the Oregon Pulp and Paper Company, claimant herein, may have to divert the waters of the North Santiam River which said quantity does not exceed 175 second feet of the waters of said North Santiam River.

2. "That contestee heretofore filed in the office of the State Engineer of the State of Oregon for water for power development under the provisions of Chapter 236, General Laws of Oregon, 1911, in the amount of 160 second-feet and thereby is estopped from claiming any quantity in excess of such amount, and

3. "That contestee has not the facility beneficially to apply 230 second-feet to the development of power."

Of the above grounds of contest set out in Contest No. 6, those numbered 3 and 4 are directed against Statement and Proof of Claim No. 81 and will be discussed together with the objections thereto set forth in Contest No. 9. The grounds numbered above as 1, 2, and 5 in said Contest No. 6, as well as those quoted from Contest No. 24, assail the right asserted in contestee's Statement and Proof of Claim No. 80 and may be disposed of forthwith.

The contention that contestee has no greater right to the use of the waters of the North Santiam River for power and institutional purposes than has the contestant, Oregon Pulp and Paper Company, to divert the same appears well founded. It appears, however, that said

Oregon Pulp and Paper Company et al. are entitled to divert from the North Santiam River a much greater quantity of water than 135 or 175 cubic feet per second of water as alleged by contestee, namely, 254 cubic feet per second (see Paragraph 16 herein).

Contestants raise here the question of estoppel based upon contestee's annual statement of water power in compliance with the provisions of Chapter 236, General Laws of Oregon, 1911, wherein it is stated: "The filing of any such claim to water shall be conclusive evidence as to the abandonment by the claimant of all rights to water for power purposes in excess of the claim as filed".

It appears that contestee filed annual statements of water power claimant wherein it claimed but 160 cubic feet per second from Mill Creek and the North Santiam River. It also appears from investigations made under the direction of the State Engineer and made a part of the record herein that contestee has used and is using a greater quantity of said waters for power purposes, namely, 228 cubic feet per second. Applying here the same principles as in the determination of the right of the Oregon Pulp and Paper Company et al. (Paragraph 16 herein), it would appear that in any case of abandonment actual cessation of use or relinquishment of property must be concurrent with the intent to abandon. Hence, although contestee's annual statements of water power claimant be deemed expressions of intent, no actual cessation of use or relinquishment of property occurred and contestee's right to the use of a greater amount of water than 160 cubic feet per second is herein not deemed abandoned.

The aforesaid investigation made under the direction of the State Engineer and made a part of the record herein found that the amount required to operate contestee's plant, as well as the capacity of the Penitentiary Canal, is 230 cubic feet per second. It, therefore, appears that contestant's contention that contestee has not the facilities beneficially to apply the waters claimed herein is not well founded in fact.

Added to the foregoing objections to contestee's Statement and Proof of Claim No. 80 is that contained in Statement of Contest No. 9, filed by the Oregon Pulp and Paper Company et al. These contestants attack contestee's claim to the right to the use of 2.5 cubic feet per second of water for purposes other than the development of power, and further allege that said right is limited to 1,200,000 gallons per 24 hours. The basis of this allegation lies in the decision of the Supreme Court of the State of Oregon in the case of Salem Mills Co. v. Lord, 42 Or. 82, and a contract entered into between contestee and contestants' predecessor on or about February 19, 1903. Said decision enjoins the contestee from appropriating said waters for irrigation excepting those which had been purchased from its predecessors, the amount of which was stated therein as "the amount of water which can be pumped through a pipe two inches in diameter". Said contract, which was entered into soon after the rendition of said decision, granted to the contestee "the perpetual privilege of

using the waters flowing in and through Mill Creek, including water from the Santiam River introduced into and flowing in said Mill Creek, to the extent of one million two hundred thousand gallons per day for the purpose of supplying the state institutions at Salem, Oregon and in the vicinity thereof * * *. It is expressly understood and agreed that said amount of one million two hundred thousand gallons per day shall include (but shall not be additional to) the amount of water which can be pumped through a pipe not exceeding two inches in diameter".

In reviewing the evidence and testimony offered herein, there appears to be none which materially changes the contestee's status so as to cause it to be entitled to more water from the North Santiam River and claimed under Statement and Proof of Claim No. 80 for purposes other than manufacturing and the development of power than was provided for in said decree in the case of Salem Mills Co. v. Lord and said contract of February 19, 1903. In fact, the evidence shows a willingness on the part of contestee to abide by said decree and agreement in so far as said North Santiam River waters are concerned rather than the establishment of a right to any additional water through adverse use or otherwise since that time. Therefore, contestee's right to the use of said North Santiam River for purposes other than the development of power hereby is deemed to be limited to 1,200,000 gallons in each 24-hour period.

The alleged right to the use of 1.5 cubic feet per second of the waters of the North Santiam River claimed by contestee in Statement and Proof of Claim No. 81 is based upon adverse use and appropriation to beneficial use. Said claim is not only attacked on the above-stated grounds of contest of the Willamette Valley Water Company but is also objected to in Contest No. 9 by the Oregon Pulp and Paper Company. Thus there is brought to issue the evidence offered in support of contestee's said Statement and Proof of Claim No. 81.

It appears from said evidence that in 1890 the contestee, State of Oregon, erected a State Reform School where the Penitentiary Annex now is located in Section 18, Township 8 South, Range 2 West, W. M., and in about the year 1894 contestee erected a School for the Deaf on the present site of the Tuberculosis Hospital in Sections 8 and 17, Township 8 South, Range 2 West, W. M. Some evidence tends to show that diversion of water was made from the channel of Mill Creek soon after the construction of said school. The superintendent of the school, in 1893, testified on behalf of contestee to the effect that the water so diverted was used for heating purposes, fire protection, and the irrigation of about 1 acre of lawn, and for a short time for domestic purposes, although this use was discontinued due to the impotableness of the water.

It appears that said domestic supply was later furnished by springs, the waters of which were also used at the then School for the Deaf. Water pumped from Mill Creek, however, continued to be used for stock and garden purposes at both institutions, and later said waters were employed for institutional purposes such as laundry and sanitary use. The evidence discloses,

however, that irrigation was not extensive until comparatively recent times and that negotiations from time to time have been made for sufficient additional water to supply that use, and it may be deduced that whatever right contestee may have to water for irrigation is not herein established to be from the North Santiam River and, therefore, no allowance will be made herein therefor. As to the 0.9 cubic foot per second of water for stock and institutional purposes, it is the contention of contestant, Oregon Pulp and Paper Company, that said amount of water is and should be included in the maximum quantity of 1,200,000 gallons per day, provided for in the aforesaid contract of February 19, 1903, and that the appropriation thereof was not made to deprive said contestant or its predecessor of any right. It appears that the former of these contentions is not the subject of determination in so far as it involves solely a question of contractual interpretation. The latter contention, however, would appear to be well supported by the evidence which shows that at intervals throughout the history of this case contestee by its representatives has decried any intent to take adversely to contestant or its predecessors. It, therefore, would appear that whatever right contestee has to the use of the waters here in question has not been established by adverse and prescriptive use within the strict meaning of those terms.

Therefore, after the above consideration of the evidence offered at the time of the hearing on Contests Nos. 6, 9, and 24, and after analysis of the contentions enumerated therein, contestee hereby is allowed a right to the use of 230 cubic feet per second of water from the North Santiam River, through the Salem Canal, the channel of Mill Creek, and the Penitentiary Canal, with a date of priority of 1856, for the development of power. In addition thereto, contestee hereby is allowed a right to the use of 1,200,000 gallons of water per 24 hours from the North Santiam River, through the Salem Canal, the channel of Mill Creek, and the Penitentiary Canal, with a date of priority of 1856, for domestic, stock, and institutional purposes and upkeep of grounds connected with state institutions in and around the City of Salem and more particularly described as follows:

That part of the Isaac Baker D. L. C. No. 81 which is now the property of the State of Oregon and lying within Section 24, Township 7 South, Range 3 West, W. M.

That part of the Josiah L. Parrish D. L. C. No. 61 which is now the property of the State of Oregon and lying within Sections 24 and 25, Township 7 South, Range 3 West, W. M.

That part of the Morgan L. Savage D. L. C. No. 79 which is now the property of the State of Oregon and lying within Section 25, Township 7 South, Range 3 West, W. M.

That part of the Samuel Parker D. L. C. No. 77 which is now the property of the State of Oregon and lying within Section 25, Township 7 South, Range 3 West, W. M.

That part of the Webley Houxhurst D. L. C. No. 78 which is now the property of the State of Oregon and lying within Sections 25 and 36, Township 7 South, Range 3 West, W. M.

That part of the Alvan F. Waller D. L. C. No. 46 which is now the property of the State of Oregon and lying within Sections 25 and 36, Township 7 South, Range 3 West, W. M.

ALSO

All of Block 82 of the City of Salem, Marion County, Oregon
All of Block 83 of the City of Salem, Marion County, Oregon
All of Block 85 of the City of Salem, Marion County, Oregon
All of Block 86 of the City of Salem, Marion County, Oregon

ALSO

Beginning at the northeast corner of Block 1, in Waldo's Addition to the City of Salem, according to Volume 1, Page 43, Record of Town Plats for Marion County, Oregon, thence westerly along the southerly line of Court Street to a point which is 372.37 feet in a westerly direction from the northwest corner of Block 84 of the recorded plat of the City of Salem; thence in a southerly direction parallel with the west line of said Block 84, 330 feet to a point on the northerly line of State Street; thence in an easterly direction along the said north line of State Street to the southeast corner of said Block 1 in Waldo's Addition; thence northerly along the easterly line of said Block 1 in Waldo's Addition 330 feet to the place of beginning.

Also Block 2 in Waldo's Addition to the City of Salem.

ALSO

Beginning at the northwest corner of the southwest quarter ($\frac{1}{4}$) of Block numbered two (2) in Roberts Addition to the City of Salem, in Marion County, Oregon, and running thence southerly on the west boundary line of said Block numbered two (2) fifty feet and four inches (50 ft. and 4 in.); thence easterly parallel with the south line of said Block numbered two (2) and the north line of State Street, one hundred and sixty-five feet (165 ft.) more or less to the west boundary line of the alley running northerly and southerly through said Block numbered two (2); thence northerly along the west line of said alley fifty feet and four inches (50 ft. and 4 in.) to the northeast corner of said southwest quarter ($\frac{1}{4}$) of said Block numbered two (2); thence westerly along the north boundary line of said southwest quarter ($\frac{1}{4}$) of said Block numbered two (2) to the place of beginning, all situated in said Roberts Addition to the City of Salem, in Marion County, Oregon.

ALSO

Beginning at a point on the west line of Block 2 in Roberts Addition to the City of Salem, Marion County, Oregon, one hundred twenty-four feet (124) south of the northwest corner of said block; thence east parallel with Court Street one hundred fifty-eight feet (158) to the alley; thence south parallel with the east line of 12th Street forty-one (41) feet; thence west parallel with the south line of Court Street one hundred fifty-eight (158) feet to the west line of said block; thence north on the west line of said block forty-one (41) feet to the place of beginning.

The quantity of water allowed herein for domestic, stock, and institutional purposes and the upkeep of the grounds connected with the above-described properties is not limited to continuous flow but represents the maximum quantity of water which the contestee is entitled to use during each and every 24-hour period.

Contestee hereby is denied the right claimed in its Statement and Proof of Claim No. 81 to the use of the waters of the North Santiam River, through the Salem Canal and the channel of Mill Creek, for stock, domestic, institutional purposes and the irrigation of 43.5 acres of land. Said denial hereby is restricted to said waters of the North Santiam River and is deemed not to affect or be prejudicial to any right claimed by contestee to the use of the natural waters of Mill Creek.

CONTESTS NOS. 7, 25, 26, 29, 32, 33, 34, AND 35

CONTEST NO. 7

Oregon Pulp & Paper Company, The
Thomas Kay Woolen Mills Company,
and City of Salem, Oregon,

Contestants

v.

Willamette Valley Water Company,

Contestee

CONTESTS NOS. 25 AND 26

A. D. Gardner,

Contestant

v.

Willamette Valley Water Company,

Contestee

CONTEST NO. 29

Sidney Irrigation Cooperative, a
non-profit cooperative association,

Contestant

v.

Willamette Valley Water Company,
a corporation, and W. E. Keyes
and Ida Keyes, his wife,

Contestees

CONTEST NO. 32

A. S. Woosley,

Contestant

v.

Willamette Valley Water Company,

Contestee

CONTEST NO. 33

Fred L. Comstock and Charlotte
Comstock, his wife,

Contestants

v.

Willamette Valley Water Company,

Contestee

CONTEST NO. 34

E. R. Clark and Ida A. Clark,

Contestants

v.

Willamette Valley Water Company,

Contestee

CONTEST NO. 35

W. O. Royse,

Contestant

v.

Willamette Valley Water Company,

Contestee

Contestee Willamette Valley Water Company, by C. H. Darley, Vice President, and Clarence S. Bowne, Secretary, filed herein Statements and Proofs of Claim Nos. 145, 146, and 147, wherein it asserts rights to the use of waters of North Santiam River. In considering Statements of Contest Nos. 7, 25, 26, 29, 32, 33, 34, and 35 herein, the rights asserted in these statements and proofs of claim will be summarized, a more detailed description being set forth in Paragraph 36 hereof.

In Statement and Proof of Claim No. 145, a right is asserted for 238 cubic feet per second of water from the North Santiam River, for the irrigation of 19,040 acres of land within Townships 7 and 8 South, Ranges 2 and 3 West, W. M. This right, as stated in said statement and proof of claim, was originally initiated for power development at Jefferson and was transferred from a power right to an irrigation right. A priority of 1857 is claimed.

In Statement and Proof of Claim No. 146, a right is asserted for $263\frac{1}{2}$ cubic feet per second of water from the North Santiam River and supplemented by water to be stored in Marion Lake, if necessary, with a priority of May 14, 1909, for the irrigation of 20,227 acres of land, a description of which is included in said statement and proof of claim. This right is based upon an application designated in the records of the State Engineer as Application No. 81 and a permit issued thereon by the State Engineer designated as Enlargement Permit No. 82.

In Statement and Proof of Claim No. 147, a right to the use of the waters of the North Santiam River in the amount of 80 cubic feet per second for the irrigation of 6,940 acres of land is claimed. This claim is based upon a right initiated by the filing of an application with the State Engineer and the issuance of a permit by the State Engineer. The application and permit are designated on the records of the State Engineer as Application No. 1508, Permit No. 1401, and carries a priority of June 24, 1911.

To said statements and proofs of claim, eight statements of contest were filed: Contest No. 7, by the Oregon Pulp and Paper Company, The Thomas Kay Woolen Mills Company, and the City of Salem, Oregon; Contests Nos. 25 and 26, by A. D. Gardner; Contest No. 29, by the Sidney Irrigation Cooperative; Contest No. 32, by A. S. Woosley; Contest No. 33, by Fred L. Comstock and Charlotte Comstock, his wife; Contest No. 34, by E. R. Clark and Ida A. Clark, and Contest No. 35, by W. O. Royse.

At the time of the hearing on contests herein, the Willamette Valley Water Company amended its Statement and Proof of Claim No. 145 (Transcript, Page 311), as follows: "That the claim shall be equal but not superior to the claim of the Willamette Valley Water Company under its Proof of Claim No. 146 based upon Application No. 81, Enlargement Permit No. 82, issued by the State Engineer of the State of Oregon with a priority date of May 14th, 1909,

and waives any right against any claimant in these proceedings with claims filed with an earlier priority date than May 14th, 1909, to the extent that such claims are allowed in these proceedings * * *. With respect to all other rights or claims the Willamette Valley Water Company desires to retain the priority of this right as of 1857."

Upon the amending of Statement and Proof of Claim No. 145, as above stated, Contests Nos. 25, 26, and 29 were dismissed or withdrawn.

In settlement of Contests Nos. 32, 33, 34, and 35, there was filed at the time of the hearing on the contests herein a stipulation, entered into between the contestants and contestee, whereby it was agreed that the right of the contestee under its Claim No. 145, asserting a right to 238 cubic feet per second of the waters of the North Santiam River, with a priority of 1857, shall be equal in time but not superior to the rights of contestants as set forth in their respective claims filed herein as amended, under which claimants claim a priority of 1909.

In settlement of Contest No. 7, it was stated by the Contestee Willamette Valley Water Company that its rights to the use of the waters of the North Santiam River were subsequent in time and right to any rights which may be allowed the contestants, Oregon Pulp and Paper Company, The Thomas Kay Woolen Mills Company, and the City of Salem, Oregon, in this proceeding, whereupon Contest No. 7 was dismissed (Transcript, Page 26).

20.

CONTESTS NOS. 8 AND 39

CONTEST NO. 8

Oregon Pulp & Paper Company, The
Thomas Kay Woolen Mills Company,
and City of Salem, Oregon,

Contestants

v.

A. D. Gardner,

Contestee

CONTEST NO. 39

State of Oregon, by the Oregon
State Board of Control,

Contestant

v.

A. D. Gardner,

Contestee

Contestee A. D. Gardner filed herein Statement and Proof of Claim No. 34, wherein he asserts a right to the use of 1,100 cubic feet per second of water from the North Santiam River, with a date of priority of 1866, through the Stayton Water Power or Gardner Ditch, for the development of 1,875 theoretical horsepower, for use in the City of Stayton along said ditch.

To said Statement and Proof of Claim No. 34, there were filed herein Statement of Contest No. 8, by the Oregon Pulp and Paper Company et al., and Statement of Contest No. 39, by the State of Oregon by the Oregon State Board of Control. In both of said statements of contest there appears a denial that the ditch for the conveyance of water used by contestee was constructed in 1866 and that such ditch has the capacity to convey the amount of water claimed. It is further denied that the contestee or his predecessors has applied to beneficial use more than a small portion of the water claimed.

At the time of the hearings on these contests, contestee offered testimony supported by documentary evidence showing an unbroken line of succession of title to and chronology of development of the right here claimed.

From said testimony and evidence, it appears that in the year 1866 one Drury S. Stayton constructed a water power ditch from the North Santiam River through a portion of what is now the Town of Stayton to a sawmill owned and operated by him. While the primary purpose of said ditch was the furnishing of water for the operation of said sawmill where there was installed a Leffel turbine rated at 175 horsepower at 80% efficiency, it is shown that said Drury S. Stayton also proposed to furnish water through his ditch for use by others for a consideration. This is further evidenced by the fact that in 1868 Messrs. C. W. and J. W. Thomas installed a 45-horsepower turbine on said ditch.

Subsequent to the death of said Drury S. Stayton, a corporation was formed under the then existing laws of the State of Oregon, the purpose of such corporation being to continue the maintenance and operation of said ditch and to furnish the waters thereof to divers manufactories for power purposes for which it received a fixed payment.

In about 1886, the North Santiam River deviated from its normal course, necessitating an extension of the original ditch. Such changes in the river's course recurred at various times thereafter, making it necessary to exercise constant vigilance in providing means of restraining it in its proper channel so as to remain accessible to the contestee and his predecessors for the beneficial use here claimed.

It appears that, from the time of the original appropriation of the waters herein claimed and the construction of the original ditch, the actual amount of water-power developed thereon has varied with the years. As one enterprise would cease operation and be retired, another would replace it. It is difficult, therefore, to arrive at a constant in determining the full extent of the beneficial use made by the contestee and his predecessors. It is patent, however, that contestee has at no time diverted more water than could be contained in his ditch; hence it would appear that the capacity of said ditch should be the limit of his appropriation. This is apparent even though it is shown that the installed capacity of the generating units using water from said ditch, namely, 1,334 horsepower, would require for ultimate total utilization an amount greatly in excess of that actually flowing therein.

To determine the capacity of contestee's ditch, measurements thereof were taken under the direction of the State Engineer and made a part of the record herein. An examination of said measurements discloses that the maximum daily discharge from July 11, 1938, to September 30, 1940, was 812 cubic feet per second of water. The testimony herein and a further investigation of the records of the State Engineer, which by stipulation have been made a part hereof, indicate that there has been no higher daily flow since that time, nor was there a greater flow prior thereto, which convincingly suggests the fact that 812 cubic feet per second of water is the capacity of contestee's ditch under operating conditions.

In considering the contentions of the contestants herein, in the light of the foregoing observations it appears that the contestee should be entitled to a date of priority of 1866. It is also evident, however, that the quantity of water appropriated by the contestee does not exceed 812 cubic feet per second of water from the North Santiam River.

Therefore, contestee hereby is allowed a right to the use of 812 cubic feet per second of water from the North Santiam River, through the Gardner Ditch, for the development of power and for other manufacturing purposes, with a date of priority of 1866, said right to be exercised in and appurtenant to lands adjacent to said ditch within the Town of Stayton, Marion County, Oregon.

The foregoing allowance hereby made to contestee does not restrict the amount of power to be developed nor does it restrict the amount of head required therefor, as long as the total quantity of water diverted does not exceed said 812 cubic feet per second.

21.

CONTEST NO. 10

Oregon Pulp & Paper Company, The
Thomas Kay Woolen Mills Company, and
City of Salem, Oregon,

Contestants

v.

Charles Porter, Trustee,

Contestee

Contestee Charles Porter, Trustee, successor to Henry Porter, Trustee, now deceased, filed herein Statement and Proof of Claim No. 89, wherein he asserts a right to the use of the waters of North Santiam River, which claim is more fully described in Paragraph 17 herein.

To said claim, Oregon Pulp and Paper Company, The Thomas Kay Woolen Mills Company, and City of Salem, Oregon, filed herein Statement of Contest No. 10. In settlement of said Contest No. 10, there was filed at the time of the hearing on the contest herein (Transcript, Page 1026) a stipulation entered into between the contestants and contestee, whereby it was agreed that it may be determined herein that the contestee neither has nor claims any right to divert or use any water which the contestants divert from the North Santiam River.

The right of the contestee is defined in Paragraph 17 herein and is subject to the provisions of the stipulation filed in settlement of Contest No. 10.

CONTESTS NOS. 11 AND 36

CONTEST NO. 11

Oregon Pulp & Paper Company, The
Thomas Kay Woolen Mills Company,
and City of Salem, Oregon,

Contestants

v.

Donker Bros.,

Contestees

CONTEST NO. 36

State of Oregon, by the Oregon
State Board of Control,

Contestant

v.

Donker Bros.,

Contestees

Contestees, Donker Bros., by Nanne Donker and Gerben Donker, filed herein Statement and Proof of Claim No. 26, wherein they assert a right to the use of the waters of the North Santiam River, through the channel of Mill Creek, for the irrigation of 10 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 30 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, Township 8 South, Range 2 West, W. M., with a date of priority of 1870, and 2 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 18 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 25, Township 8 South, Range 2 West, W. M., Marion County, Oregon, with a date of priority of 1899. Said purported right is based upon "appropriation and adverse user of ditch".

To said statement and proof of claim, contestants, Oregon Pulp and Paper Company et al. filed herein Statement of Contest No. 11, denying the right claimed by contestees on the grounds that: Contestees have never paid any of the expenses of constructing and maintaining diversion dams on the North Santiam River nor attempted to exercise any control or claim of ownership over contestants' ditch or the water running therein; contestants own the land at their intake and their waterway leading from the North Santiam River to Salem and contestants have always controlled the flow of the North Santiam River water which they divert with head-gates and have at divers times and whenever necessary turned said water off for the purpose of making repairs and improvements along contestants' waterway, and the filing of contestees' proof of claim was the first time that said contestees have ever made known to contestants that they claimed any interest in contestants' ditch or the water running therein.

Said statement and proof of claim is also contested by contestant, the State of Oregon, by the Oregon State Board of Control, which filed herein Statement of Contest No. 36 on the grounds that contestees, or their predecessors, have failed to use due diligence in applying and have failed to apply said water to the beneficial use claimed since the year 1870, or at all.

It appears that the predecessors-in-interest of contestants, Oregon Pulp and Paper Company et al., pursuant to a grant of the legislature of the Territory of Oregon, constructed in the year 1857 a canal through which water was diverted by means of dams from the North Santiam River to the channel of Mill Creek from whence said water found its way down said channel of Mill Creek to the City of Salem where it was used for power and manufacturing purposes. Said canal from the North Santiam River until it reaches the channel of Mill Creek in the vicinity of the Town of Aumsville was and is an artificial waterway. The flow of water therein is controlled by head-gates located at the point of diversion in the vicinity of the Town of Stayton. The testimony and evidence offered herein would indicate that the junction of said canal and said channel of Mill Creek was situated in a low and at one time partly inundated region and that said channel of Mill Creek was not clearly defined, thus necessitating considerable improvement thereof as far as its confluence with what is now known as Porter Creek.

The property for which contestees claim a water right is located on said channel of Mill Creek above and easterly from said confluence with Porter Creek. At an early date, presumably about 1870, a ditch was constructed diverting water from the north bank of said channel of Mill Creek and traversing lands now owned by contestees to a mill located thereon. It is shown that a portion of the water in said ditch was used for irrigation and continued to be so used. In about 1899, the evidence shows the existence of another ditch diverting water from the south bank of said channel of Mill Creek for the purpose of irrigating a portion of contestees' lands lying south thereof.

It is shown by the testimony offered herein that no particular attention has ever been paid by contestees or their predecessors to the source of these waters, despite the evident fact that the natural waters of Mill Creek and its tributaries are commingled with waters of the North Santiam River which are introduced therein by contestants. Said testimony further discloses that neither contestees nor their predecessors ever participated in the construction and maintenance of the diversion works on the North Santiam River. Therefore, it appears that the sole appropriators of said waters of the North Santiam River which flow in the channel of Mill Creek are the contestants and their predecessors-in-interest.

It appears that the true purpose of these proceedings is the determination of the relative rights to the use of the public waters of the North Santiam River and its tributaries. It also appears that the waters here in controversy are not such public waters where it is shown that they are appropriated by contestants, that they are diverted into contestants' waterway, and that they are subject to contestants' control even though they be commingled with the natural flow of a natural watercourse for a considerable portion of their transit. Thus it appears that the waters herein claimed are private waters and the property of the contestants and as such are not subject to determination in these proceedings save as to the contestants' right to their appropriation and use in the first instance, which determination is herein elsewhere made. See Paragraph 16, Page 29.

Therefore, contestees' claim to the right to the use of the waters of the North Santiam River, through the channel of Mill Creek, for the irrigation of 10 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 30 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, Township 8 South, Range 2 West, W. M., with a date of priority of 1870, and 2 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 18 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 25, Township 8 South, Range 2 West, W. M., with a priority of 1899, hereby is denied without prejudice to any claim of contestees to a right to the use of the natural waters of Mill Creek for the irrigation of any of said lands.

23.

CONTEST NO. 12

Oregon Pulp & Paper Company, The
Thomas Kay Woolen Mills Company, and
City of Salem, Oregon,

Contestants

v.

Theresa M. Smelser,

Contestee

Contestee, Theresa M. Smelser, filed herein Statement and Proof of Claim No. 118, wherein she asserts a right to the use of the waters of the North Santiam River, through the Salem Ditch, with a date of priority of 1867, for stock purposes, such right to be appurtenant to the following-described land:

Thirty acres off the northeast part of a certain one hundred and forty-three acre-tract of land owned by O. V. Myers and Alice M. Myers, his wife, more particularly described as follows: Beginning at the southeast corner of the Donation Land Claim of Allen J. Davie and wife in Township 9 South, Range 1 West, W. M., Marion County, Oregon; running thence west 20.72 chains to the ten-acre tract of land now owned by one Mrs. Peck; thence south along the east line of said ten-acre tract of land far enough to enclose thirty acres of land when taken with the other boundaries given herein; thence east to the center of the county road; thence in a northwesterly direction along the center of said county road to the place of beginning, all lying and being in Marion County, State of Oregon. Also a strip six rods wide running east and west parallel with the south boundary line and south of the above-described premises.

To said Statement and Proof of Claim No. 118, contestants, Oregon Pulp and Paper Company, The Thomas Kay Woolen Mills Company, and City of Salem, Oregon, filed herein Statement of Contest No. 12, denying that contestee has the right to use any of the waters of the North Santiam River for domestic purposes, including stock water, and wherein it is averred that contestants' right to use stock water rests on the principle of a riparian owner and is confined to the natural flow of Mill Creek.

This contest came on for hearing after due notice to the parties, but no appearance was made by contestee. Contestee, therefore, is deemed to be in default and no right is allowed herein under contestee's Statement and Proof of Claim No. 118.

CONTEST NO. 13

Oregon Pulp & Paper Company, The
Thomas Kay Woolen Mills Company,
and City of Salem, Oregon,

Contestants

v.

C. E. Colvin,

Contestee

Contestee, C. E. Colvin, filed herein Statement and Proof of Claim No. 16, wherein he asserts a right to the use of the waters of the North Santiam River, through the channel of Mill Creek, for the irrigation of 7 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 4 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, Township 8 South, Range 2 West, W. M., with a date of priority of 1875.

To said statement and proof of claim, contestants, Oregon Pulp and Paper Company et al., filed herein Statement of Contest No. 13, denying the right claimed by contestee on the grounds that contestee has never paid any of the expenses of constructing and maintaining diversion dams on the North Santiam River nor attempted to exercise any control or claim of ownership over contestants' ditch or the water running therein; that contestants own the lands at their intake and their waterway leading from the North Santiam River to Salem and contestants have always controlled the flow of the North Santiam River water which they divert with head-gates and have at divers times and whenever necessary turned said water off for the purpose of making repairs and improvements along contestants' waterway and that the filing of contestee's proof of claim was the first that said contestee has ever made known to contestants that he claimed any interest in contestants' ditch or the water run therein.

It appears that the predecessors-in-interest of contestants, Oregon Pulp and Paper Company et al., pursuant to a grant of the legislature of the Territory of Oregon, constructed in the year 1857 a canal through which water was diverted by means of dams from the North Santiam River to the channel of Mill Creek, from whence said water found its way down said channel of Mill Creek to the City of Salem where it was used for power and manufacturing purposes. Said canal from the North Santiam River until it reaches the channel of Mill Creek in the vicinity of the Town of Aumsville was and is an artificial waterway. The flow of water therein is controlled by head-gates located at the point of diversion in the vicinity of the Town of Stayton. The testimony and evidence offered herein would indicate that the junction of said canal and said channel of Mill Creek was situated in a low and at one time partly inundated region and that said channel of Mill Creek was not clearly defined, thus necessitating considerable improvement thereof as far as its confluence with what is now known as Porter Creek.

The property for which contestee claims a water right is located on said channel of Mill Creek where said channel is joined by Porter Creek in the SE $\frac{1}{4}$, Section 26, Township 8 South, Range 2 West, W. M. At an early date, presumably 1870, a ditch was constructed

diverting water from the north bank of said channel of Mill Creek for use in the operation of a mill located on the property adjoining that of contestee to the east. Shortly thereafter the evidence discloses that a ditch was constructed on the property now owned by contestee which connected with said ditch on the adjoining property. Some of the water flowing in said ditch was used for the irrigation of a portion of the lands described in contestee's statement and proof of claim and continued to be so used until 1920 when contestee avers that he installed a pump for the purpose of obtaining the waters herein claimed.

Although contestee claims that the waters here in controversy have been used by him continuously for the irrigation of his lands, the map prepared from a survey made under the direction of the State Engineer in the summer of 1938 indicates that no use of water was being made on the lands of contestee save a total of one acre planted in garden.

It is shown by the testimony offered herein that no particular attention has ever been paid by contestee or his predecessors to the source of these waters, despite the evident fact that the natural waters of Mill Creek and its tributaries are commingled with waters of the North Santiam River which are introduced therein by contestants. Said testimony further discloses that neither contestee nor his predecessors ever participated in the construction and maintenance of diversion works on the North Santiam River. Therefore, it appears that the sole appropriators of said waters of the North Santiam River which flow in the channel of Mill Creek are the contestants and their predecessors-in-interest.

It appears that the true purpose of these proceedings is the determination of the relative rights to the use of the public waters of the North Santiam River and its tributaries. It also appears that the waters here in controversy are not such public waters where it is shown that they are appropriated by the contestants, that they are diverted into contestants' waterway, and that they are subject to contestants' control even though they be commingled with the natural flow of a natural watercourse for a considerable portion of their transit. Thus it appears that the waters herein claimed are private waters and the property of contestants and as such are not subject to determination in these proceedings save as to the contestants' right to their appropriation and use in the first instance, which determination is herein elsewhere made. See Paragraph 16, Page 29.

Therefore, contestee's claim to the right to the use of the waters of the North Santiam River, through the channel of Mill Creek, for the irrigation of 7 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 4 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, all in Section 26, Township 8 South, Range 2 West, W. M., with a date of priority of 1875, hereby is denied without prejudice to any claim of contestee to a right to the use of the natural waters of Mill Creek for the irrigation of any of said lands.

CONTEST NO. 14

Oregon Pulp & Paper Company, The
Thomas Kay Woolen Mills Company,
and City of Salem, Oregon,

Contestants

v.

Dora Hunt,

Contestee

Contestee, Dora Hunt, filed herein Statement and Proof of Claim No. 47, wherein she asserts a right to the use of the waters of North Santiam River, through Spaniol and Salem Ditches, with a date of priority of 1856, for stock use and for the irrigation of 5 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9, Township 9 South, Range 1 West, W. M., Marion County, Oregon.

To said statement and proof of claim, contestants, Oregon Pulp and Paper Company, The Thomas Kay Woolen Mills Company, and City of Salem, Oregon, have filed herein Statement of Contest No. 14, denying the above right as claimed by contestee.

This contest came on for hearing at which time contestee appeared by her attorney, Walter H. Bell, and withdrew her statement and proof of claim in these proceedings, and upon motion of said attorney, said Contest No. 14 was dismissed without costs to either party thereto.

Therefore, upon withdrawal of said statement and proof of claim, it is set at naught and contestee is deemed to be in default, and said default is here and now entered against her and she hereby is enjoined and inhibited from using or asserting any rights to the use of the waters of said stream except by or under the rights of the persons whose rights are defined herein, or under and by virtue of permits issued by the State Engineer.

CONTEST NO. 15

Oregon Pulp & Paper Company, The
Thomas Kay Woolen Mills Company,
and City of Salem, Oregon,

Contestants

v.

Chas. L. Martin and Margaret Martin,

Contestees

Contestees, Chas. L. and Margaret Martin, filed herein Statement and Proof of Claim No. 65, wherein they assert a right to the use of the waters of the North Santiam River via the mill-race of the Salem Canal, with a date of priority of 1893 for the irrigation of pasture and a date of priority of 1902 for the irrigation of 7 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 30, and 12 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, Township 8 South, Range 1 West, W. M., Marion County, Oregon.

To said statement and proof of claim, contestants, Oregon Pulp and Paper Company et al., filed herein Statement of Contest No. 15, denying the right claimed by contestees on the grounds that: Contestees have never paid any of the expenses of constructing and maintaining diversion dams on the North Santiam River nor attempted to exercise any control or claim ownership over contestants' ditch or the water running therein; contestants own the lands at their intake and their waterway leading from the North Santiam River to Salem and contestants have always controlled the flow of the North Santiam River water which they divert with head-gates and have at divers times and whenever necessary turned said water off for the purpose of making repairs and improvements along contestants' waterway, and the filing of contestees' proof of claim was the first time that said contestees have ever made known to contestants that they claimed any interest in contestants' ditch or the water run therein.

It appears that the predecessors-in-interest of contestants, Oregon Pulp and Paper Company et al., pursuant to a grant of the legislature of the Territory of Oregon, constructed in the year 1857 a canal through which water was diverted by means of dams from the North Santiam River to the channel of Mill Creek from whence said water found its way down said channel of Mill Creek to the City of Salem where it was used for power and manufacturing purposes. Said canal from the North Santiam River until it reaches the channel of Mill Creek was and is an artificial waterway. The flow of water therein is controlled by head-gates located at the point of diversion in the vicinity of the Town of Stayton. The testimony and evidence offered herein would indicate that the junction of said canal and said channel of Mill Creek was situated in a low and at one time partly inundated region and that said channel of Mill Creek was not clearly defined, thus necessitating considerable improvement thereof as far as its confluence with what is now known as Porter Creek.

The property for which contestees claim a water right is located on both sides of said channel of Mill Creek immediately east of the Town of Aumsville in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, and the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 30, Township 8 South, Range 1 West, W. M. In the year 1859, a ditch known as Slow Creek or Mill Race was constructed diverting water from the north bank of said channel of Mill Creek at a point located on property adjacent to that of contestees to the east and traversing the property of contestees. The waters so diverted through said ditch were and are still being used for the operation of a flour mill situated in the Town of Aumsville. It is shown that said waters flowing in said ditch were wont to overflow and seep onto the lands of the contestees. The wetting of this land resulting from such overflow and seepage is contended by contestees to constitute irrigation. It was not until the year 1902 that controlled application of water from said ditch was made to the contestees' lands. At some time subsequent to that date, another ditch was constructed diverting water from the south bank of the channel of Mill Creek for purposes solely of irrigation. The waters flowing in this ditch, together with those in said Slow Creek or Mill Race, are found to be used at the present time by the contestees herein.

It would appear that no particular attention has ever been paid by contestees or their predecessors to the source of these waters, despite the evident fact that the natural waters of Mill Creek and its tributaries are commingled with waters of the North Santiam River which are introduced therein by contestants. It further appears that neither contestees nor their predecessors ever participated in the construction or maintenance of diversion works on the North Santiam River, nor does it appear that contestees or their predecessors ever had an interest in or participated in the operation and maintenance of the ditch known as Slow Creek or Mill Race. Therefore, it would appear that the sole appropriators of said waters of the North Santiam River which flow in the channel of Mill Creek are the contestants and their predecessors or persons privy thereto.

It appears that the true purpose of these proceedings is the determination of the relative rights to the use of the public waters of the North Santiam River and its tributaries. It also appears that the waters in controversy are not such public waters where it is shown that they are appropriated by contestants, that they are diverted into contestants' waterway, and that they are subject to contestants' control even though they be commingled with the natural flow of a natural watercourse for a considerable portion of their transit. Thus it appears that the waters herein claimed are private waters and the property of contestants or persons privy thereto and as such are not subject to determination in these proceedings save as to the contestants' right to their appropriation and use in the first instance, which determination is herein elsewhere made. See Paragraph 16, Page 29.

Therefore, contestees' claim to the right to the use of the waters of the North Santiam River, through the channel of Mill Creek, for the irrigation of 7 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 30, and 12 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, Township 8 South, Range 1 West, W. M., Marion County, Oregon, with dates of priority of 1893 and 1902, hereby is denied without prejudice to any claim of contestees to a right to the use of the natural waters of Mill Creek for the irrigation of any of said lands.

27.

CONTEST NO. 16

Oregon Pulp & Paper Company, The
Thomas Kay Woolen Mills Company,
and City of Salem, Oregon,

Contestants

v.

Robert Colvin,

Contestee

Contestee, Robert Colvin, filed herein Statement and Proof of Claim No. 17, wherein he asserts a right to the use of the waters of the North Santiam River, through the channel of Mill Creek, with a date of priority of 1875, for the irrigation of 7 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, Township 8 South, Range 2 West, W. M., in Marion County, Oregon.

To said statement and proof of claim, contestants, Oregon Pulp and Paper Company, The Thomas Kay Woolen Mills Company, and City of Salem, Oregon, filed Statement of Contest No. 16, denying the above right as claimed by contestee.

After due notice to the parties, this contest came on for hearing on or about the 27th day of November, 1940, but no appearance was made by contestee. On December 17, 1940, there was received in the office of the State Engineer a letter signed by contestee withdrawing his claim to the use of the above-named waters. Therefore, by virtue of his failure to appear in answer to said contest and by virtue of his notification of withdrawal of his statement and proof of claim, contestee is deemed to be in default, and said default is here and now entered against him and he hereby is enjoined from using or asserting any rights to the use of the waters here involved except by or under the rights of persons whose rights are defined herein, or under and by virtue of permits issued by the State Engineer.

28.

CONTEST NO. 17

Oregon Pulp & Paper Company, The
Thomas Kay Woolen Mills Company,
and the City of Salem, Oregon,

Contestants

v.

C. T. Neibert,

Contestee

Contestee, C. P. Neibert, filed herein Statement and Proof of Claim No. 76, wherein he asserts a right to the use of 0.75 cubic foot per second of the waters of the North Santiam River diverted from the Salem Ditch by means of a pump, with a priority of 1925, for irrigation of lands in Section 9, Township 9 South, Range 1 West, W. M. This right as set forth in said statement and proof of claim is based upon application to and permit granted by the State Engineer.

To said Statement and Proof of Claim No. 76, contestants, Oregon Pulp and Paper Company, The Thomas Kay Woolen Mills Company, and City of Salem, Oregon, filed herein Statement of Contest No. 17, alleging that the filing of said statement and proof by the contestee was the first time that the contestee had ever made known that the contestee claimed any interest in contestants' ditch or water running therein, and that the only permit ever applied for by contestee consisted of an application from Gardner's tail-race, and that said application was returned and cancelled.

In settlement of said Contest No. 17, there was filed at the time of the hearings on contests herein (Transcript, Page 1026) a stipulation entered into between the contestants and contestee, whereby it was agreed that it may be determined herein that the contestee neither has nor claims any right to divert or use any water which contestants divert from the North Santiam River.

It appears:

That the only application for a permit to appropriate the water of the North Santiam River filed by the contestee, C. P. Neibert, is one designated on the records of the State Engineer as Application No. 10158, filed on May 11, 1925, for the appropriation of 0.75 cubic foot per second, which application describes the point of diversion as Section 15, Township 2 South, Range 1 West, W. M., and the source of water as tail-race of A. D. Gardner Mill Ditch from North Santiam River;

That said application was returned to the contestee, C. P. Neibert, on December 4, 1925, with a letter of transmittal which reads as follows:

"As we have received no reply to our letter of June 5 with reference to your Application No. 10158 for the appropriation of water from the tail race of the A. D. Gardner mill ditch, I presume that you do not intend to complete the filing. I am therefore returning the application herewith for cancellation or such action as you desire to take.

"In case you wish to complete the filing it should be returned to this office with the required map on or before January 4th." and

That while a map was filed on January 4, 1926, showing the lands to be irrigated and indicating that water was to be taken from the Salem Ditch by means of a pump, the application was never returned.

Therefore, the right claimed by the contestee, C. P. Neibert, in Statement and Proof of Claim No. 76 hereby is denied.

29.

CONTEST NO. 18

Oregon Pulp & Paper Company, The
Thomas Kay Woolen Mills Company,
and City of Salem, Oregon,

Contestants

v.

Edwin Van Nuys,

Contestee

Contestee, Edwin Van Nuys, filed herein Statement and Proof of Claim No. 136, wherein he asserts a right to the use of the waters of the North Santiam River, through the natural channel of Mill Creek, with a date of priority of 1856, for domestic and stock purposes, said right to be appurtenant to the following-described land:

Beginning at the southwest corner of the SE $\frac{1}{4}$ of Section 26 in Township 8 South, Range 2 West, W. M., in Marion County, Oregon; and running thence north 25.00 chains; thence east 8.00 chains; thence south 25.00 chains; thence west 8.00 chains to the place of beginning, and containing 20 acres of land, located in the above section, township, and range, in Marion County, Oregon.

To said statement and proof of claim, contestants, Oregon Pulp and Paper Company, The Thomas Kay Woolen Mills Company, and City of Salem, Oregon, filed herein Statement of Contest No. 18, denying that contestee has the right to use any water of the North Santiam

River for domestic purposes, including stock water, and averring that contestee's right to use stock water rests on the principle of a riparian owner and is confined to the natural flow of Mill Creek.

This contest came on for hearing at which time contestee appeared by his attorney, David J. Wied, and withdrew his statement and proof of claim in these proceedings, and upon motion of said attorney said Contest No. 18 was dismissed without costs to either party.

Therefore, upon withdrawal of said statement and proof of claim, it is set at naught and contestee is deemed to be in default, and said default is here and now entered against him and he hereby is enjoined and inhibited from using or asserting any right to the use of the waters here involved except by or under the rights of the persons whose rights are defined herein, or under and by virtue of permits issued by the State Engineer.

30.

CONTEST NO. 20

Oregon Pulp & Paper Company, The
Thomas Kay Woolen Mills Company,
and City of Salem, Oregon,

Contestants

v.

Elmer A. Klein and Hilda S. Klein,

Contestees

Contestees, Elmer A. and Hilda S. Klein, filed herein Statement and Proof of Claim No. 60, wherein they assert a right to the use of the waters of the North Santiam River via Mill Race or Salem Canal or Aumsville Mill Race, with a date of priority of 1893, for the irrigation of 22 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, Township 8 South, Range 1 West, W. M., Marion County, Oregon.

To said statement and proof of claim, contestants, Oregon Pulp and Paper Company et al., filed herein Statement of Contest No. 20, denying the right claimed by contestees on the grounds that: Contestees have never paid any of the expenses of constructing and maintaining diversion dams on the North Santiam River nor attempted to exercise any control or claim ownership over contestants' ditch or the water running therein; contestants own the lands at their intake and their waterway leading from the North Santiam River to Salem and contestants have always controlled the flow of the North Santiam River water which they divert with head-gates and have at divers times and whenever necessary turned said water off for the purpose of making repairs and improvements along contestants' waterway, and the filing of contestees' proof of claim was the first time that said contestees have ever made known to contestants that they claimed any interest in contestants' ditch or the water run therein.

It appears that the predecessors-in-interest of contestants, Oregon Pulp and Paper Company et al., pursuant to a grant of the legislature of the Territory of Oregon, constructed in the year 1857 a canal through which water was diverted by means of dams from the North

Santiam River to the channel of Mill Creek from whence said water found its way down said channel of Mill Creek to the City of Salem where it was used for power and manufacturing purposes. Said canal from the North Santiam River until it reaches the channel of Mill Creek is an artificial waterway. The flow of water therein is controlled by head-gates located at the point of diversion in the vicinity of the Town of Stayton. The testimony and evidence offered herein would indicate that the junction of said canal and said channel of Mill Creek was situated in a low and at one time partly inundated region and that said channel of Mill Creek was not clearly defined, thus necessitating considerable improvement thereof as far as its confluence with what is now known as Porter Creek.

The property for which contestees claim a water right is located on said channel of Mill Creek in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 31, Township 8 South, Range 1 West, W. M. In the year 1857, a ditch known as Slow Creek or Mill Race was constructed diverting water from the north bank of said channel of Mill Creek at a point located on the property now owned by contestees. The waters so diverted were and are still being conducted by said ditch in a westerly direction to the Town of Aumsville where they are used for the operation of a mill. It is shown that said waters flowing in said ditch were wont to overflow and seep onto the lands of contestees. The wetting of this land resulting from such overflow and seepage is contended by contestees to constitute irrigation. At some time subsequent to the year 1902, another ditch was constructed diverting water from the south bank of the channel of Mill Creek and traversing the lands of contestees for purposes solely of irrigation. The waters flowing in this ditch, together with those in said Slow Creek or Mill Race, are found to be used at the present time by the contestees herein.

