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In the Matter of the Determination of
the Relative Rights of the Various Claim- (
ants to the Use of the Waters of POWDER)
RIVER, a tributary of Snake River, and)
its tributaries, in Union and Baker (
Counties, Oregon)
(
- - - - -)

ORDER MODIFYING AND CONFIRMING SUPPLEMENTAL FIND-
INGS OF FACT AND ORDER OF DETERMINATION
OF THE STATE ENGINEER OF OREGON

Now at this time this matter came on for hearing upon the Supplemental Findings of Fact and Order of Determination of the State Engineer in the above entitled proceeding, and it appearing to the Court that a Decree was made and entered in the above entitled proceeding in this court on the 18th day of March, 1918, wherein the following parties were specified as each owning certain inchoate rights, towit:

- Baker Irrigation Company, Baker, Oregon;
- Elmer E. Bennett, Baker, Oregon;
- N. Bennett, by Elmer E. Bennett, Baker, Oregon;
- Ora M. Bennett, Baker, Oregon;
- Big Creek Ditch Company, by Nettie C. Bussard,
Medical Springs, Oregon;
- James Robert Bruce, Robinette, Oregon;
- William J. Chase by P. C. Errolson, Richland, Oregon;
- J. A. Kirby, Richland, Oregon;
- William L. Kirby, Durkee, Oregon;
- W. B. Riley, Sumpter, Oregon;
- Thomas Siegel, Richland, Oregon;
- Andrew Shanks, Baker, Oregon
- Sumpter Land Co., by F. S. Baillie, Sumpter, Oregon;
- Pauline Williams, Sparta, Oregon;
- Grace & Bodinson, Baker, Oregon;
- Geo. Grant, Trustee, Saginaw, Michigan;
- Sparta Irrigation Company, Sparta, Oregon, successor in
interest of Geo. Grant, Trustee.

That the said Decree fixed the time for completion of said inchoate rights, which time was extended from time to time by orders of the State Water Board and of the State Engineer. That said times, as so extended, for the completion of said inchoate rights have expired;

That the persons, firms and corporations hereinafter tabulated have heretofore made final proof of the completion of such inchoate rights and have been issued Certificates of Water Right as provided in said Decree of March 18, 1918;

That on the 5th day of November, 1942, after the expiration of said time for completion of said rights, the State Engineer sent a notice by registered mail to every person, firm and corporation named in said decree as owning such inchoate rights, and to every person, firm or corporation owning or in possession of land to which inchoate water rights were appurtenant, as specified in said Decree, and upon which final proof had not previously been made;

that such notice required said persons, firms and corporations to make final proof of the completion of such appropriation of water at the times and places therein specified, and thereafter said State Engineer attended at such times and places named, received such proofs as were offered, and also investigated in the field all of the lands to which said inchoate rights were appurtenant. That based upon said proofs and said investigation said State Engineer made his Supplemental Findings of Fact and Order of Determination and filed the same in this court and in the above entitled proceeding on the 20th day of April, 1945;

That thereafter and on the 18th day of June, 1945, the court made and entered an order in the above entitled proceeding setting the 21st day of August, 1945, at ten o'clock A. M., in the Circuit Court Room in the County Courthouse at Baker, Baker County, Oregon, as the time and place of hearing upon said Supplemental Findings of Fact and Order of Determination; that said order further provided that the State Engineer should give notice of such hearing by publication in two issues of one or more newspapers having a general circulation in Baker County, Oregon, and give notice by registered mail to all persons who have filed proof of the extent of completion of such inchoate water rights, and to present land-owners awarded inchoate water rights by said Decree of March 18th, 1918, who did not file proof of completion of such inchoate water rights, and that said notice was duly given, due proof of which is on file herein;

That objection and exception to said Supplemental Findings of Fact and Order of Determination were filed by Henry Peyron and Holland Land Company, a corporation, which objection and exception are well founded;

That, based upon the evidence and the Supplemental Findings of Fact and Order of Determination of the State Engineer filed herein, and the settlement of said objection and exception filed by said Henry Peyron and Holland Land Company, a corporation, together with the records and files in this proceeding,

IT IS CONSIDERED, ORDERED AND DECREED:

That no beneficial use of water under the inchoate rights as specified in the Decree in the above entitled proceeding made and entered in this court on the 18th day of March, 1918, has been made, and no proofs of the completion of such inchoate rights or any or either of them have been made, either by the persons, firms and corporations named in said decree as being the owners of such inchoate water rights or by their successors in interest, towit: James Robert Bruce, Robinette, Oregon; William J. Chase, by P. C. Errolson, Richland, Oregon; Andrew Shanks, Baker, Oregon; Pauline Williams, Sparta, Oregon; Sparta Irrigation Company, Sparta, Oregon; George Grant, Trustee, Saginaw, Michigan; and that each of said persons, firms and corporations, and their successors in interest, are in default, and that said inchoate rights, and each and all of them, be and the same

are hereby forfeited and cancelled and henceforth shall be held for naught.