It would appear that no particular attention has ever been paid by contestees or their predecessors to the source of these waters, despite the evident fact that the natural waters of Mill Creek and its tributaries are commingled with waters of the North Santiam River which are introduced therein by contestants. It further appears that neither contestees nor their predecessors ever participated in the construction or maintenance of diversion works on the North Santiam River, nor does it appear that contestees or their predecessors ever participated in the operation and maintenance of the ditch known as Slow Creek or Mill Race. Therefore, it would appear that the sole appropriators of said waters of the North Santiam River which flow in the channel of Mill Creek are the contestants and their predecessors or persons privy thereto.

It appears that the true purpose of these proceedings is the determination of the relative rights to the use of the public waters of the North Santiam River and its tributaries. It also appears that the waters here in controversy are not such public waters where

it is shown that they are appropriated by contestants, that they are diverted into contestants' waterway, and that they are subject to contestants' control even though they be commingled with the natural flow of a natural watercourse for a considerable portion of their transit. Thus it appears that the waters here claimed are private waters and the property of contestants or persons privy thereto and as such are not subject to determination in these proceedings save as to the contestants' right to their appropriation and use in the first instance, which determination is herein elsewhere made. See Paragraph 16, Page 29.

31.

CONTEST NO. 22

A. D. Gardner,

Contestant

v.

R. D. Paris,

Contestee

Contestee R. D. Paris filed herein Statement and Proof of Claim No. 85, wherein he claims a right to the use of 0.6 cubic foot per second of the waters of the North Santiam River, with a priority of 1907, for manufacturing uses within the Town of Stayton, Oregon, a more detailed description of which is set forth in the tabulation herein.

This claim states that the water is diverted and carried to the place of use in the Stayton Water Power Ditch, also known as the Gardner Water Power Ditch, which is the same ditch through which A. D. Gardner diverts the water claimed in Statement and Proof of Claim No. 34 and referred to in this finding as the A. D. Gardner Ditch.

To this statement and proof of claim, A. D. Gardner filed Statement of Contest No. 22, alleging that any and all water withdrawn for use by the contestee will not be available for use by the contestant and the contestant will be deprived of water; that the contestee or his predecessors never initiated or attempted to initiate a right to the use of the water flowing in the canal, and that use of water that has been made by the contestee or his predecessors was by permission by the contestant.

At the time of the hearing on the contests herein, the contestee and contestant offered testimony in support of their claims.

It appears that the contestee and his predecessors have been taking water from the A. D. Gardner Ditch by means of a pump for use in manufacturing woolen goods in what is known as the Paris Woolen Mill located in Stayton, Oregon, and that the contestee does not own any interest or carrying capacity in the A. D. Gardner Ditch.

The contestee is allowed a right to the use of 0.6 cubic foot per second of the waters of the North Santiam River, for manufacturing purposes, with a priority of 1907. With the consent of A. D. Gardner or his successors, this water can be conveyed through the A. D.

Gardner Ditch. Should the consent of the owner of the A. D. Gardner Ditch not be secured, it will be necessary for the contestee to provide other means of diverting and carrying the water to the place of use. The place of use is within the City of Stayton, Oregon, a more detailed description of which is set forth in the tabulation herein.

32.

CONTEST NO. 27

Sidney Irrigation Cooperative, a
non-profit cooperative association,

Contestant

v.

James F. Duncan,

Contestee

Contestee, James F. Duncan, filed herein Statement and Proof of Claim No. 29, wherein he asserts a right to the use of the waters of the North Santiam River, through the Sidney Power Canal and a roadside ditch, with a priority of 1875, for stock purposes, said right to be appurtenant to the following-described land:

Beginning in the angle on the north line of the Peter Polly Donation Land Claim No. 43; thence north $62^{\circ} 40'$ west along the north line of said claim 11.57 chains of the center of a county road leading from Salem to Buena Vista; thence south 69° west 12 chains in the center of said road; thence south $62^{\circ} 15'$ west along the center of aforesaid road 9.45 chains; thence south $68^{\circ} 30'$ east 34.05 chains; thence north $21^{\circ} 30'$ east 16.44 chains to the north line of Claim No. 43; thence west along the north line of aforesaid claim 7.96 chains to the place of beginning, and containing 40 acres of land more or less, and being part of Peter Polly Donation Land Claim No. 43, situate in Section 18, Township 9 South, Range 3 West, W. M., in Marion County, Oregon.

To said statement and proof of claim, contestant, Sidney Irrigation Cooperative, filed herein Statement of Contest No. 27, denying that contestee has ever used any part of the waters flowing through the Sidney Canal which belong to contestant adversely to the contestant and the persons to whom contestant is obligated to furnish water for stock purposes, under a claim of right, for more than ten years, and alleging that said use was, and is, permissive only, and denying further that contestant is under any duty to convey any water from the North Santiam River to contestee.

On the 10th day of December, 1940, in settlement of this contest, there was entered in these proceedings a written stipulation signed by contestee and contestant by its attorney, David J. Wied, wherein it was agreed between said contestee and contestant:

"1. That said contestee claims no right, title or interest in the waters of the North Santiam river claimed by contestant in its statement and proof of claim on file herein, and said contestee hereby waives and relinquishes any claim to said waters he heretofore may have made.

"2. That said contestee has no interest in that certain water course, commonly known as the Sidney mill ditch, which now is owned by contestant; that said contestant always has had, and now has, the sole and exclusive right to maintain said canal or ditch in its present location, or to alter the course thereof, or to convey its said waters through any other water course it may deem proper, without liability for damages or infringement to said contestee, for such alteration or change; that contestant is under no duty to convey any water, whether the source thereof be from the North Santiam river, or from flood and surface waters resulting from natural rainfall, to said contestee without charge; that said contestant has the sole and exclusive right, as may be required in its judgment for the protection and proper operation of contestant's said diversion works and canal, to control the flow of water, in said canal, and to exclude therefrom the waters of the North Santiam river, and to augment or diminish the volume of water in said canal.

"3. That contestant does not deny the right of contestee to the waters claimed in his statement and proof of claim herein, which is supplemental, and in addition, to the waters claimed by contestant, except as hereinbefore stipulated.

"4. That this stipulation shall be binding upon the heirs, successors, personal representatives and assigns of the respective parties hereto.

"5. That upon the execution and filing of this stipulation the honorable state engineer hereby is authorized and directed to embody the provisions hereof in any decree hereafter made in the within-entitled cause, and said state engineer is authorized and directed to dismiss the within-entitled contest as settled, but without costs to either party."

Therefore, subject to the above-stated provisions of said stipulation entered into between the contestee and the contestant herein, said contestee is allowed a right to the use of the waters of the North Santiam River, through the Sidney Canal and a roadside ditch, for stock purposes, with a date of priority of 1875, said right to be appurtenant to the above-described lands as set out in contestee's statement and proof of claim.

33.

CONTEST NO. 28

Sidney Irrigation Cooperative, a
non-profit cooperative association,

Contestant

v.

H. W. Husted,

Contestee

Contestee, H. W. Husted, filed herein Statement and Proof of Claim No. 48, wherein he asserts a right to the use of the waters of the North Santiam River, through the Sidney Power Canal, with a date of priority of 1882, for stock purposes, said right to be appurtenant to the following-described land:

Beginning at the southwest corner of the Donation Land Claim of Jesse Looney and wife in Township 9 South, Range 3 West, W. M., Marion County, Oregon; thence south $53^{\circ} 21'$ east 15.75 chains along the south line of the Jesse Looney Claim; thence north $7^{\circ} 45'$ east 21.08 chains; thence north $82^{\circ} 20'$ west 11.37 chains to the west line of the Jesse Looney Claim; thence south $17^{\circ} 54'$ west 13.725 chains to the place of beginning and containing 22.20 acres of land, more or less.

To said statement and proof of claim, contestant, Sidney Irrigation Cooperative, filed herein Statement of Contest No. 28, denying that contestee has ever used any part of the waters flowing through the Sidney Canal which belong to contestant adversely to contestant and the persons to whom contestant is obligated to furnish water for stock purposes, under a claim of right, for more than ten years and alleging that said use was, and is, permissive only, and denying further that contestant is under any duty to convey any water from the North Santiam River to contestee.

On the 27th day of November, 1940, in settlement of this contest, there was entered in these proceedings a written stipulation signed by contestee and contestant by its attorney, David J. Wied, wherein it was agreed between said contestee and contestant:

"1. That said contestee claims no right, title or interest in the waters of the North Santiam river claimed by contestant in its statement and proof of claim on file herein, and said contestee hereby waives and relinquishes any claim to said waters he heretofore may have made.

"2. That said contestee has no interest in that certain water course, commonly known as the Sidney mill ditch, which now is owned by contestant; that said contestant always has had, and now has, the sole and exclusive right to maintain said canal or ditch in its present location, or to alter the course thereof, or to convey its said waters through any other water course it may deem proper, without liability for damages or infringement to said contestee, for such alteration or change; that contestant is under no duty to convey any water, whether the source thereof be from the North Santiam river, or from flood and surface waters resulting from natural rainfall, to said contestee without charge; that said contestant has the sole and exclusive right, as may be required in its judgment for the protection and proper operation of contestant's said diversion works and canal, to control the flow of water, in said canal, and to exclude therefrom the waters of the North Santiam river, and to augment or diminish the volume of water in said canal.

"3. That contestant does not deny the right of contestee to the waters claimed in his statement and proof of claim herein, which is supplemental and in addition to the waters claimed by contestant, except as hereinbefore stipulated, and that said contestee shall have the right to water his livestock from said canal whenever there may be water therein flowing through contestee's said lands.

"4. That this stipulation shall be binding upon the heirs, successors, personal representatives and assigns of the respective parties hereto.

"5. That upon the execution and filing of this stipulation the honorable state engineer hereby is authorized and directed to embody the provisions hereof in any decree hereafter made in the within-entitled cause, and said state engineer is authorized and directed to dismiss the within-entitled contest as settled, but without costs to either party."

Therefore, subject to the above-stated provisions of said stipulation entered into between the contestee and the contestant herein, said contestee is allowed a right to the use of the waters of the North Santiam River, through the Sidney Canal, for stock purposes, with a date of priority of 1882, said right to be appurtenant to the above-described lands as set out in contestee's statement and proof of claim.

34.

CONTEST NO. 30

Sidney Irrigation Cooperative, a
non-profit cooperative association,

Contestant

v.

Herbert Looney and Ida M. Looney,

Contestees

Contestees, Herbert Looney and Ida M. Looney, filed herein Statement and Proof of Claim No. 63, wherein they assert a right to the use of the waters of the North Santiam River, through the Sidney Power Canal, with a date of priority of 1882, for stock purposes, said right to be appurtenant to lands which are described in the tabulation herein.

To said statement and proof of claim, contestant, Sidney Irrigation Cooperative, filed herein Statement of Contest No. 30, denying that contestees have ever used any part of the waters flowing through the Sidney Canal which belong to contestant adversely to contestant and the persons to whom contestant is obligated to furnish water for stock purposes, under a claim of right, for more than ten years, and alleging that said use was, and is, permissive only, and denying further that contestant is under any duty to convey any water from the North Santiam River to the contestees.

On the 27th day of November, 1940, in settlement of this contest, there was entered in these proceedings a written stipulation signed by the contestees and the contestant by its attorney, David J. Wied, wherein it was agreed between said contestees and contestant:

"1. That said contestees claim no right, title or interest in the waters of the North Santiam river claimed by contestant in its statement and proof of claim on file herein, and said contestees hereby waive and relinquish any claim to said waters they, or either of them heretofore may have made.

"2. That said contestees have no interest in that certain water course commonly known as the Sidney mill ditch, which now is owned by contestant; that said contestant always has had, and now has, the sole and exclusive right to maintain said canal or ditch in its present location, or to alter the course thereof, or to convey its said waters through any other water course it may deem proper, without liability for damages or infringement to said contestees, or either of them, for such alteration or change; that contestant is under no duty to convey any water, whether the source thereof be from the North Santiam river, or from flood and surface waters resulting from natural rainfall, to said contestees without charge; that said contestant has the sole and exclusive right, as may be required in its judgment for the protection and proper operation of contestant's said diversion works and canal, to control the flow of water, in said canal and to exclude therefrom the waters of the North Santiam river, and to augment or diminish the volume of water in said canal.

"3. That contestant does not deny the right of contestees to the waters claimed in their statement and proof of claim herein, which is supplemental and in addition to the waters claimed by contestant, except as hereinbefore stipulated, and that said contestees shall have the right to water their livestock from said canal whenever there may be water therein flowing through contestees said lands.

"4. That this stipulation shall be binding upon the heirs, successors, personal representatives and assigns of the respective parties hereto.

"5. That upon the execution and filing of this stipulation the honorable state engineer hereby is authorized and directed to embody the provisions hereof in any decree hereafter made in the within-entitled cause, and said state engineer is authorized and directed to dismiss the within-entitled contest as settled, but without costs to either party."

Therefore, subject to the above-stated provisions of said stipulation entered into between the contestees and the contestant herein, said contestees are allowed a right to the use of the waters of the North Santiam River, through the Sidney Canal, for stock purposes,

with a date of priority of 1882. Said right is limited to stock drinking directly from the Sidney Canal where it crosses lands of the claimant which are described in the tabulation herein.

35.

CONTESTS NOS. 31 AND 37

CONTEST NO. 31

Fred L. Comstock and Charlotte Comstock,
his wife, Contestants
v.
Sidney Irrigation Cooperative, Contestee

CONTEST NO. 37

State of Oregon, by the Oregon State
Board of Control, Contestant
v.
Sidney Irrigation Cooperative
Association, Contestee

Contestee, Sidney Irrigation Cooperative, a non-profit cooperative association, by George W. Potts, Jr., President, and Eugene Finlay, Secretary, filed herein Statement and Proof of Claim No. 107, wherein it asserts a right to the use of 40 cubic feet per second of water from the North Santiam River, with a date of priority of 1870, through the Sidney Mill Ditch, for stock purposes and the irrigation of 1,983.08 acres described therein.

To said statement and proof of claim, contestants, Fred L. Comstock and Charlotte Comstock, filed herein Statement of Contest No. 31, wherein they allege that the date of priority claimed by contestee, to-wit: 1870, is incorrect in so far as use of said water for irrigation is concerned and for such purpose should be subsequent to 1912. After the filing of said statement of contest, contestants by their counsel entered a motion for dismissal thereof. Therefore, said Contest No. 31 hereby is deemed dismissed and withdrawn from further consideration in these proceedings.

To said statement and proof of claim, contestant, State of Oregon, by the Oregon State Board of Control, filed herein Statement of Contest No. 37, wherein it asserts as a reason for said contest the following:

"1. Contestee made application to the State Engineer for the right to transfer the use of water claimed from power to irrigation, which said application was refused.

"2. Contestee, nor its predecessor, made application of the water to power purposes since more than five years ago, and said contestee and its predecessors, therefore, abandoned any right for power purposes that they may have had.

"3. None of such water was applied to irrigation purposes prior to the year 1937.

"4. Contestant denies that 5 second feet of said water has been used for stock purposes, and alleges that only a small portion thereof has been used for that purpose, the exact amount of which is unknown to the contestant."

At the time of hearing on contests, contestee, by its counsel, amended its statement and proof of claim relative to land descriptions, proof of succession of title, and agreements concerning the furnishing of stock water to certain users, and it further amended said statement and proof of claim as follows:

"That thirty-five cubic feet per second of the waters of North Santiam River measured at the headgates near the point of diversion, and no more, is claimed for the irrigation of the lands described in the Proof of Claim, with priority of 1870; that five cubic feet per second of the waters of North Santiam River, measured at the headgates near the point of diversion, and no more, is claimed for stock and domestic purposes for its members and for its non-members to whom the Association is obligated to furnish water under and by virtue of the provisions of the deeds for rights of way, as more fully set forth in its Proof of Claim, and also to cover transportation losses between the point of diversion and place of use, the priority of said five second feet of water to be as of 1870."

Immediately after the entering of said amendments by contestee, Contestant State of Oregon, by its counsel, made the following statement in amendment to its Statement of Contest No. 37:

"The record may show that the State of Oregon, acting by the Board of Control, withdraws any contest heretofore filed of the claim of the Sidney Irrigation Cooperative. In so far as the contest of any facts therein and proof therein made are concerned, it admits the facts alleged. However, the State of Oregon desires to reserve the legal question as to the right of the claimant to transfer the use of waters made from power to irrigation use. In other words, the State of Oregon desires to challenge the jurisdiction of the Engineer to permit any such change of use."

It appears from the foregoing statement by contestant that the objections to contestee's claim are reduced to a single issue, namely, the authority of the State Engineer to permit a change of use and place of use of water from the development of power at a given place to the irrigation of certain described lands. This issue appears clearly to be a question of law and hereby is deemed not to be a subject properly to be determined herein.

Before arriving at a conclusion as to the rights of contestee, it would appear expedient and pertinent to review briefly the facts relative to said proposed change of use and place of use of water, together with those facts in evidence and contained in contestee's statement and proof of claim, all of which have been admitted by contestant.

Prior to the year 1870, there existed a canal diverting the waters of Bashaw or Anderson Creek to Sidney where they were used for the operation of mills located in Section 8, Township 9 South, Range 3 West, W. M., Marion County, Oregon. In 1870, construction was commenced by contestee's predecessors to extend said canal in an easterly direction utilizing some natural channels and artificial channels across Marion Creek to the North Santiam River at the present point of diversion of the Sidney Canal. This extension was completed in the year 1877 when waters of the North Santiam River were beneficially used for power purposes at said mills at Sidney. The continued use of said waters for power purposes is evidenced by the fact that contestee's predecessor, the Sidney Power Company, filed its first annual statement of water power claimant as required by law on December 28, 1911, and each year thereafter filed such statement to and including the year 1940.

In 1940, contestee was organized as a non-profit cooperative association under the laws of the State of Oregon. In the same year, contestee filed with the State Engineer an application to change the place of use and use theretofore made of the waters here in question from the development of power at Sidney to irrigation and stock purposes to be appurtenant to lands described therein. The State Engineer refused said application for the reason that before said application could have been approved it first must have been admitted, determined, and established that the applicant, here the contestee, did in fact possess the right sought to be changed, and further that such admission, determination, or establishing of said right would be tantamount to an adjudication, the exclusive authority and procedure for which is otherwise prescribed by statute.

It appears now, however, that these proceedings are for such purpose, namely, the determining, establishing, and adjudicating of the relative rights to the use of the waters of the North Santiam River. It also appears, after consideration of the above-reviewed proceedings and facts as shown by the evidence herein, that at the time of said application for a change of use and place of use, contestee was possessed of the right to the use of 35 cubic feet per second of water from the North Santiam River, with a priority of 1870, through Sidney Ditch, for the development of power at Sidney, and that said right may now be deemed admitted and established.

It also appears that due notice of contestee's claim has been given by these proceedings to all parties claimant to the use of the waters of the North Santiam River. Therefore, the proposed change in use and place of use of water hereby is approved and the

Power Claim #8

right herein established to the use of 35 cubic feet per second of water from the North Santiam River, with a date of priority of 1870, through the Sidney Ditch, for the generation of power at Sidney, within Section 8, Township 9 South, Range 3 West, W. M., Marion County, Oregon, is severed therefrom and simultaneously and without loss of said priority transferred to 1,983.08 acres of land, the description of which is set forth in the tabulation herein. The description in the tabulation herein of the lands irrigated and to be irrigated by the Sidney Irrigation Cooperative is given by forty-acre tracts. As a large portion of these lands is within donation land claims, the forty-acre tract was determined by projecting the lines through the sections, using the maps prepared by the State Engineer in these proceedings.

Complete application of water to beneficial use on the lands described in the tabulation herein shall be made within two years from the date of filing of this finding with the Circuit Court of the State of Oregon or, in the event of an exception or exceptions being taken hereto before said court, then within two years from the date of entry of a decree of said court, approving, modifying, or otherwise disposing of this finding, or within such time thereafter as may be extended and fixed by the State Engineer for good cause shown.

After the expiration of the time allowed for the complete application of the water to beneficial use, surveys of the lands shall be made by the State Engineer for the purpose of determining the extent to which said lands have been reclaimed and irrigated, and a supplementary order of determination shall be filed with the Circuit Court limiting the right of contestee herein to the quantity of water which shall actually have been applied to beneficial use within the time allowed. Such supplemental order shall be reviewed by the court under proceedings the same as had upon the State Engineer's original findings and order of determination. The extent to which such right shall be deemed to be perfected shall be determined on the basis of the acreage which has actually been cleared and properly prepared for irrigation and to which water has been beneficially applied. To the extent that such appropriations have not been completed and perfected within the time allowed, contestee shall be deemed to have waived and abandoned the right to any appropriation thereunder.

Contestee hereby further is allowed a right to the use of 5 cubic feet per second of water from the North Santiam River, with a date of priority of 1870, through the Sidney Ditch, for stock purposes, said right to be appurtenant to the lands described in the tabulation herein.

36.

CONTEST NO. 38

State of Oregon, by the Oregon
State Board of Control,

Contestant

v.

Willamette Valley Water Company,

Contestee

Contestee Willamette Valley Water Company filed herein Statements and Proofs of Claim Nos. 145, 146, and 147, wherein it asserts rights to the use of the waters of the North Santiam River.

Statement and Proof of Claim No. 145 asserts a right to the use of 238 cubic feet per second of water from the North Santiam River, for the irrigation of 19,040 acres of land located within Townships 7 and 8 South, Ranges 2 and 3 West, W. M., a detailed description of which is set forth in said claim. It is stated in said statement and proof of claim that the right was initiated in 1857 for power purposes by appropriation, diversion, and use and a territorial grant which was transferred to an irrigation right.

In Statement and Proof of Claim No. 146, a right is asserted to the use of 263 $\frac{1}{2}$ cubic feet per second of the waters of the North Santiam River and water to be stored in Marion Lake if necessary, with a priority of May 14, 1909, for domestic use and for the irrigation of 20,227 acres of land, a description of which is set forth in the tabulation herein. This claim is based upon a right initiated by the filing of an application with the State Engineer upon which a permit was issued. Said application and permit are designated in the records of the State Engineer as Application No. 81, Enlargement Permit No. 82.

In Statement and Proof of Claim No. 147, a right is asserted to the use of 80 cubic feet per second of the waters of the North Santiam River and water stored in Marion Lake, with a priority of June 24, 1911, for domestic use and for the irrigation of 6,940 acres of land. This claim is based upon a right initiated by the filing of an application and the issuance of a permit thereon by the State Engineer. This application and permit are designated on the records of the State Engineer as Application No. 1508, Permit No. 1401.

To said Statements and Proofs of Claim Nos. 145, 146, and 147, contestant, State of Oregon, by the Oregon State Board of Control, filed herein Statement of Contest No. 38, wherein it is alleged that the right of the contestee to the water claimed under Statement and Proof of Claim No. 145 has been lost by abandonment and that the order of the State Engineer, approving the transfer from power to irrigation and changing the point of diversion and place of use, was given without authority of law and is, therefore, void.

Statement of Contest No. 38 contests Statements and Proofs of Claim Nos. 146 and 147 upon the grounds that the contestee or its predecessor has failed to use due diligence in applying such water to irrigation purposes.

At the time of the hearing on the contests herein, contestee offered testimony supported by documentary evidence showing an unbroken succession of title to the right herein claimed.

From the testimony and evidence, it appears that the right asserted in Statement and Proof of Claim No. 145 was originally initiated as a power right by appropriation, diversion, and use and not by a territorial grant. Water was diverted from the North Santiam

River in the SE $\frac{1}{4}$, Section 7, Township 10 South, Range 2 West, W. M., and carried in a canal for a distance of about two miles, where it was used for the development of power for the operation of a grist mill and a saw mill, which mills were located within or adjacent to the Town of Jefferson. The last use of the water made at this site appears to have been in the Spring of 1925. On February 4, 1929, Joseph Fatjo, predecessor-in-interest of the Willamette Valley Water Company, filed a petition with the State Engineer, pursuant to Section 5764, Oregon Laws, as amended by Chapter 330, General Laws of Oregon, 1929, proposing to change the point of diversion of this power right to a point near Stayton, Oregon, within Section 11, Township 9 South, Range 1 West, W. M., and to change the use of said water right from power to the irrigation of 19,040 acres of land.

The order of the State Engineer, approving the application filed by Joseph Fatjo, stated that the plan proposed was to divert the water from the North Santiam River within Section 11, Township 9 South, Range 1 West, W. M., and carry the same through the Salem Canal, or an enlargement thereof, or through a similar canal into the channel of Mill Creek and from this channel divert it for distribution purposes. It appears that no canal has ever been constructed diverting water from the North Santiam River at the point referred to in said State Engineer's order but it is claimed that water has been diverted from the Gardner-Bennett Canal Waste-way and carried for some distance in the same canal used to carry water diverted under rights initiated under Enlargement Permit No. 82 and Permit No. 1401.

The assertion by the contestant that the action of the State Engineer approving the application filed by Joseph Fatjo was void because it was given without authority of law raises the question as to whether the act under which the application was filed is to be complied with only where the relative rights to the use of the waters of the stream and its tributaries have been adjudicated or is to be followed in all cases where it is proposed to change the point of diversion, the use, or the place of use.

The act under which the State Engineer received and approved the Joseph Fatjo application has received careful consideration by the present State Engineer and it appears that before an application can be approved it must be first admitted, determined, and established that the applicant does in law and in fact possess the water right to which it lays claim and that such admission, determination, or establishment of the right would be tantamount to an adjudication, the exclusive authority and procedure for which is that followed in these proceedings.

It also appears that before the State Engineer can find that a transfer can be effected without injury to existing rights or the owner of an existing water right determine whether the transfer would result in injury to his right it must be known what rights do exist. It appears that the primary purpose of the act under consideration is to preserve the

record of water rights which have been adjudicated or initiated under the 1909 Water Code, and where the rights to the use of the waters of a stream when initiated by appropriation prior to 1909 and have not been adjudicated the act does not apply. However, it is believed that the owner of a water right initiated by appropriation prior to 1909 and which has not been adjudicated may change the use of the water to any other beneficial use or change the point of diversion without the loss of priority, as long as the change does not interfere with the rights of others.

The question to be determined in these proceedings is whether the change in point of diversion and use adversely affects other rights and whether reasonable diligence has been shown in applying the water to the new use.

At the time of the hearing on contest filed herein, the Willamette Valley Water Company amended its claim under Statement and Proof of Claim No. 145 to read as follows (Transcript, Page 311):

"That the claim shall be equal but not superior to the claim of the Willamette Valley Water Company under its Proof of Claim No. 146 based upon Application No. 81, Enlargement Permit No. 82, issued by the State Engineer of the State of Oregon with a priority date of May 14th, 1909, and waives any right against any claimant in these proceedings with claims filed with an earlier priority date than May 14th, 1909, to the extent that such claims are allowed in these proceedings, *** .

"With respect to all other rights or claims the Willamette Valley Water Company desires to retain the priority of this right as of 1857."

It appears that said amendment removes all apparent conflict in rights to the use of the waters of the North Santiam River, leaving for determination herein whether reasonable diligence has been used in perfecting the rights and the quantity of water.

In view of the fact that it appears that the same diversion works and canal for some distance are used to carry water for the irrigation of lands, the rights of which are asserted under Statements and Proofs of Claim Nos. 145, 146, and 147, it will be necessary in determining the matter of diligence and quantity of water to consider these three rights together.

Enlargement Permit No. 82, which is the basis of the water right asserted by the contestee in Statement and Proof of Claim No. 146, was issued by the State Engineer on February 9, 1911. The time within which to complete the irrigation works and irrigate the lands, as set forth in the permit, expired on February 9, 1916. Eight extensions of time have been allowed by the State Engineer, the last of which will expire on October 1, 1943.

The application and permit describe the point where the water is to be diverted from the North Santiam River as about south 14° 15' west 33 chains from the quarter corner between Sections 10 and 11, Township 9 South, Range 1 West, W. M. The application also states that the water is to be carried through an enlargement or extension of the Stayton Ditch, which ditch it appears is now called the Gardner Canal or Gardner-Bennett Canal.

It appears that the contestee has never done any work to enlarge the Gardner Ditch but has constructed the canal hereinafter described diverting water from the Gardner-Bennett Waste Ditch.

While the point of diversion is described in the application as being within Section 10, Township 9 South, Range 1 West, W. M., it appears from other statements in the application and permit, together with the fact that a canal has been constructed to divert water from the Gardner-Bennett Canal Waste-way and water has been diverted and used from this source, that it was the intention to appropriate the water from the Gardner Waste Ditch as long as water was available, extending the canal to the North Santiam River only when it becomes necessary.

Application No. 1508 and Permit No. 1401, which are the basis of the right claimed under Statement and Proof of Claim No. 147, carry a priority of June 24, 1911. This application was approved on February 11, 1913, and the time fixed by the State Engineer in the permit for completion of construction work and applying the water to beneficial use was June 1, 1917. This time has been extended five times, the last extension expiring October 1, 1943.

It will be noted that in the order of the State Engineer extending the time for completion of construction work and applying the water to beneficial use under Enlargement Permit No. 82 and Permit No. 1401, which order is made a part of said proofs, the State Engineer judged the matter of diligence entirely upon the statements contained in the respective applications for extensions of time. As the matter of diligence was made an issue by the contestant, it is assumed that a determination of this issue in these proceedings is proper.

It appears from Application No. 1508, Permit No. 1401, and maps which were filed with said application and introduced in these proceedings, that it was contemplated that water from the North Santiam River was to be diverted at four points which are as follows: The SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 13; the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 17, Township 9 South, Range 1 East, W. M.; through the Salem Power Company's head-gate and ditch, and through the ditch diverting from the Gardner-Bennett Canal Waste-way hereinafter described. It appears that no work has ever been done to construct the ditches diverting in Sections 13 and 17, Township 9 South, Range 1 East, W. M., and no water has ever been diverted and carried through the Salem Power Company's

ditch by the contestee, and that the only lands irrigated under this permit consist of approximately 276 acres which were irrigated with water diverted from the Gardner-Bennett Canal Waste-way and carried through the contestee's ditch hereinafter described.

In order to irrigate the major portion of the lands described in Permit No. 1401, it will be necessary to divert the water from the North Santiam River at or above the place where water claimed under Statements and Proofs of Claim Nos. 34 and 79 is diverted. The quantity of water claimed under said proofs totals 1,340 cubic feet per second and the total quantity allowed herein is 1,066 cubic feet per second. An examination of the records of the flow of water in the North Santiam River at Mehama shows that for the month of August the flow, with the exception of a few short periods, was less than the quantity required to supply the quantity allowed herein to said two rights. Permits Nos. E-82 and 1401 make reference to the use of water to be stored in Marion Lake. No rights to the storage of water in Marion Lake are claimed in these proceedings, and it appears that no water has ever been stored or rights initiated for the storage of water in said lake.

Water diverted from the North Santiam River by A. D. Gardner to which a right is claimed under Statement and Proof of Claim No. 34, after passing through the turbine is collected in a canal referred to herein as the Gardner-Bennett Canal Waste-way Ditch through which the water not diverted by the Willamette Valley Water Company is returned to the North Santiam River. It appears that the predecessors of the Willamette Valley Water Company in perfecting rights initiated under Permits Nos. E-82 and 1401 constructed a canal to divert water from the Gardner-Bennett Canal Waste-way, the point of diversion being in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 17, Township 9 South, Range 1 West, W. M. A waste-waterway and head-gate are installed at a point located some 500 or 600 feet below where the ditch diverts from the Gardner-Bennett Canal Waste-way. It appears that prior to 1925 the canal below the head-gate had a bottom width of about 12 feet but considerable additional work was required to bring the bottom to grade. It also appears that since 1925 some work has been done to excavate the bottom of this canal to the grade contemplated in the final plan, and when this work is completed, the canal for a distance of some five or six miles will have a carrying capacity of about 300 cubic feet per second (Transcript, Page 1037).

It does not appear that the contestee has constructed any definite canal system to carry water from the Gardner-Bennett Canal Waste-way into Mill Creek to supply water to the lands for which a right is claimed in Statement and Proof of Claim No. 145. It appears that water to supply these lands has been diverted from the Gardner-Bennett Waste Ditch in the ditch above described and carried through this canal and extensions for some distance, after which road drains and natural waterways, tributaries of Mill Creek, are utilized to carry the water at the lower end. Such water which it is claimed was delivered to Mill Creek in this manner

was diverted from Mill Creek by means of two canals, the intake of one being within Lot 6, Section 20, Township 8 South, Range 2 West, W. M., and the other near the northwest corner of the NE $\frac{1}{4}$, Section 18, said township and range.

It is noted that in Application No. 81, Enlargement Permit No. 82, it is stated that the canal to be constructed under this application was to have a capacity of 300 cubic feet per second, which appears to be the designed capacity of the canal above described when completed.

Records of the flow of water diverted by the contestee's ditch from the Gardner-Bennett Canal Waste-way were secured by the State Engineer for the period extending from July 9, 1938, to November, 1941, inclusive. These records were secured at a gaging station located a short distance below the head-gate controlling the flow into this canal, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 15, Township 9 South, Range 1 West, W. M. These records show the maximum mean daily flow of water in this ditch as follows:

1938 - 54.0 c. f. s.
1939 - 65.0 c. f. s.
1940 - 66.0 c. f. s.
1941 - 79.0 c. f. s.

It appears that the area irrigated with water diverted under Proof No. 145 totals about 200 acres; that under Proof No. 146, about 2,500 acres, and that under Proof No. 147, about 276 acres.

In determining whether reasonable diligence has been used, it appears that the length of time that the contestee and its predecessors-in-interest have had to perfect its rights should be taken into consideration. Approximately 30 years have elapsed since the issuance of Enlargement Permit No. 82, which is the basis of the claim asserted under Statement and Proof of Claim No. 146, and it appears that of the 20,227 acres of land to be irrigated under this right, only about 2,500 acres were under irrigation in 1940.

Approximately 29 years have elapsed since the issuance of Permit No. 1401, which is the basis of the claim asserted in Statement and Proof of Claim No. 147, and of the 8,000 acres to be irrigated under this permit, it appears that in 1940 about 276 acres were irrigated.

Approximately 13 years have elapsed since the predecessors-in-interest of the contestee declared their intention to transfer the right asserted in Statement and Proof of Claim No. 145 from a power right to an irrigation right, and it appears that of the 19,040 acres to be irrigated, only about 200 acres were irrigated in 1940.

The quantity of water available for use, while not a factor entering into the determination as to whether reasonable diligence has been shown, is a major factor in the development of any irrigation project and one which it appears that the State Engineer should

consider in acting upon any applications made hereafter for extensions of time. The quantity of water required to supply rights which have been allowed herein and which rights are prior and superior to the rights claimed by the contestee totals 339 cubic feet per second which, added to that claimed by the contestee, makes a total of 920.5 cubic feet per second. An examination of the records of the flow of water in the North Santiam River at the Mehama gaging station shows that during the month of August for the years 1930 to 1940, inclusive, with the exception of 15 days in 1933 and two days in 1937, the flow was less than 920 cubic feet per second, and in eight of the eleven years the mean daily flow during the month of August was less than 700 cubic feet per second.

The quantity of water required to supply rights that are superior to those of the contestee allowed herein, together with the quantity necessary to supply 300 cubic feet per second, the capacity of the canal of the contestee when construction work is completed, totals 639 cubic feet per second.

It will be seen from the records of the flow of water in the North Santiam River at Mehama for the month of August for the years 1930 to 1940, inclusive, that there were four years out of the eleven considered in which the mean flow during the month of August was less than 639 cubic feet per second, and that the mean flow of these four years varied between 517 cubic feet per second and 595 cubic feet per second.

The total quantity of water available for diversion by the contestee under its three claims, including some that must be returned to the river to supply prior rights, considering only the rights to the use of water from North Santiam River, is indicated by the records of the flow of water in the Gardner-Bennett Canal Waste-way. These records show that the average flow for July, 1940, was 335 cubic feet per second, with a maximum of 571 cubic feet per second and a minimum of 245 cubic feet per second; that for the month of August, 1940, the average flow was 238 cubic feet per second, the maximum 279 cubic feet per second, and the low to be 159 cubic feet per second; that for July, 1941, the average flow was 390 cubic feet per second, the maximum 547 cubic feet per second, and the minimum 264 cubic feet per second, and that for August, 1941, the average flow was 267.0 cubic feet per second, the maximum 443.0 cubic feet per second, and the minimum 162.0 cubic feet per second.

The contestee, Willamette Valley Water Company, is allowed an inchoate right to the use of not to exceed 300 cubic feet per second of water from the North Santiam River to be diverted from the Gardner-Bennett Canal Waste-way as long as water is available from this source, for the irrigation of not to exceed 24,000 acres of the land described in Statements and Proofs of Claim Nos. 145, 146, and 147, and as tabulated herein, said 24,000 acres to include the area now irrigated.

The priority of the water right for the lands described in Statements and Proofs of Claim Nos. 145 and 146, which are irrigated within the time fixed for perfecting the rights asserted in said proofs as allowed in these proceedings, is May 14, 1909.

The priority of the water rights for the lands described in Statement and Proof of Claim No. 147 and as tabulated herein, which are irrigated within the time fixed for perfecting the right claimed in said proof and as allowed in these proceedings, is June 24, 1911.

In the future, should water not be available from the Gardner-Bennett Canal Waste-way, the contestee or its successors-in-interest are allowed the right to divert the water from the North Santiam River at the place where the water delivered to said waste ditch is now diverted without loss of priority; provided, that in making this change no rights are injured or trespassed upon and a canal for carrying the water is constructed or carrying capacity secured. Where Mill Creek and natural waterways, tributary to Mill Creek, are utilized to convey the water, it is necessary in the distribution thereof to determine the quantity of water delivered into these channels and diverted therefrom. Therefore, it hereby is ORDERED that the contestee, Willamette Valley Water Company, or its successors-in-interest, shall install and maintain suitable measuring devices at the points where water is turned into Mill Creek or any natural waterways, tributary to Mill Creek, and at the points where water is diverted from Mill Creek, the kind of measuring devices and the places of installing the same to be designated by the watermaster and installation of these made under the watermaster's direction.

The quantity of water diverted for irrigation purposes under rights perfected under Enlargement Permit No. 82 and Permit No. 1401 is that fixed in said permits, which is one-eightieth of one cubic foot per second for each acre irrigated, with the further limitation that the total quantity diverted in any irrigation season shall not exceed three and one-half acre feet per acre, all quantities to be measured at the point of diversion from the Gardner-Bennett Canal Waste-way or from the North Santiam River.

For the lands irrigated under the right asserted in Statement and Proof of Claim No. 145, the same rate of flow, quantity, and place of measurement applying to lands irrigated under Enlargement Permit No. 82 and Permit No. 1401 shall govern, but to compensate for losses between the point of diversion from the Gardner-Bennett Canal Waste-way or the North Santiam River to the place of use an additional amount not exceeding ten per cent is allowed.

The rights initiated under Enlargement Permit No. 82 and Permit No. 1401, which rights are the basis of claims asserted in Statements and Proofs of Claim Nos. 146 and 147 shall be perfected in the manner provided by law for the completion of rights initiated under the 1909 Water Code.

The time fixed for complete application of water to beneficial use allowed in these proceedings for the rights asserted under Statement and Proof of Claim No. 145 is two years from the date of filing of these findings with the Circuit Court of the State of Oregon, or in the event of an exception or exceptions being taken hereto before said court, then within two years from the date of entry of a decree of said court approving, modifying, or otherwise disposing of this finding, or within such time thereafter as may be extended and fixed by the State Engineer for good cause shown.

After the expiration of said time allowed for the complete application of water to beneficial use on said above-described lands, surveys of the lands shall be made by the State Engineer for the purpose of determining the extent to which said lands have been reclaimed and irrigated and a supplementary order of determination shall be filed with the Circuit Court limiting the right of contestee herein to the quantity of water which shall actually have been applied to beneficial use within the time allowed. Such supplemental order shall be reviewed by the court under proceedings the same as had upon the State Engineer's original findings and order of determination. The extent to which such right shall be deemed to be perfected shall be determined on the basis of the acreage which has actually been cleared and properly prepared for irrigation and to which water has been beneficially applied. To the extent that such appropriations have not been completed and perfected within the time allowed, contestee shall be deemed to have waived and abandoned the right to any appropriation thereunder.

The Willamette Valley Water Company has requested that this finding provide for the issuance of certificates of water right to those landowners who have purchased water. This request is approved and the State Engineer is authorized and directed to issue a certificate of water right pursuant to Sections 116-426 and 116-813, O. C. L. A., to any landowner who has purchased a water right from the Willamette Valley Water Company, its predecessors, or its successors-in-interest, provided satisfactory proof is filed with the State Engineer showing the lands have been irrigated and that the water right has been paid for in full.

37.

T. W. ALLEN, MILL CITY, OREGON

Claimant filed herein Statement and Proof of Claim No. 1, wherein he asserts a right to the use of 800 gallons per minute (1.78 cubic feet per second) of water pumped from the North Santiam River, with a date of priority of 1887, for domestic use in the community known as Mill City, lying within the SW $\frac{1}{4}$, Section 29, the SE $\frac{1}{4}$, Section 30, the NE $\frac{1}{4}$, Section 31, and the NW $\frac{1}{4}$, Section 32, all in Township 9 South, Range 3 West, W. M., in Marion and Linn Counties, Oregon.

It appearing that said beneficial use of said waters has been made as claimed in said statement and proof of claim, to which no contest has been filed herein, claimant hereby is allowed a right to the use of 800 gallons per minute (1.78 cubic feet per second) of water pumped from the North Santiam River, with a date of priority of 1887, for municipal use in the community known as Mill City, lying within the SW $\frac{1}{4}$, Section 29, the SE $\frac{1}{4}$, Section 30, the NE $\frac{1}{4}$, Section 31, and the NW $\frac{1}{4}$, Section 32, all in Township 9 South, Range 3 East, W. M., in Marion and Linn Counties, Oregon.

Said claimant also filed herein Statement and Proof of Claim No. 2, wherein he asserts a right to the use of 395 cubic feet per second of water from the North Santiam River, through Company Ditch, with a date of priority of 1887, for the development of 1,077 horsepower at his hydro-electric plant located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 9 South, Range 3 East, W. M., in Marion County, Oregon. Said proof describes the point of diversion as being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 9 South, Range 3 East, W. M., and shows that the water is conveyed in a canal to the place of use. The head is 24 feet.

It appearing that beneficial use of said waters has been made as claimed in said statement and proof of claim, to which no contest has been filed herein, claimant hereby is allowed a right to the use of 395 cubic feet per second of water from the North Santiam River, through Company Ditch, with a date of priority of 1887, for the development of 1,077 theoretical horsepower at a hydro-electric plant located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 9 South, Range 3 East, W. M.

38.

LESTER BALDWIN, STAYTON, OREGON

Claimant filed herein Statement and Proof of Claim No. 3, wherein he asserts a right to the use of the waters of an unnamed spring, tributary of Alder Creek, through unnamed ditches and pipe-line, with a date of priority of 1877, to the extent of 0.05 cubic foot per second for the irrigation of one-half acre in Section 9, Township 9 South, Range 1 East, W. M., Marion County, Oregon, and 0.01 cubic foot per second for domestic and stock purposes.

It appears that the water from the spring, the source of which is in the northeast portion of claimant's lands, is diverted and carried in a pipe-line to the residence and buildings for domestic and stock purposes.

It appears that beneficial use of said waters has been made and that no contest to said statement and proof of claim has been filed herein. Therefore, in accordance with the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of 0.01 cubic foot per second of the waters of an unnamed spring, tributary of Alder Creek, through

a pipe-line, for domestic and stock purposes, with a date of priority of 1877. The claimant is also allowed a right, subject to the provisions of Paragraph 165 herein, to the use of the waters of said unnamed spring, through unnamed ditches, for the irrigation of one-half acre of land, with a date of priority of 1877. Said rights are appurtenant to claimant's lands which are described in the tabulation herein.

39.

JOE C. BARROW, ROUTE 1, BOX 80, STAYTON, OREGON

Claimant filed herein Statement and Proof of Claim No. 4, wherein a right is asserted to the use of water from channels of North Santiam River, initiated under Application No. 17938, Permit No. 13620, and water from an unnamed stream, tributary of Stout Creek, tributary of North Santiam River, initiated under Application No. 17642, Permit No. 13339. For findings applicable to this claim, see Paragraph 167 herein.

40.

H. H. BENNETT, 335 NORTH CAPITOL STREET, SALEM, OREGON

Claimant filed herein Statement and Proof of Claim No. 5, wherein he asserts a right to the use of waters of Spring Branches of the North Santiam River, for domestic and stock purposes, to be appurtenant to lands described therein, with a date of priority of April 15, 1885.

It appears that the source of the waters for which a right is asserted in said claim is, with one exception, from springs rising upon the lands of the claimant which, except during the late fall, winter, and early spring, do not flow off the claimant's land. It appears that water from the spring, shown on the State Engineer's maps near the northwest corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28, Township 9 South, Range 1 East, W. M., flows onto the claimant's lands, and the water is used by stock drinking directly from the natural channel.

It further appears that beneficial use of said waters has been made by stock drinking directly from the springs or water flowing from them and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of the waters of said springs for domestic and stock purposes. Said right is limited to stock drinking directly from the springs or water flowing therefrom on claimant's lands which are described in the tabulation herein.

41.

JAMES BLUM, ROUTE 1, STAYTON, OREGON

Claimant filed herein Statement and Proof of Claim No. 6, wherein he asserts a right to the use of 0.1 cubic foot per second of water from a spring, tributary of the North Santiam River, through a pipe-line, with a date of priority of July 24, 1923, for domestic use as evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 7, Page 6682.

It appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with said certificate of water right, claimant hereby is allowed a right to the use of 0.1 cubic foot per second of water from a spring, tributary of the North Santiam River, through a pipe-line, with a date of priority of July 24, 1923, for domestic use on the parcel of land described in the tabulation herein. Said right is limited to the capacity of the existing pipe-line.

42.

MRS. CHAS. T. BOUCHE, MEHAMA, OREGON

Claimant filed herein Statement and Proof of Claim No. 7, wherein she asserts a right to the use of 0.05 cubic foot per second of water from unnamed springs, tributary of Stout Creek, through a pipe-line, with a date of priority of April 7, 1933, for stock and domestic use, including the irrigation of a garden in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 7, Township 9 South, Range 2 East, W. M., and more particularly described therein. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 11, Page 11856.

It appears that beneficial use of said waters has been made only to the extent evidenced by said water right certificate and that no contest to said statement and proof of claim has been filed herein. Therefore, in accordance with said certificate of water right, claimant hereby is allowed a right to the use of 0.05 cubic foot per second of water from unnamed springs, tributary of Stout Creek, in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 7, Township 9 South, Range 2 East, W. M., through a pipe-line, with a date of priority of December 31, 1935, for domestic use, including the irrigation of a garden not exceeding two acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 7, Township 9 South, Range 2 East, W. M., and more specifically described in the tabulation herein.

43.

MARTHA E. BOWES, LYONS, OREGON

Claimant filed herein Statement and Proof of Claim No. 8, wherein she asserts a right to the use of the waters of Mad Creek, tributary of North Santiam River, with a date of priority of 1877, for stock purposes to be appurtenant to lands described therein.

It appears that beneficial use of said waters has been made by stock drinking directly from said creek where it flows through the lands of claimant and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of the waters of Mad Creek, for stock purposes. Said right is limited to stock drinking directly from said stream as it flows through lands of the claimant which are described in the tabulation herein.

BERTHA BOWMAN, R. F. D. NO. 1, TURNER, OREGON

Claimant filed herein Statement and Proof of Claim No. 9, wherein she asserts a right to the use of one-tenth of a cubic foot per second of water from an unnamed spring, tributary of the North Santiam River, through an unnamed ditch, with a date of priority of 1854, for stock purposes, to be appurtenant to lands described therein. The source of said spring appears to be near the center of the tract described in the tabulation herein.

It appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of the waters of an unnamed spring, tributary of the North Santiam River, with a date of priority of 1854, for stock purposes, said right to be appurtenant to the lands described in the tabulation herein.

BREITENBUSH MINERAL SPRINGS CO., M. D. BRUCKMAN, MANAGER, BREITENBUSH, OREGON

Claimant filed herein Statement and Proof of Claim No. 10, wherein a right is asserted to the use of 30 cubic feet per second of water from Breitenbush River, with a date of priority of November 4, 1926, for the generation of 61 theoretical horsepower at the hydro-electric plant located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, Township 9 South, Range 7 East, W. M., Marion County, Oregon. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 10, Page 10640.

The adjudication maps prepared under the direction of the State Engineer show that the power plant is located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 20, whereas the certificate of water right indicates the NW $\frac{1}{4}$ NE $\frac{1}{4}$. From available information, it appears that the power plant is near the line dividing the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ and may be in either of said forty-acre tracts, but for the purpose of identification the plant will be described herein the same as it appears in the certificate of water right.

It appears that beneficial use of said waters has been made and that no contest has been filed herein. Therefore, in accordance with the provisions of said certificate of water right, claimant is allowed a right to the use of 30 cubic feet per second of water from Breitenbush River, through a flume, with a date of priority of November 4, 1926, for the development of 61 theoretical horsepower, at a hydro-electric plant located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, Township 9 South, Range 7 East, W. M., Marion County, Oregon.

C. C. CANNON, ROUTE 5, BOX 72, SALEM, OREGON

Claimant filed herein Statement and Proof of Claim No. 11, wherein he asserts a right to the use of 0.125 cubic foot per second of water, pumped from Marion Creek, with a date of

priority of March 25, 1916, for the irrigation of one acre in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 33, Township 9 South, Range 2 West, W. M. Such right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 3, Page 2453, in the name of J. M. Christopher to whom claimant is successor-in-interest.

It appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with said certificate of water right but in conformity with the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of 0.125 cubic foot per second of water, pumped from Marion Creek, with a date of priority of March 25, 1916, for the irrigation of one acre in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 33, Township 9 South, Range 2 West, W. M., Marion County, Oregon, and more particularly described in the tabulation herein.

47.

VELMA N. CAREY, ROUTE 1, LYONS, OREGON

Claimant filed herein Statement and Proof of Claim No. 12, wherein she asserts a right to the use of the waters of an unnamed stream in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, Township 9 South, Range 4 East, W. M., through an unnamed ditch, with a date of priority of 1889, for the irrigation of 0.2 acre in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 30, Township 9 South, Range 4 East, W. M., Linn County, Oregon.

It appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of Paragraph 165 herein, claimant is allowed a right to the use of the waters of an unnamed stream in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, Township 9 South, Range 4 East, W. M., through an unnamed ditch, with a date of priority of 1889, for the irrigation of 0.2 acre in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 30, Township 9 South, Range 4 East, W. M., Linn County, Oregon.

48.

C. M. CASE, MEHAMA, OREGON

Claimant filed herein Statement and Proof of Claim No. 13, wherein he asserts a right to the use of the waters of Morehouse Creek, with a date of priority of 1880, for domestic and stock use and for the irrigation of a garden in the E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 10, Township 9 South, Range 3 East, W. M.

It appears from said claim that the water for domestic use and irrigation of a garden is diverted by means of a pump and ram and that the stock drink directly from the stream as it flows through claimant's lands.

It appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of 0.012 cubic

foot per second of the waters of Morehouse Creek, with a date of priority of 1880, for domestic purposes, including the irrigation of a garden not to exceed one-half acre, and for the operation of a hydraulic ram, said right to be appurtenant to the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10, Township 9 South, Range 3 East, W. M. The claimant is also allowed a right to the use of the waters of Morehouse Creek for stock purposes, which right is limited to stock drinking directly from said stream on claimant's lands.

49.

GEORGE CHRISMAN, ROUTE 2, SCIO, OREGON

Claimant filed herein Statement and Proof of Claim No. 14, wherein he asserts a right to the use of the waters of Bear Branch, a tributary of North Santiam River, for stock purposes, with a date of priority of 1855.

It appears that beneficial use of said waters has been made by stock drinking directly from said stream on claimant's lands. Therefore, claimant hereby is allowed a right to the use of the waters of Bear Branch, a tributary of North Santiam River, for stock purposes. Said right is limited to stock drinking directly from the stream on claimant's lands which are described in the tabulation herein.

50.

E. R. CLARK AND IDA A. CLARK, HUSBAND AND WIFE, AUMSVILLE, OREGON

Claimants filed herein Statement and Proof of Claim No. 15. It appears that the water right claimed in said proof was secured from the Willamette Valley Water Company or its predecessors-in-interest and was initiated under Application No. 81, Enlargement Permit No. 82, which application and permit are the basis of the claim asserted in Statement and Proof of Claim No. 146. This right shall be perfected in accordance with the terms and conditions of Paragraph 36 herein. The right asserted in said Statement and Proof of Claim No. 15 when perfected is subject to the terms and conditions of the stipulation filed in the settlement of Contests Nos. 32, 33, 34, and 35, referred to in Paragraph 19 herein.

51.

F. H. COLLINS, 1534 COURT STREET, SALEM, OREGON

Claimant filed herein Statement and Proof of Claim No. 15-A, wherein a right is asserted to the use of water from an unnamed stream, tributary of the North Santiam River, under Application No. 17347, Permit No. 13057. For findings applicable thereto, see Paragraph 167 herein.

FRED L. COMSTOCK AND CHARLOTTE COMSTOCK, HIS WIFE, AUMSVILLE, OREGON

Claimants filed herein Statement and Proof of Claim No. 18. It appears that the water right claimed in said proof was secured from the Willamette Valley Water Company or its predecessors-in-interest and was initiated under Application No. 81, Enlargement Permit No. 82, which application and permit are the basis of the claim asserted in Statement and Proof of Claim No. 146. This right shall be perfected in accordance with the terms and conditions of Paragraph 36 herein. The right asserted in said Statement and Proof of Claim No. 18 when perfected is subject to the terms and conditions of the stipulation filed in the settlement of Contests Nos. 32, 33, 34, and 35, referred to in Paragraph 19 herein.

53.

C. W. DANFORTH, LYONS, OREGON

Claimant filed herein Statement and Proof of Claim No. 19, wherein he asserts a right to the use of the waters of unnamed streams and springs lying within Section 23, Township 9 South, Range 2 East, W. M., through an unnamed ditch and pipe-line, with a date of priority of 1900, for stock and domestic purposes, including the irrigation of a garden.

It appears that there are five springs located upon the lands of the claimant, three within Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) and two within Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 23, Township 9 South, Range 2 East, W. M.; also two small unnamed streams flowing across said Lots 3 and 4 and one unnamed stream flowing across the SE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 23. The water from one unnamed spring and stream in Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), it appears, is diverted and carried through a 2-inch pipe-line and an unnamed ditch to the residence and buildings of the claimant where the water is used for domestic and stock purposes and the irrigation of a garden. The water from the other four springs and two unnamed streams appears to be used for the watering of livestock.

It further appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, subject to the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of the waters of an unnamed stream and an unnamed spring within Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 23, Township 9 South, Range 2 East, W. M., through an unnamed ditch and pipe-line, with a date of priority of 1900, for stock and domestic purposes, including the irrigation of one-half acre of garden, to be appurtenant to Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 23, Township 9 South, Range 2 East, W. M., Marion County, Oregon. Claimant is also allowed a right to the use of waters of said four springs and two unnamed streams for stock use. Said stock right is limited to stock drinking directly from said springs and streams upon lands of the claimant which are described in the tabulation herein.

E. B. DAUGHERTY AND J. HARRY MORAN, 1632 COURT STREET, SALEM, OREGON

Claimants filed herein Statement and Proof of Claim No. 27, asserting a right to the use of the waters of Naroma Creek, tributary of Little North Fork of North Santiam River, initiated under Application No. 16431, Permit No. 12231. For findings applicable thereto, see Paragraph 167 herein.

LOIS E. DAVIDSON, 267 NORTH CHURCH STREET, SALEM, OREGON

Claimant filed herein Statement and Proof of Claim No. 20, wherein she asserts a right to the use of the waters of four unnamed springs initiated under Application No. 15139, Permit No. 11034. For findings applicable thereto, see Paragraph 167 herein.

ED L. DAVIS, ROUTE 1, LYONS, OREGON

Claimant filed herein Statement and Proof of Claim No. 21, wherein he asserts a right to the use of 6 cubic feet per second of water from Mad Creek, through Kitchen Ditch and pipe-line, with a date of priority of 1906, for the development of 5.0 theoretical horsepower in the $S\frac{1}{2} S\frac{1}{2} NW\frac{1}{4}$, Section 36, Township 9 South, Range 3 East, W. M., Linn County, Oregon.

It appears from said statement and proof of claim that the power is developed by means of an overshot wheel which is 10 feet in diameter. A quantity of 4.4 cubic feet per second of water under a head of 10 feet will develop 5.0 theoretical horsepower.

It appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, claimant hereby is allowed a right to the use of 4.4 cubic feet per second of water from Mad Creek, through Kitchen Ditch and pipe-line, with a date of priority of 1906, for development of 5.0 theoretical horsepower in the $S\frac{1}{2} SW\frac{1}{4} NW\frac{1}{4}$, Section 36, Township 9 South, Range 3 East, W. M., Linn County, Oregon.

Claimant also filed herein Statement and Proof of Claim No. 21-A, wherein he asserts a right to the use of 0.02 cubic foot per second of the waters of Mad Creek, through an unnamed ditch and pipe-line, with a date of priority of 1893, for stock and domestic purposes, including the irrigation of a domestic garden.

It appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of 0.02 cubic foot per second of the waters of Mad Creek, through an unnamed ditch and pipe-line, with

a date of priority of 1893, for stock and domestic purposes, including the irrigation of one-half acre of garden in the $S\frac{1}{2} S\frac{1}{2} NW\frac{1}{4}$, Section 36, Township 9 South, Range 3 East, W. M., Linn County, Oregon.

57.

JOHN H. DENNY, ROUTE 7, SALEM, OREGON

Claimant filed herein Statement and Proof of Claim No. 22, asserting a right to the use of the waters of an unnamed stream, tributary to the North Santiam River, initiated under Application No. 17493, Permit No. 13200. For findings applicable thereto, see Paragraph 167 herein.

58.

O. K. DeWITT AND ELLEN T. DeWITT, 1149 COURT STREET, SALEM, OREGON

Claimants filed herein Statement and Proof of Claim No. 23, asserting a right to the use of the waters of Cherry Creek, tributary to North Santiam River, initiated under Application No. 18310, Permit No. 13951. For findings applicable thereto, see Paragraph 167 herein.

59.

THEODORE DIEKMANN, ROUTE 1, BOX 58-C, AUMSVILLE, OREGON

Claimant filed herein Statement and Proof of Claim No. 24, wherein he asserts a right to the use of water pumped from an unnamed stream, tributary of a slough, tributary of the North Santiam River, with a date of priority of December 9, 1930, for the irrigation of 1 acre in the $NW\frac{1}{4} NW\frac{1}{4}$ and 4 acres in the $SW\frac{1}{4} NW\frac{1}{4}$, Section 20, Township 9 South, Range 1 West, W. M., Marion County, Oregon. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 9, Page 10180.

It appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with said certificate of water right and the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of water pumped from an unnamed stream, tributary of a slough, tributary of the North Santiam River, with a date of priority of December 9, 1930, for the irrigation of:

1 acre in Lot 9 ($NW\frac{1}{4} NW\frac{1}{4}$)
4 acres in Lot 4 ($SW\frac{1}{4} NW\frac{1}{4}$)
Section 20,
Township 9 South, Range 1 West, W. M.
Marion County, Oregon

The description of said lands has been amended to conform to the official township plats and the smallest legal subdivisions thereof.

Claimant also filed herein Statement and Proof of Claim No. 25, wherein a right is asserted to the use of the waters of an unnamed creek and slough, initiated under Application No. 17826, Permit No. 13495. For findings applicable thereto, see Paragraph 167 herein.

60.

ELIZABETH DUFFY AND FRED D. DUFFY, ROUTE 1, LYONS, OREGON

Claimants filed herein Statement and Proof of Claim No. 28, wherein they assert a right to the use of 0.02 cubic foot per second of water pumped from the North Santiam River, through a pipe-line to the place of use, with a date of priority of 1904, for stock and domestic use, including the irrigation of a garden not to exceed one-half acre in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 30, Township 9 South, Range 3 East, W. M., Marion County, Oregon.

It appears that the pipe-line consists of 5 lineal feet of pipe with a diameter of 1 $\frac{1}{2}$ inches and 220 feet of 1-inch pipe and that the head is 45 feet.

It appears that beneficial use of said waters has been made and that no contest has been filed to said statement and proof of claim. Therefore, in accordance with the provisions of Paragraph 165 herein, claimants hereby are allowed a right to the use of water pumped from the North Santiam River, with a date of priority of 1904, for domestic and stock purposes, including the irrigation of not more than one-half acre of garden in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 30, Township 9 South, Range 3 East, W. M., Marion County, Oregon, and more particularly described in the tabulation herein.

61.

GOLDIE M. FARMEN, ROUTE 1, LYONS, OREGON

Claimant filed herein Statement and Proof of Claim No. 30, wherein she asserts a right to the use of 0.01 cubic foot per second of water pumped from Pierce Creek, with a date of priority of 1903, for domestic and stock purposes, said right to be appurtenant to lands described therein.

It appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of 0.01 cubic foot per second of water pumped from Pierce Creek, with a date of priority of 1903, for domestic and stock purposes, said right to be appurtenant to the parcel of land within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 27, Township 9 South, Range 3 East, W. M., and more particularly described in the tabulation herein.

62.

FEDERAL FARM MORTGAGE CORPORATION, SPOKANE, WASHINGTON

Claimant filed herein Statement and Proof of Claim No. 31, wherein it asserts a right to the use of 0.25 cubic foot per second of water pumped from Zumwalt Creek, with a date of priority of July 27, 1926, for domestic use and for the irrigation of 12 acres in

the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 8 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 7, Township 9 South, Range 1 East, W. M., Marion County, Oregon. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 10, Page 11289.

Subsequent to the filing of said statement and proof of claim, claimant accepted the map prepared from a survey made under the direction of the State Engineer as showing correctly the lands irrigated by claimant. Said map shows an irrigated area of only 5.8 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 2.7 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 7, Township 9 South, Range 1 East, W. M., which area will be considered herein as the extent to which claimant has completed the beneficial use evidenced by said certificate of water right or claimed in said statement and proof of claim.

Therefore, in accordance with the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of water pumped from Zumwalt Creek, with a date of priority of July 27, 1926, for the irrigation of 5.8 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 2.7 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 7, Township 9 South, Range 1 East, W. M., Marion County, Oregon.

63.

OTTO P. FISCHER, R. F. D., STAYTON, OREGON

Claimant filed herein Statement and Proof of Claim No. 32, wherein he asserts a right to the use of the waters of Zumwalt Creek, with a date of priority of 1850, for stock purposes, said right to be appurtenant to a parcel of land in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 12, Township 9 South, Range 1 West, W. M., and more particularly described therein.

It appears that beneficial use of said water has been made by stock drinking directly from the stream where it flows through claimant's land and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of the waters of Zumwalt Creek, for stock purposes. Said right is limited to stock drinking directly from Zumwalt Creek as it flows through lands of claimant which are described in the tabulation herein.

64.

HUGH R. GAVETTE, LYONS, OREGON

Claimant filed herein Statement and Proof of Claim No. 35, asserting a right to the use of the waters of two unnamed streams, which right was initiated under Application No. 17612, Permit No. 13302. For findings applicable thereto, see Paragraph 167 herein.

LeROY GRAFE, IDANHA, OREGON

Claimant filed herein Statement and Proof of Claim No. 36, asserting a right to the use of the waters of an unnamed stream, tributary of North Santiam River, evidenced by a license issued by the Hydroelectric Commission of Oregon described as License No. 51. Said right exists by virtue of said license issued by the Hydroelectric Commission of Oregon and is governed by the terms and conditions thereof.

Claimant also filed herein Statement and Proof of Claim No. 37, wherein he asserts a right to the use of 0.05 cubic foot per second of water from an unnamed stream, tributary of the North Santiam River, through small unnamed ditch and pipe-line, with a date of priority of March 9, 1934, for stock use and domestic purposes, including the irrigation of a garden, said right to be appurtenant to a parcel of land within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 27, Township 9 South, Range 3 East, W. M., and more particularly described therein. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 10, Page 10890.

It appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with said certificate of water right but in conformity with the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of 0.05 cubic foot per second of water from an unnamed stream, tributary of the North Santiam River, through small unnamed ditch and pipe-line, with a date of priority of March 9, 1934, for stock and domestic purposes, including the irrigation of a garden not exceeding one-half acre, said right to be appurtenant to a parcel of land within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 27, Township 9 South, Range 3 East, W. M., and more particularly described in the tabulation herein.

R. E. GRIMM, ROUTE 1, BOX 112, STAYTON, OREGON

Claimant filed herein Statement and Proof of Claim No. 38, asserting a right to the use of the waters of Zumwalt Creek, tributary to the North Santiam River, which right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 10, Page 11289. For findings relative to the right claimed therein, see Paragraph 62, in the name of the Federal Farm Mortgage Corporation, herein (Statement and Proof of Claim No. 31).

HALLIN LUMBER COMPANY, c/o MacCORMAC SNOW, PLATT BUILDING, PORTLAND, OREGON

Claimant filed herein Statement and Proof of Claim No. 39, wherein it asserts a right to the use of 0.5 cubic foot per second of the waters of an unnamed stream and reservoir, with a date of priority of July 8, 1937, for use in a log pond located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 19, Township 9 South, Range 2 East, W. M. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 11, Page 12187. In said statement and proof of claim, claimant further asserts a right to store the waters of said unnamed stream in a reservoir located in Section 19, Township 9 South, Range 2 East, W. M., Linn County, Oregon, for use in said log pond to the extent of 12 acre-feet with a date of priority of July 13, 1937, and 13 acre-feet with a date of priority of August 10, 1937. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 11, Page 12188.

It appears that beneficial use and storage of said waters have been made and that no contest to said statement and proof of claim had been filed herein. Therefore, in accordance with the provisions of said certificates of water right, claimant hereby is allowed a right to the use of 0.5 cubic foot per second of water from an unnamed stream and reservoir, with a date of priority of July 8, 1937, for use in a log pond located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 19, Township 9 South, Range 2 East, W. M., Linn County, Oregon. Claimant further hereby is allowed a right to store the waters of said unnamed stream in a reservoir located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 19, Township 9 South, Range 2 East, W. M., Linn County, Oregon, to the extent of 12 acre-feet with a date of priority of July 13, 1937, and 13 acre-feet with a date of priority of August 10, 1937.

CHARLES C. HART, JEFFERSON, OREGON

Claimant filed herein Statement and Proof of Claim No. 40, wherein he asserts a right to the use of 0.25 cubic foot per second of water from the North Santiam River pumped through a pipe-line, with a date of priority of June 28, 1935, for the irrigation of 20 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 18, Township 10 South, Range 2 West, W. M., Marion County, Oregon. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 11, Page 11799.

It appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of said certificate of water right and the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of 0.25 cubic foot per second of water from the North Santiam River pumped through a pipe-line, with a date of priority of June 28, 1935, for

the irrigation of 20 acres in Lot 8, Section 18, Township 10 South, Range 2 West, W. M., Marion County, Oregon. The description of said land has been amended to conform to the official township plats and the smallest legal subdivisions thereof.

69.

C. T. HASEMAN, IDANHA, OREGON

Claimant filed herein Statement and Proof of Claim No. 41, asserting a right to the use of the waters of an unnamed stream, tributary to North Santiam River, initiated under Application No. 18393, Permit No. 14033. For findings applicable thereto, see Paragraph 167 herein.

70.

W. L. HATCH, AIMSVILLE, OREGON

Claimant filed herein Statement and Proof of Claim No. 42, asserting a right to the use of the waters of an unnamed slough from North Santiam River, initiated under Application No. 16824, Permit No. 12586. For findings applicable thereto, see Paragraph 167 herein.

71.

W. W. HENDERSON, MILL CITY, OREGON

Claimant filed herein Statement and Proof of Claim No. 43, wherein he asserts a right to the use of 0.02 cubic foot per second of water from Chartz or Beaver Creek, through an unnamed flume, with a date of priority of June 14, 1933, for the irrigation of 2 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 25, Township 9 South, Range 2 East, W. M., Marion County, Oregon. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 10, Page 11019, in the name of W. E. Dunkle to whom claimant is successor-in-interest.

It appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of said certificate of water right and the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of 0.02 cubic foot per second of water from Chartz or Beaver Creek, through an unnamed flume, with a date of priority of June 14, 1933, for the irrigation of 2 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 25, Township 9 South, Range 2 East, W. M., Marion County, Oregon.

72.

T. LINCOLN HENNES, ROUTE 1, LYONS, OREGON

Claimant filed herein Statement and Proof of Claim No. 44, wherein he asserts a right to the use of 0.13 cubic foot per second of water from an unnamed spring branch, tributary of a small stream, tributary of the North Santiam River, with a date of priority

of July 12, 1926, for the irrigation of 10 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 31, Township 9 South, Range 4 East, W. M., Linn County, Oregon. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 6, Page 8214, in the name of Mrs. Mabel Heseman to whom claimant is successor.

It appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of said certificate of water right and the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of 0.13 cubic foot per second of water from an unnamed spring branch, tributary of a small stream, tributary of the North Santiam River, through an unnamed ditch diverting within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32, Township 9 South, Range 4 East, W. M., with a date of priority of July 12, 1926, for the irrigation of 10 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 31, Township 9 South, Range 4 East, W. M., Linn County, Oregon.

73.

A. V. HERRON, LYONS, OREGON

Claimant filed herein Statement and Proof of Claim No. 45, wherein he asserts a right to the use of 0.01 cubic foot per second of the waters of an unnamed creek, with a date of priority of March 28, 1900, for stock purposes, said right to be appurtenant to a parcel of land within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 36, Township 9 South, Range 2 East, W. M., Linn County, Oregon, more particularly described therein.

It appears that beneficial use of said waters has been made by stock drinking directly from said stream where it flows through lands of claimant and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of the waters of said unnamed creek for stock purposes. Said right is limited to stock drinking from said unnamed stream where it flows through the lands of the claimant which are described in the tabulation herein.

74.

PERCY J. AND BEATRICE M. HIATT, LYONS, OREGON

Claimants filed herein Statement and Proof of Claim No. 46, wherein they assert a right to the use of 0.04 cubic foot per second of water from an unnamed creek, tributary of the North Santiam River, with a date of priority of November 18, 1930, for the irrigation of 3 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 18, Township 9 South, Range 2 East, W. M., Linn County, Oregon. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 10, Page 10670.

It appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of said certificate of water right and the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of 0.04 cubic foot per second of water from an unnamed creek, tributary of the North Santiam River, through a pipe-line, with a date of priority of November 18, 1930, for the irrigation of 3 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 18, Township 9 South, Range 2 East, W. M.

75.

IDANHA POWER COMPANY, IDANHA, OREGON

Claimant filed herein Statement and Proof of Claim No. 49. It appears that the claimant has filed an application for a license with the Hydroelectric Commission of Oregon, which application is still pending. Therefore, this claim is not based upon a right and is under the exclusive control of said commission.

76.

IDANHA SHINGLE COMPANY, IDANHA, OREGON

Claimant filed herein Statement and Proof of Claim No. 50, wherein a right is asserted to the use of water from an unnamed stream, tributary of the North Santiam River, initiated under Application No. 18707, Permit No. 14330. For findings applicable thereto, see Paragraph 167 herein.

77.

FRANKIE S. AND C. D. JOHNSON, LYONS, OREGON

Claimants filed herein Statement and Proof of Claim No. 51, wherein they assert a right to the use of the waters of Burbank Creek, sometimes called Johnson Creek, tributary of the North Santiam River, through Burbank Ditch, with a date of priority of 1903, for stock purposes, to be appurtenant to lands described therein, and for the irrigation of 5 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, Township 9 South, Range 4 East, W. M., Linn County, Oregon.

It appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of Paragraph 165 herein, claimants hereby are allowed a right to the use of the waters of Burbank or Johnson Creek, tributary of the North Santiam River, with a date of priority of 1903, for the irrigation of 5 acres in Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 31, Township 9 South, Range 4 East, W. M., Linn County, Oregon, and for stock purposes to be appurtenant to the lands described in the tabulation herein.

EMILIE JOOST, GATES, OREGON

Claimant filed herein Statement and Proof of Claim No. 52, wherein she asserts a right to the use of 0.02 cubic foot per second of water from Pierce Creek, tributary of the North Santiam River, through a pipe-line, with a date of priority of February 13, 1934, for domestic use, including the irrigation of a garden within a parcel of land lying in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 27, Township 9 South, Range 3 East, W. M., Marion County, Oregon, and more particularly described therein. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 10, Page 11324, in the name of Henry Joost to whom claimant is successor.

It appears that beneficial use of said waters has been made and that no contest to said statement and proof of claim has been filed herein. Therefore, in accordance with the provisions of said certificate of water right and the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of 0.02 cubic foot per second of water from Pierce Creek, tributary of the North Santiam River, through a pipe-line, with a date of priority of February 13, 1934, for domestic use, including the irrigation of a garden not exceeding one-half acre within a parcel of land lying in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 27, Township 9 South, Range 3 East, W. M., Marion County, Oregon, and more particularly described in the tabulation.

JOHN E. JUNGWIRTH, LYONS, OREGON

Claimant filed herein Statement and Proof of Claim No. 53, wherein he asserts a right to the use of 0.025 cubic foot per second of water from an unnamed spring rising upon claimant's land, tributary of the North Santiam River, through pump and pipe-line, for the irrigation of 2 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, Township 9 South, Range 2 East, W. M., Linn County, Oregon, and 0.02 cubic foot per second of said waters for domestic and stock purposes, to be appurtenant to lands described therein, all with a date of priority of 1893.

It appears that the pipe-line, consisting of 100 lineal feet of pipe of 1-inch diameter and 900 lineal feet of 3/4-inch diameter, has been placed to divert and carry the water from said unnamed spring to the place of use. It also appears from said claim that the stock drink directly from the spring or water flowing therefrom.

It appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of the waters of an unnamed spring, tributary of the North Santiam River, pumped through a

pipe-line, with a date of priority of 1893, for the irrigation of 2 acres and for stock and domestic use in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, Township 9 South, Range 2 East, W. M. A right is also allowed to the use of water from said unnamed spring for watering stock directly therefrom on claimant's land which is described in the tabulation herein.

80.

HARRY A. KEISER, GATES, OREGON

Claimant filed herein Statement and Proof of Claim No. 54, asserting a right to the use of the waters of Roland Creek, tributary of the North Santiam River, for domestic and irrigation use, with a date of priority of August 3, 1926. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 8, Page 8086. It appears that the certificate allowed 0.16 cubic foot per second of water for domestic use and for the irrigation of 5 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, Township 9 South, Range 3 East, W. M. The maps prepared by the State Engineer in connection with these proceedings do not show any lands to have been irrigated within said forty-acre tract.

In May, 1942, a careful examination of the premises to which the water right claimed is appurtenant was made and it appears that a pipe-line had been constructed and water diverted for domestic use and for irrigation of a garden not exceeding one acre. It appears that the total length of the pipe-line is 1,300 feet, of which 400 feet has a diameter of 1 $\frac{1}{2}$ inches; 400 feet, a diameter of 1 $\frac{1}{4}$ inches, and the remaining 500 feet, a diameter of 1 inch, and the total head is 30 feet. The approximate maximum capacity of the pipe-line appears to be about 10 gallons per minute or 0.022 cubic foot per second.

The claimant is allowed a right to the use of 0.022 cubic foot per second of water from Roland Creek, tributary of the North Santiam River, through a pipe-line diverting within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, Township 9 South, Range 3 East, W. M., for domestic use and the irrigation of 1 acre in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 26, Township 9 South, Range 3 East, W. M., with a date of priority of August 3, 1926. It is further provided that the certificate recorded in State Record of Water Right Certificates, Volume 8, Page 8086, as to the quantity of water and area irrigated is modified to conform with the quantity of water and the area irrigated as allowed herein.

81.

E. M. KELLOGG, ROUTE 1, BOX 37-A, LYONS, OREGON

Claimant filed herein Statement and Proof of Claim No. 55, wherein he asserts a right to the use of the waters of an unnamed spring for domestic purposes and of an unnamed stream and an unnamed spring for stock purposes, with a date of priority of 1860, to be appurtenant to the NE $\frac{1}{4}$, Section 34, Township 9 South, Range 2 East, W. M., Linn County, Oregon.

It appears that the spring, from which a right to the use of water is asserted in said statement and proof of claim, rises within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 34, Township 9 South, Range 2 East, W. M., which tract is owned by the claimant.

It appears that beneficial use of said waters has been made by securing domestic water from said spring and stock drinking water directly from the water of said spring and unnamed stream and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of the waters of an unnamed spring, for domestic use, with a date of priority of 1860, and the water of said spring and unnamed stream for stock purposes. Said stock right is limited to stock drinking directly from the spring and stream where it flows through the lands of the claimant which are described in the tabulation herein.

82.

W. E. KEYES AND IDA KEYES, SALEM, OREGON

Claimants filed herein Statement and Proof of Claim No. 56, asserting a right to the use of water from the North Santiam River for irrigation and domestic use.

It appears that this claim is based upon the purchase of water from the Willamette Valley Water Company, a right of which is asserted in these proceedings in Statement and Proof of Claim No. 145 filed herein. The right asserted in Statement and Proof of Claim No. 56 shall be perfected in accordance with the terms and conditions of Paragraph 36 herein.

83.

AUGUSTINE J. KIRSCH AND MARIE A. KIRSCH, ROUTE 1, BOX 113, STAYTON, OREGON

Claimants filed herein Statement and Proof of Claim No. 57, wherein they assert a right to the use of the waters of an unnamed tributary of the North Santiam River, with a date of priority of 1869, for domestic and stock purposes, to be appurtenant to the E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 12, and NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 13, Township 9 South, Range 1 West, W. M., Marion County, Oregon.

It appears that beneficial use of said waters has been made by stock drinking directly from said unnamed stream where it flows through claimants' land and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of Paragraph 165 herein, claimants hereby are allowed a right to the use of the waters of said unnamed tributary of the North Santiam River, for domestic purposes within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 12, Township 9 South, Range 1 West, W. M., with a date of priority of 1869. A right is also allowed to the use of the waters of said unnamed stream for stock use. Said stock right is limited to stock drinking directly from the stream where it flows through the lands of the claimants which are described in the tabulation herein.

A. P. KIRSCH, STAYTON, OREGON

Claimant filed herein Statement and Proof of Claim No. 58, wherein he asserts a right to the use of 0.02 cubic foot per second of water from an unnamed spring and an unnamed stream, tributary of Alder Creek, tributary of North Santiam River, with a date of priority of 1904. Of the 0.02 cubic foot per second claimed, 0.01 cubic foot per second is for irrigation use and 0.01 cubic foot per second for domestic and stock use, the place of use being within Lot 4, Section 8, Township 9 South, Range 1 East, W. M.

It appears that water for domestic, stock, and irrigation use has been diverted from said unnamed spring and an unnamed stream within Lot 4, said Section 8, by means of a pump and delivered through a pipe-line some 300 feet in length, the diameter of which varies from $1\frac{1}{4}$ inches to one-half inch.

It appears that beneficial use of said waters has been made for irrigation, stock, and domestic purposes and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of 0.01 cubic foot per second of water for domestic use and for the irrigation of not to exceed 1 acre of land and 0.01 cubic foot per second for stock use from said unnamed spring and unnamed stream, with a date of priority of 1904. Said right is appurtenant to Lot 4, Section 8, Township 9 South, Range 1 East, W. M.

Said A. P. Kirsch also filed herein Statement and Proof of Claim No. 59, wherein he asserts a right to the use of the waters of a spring rising upon lands of the claimant, tributary to Zumwalt Creek, and Zumwalt Creek, for the irrigation of 2 acres in the $SE\frac{1}{4} NW\frac{1}{4}$, Section 8, Township 9 South, Range 1 East, W. M., and water from said spring and stream for stock purposes, with a date of priority of 1904.

It appears that the lands irrigated are located in Lot 6, Section 8, Township 9 South, Range 1 East, W. M., and have been irrigated with water diverted from said spring and that water from said spring and Zumwalt Creek has been used for stock use by means of stock drinking directly therefrom.

It appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of the waters of a spring rising in Lot 6, Section 8, Township 9 South, Range 1 East, W. M., for the irrigation of 2 acres in said Lot 6 ($SE\frac{1}{4} NW\frac{1}{4}$), with a date of priority of 1904. A right is also allowed to the use of the waters of said unnamed spring and Zumwalt Creek for stock use. Said stock right is limited to stock drinking directly from water flowing from said spring and Zumwalt Creek upon lands of the claimant which are described in the tabulation herein.

UNITED STATES NATIONAL BANK OF PORTLAND, PORTLAND, OREGON, SUCCESSOR TO LADD AND BUSH BANKERS, SALEM, OREGON

Claimant filed herein Statement and Proof of Claim No. 61, wherein it asserts a right to the use of the waters of an unnamed tributary of the North Santiam River, through unnamed ditches and troughs, with a date of priority of 1900, for domestic and stock purposes and for the irrigation of 1.3 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, and 3 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, Township 9 South, Range 4 East, W. M., Linn County, Oregon.

It appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of the waters of an unnamed tributary of the North Santiam River, through unnamed ditches and troughs, with a date of priority of 1900, for the irrigation of 1.3 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, and 3 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, Township 9 South, Range 4 East, W. M., Linn County, Oregon, and for domestic and stock purposes, to be appurtenant to the tracts described in the tabulation herein.

MARTHA LAMBERT, STAYTON, OREGON

Claimant filed herein Statement and Proof of Claim No. 62, wherein she asserts a right to the use of 0.02 cubic foot per second of water from Bear Branch, with a date of priority of 1879, for domestic and stock purposes.

It appears that beneficial use of said waters has been made by stock drinking directly from said stream where it flows through claimant's lands and carrying water from the stream for domestic use and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of water from Bear Branch, for domestic use, with a date of priority of 1879, and for stock use, said stock right being limited to stock drinking directly from said Bear Branch where it flows through the lands of the claimant which are described in the tabulation herein.

MARION D. LOONEY AND WINNIFRED B. LOONEY, ROUTE 1, JEFFERSON, OREGON

Claimants filed herein Statement and Proof of Claim No. 64, wherein they assert a right to the use of 0.02 cubic foot per second of water from the North Santiam River, through Sidney Mill Ditch, with a date of priority of 1870, for domestic and stock purposes, to be appurtenant to lands described therein.

It appears that beneficial use of said waters has been made by means of stock drinking from water flowing in the Sidney Mill Ditch where it crosses the lands of the claimant and that no contest has been filed herein to said statement and proof of claim.

From said statement and proof of claim, it appears that water was first used from the North Santiam River through the Sidney Mill Ditch in the year 1877.

Therefore, in accordance with the provisions of Paragraph 165 herein, claimants hereby are allowed a right to the use of 0.02 cubic foot per second of water from the North Santiam River, through Sidney Mill Ditch, with a date of priority of 1877, for domestic and stock purposes. Said right for stock purposes is limited to stock drinking directly from Sidney Mill Ditch where it flows through lands of claimants which are described in the tabulation herein.

88.

HARRY F. MASON, LYONS, OREGON

Claimant filed herein Statement and Proof of Claim No. 66, wherein he asserts a right to the use of the waters of an unnamed tributary of the North Santiam River in Section 33, Township 9 South, Range 3 East, W. M., with a date of priority of 1891, for stock purposes.

It appears that beneficial use of said waters has been made by stock drinking directly from said unnamed stream where it flows through claimant's land and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of water flowing in said unnamed stream for watering stock. Said right is limited to stock drinking directly from the stream where it flows through the lands of the claimant which are described in the tabulation herein.

89.

RILLIE WILSON MASON, 125 WASHINGTON STREET, DALLAS, OREGON

Claimant filed herein Statement and Proof of Claim No. 67, wherein she asserts a right to the use of 0.2 cubic foot per second of water from an unnamed spring, tributary of the North Santiam River, with a date of priority of 1865, for stock and domestic purposes, including the irrigation of a one-acre garden in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 12, Township 9 South, Range 1 East, W. M.

It appears that water from the spring to which a right is asserted in said statement and proof of claim is diverted into a pipe-line within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 12, Township 9 South, Range 1 East, W. M., which pipe-line carries the water to the place of use, residence, and buildings of the claimant for stock and domestic use, including the irrigation of a garden. Said pipe-line is approximately 500 feet long. The diameter at the intake is 2 inches and at the place of use, one-half inch. It appears that the stock drink directly from the spring or water flowing therefrom.

It appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of 0.02 cubic foot per second of the waters of an unnamed spring, tributary to the North Santiam River, conveyed through said pipe-line, for stock and domestic use and for the irrigation of 1 acre in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 12, Township 9 South, Range 1 East, W. M., with a priority of 1865. A right is also allowed to the use of the waters of said unnamed spring for stock use. Said stock right is limited to stock drinking directly from the spring or water flowing therefrom on lands of the claimant which are described in the tabulation herein.

90.

J. H. McDANIEL, ROUTE 2, SCIO, OREGON

Claimant filed herein Statement and Proof of Claim No. 68, wherein he asserts a right to the use of the waters of a spring and an unnamed tributary, tributary of Bear Branch, tributary of the North Santiam River, in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, Township 9 South, Range 1 West, W. M., through an unnamed ditch, with a date of priority of 1880, for stock purposes.

It appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of the waters of a spring and an unnamed tributary, tributary of Bear Branch, tributary of the North Santiam River, in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, Township 9 South, Range 1 West, W. M., through an unnamed ditch, with a date of priority of 1880, for stock purposes, the place of use being in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, Township 9 South, Range 1 West, W. M.

91.

PAUL J. McKEE AND ADA M. McKEE, JEFFERSON, OREGON

Claimants filed herein Statement and Proof of Claim No. 69, wherein they assert a right to the use of 0.02 cubic foot per second of water from the North Santiam River, through the Sidney Mill Ditch, with a date of priority of 1870, for domestic and stock purposes, to be appurtenant to lands described therein.

It appears that beneficial use of said waters has been made by stock drinking water flowing in said Sidney Mill Ditch and that no contest has been filed herein to said statement and proof of claim.

From said statement and proof of claim, it appears that water was first used from the North Santiam River through the Sidney Mill Ditch in the year 1877.

Therefore, in accordance with the provisions of Paragraph 165 herein, claimants hereby are allowed a right to the use of 0.02 cubic foot per second of water from the North Santiam River, diverted and carried through the Sidney Mill Ditch, for stock and domestic use, with a date of priority of 1877. Said right is limited to the use of water flowing in the Sidney Mill Ditch where it crosses lands of the claimants which are described in the tabulation herein.

92.

A. A. MCKENZIE, SCIO, OREGON

Claimant filed herein Statement and Proof of Claim No. 70, wherein he asserts a right to the use of the waters of Bear Branch, for the operation of a ram and for domestic purposes in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, Township 9 South, Range 1 West, W. M., Linn County, Oregon, with a date of priority of April 2, 1924. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 7, Page 7489.

It appears that the water under the right evidenced by said certificate is used for stock purposes within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, Township 9 South, Range 1 West, W. M., and for domestic use within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26, said township and range.

It further appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of said certificate of water right and the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of 0.05 cubic foot per second of water from Bear Branch, with a date of priority of April 2, 1924, for domestic and stock use and for the operation of a ram, said right to be appurtenant to the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, and the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26, Township 9 South, Range 1 West, W. M., Linn County, Oregon. It is further provided that certificate of water right recorded in State Record of Water Right Certificates, Volume 7, Page 7489, is modified as to the description of the place of use of water and shall conform with the description of the place of use found herein.

93.

MODENIA McNEAL, ROUTE 1, TURNER, OREGON

Claimant filed herein Statement and Proof of Claim No. 71, wherein she asserts a right to the use of 0.05 cubic foot per second of water from Marion Creek, through an unnamed ditch, with a date of priority of August 7, 1917, for the irrigation of 4 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28, Township 9 South, Range 2 West, W. M., Marion County, Oregon. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 4, Page 3232, in the name of G. H. Colgan to whom claimant is successor.

It appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of said certificate of water right and the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of 0.05 cubic foot per second of water from Marion Creek, through an unnamed ditch, with a date of priority of August 7, 1917, for the irrigation of 4 acres located within the tract described in the tabulation herein, which description is to modify that set forth in said certificate of water right.

94.

MILL CITY LUMBER COMPANY, LYONS, OREGON

Claimant filed herein Statement and Proof of Claim No. 72, wherein a right is asserted to the use of water from North Santiam River, initiated under Application No. 18749, Permit No. 14358. For findings applicable thereto, see Paragraph 167 herein.

95.

MILL CITY MFG. CO., INC., MILL CITY, OREGON

Claimant filed herein Statement and Proof of Claim No. 72-A, wherein it asserts a right to the use of 10 cubic feet per second of water from Rock Creek, tributary of the North Santiam River, through an unnamed ditch, with a date of priority of January, 1906, for log pond purposes and for boiler use and fire protection, said use to be within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 29, and the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32, Township 9 South, Range 3 East, W. M., Linn County, Oregon.

It appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, claimant hereby is allowed a right to the use of 10 cubic feet per second of water from Rock Creek, tributary of the North Santiam River, through an unnamed ditch, with a date of priority of January, 1906, for the maintenance of a log pond and for boiler use and fire protection, said right to be appurtenant to lands now owned by claimant in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 29, and the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32, Township 9 South, Range 3 East, W. M.

96.

LOUISA MILLER AND LYDIA HOYT, JEFFERSON, OREGON

Claimants filed herein Statement and Proof of Claim No. 73, wherein they assert a right to the use of 0.02 cubic foot per second of water from the North Santiam River, through the Sidney Mill Ditch, with a date of priority of 1870, for domestic and stock purposes, to be appurtenant to lands described therein.

It appears that beneficial use of said waters has been made by stock drinking from said ditch where it crosses claimants' lands and small lateral therefrom and that no contest has been filed herein to said statement and proof of claim.

From said statement and proof of claim, it appears that the first use of water from the North Santiam River through the Sidney Mill Ditch for stock purposes was in the year 1877.

Therefore, in accordance with the provisions of Paragraph 165 herein, claimants hereby are allowed a right to the use of 0.02 cubic foot per second of water from the North Santiam River, through the Sidney Mill Ditch, with a date of priority of 1877, for stock and domestic purposes. Said right is limited to the use of water flowing in the Sidney Mill Ditch and small lateral therefrom upon lands of the claimants which are described in the tabulation herein.

97.

G. W. MOORE AND ROLLIE MORRIS, DETROIT, OREGON

Claimants filed herein Statement and Proof of Claim No. 74, wherein they assert a right to the use of 0.1 cubic foot per second of water from Mackey Creek, tributary of the North Santiam River, with a date of priority of February 23, 1935, for domestic use in the Town of Detroit, Oregon, lying within the $S\frac{1}{2}$ $SW\frac{1}{4}$, Section 1; the $SE\frac{1}{4}$ $SE\frac{1}{4}$, Section 2; the $E\frac{1}{2}$ $NE\frac{1}{4}$, Section 11, and the $N\frac{1}{2}$ $NW\frac{1}{4}$, Section 12, Township 10 South, Range 5 East, W. M. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 10, Page 11211.

It appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of said certificate of water right, claimants hereby are allowed a right to the use of 0.1 cubic foot per second of water from Mackey Creek, tributary of the North Santiam River, with a date of priority of February 23, 1935, for municipal use within the Town of Detroit, Oregon, lying within the $S\frac{1}{2}$ $SW\frac{1}{4}$, Section 1; the $SE\frac{1}{4}$ $SE\frac{1}{4}$, Section 2; the $E\frac{1}{2}$ $NE\frac{1}{4}$, Section 11, and the $N\frac{1}{2}$ $NW\frac{1}{4}$, Section 12, Township 10 South, Range 5 East, W. M.

98.

ARTHUR V. MORRISON, MILL CITY, OREGON

Claimant filed herein Statement and Proof of Claim No. 75, wherein he asserts a right to the use of 0.09 cubic foot per second of the waters of Mad Creek, with a date of priority of September 6, 1927, for the irrigation of 10 acres in the $NW\frac{1}{4}$ $SW\frac{1}{4}$, Section 36, Township 9 South, Range 3 East, W. M. It appears that said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 8, Page 8912. The certificate referred to in said claim designates the source as the West Tributary of Mad Creek and the area as 7 acres.

It appears that beneficial use of said water has been made and that no contest to said statement and proof of claim has been filed herein. Therefore, in accordance with the provisions of said certificate of water right and in accordance with the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of 0.09 cubic foot per second of water from the West Tributary of Mad Creek, through the Morrison Ditch, for the irrigation of 7 acres of land in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 36, Township 9 South, Range 3 East, W. M., with a date of priority of September 6, 1927.

99.

CLYDE OLIVER, LYONS, OREGON

Claimant filed herein Statement and Proof of Claim No. 77, wherein he asserts a right to the use of 0.06 cubic foot per second of water from Mad Creek, through Kitchen Ditch, with a date of priority of 1895, for domestic and stock use and for the irrigation of 2 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 36, Township 9 South, Range 3 East, W. M., Linn County, Oregon.

It appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of the waters of Mad Creek, through Kitchen Ditch, with a date of priority of 1895, for domestic and stock purposes and for the irrigation of 2 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 36, Township 9 South, Range 3 East, W. M., Linn County, Oregon.

100.

LOIS OLIVER, C/O H. O. HENDERSON, ROUTE 1, JEFFERSON, OREGON

Claimant filed herein Statement and Proof of Claim No. 78, wherein she asserts a right to the use of 0.02 cubic foot per second of water from the North Santiam River, through Sidney Mill Ditch, with a date of priority of 1870, for domestic and stock use, to be appurtenant to lands described therein.

It appears that beneficial use of said waters has been made by stock drinking from said ditch where it crosses lands of the claimant and that no contest has been filed herein to said statement and proof of claim.

From said statement and proof of claim, it appears that water was first used from the North Santiam River through the Sidney Mill Ditch in the year 1877.

Therefore, in accordance with the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of 0.02 cubic foot per second of water from the North Santiam River, through Sidney Mill Ditch, with a date of priority of 1877, for domestic and stock purposes, said right for stock purposes to be limited to stock drinking directly from the Sidney Mill Ditch where it crosses claimant's lands which are described in the tabulation herein.

OREGON STATE FISH COMMISSION, PORTLAND, OREGON

Claimant filed herein Statement and Proof of Claim No. 82, wherein it asserts a right to the use of the waters of the North Santiam River and Stout Creek, a tributary thereof, through unnamed ditches, with a date of priority of July 30, 1919, for the purpose of fish culture in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, Township 9 South, Range 1 East, W. M., Marion County, Oregon. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 10, Page 10636.

It appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of said certificate of water right, claimant hereby is allowed a right to the use of 10 cubic feet per second of water from the North Santiam River and 5 cubic feet per second of water from Stout Creek, through unnamed ditches, with a date of priority of July 30, 1919, for the purpose of fish culture within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, Township 9 South, Range 1 East, W. M.

Claimant also filed herein Statement and Proof of Claim No. 83, wherein it asserts a right to the use of the waters of an unnamed spring, tributary of the North Santiam River, through a pipe-line, with a date of priority of December 20, 1926, for domestic use and fish culture in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 14, Township 9 South, Range 1 East, W. M., Marion County, Oregon. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 7, Page 7744.

It appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of said certificate of water right, claimant hereby is allowed a right to the use of 0.2 cubic foot per second of water from a spring, tributary of the North Santiam River, through a pipe-line, with a date of priority of December 20, 1926, for domestic use and fish culture in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 14, Township 9 South, Range 1 East, W. M.

BERT W. PEYREE, STAYTON, OREGON

Claimant filed herein Statement and Proof of Claim No. 86, wherein he asserts a right to the use of the waters of an unnamed tributary of the Little North Fork of the North Santiam River, with a date of priority of April 14, 1934, for power purposes.

It appears that said right exists by virtue of a license issued by the Hydroelectric Commission of Oregon dated October 4, 1934, and is governed by the terms and conditions thereof.

Claimant also filed herein Statement and Proof of Claim No. 87, wherein he asserts a right to the use of 0.14 cubic foot per second of water from an unnamed tributary of the Little North Fork of the North Santiam River, through an unnamed ditch and pipe-line, with

a date of priority of February 5, 1935, for domestic use and for the irrigation of 10 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 11, Township 9 South, Range 2 East, W. M., Marion County, Oregon. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 12, Page 13693, only to the extent of 0.01 cubic foot per second of said waters for domestic use and 0.05 cubic foot per second of water for the irrigation of 3.4 acres in said SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 11, Township 9 South, Range 2 East, W. M.

It appears that no contest has been filed herein to said statement and proof of claim and that beneficial use of said waters has been made only to the extent evidenced by said certificate of water right. Therefore, in accordance with the provisions of said certificate of water right and the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of the waters of an unnamed tributary of the Little North Fork of the North Santiam River, through an unnamed ditch and pipe-line, with a date of priority of February 5, 1935, to the extent of 0.01 cubic foot per second of water for domestic use and 0.05 cubic foot per second of water for the irrigation of 3.4 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 11, Township 9 South, Range 2 East, W. M., Marion County, Oregon.

103.

LAWRENCE PIETROK, ROUTE 1, STAYTON, OREGON

Claimant filed herein Statement and Proof of Claim No. 88, wherein he asserts a right to the use of the waters of Alder Creek and an unnamed tributary thereof, with a date of priority of 1873, for stock purposes.

It appears that beneficial use of said waters has been made by stock drinking directly from said streams, where said streams flow through lands of claimant, and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of the waters of Alder Creek and an unnamed tributary thereof. Said right is limited to stock drinking directly from Alder Creek and tributary thereof, where said streams flow through lands of claimant which are described in the tabulation herein.

104.

TILLMAN AND SARAH E. RAINS, ROUTE 1, LYONS, OREGON

Claimants filed herein Statement and Proof of Claim No. 90, wherein they assert a right to the use of the waters of Cherry Creek and water pumped from unnamed springs in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22, Township 9 South, Range 2 East, W. M., with a date of priority of 1885, for domestic and stock purposes, to be appurtenant to Lots 1 and 2, Section 22, Township 9 South, Range 2 East, W. M., Marion County, Oregon.

It appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of Paragraph 165 herein, claimants hereby are allowed a right to the use of the waters of Cherry Creek and water pumped from unnamed springs in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22, Township 9 South, Range 2 East, W. M., with a date of priority of 1885, for domestic and stock purposes, said right to be appurtenant to Lot 1 (SE $\frac{1}{4}$ SE $\frac{1}{4}$) and Lot 2 (SW $\frac{1}{4}$ SE $\frac{1}{4}$), Section 22, Township 9 South, Range 2 East, W. M., Marion County, Oregon. A right is also allowed from said unnamed springs and Cherry Creek for stock use. Said right is limited to stock drinking directly from said springs and stream on lands of claimant which are described in the tabulation herein.

105.

B. M. RANDALL AND RUTH R. RANDALL, 1100 NORTH FRONT STREET, WOODBURN, OREGON

Claimants filed herein Statement and Proof of Claim No. 91, wherein they assert a right to the use of 125 cubic feet per second of water from the North Santiam River, diverted from Mill Creek, with a date of priority of 1871, for the development of 127.8 theoretical horsepower.

The water diverted from the North Santiam River by the Oregon Pulp and Paper Company, The Thomas Kay Woolen Mills Company, and the City of Salem, Oregon, for which a right is claimed in Statement and Proof of Claim No. 79 filed herein, is carried in a canal for a distance of about six miles to Mill Creek, from which point the channel of Mill Creek is used to convey the water to the place of use.

It appears that the claimants divert the water claimed in said Statement and Proof of Claim No. 91 from Mill Creek in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 29, Township 8 South, Range 2 West, W. M., and carry the same in a canal to a power plant located in the Town of Turner, Marion County, Oregon. After the water passes through the turbine, it is returned to Mill Creek and is available for use below.

It further appears that beneficial use of said waters has been made and that no contest to said statement and proof of claim has been filed herein. Therefore, claimants hereby are allowed a right to the use of 125 cubic feet per second of the waters of the North Santiam River, for the development of 127.8 theoretical horsepower, with a date of priority of 1871. Said 125 cubic feet per second shall be taken from the waters diverted by the Oregon Pulp and Paper Company, The Thomas Kay Woolen Mills Company, and the City of Salem, Oregon, or their successors as long as the quantity diverted by said parties, or their successors, is sufficient to furnish said 125 cubic feet per second. The right allowed to the claimants to the use of the waters of North Santiam River is supplemental to the quantity available from the natural flow of Mill Creek. This right is appurtenant to the tract described in the tabulation herein.

E. J. RICHARDS, GATES, OREGON

Claimant filed herein Statement and Proof of Claim No. 92, wherein he asserts a right to the use of 0.02 cubic foot per second of water from an unnamed tributary of the North Santiam River, with a date of priority of August 14, 1929, for domestic purposes in Lots 3, 4, and 5, Block 1 of the Town of Gates, Sorbin Addition, lying within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 27, Township 9 South, Range 3 East, W. M. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 9, Page 10164.

It appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of said certificate of water right and in accordance with the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of 0.02 cubic foot per second of water from an unnamed tributary of the North Santiam River, with a date of priority of August 14, 1929, for domestic purposes in Lots 3, 4, and 5, Block 1, Sorbin Addition to the Town of Gates, lying within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 27, Township 9 South, Range 3 East, W. M., Marion County, Oregon.

ELIZABETH O. RIDER, 465 NORTH 12TH STREET, SALEM, OREGON

Claimant filed herein Statement and Proof of Claim No. 93, wherein she asserts a right to the use of the waters of an unnamed spring in Lot 1, Town of Niagra, Oregon, in Section 29, Township 9 South, Range 4 East, W. M., with a date of priority of 1906, for domestic use in Lot 11, Block 4, Town of Niagra, being within the SE $\frac{1}{4}$, Section 29, Township 9 South, Range 4 East, W. M., Marion County, Oregon.

It is stated in the statement and proof of claim that the source of the spring is in Lot 1, Niagra, Oregon, in Section 29, Township 9 South, Range 4 East, W. M. The map attached to said Claim No. 93 shows the spring to be located in the county road, said Section 29. It appears that the water from said spring is conveyed to the place of use in a pipeline, the length of which is about 250 feet, the diameter at the intake being three-fourths inch and at the place of use, one-half inch.

It further appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of the waters of an unnamed spring, with a date of priority of 1906, for domestic use in Lot 11, Block 4, Town of Niagra, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 29, Township 9 South, Range 4 East, W. M., Marion County, Oregon.

Claimant also filed herein Statement and Proof of Claim No. 94, wherein she asserts a right to the use of 0.12 cubic foot per second of water from an unnamed stream, tributary of the North Santiam River, with a date of priority of November 30, 1925, for domestic use and for the irrigation of 2 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29, Township 9 South, Range 4 East, W. M., Marion County, Oregon. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 7, Page 7274, in the name of Alfred Willard McCurdy to whom claimant is successor-in-interest.

It appears that beneficial use of said waters has been made and that no contest has been filed to said statement and proof of claim. Therefore, in accordance with the provisions of said certificate of water right and provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of 0.12 cubic foot per second of water from an unnamed stream, tributary of the North Santiam River, through a pipe-line, with a date of priority of November 30, 1925, for domestic use and for the irrigation of 2 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29, Township 9 South, Range 4 East, W. M., Marion County, Oregon.

108.

SELAS RODA AND MARION RODA, MEHAMA, OREGON

Claimants filed herein Statement and Proof of Claim No. 95, wherein they assert a right to the use of the waters of an unnamed tributary of the Little North Fork of the North Santiam River, with a date of priority of 1893, for the irrigation of 1 acre in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, Township 9 South, Range 3 East, W. M., and for domestic and stock purposes.

It appears that the water for irrigation is diverted from the stream by means of small ditches; that water for household use is diverted and carried in a pipe-line, and that no diversions are made for stock water, the stock drinking directly from the stream on claimants' lands.

It further appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of Paragraph 165 herein, claimants hereby are allowed a right to the use of the waters of an unnamed tributary of the Little North Fork of the North Santiam River, with a date of priority of 1893, for domestic use and for the irrigation of 1 acre in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, Township 9 South, Range 3 East, W. M., Marion County, Oregon. The claimant is also allowed a right to the use of the waters of said unnamed stream for stock use. Said stock right is limited to stock drinking directly from the stream on claimants' lands which are described in the tabulation herein.

W. O. ROYSE AND MABEL ROYSE, AUMSVILLE, OREGON

Claimants filed herein Statement and Proof of Claim No. 96. It appears that the water right claimed in said proof was secured from the Willamette Valley Water Company or its predecessors-in-interest and was initiated under Application No. 81, Enlargement Permit No. 82, which was the basis of the claim asserted in Statement and Proof of Claim No. 146. This right shall be perfected in accordance with the terms and conditions of Paragraph 36 herein. The right asserted in said proof when perfected is subject to the terms and conditions of the stipulation filed in the settlement of Contests Nos. 32, 33, 34, and 35, referred to in Paragraph 19 herein.

BARBARA RUEF, STAYTON, OREGON

Claimant filed herein Statement and Proof of Claim No. 97, wherein she asserts a right to the use of 0.01 cubic foot per second of water from Alder Creek, with a date of priority of 1880, for stock purposes.

Claimant also filed herein Statement and Proof of Claim No. 98, wherein she asserts a right to the use of 0.01 cubic foot per second of water from Zumwalt Creek, with a date of priority of 1880, for stock purposes.

Claimant also filed herein Statement and Proof of Claim No. 99, wherein she asserts a right to the use of 0.03 cubic foot per second of water from an unnamed spring in Lot 1 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 8, Township 9 South, Range 1 East, W. M., with a date of priority of 1880, for domestic and stock purposes.

It appears that the rights asserted under Claims Nos. 97 and 98 are for sufficient water in the streams to permit the stock to drink directly from the streams flowing across claimant's lands, there being no diversion by artificial means. It appears that under the right asserted in Claim No. 99 the water is piped from the spring, the source of which is in Lot 1, Section 8, Township 9 South, Range 1 East, W. M., to residence and buildings located in Lot 3, said section, and the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, said township and range, for stock and domestic purposes. The stock also drink directly from the water flowing from said spring.

It further appears that said beneficial use of said waters has been made and that no contests have been filed herein to said statements and proofs of claim. Therefore, claimant hereby is allowed a right to the use of 0.03 cubic foot per second of water from an unnamed spring, the source of which is Lot 1, Section 8, Township 9 South, Range 1 East, W. M., through a pipe-line, for domestic and stock use in Lot 3, said Section 8, and the

SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, Township 9 South, Range 1 East, W. M., with a date of priority of 1880. The claimant is also allowed a right to the use of water flowing in Alder Creek and Zumwalt Creek and water flowing from said spring for stock purposes. Said stock right is limited to stock drinking directly from the streams where they flow through claimant's lands which are described in the tabulation herein.

111.

T. L. SANDERS, STAYTON, OREGON

Claimant filed herein Statement and Proof of Claim No. 100, wherein he asserts a right to the use of 0.07 cubic foot per second of water pumped through a pipe-line from Zumwalt Creek, with a date of priority of July 23, 1926, for the irrigation of 5 acres lying within a parcel of land in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 12, Township 9 South, Range 1 West, W. M., Marion County, Oregon, and more particularly described therein. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 10, Page 11352.

It appears that beneficial use of said waters has been made and that no contest to said statement and proof of claim has been filed herein. Therefore, in accordance with the provisions of said certificate of water right, claimant hereby is allowed a right to the use of 0.07 cubic foot per second of water pumped through a pipe-line from Zumwalt Creek, with a date of priority of July 23, 1926, for the irrigation of 5 acres within the parcel of land described in the tabulation herein.

112.

C. J. SCHAER, MILL CITY, OREGON

Claimant filed herein Statement and Proof of Claim No. 101, wherein he asserts a right to the use of 0.2 cubic foot per second of water from six unnamed springs, tributary to Charley Creek, and Charley Creek, with a date of priority of 1875, for stock purposes.

It appears that beneficial use of said waters has been made by means of stock drinking directly from the springs and stream and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of water from six unnamed springs, tributary to Charley Creek, and Charley Creek, for stock purposes. Said right is limited to stock drinking directly from said springs and stream on lands of the claimant which are described in the tabulation herein.

A. A. SCHRAMM, CORVALLIS, OREGON

Claimant filed herein Statement and Proof of Claim No. 102, wherein he asserts a right to the use of 0.01 cubic foot per second of water from an unnamed spring and unnamed stream, tributary of the Little North Fork of the North Santiam River, through a pipe-line, with a date of priority of August 10, 1938, for domestic use, including the irrigation of a garden not exceeding one-half acre within a parcel of land described therein. Said right to the extent of the use of the waters of said unnamed stream is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 11, Page 12466.

It appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with said certificate of water right, claimant hereby is allowed a right to the use of 0.01 cubic foot per second of water from an unnamed stream and unnamed spring, tributary of the Little North Fork of the North Santiam River, through a pipe-line, with a date of priority of August 10, 1938, for domestic use and for the irrigation of a garden not exceeding one-half acre within a parcel of land situated in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 11, Township 9 South, Range 2 East, W. M., and more particularly described in the tabulation herein.

MERL SEITZINGER, IDANHA, OREGON

Claimant filed herein Statement and Proof of Claim No. 103, wherein he asserts a right to the use of the waters of an unnamed stream, tributary of the North Santiam River, initiated under Application No. 17272, Permit No. 12982. For findings applicable thereto, see Paragraph 167 herein.

GEORGIA G. SHANE, ROUTE 1, BOX 153, LYONS, OREGON

Claimant filed herein Statement and Proof of Claim No. 104, wherein she asserts a right to the use of 0.02 cubic foot per second of water from unnamed springs, an unnamed stream, and the North Santiam River, with a date of priority of 1903, for domestic use, including the irrigation of a garden.

It appears from said claim that water has been diverted from the North Santiam River by means of a pump and pipe-line and from an unnamed stream on claimant's lands by means of a ditch for domestic use and the irrigation of a garden not exceeding one-half acre.

It further appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of 0.02 cubic foot per second of water from the North Santiam River and said unnamed springs and

unnamed stream for domestic use and the irrigation of one-half acre of land in Lot 4, Section 22, Township 9 South, Range 2 East, W. M., with a date of priority of 1903.

116.

W. F. AND LUCY SHEPHERD, LYONS, OREGON

Claimants filed herein Statement and Proof of Claim No. 105, wherein they assert a right to the use of 0.05 cubic foot per second of water from an unnamed spring and creek, tributary of DeFord Creek, through a pipe-line, with a date of priority of November 24, 1928, for domestic and stock purposes, to be appurtenant to the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32, Township 9 South, Range 3 East, W. M., Linn County, Oregon. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 8, Page 7943.

It appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of said certificate of water right and the provisions of Paragraph 165 herein, claimants hereby are allowed a right to the use of 0.05 cubic foot per second of water from an unnamed spring and creek, tributary of DeFord Creek, through a pipe-line, with a date of priority of November 24, 1928, for domestic and stock purposes, to be appurtenant to the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32, Township 9 South, Range 3 East, W. M., Linn County, Oregon.

117.

F. J. SHERWOOD, JEFFERSON, OREGON

Claimant filed herein Statement and Proof of Claim No. 106, wherein he asserts a right to the use of 0.46 cubic foot per second of water from a branch of the North Santiam River, Marion Creek, and two unnamed creeks tributary of the North Santiam River, with a date of priority of October 7, 1930, for the irrigation of 3 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 33 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5, Township 10 South, Range 2 West, W. M., Marion County, Oregon. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 10, Page 10977.

It appears that said certificate of water right, which is the basis of the right asserted in said claim, allowed 0.18 cubic foot per second, of which 0.07 cubic foot per second was from the main branch of the North Santiam River, 0.04 cubic foot per second from Marion Creek, and 0.07 cubic foot per second from the two unnamed streams, and that the area of land for which a water right was allowed was 14.7 acres. It appears that the lands irrigated are described in said certificate as being within the smallest subdivision. It now appears that the lands are a part of the lands in the William McKenney Donation Land Claim No. 55, a correct description of which is set forth in said claim.

It further appears that beneficial use of said waters has been made in the irrigation of the lands described in said certificate, in the amount set forth in said certificate, and that no contest to said statement and proof of claim has been filed herein. Therefore, in accordance with the provisions of said certificate of water right and the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of 0.18 cubic foot per second of water, being 0.07 cubic foot per second from the main branch of the North Santiam River, 0.04 cubic foot per second from Marion Creek, and 0.07 cubic foot per second from two unnamed streams, for the irrigation of 14.7 acres of land within the tract described in the tabulation herein, with a date of priority of October 7, 1930.

118.

FRANK A. SIEGMUND, R. F. D., STAYTON, OREGON

Claimant filed herein Statement and Proof of Claim No. 108, wherein he asserts a right to the use of 0.2 cubic foot per second of water from two unnamed springs tributary to Zumwalt Creek, with a date of priority of 1850, for stock and domestic purposes, including the irrigation of a garden, said right to be appurtenant to lands described therein.

It appears from said claim and the State Engineer's maps that the two springs are located on lands of the claimant and that the waters are diverted into pipe-lines at or near their source and conveyed to the place of use. One of the pipe-lines is 324 feet in length with a diameter of three-fourths inch, and the total fall is 36.7 feet. The other pipe-line is 958 feet in length. The diameter varies from $1\frac{1}{2}$ inch to three-fourths inch, and the total fall is 56.7 feet.

It further appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of the waters of two unnamed springs, tributary to Zumwalt Creek, through two pipe-lines, for domestic and stock purposes and the irrigation of one-half acre, with a date of priority of 1850. The place of use is on lands of the claimant which are described in the tabulation herein.

119.

HENRY A. SIEGMUND, ROUTE 1, STAYTON, OREGON

Claimant filed herein Statement and Proof of Claim No. 109, wherein he asserts a right to the use of 0.2 cubic foot per second of water from unnamed springs and Zumwalt Creek, with a date of priority of 1871, for stock and domestic purposes and the irrigation of 1 acre of garden.

It appears from said claim that no diversions have been made of the waters from said springs for stock use except that a trough has been installed at one of the springs and the source of the-spring is on claimant's lands.

It further appears that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of the waters of said unnamed springs for domestic use and the irrigation of a garden not exceeding 1 acre, with a date of priority of 1871. Said right is appurtenant to lands of claimant hereinafter described.

The claimant is also allowed a right to the use of the waters of said unnamed springs and Zumwalt Creek for stock purposes. Said stock right is limited to stock drinking directly from Zumwalt Creek and said unnamed springs, except as to the spring, the water of which is now diverted into a trough upon lands of the claimant which are described in the tabulation herein.

120.

J. L. SIEGMUND, STAYTON, OREGON

Claimant filed herein Statement and Proof of Claim No. 110, wherein he asserted a right to the use of 0.05 cubic foot per second of the waters of an unnamed spring, tributary of Alder Creek, tributary of North Santiam River, with a date of priority of August 18, 1928, for domestic use. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 8, Page 7925.

It appears that beneficial use of said waters has been made and that no contest to said statement and proof of claim has been filed herein. Therefore, in accordance with the provisions of said certificate of water right and Paragraph 165 herein, claimant hereby is allowed a right to the use of 0.05 cubic foot per second of water to be delivered by means of a pump and pipe-line from said unnamed spring, for domestic use, with a date of priority of August 18, 1928. This right is appurtenant to Lot 1 (SE $\frac{1}{4}$ SE $\frac{1}{4}$), Section 9, Township 9 South, Range 1 East, W. M.

121.

RALPH SIEGMUND, STAYTON, OREGON

Claimant filed herein Statement and Proof of Claim No. 111, wherein he asserts a right to the use of 0.2 cubic foot per second of the waters of four unnamed springs, tributary to Zumwalt Creek, tributary to North Santiam River, with a date of priority of 1871, for domestic and stock purposes and the irrigation of 1 acre.

It appears from said claim that the waters from three of the springs are diverted and carried in pipe-lines to the place of use for domestic purposes and the irrigation of 1 acre and that the stock drink directly from the water flowing from the springs.

It further appears that beneficial use of said waters has been made and that no contest to said statement and proof of claim has been filed herein. Therefore, in accordance with the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of

the waters of the said three unnamed springs for domestic and stock purposes and for the irrigation of not to exceed 1 acre, with a date of priority of 1871. The land to which the right is appurtenant is described in the tabulation herein. A right is also allowed to the use of the waters of said four unnamed springs for stock use. Said stock right is limited to the stock drinking directly from said springs or water flowing therefrom on claimant's lands which are described in the tabulation herein.

122.

JOSEPH AND FRANCES SILBERNAGEL, ROUTE 1, STAYTON, OREGON

Claimants filed herein Statement and Proof of Claim No. 112, wherein they assert a right to the use of the waters of an unnamed spring, tributary of Bartermer Creek, tributary of North Santiam River, with a date of priority of 1855, for stock and domestic use, including the irrigation of a garden.

From said claim and maps made by the State Engineer, it appears that the spring to which the right is claimed is located upon lands of the claimants and within Lot 7, Section 8, Township 9 South, Range 1 East, W. M., and that water is diverted and carried to the place of use in a pipe-line consisting of 400 feet of 2-inch diameter, 600 feet of $1\frac{1}{2}$ -inch diameter, 600 feet of $1\frac{1}{4}$ -inch diameter, and 200 feet of 1-inch diameter.

It appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of Paragraph 165 herein, claimant hereby are allowed a right to the use of the waters of said unnamed spring, tributary of Bartermer Creek, with a date of priority of 1855, for stock and domestic use, including the irrigation of a garden not exceeding one-half acre, the place of use being upon the lands of the claimants which are described in the tabulation herein.

Claimants also filed herein Statement and Proof of Claim No. 113, wherein they assert a right to the use of 0.03 cubic foot per second of water from Alder Creek, with a date of priority of February 9, 1922, for the irrigation of 2 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 16, Township 9 South, Range 1 East, W. M., Marion County, Oregon. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 6, Page 6080, in the name of Joseph W. Schiffer to whom claimants are successors.

The maps prepared by the State Engineer in connection with this proceeding do not show that any lands described by the claimants in Claim No. 113 were irrigated. Another examination of the land was made in May, 1942, by an engineer of the State Engineer's office and he reported that there was no evidence of water having been used for any purpose. Therefore, this claim is denied and the water right evidenced by said certificate of water right is held to be of no force and effect.

ED SISCHO, MEHAMA, OREGON

Claimant filed herein Statement and Proof of Claim No. 114, wherein he asserts a right to the use of the waters of Fish Creek, tributary of Little North Fork of North Santiam River, with a date of priority of January 31, 1921, for domestic use and for the irrigation of $1\frac{1}{2}$ acres in the $SE\frac{1}{4}$ $SW\frac{1}{4}$, Section 36, Township 8 South, Range 3 East, W. M., Marion County, Oregon. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 5, Page 4960. Said certificate allowed a water right for 2.75 acres within said tract.

It appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of said certificate of water right and the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of 0.10 cubic foot per second of water from Fish Creek, with a date of priority of January 31, 1921, for domestic use and for the irrigation of 2.75 acres in the $SE\frac{1}{4}$ $SW\frac{1}{4}$, Section 36, Township 8 South, Range 3 East, W. M., Marion County, Oregon.

ADA V. SKIFF, 421 $\frac{1}{2}$ COURT STREET, SALEM, OREGON, SUCCESSOR-IN-INTEREST TO MARK S. SKIFF, DECEASED

Mark S. Skiff filed herein Statement and Proof of Claim No. 115, wherein he asserted a right to the use of 5 cubic feet per second of water piped from Breitenbush Springs, located in the $SE\frac{1}{4}$ $NW\frac{1}{4}$, Section 20, Township 9 South, Range 7 East, W. M., with a date of priority of September 27, 1911, for medicinal purposes, including baths. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 4, Page 3282.

It appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of said certificate of water right, Ada V. Skiff as successor-in-interest to Mark S. Skiff, deceased, hereby is allowed a right to the use of 5 cubic feet per second of water piped from Breitenbush Springs, located in the $SE\frac{1}{4}$ $NW\frac{1}{4}$, Section 20, Township 9 South, Range 7 East, W. M., with a date of priority of September 27, 1911, for medicinal purposes, including baths, said right to be appurtenant to the $SE\frac{1}{4}$ $NW\frac{1}{4}$, Section 20, Township 9 South, Range 7 East, W. M., Marion County, Oregon.

BREITENBUSH HOT SPRINGS, INC., 421 $\frac{1}{2}$ COURT STREET, SALEM, OREGON

Claimant filed herein Statement and Proof of Claim No. 116, wherein it asserts a right to the use of the waters of Breitenbush River, with a date of priority of August 31, 1934, for power purposes.

It appears that said right exists by virtue of a license issued by the Hydroelectric Commission of Oregon dated November 14, 1938, and is governed by the terms and conditions thereof.

126.

LLOYD E. SLETTO, LYONS, OREGON

Claimant filed herein Statement and Proof of Claim No. 117, wherein he asserts a right to the use of water from an unnamed spring, tributary of Little North Fork (Little North Santiam River), tributary of North Santiam River, initiated under Application No. 18913, Permit No. 14524. For findings applicable thereto, see Paragraph 167 herein.

127.

FRANK STEENHOUT, SR., DETROIT, OREGON, AND T. R. FRYER, DETROIT, OREGON

Frank Steenhout, Sr., filed herein Statement and Proof of Claim No. 120, wherein he asserts a right to the use of 0.02 cubic foot per second of water from an unnamed spring, tributary to Breitenbush River, through a pipe-line, with a date of priority of May 5, 1936, for domestic purposes in the SE $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, Township 10 South, Range 5 East, W. M., Marion County, Oregon. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 10, Page 11571.

It appears that said certificate was issued to Frank Steenhout, Sr., and T. R. Fryer for the use of said water for domestic purposes within the SW $\frac{1}{2}$ SW $\frac{1}{4}$, Section 1, and the SE $\frac{1}{2}$ SE $\frac{1}{4}$, Section 2, Township 10 South, Range 5 East, W. M. The pipe-line is owned jointly by Frank Steenhout, Sr., and T. R. Fryer, each having equal interests, to convey the water to their respective properties in the SE $\frac{1}{2}$ SE $\frac{1}{4}$, Section 2, and the SW $\frac{1}{2}$ SW $\frac{1}{4}$, Section 1, Township 10 South, Range 5 East, W. M.

It further appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of said certificate of water right and the provisions of Paragraph 165 herein, Frank Steenhout, Sr., and T. R. Fryer hereby are allowed a right to the use of 0.02 cubic foot per second of water from an unnamed spring, tributary to Breitenbush River, through a pipe-line, with a date of priority of May 5, 1936, for domestic purposes within the SE $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2 (owned by Frank Steenhout, Sr.), and the SW $\frac{1}{2}$ SW $\frac{1}{4}$, Section 1 (owned by T. R. Fryer), Township 10 South, Range 5 East, W. M., Marion County, Oregon.

128.

J. S. STEPHENS, ROUTE 1, STAYTON, OREGON

Claimant filed herein Statement and Proof of Claim No. 121, wherein he asserts a right to the use of the waters of Purdue Spring in the SE $\frac{1}{2}$ SE $\frac{1}{4}$, Section 24, Township 9 South, Range 1 West, W. M., a tributary of Bear Branch, and from Bear Branch, with a date of priority of 1852, for stock purposes.

It appears that beneficial use of said waters has been made by stock drinking directly from said springs and stream on lands of the claimant and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of the waters of Purdue Spring in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 24, Township 9 South, Range 1 West, W. M., and from Bear Branch. Said right is limited to stock drinking directly from water flowing from said spring and stream on lands of the claimant which are described in the tabulation herein.

129.

ANNA J. STOUT, MEHAMA, OREGON

Claimant filed herein Statement and Proof of Claim No. 122, wherein she asserts a right to the use of 0.05 cubic foot per second of water from Stout Creek, with a date of priority of 1889, for the irrigation of 2 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 1.7 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 18, Township 9 South, Range 2 East, W. M., Marion County, Oregon. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 5, Page 5068.

It appears from the statement made by the claimant at the time of filing the application for a permit under which said certificate was issued that the water had been used beneficially prior to 1909 and there was no intention of abandoning the prior right. Therefore, subject to the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of 0.05 cubic foot per second of water from Stout Creek, with a date of priority of 1889, for the irrigation of 2 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 1.7 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 18, Township 9 South, Range 2 East, W. M., Marion County, Oregon.

130.

CLAUDE STRABLEY, ROUTE 1, STAYTON, OREGON

Claimant filed herein Statement and Proof of Claim No. 123, wherein he asserts a right to the use of the waters of an unnamed tributary of Stout Creek, through flume and unnamed ditches and by stock watering directly from stream, with a date of priority of 1870, for stock purposes, to be appurtenant to lands described therein.

It appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of the waters of an unnamed tributary of Stout Creek, through flume and unnamed ditches, with a date of priority of 1870, for stock purposes. The place of use of said right is upon lands of the claimant which are described in the tabulation herein. A right is also allowed to the use of water from an unnamed tributary of Stout Creek for stock purposes, said stock right being limited to stock drinking directly from the stream as it flows through claimant's lands as described in the tabulation herein.

Claimant also filed herein Statement and Proof of Claim No. 124, wherein he asserts a right to the use of 1 cubic foot per second of water from an unnamed tributary of Stout Creek and from Stout Creek, through unnamed ditch, flume, pump, and pipe-line, with a date of priority of August 19, 1937, for the irrigation of 30 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 5 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 14, Township 9 South, Range 1 East, W. M., Marion County, Oregon, and a right to the use of water from Stout Creek, with a date of priority of 1870, for stock purposes.

It appears that said irrigation right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 12, Page 13729, which said certificate of water right allowed 0.23 cubic foot per second of water from Stout Creek, with a date of priority of August 18, 1937, and 0.02 cubic foot per second from an unnamed stream, with a date of priority of October 22, 1937, for the irrigation of 19.7 acres hereinafter described in the tabulation.

It further appears that beneficial use has been made of said waters and that no contest to said statement and proof of claim has been filed herein. Therefore, in accordance with the provisions of said certificate of water right and the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of 0.23 cubic foot per second of water from Stout Creek, with a date of priority of August 18, 1937, and 0.02 cubic foot per second from an unnamed stream, with a date of priority of October 22, 1937, for the irrigation of 19.7 acres of land, a description of which is set forth in the tabulation herein. A right is also allowed to the use of water from Stout Creek for stock purposes, said stock right being limited to stock drinking directly from the stream as it flows through claimant's lands as described in the tabulation herein.

131.

F. E. STUDNICKA AND SYLVIA A. STUDNICKA, ROUTE 1, STAYTON, OREGON

Claimants filed herein Statement and Proof of Claim No. 125, wherein they assert a right to the use of 0.01 cubic foot per second of water from Bear Branch, a tributary of North Santiam River, with a date of priority of 1882, for stock purposes.

It appears that beneficial use of said waters has been made by means of stock drinking from said stream as it flows through the lands of the claimants and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of Paragraph 165 herein, claimants hereby are allowed a right to the use of the waters of Bear Branch, for stock purposes. Said right is limited to stock drinking directly from said stream where it flows through lands of the claimants which are described in the tabulation herein.

GEORGE B. TERHUNE, JEFFERSON, OREGON

Claimant filed herein Statement and Proof of Claim No. 126, wherein he asserts a right to the use of 0.02 cubic foot per second of water from the North Santiam River, through the Sidney Mill Ditch, with a date of priority of 1870, for domestic and stock purposes.

It appears that beneficial use of said waters has been made by means of stock drinking from water flowing in the Sidney Mill Ditch where it crosses claimant's land and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of 0.02 cubic foot per second of water from the North Santiam River, through the Sidney Mill Ditch, with a date of priority of 1877, the date set forth in said claim that water was first used, for domestic and stock purposes. Said right is limited to stock drinking directly from the Sidney Mill Ditch where it crosses lands of the claimant which are described in the tabulation herein.

CLYDE THOMAS, LYONS, OREGON

Claimant filed herein Statement and Proof of Claim No. 127, wherein he asserts a right to the use of 0.6 cubic foot per second of water from Burbank Creek, with a date of priority of January 31, 1927, for domestic purposes, the development of 3 theoretical horsepower, and for the irrigation of 3 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32, Township 9 South, Range 4 East, W. M., Linn County, Oregon. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 10, Page 11222.

It appears from the maps prepared by the State Engineer that the lands irrigated are located within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 31, Township 9 South, Range 4 East, W. M., the place where the water is used for the development of power is within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 31, and that the certificate of water right is in error as to the description of the place of use.

It further appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of said certificate of water right as modified herein as to the description of place of use and in accordance with the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of 0.6 cubic foot per second of water from Burbank Creek, with a date of priority of January 31, 1927, for domestic use, for the development of 3 theoretical horsepower and for the irrigation of 3 acres. The place of use of the domestic and irrigation right is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 31, Township 9 South, Range 4 East, W. M., and the place of use of the power right is within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 31.

J. M. TITZE, ROUTE 1, STAYTON, OREGON

Claimant filed herein Statement and Proof of Claim No. 128, wherein he asserts a right to the use of 0.2 cubic foot per second of water from three unnamed springs and an unnamed stream, tributary to Stout Creek, with a date of priority of 1866, for domestic and stock purposes and for the irrigation of one-half acre in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and one-half acre in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12, Township 9 South, Range 1 East, W. M., Marion County, Oregon, and more particularly described therein.

It appears that the spring shown upon the State Engineer's maps as in Lot 4, Section 1, Township 9 South, Range 1 East, W. M., is one of the three springs to which the claimant is asserting a right in said claim; that the water from this spring is diverted and carried in a pipe-line to the residence and buildings of the claimant where it is used for domestic and stock purposes and the irrigation of one acre of land adjacent to said residence; that the length of the pipe-line which diverts it at the source of the spring is about 2,050 feet and the diameter varies from 1 $\frac{1}{2}$ inches to one inch, and that the difference in elevation between the water surface at the intake and the place of use is about 150 feet. It also appears that stock drink directly from the water flowing in the three unnamed springs and unnamed stream.

It further appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of the waters of an unnamed spring rising on Lot 4, Section 1, Township 9 South, Range 1 East, W. M., through an unnamed pipe for domestic and stock purposes and the irrigation of one-half acre of land in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and one-half acre in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12, Township 9 South, Range 1 East, W. M., with a date of priority of 1866. The place of use is upon lands of the claimant which are described in the tabulation herein. A right is also allowed to the use of the waters in and flowing from the three unnamed springs and unnamed stream, for stock purposes. Said right is limited to stock drinking directly from said three unnamed springs and unnamed stream on lands of the claimant which are described in the tabulation herein.

C. B. TRASK, ROUTE 2, HILLSBORO, OREGON

Claimant filed herein Statement and Proof of Claim No. 128-A, wherein he asserts a right to the use of .05 cubic foot per second of water from Trask Creek, with a date of priority of April 7, 1932, for domestic and stock use within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 28, Township 9 South, Range 2 East, W. M., and for garden irrigation of 0.1 acre in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and

0.6 acre in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 28, said right being evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 9, Page 9812. From an examination of said certificate of water right, it appears that the water was made appurtenant to the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 28, Township 9 South, Range 2 East, W. M.

On February 24, 1942, claimant filed a request for a correction certificate in which it is stated that the above-named certificate is in error wherein the place of use is described as being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 28, Township 9 South, Range 2 East, W. M., and that the true and correct description of the land upon which the water is used is the S $\frac{1}{2}$ NW $\frac{1}{4}$, said Section 28.

It appears from the State Engineer's maps that water for domestic purposes and the irrigation of domestic garden is used within Lot 2 and the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, and that water for stock purposes is used within Lots 2 and 3, said Section 28, Township 9 South, Range 2 East, W. M., and said certificate of water right is modified accordingly.

It further appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of said certificate of water right as modified herein as to the description of place of use and the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of .05 cubic foot per second of the waters of Trask Creek, with a date of priority of April 7, 1932, for domestic and stock purposes and garden irrigation not exceeding 0.7 acre, said water to be made appurtenant to the following-described lands in Section 28, Township 9 South, Range 2 East, W. M.:

For domestic use:	Lot 2 SW $\frac{1}{4}$ NW $\frac{1}{4}$
For stock use:	Lot 2 Lot 3
For garden irrigation:	0.1 acre in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 0.6 acre in Lot 2

136.

THE UNION CENTRAL LIFE INSURANCE COMPANY, CINCINNATI, OHIO

Claimant filed herein Statement and Proof of Claim No. 129, wherein it asserts a right to the use of 0.03 cubic foot per second of water from an unnamed spring in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, Township 9 South, Range 3 East, W. M., and an unnamed stream, tributary of the North Santiam River, through an unnamed ditch and pipe-line, with a date of priority of April 10, 1882, for stock and domestic purposes, including the irrigation of 1 acre of garden and orchard in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, Township 9 South, Range 3 East, W. M.

It appears that water for domestic use and the irrigation of a garden not exceeding 1 acre has been diverted by means of a pipe-line and ditch and that stock drink directly from said unnamed spring and unnamed stream.

It further appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of the waters of an unnamed spring rising within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, Township 9 South, Range 3 East, W. M., and unnamed stream on claimant's lands for domestic use and the irrigation of an orchard and garden not to exceed 1 acre in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, Township 9 South, Range 3 East, W. M., with a date of priority of April 10, 1882. The claimant is also allowed a right to the use of the waters of said spring and stream for watering stock. Said right is limited to stock drinking directly from said spring or water flowing therefrom and said stream on lands of the claimant which are described in the tabulation herein.

137.

UNITED STATES FOREST SERVICE, BY J. R. BRUCKART, FOREST SUPERVISOR, EUGENE, OREGON

Claimant filed herein Statement and Proof of Claim No. 130, wherein it asserts a right to the use of 0.5 cubic foot per second of water from Mansfield Creek, through an unnamed ditch and pipe-line, with a date of priority of March 1, 1924, for domestic use for Forest Guard Station and special use area in Section 17 and the W $\frac{1}{2}$, Section 20, Township 9 South, Range 7 East, W. M., Marion County, Oregon. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 10, Page 10638.

In said certificate of water right the place of use is described as within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20, Township 9 South, Range 7 East, W. M. It appears that prior to the issuance of said certificate water was also being used to supply a small hotel, summer cabins, and patrons within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, said section, and that said certificate was in error as to the description of the place of use.

It further appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of said certificate of water right as modified herein as to the description of the place of use, claimant hereby is allowed a right to the use of 0.5 cubic foot per second of water from Mansfield Creek, through an unnamed ditch and pipe-line, with a date of priority of March 1, 1924, for domestic use for Forest Guard Station and special use area in Section 17 and the W $\frac{1}{2}$, Section 20, Township 9 South, Range 7 East, W. M., Marion County, Oregon.

Claimant also filed herein Statement and Proof of Claim No. 131, wherein it asserts a right to the use of 0.02 cubic foot per second of water from Short Creek, tributary of Breitenbush River, through a pipe-line, with a date of priority of January 8, 1934, for domestic use for a public campground in Section 19, Township 9 South, Range 7 East, W. M., Marion County, Oregon. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 10, Page 11388.

It appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of said certificate of water right, claimant hereby is allowed a right to the use of 0.02 cubic foot per second of water from Short Creek, tributary of Breitenbush River, through a pipe-line, with a date of priority of January 8, 1934, for domestic use for Breitenbush Forest Camp located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19, Township 9 South, Range 7 East, W. M., Marion County, Oregon.

Claimant also filed herein Statement and Proof of Claim No. 132, wherein it asserts a right to the use of 0.02 cubic foot per second of water from Cliff Creek, a tributary of Breitenbush River, through an unnamed ditch and pipe-line, with a date of priority of May 31, 1935, for domestic use for a public campground in Section 28, Township 9 South, Range 6 East, W. M., Marion County, Oregon. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 10, Page 11436.

It appears that in said certificate of water right the quantity of water is fixed as 0.002 cubic foot per second.

It further appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of said certificate of water right, claimant hereby is allowed a right to the use of 0.002 cubic foot per second of water from Cliff Creek, a tributary of Breitenbush River, through an unnamed ditch and pipe-line, with a date of priority of May 31, 1935, for domestic use for a public campground located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28, Township 9 South, Range 6 East, W. M., Marion County, Oregon.

Claimant also filed herein Statement and Proof of Claim No. 133, asserting a right to the use of the waters of an unnamed tributary of North Breitenbush River, initiated under Application No. 17099, Permit No. 12835.

Claimant also filed herein Statement and Proof of Claim No. 134, asserting a right to the use of the waters of an unnamed stream, tributary to the North Santiam River, initiated under Application No. 18224, Permit No. 13840.

For findings applicable to Permit No. 12835 and Permit No. 13840, see Paragraph 167 herein.

138.

J. B. VAN CLEVE, AUMSVILLE, OREGON

Claimant filed herein Statement and Proof of Claim No. 135, wherein he asserts a right to the use of 5 cubic feet per second of water from a channel of the North Santiam River, for domestic and stock purposes with a date of priority of 1856 and for the generation of 5.68 theoretical horsepower at a mill located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17, Township 9 South, Range 1 West, W. M., Marion County, Oregon, with a date of priority of 1875.

The maps do not show that there is either ditch or power plant within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17, Township 9 South, Range 1 West, W. M. In May, 1942, a second examination of this tract was made by a representative of the State Engineer and he reported that no evidence of a ditch or power plant could be found.

In accordance with the provisions of Paragraph 165 herein, a right is allowed to the claimant to the use of water for domestic and stock purposes. Said stock right is limited to stock drinking directly from a channel of the North Santiam River where it flows through the lands of the claimant which are described in the tabulation herein. The right to the use of water for power purposes hereby is denied.

139.

CLAUDE J. WALLING, LORINE BOGUSLASKI, AND BERTHA J. WILSON, ROUTE 1, BOX 358, SALEM, OREGON

Claimants filed herein Statement and Proof of Claim No. 137, wherein they assert a right to the use of the waters of Elkhorn Creek, with a date prior to 1909, for stock use in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1, Township 9 South, Range 3 East, W. M., Marion County, Oregon.

It appears that beneficial use of said waters has been made by stock drinking directly from said stream on claimants' lands and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of Paragraph 165 herein, claimants hereby are allowed a right to the use of the waters of Elkhorn Creek, for stock purposes, in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1, Township 9 South, Range 3 East, W. M., Marion County, Oregon. Said right is limited to stock drinking directly from the stream on lands of the claimants as above described.

140.

ELLA W. WARE, STAYTON, OREGON

Claimant filed herein Statement and Proof of Claim No. 138, wherein she asserts a right to the use of 0.21 cubic foot per second of water from Zumwalt Creek, through an unnamed ditch, for the irrigation of 12 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, Township 9 South, Range 1 East, W. M., and a right to the use of 11 gallons of water per minute from a spring in Lot 3, said Section 7, through a pipe-line, for domestic and stock purposes and the irrigation of 2 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 7. A right is also claimed for the use of 0.02 cubic foot per second from four springs in the NW $\frac{1}{4}$, said Section 7, for the diversion of water from said springs into troughs for stock purposes. In addition, a right is claimed to water stock directly from the waters of Zumwalt Creek. A date of priority of 1878 is claimed for all of the above-asserted rights.

It appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of the waters

of Zumwalt Creek, through an unnamed ditch, for the irrigation of 12 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, Township 9 South, Range 1 East, W. M., with a date of priority of 1878, and a right to the use of 11 gallons per minute of the waters of a spring in Lot 3, said Section 7, through a pipe-line, for domestic and stock purposes in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 7, and for the irrigation of 2 acres in said NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$, with a date of priority of 1878. A right is also allowed from four springs in the NW $\frac{1}{4}$, Section 7, for diversion of water into troughs for stock purposes, with a date of priority of 1878, on that part of claimant's lands lying within the NW $\frac{1}{4}$, said Section 7. A right to the use of the waters of Zumwalt Creek is also allowed for stock purposes, which right is limited to stock drinking directly from the waters of said Zumwalt Creek on lands of claimant.

Claimant also filed herein Statement and Proof of Claim No. 139, wherein she asserts a right to the use of the waters of an unnamed stream, tributary of North Santiam River, initiated under Application No. 15308, Permit No. 11201. Said claim also states that the lands were originally irrigated in 1878 and that in the filing of said application it was not intended to abandon any prior vested right.

It appears from the State Engineer's maps, which the claimant accepts, that the only land irrigated is that for which a right is asserted in Statement and Proof of Claim No. 138. Therefore, the only right under Statement and Proof of Claim No. 139 allowed herein will be that perfected under Application No. 15308, Permit No. 11201. For findings applicable to permits, see Paragraph 167 herein.

141.

NORRIS E. WELLS, MARION, OREGON

Claimant filed herein Statement and Proof of Claim No. 140, wherein a right is asserted to the use of the waters of Marion Creek, tributary of North Santiam River, for irrigation purposes, initiated under Application No. 18041, Permit No. 13710. For findings applicable thereto, see Paragraph 167 herein.

142.

FRANKLIN A. WELTER, ROUTE 1, STAYTON, OREGON

Claimant filed herein Statement and Proof of Claim No. 141, wherein he asserts a right to the use of 0.25 cubic foot per second of water from three unnamed springs, tributaries of Zumwalt Creek, through a pipe-line, with a date of priority of 1896, for domestic purposes, including the irrigation of 1 acre of garden in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, Township 9 South, Range 1 East, W. M., Marion County, Oregon, and for stock use, to be appurtenant to lands described therein.

It appears that the water from one of the springs to which a right is asserted for domestic and livestock purposes and garden irrigation is diverted and conveyed in a pipe-line which is about 255 feet in length, with a diameter varying from $1\frac{1}{2}$ inches to three-fourths inch, and that the water from the other two springs is used by stock drinking directly from the waters flowing therefrom. It also appears that the source of the springs is upon lands of the claimant which are described in the tabulation herein.

It further appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of the waters of an unnamed spring, tributary of Zumwalt Creek, through a pipe-line, with a date of priority of 1896, for domestic purposes, including the irrigation of 1 acre of garden, the place of use being on lands of the claimant which are described in the tabulation herein.

The claimant is allowed a right to the use of the waters of three unnamed springs rising upon lands of the claimant for stock use upon lands of the claimant which are described in the tabulation herein.

143.

D. D. WESTENHOUSE, LYONS, OREGON

Claimant filed herein Statement and Proof of Claim No. 142, wherein he asserts a right to the use of the waters of an unnamed creek formed from a spring rising in the $W\frac{1}{2} E\frac{1}{2} SE\frac{1}{4}$, Section 19, Township 9 South, Range 2 East, W. M., Linn County, Oregon, pumped through a pipe-line, with a date of priority of March 31, 1938, for the irrigation of 1.67 acres in the $NW\frac{1}{4} SE\frac{1}{4}$, Section 19, Township 9 South, Range 2 East, W. M., Linn County, Oregon, and more particularly described therein. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 11, Page 12286.

It appears that the area described in said certificate of water right is 1.20 acres and that the date of priority is January 25, 1938.

It further appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of said certificate of water right and the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of 0.015 cubic foot per second of water from an unnamed creek formed from a spring rising in the $W\frac{1}{2} E\frac{1}{2} SE\frac{1}{4}$, Section 19, Township 9 South, Range 2 East, W. M., pumped through a pipe-line, with a date of priority of January 25, 1938, for the irrigation of 1.2 acres in Lots 1, 2, 3, 10, 11, and 12, Block 2, and Lots 5, 6, 7, and 8, Block 3, Highland Grove Addition, in the $NW\frac{1}{4} SE\frac{1}{4}$, Section 19, Township 9 South, Range 2 East, W. M., Linn County, Oregon.

H. G. WHITE, ROUTE 5, BOX 238, EUGENE, OREGON

Claimant filed herein Statement and Proof of Claim No. 143, wherein he asserts a right to the use of 0.13 cubic foot per second of water from an unnamed spring and stream, tributary of the North Santiam River, through a pipe-line, with a date of priority of July 10, 1920, for domestic use and for the irrigation of 1.5 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12, Township 10 South, Range 5 East, W. M., Marion County, Oregon. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 10, Page 10833.

It appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of said certificate of water right and the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of 0.13 cubic foot per second of water from an unnamed spring and stream, tributary of the North Santiam River, through a pipe-line, with a date of priority of July 10, 1920, for domestic use and for the irrigation of 1.5 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12, Township 10 South, Range 5 East, W. M., Marion County, Oregon.

LULA MAY WHITE, ROUTE 5, BOX 238, EUGENE, OREGON

Claimant filed herein Statement and Proof of Claim No. 144, wherein she asserts a right to the use of the waters of an unnamed spring, tributary of the North Santiam River, in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 1, Township 10 South, Range 5 East, W. M., with a date of priority of 1908, for the irrigation of 3 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12, Township 10 South, Range 5 East, W. M., Marion County, Oregon, and for domestic and stock purposes.

It appears that water from said unnamed spring, the source of which is in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 1, Township 10 South, Range 5 East, W. M., is conveyed in a pipe-line to the place of use; that said pipe-line consists of 450 feet of pipe 2 inches in diameter to where the water is carried in two lines, one having a diameter of 1 $\frac{1}{2}$ inches and the other 1 inch. The total length of the pipe-line, together with the two branches, appears to be about 1,000 feet.

It further appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of the waters of an unnamed spring, tributary of the North Santiam River, for the irrigation of 3 acres and for domestic and stock purposes, to be appurtenant to the lands of the claimant which are described in the tabulation herein.

HARRY WOOD, MILL CITY, OREGON

Claimant filed herein Statement and Proof of Claim No. 148, wherein he asserts a right to the use of 0.06 cubic foot per second of water from Snake Creek, pumped through a pipe-line, with a date of priority of November 19, 1927, for the irrigation of one-half acre in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 31, Township 9 South, Range 3 East, W. M., Linn County, Oregon, and more particularly described in the tabulation herein. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 7, Page 7697, to the extent of 0.06 cubic foot per second of water from said stream for the irrigation of 5 acres in said NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 31, Township 9 South, Range 3 East, W. M.

It appears that the water is diverted by means of a pump driven by a one-half horsepower motor with a rated capacity of 500 gallons per hour. It appears that the water from the pump is carried through 600 lineal feet of pipe, the diameter of which is 1 $\frac{1}{2}$ inches at the intake and three-fourths inch at the place of use.

It further appears that beneficial use of said waters has been made to the extent of the irrigation of one-half acre and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with said statement and proof of claim, together with the provisions of Paragraph 165 herein, claimant hereby is allowed a right to the use of 500 gallons per hour of the waters of Snake Creek, pumped through a pipe-line, with a date of priority of November 19, 1927, for the irrigation of one-half acre lying within certain lands in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 31, Township 9 South, Range 3 East, W. M., more particularly described in the tabulation herein. The area of land claimed in said statement and proof of claim and allowed herein is the maximum area to be irrigated under the right evidenced by said certificate of water right, and the 4.5 acres for which a right was not asserted are held to have been abandoned.

147.

A. S. WOOSLEY, AUMSVILLE, OREGON

Claimant filed herein Statement and Proof of Claim No. 149. It appears that the water right claimed in said proof was secured from the Willamette Valley Water Company, or its predecessors-in-interest, and was initiated under Application No. 81, Enlargement Permit No. 82, which was the basis of the claim asserted in Statement and Proof of Claim No. 146. This right shall be perfected in accordance with the terms and conditions of Paragraph 36 herein. The right asserted in said Claim No. 149 when perfected is subject to the terms and conditions of the stipulation filed in the settlement of Contests Nos. 32, 33, 34, and 35, referred to in Paragraph 19 herein.

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THEODORE HIGHBERGER, AUMSVILLE, OREGON

Claimant filed herein Statement and Proof of Claim No. 150, wherein he asserts a right to the use of 135 cubic feet per second of the waters of the North Santiam River, with a date of priority of 1859, for the development of 169 theoretical horsepower, said water being a part of the water diverted by the Oregon Pulp and Paper Company, The Thomas Kay Woolen Mills Company, and City of Salem, Oregon, to which a right is asserted under Statement and Proof of Claim No. 79.

It appears that the water for which a right is asserted in said Claim No. 150 is diverted from Mill Creek about 100 feet west of the west line of Lot 1, Section 31, Township 8 South, Range 1 West, W. M., into a canal in which it is carried to the place where it is used in the development of power for the operation of a flour mill known as the Aumsville Flour Mill. The water after passing through the turbine is returned direct to Mill Creek and is available for use by other claimants below.

It further appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, claimant hereby is allowed a right to the use of 135 cubic feet per second of the waters of North Santiam River, with a date of priority of 1859, for the development of 169 theoretical horsepower under a head of 11 feet. Said right is limited to the use of water diverted by the Oregon Pulp and Paper Company, The Thomas Kay Woolen Mills Company, and City of Salem, Oregon, allowed herein, as long as the quantity diverted by said parties from the North Santiam River, together with the quantity available from the natural flow of Mill Creek, is sufficient to furnish said 135 cubic feet per second. Said 135 cubic feet per second of water is to be diverted and carried in the canal of the claimants described herein, and the place of use is described in the tabulation herein.

SOUTHERN PACIFIC COMPANY, 800 PACIFIC BUILDING, PORTLAND, OREGON

On February 4, 1941, the above-named Southern Pacific Company, a corporation organized under the laws of the Commonwealth of Kentucky, filed a petition to intervene in these proceedings under the provisions of Section 116-820, O. C. L. A. Together with said petition, said Southern Pacific Company filed herein Statements and Proofs of Claim Nos. 151 and 151-A. By an order of the State Engineer, dated February 4, 1941, said petition was allowed and Statements and Proofs of Claim Nos. 151 and 151-A were duly received, whereupon notice of filing said statements and proofs of claim were sent by registered mail on February 6, 1941, to all persons claimant to the use of the waters of the North Santiam River and its tributaries in these proceedings whose rights might be affected thereby. It appears that no contest has been filed herein thereto.

In Statement and Proof of Claim No. 151, claimant asserts a right to the use of 3,000 cubic feet of water per day from an unnamed tributary of Trask Creek, with a date of priority of 1888, for domestic use and for locomotive steam purposes.

It appears that the water from said unnamed stream is diverted at a point approximately 1,900 feet north and 1,000 feet east of the southwest corner of Section 19, Township 9 South, Range 2 East, W. M., and conveyed in a 2-inch diameter iron pipe 900 feet northeasterly and 500 feet southeasterly to a water tank on right-of-way in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 19, where the water is used for locomotive steam and domestic purposes.

It further appears that beneficial use of said waters has been made as claimed. Therefore, claimant hereby is allowed a right to the use of 3,000 cubic feet of water per day from an unnamed tributary of Trask Creek, with a date of priority of 1888, for domestic use and for locomotive steam purposes. The rate of diversion is limited to the capacity of the 2-inch pipe-line now in place. The place of use of said right is within the right-of-way line of the claimant through the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 19, Township 9 South, Range 2 East, W. M.

In Statement and Proof of Claim No. 151-A, claimant asserts a right to the use of 3,000 cubic feet of water per day from Mayflower Creek, with a date of priority of 1889, for domestic use and locomotive steam purposes in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1, Township 10 South, Range 4 East, W. M., Marion County, Oregon.

It appears that the water from said Mayflower Creek is diverted in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 6, Township 10 South, Range 5 East, W. M., and carried in a wooden flume 12 inches wide and 12 inches deep for a distance of about 50 feet to a tank located on right-of-way of claimant's railroad within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1, Township 10 South, Range 4 East, W. M., where the water is used for domestic use and for locomotive steam purposes.

It further appears that beneficial use of said waters has been made as claimed. Therefore, claimant hereby is allowed a right to the use of 3,000 cubic feet of water per day from Mayflower Creek, with a date of priority of 1889, for domestic use and locomotive steam purposes within the railroad right-of-way of claimant where it crosses the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1, Township 10 South, Range 4 East, W. M. The rate of diversion shall not exceed the capacity of the flume now being used.

150.

JOE C. BARROW, ROUTE 1, STAYTON, OREGON

Pursuant to an order of the State Engineer, dated February 11, 1941, allowing intervention in these proceedings by persons holding certificates of water right to the use of the waters of the North Santiam River and its tributaries, claimant filed herein Statement and Proof of Claim No. 152, wherein he asserts a right to the use of 0.08 cubic foot per second

of water from an unnamed tributary of Stout Creek and North Fork Santiam River, with a date of priority of September 23, 1924, for domestic purposes and for the irrigation of 6 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13, Township 9 South, Range 1 East, W. M., Marion County, Oregon. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 9, Page 9829, in the name of J. A. and Jennie M. Yantiss to whom the claimant is successor-in-interest, which certificate of water right sets forth the source of the appropriation of water as unnamed stream, tributary of Stout Creek, and North Fork Santiam River.

From an examination of the proof of appropriation of water submitted by J. A. Yantiss and Jennie M. Yantiss, it appears that the appropriation was completed from an unnamed tributary of Stout Creek only and that no use of the waters of the North Santiam River had been made.

The maps prepared by the State Engineer do not show any lands as irrigated although from affidavits filed in the office of the State Engineer, dated November 15, 1932, it appears that a pipe-line, 600 feet in length and 1 $\frac{1}{2}$ inches in diameter, was installed for the diversion and conveyance of water from said unnamed stream for domestic use and a flume was constructed through which water was conveyed from said unnamed stream for the irrigation of 6 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13, Township 9 South, Range 1 East, W. M.

It appears that no other rights have been asserted in these proceedings to the use of the waters of said unnamed stream and that after due notice to all other claimants herein no contest has been filed to said statement and proof of claim. Therefore, subject to the provisions of said certificate of water right and of Paragraph 165 herein, claimant hereby is allowed a right to the use of 0.08 cubic foot per second of water from an unnamed stream, tributary of Stout Creek, for domestic purposes and the irrigation of 6 acres of land, with a date of priority of September 23, 1924. The place of use is within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13, Township 9 South, Range 1 East, W. M.

151.

OTIS C. DIKE, IDANHA, OREGON

Pursuant to an order of the State Engineer, dated February 11, 1941, allowing intervention in these proceedings by persons holding certificates of water right to the use of the waters of the North Santiam River and its tributaries, claimant filed herein Statement and Proof of Claim No. 153, wherein he asserts a right to the use of 1.89 cubic feet per second of water from Minto Creek, with a date of priority of November 19, 1928, for the development of 2 theoretical horsepower and for the irrigation of 10 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 25, Township 9 South, Range 3 East, W. M., Marion County, Oregon. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 9, Page 9514.

It appears from data filed by the claimant in perfecting the water right evidenced by said certificate of water right that water was diverted and carried in a flume for the operation of a 300-watt generator and a ditch was constructed and used to carry water for irrigation.

It further appears that after due notice to all other claimants herein no contest has been filed to said statement and proof of claim. Therefore, subject to the provisions of said certificate of water right and of Paragraph 165 herein, claimant hereby is allowed a right to the use of 1.89 cubic feet per second of water from Minto Creek, tributary of North Santiam River, for the development of 2 theoretical horsepower and the irrigation of 10 acres, with a date of priority of November 19, 1928. The place of use of said right is in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 25, Township 9 South, Range 3 East, W. M.

152.

ANNA J. STOUT, MEHAMA, OREGON

Pursuant to an order of the State Engineer, dated February 11, 1941, allowing intervention in these proceedings by persons holding certificates of water right to the use of the waters of the North Santiam River and its tributaries, claimant's predecessor filed herein Statement and Proof of Claim No. 154, wherein it asserted a right to the use of 1 cubic foot per second of water from Stout Creek, with a date of priority of August 14, 1928, for recreational park purposes, to be appurtenant to a parcel of land in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 18, Township 9 South, Range 2 East, W. M., Marion County, Oregon, and more particularly described therein. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 9, Page 9579, in the name of First Presbyterian Church of Salem, Oregon, to whom claimant is successor.

It appears that the claimant or her predecessor never diverted the water from Stout Creek. The park is used for recreational purposes, and the water as it flows in the natural channel is used for said purposes.

It further appears that after due notice to all other claimants herein no contest has been filed to said statement and proof of claim. Therefore, in accordance with the provisions of said certificate of water right, claimant hereby is allowed a right to the use of 1 cubic foot per second of water from Stout Creek, with a date of priority of August 14, 1928, for recreational park purposes, said right to be appurtenant to a parcel of land lying within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 18, Township 9 South, Range 2 East, W. M.

153.

WARREN GRAY, ROUTE 1, TURNER, OREGON

Pursuant to an order of the State Engineer, dated February 11, 1941, allowing intervention in these proceedings by persons holding certificates of water right to the use of the waters of the North Santiam River and its tributaries, claimant filed herein Statement

and Proof of Claim No. 155, wherein he asserts a right to the use of 0.34 cubic foot per second of water from Marion Creek, with a date of priority of December 20, 1915, for the irrigation of 36.05 acres located as follows: 12.10 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 13.80 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, 7.95 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, and 2.20 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, Township 9 South, Range 2 West, W. M., Marion County, Oregon. Said right is evidenced by a certificate of water right recorded in State Record of Water Right Certificates, Volume 5, Page 3924, in the name of John Palmer and John Palmer, Jr., to whom claimant is successor.

It appears that all claimants to the use of the waters of North Santiam River and its tributaries have been given notice of the filing of said statement and proof of claim and that no contest has been filed. Therefore, subject to the provisions of said certificate of water right and of Paragraph 165 herein, claimant hereby is allowed a right to the use of 0.34 cubic foot per second of water from Marion Creek, diverted through an unnamed ditch, for the irrigation of 12.1 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 13.8 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, 7.95 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, and 2.2 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, Township 9 South, Range 2 West, W. M., being within the northern portion of the Oliver Pickard D. L. C. No. 58, with a date of priority of December 20, 1915. The area in forty-acre tracts was determined by projecting the lines through the section.

154.

MRS. MORRIS LANGBERG, MEHAMA, OREGON

Pursuant to an order of the State Engineer, dated February 11, 1941, allowing intervention in these proceedings by persons holding certificates of water right to the use of the waters of the North Santiam River and its tributaries, claimant filed herein Statement and Proof of Claim No. 156, wherein she asserts a right to the use of 0.25 cubic foot per second of water from unnamed springs in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 7, Township 9 South, Range 2 East, W. M., with a date of priority of December 22, 1919, for domestic use in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 18, Township 9 South, Range 2 East, W. M., Marion County, Oregon. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 4, Page 3442, in the name of Mrs. Sarah J. Beringer to whom claimant is successor.

It appears that beneficial use of said waters has been made and that after due notice to all claimants herein no contest has been filed to said statement and proof of claim. Therefore, in accordance with the provisions of said certificate of water right and of Paragraph 165 herein, the claimant hereby is allowed a right to the use of 0.25 cubic foot per second of water, or as much thereof as is required, from unnamed springs in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 7, Township 9 South, Range 2 East, W. M., with a date of priority of December 22, 1919, for domestic purposes within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 18, Township 9 South, Range 2 East, W. M.

ROY PHILIPPI, MEHAMA, OREGON

Pursuant to an order of the State Engineer, dated February 11, 1941, allowing intervention in these proceedings by persons holding certificates of water right to the use of the waters of the North Santiam River and its tributaries, claimant filed herein Statement and Proof of Claim No. 157, wherein he asserts a right to the use of 3 cubic feet per second of water from Stout Creek, with a date of priority of April 2, 1924, for domestic purposes and for the development of 5 horsepower, said right to be appurtenant to a parcel of land lying within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 18, Township 9 South, Range 2 East, W. M., Marion County, Oregon. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 7, Page 7574, in the name of R. H. Champ to whom claimant is successor.

It appears that beneficial use of said waters has been made and that after due notice to all claimants herein no contest has been filed to said statement and proof of claim. Therefore, in accordance with the provisions of said certificate of water right and of Paragraph 165 herein, claimant hereby is allowed a right to the use of 3 cubic feet per second of water from Stout Creek, with a date of priority of April 2, 1924, for domestic purposes and for the development of 5 horsepower, said right to be appurtenant to the lands of the claimant which are described in the tabulation herein.

GLENN L. RICE, 950 MARKET STREET, SALEM, OREGON

Pursuant to an order of the State Engineer, dated February 11, 1941, allowing intervention in these proceedings by persons holding certificates of water right to the use of the waters of the North Santiam River and its tributaries, claimant filed herein Statement and Proof of Claim No. 158, wherein he asserts a right to the use of 0.01 cubic foot per second of water from an unnamed tributary of the Little North Fork of the North Santiam River, with a date of priority of December 9, 1929, for domestic purposes in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10, Township 9 South, Range 2 East, W. M., Marion County, Oregon. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 10, Page 11102, in the name of F. J. Rice to whom claimant is successor.

It appears that beneficial use of said waters has been made and that after due notice to all claimants herein no contest has been filed to said statement and proof of claim. Therefore, in accordance with the provisions of said certificate of water right and of Paragraph 165 herein, claimant hereby is allowed a right to the use of 0.01 cubic foot per second of water from an unnamed tributary of the Little North Fork of the North Santiam River, with a date of priority of December 9, 1929, for domestic purposes in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10, Township 9 South, Range 2 East, W. M., Marion County, Oregon.

CITY OF SALEM, MARION COUNTY, OREGON

Pursuant to an order of the State Engineer, dated February 11, 1941, allowing intervention in these proceedings by persons holding certificates of water right to the use of the waters of the North Santiam River and its tributaries, claimant filed herein Statement and Proof of Claim No. 159, wherein it asserts a right to the use of 22 cubic feet per second of water from the North Santiam River, with a date of priority of July 5, 1923, for municipal purposes within the limits of the lands described therein. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 11, Page 12033.

It appears that beneficial use of said waters has been made and that after due notice to all claimants herein no contest has been filed to said statement and proof of claim. Therefore, in accordance with the provisions of said certificate of water right, claimant hereby is allowed a right to the use of 22 cubic feet per second of water from the North Santiam River, with a date of priority of July 5, 1923, for municipal purposes within the tracts of lands described in the tabulation herein.

SCHOOL DISTRICT NO. 74, MARION COUNTY, OREGON

Pursuant to an order of the State Engineer, dated February 11, 1941, allowing intervention in these proceedings by persons holding certificates of water right to the use of the waters of the North Santiam River and its tributaries, claimant filed herein Statement and Proof of Claim No. 160, wherein it asserts a right to the use of 0.1 cubic foot per second of water from an unnamed spring within the Stout Creek watershed, with a date of priority of August 18, 1925, for domestic supply for school, to be appurtenant to a parcel of land described therein. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 6, Page 6350.

It appears that beneficial use of said waters has been made and that after due notice to all claimants herein no contest has been filed to said statement and proof of claim. Therefore, in accordance with the provisions of said certificate of water right, claimant hereby is allowed a right to the use of 0.1 cubic foot per second of water from an unnamed spring within the Stout Creek watershed, with a date of priority of August 18, 1925, for domestic supply for school, said right to be appurtenant to the tract of land described in the tabulation herein.

MIKE O. SCHWINDT AND ROSE C. SCHWINDT, LYONS, OREGON

Pursuant to an order of the State Engineer, dated February 11, 1941, allowing intervention in these proceedings by persons holding certificates of water right to the use of the waters of North Santiam River and its tributaries, claimants filed herein Statement and Proof of Claim

No. 161, wherein they assert a right to the use of 0.009 cubic foot per second of water from an unnamed stream, tributary to the North Santiam River, with a date of priority of January 25, 1938, for the irrigation of 0.7 acre in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19, Township 9 South, Range 2 East, W. M. It appears that said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 11, Page 12285, in the name of B. C. Morris to whom claimant is successor.

It further appears that beneficial use of said water has been made and that after due notice to all claimants herein no contest has been filed to said statement and proof of claim. Therefore, subject to the provisions of said certificate of water right and of Paragraph 165 herein, claimants hereby are allowed a right to the use of 0.009 cubic foot per second of the waters of said unnamed stream, for the irrigation of 0.7 acre in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19, Township 9 South, Range 2 East, W. M., with a date of priority of January 25, 1938.

160.

EVERETT STOAKS, GATES, OREGON

Pursuant to an order of the State Engineer, dated February 11, 1941, allowing intervention in these proceedings by persons holding certificates of water right to the use of the waters of the North Santiam River and its tributaries, claimant filed herein Statement and Proof of Claim No. 162, wherein he asserts a right to the use of 0.01 cubic foot per second of water from an unnamed tributary of the North Santiam River, with a date of priority of May 5, 1926, for the irrigation of 0.5 acre in Lot 9, Block 6, in the Town of Niagra, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29, Township 9 South, Range 4 East, W. M., Marion County, Oregon. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 7, Page 7163, in the name of Nelson J. Bradley to whom claimant is successor.

It appears that beneficial use of said waters has been made and that after due notice to all claimants herein no contest has been filed to said statement and proof of claim. Therefore, in accordance with the provisions of said certificate of water right and of Paragraph 165 herein, claimant hereby is allowed a right to the use of 0.01 cubic foot per second of water from an unnamed tributary of the North Santiam River, with a date of priority of May 5, 1926, for the irrigation of 0.5 acre in Lot 9, Block 6, in the Town of Niagra, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29, Township 9 South, Range 4 East, W. M., Marion County, Oregon.

161.

OTIS HENRY STORM, ROUTE 1, JEFFERSON, OREGON

Pursuant to an order of the State Engineer, dated February 11, 1941, allowing intervention in these proceedings by persons holding certificates of water right to the use of the waters of the North Santiam River and its tributaries, claimant filed herein Statement

and Proof of Claim No. 163, wherein he asserts a right to the use of 0.62 cubic foot per second of water from a branch of the North Santiam River and Edgar Slough, for the irrigation of 22 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 29.5 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, and 4 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4, Township 10 South, Range 2 West, W. M., Marion County, Oregon, with a date of priority of January 26, 1928. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 9, Page 9570.

It appears that beneficial use of said waters has been made and that after due notice to all claimants herein no contest has been filed against said statement and proof of claim. Therefore, subject to the provisions of said certificate of water right and of Paragraph 165 herein, claimant hereby is allowed a right to the use of 0.62 cubic foot per second of the waters of the North Santiam River and Edgar Slough, for the irrigation of 22 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 29.5 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, and 4 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4, Township 10 South, Range 2 West, W. M., Marion County, Oregon, and within the tract described in the tabulation herein, with a date of priority of January 26, 1928. The areas in the forty-acre tracts appear to be determined by projecting the lines through the section.

162.

J. M. TITZE, ROUTE 1, STAYTON, OREGON

Pursuant to an order of the State Engineer, dated February 11, 1941, allowing intervention in these proceedings by persons holding certificates of water right to the use of the waters of the North Santiam River and its tributaries, claimant filed herein Statement and Proof of Claim No. 164, wherein he asserts a right to the use of 0.05 cubic foot per second of water from two springs, tributary of the North Santiam River, with a date of priority of April 5, 1929, for domestic use and for the irrigation of a garden in Lot 4 (SW $\frac{1}{4}$ SE $\frac{1}{4}$), Section 1, Township 9 South, Range 1 East, W. M., Marion County, Oregon. Said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 9, Page 9722, in the name of J. W. Imbler to whom claimant is successor.

It appears that beneficial use of said waters has been made and that no contest has been filed herein to said statement and proof of claim. Therefore, in accordance with the provisions of said certificate of water right and of Paragraph 165 herein, claimant hereby is allowed a right to the use of 0.05 cubic foot per second of water from two unnamed springs, tributary of the North Santiam River, with a date of priority of April 5, 1929, for domestic purposes, including the irrigation of a garden, not exceeding one-half acre, in Lot 4 (SW $\frac{1}{4}$ SE $\frac{1}{4}$), Section 1, Township 9 South, Range 1 East, W. M., Marion County, Oregon.

J. H. WILKINSON, ROUTE 1, TURNER, OREGON

Pursuant to an order of the State Engineer, dated February 11, 1941, allowing intervention in these proceedings by persons holding certificates of water right to the use of the waters of the North Santiam River and its tributaries, claimant filed herein Statement and Proof of Claim No. 165, wherein he asserts a right to the use of 0.33 cubic foot per second of water from an unnamed slough, tributary of North Santiam River, for the irrigation of 2.6 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ in Joseph Davis D. L. C. No. 43, 2.7 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ in William Edgar D. L. C. No. 44, Section 15, Township 9 South, Range 2 West, W. M.; 12.4 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 6.5 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, and 2.2 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ in Joseph Davis D. L. C. No. 43, Section 22, said township and range, with a date of priority of September 2, 1936. It appears that said right is evidenced by certificate of water right recorded in State Record of Water Right Certificates, Volume 11, Page 12153.

It appears that beneficial use of said waters has been made and that after due notice to all claimants herein no contest has been filed against said statement and proof of claim. Therefore, subject to the provisions of said certificate of water right and of Paragraph 165 herein, claimant hereby is allowed a right to the use of 0.33 cubic foot per second of water from an unnamed slough, tributary to North Santiam River, for the irrigation of 2.6 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, in the Joseph Davis D. L. C. No. 43, 2.7 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, in the William Edgar D. L. C. No. 44, 12.4 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 6.5 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, and 2.2 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 22, in the Joseph Davis D. L. C. No. 43, Township 9 South, Range 2 West, W. M., with a date of priority of September 2, 1936.

UNITS OF MEASUREMENT OF WATER

The units of measurement of water may be divided into two classes: First, those expressing a definite volume of water and generally used to state quantities of water at rest; second, those expressing a rate of flow or head. The units of volume of water are the gallon, the cubic foot, the acre-inch, and the acre-foot. The gallon and the cubic foot may be used for comparatively small volumes of water; the acre-foot is commonly used for measuring irrigation water. The acre-foot represents a volume of water equivalent to a depth of one foot on an area of one acre and is equivalent to 43,560 cubic feet. The units of rate of flow of water or head commonly used are the cubic foot per second and the miner's inch. The cubic foot per second, commonly abbreviated to second-foot, is a rate of flow which produces a cubic foot of water each second. It may be defined as a volume of one cubic foot of water moving at a rate of one lineal foot per second. For example, a flume twelve inches wide carrying a depth of water of twelve inches and placed on such a grade as to give a mean

velocity to the water of one lineal foot per second produces a flow of one cubic foot per second. In any case, the cross-sectional area in square feet multiplied by the velocity in feet per second will equal the discharge in cubic feet per second.

The miner's inch in Oregon is 1/40th of a cubic foot per second, or one cubic foot per second is equal to 40 miner's inches (Gardner v. Wright, 49 Or. 609, 91 Pac. 286).

The cubic foot per second and miner's inch indicate only a rate of flow, and to specify a fixed volume of water it is necessary to state the time or duration of flow. For instance, a continuous flow of one cubic foot per second will give in one 24-hour day as many cubic feet as there are seconds in that time or 86,400 cubic feet, which is equivalent to 646,317 gallons or 1.983 acre-feet.

In the determination herein of the rights to the use of water from North Santiam River and its tributaries, the quantity of water is given in acre-feet per acre and the head or rate of diversion from the source is given in cubic feet per second. In a large number of the findings herein, the rate of diversion from the source is fixed in hundredths and tenths of a cubic foot per second. The following table shows the rate of flow in cubic feet per second compared with other units of measurement:

<u>Cubic Feet Per Second</u>	<u>Gallons Per Minute</u>	<u>Gallons Per 24 Hours</u>	<u>Acre-Feet Per 24 Hours</u>
0.01	4.49	6,463	0.0198
0.02	8.98	12,926	0.0397
0.03	13.46	19,390	0.0595
0.04	17.95	25,853	0.0793
0.06	26.93	38,779	0.119
0.08	35.90	51,705	0.159
0.10	44.88	64,632	0.198
0.125	56.10	80,790	0.248
0.200	89.76	129,263	0.397
0.30	134.64	193,895	0.595
0.40	179.52	258,527	0.793
0.60	269.28	387,790	1.19
0.80	359.04	517,052	1.587
1.00	448.83	646,317	1.983

165.

DUTY OF WATER, HEAD OF WATER FOR IRRIGATION USE

In the determination of the duty of water or quantity of water essential for the irrigation of the lands with water diverted from North Santiam River and its tributaries, it is necessary to take into consideration the climatic conditions, the location and altitude of the land, the kind of crop grown, the soil types, the time of irrigation, and the necessary manner of irrigation.

In the determination of the head or rate of flow of water entering the head of the ditch or canal, flume or pipe-line, in addition to the above, the area irrigated and the character of the conduit in which the water is conveyed must also be considered.

Taking into consideration all of these conditions, together with all available data as to the irrigation of lands in the Willamette Valley, the duty of water, except where particularly defined in specific findings herein, hereby is fixed at not to exceed $2\frac{1}{2}$ acre-feet per acre during any irrigation season.

The rate of flow or head of water to be diverted, where not particularly stated in specific findings herein or definitely fixed in a permit or certificate of water right, hereby is fixed at not to exceed $1/80$ th of a cubic foot per second for each acre irrigated where the total area allowed any claimant herein exceeds 10 acres, and where the total area irrigated by any claimant herein is 10 acres or less the duty is as shown in the following table:

1 acre or less	0.025 c.f.s.
2 acres	0.04 c.f.s.
3 acres	0.06 c.f.s.
4 acres	0.07 c.f.s.
5 acres	0.08 c.f.s.
6 acres	0.09 c.f.s.
7 acres	0.10 c.f.s.
8 acres	0.11 c.f.s.
9 acres	0.12 c.f.s.
10 acres	0.125 c.f.s.

Where the area irrigated exceeds one acre and contains a fraction of an acre, the quantity shall be computed by interpolation.

It is further provided that the basis for determining the quantity of water which a claimant whose right is herein determined shall be entitled to divert at any time shall be the acreage actually prepared for irrigation and to which water may be beneficially applied in the production of crops.

DOMESTIC USE

Where a claimant in these proceedings asserted a right to the use of water for domestic purposes and the same was allowed as domestic use or for domestic purposes, it is to be understood that the claimant has a right to the use of water for household purposes, the irrigation of a lawn, and water for such animals as are required for proper sustenance of the family, and where a right was allowed herein for domestic use and a definite quantity of water was not allowed in the specific finding herein the claimant is allowed not to exceed 0.01 cubic foot per second.

STOCK USE BY DIVERSION

Where a claimant asserted a right to the use of water for stock use or stock purposes by diversion and it was allowed herein, it is to be understood that the claimant has a right to the use of water for such animals as are essential for the proper sustenance of the family and also water for stock when the claimant is engaged in the raising of livestock or when the claimant takes in livestock for pasturage. Where a definite quantity is not set forth in the specific finding herein, the claimant is allowed a right to divert for this use not to exceed

0.015 cubic foot per second; provided, that where a right was allowed herein for irrigation purposes through the same ditch or pipe-line no additional water shall be diverted for stock use while water is being diverted for irrigation purposes.

DOMESTIC AND STOCK USE

Where a claimant asserted a right to the use of water for both domestic and stock purposes and it was allowed herein, it is understood that domestic use includes only water for household use and for the irrigation of a lawn, and where a definite quantity is not set forth in the specific finding herein the claimant is allowed not to exceed 0.02 cubic foot per second for both domestic and stock purposes.

STOCK USE WHERE NO ARTIFICIAL DIVERSION IS MADE

In this proceeding, many claims have been filed asserting rights by appropriation to the use of waters for stock purposes, by means of stock drinking directly from the stream as it flows through the claimant's land or from springs rising on claimant's land. In these claims, a definite date of priority and quantity of water are claimed but no diversion is to be made other than by stock drinking water from the stream or source of supply.

Due to the fact that it is impossible for the water master to distribute the water in order of priorities where the stock drink directly from the stream or spring on the claimant's land, and that with one or two exceptions there is no evidence as to the number or kind of stock for which the claimants are asserting rights, no definite date of priority or quantity of water is allowed herein for such right. All claimants who have filed herein statements and proofs of claim asserting rights to the use of water from streams and springs for stock purposes by stock drinking directly therefrom on lands owned by the claimants, and which rights have been allowed herein, hereby are allowed subject to the provision herein sufficient water flowing in the streams or springs from which the respective rights are claimed for a reasonable number of stock. No definite quantity is fixed other than to hold that there must be flowing in the streams and from the springs such a reasonable quantity of water as will furnish an adequate supply for all of said claimants and in such a manner and amount that the streams shall not become stagnant. Said right shall be prior and superior to all water rights allowed herein except those allowed herein for domestic and stock purposes or stock use by diversions with a definite date of priority, which right shall be considered equal as hereinafter provided.

In the distribution of the waters of North Santiam River and its tributaries, it hereby is determined that the water rights of those claimants who were allowed water rights herein for domestic use or stock and domestic uses or stock use by diversion with definite dates of priority shall be considered as having, as a class, priorities equal to those of claimants who were allowed herein rights for stock use by stock drinking directly from the stream or source of supply on claimants' lands.

DUTY OF WATER FOR RIGHTS EVIDENCED BY CERTIFICATES OF WATER RIGHT AND BY PERMITS

Claimants who have asserted rights to the use of water evidenced by certificates of water right, as allowed herein, or based upon a permit which right has not been perfected, are limited to the diversion of the quantity of water at the rate set forth in the respective certificates and permits; provided, that the total quantity for irrigation use unless otherwise provided in the certificate of water right or permit is limited to $2\frac{1}{2}$ acre-feet per acre during any irrigation season.

The quantity of water which any claimant herein is entitled to divert for any use, which right is vested, is limited to the present capacity of the ditch, canal, or conduit used to convey the water.

ALLOWANCE FOR CANAL LOSSES

On canals or ditches where the length exceeds one-fourth mile from the point of diversion from the stream to the point where water is first used for irrigation purposes, with priorities earlier than February 24, 1909, and the total area irrigated by an appropriator is 10 acres or less, the water master may allow, if necessary, an additional amount to compensate for losses in carrying the water from the point of diversion from the stream to the lands, which additional quantity shall not exceed 10% of the quantity that the appropriator otherwise is entitled to divert.

On canals or ditches where the length exceeds 600 feet from the point of diversion to the place of use for conveying water for domestic, stock, or domestic and stock use, where the right was initiated prior to February 24, 1909, the water master may allow, if necessary, an additional amount to compensate for losses in conveying the water from the point of diversion to the place of use, which additional quantity shall not exceed 10% of that which the appropriator is otherwise entitled to divert.

It is further provided that said additional water to compensate for canal loss shall not be included in determining the total quantity which an appropriator is entitled to divert during the irrigation season, and provided, further, that before any appropriator is entitled to said additional quantity of water to provide for transportation losses the canal, ditch, or conduit shall be placed in reasonably good condition.

166.

HEAD-GATES AND MEASURING DEVICES

The owner or owners of any ditch, canal, or conduit, whether the rights are determined in this proceeding or subsequently initiated and perfected, shall maintain to the satisfaction of the water master a substantial head-gate at the point where the water is diverted, which shall be of such construction that it can be locked and kept closed by the water master; and when

required by the water master, such owners shall construct and maintain suitable measuring devices at such points along such ditch, canal, or conduit as may be necessary for the purpose of assisting the water master to determine the amount of water that is to be diverted into said ditch, canal, or conduit from the stream or spring or taken from these by various users. If any such owner or owners shall refuse or neglect to construct and put in such head-gate or measuring devices after ten days' notice, the water master may close such canal, ditch, or conduit and the same shall not be opened or any water diverted from the source of supply under the penalties prescribed by law for the opening of head-gates lawfully closed until the requirements of the water master as to such head-gate or measuring devices have been complied with.

167.

RIGHTS UNDER PERMITS OF STATE ENGINEER

Subject to the terms and conditions and modifications herein, each and every appropriator of the waters of North Santiam River and its tributaries who has initiated a right to the use of said waters by making application to the State Engineer for a permit, where the right had not been confirmed by the issuance of a certificate of water right prior to January 1, 1940, or where in the specific findings herein no reference is made to a certificate of water right, whether a claim was filed in the proceedings or not, shall have such rights thereunder as provided by law, and such rights shall be perfected in the manner provided by law for the completion thereof.

RIGHTS UNDER LICENSES OF HYDROELECTRIC COMMISSION OF OREGON

The rights to the use of the waters of the North Santiam River or its tributaries of each and every appropriator initiated by the filing of an application for a license with the Hydroelectric Commission of Oregon, whether a claim has been filed in these proceedings or not, shall be in accordance with the terms and conditions of the licenses as issued by said commission.

In the distribution of the waters of the North Santiam River and its tributaries, the water master shall have the same control over rights asserted in this proceeding which are based upon permits issued by the State Engineer or licenses issued by the Hydroelectric Commission of Oregon which have not been perfected and over all subsequent rights, as though these rights were definitely defined in this finding.

168.

ROTATION

To get a sufficient rate of flow or head of water, the water master may arrange such system or systems of rotation as may be best applicable: (1) By giving a greater amount of water to a water user for a proportionately less time; provided, that the giving

of such greater amount does not infringe upon any of the rights affirmed by this proceeding or any rights subsequently initiated; (2) where two or more water users agree as between themselves as to the manner of said rotation in the use of water and such agreement is in writing and filed by such water users with the water master, and such rotation system shall not interfere with the prior rights of any water user not included in the rotation plan, the water master shall distribute the water according to such agreement.

To get a sufficient head of water where there is no agreement providing for a system of rotation, the water master may arrange such water users in groups or systems of rotation; first, giving the water user who is first in priority in such group a quantity of water equal to the combined appropriations of all water users in said group or system for a length of time bearing the same ratio to the whole time required to make the complete rotation of the whole group of water users as the said appropriation of said water user bears to the combined appropriations of said group, and next, serving another water user with a like quantity for his proportionate time, and so on until all the water users of the said group or system are served; then the distribution of water shall be repeated in the same manner throughout the irrigation season; provided, that no system of rotation shall be established by the water master without the consent of the water users, except by order of the Circuit Court after an opportunity to be heard; provided, always, that such arrangement of groups or systems of rotation shall not interfere with prior rights of any water user not a member of such group or system.

The total quantity of water measured at the source of supply where rotation is practiced shall not exceed, except where otherwise provided herein, $2\frac{1}{2}$ acre-feet per acre during any irrigation season.

169.

IRRIGATION SEASON

The irrigation season hereby is fixed as beginning on May 1 and ending September 30 of each year.

170.

DOMESTIC USE, DOMESTIC AND STOCK USE, STOCK USE

The right to divert and use the waters of the North Santiam River and its tributaries as allowed herein for domestic, domestic and stock, or stock purposes shall continue throughout the year.

171.

PLACE OF MEASUREMENT

The place of measuring the water to which any appropriator of the waters of the North Santiam River and its tributaries is entitled hereby is fixed to be the point of diversion from the stream or source of supply.

RIGHTS APPURTENANT TO LAND

The rights to the use of water for irrigation purposes as hereby confirmed are appurtenant to the lands herein described, and the rights to the use of the waters of the North Santiam River and its tributaries by virtue of such rights are limited and confined to irrigation of the lands described herein to the extent of said lands herein set forth, and the priorities of rights 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, association, or corporation shall be and hereby is prohibited, restrained, and enjoined from diverting and using water from said stream or its tributaries on such other lands without lawful permit first obtained from the State Engineer.

The rights to the use of water for other useful and beneficial purposes as hereby confirmed are appurtenant to the lands herein described, and the priorities of rights 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 set forth herein as appurtenant, and each and every person, association, or corporation shall be and hereby is prohibited, restrained, and enjoined from diverting and using water from said stream or its tributaries on such other lands without lawful permits or licenses first obtained from the State Engineer or Hydroelectric Commission of Oregon.

DIVERSIONS GOVERNED BY PRIORITIES AND BENEFICIAL USE

Except as otherwise determined herein, the order of the rights of the respective claimants of the waters of the North Santiam River and its tributaries, and in which order they are entitled to divert and use 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 priority, and those having prior rights are entitled to divert and use the waters of said stream and its tributaries, when necessary for beneficial use in connection with the irrigation of their respective lands, or other useful and beneficial purposes for which they are allowed a right of use at all times against those having subsequent rights, without let or hindrance, and whenever the water is not required by the claimant having a prior right to its use for the purposes 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, according to the order of priority of their rights; and at all times the waters diverted shall be beneficially, economically, and reasonably used without waste by those having a right to the use of such water, and no rights of appropriation are hereby confirmed to divert a greater quantity of water into the head of the ditch, canal, or conduit of the claimant having a valid right to divert the water than such claimant can beneficially use for the purposes to which the water is to be put.

174.

To summarize and supplement the specific findings herein, the rights of the claimants to the use of the waters of North Santiam River and its tributaries, as determined herein, are arranged in tabulated form with the dates of relative priority of such appropriations, the number of acres to which such appropriations are applied, 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 water has been used, the tabulated rights of each appropriator being set opposite and following his name and post office address, 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
1866 Allen, T. W. Mill City, Oregon Proof #1 (See Findings, Paragraph 37)	1887	1.78		Municipal	Two pumps and pipe-line	North Santiam River	SW $\frac{1}{4}$, Sec. 29 SE $\frac{1}{4}$, Sec. 30 NE $\frac{1}{4}$, Sec. 31 NW $\frac{1}{4}$, Sec. 32 Tp. 9 S., R. 3 E., W. M.
1867 Proof #2 (See Findings, Paragraph 37)	1887 (Power Claim #45)	395		Power (1,077 T.H.P.)	Company Ditch	North Santiam River	SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 29, Tp. 9 S., R. 3 E., W. M.
1868 Baldwin, Lester Stayton, Oregon Proof #3 (See Findings, Paragraph 38)	1877	0.01		Domestic and stock	Unnamed pipe-line	Unnamed spring, trib. to Alder Creek	Beginning at the northeast corner of the donation land claim of David Mulkey and wife, No. 47, in Tp. 9 S., R. 1 E., W. M., in Marion County, Oregon; thence south
							86° 39' west along the north boundary of said claim, 40 chains to the most northerly northwest corner of said claim; thence south 3° 21' east along the west boundary of said claim 7.63 chains; thence south 69° 30' west 14.55 chains; thence south 83° east along the center of the county road, 8.14 chains to an angle in said road; thence south 82° east along the center of said road 6.38 chains to an angle in said road; thence south 71° east 9.15 chains to an angle in said road; thence south 58° east along the center of said road 10.30 chains to an angle in said road; thence south 61° east along the center of said county road 5.57 chains to an angle in said road; thence south 55° east along the center of said road 7.36 chains to an angle therein; thence south 45° east 9.69 chains to the east boundary of said claim, being also the northeast corner of Mary E. Schell's land; thence north 3° 21' west, along the east boundary of said claim, 41.00 chains, more or less, to the place of beginning, containing 102.87 acres.
	1877		0.5	Irrigation	Unnamed ditch	Unnamed spring, trib. to Alder Creek	0.5 acre within the above-described tract, being within Secs. 9 and 16, Tp. 9 S., R. 1 E., W. M.
Barrow, Joe C. Route 1, Box 80 Stayton, Oregon Proof #4 (See Findings, Paragraph 39)							Application #17642 Permit #13339 and Application #17938 Permit #13620
1869 Bennett, H. H. 335 N. Capitol St. Salem, Oregon Proof #5 (See Findings, Paragraph 40)				Domestic and stock		Springs	Beginning at the northeast corner of donation land claim of R. G. Cusick and wife, Not. No. 3205, in Tp. 9 S., R. 1 E., W. M., and running thence south 34 chains; thence west 14.71 chains; thence north 34 chains to the north line of said D. L. C.; thence east 14.71 chains to the place of beginning, containing 50 acres. Also commencing at the northeast corner of the Hugh L. McNary D.L.C. in Linn County, Oregon, running thence south along the east line of said D. L. C. to a point where said east line intersects the county road leading from Lyons to Kingston, Oregon; thence in a northwesterly direction along said county road to a point where said road intersects the north line of said D. L. C.; thence east along said north line to the place of beginning and containing 6 acres, more or less, in Sec. 28, Tp. 9 S., R. 1 E., W. M., Linn County, Oregon. Also the E $\frac{1}{2}$ E $\frac{1}{2}$ of the southeast quarter of Sec. 20 and the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 21, Tp. 9 S., R. 1 E., W. M., containing 120 acres, more or less, in Linn County, Oregon. Also the N $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 21, Tp. 9 S., R. 1 E., W. M., in Linn County, Oregon, containing 80 acres, more or less.

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
6682 Blum, James Route 1 Stayton, Oregon Proof #6 (See Findings, Paragraph 41)	July 24, 1923	0.1		Domestic	Pipe-line	Spring	Commencing at a point in the center of the county road leading from Stayton to Mehama, Oregon, where said road crosses Stout Creek in Sec. 14, Tp. 9 S., R. 1 E., W. M., in Marion County, Oregon; running thence easterly along the center of said county road to a point due south of the southwest corner of the S. R. Hays farm as described in conveyance recorded on the 4th day of February, 1914, in Vol. 130 at Page 284, Record of Deeds in and for Marion County, Oregon; thence north to said Stout Creek; thence down said creek to the place of beginning and containing 7½ acres of land, more or less. Said tract is within the SW¼ NE¼, Sec. 14, Tp. 9 S., R. 1 E., W. M.
11856 Bouche, Mrs. Chas. T. Mehama, Oregon Proof #7 (See Findings, Paragraph 42)	Dec. 31, 1935	0.05	2.0	Domestic, including irrigation of garden	Pipe-line	Unnamed springs	2.0 acres in the following-described tract: Commencing at the southwest corner of Sec. 7, Tp. 9 S., R. 2 E., W. M., running thence north 80 rods; thence east 22 rods; thence south 80 rods; thence west 22 rods to the place of beginning and containing 11 acres. (Within the SW¼ SW¼, Sec. 7, Tp. 9 S., R. 2 E., W. M.)
870 Bowes, Martha E. Lyons, Oregon Proof #8 (See Findings, Paragraph 43)				Stock	No diversions	Mad Creek	S½ N½ Sec. 35, Tp. 9 S., R. 3 E., W. M., containing 160 acres, more or less, all lying and being situate in Linn County, Oregon. Also the NE¼ NE¼, Sec. 35, Tp. 9 S., R. 3 E., W. M., saving and excepting therefrom 2 acres sold to Linn County, Oregon, described as follows: Beginning at a point on the north boundary line of said Sec. 35, said point being 583 feet west of the northeast corner of said Sec. 35; thence running west along said section line 525 feet; thence south 114 feet; thence south 78° 35' east 535 feet; thence north 220 feet to the point of beginning, the lands being and containing 38 acres, more or less, in Linn County, Oregon.
871 Bowman, Bertha Route 1 Turner, Oregon Proof #9 (See Findings, Paragraph 44)	1854			Stock	Unnamed ditch	Unnamed spring	Beginning at a point on the north boundary of the donation land claim of Calvin Neal, No. 46, 32.32 chains north 89° 41' west from the northeast corner of said D. L. C. No. 46; at this point there is a basalt stone 8 x 6 x 6 inches, 8 inches into the ground, marked with an x in the top of the stone at the exact point for the northeast corner of Lot No. 3, being coincident with the northwest corner of Lot No. 2; whence a fir tree 10 inches in diameter bears north 40' west 28 links distant, marked P. S. B. T.; thence north 89° 41' west along the north boundary of said Claim No. 46, 16.18 chains. The northwest corner of Lot No. 3 being coincident with the northeast corner of Lot No. 4, at this point is set a basalt stone 14 x 6 x 6 inches, 14 inches in the ground, marked P. S., with an x on the top of the stone, at the exact point for the corner whence a pine 8 inches in diameter bears south 77° 30' east 124 links distant a pine 8 inches in diameter bears south 21° 30' west 23½ links distant, each tree being marked P. S. B. T.; thence south along the west boundary of Lot No. 3, 34.075 chains. Set basalt stone 12 x 6 x 4 inches in the ground, marked P. S., with an x on the top of stone at the exact point for the southwest corner of Lot No. 3, coincident with the southeast corner of Lot No. 4; thence south 89° 41' east along the south boundary of Lot No. 3, 16.16 chains. Set basalt stone 12 x 8 x 4 inches, 8 inches into the ground, marked P. S. with an x on the top of the stone at the exact point for the southeast corner of Lot No. 3, it being coincident with the southwest corner of Lot No. 2; whence an oak 18 inches in diameter bears south 88° east 194 links distant, marked P. S. B. T.; thence north on the east boundary line of Lot No. 3, 34.075 chains to the place of beginning, containing 55.065 acres of land, being part of the D. L. C. of Calvin Neal No. 46, in T. 9 S., R. 2 W., W. M., Marion County, Oregon.
Hydro Electric Breitenbush Hot Springs, Inc. 421½ Court St. Salem, Oregon Proof #116 (See Findings, Paragraph 125)	Aug. 31, 1934	35.0		Development of 24 T.H.P.	Flume	Breitenbush River	SE¼ NW¼ Sec. 20, Tp. 9 S., R. 7 E., W. M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
10640 Breitenbush Mineral Springs Company, by W. D. Bruckman, Mgr. Breitenbush, Oregon Proof #10 (See Findings, Paragraph 45)	Nov. 4, 1926	30.0		Development of 61 T.H.P.	Flume	Breitenbush River	NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 20, Tp. 9 S., R. 7 E., W. M.
2453 Cannon, C. C. Route 5, Box 72 Salem, Oregon Proof #11 (See Findings, Paragraph 46)	Mar. 25, 1916	0.125	1.0	Irrigation	Pump	Marion Creek	1.0 acre in the following-described tract: Block 1; Lots 3 and 4, 3, 4, 7, and 8 in Block 13; W $\frac{1}{2}$ of Lots 5, 6, 7, and 8 in Block 15, all situated in the Town of Marion, Marion County, Oregon, according to the recorded plat thereof; also Lots 1 to 4 in Block 1 in O. Pickard's Addition to the Town of Marion, Marion County, Oregon, according to the recorded plat thereof, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33, T. 9 S., R. 2 W., W. M.
4872 Carey, Velma N. Route 1 Lyons, Oregon Proof #12 (See Findings, Paragraph 47)	1889		0.2	Irrigation	Unnamed ditch	Unnamed stream	0.2 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 30, Tp. 9 S., R. 4 E., W. M.
Cancelled-sp. or Rec. Vol. <u>16</u> P. <u>374</u>							
4873 Case, C. M. Mehama, Oregon Proof #13 (See Findings, Paragraph 48)	1880	0.012	0.5	Domestic and irrigation and operation of ram	Pump and hydraulic ram	Morehouse Creek	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 10, Tp. 9 S., R. 3 E., W. M.
				Stock	No diversions	Morehouse Creek	E $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 10, Tp. 9 S., R. 3 E., W. M.
1874 Chrisman, George Route 2 Scio, Oregon Proof #14 (See Findings, Paragraph 49)				Stock	No diversions	Bear Branch	SW $\frac{1}{4}$, Sec. 27, Tp. 9 S., R. 1 W., W. M.
Clark, E. R. and Ida A. Aumsville, Oregon Proof #15 (See Findings, Paragraph 50)				See Paragraph 50 herein			
Collins, F. H. 1534 Court St. Salem, Oregon Proof #15-A (See Findings, Paragraph 51)				Application #17347 Permit #13057			
Colvin, C. E. Turner, Oregon Proof #16 (See Findings, Paragraph 24)				Claim denied			

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Colvin, Robert Turner, Oregon Proof #17 (See Findings, Paragraph 27)				Claim withdrawn			
Comstock, Fred L. and Charlotte Aumsville, Oregon Proof #18 (See Findings, Paragraph 52)				See Paragraph 52			
875 Danforth, C. W. Lyons, Oregon Proof #19 (See Findings, Paragraph 53)	1900		0.5	Domestic, stock, and irrigation of garden	Unnamed ditch and pipe-line	Unnamed stream and spring	Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) Sec. 23, Tp. 9 S., R. 2 E., W. M.
				Stock	No diver- sions	Four unnamed springs and two unnamed streams	Lot 3 Lot 4 SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 23, Tp. 9 S., R. 2 E., W. M.
Daugherty, E. B. and Moran, J. Harry 1632 Court St. Salem, Oregon Proof #27 (See Findings, Paragraph 54)				Application #16431 Permit #12231			
Davidson, Lois E. 267 N. Church St. Salem, Oregon Proof #20 (See Findings, Paragraph 55)				Application #15139 Permit #11034			
876 Davis, Ed L. Route 1 Lyons, Oregon Proof #21 (See Findings, Paragraph 56)	1906		4.4	Development of 5 T.H.P.	Kitchen Ditch and pipe-line	Mad Creek	S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 36, Tp. 9 S., R. 3 E., W. M.
Proof #21-A (See Findings, Paragraph 56)	1893		0.02 0.5	Domestic, stock, and irrigation	Unnamed ditches and pipe-line	Mad Creek	S $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 36, Tp. 9 S., R. 3 E., W. M.
Denny, John H. Route 7 Salem, Oregon Proof #22 (See Findings, Paragraph 57)				Application #17493 Permit #13200			

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
DeWitt, O. K. and Ellen T. 1149 Court St. Salem, Oregon Proof #23 (See Findings, Paragraph 58)				Application #18310 Permit #13951			
Diekmann, Theodore Route 1, Box 58-C Aumsville, Oregon Proof #24 (See Findings, Paragraph 59)	Dec. 9, 1930	0.07	5.0	Irrigation	Pump	Unnamed stream	1.0 acre in Lot 9 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) 4.0 acres in Lot 4 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) Sec. 20, Tp. 9 S., R. 1 W., W. M.
Proof #25 (See Findings, Paragraph 59)				Application #17826 Permit #13495			
Donker Bros. by Nanne Donker and Garben Donker Aumsville, Oregon Proof #26 (See Findings, Paragraph 22)				Claim denied			
877 Duffy, Elizabeth and Fred D. Route 1 Lyons, Oregon Proof #28 (See Findings, Paragraph 60)	1904		0.5	Domestic, stock, and irrigation	Pump and pipe-line	North Santiam River	Beginning at a point on the meander line of the right bank of the North Santiam River which is 367 feet west and 262 feet north of the southeast corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, Tp. 9 S., R. 3 E., W. M.; thence running north 351 feet to the south line of the county road; thence east along the south line of the county road 213 feet; thence south 263 feet to the meander line on the right bank of the North Santiam River; thence south 67° 30' west along said meander line 231 feet to the point of beginning and containing 1.5 acres, more or less, all lying and being in Marion County, Oregon.
878 Duncan, James F. Route 1 Jefferson, Oregon Proof #29 (See Findings, Paragraph 32)	1875			Stock	Sidney Mill Ditch and roadside ditch	North Santiam River	Beginning in the angle on the north line of Peter Polly Donation Land Claim No. 43; thence north 62° 40' west along the north line of said claim 11.57 chains to the center of a county road leading from Salem to Buena Vista; thence south 69° west 12 chains in the center of said road; thence south 62° 15' west along the center of aforesaid road 9.45 chains; thence south 68° 30' east 34.05 chains; thence north 21° 30' east 16.44 chains to the north line of Claim No. 43; thence west along the north line of aforesaid claim 7.96 chains to the place of beginning and containing 40 acres of land, more or less, and being part of Peter Polly D. L. C. No. 43, situate in Sec. 18, Tp. 9 S., R. 3 W., W. M.
879 Farmen, Goldie M. Route 1 Lyons, Oregon Proof #30 (See Findings, Paragraph 61)	1903	0.01		Domestic and stock	Pump	Pierce Creek	Beginning on the north line of the right-of-way of the C. & E. R. R. Co. 36 rods east of the center line running north and south through Sec. 27, Tp. 9 S., R. 3 E., W. M.; thence north on the west line of land deeded to Henry Joost 38.1 rods; thence west 12.7 rods; thence south to the said north line of the right-of-way of the aforesaid C. & E. R. R.; thence in an easterly direction along the north line of the aforesaid R. R. Co. right-of-way to the place of beginning, containing 3 acres of land more or less in Sec. 27, Tp. 9 S., R. 3 E., W. M., Marion County, Oregon. (Within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ said section 27.)

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Federal Farm Mortgage Corporation Spokane, Washington Proof #31 (See Findings, Paragraph 62)	July 27, 1926		8.5	Irrigation	Pump	Zumwalt Creek	5.8 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 2.7 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 7, Tp. 9 S., R. 1 E., W. M.
880 Fischer, Otto P. R. F. D. Stayton, Oregon Proof #32 (See Findings, Paragraph 63)				Stock	No diver- sions	Zumwalt Creek	Beginning at a point 10 chains east of the south- west corner of the donation land claim of John Hause and wife, being Claim No. 49 in Tp. 9 S., R. 1 W., W. M., in Marion County, Oregon; running thence east 10.00 chains; thence north 18.00 chains; thence west 10.00 chains; thence south 18.00 chains to the place of beginning and containing 18 acres of land in Secs. 12 and 13, Tp. 9 S., R. 1 W., W. M.
881 CANCELLED Spec. Or. V. 12, p. 155 Gaines, Chester B. Gates, Oregon Proof #33 (See Findings, Paragraph 13)	May, 1893	0.005		Domestic and stock	Pipe-line	Unnamed stream	Beginning at a point 50 feet north and 65 feet west of a point in center of the track of the Oregon Pacific Railroad at the west end of Bridge 261 (now No. 7335) at Niagra in Marion County, Oregon; running thence west 75 feet; thence north 125 feet; thence east 75 feet; thence south 125 feet to the place of beginning in Sec. 28, Tp. 9 S., R. 4 E., W. M. Said tract is in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, Tp. 9 S., R. 4 E., W. M.
Superseded by 51735 & 30336 882 Gardner, A. D. Stayton, Oregon Proof #34 (See Findings, Paragraph 20) Power Claim #12 50 cfs Trsf. to Municipal Sp. Or. Vol. 12 p. 156	1866	812		Power and other manu- facturing purposes	Stayton Water Power or Gardner Ditch	North Santiam River	Beginning at a point on east line of sawmill lot, 180 feet west and 166 feet south of the southeast corner of Block 6, City of Stayton, Marion County, Oregon; and running thence east 34 feet; thence south 30 feet to the section line between Secs. 10 and 15; thence south 90 feet, more or less, to the center of tail- race slough; thence easterly 47 feet; thence north 90 feet, more or less, to said section line; thence north 17 feet; thence north 74° 22' east 26 feet to the north- east corner of Mutchler's lot; thence north 74° 22' east 26 feet (northeast corner of Cooper's lot); thence north 58° 10' east 34.1 feet; thence north 70° 42' east 21.2 feet; thence north 75° 0' east 68.3 feet; thence east 66 feet; thence north 50.1 feet to the northwest corner of the flour mill lot; thence north 60° 0' east 38.3 feet; thence north 55° 0' east 40.3 feet; thence north 63° 30' east 37.0 feet; thence east 165 feet; thence north 80° 30' east 134 feet to the northeast corner of flour mill lot; thence south 30 feet; thence north 84° 02' east 112.8 feet; thence north 18.3 feet; thence east 100 feet; thence south 7.9 feet; thence north 84° 02' east 121.6 feet; thence south 80° 24' east 262.1 feet; thence north 29° 45' east 288 feet; thence north 20° 50' east 175 feet; thence north 48° 35' east 294.4 feet; thence north 84° 31' west 111.7 feet to a point near the northeast corner of the Hepburn tract; thence south 50° 11' west 271.9 feet; thence south 25° 53' west 172.4 feet to a point on north line of Florence Street, produced; thence south 71° 54' west 338.0 feet; thence south 76° 01' west 62 feet to the southwest corner of the Hepburn tract; thence south 13 feet; thence south 57° 10' west 36.9 feet; thence south 63° 09' west 53.8 feet; thence west 78.4 feet to the southeast corner of the English tract; thence south 74° 06' west 182.6 feet; thence south 81° 38' west 101.1 feet to the southwest corner of the English tract; thence west 120 feet; thence south 63° 26' west 174.4 feet; thence west 30 feet; thence south 24 feet; thence south 51° 20' west 38.4 feet; thence west 20 feet; thence south 74° 22' west 26 feet; thence north 5 feet to the southeast corner of Cooper's lot; thence west 25 feet; thence south 5 feet; thence west 25 feet; thence south 5 feet; thence west 40 feet; thence north 30 feet; thence west 11 feet; thence south 70 feet; thence west 34 feet; thence south 6 feet to the point of beginning, all in Tp. 9 S., R. 1 W., W. M., in Marion County, Oregon.
Gavette, Hugh R. Lyons, Oregon Proof #35 (See Findings, Paragraph 64)				Application #17612 Permit #13302			

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
4410 Grafe, LeRoy Idanha, Oregon Proof #36 (See Findings, Paragraph 65)	Mar. 9, 1934	3.0		Power (2.0 T.H.P.)	Flume	Unnamed stream	SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 27, Tp. 9 S., R. 3 E., W. M.
10890 Proof #37 (See Findings, Paragraph 65)	Mar. 9, 1934	0.05	0.5	Domestic, stock, and irrigation of garden	Unnamed ditch and pipe-line	Unnamed stream	0.5 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 27, Tp. 9 S., R. 3 E., W. M., in the following-described tract: Beginning at the southwest corner of the SE $\frac{1}{4}$, Sec. 27, Tp. 9 S., R. 3 E., W. M., and from thence running north 89° 40' east along the south boundary line of said section 10.00 chains; thence north 23.04 chains to the south boundary line of the C. & E. R. R. Co. right-of-way; thence north 84° west along the south boundary line of the said right- of-way 10.05 chains to the west boundary line of the E $\frac{1}{2}$ of said Sec. 27; thence south 24.10 chains to the place of beginning and containing 23.57 acres, more or less, but subject to the rights and privileges granted by Polly A. Pierce and R. G. Pierce and Dora M. Bloom (Pierce) to Willard P. Hawley (W. P. Hawley) and Joseph M. Healy, by deeds recorded in Book 71 at Page 380 and Page 471 of Deed Records of Marion County.
Grimm, R. E. Route 1, Box 112 Stayton, Oregon Proof #38 (See Findings, Paragraph 66)				Same right claimed and allowed under name of Federal Farm Mortgage Company of Spokane, Washington			
Hallin Lumber Company by MacCormac Snow Platt Building Portland, Oregon Proof #39 (See Findings, Paragraph 67)	July 8, 1937	0.50		Log pond		Unnamed stream and reservoir	NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 19, Tp. 9 S., R. 2 E., W. M.
	July 13, 1937	12.0 ac.-ft.		Storage		Unnamed stream	NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 19, Tp. 9 S., R. 2 E., W. M.
	Aug. 10, 1937	13.0 ac.-ft.					
Hart, Charles C. Jefferson, Oregon Proof #40 (See Findings, Paragraph 68)	June 28, 1935	0.25	20.0	Irrigation	Pump and pipe-line	North Santiam River	20.0 acres in Lot 8 Sec. 18, Tp. 10 S., R. 2 W., W. M.
Haseman, C. T. Idanha, Oregon Proof #41 (See Findings, Paragraph 69)				Application #18393 Permit #14033			
Hatch, W. L. Aumsville, Oregon Proof #42 (See Findings, Paragraph 70)				Application #16824 Permit #12586			
Henderson, W. W. Mill City, Oregon Proof #43 (See Findings, Paragraph 71)	June 14, 1933	0.02	2.0	Irrigation	Unnamed flume	Chartz or Beaver Creek	2.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 25, Tp. 9 S., R. 2 E., W. M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Hennes, T. Lincoln Route 1 Lyons, Oregon Proof #44 (See Findings, Paragraph 72)	July 12, 1926	0.13	10.0	Irrigation	Unnamed ditch	Unnamed spring branch, trib. of small stream	10.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 31, Tp. 9 S., R. 4 E., W. M.
883 Herron, A. V. Lyons, Oregon Proof #45 (See Findings, Paragraph 73)				Stock	No diversions	Unnamed creek	Beginning at a point 1,046.2 feet west of the southeast corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 36, Tp. 9 S., R. 2 E., W. M., and running thence westerly 320 feet, more or less, to the then southwest corner of said NW $\frac{1}{4}$ NE $\frac{1}{4}$; thence northerly 722.71 feet, more or less, to the south line of the right-of-way of the C. & E. R. R.; thence southeasterly along the said right-of-way 320 feet; thence southerly 664 feet to the place of beginning, situated in Linn County, Oregon. (Within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 36, Tp. 9 S. R. 2 E., W. M.)
Hiatt, Percy J. and Beatrice M. Lyons, Oregon Proof #46 (See Findings, Paragraph 74)	Nov. 18, 1930	0.04	3.0	Irrigation	Pipe-line	Unnamed stream	3.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 18, Tp. 9 S., R. 2 E., W. M.
Hunt, Dora Route 1 Stayton, Oregon Proof #47 (See Findings, Paragraph 25)				Claim withdrawn			
884 Husted, H. W. Jefferson, Oregon Proof #48 (See Findings, Paragraph 33)	1882			Stock	Sidney Mill Ditch	North Santiam River	Beginning at the southwest corner of the donation land claim of Jesse Looney and wife in Tp. 9 S., R. 3 W., W. M., Marion County, Oregon; thence south 53° 21' east 15.75 chains along the south line of the Jesse Looney claim; thence north 7° 45' east 21.08 chains; thence north 82° 20' west 11.37 chains to the west line of the Jesse Looney claim; thence south 17° 54' west 13.725 chains to the place of beginning and containing 22.20 acres of land, more or less.
Idanha Power Company Idanha, Oregon Proof #49 (See Findings, Paragraph 75)				See Paragraph 75 herein			
Idanha Shingle Company Idanha, Oregon Proof #50 (See Findings, Paragraph 76)				Application #18707 Permit #14330			
Johnson, Frankie S. and C. D. Lyons, Oregon Proof #51 (See Findings, Paragraph 77)	1903		5.0	Irrigation	Burbank Ditch	Burbank Creek (Johnson Creek)	5.0 acres in Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) Sec. 31, Tp. 9 S., R. 4 E., W. M.
	1903			Stock	Burbank Ditch	Burbank Creek (Johnson Creek)	Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) and the W. 20 rods of NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 31, Tp. 9 S., R. 4 E., W. M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Joost, Emilie Gates, Oregon Proof #52 (See Findings, Paragraph 78)	Feb. 13, 1934	0.02	0.5	Domestic and irrigation of garden	Pipe-line	Pierce Creek	Beginning at the northeast corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, Tp. 9 S., R. 3 E., W. M.; thence west 44 rods; thence south 70 rods, more or less, to the line of right-of-way of the Oregon Pacific Railroad; thence east 44 rods following the right-of-way of the Oregon Pacific Rail- road to the line between the NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said above-mentioned Sec. 27; thence north 70 rods, more or less, to the place of beginning containing 20 acres, more or less, in Marion County, Oregon. (Within NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, Tp. 9 S., R. 2 E. W. M.)
885 Jungwirth, John E. Lyons, Oregon Proof #53 (See Findings, Paragraph 79)	1893		2.0	Domestic, irrigation, and stock	Pump and pipe-line	Unnamed spring	2.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 20, Tp. 9 S., R. 2 E., W. M.
				Stock	No diver- sions	Unnamed spring	S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 20, and commencing at the center of said Sec. 20 and running thence south to the north line of the railroad through said section; thence easterly along the north line of said railroad to the east line of the W $\frac{1}{2}$ SE $\frac{1}{4}$, said Sec. 20; thence north to the center line of said Sec. 20; thence west 20 chains to the place of beginning, containing about 135 acres, all situate in said Sec. 20, Tp. 9 S., R. 2 E., W. M., Linn County, Oregon
1418 Keiser, Harry A. Gates, Oregon Proof #54 (See Findings, Paragraph 80)	Aug. 3, 1926	0.022	1.0	Domestic and irrigation	Pipe-line	Roland Creek	1.0 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 26, Tp. 9 S., R. 3 E., W. M.
886 Kellogg, E. M. Route 1, Box 37-A Lyons, Oregon Proof #55 (See Findings, Paragraph 81)	1860			Domestic		Unnamed spring	NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 34, Tp. 9 S., R. 2 E., W. M.
				Stock	No diver- sions	Unnamed stream and spring	NE $\frac{1}{4}$ Sec. 34, Tp. 9 S., R. 2 E., W. M.
Keyes, W. E. and Ida Salem, Oregon Proof #56 (See Findings, Paragraph 82)				See Paragraph 82 herein			
887 Kirsch, Augustine J. and Marie A. Route 1, Box 113 Stayton, Oregon Proof #57 (See Findings, Paragraph 83)	1369			Domestic		Unnamed stream	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 12, Tp. 9 S., R. 1 W., W. M.
				Stock	No diver- sions	Unnamed stream	E $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 12; NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 13, Tp. 9 S., R. 1 W., W. M.
888 Kirsch, A. P. Stayton, Oregon Proof #58 (See Findings, Paragraph 84)	1904	0.01	1.0	Domestic and irrigation	Pump and pipe-line	Unnamed spring and stream	Lot 4 (SE $\frac{1}{4}$ SW $\frac{1}{4}$) Sec. 8, Tp. 9 S., R. 1 E., W. M.
	1904	0.01		Stock	Pump and pipe-line	Unnamed spring and stream	Lot 4 (SE $\frac{1}{4}$ SW $\frac{1}{4}$) Sec. 8, Tp. 9 S., R. 1 E., W. M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Kirsch, A. P. (Continued) Proof #59 (See Findings, Paragraph 84)	1904		2.0	Irrigation	Ditches	Spring	2.0 acres in Lot 6, Sec. 8, Tp. 9 S., R. 1 E., W. M.
				Stock	No Diversions	Spring and Zummwalt Creek	Lot 5 Lot 6 Lot 8 Sec. 8, Tp. 9 S., R. 1 E., W. M.
Klein, Elmer A. and Hulda S. Aumsville, Oregon Proof #60		Claim denied.		(See Findings, Paragraph 30)			
1889 United States National Bank, Portland, Oregon (Successor to Ladd and Bush Bankers, Salem, Oregon) Proof #61 (See Findings, Paragraph 85)	1900		4.3	Irrigation	Unnamed ditches	Unnamed stream	1.3 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 29; 3.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 30, Tp. 9 S., R. 4 E., W. M.
	1900			Domestic	Unnamed ditches and troughs	Unnamed stream	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 30, Tp. 9 S., R. 4 E., W. M.
	1900			Stock	Unnamed ditches and troughs	Unnamed stream	SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 29; SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 30, Tp. 9 S., R. 4 E., W. M.
1890 Lambert, Martha Stayton, Oregon Proof #62 (See Findings, Paragraph 86)	1879			Domestic		Bear Branch	E $\frac{1}{2}$ SE $\frac{1}{4}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 25, Tp. 9 S., R. 1 W., W. M.
				Stock		Bear Branch	E $\frac{1}{2}$ SE $\frac{1}{4}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 25, Tp. 9 S., R. 1 W., W. M.
1891 Looney, Herbert and Ida M. Route 1 Jefferson, Oregon Proof #63 (See findings, Paragraph 34)	1882			Stock	Sidney Mill Ditch	North Santiam River	Commencing at the S.E. cor. of Jesse Looney's D.L.C. 53, T.9 S., R.3 West, W.M., running thence N.14°38' E. 40 chains to the S.W. cor. of
					Chas.H.Libby's land; thence E. along Libby's S. line 14 chains; thence S. about 8° W. 38.60 chains; thence S. 20.65 chains; thence W. 31.10 chains to the E. line of John H. Bellinger's D.L.C.; thence north on said E. line of said D.L.C. 20.65 chains to the S. line of Jesse Looney's D.L.C.; thence E. on said S. line of said D.L.C.13.40 chains to the place of beginning. ALSO: Beginning at a point 21.50 chains East of the N.W. corner of Sec. 36, Tp. 9 S., R. 3 W., W.M. in Marion County, Oregon, said beginning point being also the SE cor. of a 125-acre tract of land deeded by H.A.Johnson, et al, to Jesse W. Looney, by deed bearing date Sept. 13, 1886, and recorded Sept. 14, 1886, in Vol. 34, page 137, Marion County Records of Deeds, and running thence N. 20.65 chains; thence N.8°45' E. 38.60 chains to the S. line of land of C.H.Libby; thence S. 5° 45' W. 59.05 chains to the place of beginning, containing 6.37 acres, more or less. ALSO: Beginning on the E. boundary of the D.L.C. of Jesse Looney and wife, the same being No. 53, in Tp. 9 S., R. 3 W., W. M., in Marion County, Oregon, at an iron pipe set 19.69 chains south 14°38' west of the NE corner of said claim, and from thence running N. 76° 27' W. 24.44 chains; thence S. 13° 42' W. 25.90 chains to the middle of the Sidney Ditch; thence easterly following the meanderings of the middle of said ditch upstream to a point 10.30 chains west of the east boundary of said claim; thence S. 14° 38' West, parallel with the east boundary of said claim, 14.05 chains to an iron pipe set 16.00 chains north 14° 38' east and 10.30 chains west of the southeast corner of said Claim No. 53; thence east 10.30 chains to the east boundary of said claim; thence north 14° 38' east 46.32 chains to the place of beginning, containing 92.04 acres of land, more or less, situated in the Jesse Looney D.L.C., in Tp. 9 S., R. 3 W., W. M., Marion County, Oregon.		

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
892 Looney, Marion D. and Winnifred B. Route 1 Jefferson, Oregon Proof #64 (See Findings, Paragraph 87)	1877	0.02		Domestic and stock	Sidney Mill Ditch	North Santiam River	Beginning at a point which is 19.69 chains south 14° 38' west and 24.44 chains north 76° 27' west of the northeast corner of the donation land claim of Jesse Looney and wife, the same being Claim No. 53 in Tp. 9 S., R. 3 W., W. M., in Marion County, Oregon, and from thence running south 13° 42' west 25.90 chains to the middle of the Sidney Water Ditch; thence westerly following the meanderings of the middle of said ditch downstream to the southeast corner of a certain 10.50 acre tract of land to Marion D. Looney and Winnifred B. Looney, which deed of conveyance is of record at Page 59 of Volume 136 of the Deed Records for Marion County, Oregon; thence north 10° 45' east parallel with the middle of the Pacific Highway 14.94 chains to the northeast corner of said 10.50 acre tract of land; thence north 79° 15' west 6.32 chains to the northwest corner of said 10.50 acre tract of land; thence north 10° 20' east along the middle of said highway 7.07 chains to a point 1.92 chains south 10° 20' west of the northeast corner of a certain 11.26 acre tract of land conveyed to the said Marion D. Looney and Winnifred B. Looney which deed of conveyance is of record at Page 59 of Volume 136 of the Deed of Records for Marion County, Oregon; thence south 79° 40' east 23.455 chains; thence north 13° 22' east 18.33 chains to the middle of a county road; thence south 76° 27' east 25.00 chains to the place of beginning and containing 94.76 acres of land. Also beginning at the southeast corner of the tract of land, containing 11.26 acres, first described in that certain deed now of record in Volume 136, Page 59, Record of Deeds for Marion County, Oregon, and running thence south 79° 15' east at right angle to county road 6.32 chains; thence south 10° 45' west parallel with said road 14.94 chains to the middle line of the Santiam Sidney Water Ditch; thence southerly and westerly along the middle line of said Water Ditch to the intersection of the middle line of the above-described county road; thence north 10° 15' east along the middle line of said road 18.30 chains to the place of beginning and containing 10.50 acres.
Martin, Charles L. and Margaret Aumsville, Oregon Proof #65 (See Findings, Paragraph 26)				Claim denied			
893 Mason, Harry F. Lyons, Oregon Proof #66 (See Findings, Paragraph 88)				Stock	No diversions	Unnamed stream	SE $\frac{1}{4}$ NW $\frac{1}{4}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 33, Tp. 9 S., R. 3 E., W. M.
894 Mason, Rillie Wilson 125 Washington St. Dallas, Oregon Proof #67 (See Findings, Paragraph 89)	1865	0.02	1.0	Domestic, stock, and irrigation	Pipe-line	Unnamed spring	1.0 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 12, Tp. 9 S., R. 1 E., W. M.
				Stock	No diversions	Unnamed spring	Beginning at southeast corner of Sec. 12, Tp. 9 S., R. 1 E., W. M.; running thence north 40 chains; thence west 25 chains; thence south 40 chains; thence east 25 chains to place of beginning, containing 100 acres of land, more or less, situated in Marion County, Oregon, save and except that which may have been sold off of the above-described premises.
895 McDaniel, J. H. Route 2 Scio, Oregon Proof #68 (See Findings, Paragraph 90)	1880			Stock	Unnamed ditch	Unnamed stream and unnamed spring	SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 23, Tp. 9 S., R. 1 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>396 McKee, Paul J. and Ada M. Jefferson, Oregon Proof #69 (See Findings, Paragraph 91)</p>	1877	0.02		Domestic and stock	Sidney Mill Ditch	North Santiam River	<p>Beginning at the northwest corner of the donation land claim of Samuel Miller and wife, Not. No. 483, and Claims Nos. 54 and 60 in Tp. 9 S., R. 2 and 3 W., W. M., the same being the northeast corner of the D. L. C. of Hiram A. Johnson and wife, Claim No. 55, in Tp. 9 S., R. 3 W., W. M.; running thence south from said corner 53.60 chains to a point 7.64 chains north of the southwest corner of said Miller's D. L. C.; thence west 21 chains; thence north 54.60 chains to the south line of the D. L. C. of E. E. Parrish and wife; thence south 87° 18' east along said south line 21.01 chains to the place of beginning, and containing 113.60 acres, more or less, Marion County, Oregon.</p> <p>Also beginning on the west boundary line of and north 7.64 chains distant from the southwest corner of the D. L. C. of Samuel Miller and wife, same being Not. No. 483, and Claim No. 60 in Tp. 9 S., R. 3 W., W. M., Marion County, Oregon, and from thence running west 21 chains to a point marked by a stone set firmly in the ground in the center of the county road; from which an oak 24 inches in diameter bears south 5° east 274 links distant; thence south along the center of said county road 9.14 chains to a stone set firmly in the ground from which an oak 6 inches in diameter marks southwest corner C. M. B. T., bears north 74° east 35 links distant; thence east 24.90 chains to the center of the ditch or channel; thence north 23° 15' west 9.96 chains to the place of beginning, and containing 20.98 acres, more or less, situated in Marion County, Oregon.</p> <p>Save and except from the above-described premises all roads and rights-of-way and also except lands deeded to Paul J. G. Kleppin for water rights and privileges.</p>
<p>McKenzie, A. A. Scio, Oregon Proof #70 (See Findings, Paragraph 92)</p>	Apr. 2, 1924	0.05		Domestic, operation of a hydraulic ram, and stock	Ditch and pipe-line	Bear Branch	<p>SW$\frac{1}{4}$ NW$\frac{1}{4}$ Sec. 25; SE$\frac{1}{4}$ NE$\frac{1}{4}$ Sec. 26, Tp. 9 S., R. 1 W., W. M.</p>
<p>McNeal, Modenia Route 1 Turner, Oregon Proof #71 (See Findings, Paragraph 93)</p>	Aug. 7, 1917	0.05	4.0	Irrigation	Unnamed ditch	Marion Creek	<p>Beginning on the north line of the donation land claim of Oliver Pickard and wife, Oregon, at a point 11 chains and 29 links east of the southwest corner of the D. L. C. of Henry C. Bickers, Not. No. 3446, in Sec. 26, said township, and running thence north 1° east parallel with the west line of said Bickers claim 17 chains and 75 links; thence west 11 chains and 29 links to the west line of said Bickers claim; thence north 1° east on the west line of said Bickers claim 18 chains and 75 links to the northwest corner of said Bickers claim; thence east on the north line of said Bickers claim 29 chains and 12$\frac{1}{2}$ links; thence south 1° west 6 chains and 35 links; thence west 3.9 chains; thence south 9° west 4.79 chains; thence south 20° west 7.5 chains; thence south 4° east 2.60 chains; thence south 35° 30' west 5.34 chains; thence south 24° 30' west 3 chains to a stake on the northwestern bank of a creek; thence south 12° east 8.3 chains to the center of a county road; thence south 55° 30' west 48 links to the south line of said Bickers claim; thence west 8.49 chains to the place of beginning, containing 63.68 acres, more or less, all situated in Marion County, Oregon.</p>
<p>Mill City Lumber Company Lyons, Oregon Proof #72 (See Findings, Paragraph 94)</p>				Application #18749 Permit #14358			
<p>43778 Mill City Mfg. Co., Inc. Lyons, Oregon Proof #72-A (See Findings, Paragraph 95)</p>	Jan., 1906	10.0		Log pond, boiler, and fire protection	Unnamed ditch	Rock Creek	<p>SE$\frac{1}{4}$ SE$\frac{1}{4}$ Sec. 29; NE$\frac{1}{4}$ NE$\frac{1}{4}$ Sec. 32, Tp. 9 S., R. 3 E., W. M.</p> <p>chq. in use Sp. Dr. V. 20, p. 7</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
98 Miller, Louisa and Hoyt, Lydia Jefferson, Oregon Proof #73 (See Findings, Paragraph 96)	1877	0.02		Domestic and stock	Sidney Mill Ditch	North Santiam River	Beginning at the southeast corner of Sec. 36, Tp. 9 S., R. 3 W., W. M., in Marion County, Oregon, and from thence running west along the south line of said section 27.54 chains to the southeast corner of a certain 20-acre tract of land conveyed to F. J. and F. F. Weid, which is of record at Page 194 of Volume 112 of Deed Records for Marion County, Oregon; thence north along the east boundary of the said 20.00 acres of land 8.40 chains to an I. P.; thence north 88° 31' east 41.425 chains to an I. P.; thence north 13° east 3.38 chains to the center of the Sidney Power Company Ditch; thence north 32° 22' west along the center of said ditch 6.84 chains; thence north 35° 33' west along the center of said ditch 4.29 chains; thence north 36° 33' west along the center of said ditch 13.06 chains thence north 26° 30' west along the center of said ditch 23.42 chains to the west boundary of the donation land claim of Samuel D. Miller and wife, Claim No. 60, in said township and range at a point 7.60 chains north of the southwest corner of said claim; thence east 61.26 chains to an I. P.; thence north 4.76 chains to an I. P.; thence east 33.37 chains to an I. P.; thence south 7.11 chains to the north boundary of the D. L. C. of John Wells and wife, being Claim No. 56, in Tp. 9 S., R. 2 W., W. M.; thence west 33.37 chains to the northwest corner of Claim No. 56; thence south 5.29 chains to the northeast corner of the D. L. C. of Chas. Miller; thence south 0° 45' west 52.96 chains to the southeast corner of the D. L. C. of Chas. Miller; thence west along the south boundary of the D. L. C. of Chas. Miller 50.97 chains to the west boundary of Sec. 6, Tp. 10 S., R. 2 W., W. M.; thence north 4.98 chains to the place of beginning and containing 349.36 acres of land, all situated in Marion County, Oregon.
Moore, G. W. and Morris, Rollie D. Detroit, Oregon Proof #74 (See Findings, Paragraph 97)	Feb. 23, 1935	0.1		Municipal	Pipe-line	Mackey Creek	S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 1; SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 2; E $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 11; N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 12, Tp. 10 S., R. 5 E., W. M.
Morrison, Arthur V. Mill City, Oregon Proof #75 (See Findings, Paragraph 98)	Sept. 6, 1927	0.09	7.0	Irrigation	Morrison Ditch	West Tributary of Mad Creek	7.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 36, Tp. 9 S., R. 3 E., W. M.
Kelbert, C. P. Stayton, Oregon Proof #76 (See Findings, Paragraph 28)				Claim denied			
99 Oliver, Clyde Lyons, Oregon Proof #77 (See Findings, Paragraph 99)	1895		2.0	Irrigation	Kitchen Ditch	Mad Creek	2.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 36, Tp. 9 S., R. 3 E., W. M.
	1895			Domestic and stock	Kitchen Ditch	Mad Creek	NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 36, Tp. 9 S., R. 3 E., W. M.
900 Oliver, Lois c/o H. O. Henderson Route 1 Jefferson, Oregon Proof #78 (See Findings, Paragraph 100)	1877	0.02		Domestic and stock	Sidney Mill Ditch	North Santiam River	Beginning at a point 10.30 chains west of the southeast corner of the donation land claim of Jesse Looney in Tp. 9 S., R. 3 W., W. M., in Marion County, Oregon, and running thence north 14° 38' east to the intersection with the Santiam Sidney Water Ditch; thence westerly down said ditch to the county road leading from Jefferson to Salem; thence south 7° 15' west along said road 3.50 chains to the southwest line of said D. L. C.; thence south 53° 21' east 49.31 chains; thence east 14.20 chains to the place of beginning, containing 148.95 acres of land, more or less.

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><i>Superseded by Cmts: 18800, 19801</i></p> <p>Oregon Pulp & Paper Company, The Thomas Kay Woolen Mills Company, and City of Salem, Oregon Salem, Oregon Proof #79 (See Findings, Paragraph 16)</p> <p><i>203 51353</i></p>	<p>Superseded by 57851 45784 46801 51535 38655</p> <p>1856</p> <p>Power Claim #68 #68A</p> <p>T3999 Δ Use 62 cfs</p> <p>T-5476 Δ USE 55° CFS; CANCEL 45° CFS</p>	254.0	784	Power and manufacturing	Salem Canal, Mill Creek, and ditch therefrom	North Santiam River	<p>Within the corporate limits of the City of Salem, Oregon</p> <p>60 c.f.s. changed to Mun. - Sp. Or. Vol. 7, p. 238</p> <p>" " 8, p. 78 Amended</p> <p>22° cfs chq. to recreation Sp. Or. Vol. 20, p. 447</p> <p>10.0 cfs chq. to beautification Sp. Or. Vol. 21, p. 502</p>
<p>State of Oregon by the Oregon State Board of Control Capitol Building Salem, Oregon Proof #80 (See Findings, Paragraph 18)</p>	1856	230.0	371 371	Power	Salem Canal, Mill Creek, and canal	North Santiam River	<p>At Oregon State Penitentiary within the NE$\frac{1}{4}$ SW$\frac{1}{4}$ Sec. 25, Tp. 7 S., R. 3 W., W. M.</p>
<p>Proof #81 (See Findings, Paragraph 18)</p>	1856	One million two hundred thousand gallons in 24 hours		Domestic, stock, institutional purposes, and upkeep of grounds connected with state institutions	Salem Canal, Mill Creek, canal and pipe-line	North Santiam River	<p>In lands owned by the State of Oregon used for state institutions in and adjacent to the City of Salem, Oregon and more particularly described in Paragraph 18 herein. (pg 41-42)</p>
<p>Claim denied</p>							
<p>Oregon State Fish Commission Portland, Oregon Proof #82 (See Findings, Paragraph 101)</p>	July 30, 1919	10.0		Fish culture	Unnamed ditches	North Santiam River	<p>NW$\frac{1}{4}$ SE$\frac{1}{4}$ Sec. 14, Tp. 9 S., R. 1 E., W. M.</p>
<p>Proof #83 (See Findings, Paragraph 101)</p>	July 30, 1919	5.0		Fish culture	Unnamed ditches	Stout Creek	<p>NW$\frac{1}{4}$ SE$\frac{1}{4}$ Sec. 14, Tp. 9 S., R. 1 E., W. M.</p>
<p>Proof #84 (See Findings, Paragraph 15)</p>	Dec. 20, 1926	0.2		Domestic and fish culture	Pipe-line	Unnamed spring	<p>SW$\frac{1}{4}$ NE$\frac{1}{4}$ Sec. 14, Tp. 9 S., R. 1 E., W. M.</p>
<p>Proof #84 (See Findings, Paragraph 15)</p>		50.0		Passage of fish	No diversions	North Santiam River	<p>See Paragraph 15 herein.</p>
<p><i>902</i></p> <p>Paris, Robert D. Stayton, Oregon Proof #85 (See Findings, Paragraph 31)</p>	1907	0.6		Manufacturing	A. D. Gardner Ditch	North Santiam River	<p>Beginning at a point 40 feet south and 493 feet east of the southeast corner of the Mulkey block in the Town of Stayton, Marion County, Oregon, which point is situated 416.02 feet north and 1,301 feet east of the quarter section corner between Secs. 10 and 15, Tp. 9 S., R. 1 W., W. M.; running thence east 153 feet; thence south 90 feet, more or less, to a point 15 feet north of the north bank of the Stayton Power Company's ditch; thence westerly down said ditch meandering within 15 feet of the north bank of said ditch to a point due south of the place of beginning; thence north 79 feet, more or less, to the place of beginning.</p> <p>Also beginning at a point 20 feet north of the northeast corner of the Sarah V. Cusick block adjoining the Town of Stayton, Marion County, Oregon, at which point an iron stake is driven 16 inches in the ground, which stake is 436.02 feet north and 1,143.59 feet east of the quarter section corner between Secs. 10 and 15, in Tp. 9 S., R. 1 W., W. M.; running thence south 157.08 feet to the mill race; thence up said race in an easterly direction until reaching a point 157.41 feet east of the last-described line; thence north 99 feet; thence west 157.41 feet to the place of beginning, containing 0.46 of an acre, more or less, adjoining the Town of Stayton, Marion County, Oregon.</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
Paris, Robert D. (Continued)							<p>Also beginning at a point 2 chains east and 1.09 chains south, north 60° east 58 links, north 58° east 61 links, north 63° 30' east 56 links, east 2 chains, 50 links north 80° 30' east 2.03 chains east, 1.70 chains south 6 links from the southeast corner of Block 6 in the Town of Stayton, Marion County, Oregon, said southeast corner of Block 6 in said Town of Stayton being 106.02 feet north and 1,532 feet east of the quarter section corner between Secs. 10 and 15, in Tp. 9 S., R. 1 W., W. M.; running thence south 100 feet; thence east 100 feet; thence north 100 feet; thence west 100 feet to the place of beginning, all of said lands being in Sec. 10, Tp. 9 S., R. 1 W., W. M.</p> <p>Also beginning at a point east 2 chains; south 1 chain 9 links; thence north 80° 30' east 6 chains 2 links, east 1 chain, 70 links, south 20 links from the southeast corner of Block 6 in the Town of Stayton, Marion County, Oregon; running thence in a southwesterly direction along the north side of a slough as it now is to a point due south of the southwest corner of A. D. Gardner and John Sandner's lot on which their flouring mill now stands, which point is 150 feet, more or less, south of a point 2 chains east and 1 chain 9 links south of the southeast corner of said Block 6 in said town; thence south 20 feet; thence in a northeasterly direction up said slough to a point due south of the place of beginning; thence north 20 feet to the place of beginning.</p>
Payree, Bert W. Stayton, Oregon Proof #86 (See Findings, Paragraph 102)	Apr. 14, 1934	0.40		Power (5 T.H.P.)	Canal and pipe-line	Unnamed stream	SE 1/4 SW 1/4 Sec. 11, Tp. 9 S., R. 2 E., W. M.
Proof #87 (See Findings, Paragraph 102)	Feb. 5, 1935	0.01		Domestic	Unnamed ditch and pipe-line	Unnamed stream	SE 1/4 SW 1/4 Sec. 11, Tp. 9 S., R. 2 E., W. M.
	Feb. 5, 1935	0.05	3.4	Irrigation	Unnamed ditch and pipe-line	Unnamed stream	3.4 acres in SE 1/4 SW 1/4 Sec. 11, Tp. 9 S., R. 2 E., W. M.
1904 Pietrok, Lawrence Route 1 Stayton, Oregon Proof #88 (See Findings, Paragraph 103)				Stock	No diver- sions	Alder Creek and unnamed stream	Beginning at a point in the center of the county road leading from Stayton to Mehama on the west boundary line of the E 1/2 of the donation land claim of David
							<p>Mulkey and wife in Tp. 9 S., R. 1 E., W. M., in Marion County, Oregon, said beginning point being 16.58 chains south 3° 21' east of the northwest corner of said E 1/2 of the said claim; thence south 3° 21' east along said boundary and division line 41.06 chains to the southwest corner of C. C. Mulkey's land; thence south 86° 39' west 15.26 chains; thence north 6° east 43.65 chains to the center of the county road; thence south 83° east 16 links to an angle in said road; thence south 82° east 6.38 chains to an angle in said road; thence south 71° east 2.00 chains to the place of beginning and containing 50 acres of land in Marion County, Oregon.</p> <p>Also beginning at a point in the center of the county road on the west boundary line of the E 1/2 of the D. L. C. of David Mulkey and Sarah Jane Mulkey, his wife, No. 47, in Secs. 9, 16, 17, Tp. 9 S., R. 1 E., W. M., 16.58 chains south 3° 21' east of the northwest corner of said E 1/2 of the claim; thence south 3° 21' east along said boundary and division line 41.06 chains to the southwest corner of C. C. Mulkey's land; thence north 86° 39' east along said C. C. Mulkey's south boundary line 10.44 chains to the southeast corner of said C. C. Mulkey's land; being also the southwest corner of Mary E. Schell's land; thence north 6° east on the line between said C. C. Mulkey and Mary E. Schell 32.25 chains to the center of the county road; being the northwest corner of said Mary E. Schell's land; thence north 61° west along the center of the county road 0.96 chains to an angle; thence north 58° west along the center of the county road 10.23 chains to an angle; thence north 71° west along the center of the county road 7.15 chains to the place of beginning, containing 49.70 acres of land, being a part of said D. L. C. of David Mulkey and wife, in Marion County, Oregon.</p>
Porter, Charles as Trustee, Stayton, Oregon (Successor to Henry C. Porter, Trustee, now deceased) Proof #89 (See Findings, Paragraph 17)				See Paragraph 17 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
905 Rains, Tillman and Sarah E. Route 1 Lyons, Oregon Proof #90 (See Findings, Paragraph 104)	1885			Domestic	Pump	Cherry Creek and unnamed springs	Lot 1 (SE $\frac{1}{4}$ SE $\frac{1}{4}$) Lot 2 (SW $\frac{1}{4}$ SE $\frac{1}{4}$) Sec. 22, Tp. 9 S., R. 2 E., W. M., except that part deeded to Marion County, Oregon, by deed recorded in Volume 219, Page 156, Deed Records for Marion County, Oregon.
				Stock	No diversions	Cherry Creek and unnamed springs	Same place of use as above-described.
Superseded by 4906 Cert. No. 28038 Randall, B. M. and Ruth R. 1100 N. Front St. Woodburn, Oregon Proof #91 (See Findings, Paragraph 105)	1871	125.0		Power (127.8 T.H.P.)	Salem Canal, Mill Creek, and ditch	North Santiam River	A tract of land situated in the Town of Turner, bounded by beginning at the northeast corner of the depot grounds of the Oregon & California Railroad Company (now Southern Pacific Com-
Change in Use: Sp. Or. Vol. 10, p. 322							pany) in said Town of Turner, as marked on the recorded plat of said town, and running thence west 220 feet along the north boundary of said grounds; thence north parallel with said railroad track 330 feet, more or less, to the center of the main channel of Mill Creek; thence easterly following the meanderings of the main channel of Mill Creek until it intersects a northerly extension of the east line of said depot grounds; thence south to the place of beginning, all being in the Town of Turner, in Marion County, Oregon, being in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, Tp. 8 S., R. 2 W., W. M.
	Suppl - See finding p. 9 - 108		Power Claim #16				
Richards, E. J. Gates, Oregon Proof #92 (See Findings, Paragraph 106)	Aug. 14, 1929	0.02		Domestic	Pipe-line	Unnamed stream	Lots 3, 4, and 5, Block 1, Sorbin Addition to Town of Gates and being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, Tp. 9 S., R. 3 E., W. M.
907 Rider, Elizabeth O. 465 N. 12th St. Salem, Oregon Proof #93 (See Findings, Paragraph 107)	1906			Domestic	Pipe-line	Unnamed spring	Lot 11, Block 4, Town of Niagra, Marion County, Oregon. (In NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, Tp. 9 S., R. 4 E., W. M.)
Proof #94 (See Findings, Paragraph 107)	Nov. 30, 1925	0.12	2.0	Domestic and irrigation	Pipe-line	Unnamed stream	SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 29, Tp. 9 S., R. 4 E., W. M.
908 Roda, Selas and Marion Mehama, Oregon Proof #95 (See Findings, Paragraph 108)	1893		1.0	Domestic and irrigation	Pipe-line and small ditches	Unnamed stream	1.0 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 11, Tp. 9 S., R. 3 E., W. M.
				Stock	No diversions	Unnamed stream	N $\frac{1}{2}$ SW $\frac{1}{4}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 11, Tp. 9 S., R. 3 E., W. M., except 1 acre of land deeded to School District #115, Marion County, Oregon.

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
Royse, W. O. and Mabel Aumsville, Oregon Proof #96 (See Findings, Paragraph 109)				See Paragraph 109 herein			
4909 Ruef, Barbara Stayton, Oregon Proof #97 (See Findings, Paragraph 110)				Stock	No diversions	Alder Creek	Beginning at an angle corner on the south line of the donation land claim of A. R.
							<p>Miller in Tp. 9 S., R. 1 E., W. M., in Marion County, Oregon, said point being also the northeast corner of the Henry J. Sumwalt D. L. C.; thence south 3° east 58 chains to the section line between Secs. 8 and 17, in said township and range; thence west 35.03 chains on line between Secs. 7, 8, 17, and 18; thence north 57.92 chains to the south line of the D. L. C. of said A. R. Miller; thence east 32.01 chains to the place of beginning and containing 194.20 acres of land, more or less, subject to a right-of-way 20 feet wide along the east boundary line as set forth in a deed, Volume 131, Page 217, and excepting about 1½ acres conveyed to Alois Imper.</p> <p>Also all of Lot 3 in Sec. 17, Tp. 9 S., R. 1 E., W. M.; also commencing at the northwest corner of said Lot 3; thence north 4 rods; thence west 4 rods; thence south to the south line of Lot 1 in Sec. 18 and parallel with the west line of said Lot 3; thence east to the west line of Lot 3; thence north on the west line of Lot 3 to the place of beginning, all in Tp. 9 S., R. 1 E., W. M., in Marion County, Oregon.</p> <p>Also a right-of-way 20 feet wide along the east and north lines of said Lot 1 as set forth in a deed in Volume 94, Page 179.</p> <p>Also beginning 10 chains west from the northeast corner of Sec. 18 in Tp. 9 S., R. 1 E., W. M., in Marion County, Oregon; thence south 1½ chains; thence west 10 chains parallel with the north line of said Sec. 18 to the west line of Lot 1; thence north 1½ chains to the north line of said Sec. 18; thence east on said line 10 chains to the place of beginning containing 1½ acres of land.</p> <p>Also Lot 1 in Sec. 18, Tp. 9 S., R. 1 E., W. M., in Marion County, Oregon, containing 52 acres, more or less, excepting a road on the east line of same, and also excepting 7 acres lying along the south side of said property, previously deeded to A. L. Schreve.</p>
Proof #98 (See Findings, Paragraph 110)				Stock	No diversions	Zumwalt Creek	Same lands as described under Proof #97
Proof #99 (See Findings, Paragraph 110)	1880	0.03		Domestic and stock	Pipe-line	Unnamed spring	SE¼ SE¼ Sec. 7; Lot 3 Sec. 8, Tp. 9 S., R. 1 E., W. M.
Sanders, T. L. Stayton, Oregon Proof #100 (See Findings, Paragraph 111)	July 23, 1926	0.07	5.0	Irrigation	Pump and pipe-line	Zumwalt Creek	That part of the following-described tract located within Sec. 12, Tp. 9 S., R. 1 W., W. M.: Beginning at the southwest corner of John House Donation Land Claim No. 49, running east 10 chains, north 18 chains, west 10 chains, south 18 chains, to the place of beginning, containing 18 acres, more or less, in Tp. 9 S., R. 1 W., W. M., Marion County, Oregon.
4910 Schaer, C. J. Mill City, Oregon Proof #101 (See Findings, Paragraph 112)				Stock	No diversions	Six unnamed springs and Charley Creek	S½ S½ Sec. 24, Tp. 9 S., R. 2 E., W. M. NE¼ NE¼ W½ NE¼ E½ NW¼ Lot 1 Lot 2 Lot 4 SE¼ SW¼ Sec. 19, Tp. 9 S., R. 3 E., W. M.

Name and Postoffice Address of Approprator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Schaer, C. J. (Continued)							Also beginning at the northwest corner of Sec. 30, Tp. 9 S., R. 3 E., W. M.; thence east 80 rods, more or less, to the northwest corner of the tract of land conveyed by J. E. Ray and wife to Eva E. Mombert by deed recorded in Volume 89, Page 489, Deed Records; thence south along the west line of said tract 160 rods; thence west 80 rods to the west line of said NW $\frac{1}{4}$; thence north along said line 160 rods to the place of beginning, containing 80 acres, more or less. Saving and excepting therefrom the present county roads as same are now located and in place, over and across the above-described property.
Schramm, A. A. Corvallis, Oregon Proof #102 (See Findings, Paragraph 113)	Aug. 10, 1938	0.01	0.5	Domestic and irrigation	Pipe-line	Unnamed spring and unnamed stream	Beginning at an iron bar set at a point which is 6.87 chains east and 76 links north of the southwest corner of Sec. 11, Tp. 9 S., R. 2 E., W. M., in Marion County, Oregon, and from thence running south 65° east 2.84 chains to a fir tree 24 inches in diameter; thence east 70 links to the middle of a creek; thence northwesterly following the meanderings of said creek downstream to the Little North Fork of the Santiam River; thence following the meanderings of said river downstream to a point which is north 25° east of the place of beginning; thence south 25° west to the place of beginning. (Within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11, Tp. 9 S., R. 2 E., W. M.)
Seitzinger, Merl Idanha, Oregon Proof #103 (See Findings, Paragraph 114)				Application #17272 Permit #12982			
Shane, Georgia C. Route 1, Box 153 Lyons, Oregon Proof #104 (See Findings, Paragraph 115)	1903	0.02	0.5	Domestic, including irrigation of garden	Pump, pipe-line, and unnamed ditch	North Santiam River, unnamed stream, and unnamed springs	0.5 acre in Lot 4 Sec. 22, Tp. 9 S., R. 2 E., W. M.
Sheperd, W. F. and Lucy Lyons, Oregon Proof #105 (See Findings, Paragraph 116)	Nov. 24, 1928	0.05		Domestic and stock	Pipe-line	Unnamed spring and creek	SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 32, Tp. 9 S., R. 3 E., W. M.
Sherwood, F. J. Route 1 Jefferson, Oregon Proof #106 (See Findings, Paragraph 117)	Oct. 7, 1930	0.18	14.7	Domestic, stock, and irrigation	Pump	0.07 c.f.s. from North Santiam River; 0.04 c.f.s. from Marion Creek; 0.07 c.f.s. from unnamed streams.	14.7 acres within the following-described tract: Beginning at a point 11.83 chains south and 5.50 chains east of the northeast corner of the donation land claim of E. H. Bellinger and wife in Tp. 10 S., R. 2 W., W. M.; thence running south 5° 30' east 16.80 chains; thence east 1.98 chains; thence south 24° 30' west 3.52 chains; thence south 0° 15' west 3.52 chains; thence south 29° 15' east 3.50 chains; thence

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
Sherwood, F. J. (Continued) <i>29924</i> Superseded by Cert. No. <u>53767</u> <u>53769</u>							south 14° 15' east 3.50 chains; thence south 27° 30' east 4.00 chains; thence south 8° east 2.00 chains; thence south 12° west 0.98 chains; thence south 89° 30' east 7.90 chains to the east line of J. D. Barber's land; thence north 3° 35' west 35.94 chains along the east line of the J. D. Barber land; thence west 12.02 chains to the place of beginning, containing 36.86 acres; also a right-of-way 15 feet wide extending in a northerly direction along the west side of the creek running through the land of Noah L. Bolton about 30 rods to the county road and which right-of-way extends from the north line of the lands herein described and which is and has been so used for a right-of-way to and from said land above-described, said grantees to keep the gates closed as provided in deed to J. D. Barber.
Sidney Irrigation Cooperative Jefferson, Oregon Proof #107 (See Findings, Paragraph 35)	1870	35.0	1,983.08	Irrigation	Sidney Mill Ditch	North Santiam River	Following are descriptions of lands on which the water is to be used, opposite which appears the name of the present owner:
<i>(Inchoute right)</i> <i>time extended to 10-1-48 (sp. on Vol. 5, p. 211)</i> <i>" " 10-1-51 (" " 6, p. 207)</i> <i>" " 10-1-53 (" " 7, p. 294)</i> <i>" " 10-1-55 (" " 8, p. 28)</i> <i>" " 10-1-57 (" " 8 p. 462)</i>	1870	5.0		Stock	Sidney Mill Ditch	North Santiam River	
					<u>NAME</u> Delmer Davidson George Potts, Jr. and Elda Potts Edna Reeves Jake Gilmour Wm. Wiederkehr	<u>DESCRIPTION</u> 25.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 19; 15.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 30, Tp. 9 S., R. 3 W., W. M., in Wm. Nordyke D.L.C. 45. 3.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 4.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 19; 4.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 4.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 30, Tp. 9 S., R. 3 W., W. M., in Jas. Prichett D.L.C. 46. 15.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 19; 10.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 14.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 3.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 20, Tp. 9 S., R. 3 W., W. M., in Jas. Prichett D.L.C. 46. 10.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 19, Tp. 9 S., R. 3 W., W. M., in Jos. Polly D.L.C. 44. 3.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 15.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 13.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 24, Tp. 9 S., R. 4 W., W. M., in Wm. Helm D.L.C. 56; 8.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 6.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24, Tp. 9 S., R. 4 W., W. M., in Wm. Wood D.L.C. 55. 7.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 5.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 25.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 20.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 24, Tp. 9 S., R. 4 W., W. M., in Wm. Helm D.L.C. 56.	

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
Sidney Irrigation Cooperative (Continued)					NAME Nelson Gilmour John Zehner Charles Meier Gilbert Belknap Eugene Finlay William Skelton A. C. Eberhardt Arni Bron. Jim Linn		DESCRIPTION 10.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 30.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 23.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 18.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 20.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 26.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 3.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 2.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24; 15.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 5.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 13, Tp. 9 S., R. 4 W., T. M., in Wm. Nordyke D.L.C. 54. 5.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 13, Tp. 9 S., R. 4 W., T. M., in Wm. Helm D.L.C. 56. 20.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 20.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 13, Tp. 9 S., R. 4 W., T. M., in Peter Polly D.L.C. 53. 10.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 25.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 19; 14.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 7.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 30, Tp. 9 S., R. 3 W., T. M., in Jas. Prichett D.L.C. 46. 20.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 19; 40.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 16.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 8.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 20, Tp. 9 S., R. 3 W., T. M., in Jos. Polly D.L.C. 44. 10.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 30.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 15.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 21, Tp. 9 S., R. 3 W., T. M., in Jas. Anderson D.L.C. 50. 6.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 20.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 4.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 21, Tp. 9 S., R. 3 W., T. M., in Jas. Anderson D.L.C. 50. 20.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 18, Tp. 9 S., R. 3 W., T. M., in John D. Wood D.L.C. 57. 30.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 1) 20.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 2) Sec. 21, Tp. 9 S., R. 3 W., T. M.
20 Ac 12+				Trsf. Sp. Or. Vol. 9, p 171 -- " " " " " 9 p 171 --			

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	
Sidney Irrigation Cooperative (Continued)							<p style="text-align: center;"><u>NAME</u></p> <p style="text-align: center;"><u>DESCRIPTION</u></p>	
							B. M. Woods	3.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 28; 15.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 27; 7.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 21; 10.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 22, Tp. 9 S., R. 3 W., W. M., in Wm. Helm D.L.C. 51.
							James Pate	40.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 27, Tp. 9 S., R. 3 W., W. M.
							H. L. Stockwell	5.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 30.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 19, Tp. 9 S., R. 3 E., W. M., in Wm. Nordyke D.L.C. 45. 10.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24, Tp. 9 S., R. 4 W., W. M. in Wm. Nordyke D.L.C. 45.
							Sidney Irrigation Cooperative	20.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 30.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 10.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 8; 25.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 17, Tp. 9 S., R. 3 W., W. M., in John D. Wood D.L.C. 57. 30.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 17, Tp. 9 S., R. 3 W., W. M., in Jos. Polly D.L.C. 44. 35 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 17, Tp. 9 S., R. 3 W., W. M., in John Wood D.L.C. 57. 45 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ (Lot 2) 40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ (Lot 5) 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ (Lot 4) Sec. 17; 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 20, Tp. 9 S., R. 3 W., W. M.
							G. A. Robison	2.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 28.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 25, Tp. 9 S., R. 3 W., W. M., in Sam Whitby D.L.C. 58. 31.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 14.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 20.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 25, Tp. 9 S., R. 3 W., W. M., in Hiram Johnson D.L.C. 55.
							Fred Wied	15.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 10.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 25, Tp. 9 S., R. 3 W., W. M., in E. E. Parrish D.L.C. 59.

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
Sidney Irrigation Cooperative (Continued)					<u>NAME</u> B. Homer Davis A. B. Hinz Frankie Cornell Mack Hamby Louisa Miller and Lydia Hoyt LeRoy Wallace Homer M. Smith Lee Farlow Estate		<u>DESCRIPTION</u> 6.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 13.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 17.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 25; 3.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 15.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 5.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 36, Tp. 9 S., R. 3 W., W. M., in Hiram Johnson D.L.C. 55. 15.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 5.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 36, Tp. 9 S., R. 3 W., W. M., in Samuel Miller D.L.C. 60. 5.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 31, Tp. 9 S., R. 2 W., W. M., in Samuel Miller D.L.C. 53. 7.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 27; 13.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 28, Tp. 9 S., R. 3 W., W. M., in Wm. Helm D.L.C. 51. 5.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 35.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 10.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, Tp. 9 S., R. 3 W., W. M., in H. A. Johnson D.L.C. 55 and Chas. Miller D.L.C. 61. 3.5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 15.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 31, Tp. 9 S., R. 2 W., W. M., in Chas. Miller D.L.C. 55. 10.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 25.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 10.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 6.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 31, Tp. 9 S., R. 2 W., W. M., in Chas. Miller D.L.C. 55. 9.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 2) Sec. 6, Tp. 10 S., R. 2 W., W. M. 15.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 10.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 6, Tp. 10 S., R. 2 W., W. M., in John Wells D.L.C. 48 20.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 20.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 5, Tp. 10 S., R. 2 W., W. M., in John Wells D.L.C. 48. 10.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 32, Tp. 9 S., R. 2 W., W. M., in John Wells D. L. C. 56.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
					<u>NAME</u>	<u>DESCRIPTION</u>	
Sidney Irrigation Cooperative (Continued)					Norris Wells		7.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 8.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 33, Tp. 9 S., R. 2 W., W. M., in J. H. Adams D.L.C. 57.
					Charles Sarver		20.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 0.08 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 10.7 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 13.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 8.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 33, Tp. 9 S., R. 2 W., W. M., in J. H. Adams D.L.C. 57.
					William Hofenbride		20.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 10.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 34, Tp. 9 S., R. 2 W., W. M., in I. Chamness D.L.C. 59.
					Hal E. Russell		10.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 5.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 20.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 34, Tp. 9 S., R. 2 W., W. M., in I. Chamness D.L.C. 59.
					Y. M. McGill and A. A. Miller		7.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 8.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 34, Tp. 9 S., R. 2 W., W. M., in I. Chamness D.L.C. 59.
					E. F. Powell		10.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ (Lot 4) Sec. 1, Tp. 10 S., R. 3 W., W. M.
					Frank Wied		20.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ (Lot 5) Sec. 1, Tp. 10 S., R. 3 W., W. M.
					Fred J. Wied		10.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 9.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 1, Tp. 10 S., R. 3 W., W. M., in Jas. M. Bates D.L.C. 65.
					Homer West		10.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 1, Tp. 10 S., R. 3 W., W. M., in Jas. M. Bates D.L.C. 65.
					E. C. Hart		15.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 1, Tp. 10 S., R. 3 W., W. M., in Jas. M. Bates D.L.C. 65.
				Chas. C. Hart		10.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 2.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 15.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 25.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 15.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 10.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 2, Tp. 10 S., R. 3 W., W. M., in Jas. M. Bates D.L.C. 65.	

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
912 Siegmund, Frank A. Route 1 Stayton, Oregon Proof #108 (See Findings, Paragraph 118)	1850		0.5	Domestic, stock, and irrigation	Two pipe-lines	Two unnamed springs	Beginning at the northwest corner of the donation land claim of James Perry in Tp. 9 S., R. 1 E., W. M., in Marion County, Oregon; running thence east 39.90 chains; thence south 40.21 chains; thence north 89° 42' west 39.90 chains; thence north 40 chains to the place of beginning containing 160 acres of land. Save and except therefrom the portion thereof which is conveyed by deed recorded in Volume 74, Page 582, Marion County Records:
913 Siegmund, Henry A. Route 1 Stayton, Oregon Proof #109 (See Findings, Paragraph 119)	1871		1.0	Domestic and irrigation		Unnamed springs	Beginning at the southeast corner of the Philimon Morris donation land claim, Not. No. 5708, Claim No. 54 in Tp. 9 S., R. 1 E., W. M., Marion County, Oregon, and running thence west 25.90 chains; thence north 17.21 chains; thence east 25.97 chains; thence south 17.21 chains to the place of beginning and containing 44.63 acres of land, more or less, in Marion County, Oregon. Also the NE¼ of the donation land claim of Philemon Morris and Minerva Morris, his wife, in Tp. 9 S., R. 1 E., W. M., Claim No. 54, Cert. No. 3492, Not. No. 5708. Beginning at the northeast corner of said D. L. C.; thence south 80 rods; thence west 180 rods; thence north 80 rods; thence east 180 rods, to the place of beginning, con- taining 90 acres of land in Marion County, Oregon, save and except the following: Beginning 45 rods south of the northeast corner of Philemon Morris D. L. C. No. 54, Cert. No. 3492, Not. No. 5708, and situate in Tp. 9 S., R. 1 E., W. M., in Marion County, Oregon; thence west 30 rods; thence south 14 rods; thence east to the east line of said Claim No. 54; thence north 14 rods to the place of beginning and con- taining 2.6 acres, more or less. Also a certain right-of-way.
				Stock	No diver- sion except Trough	Zumwalt Cr. and unnamed springs	Place of Use: Same as above.
Siegmund, J. L. Stayton, Oregon Proof #110 (See Findings, Paragraph 120)	Aug. 18, 1928	0.05		Domestic	Pump and pipe-line	Unnamed spring	Lot 1 (SE¼ SE¼) Sec. 9, Tp. 9 S., R. 1 E., W. M.
914 Siegmund, Ralph Stayton, Oregon Proof #111 (See Findings, Paragraph 121)	1871		1.0	Domestic, stock, and irrigation	Three pipe-lines	Three unnamed springs	1.0 acre in the following- described tract: Beginning 45 rods south of the northeast corner of Philemon Morris Donation Land Claim No. 54, Cert. No. 3492, Not. No. 5708, and situate in Tp. 9 S., R. 1 E., W. M., in Marion County, Oregon; thence west 30 rods; thence south 14 rods; thence east to the east line of said Claim No. 54; thence north 14 rods to the place of beginning and containing 2.6 acres, more or less. Also a certain right-of- way.
				Stock	No diver- sion	4 unnamed springs	Place of use: Within the above described tract.
915 Silbermagel, Joseph and Frances Route 1 Stayton, Oregon Proof #112 (See Findings, Paragraph 122)	1855		0.5	Domestic, stock, and irrigation	Pipe-line	unnamed spring	Lot 8 (NW¼ SE¼) Sec. 8, Tp. 9 S., R. 1 E., W. M.
Proof #113 (See Findings, Paragraph 122)				Claim denied			
Sischo, Ed Mehama, Oregon Proof #114 (See Findings, Paragraph 123)	Jan. 31, 1921	0.10	2.75	Domestic and irrigation	Pipe-line and ditch	Fish Creek	2.75 acres in SE¼ SW¼ Sec. 36, Tp. 8 S., R. 3 E., W. M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Skiff, Ada V. 421½ Court St. Salem, Oregon (Successor to Mark S. Skiff, deceased) Proof #115 (See Findings, Paragraph 124)	Sept. 27, 1911	5.0		Medicinal purposes, including baths	Pipe-line	Breitenbush Springs	SE¼ NW¼ Sec. 20, Tp. 9 S., R. 7 E., W. M.
Sletto, Lloyd E. Lyons, Oregon Proof #117 (See Findings, Paragraph 126)				Application #18913 Permit #14524			
Smelser, Theresa M. Willamina, Oregon Proof #118 (See Findings, Paragraph 23)				Claim denied			
Stafford, George Gates, Oregon Proof #119 (See Findings, Paragraph 14)				Claim denied			
Steenhout, Frank, Sr. and T. R. Fryer Detroit, Oregon Proof #120 (See Findings, Paragraph 127)	May 5, 1936	0.02		Domestic	Pipe-line	Unnamed spring	SW¼ SW¼ Sec. 1; SE¼ SE¼ SE¼ Sec. 2, Tp. 10 S., R. 5 E., W. M.
4916 Stephens, J. S. Route 1 Stayton, Oregon Proof #121 (See Findings, Paragraph 128)				Stock	No diversions	Purdue Spring and Bear Branch	Place of use from Purdue Spring: SE¼ SE¼ Sec. 24, Tp. 9 S., R. 1 W., W. M. Place of use from Bear Branch: SE¼ SE¼ Sec. 24; NE¼ NE¼ NW¼ NE¼ Sec. 25, Tp. 9 S., R. 1 W., W. M. NW¼ SW¼ SW¼ SW¼ Sec. 19, Tp. 9 S., R. 1 E., W. M.
32500 Stout, Anna J. Mebama, Oregon Proof #122 (See Findings, Paragraph 129)	1889	0.05	3.7	Irrigation	Flume	Stout Creek	2.0 acres in NW¼ NW¼ 1.7 acres in SW¼ NW¼ Sec. 18, Tp. 9 S., R. 2 E., W. M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
4917 Strabley, Claude A. Route 1 Stayton, Oregon Proof #123 (See Findings, Paragraph 130)	1870			Stock	Flume and ditches	Unnamed tributary Creek	Commencing at the northeast corner of Sec. 14, Tp. 9 S., R. 1 E., W. M.; thence 22 chains west; thence south to Stout Creek; thence east up said county road; thence east up said county road to the east line of Sec. 14; thence north on said east line of Sec. 14 to the place of beginning, containing 80 acres of land, more or less, all being in Marion County, Oregon.
Proof #124 (See Findings, Paragraph 130)	Aug. 18, 1937	0.23	} 19.7	Irrigation	Pump from Stout Creek	Stout Creek	Same lands as described above
Proof #125 (See Findings, Paragraph 131)	Oct. 22, 1937	0.02		Irrigation	Ditch from unnamed stream	Unnamed stream	17.3 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 1.6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 14, Tp. 9 S., R. 1 E., W. M. 0.8 acre in Lot 10 (NE $\frac{1}{4}$ NE $\frac{1}{4}$) Sec. 14, Tp. 9 S., R. 1 E., W. M. The above lands are within the tract described above under Proof #123
				Stock	No diver- sions	Stout Creek	Same lands as described above under Proof #123
4918 Studnicka, F. E. and Sylvia Route 1 Stayton, Oregon Proof #125 (See Findings, Paragraph 131)				Stock	No diver- sions	Bear Branch	Beginning at the southeast corner of the donation land claim of Solon Yeoman and wife, Not. No. 5747, Claim No. 51, in Tp. 9 S., R. 1 E., W. M., running thence west 80 rods; thence north 184 rods, more or less, to the center of a county road; thence in a northeasterly course along the center of said road 80 rods, more or less, to the east line of the said D. L. C.; thence south along the east line of said D. L. C. 180 rods, more or less, to the place of beginning and containing 85 acres, more or less, in Linn County, Oregon.
4919 Terhune, George B. Jefferson, Oregon Proof #126 (See Findings, Paragraph 132)	1877	0.02		Domestic and stock	Sidney Mill Ditch	North Santiam River	Beginning at the northeast corner of the donation land claim of George W. Helm and wife in Sec. 27, Tp. 9 S., R. 3 W., W. M., and running thence west along the line between the donation land claims of Geo. W. Helm and William Helm 20 chains; thence north 40 chains; thence east 20 chains; thence south 40 chains to the place of beginning and containing 80 acres, more or less, all situated in Marion County, Oregon. Also a right-of-way 20 feet in width, commencing 80 feet north of the northeast corner of the D. L. C. of George W. Helm; thence south 271.4 feet to the northwest corner of the D. L. C. of Hamilton Campbell; thence east on the south line of John B. Looney's land to the northeast corner of William Pate's land. There is excepted from the above-described premises a certain right-of-way granted to the Sidney Mill for ditch along the south side of said premises. Also the following-described premises: Beginning at the northwest corner of the D. L. C. of John H. Bellinger and wife, Not. No. 633, and Claim No. 54, in Tp. 9 S., R. 3 W., W. M.; running from said corner south 17.54 chains; thence west 30 chains; thence north 17.88 chains; thence north 12° 30' east 18.43 chains; thence north 9 chains to the north line of the S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 27, said township; thence east 12.88 chains to the west line of the D. L. C. of Jesse Looney and wife; thence south 18° west 30 links to the southwest corner of said Looney claim; thence south 53° 20' east 20 chains to the road leading from Jefferson to Salem; thence south 33° 15' east along said road 18 chains to the north line of said Claim No. 54; thence west 12.20 chains to the place of beginning, containing 131.10 acres, save and except a strip of land 25 feet wide off the north side of said premises beginning at the northwest corner thereof and extending east 12.28 chains; thence south 18° west 30 links; thence south 53° 20' east 15.75 chains to the county road leading from Salem to Santiam City, and containing 1.10 acre, all situated in Marion County, Oregon.

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
Thomas, Clyde Lyons, Oregon Proof #127 (See Findings, Paragraph 133)	Jan. 31, 1927	0.60	3.0	Irrigation, domestic, and power (3 T.H.P.)	Flume	Burbank Creek	Irrigation: 3.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 31, Tp. 9 S., R. 4 E., W. M. Domestic: SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 31, Tp. 9 S., R. 4 E., W. M. Power: SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 31, Tp. 9 S., R. 4 E., W. M.
4920 Titze, J. M. Route 1 Stayton, Oregon Proof #128 (See Findings, Paragraph 134)	1866		1.0	Irrigation, domestic, and stock	Pipe-line	Unnamed spring	Irrigation: 0.5 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 0.5 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 12, Tp. 9 S., R. 1 E., W. M. Domestic: NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 12, Tp. 9 S., R. 1 E., W. M.
				Stock	No diver- sions	Three unnamed springs and unnamed stream	E $\frac{1}{2}$ of Claim No. 57, Not. No. 5816, parts of Secs. 1 and 12, Tp. 9 S., R. 1 E., W. M., situated in Marion County, Oregon, containing 160 acres of land.
Also the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Lot 1, Lot 2, Lot 3, Sec. 1, Tp. 9 S., R. 1 E., W. M., in Marion County, Oregon, and the following-described parts of Lot 4 and the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1: Beginning at a point on the north line of the donation land claim of Alfred Fitzgerald in Tp. 9 S., R. 1 E., W. M., in Marion County, Oregon, said point being 7.00 chains west of the northeast corner of said claim; thence north 30.03 chains to a line running east and west through the center of Sec. 1 and being 49.34 chains east of the quarter section corner between Secs. 1 and 2; thence west to the center of the section; thence southerly along the center of the section to the north line of the Alfred Fitzgerald claim; thence east along the north line of said claim to the place of beginning, except the following which has been sold: Beginning at the quarter section corner between Secs. 1 and 2, Tp. 9 S., R. 1 E., W. M., in Marion County, Oregon; running thence south 7.45 chains; thence east 6.75 chains; thence south 12.55 chains; thence east 3.98 chains; thence north 20.00 chains; thence west 10.73 chains to the place of beginning. This description covers 118.26 acres.							
Trask, C. B. Route 2 Hillsboro, Oregon Proof #128-A (See Findings, Paragraph 135)	Apr. 7, 1932	0.05	0.7	Irrigation, domestic, and stock	Pipe-line	Trask Creek	Irrigation: 0.6 acre in Lot 2 0.1 acre in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 28, Tp. 9 S., R. 2 E., W. M. Domestic: Lot 2 SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 28, Tp. 9 S., R. 2 E., W. M. Stock: Lot 2 Lot 3 Sec. 28, Tp. 9 S., R. 2 E., W. M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
921 The Union Central Life Insurance Company Cincinnati, Ohio Proof #129 (See Findings, Paragraph 136)	Apr. 10, 1882	0.03	1.0	Domestic and irrigation Stock	Pipe-line and ditch No diversions	Unnamed spring and unnamed stream Unnamed spring and unnamed stream	1.0 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 26, Tp. 9 S., R. 3 E., W. M. All of that portion of the N $\frac{1}{2}$ SW $\frac{1}{4}$ and also all that portion of the S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 26, Tp. 9 S., R. 3 E., W. M., lying north of the right-of-way of the
C. & E. R. R. as shown by county surveyor's record, Linn County, Oregon Survey No. 854, and excepting therefrom 10 small tracts heretofore conveyed by the following deeds recorded in the Deed Records of Marion County, Oregon: Book 65, Page 30; Book 65, Page 381; Book 65, Page 382; Book 82, Page 30; Book 86, Page 640; Book 103, Page 418; Book 104, Page 255; Book 107, Page 371; Book 110, Page 129; Book 116, Page 368.							
United States Forest Service, by J. R. Bruckart, Forest Supervisor, Willamette National Forest, Eugene, Oregon Proof #130 (See Findings, Paragraph 137)	Mar. 1, 1924	0.5		Domestic use for Forest Guard Station and special use area	Pipe-line and ditch	Mansfield Creek	Special use area within Sec. 17 and W $\frac{1}{2}$, Sec. 20, Tp. 9 S., R. 7 E., W. M.
Proof #131 (See Findings, Paragraph 137)	Jan. 8, 1934	0.02		Domestic use for public campground	Pipe-line	Short Creek	SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 19, Tp. 9 S., R. 7 E., W. M.
Proof #132 (See Findings, Paragraph 137)	May 31, 1935	0.002		Domestic use for public campground	Unnamed ditch and pipe-line	Clift Creek	NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 28, Tp. 9 S., R. 6 E., W. M.
Proof #133 (See Findings, Paragraph 137)				Application #17099 Permit #12835			
Proof #134 (See Findings, Paragraph 137)				Application #18224 Permit #13340			
4922 Van Cleve, J. B. Aumsville, Oregon Proof #135 (See Findings, Paragraph 138)				Domestic and stock	No diversions	A channel of the North Santiam River	SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 17, Tp. 9 S., R. 1 W., W. M.
Van Nuys, Edwin M. 733 N. W. Everett St. Portland, Oregon Proof #136 (See Findings, Paragraph 29)				Claim withdrawn			
4923 Walling, Claude J. Boguslaski, Lorine, and Wilson, Bertha J. Route 1, Box 358 Salem, Oregon Proof #137 (See Findings, Paragraph 139)				Stock	No diversions	Elkhorn Creek	SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 1, Tp. 9 S., R. 3 E., W. M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
1924 Ware, Ella W. Stayton, Oregon Proof #138 (See Findings, Paragraph 140)	1878		12.0	Irrigation	Unnamed ditch	Zumwalt Creek	6.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 8.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 7, Tp. 9 S., R. 1 E., W. M.
	1878	11 gal. per minute from spring	2.0	Irrigation, domestic, and stock	Pipe-line	Spring	
	1878			Stock	Troughs	Four springs	NW $\frac{1}{4}$, Sec. 7 Tp. 9 S., R. 1 E., W. M.
				Stock	No diversions	Zumwalt Creek	The above-irrigated lands and the place of use for stock are within the following-described tract:
Commencing at a stake 32 chains and 1 $\frac{1}{2}$ links west of the northeast corner of Henry Zumwalt and wife's donation land claim; thence west 23 chains to a post; thence north 5 chains 86 links to a post; thence west 39 chains 88 links to range line; thence south on range line 42 chains to a post; thence south 86° east 36 chains and 92 links to a post; thence north 56° east 10 chains to a large fir tree in center of state road; thence south 70 $\frac{10}{2}$ ° east in center of state road 18 chains 36 links to a post; thence north 39 chains 88 links to the place of beginning and containing 256.75 acres of land, more or less, excepting from the above or same 7.5 acres heretofore conveyed to Juliana W. Burchard and 43 acres heretofore conveyed to Matilda A. Lake, leaving 206.25 acres conveyed by this conveyance and being in Sec. 7, Tp. 9 S., R. 1 E., W. M., Marion County, Oregon; reserving, however, to grantors herein the full and sole use and control during their natural life of about 21 acres in the southwestern part of the foregoing conveyed premises, the same having been and they are at present occupied by said grantors.							
Proof #139 (See Findings, Paragraph 140)					Application #15308 Permit #11201		
Wells, Norris E. Marion, Oregon Proof #140 (See Findings, Paragraph 141)					Application #18041 Permit #13710		
1925 Welter, Franklin A. Route 1 Stayton, Oregon Proof #141 (See Findings, Paragraph 142)	1896		1.0	Irrigation and domestic	Pipe-line	Unnamed spring	E $\frac{1}{2}$ of donation land claim of W. W. Brooks and Joicey Brooks, his wife, being Claim #40 in Tp. 9 S., R. 1 E., W. M.
				Stock	No diversions	Three unnamed springs	E $\frac{1}{2}$ of D. L. C. of W. W. Brooks and Joicey Brooks, his wife, being Claim #40, in Tp. 9 S., R. 1 E., W. M.
Also Lots 1 and 2, Sec. 2, Tp. 9 S., R. 1 E., W. M., containing 66.81 acres, save and except the following-described premises: Beginning at the northeast corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 2, Tp. 9 S., R. 1 E., W. M.; thence west 8.00 chains; thence south 8.50 chains; thence east 8.00 chains; thence north 8.50 chains to the place of beginning and containing 6.80 acres, all situated in Marion County, Oregon.							
Westenhouse, D. D. Lyons, Oregon Proof #142 (See Findings, Paragraph 143)	Jan. 25, 1938	0.015	1.20	Irrigation	Pump and pipe-line	Unnamed creek	1.20 acres within Lots 1, 2, 3, 10, 11, 12, Block 2; Lots 5, 6, 7, 8, Block 3, Highland Grove Addition, in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19, Tp. 9 S., R. 2 E., W. M., Linn County, Oregon.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
White, H. G. Route 5, Box 238 Eugene, Oregon Proof #143 (See Findings, Paragraph 144)	July 10, 1920	0.13	1.5	Irrigation and domestic	Pipe-line	Unnamed spring and stream	1.5 acres in the following-described tracts: <u>Parcel #1:</u> Beginning at the southeast corner of the tract of land conveyed by W. J. Smith to H. G. White on October 9, 1911, which conveyance was recorded on Page 283, Volume 127, and running thence south 50 feet to the center of the main line of the C. & E. R. R. track; thence westerly along the center of said R. R. track 75 feet; thence north 50 feet; thence easterly 75 feet along and parallel with said R. R. track to the place of beginning, containing 1/11th of an acre, more or less, according to survey in Sec. 12, Tp. 10 S., R. 5 E., W. M., Marion County, Oregon. <u>Parcel #2:</u> Beginning at the northeast corner of the tract of land conveyed by W. J. Smith to H. G. White on October 9, 1911, by warranty deed, said deed being recorded on Page 283, Volume 127, and running thence west 50 feet along the north boundary of said tract to the northwest corner of same; thence south along the west boundary of said tract 50 feet; thence west parallel with the C. & E. R. R. track and 50 feet distant from the center of same 25 feet; thence north 60 feet; thence east 75 feet; thence south 10 feet to the place of beginning, containing about 1/20th of an acre, more or less, according to survey situate in Sec. 12, Tp. 10 S., R. 5 E., W. M., Marion County, Oregon. <u>Parcel #3:</u> Beginning at the southeast corner of the tract of land conveyed to W. J. Smith and Allen Smith by P. M. Perry on June 6, 1896, said deed being recorded in Volume 119, Page 167; thence north 50 feet; thence west 50 feet; thence south 50 feet; thence east 50 feet to the place of beginning, containing 1/18th of an acre in Sec. 12, Tp. 10 S., R. 5 E., W. M., Marion County, Oregon. <u>Parcel #4:</u> Beginning at the southeast corner of the tract of land conveyed by P. M. Perry to Allen Smith and W. J. Smith on June 6, 1896, and recorded in Volume 119, Page 167 of Deeds, Marion County; and running thence north 16 rods; thence east 10 rods; thence south 17 rods; thence west 10 rods; thence north 1 rod to the place of beginning, containing 1-1/16 acres, situated and being in the NW 1/4, Sec. 12, Tp. 10 S., R. 5 E., W. M., Marion County, Oregon. (Said 1.5 acres being within the NW 1/4 NW 1/4, Sec. 12, Tp. 10 S., R. 5 E., W. M.)
926 White, Lula May Route 5, Box 238 Eugene, Oregon Proof #144 (See Findings, Paragraph 145)	1908	3.0	3.0	Irrigation, domestic, and stock	Pipe-line	Unnamed spring	3.0 acres in the following-described tract: Beginning at a point 1,569.5 feet east and 60.7 feet north of the common section corner of Secs. 1, 2, 11, and 12, Tp. 10 S., R. 5 E., W. M.; thence west 134 feet; thence north 289.4 ft; thence east 82 feet; thence south 76° 45' east 511.5 feet; thence south 37° 50' east 240.6 feet; thence south about 332 feet to a point northerly of and 50 feet at right angles from the center line of the Southern Pacific Railroad; thence in a westerly direction along a line parallel to and 50 feet from the center line of the Southern Pacific Railroad to a point south of beginning; thence north about 383 feet to point of beginning, containing 3.38 acres, more or less. Stock and domestic use also within above-described tract.
20231 015 Willamette Valley Water Company 413 Masonic Building Salem, Oregon Proof #145 (See Findings, Paragraph 36)	May 14, 1909	300 (For lands under Proofs #145, 146, and 147)	24,000	Irrigation	Willamette Valley Water Company Ditch (Stayton District Canal) Mill Creek and ditches therefrom	North Santiam River	30 acres in SE 1/4 NE 1/4 30 acres in SW 1/4 NE 1/4 20 acres in SE 1/4 NW 1/4 20 acres in NE 1/4 SW 1/4 20 acres in SE 1/4 SW 1/4 30 acres in NE 1/4 SE 1/4 30 acres in NW 1/4 SE 1/4 30 acres in SW 1/4 SE 1/4 30 acres in SE 1/4 SE 1/4 Sec. 13, Tp. 7 S., R. 3 W., W. M.
Time extended to ✓ 10-1-48 ✓ 10-1-51 ✓ 10-1-54 (Sp. Or. Vol. 17 p. 265) ✓ 10-1-57 5 p. 278 ✓ 10-1-59 ✓ 10-1-60 Sp. Or. Vol. 10 p. 211 ✓ 10-1-66 " " vol. 13 p. 370 ✓ 10-1-68 " " v. 15 p. 300 ✓ 10-1-69 " " v. 18 p. 283				Jos. Fatjo Right. Proof #145 is Inchoate.			

Willamette Valley
Water Company
Proof #145
(Continued)

Trsf. Sp. Or. Vol. 10 p 386

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30 acres in NE 1/4 NE 1/4
30 acres in NW 1/4 NE 1/4
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30 acres in SE 1/4 SE 1/4

Sec. 24;

35 acres in NE 1/4 NE 1/4
35 acres in NW 1/4 NE 1/4
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35 acres in SE 1/4 NE 1/4
35 acres in NE 1/4 SE 1/4
35 acres in NW 1/4 SE 1/4
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30 acres in SE 1/4 SE 1/4

Sec. 25;

35 acres in NE 1/4 SW 1/4
40 acres in SE 1/4 SW 1/4
35 acres in NE 1/4 SE 1/4
35 acres in NW 1/4 SE 1/4
40 acres in SW 1/4 SE 1/4
40 acres in SE 1/4 SE 1/4

Sec. 35;

30 acres in NE 1/4 NE 1/4
30 acres in NW 1/4 NE 1/4
35 acres in SW 1/4 NE 1/4
35 acres in SE 1/4 NE 1/4
30 acres in NE 1/4 NW 1/4
30 acres in SE 1/4 NW 1/4
15 acres in NE 1/4 SW 1/4
10 acres in NW 1/4 SW 1/4
35 acres in NE 1/4 SE 1/4
35 acres in NW 1/4 SE 1/4
40 acres in SW 1/4 SE 1/4
40 acres in SE 1/4 SE 1/4

5.1 ac trsf. Sp. Or. Vol. 1, p 499

Sec. 36,
Tp. 7 S., R. 3 W., W. M.

40 acres in NE 1/4 NE 1/4
40 acres in NW 1/4 NE 1/4
40 acres in SW 1/4 NE 1/4
40 acres in SE 1/4 NE 1/4
40 acres in SW 1/4 NW 1/4
40 acres in SE 1/4 NW 1/4
40 acres in NE 1/4 SW 1/4
40 acres in NW 1/4 SW 1/4
40 acres in SW 1/4 SW 1/4
40 acres in SE 1/4 SW 1/4
40 acres in NE 1/4 SE 1/4
40 acres in NW 1/4 SE 1/4
40 acres in SW 1/4 SE 1/4
40 acres in SE 1/4 SE 1/4

Sec. 1;

40 acres in NE 1/4 NE 1/4
40 acres in NW 1/4 NE 1/4
40 acres in SW 1/4 NE 1/4
40 acres in SE 1/4 NE 1/4
40 acres in NE 1/4 SE 1/4
35 acres in NW 1/4 SE 1/4
20 acres in SE 1/4 SE 1/4

Sec. 2,

Tp. 8 S., R. 3 W., W. M.

Willamette Valley
Water Company
Proof #145
(Continued)

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
							38.6 ⑧ 40 acres in NE 1/4 NE 1/4
							13.0 ⑧ 40 acres in NW 1/4 NE 1/4
							15 acres in SW 1/4 NE 1/4
							9.6 ⑧ 25 acres in SE 1/4 NE 1/4
							40 acres in NE 1/4 NW 1/4
				⑧ Trsf. Sp. Dr. Vol. 9, p 499			40 acres in NW 1/4 NW 1/4
							10 acres in SW 1/4 NW 1/4
							20 acres in SE 1/4 NW 1/4
							25 acres in SE 1/4 SE 1/4
							Sec. 12;
							30 acres in NE 1/4 NE 1/4
							15 acres in SE 1/4 NE 1/4
							Sec. 13,
							Tp. 8 S., R. 3 W., W. M.
			40	Ac. Trsf. Sp. Dr. Vol. 10 p. 386			40 acres in NE 1/4 NE 1/4
			40	"			40 acres in NW 1/4 NE 1/4
			40	"			40 acres in SW 1/4 NE 1/4
			40	"			40 acres in SE 1/4 NE 1/4
			40	Ac. Trsf. Sp. Dr. Vol. 8, p 483			40 acres in NE 1/4 NW 1/4
			40	"			40 acres in NW 1/4 NW 1/4
			40	"			40 acres in SW 1/4 NW 1/4
			40	"			40 acres in SE 1/4 NW 1/4
			40	"			40 acres in NE 1/4 SW 1/4
			40	"			40 acres in NW 1/4 SW 1/4
			35	"			35 acres in SW 1/4 SW 1/4
			35	"			35 acres in SE 1/4 SW 1/4
			40	Ac. Trsf. Sp. Dr. Vol. 10 p 386			40 acres in NE 1/4 SE 1/4
			40	"			40 acres in NW 1/4 SE 1/4
			40	"			40 acres in SW 1/4 SE 1/4
			40	"			40 acres in SE 1/4 SE 1/4
							Sec. 7;
			40	Ac. Trsf. Sp. Dr. Vol. 10 p. 386			40 acres in NE 1/4 NE 1/4
			40	"			40 acres in NW 1/4 NE 1/4
			40	"			40 acres in SW 1/4 NE 1/4
			40	"			40 acres in SE 1/4 NE 1/4
			40	"			40 acres in NE 1/4 NW 1/4
			40	"			40 acres in NW 1/4 NW 1/4
			40	"			40 acres in SW 1/4 NW 1/4
			40	"			40 acres in SE 1/4 NW 1/4
			40	"			40 acres in NE 1/4 SW 1/4
			40	"			40 acres in NW 1/4 SW 1/4
			40	"			40 acres in SW 1/4 SW 1/4
			40	"			40 acres in SE 1/4 SW 1/4
			40	"			40 acres in NE 1/4 SE 1/4
			40	"			40 acres in NW 1/4 SE 1/4
			20	"			20 acres in SW 1/4 SE 1/4
							Sec. 8;
			30	Ac. Trsf. Sp. Dr. Vol. 10 p. 386			30 acres in NE 1/4 NE 1/4
			40	"			40 acres in NW 1/4 NE 1/4
			40	"			40 acres in SW 1/4 NE 1/4
			40	"			40 acres in SE 1/4 NE 1/4
			40	"			40 acres in NE 1/4 NW 1/4
			40	"			40 acres in NW 1/4 NW 1/4
			40	"			40 acres in SW 1/4 NW 1/4
			40	"			40 acres in SE 1/4 NW 1/4
			40	"			40 acres in NE 1/4 SW 1/4
			40	"			40 acres in NW 1/4 SW 1/4
			10.3	9.7 Ac. Trsf. Sp. Dr. Vol. 10 p 536			20 acres in SW 1/4 SW 1/4
			40	Ac. Trsf. Sp. Dr. Vol. 10 p 536			40 acres in SE 1/4 SW 1/4
			30	"			30 acres in NE 1/4 SE 1/4
			40	"			40 acres in NW 1/4 SE 1/4
			40	"			40 acres in SW 1/4 SE 1/4
			30	"			30 acres in SE 1/4 SE 1/4
							Sec. 9;
			40	Ac. Trsf. Sp. Dr. Vol. 10 p 536			40 acres in NE 1/4 NE 1/4
			40	"			40 acres in NW 1/4 NE 1/4
			40	"			40 acres in SW 1/4 NE 1/4
			40	"			40 acres in SE 1/4 NE 1/4
			40	"			40 acres in NE 1/4 NW 1/4
			30	"			30 acres in NW 1/4 NW 1/4
			30	"			30 acres in SW 1/4 NW 1/4
			35	"			35 acres in SE 1/4 NW 1/4
			30	"			30 acres in NE 1/4 SW 1/4
							Sec. 10,
							Tp. 7 S., R. 2 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

Willamette Valley
Water Company
Proof #145
(Continued)

30	Ac. Trsf. Sp. Or. Vol. 10 p. 536	30 acres in NW 1/4 SW 1/4
30		30 acres in SW 1/4 SW 1/4
40		40 acres in SE 1/4 SW 1/4
40		40 acres in NE 1/4 SE 1/4
35.3		40 acres in NW 1/4 SE 1/4
4.7	Ac. Trsf. Sp. Or. Vol. 11 p. 54	30 acres in SW 1/4 SE 1/4
30.0		40 acres in SE 1/4 SE 1/4
40.0		
Sec. 10;		
40	Ac. Trsf. - Sp. Or. Vol. 5, p. 185	40 acres in NE 1/4 NE 1/4
40	do	40 acres in NW 1/4 NE 1/4
40	do	40 acres in SW 1/4 NE 1/4
40	do	40 acres in SE 1/4 NE 1/4
40	do	40 acres in NE 1/4 NW 1/4
40	do	40 acres in NW 1/4 NW 1/4
40	do	40 acres in SW 1/4 NW 1/4
40	do	40 acres in SE 1/4 NW 1/4
40	do	40 acres in NE 1/4 SW 1/4
40	do	40 acres in NW 1/4 SW 1/4
40	do	40 acres in SW 1/4 SW 1/4
40	do	40 acres in SE 1/4 SW 1/4
40	do	40 acres in NE 1/4 SE 1/4
40	do	40 acres in NW 1/4 SE 1/4
40	Ac. Trsf. Sp. Or. Vol. 8, p. 483	40 acres in SW 1/4 SE 1/4
11	" " " Vol. 5 p. 185	40 acres in SE 1/4 SE 1/4
10	" " " Vol. 6 p. 262	
19	" " " 8 p. 483	
Sec. 11;		
40	Ac. Trsf. Sp. Or. Vol. 11 p. 54	40 acres in NE 1/4 NE 1/4
25.3		40 acres in NW 1/4 NE 1/4
		40 acres in SW 1/4 NE 1/4
		40 acres in SE 1/4 NE 1/4
		40 acres in NE 1/4 NW 1/4
		40 acres in NW 1/4 NW 1/4
		40 acres in SW 1/4 NW 1/4
		40 acres in SE 1/4 NW 1/4
		40 acres in NE 1/4 SW 1/4
		40 acres in NW 1/4 SW 1/4
		40 acres in SW 1/4 SW 1/4
		40 acres in SE 1/4 SW 1/4
		40 acres in NE 1/4 SE 1/4
		40 acres in NW 1/4 SE 1/4
		40 acres in SW 1/4 SE 1/4
		40 acres in SE 1/4 SE 1/4
Sec. 14;		
		40 acres in NE 1/4 NE 1/4
		30 acres in NW 1/4 NE 1/4
		40 acres in SW 1/4 NE 1/4
		40 acres in SE 1/4 NE 1/4
		30 acres in NE 1/4 NW 1/4
		30 acres in NW 1/4 NW 1/4
		30 acres in SW 1/4 NW 1/4
		30 acres in SE 1/4 NW 1/4
		30 acres in NE 1/4 SW 1/4
		35 acres in NW 1/4 SW 1/4
		40 acres in SW 1/4 SW 1/4
		30 acres in SE 1/4 SW 1/4
		40 acres in NE 1/4 SE 1/4
		40 acres in NW 1/4 SE 1/4
		40 acres in SW 1/4 SE 1/4
		40 acres in SE 1/4 SE 1/4
Sec. 15;		
		35 acres in NE 1/4 NE 1/4
		40 acres in NW 1/4 NE 1/4
		40 acres in SW 1/4 NE 1/4
		30 acres in SE 1/4 NE 1/4
		40 acres in NE 1/4 NW 1/4
		25 acres in NW 1/4 NW 1/4
		40 acres in SW 1/4 NW 1/4
		40 acres in SE 1/4 NW 1/4
		40 acres in NE 1/4 SW 1/4
		40 acres in NW 1/4 SW 1/4
		40 acres in SW 1/4 SW 1/4
		40 acres in SE 1/4 SW 1/4
		30 acres in NE 1/4 SE 1/4
		40 acres in NW 1/4 SE 1/4
		40 acres in SW 1/4 SE 1/4
		40 acres in SE 1/4 SE 1/4
Sec. 16,		

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
Willamette Valley Water Company Proof #145 (Continued)							20 acres in NW NE 10 acres in SW NE 10 acres in SE NE 40 acres in NE NW 40 acres in NW NW 40 acres in SW NW 40 acres in SE NW 40 acres in NE SW 40 acres in NW SW 40 acres in SW SW 40 acres in SE SW 30 acres in NE SE 30 acres in NW SE 40 acres in SW SE 40 acres in SE SE Sec. 17; 40 acres in NE NE 40 acres in NW NE 40 acres in SW NE 40 acres in SE NE 35 Ac. Trsf. - See Sp. Or. Vol. 8, p. 483 - 35 acres in NE NW 35 do do 35 acres in NW NW 35 do do 35 acres in SW NW 10 do do 35 acres in SE NW 35 acres in NE SW 35 acres in NW SW 35 acres in SW SW 35 acres in SE SW 40 acres in NE SE 40 acres in NW SE 40 acres in SW SE 40 acres in SE SE Sec. 18; 40 acres in NE NE 40 acres in NW NE 40 acres in SW NE 40 acres in SE NE 35 acres in NE NW 35 acres in NW NW 35 acres in SW NW 35 acres in SE NW 35 acres in NE SW 35 acres in NW SW 35 acres in SW SW 35 acres in SE SW 40 acres in NE SE 40 acres in NW SE 40 acres in SW SE 40 acres in SE SE Sec. 19; 40 acres in NE NE 40 acres in NW NE 40 acres in SW NE 40 acres in SE NE 40 acres in NE NW 40 acres in NW NW 40 acres in SW NW 40 acres in SE NW 40 acres in NE SW 40 acres in NW SW 40 acres in SW SW 40 acres in SE SW 40 acres in NE SE 40 acres in NW SE 40 acres in SW SE 40 acres in SE SE Sec. 20; 40 acres in NE NE 35 acres in NW NE 35 acres in SW NE 40 acres in SE NE Sec. 21, Tp. 7 S., R. 2 W., T. 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
Millemette Valley Water Company Proof #145 (Continued)							40 acres in NE 1/4 NW 1/4 40 acres in NW 1/4 NW 1/4 40 acres in SW 1/4 NW 1/4 40 acres in SE 1/4 NW 1/4 30 acres in NE 1/4 SW 1/4 40 acres in NW 1/4 SW 1/4 40 acres in SW 1/4 SW 1/4 30 acres in SE 1/4 SW 1/4 40 acres in NE 1/4 SE 1/4 35 acres in NW 1/4 SE 1/4 40 acres in SW 1/4 SE 1/4 40 acres in SE 1/4 SE 1/4 Sec. 21; 40 acres in NE 1/4 NE 1/4 40 acres in NW 1/4 NE 1/4 40 acres in SW 1/4 NE 1/4 40 acres in SE 1/4 NE 1/4 40 acres in NE 1/4 NW 1/4 30 acres in NW 1/4 NW 1/4 40 acres in SW 1/4 NW 1/4 30 acres in SE 1/4 NW 1/4 30 acres in NE 1/4 SW 1/4 40 acres in NW 1/4 SW 1/4 40 acres in SW 1/4 SW 1/4 40 acres in SE 1/4 SW 1/4 35 acres in NE 1/4 SE 1/4 30 acres in NW 1/4 SE 1/4 40 acres in SW 1/4 SE 1/4 30 acres in SE 1/4 SE 1/4 Sec. 22; 40 acres in NE 1/4 NE 1/4 40 acres in NW 1/4 NE 1/4 40 acres in SW 1/4 NE 1/4 40 acres in SE 1/4 NE 1/4 40 acres in NE 1/4 NW 1/4 40 acres in NW 1/4 NW 1/4 40 acres in SW 1/4 NW 1/4 40 acres in SE 1/4 NW 1/4 40 acres in NE 1/4 SW 1/4 40 acres in NW 1/4 SW 1/4 40 acres in SW 1/4 SW 1/4 40 acres in SE 1/4 SW 1/4 40 acres in NE 1/4 SE 1/4 40 acres in NW 1/4 SE 1/4 40 acres in SW 1/4 SE 1/4 40 acres in SE 1/4 SE 1/4 Sec. 23; 40 acres in NW 1/4 NW 1/4 40 acres in SW 1/4 NW 1/4 40 acres in NW 1/4 SW 1/4 30 acres in SW 1/4 SW 1/4 Sec. 24; 40 acres in NW 1/4 NW 1/4 40 acres in SW 1/4 NW 1/4 40 acres in NW 1/4 SW 1/4 40 acres in SW 1/4 SW 1/4 Sec. 13; 40 acres in NE 1/4 NE 1/4 40 acres in NW 1/4 NE 1/4 30 acres in SW 1/4 NE 1/4 40 acres in NE 1/4 NW 1/4 40 acres in NW 1/4 NW 1/4 40 acres in SW 1/4 NW 1/4 40 acres in SE 1/4 NW 1/4 5 acres in NE 1/4 SW 1/4 35 acres in NW 1/4 SW 1/4 30 acres in SW 1/4 SW 1/4 5 acres in SE 1/4 SW 1/4 Sec. 26 Tp. 7 S., R. 2 W., V. 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
Willamette Valley Water Company Proof #145 (Continued)							30 acres in NE ₁ NE ₁ 40 acres in NW ₁ NE ₁ 40 acres in SW ₁ NE ₁ 30 acres in SE ₁ NE ₁ 40 acres in NE ₁ NW ₁ 40 acres in NW ₁ NW ₁ 40 acres in SW ₁ NW ₁ 40 acres in SE ₁ NW ₁ 40 acres in NE ₁ SW ₁ 40 acres in NW ₁ SW ₁ 40 acres in SW ₁ SW ₁ 35 acres in SE ₁ SW ₁ 30 acres in NE ₁ SE ₁ 40 acres in NW ₁ SE ₁ 35 acres in SW ₁ SE ₁ 40 acres in SE ₁ SE ₁ Sec. 27; 40 acres in NE ₁ NE ₁ 40 acres in NW ₁ NE ₁ 40 acres in SW ₁ NE ₁ 40 acres in SE ₁ NE ₁ 35 acres in NE ₁ NW ₁ 40 acres in NW ₁ NW ₁ 35 acres in SW ₁ NW ₁ 40 acres in SE ₁ NW ₁ 40 acres in NE ₁ SW ₁ 35 acres in NW ₁ SW ₁ 35 acres in SW ₁ SW ₁ 40 acres in SE ₁ SW ₁ 40 acres in NE ₁ SE ₁ 40 acres in NW ₁ SE ₁ 40 acres in SW ₁ SE ₁ 40 acres in SE ₁ SE ₁ Sec. 28; 40 acres in NE ₁ NE ₁ 40 acres in NW ₁ NE ₁ 40 acres in SW ₁ NE ₁ 40 acres in SE ₁ NE ₁ 40 acres in NE ₁ NW ₁ 40 acres in NW ₁ NW ₁ 40 acres in SW ₁ NW ₁ 40 acres in SE ₁ NW ₁ 40 acres in NE ₁ SW ₁ 40 acres in NW ₁ SW ₁ 40 acres in SW ₁ SW ₁ 40 acres in SE ₁ SW ₁ 40 acres in NE ₁ SE ₁ 40 acres in NW ₁ SE ₁ 40 acres in SW ₁ SE ₁ 40 acres in SE ₁ SE ₁ Sec. 29; 40 acres in NE ₁ NE ₁ 40 acres in NW ₁ NE ₁ 40 acres in SW ₁ NE ₁ 40 acres in SE ₁ NE ₁ 35 acres in NE ₁ NW ₁ 35 acres in NW ₁ NW ₁ 35 acres in SW ₁ NW ₁ 35 acres in SE ₁ NW ₁ 35 acres in NE ₁ SW ₁ 35 acres in NW ₁ SW ₁ 35 acres in SW ₁ SW ₁ 35 acres in SE ₁ SW ₁ 40 acres in NE ₁ SE ₁ 40 acres in NW ₁ SE ₁ 40 acres in SW ₁ SE ₁ 40 acres in SE ₁ SE ₁ Sec. 30; Tp. 7 S., R. 2 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
Willamette Valley Water Company Proof #145 (Continued)							40 acres in NE 1/4 NE 1/4 40 acres in NW 1/4 NE 1/4 40 acres in SW 1/4 NE 1/4 40 acres in SE 1/4 NE 1/4 40 acres in NE 1/4 NW 1/4 40 acres in NW 1/4 NW 1/4 40 acres in SW 1/4 NW 1/4 40 acres in SE 1/4 NW 1/4 40 acres in NE 1/4 SW 1/4 40 acres in NW 1/4 SW 1/4 40 acres in SW 1/4 SW 1/4 40 acres in SE 1/4 SW 1/4 40 acres in NE 1/4 SE 1/4 40 acres in NW 1/4 SE 1/4 40 acres in SW 1/4 SE 1/4 40 acres in SE 1/4 SE 1/4 Sec. 31; 40 acres in NE 1/4 NE 1/4 40 acres in NW 1/4 NE 1/4 40 acres in SW 1/4 NE 1/4 40 acres in SE 1/4 NE 1/4 40 acres in NE 1/4 NW 1/4 40 acres in NW 1/4 NW 1/4 40 acres in SW 1/4 NW 1/4 40 acres in SE 1/4 NW 1/4 40 acres in NE 1/4 SW 1/4 40 acres in NW 1/4 SW 1/4 40 acres in SW 1/4 SW 1/4 40 acres in SE 1/4 SW 1/4 40 acres in NE 1/4 SE 1/4 40 acres in NW 1/4 SE 1/4 40 acres in SW 1/4 SE 1/4 40 acres in SE 1/4 SE 1/4 Sec. 32; 40 acres in NE 1/4 NE 1/4 40 acres in NW 1/4 NE 1/4 40 acres in SW 1/4 NE 1/4 20 acres in SE 1/4 NE 1/4 40 acres in NE 1/4 NW 1/4 35 acres in NW 1/4 NW 1/4 40 acres in SW 1/4 NW 1/4 40 acres in SE 1/4 NW 1/4 40 acres in NE 1/4 SW 1/4 40 acres in NW 1/4 SW 1/4 40 acres in SW 1/4 SW 1/4 40 acres in SE 1/4 SW 1/4 40 acres in NW 1/4 SE 1/4 30 acres in SW 1/4 SE 1/4 Sec. 33; 15 acres in NE 1/4 NE 1/4 20 acres in NW 1/4 NW 1/4 Sec. 34; 20 acres in NE 1/4 NW 1/4 10 acres in NW 1/4 NW 1/4 Sec. 35 Tp. 7 S., R. 2 W., W. M. 30 acres in NE 1/4 NW 1/4 40 acres in NW 1/4 NW 1/4 30 acres in SW 1/4 NW 1/4 5 acres in SE 1/4 NW 1/4 Sec. 4; 40 acres in NE 1/4 NE 1/4 40 acres in NW 1/4 NE 1/4 40 acres in SW 1/4 NE 1/4 40 acres in SE 1/4 NE 1/4 40 acres in NE 1/4 NW 1/4 40 acres in NW 1/4 NW 1/4 40 acres in SW 1/4 NW 1/4 40 acres in SE 1/4 NW 1/4 40 acres in NE 1/4 SW 1/4 40 acres in NW 1/4 SW 1/4 40 acres in SW 1/4 SW 1/4 40 acres in SE 1/4 SW 1/4 25 acres in NE 1/4 SE 1/4 40 acres in NW 1/4 SE 1/4 30 acres in SW 1/4 SE 1/4 Sec. 5; Tp. 8 S., R. 2 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
<p>Willamette Valley Water Company Proof #145 (Continued)</p>							<p>40 acres in NE NE 40 acres in NW NE 40 acres in SW NE 40 acres in SE NE 40 acres in NE NW 40 acres in NW NW 40 acres in SW NW 40 acres in SE NW 40 acres in NE SW 40 acres in NW SW 40 acres in SW SW 40 acres in SE SW 40 acres in NE SE 40 acres in NW SE 40 acres in SW SE 40 acres in SE SE Sec. 6; 40 acres in NE NE 40 acres in NW NE 40 acres in SW NE 40 acres in SE NE 40 acres in NE NW 40 acres in NW NW 40 acres in SW NW 40 acres in SE NW 40 acres in NE SW 40 acres in NW SW 35 acres in SW SW 40 acres in SE SW 40 acres in NE SE 40 acres in NW SE 40 acres in SW SE ⊗ 40 acres in SE SE Sec. 7; 15 acres in NE NW 40 acres in NW NW 20 acres in SW NW 20 acres in NW SW 10 acres in SW SW Sec. 8; 5 acres in NE NE 30 acres in NW NE 20 acres in SW NE 40 acres in NE NW 40 acres in NW NW 40 acres in SW NW 40 acres in SE NW 35 acres in NE SW 20 acres in NW SW 20 acres in SE SW 10 acres in NW SE 20 acres in SW SE Sec. 18, Tp. 8 S., R. 2 W., W. M. 25 acres in NE NW 40 acres in SW NW 5 acres in SE NW 30 acres in NE SW 40 acres in NW SW 80 acres in S SW 30 acres in SW SE Sec. 30; 320 acres in W 160 acres in W E 35 acres in NE NE 30 acres in SE NE 30 acres in NE SE 30 acres in SE SE Sec. 31, Tp. 8 S., R. 1 W., W. M.</p>
<p>Proof No. 146 (See Findings, Paragraph 36)</p> <p><i>Fatsio</i></p> <p><i>Per E-82</i></p>	<p>May 14, 1909</p>			<p>Irrigation and domestic</p>	<p>Willamette Valley Water Company Ditch (Stayton District Canal)</p>	<p>North Santiam River</p>	<p>⊙ 16.0 ac. <i>trsf. Sp. Or. Vol. 9, p 499</i></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
Willamette Valley Water Company Proof #146 (Continued)							<p>320 acres in W$\frac{1}{2}$ 20 acres in NE$\frac{1}{4}$ NE$\frac{1}{4}$ 30 acres in NW$\frac{1}{4}$ NE$\frac{1}{4}$ 80 acres in S$\frac{1}{2}$ NE$\frac{1}{4}$ 160 acres in SE$\frac{1}{4}$ Sec. 25; 30 acres in NE$\frac{1}{4}$ NE$\frac{1}{4}$ 35 acres in SW$\frac{1}{4}$ NE$\frac{1}{4}$ 40 acres in SE$\frac{1}{4}$ NE$\frac{1}{4}$ 10 acres in SW$\frac{1}{4}$ NW$\frac{1}{4}$ 30 acres in SE$\frac{1}{4}$ NW$\frac{1}{4}$ 160 acres in SW$\frac{1}{4}$ 160 acres in SE$\frac{1}{4}$ Sec. 26; 5 acres in SE$\frac{1}{4}$ NE$\frac{1}{4}$ 30 acres in NE$\frac{1}{4}$ SW$\frac{1}{4}$ 15 acres in NW$\frac{1}{4}$ SW$\frac{1}{4}$ 80 acres in S$\frac{1}{2}$ SW$\frac{1}{4}$ 160 acres in SE$\frac{1}{4}$ Sec. 27; 25 acres in NW$\frac{1}{4}$ SW$\frac{1}{4}$ 80 acres in S$\frac{1}{2}$ SW$\frac{1}{4}$ 10 acres in NE$\frac{1}{4}$ SE$\frac{1}{4}$ 80 acres in S$\frac{1}{2}$ SE$\frac{1}{4}$ Sec. 28; 5 acres in SW$\frac{1}{4}$ NE$\frac{1}{4}$ 5 acres in SE$\frac{1}{4}$ NW$\frac{1}{4}$ 160 acres in SW$\frac{1}{4}$ 30 acres in NE$\frac{1}{4}$ SE$\frac{1}{4}$ 40 acres in NW$\frac{1}{4}$ SE$\frac{1}{4}$ 80 acres in S$\frac{1}{2}$ SE$\frac{1}{4}$ Sec. 29; 5 acres in SE$\frac{1}{4}$ SE$\frac{1}{4}$ Sec. 30; 10 acres in NE$\frac{1}{4}$ NE$\frac{1}{4}$ 10 acres in SE$\frac{1}{4}$ NE$\frac{1}{4}$ 10 acres in NE$\frac{1}{4}$ SE$\frac{1}{4}$ 5 acres in SE$\frac{1}{4}$ SE$\frac{1}{4}$ Sec. 31; 640 acres in Sec. 32; 640 acres in Sec. 33; 640 acres in Sec. 34; 640 acres in Sec. 35; 640 acres in Sec. 36, Tp. 8 S., R. 2 W., W. M. 80 acres in N$\frac{1}{2}$ NE$\frac{1}{4}$ 40 acres in SW$\frac{1}{4}$ NE$\frac{1}{4}$ 30 acres in SE$\frac{1}{4}$ NE$\frac{1}{4}$ 160 acres in NW$\frac{1}{4}$ 160 acres in SW$\frac{1}{4}$ 40 acres in NW$\frac{1}{4}$ SE$\frac{1}{4}$ 15 acres in SW$\frac{1}{4}$ SE$\frac{1}{4}$ Sec. 6; 5 acres in NW$\frac{1}{4}$ NE$\frac{1}{4}$ 320 acres in W$\frac{1}{2}$ Sec. 7; 320 acres in W$\frac{1}{2}$ Sec. 18; 320 acres in W$\frac{1}{2}$ Sec. 19; 80 acres in N$\frac{1}{2}$ NW$\frac{1}{4}$ 30 acres in SW$\frac{1}{4}$ NW$\frac{1}{4}$ 25 acres in SE$\frac{1}{4}$ NW$\frac{1}{4}$ Sec. 30; Tp. 9 S., R. 1 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
Willamette Valley Water Company Proof #146 (Continued)							39 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 39 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 80 acres in S $\frac{1}{2}$ NE $\frac{1}{4}$ 39 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 39 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 80 acres in S $\frac{1}{2}$ NW $\frac{1}{4}$ 320 acres in S $\frac{1}{2}$ Sec. 1; 39 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 39 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 80 acres in S $\frac{1}{2}$ NE $\frac{1}{4}$ 39 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 39 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 80 acres in S $\frac{1}{2}$ NW $\frac{1}{4}$ 320 acres in S $\frac{1}{2}$ Sec. 2; 39 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 39 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 80 acres in S $\frac{1}{2}$ NE $\frac{1}{4}$ 38 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 38 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 80 acres in S $\frac{1}{2}$ NW $\frac{1}{4}$ 320 acres in S $\frac{1}{2}$ Sec. 3; 38 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 38 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 80 acres in S $\frac{1}{2}$ NE $\frac{1}{4}$ 38 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 38 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 80 acres in S $\frac{1}{2}$ NW $\frac{1}{4}$ 320 acres in S $\frac{1}{2}$ Sec. 4; 38 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 38 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 80 acres in S $\frac{1}{2}$ NE $\frac{1}{4}$ 38 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 35 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 30 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 160 acres in SE $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 30 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 35 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 5; 80 acres in N $\frac{1}{2}$ NE $\frac{1}{4}$ 25 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 20 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 30 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 20 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 8; 640 acres in Sec. 9; 640 acres in Sec. 10; 640 acres in Sec. 11; 640 acres in Sec. 12; 640 acres in Sec. 13; 640 acres in Sec. 14; 640 acres in Sec. 15; 640 acres in Sec. 16; Tp. 9 S., R. 2 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>Willamette Valley Water Company Proof #146 (Continued)</p>							<p>20 acres in NE$\frac{1}{4}$ NE$\frac{1}{4}$ 30 acres in SE$\frac{1}{4}$ NE$\frac{1}{4}$ 30 acres in NE$\frac{1}{4}$ SE$\frac{1}{4}$ 25 acres in SE$\frac{1}{4}$ SE$\frac{1}{4}$ Sec. 17; 10 acres in NE$\frac{1}{4}$ NE$\frac{1}{4}$ 5 acres in SE$\frac{1}{4}$ NE$\frac{1}{4}$ Sec. 20; 640 acres in Sec. 22; 320 acres in N$\frac{1}{2}$ 35 acres in SE$\frac{1}{4}$ SW$\frac{1}{4}$ 160 acres in N$\frac{1}{2}$ S$\frac{1}{2}$ 35 acres in SW$\frac{1}{4}$ SE$\frac{1}{4}$ 40 acres in SE$\frac{1}{4}$ SE$\frac{1}{4}$ Sec. 21; 640 acres in Sec. 23; 640 acres in Sec. 24; 80 acres in N$\frac{1}{2}$ NE$\frac{1}{4}$ 40 acres in SW$\frac{1}{4}$ NE$\frac{1}{4}$ 35 acres in SE$\frac{1}{4}$ NE$\frac{1}{4}$ 160 acres in NW$\frac{1}{4}$ 80 acres in N$\frac{1}{2}$ SW$\frac{1}{4}$ 20 acres in SW$\frac{1}{4}$ SW$\frac{1}{4}$ 20 acres in SE$\frac{1}{4}$ SW$\frac{1}{4}$ 10 acres in NW$\frac{1}{4}$ SE$\frac{1}{4}$ Sec. 25; 320 acres in N$\frac{1}{2}$ 20 acres in SE$\frac{1}{4}$ SW$\frac{1}{4}$ 30 acres in SW$\frac{1}{4}$ SW$\frac{1}{4}$ 160 acres in N$\frac{1}{2}$ S$\frac{1}{2}$ 10 acres in SW$\frac{1}{4}$ SE$\frac{1}{4}$ 15 acres in SE$\frac{1}{4}$ SE$\frac{1}{4}$ Sec. 26; 160 acres in NE$\frac{1}{4}$ Sec. 27; 80 acres in E$\frac{1}{2}$ NW$\frac{1}{4}$ 35 acres in NW$\frac{1}{4}$ NW$\frac{1}{4}$ 10 acres in SW$\frac{1}{4}$ NW$\frac{1}{4}$ 20 acres in NE$\frac{1}{4}$ SW$\frac{1}{4}$ 10 acres in SE$\frac{1}{4}$ SW$\frac{1}{4}$ 80 acres in N$\frac{1}{2}$ SE$\frac{1}{4}$ 40 acres in SW$\frac{1}{4}$ SE$\frac{1}{4}$ 35 acres in SE$\frac{1}{4}$ SE$\frac{1}{4}$ Sec. 27; 5 acres in NE$\frac{1}{4}$ NE$\frac{1}{4}$ Sec. 28; Tp. 9 S., R. 2 W., W. M. 5 acres in NE$\frac{1}{4}$ NE$\frac{1}{4}$ 5 acres in SE$\frac{1}{4}$ NE$\frac{1}{4}$ 5 acres in NE$\frac{1}{4}$ SE$\frac{1}{4}$ 5 acres in SE$\frac{1}{4}$ SE$\frac{1}{4}$ Sec. 31; 10 acres in SW$\frac{1}{4}$ NE$\frac{1}{4}$ 30 acres in NW$\frac{1}{4}$ NW$\frac{1}{4}$ 40 acres in SW$\frac{1}{4}$ NW$\frac{1}{4}$ 30 acres in SE$\frac{1}{4}$ NW$\frac{1}{4}$ 320 acres in S$\frac{1}{2}$ Sec. 32; 5 acres in NW$\frac{1}{4}$ SW$\frac{1}{4}$ 40 acres in SW$\frac{1}{4}$ SW$\frac{1}{4}$ 10 acres in SE$\frac{1}{4}$ SW$\frac{1}{4}$ Sec. 33; Tp. 8 S., R. 1 W., W. M. 40 acres in SW$\frac{1}{4}$ SW$\frac{1}{4}$ Sec. 3;</p>
<p>Per. E-82</p> <p>Proof #147 (See Findings, Paragraph 36)</p> <p>Per. 1401</p>	<p>June 24, 1911</p>			<p>Irrigation and Domestic</p>	<p>Willamette Valley Water Company Ditch (Stayton District Canal) and Canals not now constructed described in Permit No. 1401.</p>	<p>North Santiam River</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
Willamette Valley Water Company Proof #147 (Continued)							5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 320 acres in W $\frac{1}{2}$ 30 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 80 acres in W $\frac{1}{2}$ SE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 4; 640 acres in Sec. 5; 10 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 10 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 6; 80 acres in E $\frac{1}{2}$ NE $\frac{1}{4}$ 30 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 160 acres in SE $\frac{1}{4}$ Sec. 7; 640 acres in Sec. 8; 320 acres in N $\frac{1}{2}$ 160 acres in SW $\frac{1}{4}$ 30 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 80 acres in W $\frac{1}{2}$ SE $\frac{1}{4}$ 30 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 9; 320 acres in W $\frac{1}{2}$ Sec. 10; 80 acres in N $\frac{1}{2}$ SW $\frac{1}{4}$ 5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 10 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 10 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 11; 10 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 35 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 80 acres in S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 12; 80 acres in N $\frac{1}{2}$ NE $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 13; 30 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 80 acres in W $\frac{1}{2}$ NE $\frac{1}{4}$ 10 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 160 acres in NW $\frac{1}{4}$ 5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 16; 640 acres in Sec. 17; 320 acres in E $\frac{1}{2}$ Sec. 18; 40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 80 acres in W $\frac{1}{2}$ NE $\frac{1}{4}$ 20 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 10 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 20 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 19; 160 acres in NE $\frac{1}{4}$ 80 acres in N $\frac{1}{2}$ NW $\frac{1}{4}$ 20 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 20; 5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 10 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 21; Tp. 9 S., R. 1 W., E. M. 10 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 7;

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Willamette Valley Water Company Proof #147 (Continued)							40 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 80 acres in N $\frac{1}{2}$ SW $\frac{1}{4}$ 20 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 30 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 30 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 30 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 15; 10 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 80 acres in S $\frac{1}{2}$ NE $\frac{1}{4}$ 20 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 20 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 80 acres in S $\frac{1}{2}$ NW $\frac{1}{4}$ 80 acres in N $\frac{1}{2}$ SW $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 20 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 80 acres in N $\frac{1}{2}$ SE $\frac{1}{4}$ 20 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 20 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 16; 10 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 10 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 80 acres in S $\frac{1}{2}$ NE $\frac{1}{4}$ 10 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 10 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 20 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 80 acres in E $\frac{1}{2}$ SE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 30 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 17; 20 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 18; Tp. 9 S., R. 1 E., W. M.
Wood, Harry Mill City, Oregon Proof #148 (See Findings, Paragraph 146)	Nov. 19, 1927	500 gallons per hour	0.5	Irrigation CANCELLED OCT 29 1963 Special Order REC-100 VOL 13 Pg 82	Pump and Pipe line	Snake Creek	0.5 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 31, Tp. 9 S., R. 3 E., W. M., within the following described tract: Beginning at the SW cor. of Blk. 33 in Ransom's Add. to Mill City, Ore., thence west 330 feet; thence north 602 feet; thence east 330 feet; thence south 602 feet and joining said Ransom's Add. to the place of beginning, containing 4.55 acres in Sec. 31, T. 9 S., R. 3 E. of the W. M. in Linn County, Oregon.
Woosley, A. S. Aumsville, Oregon Proof #149 (See Findings, Paragraph 147)	See Paragraph #147.						
Highberger, Theodore Aumsville, Oregon Proof #150 (See Findings, Paragraph 148)	1859	135		Development of 169 theoretical horse-power	Mill Race or Slow Creek	North Santiam River	Place of Use: Within the following described tract: Commencing at a point thirty feet west of the northwest corner of Lot 4 in Block 10 in the Town of Aumsville, Marion County, Oregon, as numbered and designated on the plat and survey of said town on file and of record in the office of the County Recorder for said County and State; running thence South parallel with the West boundary line of said Lot 4, 620 ft.; thence east at right angles to said line 950 ft.; thence north parallel with said westerly line 620 ft.; thence west 950 ft. to place of beginning, containing 14 acres, more or less. Save and except Lot No. 4 in Blk. No. 12 and that certain parcel of land 50 ft. by 100 ft. in the NE cor. of said fourteen acre tract heretofore sold by Shera Swank by deed dated Oct. 3, 1915, recorded Oct. 23, 1915, in Book 137, page 333, records of deeds for Marion County, Ore., in Sec. 25, T. 8 S., R. 2 W. M. NORTH SANTIAM RIVER - Page 192.

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
928 Southern Pacific Company 800 Pacific Bldg., Portland, Oregon Proof #151 (See Findings, Paragraph 149)	1888	3,000 cubic feet per day		Domestic and Locomotive Steam purposes	Pipe line	Unnamed tributary of Trask Creek	NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 19, Tp. 9 S., R. 2 E., W. M.
4929 Proof #151-A (See Findings, Paragraph 149)	1889	3,000 cubic feet per day		Domestic and Locomotive Steam purposes	Flume	Mayflower Creek	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 1, Tp. 10 S., R. 4 E., W. M.
Barrow, Joe C. Route 1 Stayton, Oregon Proof #152 (See Findings, Paragraph 150)	Sept. 23, 1924	0.08	6.0	Domestic and Irrigation	Pipe line and Unnamed Ditch	Unnamed Stream	6.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 13, Tp. 9 S., R. 1 E., W. M.
Dike, Otis C. Idanha, Oregon Proof #153 (See Findings, Paragraph 151)	Nov. 19, 1928	1.89	10.0	Irrigation and Power (2 T.H.P.)	Flume and Ditch	Minto Creek	10.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 25, Tp. 9 S., R. 3 E., W. M. Place of Use for Power: Same as for irrigation.
Stout, Anna J. Mehama, Oregon Proof #154 (See Findings, Paragraph 152)	Aug. 14, 1928	1.0		Recreational Park purposes	No diver- sion	Stout Creek	In NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 18, Tp. 9 S., R. 2 E., W. M.
Cray, Warren Route 1 Turner, Oregon Proof #155 (See Findings, Paragraph 153)	Dec. 20, 1915	0.34	36.05	Irrigation	Unnamed Ditch	Marion Creek	12.1 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 13.8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 7.95 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 2.20 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 28, Tp. 9 S., R. 2 W., W. M.
Langberg, Mrs. Morris Mehama, Oregon Proof #156 (See Findings, Paragraph 154)	Dec. 22, 1919	0.25		Domestic	Pipe line	Unnamed Springs	In SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 18, Tp. 9 S., R. 2 E., W. M.
Philippi, Roy Mehama, Oregon Proof #157 (See Findings, Paragra ph 155)	April 2, 1924	3.0		Domestic and Power (5.0 T.H.P.)	Ditch	Stout Creek	Place of use within the following described tract Beginning on the South boundary line of Ferry Street in the Town of Mehama, Marion County, Oregon, at a point which is North 103 ft. distant and S. 87° 10' E. 272.5 ft. distant from the U. S. Government meander corner set on the North bank of the North Santiam River and on the West boundary line of Sec. 18 of Twp. 9 S., Range 2 East of the W.M. in Marion County, Oregon, and from thence running S. 87° 10' E. along the South boundary line of said street 224.8 ft.; thence N. 57° 08' E. on the South boundary line of Mill Street in said town, 319.1 ft. more or less to the center of the County road leading from Mehama to Lyons, Oregon; thence S. 47° E. 329 ft. more or less, along the center line of said road to a point in (continued next page)

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Philippi, Roy (Proof #157-continued)							an angle of said road; thence S. 3° W. 218.12 ft., more or less, to the North Santiam River; thence N. 78° 30' W. along said river, 760.32 feet, more or less, to a point which is 120.12 ft. southerly from the place of beginning, thence Northerly 120.12 ft. more or less, to the place of beginning, all being in Marion County, Oregon, and containing 3.80 acres of land. In SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 18, Tp. 9 S., R. 2 E., W. M.
Rice, Glenn L. 950 Market St. Salem, Oregon Proof #158 (Findings, Paragraph 156)	Dec. 9, 1929	0.01		Domestic	Pipe line	Unnamed Stream	Within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 10, Tp. 9 S., R. 2 E., W. M.
City of Salem Salem, Oregon Proof #159 (See Findings, Paragraph 157)	July 5, 1923	22.0		Municipal	Pipe line	North Santiam River	PLACE OF USE: Within Sections 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35 and 36, Tp. 7 S., R. 3 W., W. M.; Sections 1, 2, 3, 4, 10, 11 and 12, Tp. 8 S., R. 3 W., W. M., and Sections 7, 8, 17, 18, 19, 20 and 29, Tp. 8 S., R. 2 W., W. M.
School District No. 74 Marion County, Oregon, by Dorotheen Wilson, Clerk, Mehama, Oregon Proof #160 (See Findings, Paragraph 158)	Aug. 18, 1925	0.1		Domestic	Pipe line	Unnamed Spring	In SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 18, Tp. 9 S., R. 2 E., W. M. within the following described tract: Beginning at a point 50 ft. North of the NW corner of Block No. 4 in the Mill Addition to the Town of Mehama, County of Marion, State of Oregon; running thence S. 85° 45' E. 30 rods; thence N. 4° 15' East 13-1/3 rods; thence S. 84° 10' West 32.8 rods; thence S. 4° 15' West 8 rods to the place of beginning, containing 2 acres more or less.
Schwindt, Mike O. and Rose C., Lyons, Oregon Proof #161 (See Findings, Paragraph 159)	Jan. 25, 1938	0.009	0.7	Irrigation	Pump and Pipe line	Unnamed Stream	0.7 acre in Lots 10, 11 and 12, Block 1; and Lots 7, 8 & 9, Block 2, in Highland Grove, in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 19, Tp. 9 S., R. 2 E., W. M., in Linn County, Oregon.
Stoaks, Everett Gates, Oregon Proof #162 (See Findings, Paragraph 160)	May 5, 1926	0.01	0.5	Irrigation	Ditch	Unnamed Stream	0.5 acre in Lot 9, Block 6, in the Town of Niagra, Marion County, Oregon, and within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 29, Tp. 9 S., R. 4 E., W. M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Storm, Otis Henry Route 1 Jefferson, Oregon Proof #163 (See Findings, Paragraph 161)	Jan. 26, 1928	0.62	55.5	Irrigation	Pump and Ditches	North Santiam River and Edgar Slough	22.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 29.5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 4.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 4, Tp. 10 S., R. 2 W., W. M., within the following described tract: Beginning at a point 16.45 chains W. of NE corner of the Wm. Mc- Kinney D.L.C. in T.10 S., R. 2 W., W. M., in Marion County, Oregon and running thence S. 18.55 chains to an iron pipe, thence West 10.25 chains to an iron pipe; thence N. 4.25 chains to an iron bolt; thence N. 24° W. 1.49 chains to the middle of the channel of the slough; thence along the middle of the slough S. 55 $\frac{1}{2}$ ° W. 6.40 chains; thence S. 26 $\frac{1}{2}$ ° W. 1.40 chains; N. 71 $\frac{1}{2}$ ° W. 4.80 chains; N. 51 $\frac{1}{2}$ ° W. 4 chains; N. 88° W. 2.38 chains; N. 61 $\frac{1}{2}$ ° W. 5.22 chains; N. 46° W. 3.30 chains; N. 68° W. 2.0 chains; N. 25 $\frac{1}{2}$ ° W. 2.84 chains to the middle of the county road; thence N. along the middle of the county road to a stone on the N. line of said Wm. McKinney D. L. C.; thence E. along said N. line 39.085 chains to the place of beginning, containing 60.20 acres more or less in Marion County, Oregon.
Titze, J. M. Route 1 Stayton, Oregon Proof #164 (See Findings, Paragraph 162)	April 5, 1929	0.05	0.5	Irrigation and Domestic	Pipe line	Two Unnamed Springs	0.5 acre in Lot 4 (SW $\frac{1}{4}$ SE $\frac{1}{4}$) Sec. 1, Tp. 9 S., R. 1 E., W. M.
Wilkinson, J. H. Route 1 Turner, Oregon Proof #165 (See Findings, Paragraph 163)	Sept. 2, 1936	0.33	26.4	Irrigation	Unnamed Ditch	Unnamed Slough, trib. of North Santiam River	2.6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 15 in Joseph Davis D. L. C. No. 43; 2.7 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 15 in William Edgar D. L. C. No. 44; 12.4 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 6.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 2.2 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 22, in Joseph Davis D. L. C. No. 43, All in Tp. 9 South, Range 2 West, W. M.

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

Dated at Salem, Oregon, this 19th day of November, 1942.


CHAS. E. STRICKLIN

State Engineer

I N D E X

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Boguslaski, Lorine; Claude J. Walling and Bertha J. Wilson	139	127	177
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