IT IS FURTHER CONSIDERED, ORDERED AND DECREED: That the inchoate water rights heretofore proved to have been completed, and for which Water Right Certificates have been issued by the State Engineer as provided in said Decree of March 18, 1918, ~~he~~ and the ~~same~~ are hereby confirmed, as follows, to wit:

Pacific Loan and Investment Company, Ltd., Liverpool, England,
successor to Baker Irrigation Company.

Water Right Certificate issued October 5, 1931, and recorded in State Record of Water Right Certificates, Vol. 9, page 9167, for lands described in said Water Right Certificate, the diversion point being from the East side of Powder River within the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 19, Tp. 10 S. R. 40 E.W.M., and the reservoir for storage being located in the E $\frac{1}{2}$ of Section 15, Tp. 9 S. R. 40 E.W.M. The lands described in said Water Right Certificates are hereinafter tabulated.

W. A. Leathers, Bingen, Washington, successor to Elmer E. Bennett, N. Bennett (Estate) by Elmer E. Bennett, Ora M. Bennett, Baker, Oregon.

Water Right Certificate issued April 18, 1936, and recorded in State Record of Water Right Certificates, Vol. 10, page 11448, for lands described in said Water Right Certificate and for storage therein described. The lands described in said Water Right Certificate are hereinafter tabulated.

Big Creek Ditch Company, Medical Springs, Oregon.

Water Right Certificate issued April 15, 1938, and recorded in State Record of Water Right Certificates, Vol. 11, page 12005, for lands described in said Water Right Certificate and hereinafter tabulated.

World War Veterans State Aid Commission, Salem, Oregon, successor to J. A. Kirby.

Water Right Certificate issued June 5, 1936, recorded in State Record of Water Right Certificates, Vol. 10, page 11517, for lands described in said Water Right Certificate and hereinafter tabulated.

W. C. Cree, Malden, Massachusetts; successor to W. B. Riley.

Water Right Certificate issued August 2, 1934, and recorded in State Record of Water Right Certificates, Vol. 10, page 10835, for lands described in said Water Right Certificate and hereinafter tabulated.

F. L. WILSON, Sumpter, Oregon; successor to Sumpter Land Company.

Water Right Certificate issued May 25, 1936, and recorded in State Record of Water Right Certificates, Vol. 10, page 11454, for lands described in said Water Right Certificate and hereinafter tabulated.

Jesse Morgan, Richland, Oregon; successor to Grace & Bodinson, Baker, Oregon.

Water Right Certificate issued August 1, 1936, recorded in State Record of Water Right Certificates, Vol. 10, page 11577, for lands described in said Water Right Certificate and hereinafter tabulated.

IT IS FURTHER CONSIDERED, ORDERED AND DECREED that the rights of the persons (including Henry Peyron and Holland Land Company as settled upon their objection and exception to the Supplemental Findings of Fact and Order of Determination herein, said Rights being tabulated following lands of Pacific Loan and Investment Company, Ltd.) who have filed due proof of the completion of the application of water under such inchoate water rights (including the rights for which Certificates of Water Right have already been issued) be and the same are hereby established in accordance with the following tabulation, and the State Engineer is hereby authorized and directed to issue Water Right Certificates in accordance therewith, towit:

| 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 |
|---|---------------------------|------------------------------|--------------|------------|---------------|-----------|---|
| Big Creek Ditch Co. Medical Springs, Oregon (Findings, Paragraph 12) (Water Right Certificate for this right has already been issued) | August 28, 1908 | | 1480.6 | Irrigation | Big Creek | Big Creek | 18.2 A in Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) 22.0 A in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 25.9 A in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 12.1 A in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5; 18.4 A in Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$) 7.9 A in Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) 12.4 A in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 14.2 A in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 4.0 A in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 18.5 A in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 0.1 A in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 10.1 A in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6; 14.5 A in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 8.5 A in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 11.4 A in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 4.0 A in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 0.1 A in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 5.2 A in Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) 6.7 A in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 0.2 A in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 2.0 A in Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$) 30.5 A in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 11.5 A in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 6.1 A in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7; 1.1 A in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8; 18.0 A in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 20.3 A in Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) 31.6 A in Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) 3.0 A in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 0.2 A in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 16.0 A in Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$) Section 18; 3.9 A in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 1.6 A in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 1.5 A in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 26.0 A in Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) 26.6 A in Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) 11.0 A in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 15.6 A in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 8.2 A in Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) 8.8 A in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 30; 20.2 A in Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) 4.2 A in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 31 Tp. 7 S.R. 42 E.W.M. 1.6 A in Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) 29.4 A in Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) 9.2 A in Lot 5 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) 1.0 A in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 6, Tp. 8 S.R. 42 E.W.M. 2.6 A in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 28.0 A in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 15.2 A in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11; 2.2 A in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 19.7 A in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 20.3 A in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 8.1 A in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 11.7 A in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 0.7 A in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12, Tp. 7 S.R. 41 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 |
|--|---------------------------|------------------------------|--------------|------------|---------------|---------------|---|
| Big Creek Ditch Co. (Continued) | | | | | | | 16.6 A in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 2.3 A in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 2.7 A in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 3.7 A in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 1.0 A in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 28.4 A in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 30.0 A in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 28.0 A in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 35.7 A in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 35.0 A in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 17.6 A in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13; 20.0 A in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 22.3 A in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 0.4 A in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 1.0 A in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 30.9 A in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 4.5 A in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 6.2 A in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 12.1 A in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 11.0 A in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 8.6 A in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 2.3 A in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14; 3.8 A in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 0.3 A in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 31.6 A in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 22.9 A in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 26.8 A in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 7.1 A in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 2.5 A in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 10.6 A in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 36.8 A in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 2.4 A in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 8.6 A in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23; 11.0 A in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 37.6 A in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 5.8 A in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 0.8 A in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 18.0 A in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 1.7 A in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 16.7 A in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 32.8 A in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 18.7 A in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 5.6 A in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 38.0 A in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 1.2 A in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 26.5 A in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 29.7 A in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 15.3 A in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24; 8.0 A in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 4.0 A in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 5.7 A in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 23.2 A in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 19.5 A in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25; 11.5 A in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 18.6 A in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 13.8 A in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 9.1 A in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26; 2.1 A in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, Tp. 7 S.R. 41 E.W.M. 40.0 A in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 30.8 A in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 4.5 A in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8 Tp. 10 S.R. 38 E.W.M. |
| W. C. Cree Malden, Mass. | September 18, 1907 | | 75.3 | Irrigation | Riley | Deer Creek | |
| (Findings, Paragraph 14) | | | | | | | |
| (Water Right Certificate for this right has al- ready been issued) | | | | | | | |

| 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 |
|---|--|------------------------------|--|---|--------------------------|---|---|
| W. A. Leathers Bingham, Wash. (Findings, Paragraph 11) (Water Right Certificate for this right has already been issued) | Direct flow - 1904 Storage - 1908 | | 225.4 | Irrigation and storage for 206 acre feet for irrigation | Bennett and Reservoir | East Sutton Creek or Ebell Creek and Sheep Flat Creek | 1.0 A in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 4.4 A in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 20; 9.4 A in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 7.0 A in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 33.6 A in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 35.0 A in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 A in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 A in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 29.2 A in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 25.8 A in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29; Tp. 10 S.R. 41 E.W.M. |
| Jesse Morgan Richland, Oregon (Findings, Paragraph 16) (Water Right Certificate for this right has already been issued) | 1891 | | 90.8 | Irrigation | Waterbury Allen | Eagle Creek | 23.3 A in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 29.5 A in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 38.0 A in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21 Tp. 9 S.R. 45 E.W.M. |
| 51425 Pacific Loan and Investment Company, Limited Liverpool, England (Findings, Paragraph 10) (Water Right Certificate for this right has already been issued) T#3840 (1) T-4480 Δ POU Sp O.V 33, P 721 T-5718 Δ POU Sp O.V 40, P 473 | March, 1905 | | 2130.1 Storage of 350 acre feet | Irrigation and Storage | Baker Irrigation Company | Powder River | 15.0 A in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 17.7 A in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 A in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 29.3 A in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 4.1 A in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 31 Tp. 8 S.R. 41 E.W.M. 40.0 A in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 22.0 A in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36 Tp. 8 S.R. 40 E.W.M. 40.0 A in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 20.0 A in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 20.0 A in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 34.7 A in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 18.0 A in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 1; 40.0 A in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 A in NW $\frac{1}{4}$ NE $\frac{1}{4}$; 40.0 A in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 A in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 36.2 A in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 A in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 A in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 35.2 A in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 33.0 A in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2; 32.0 A in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 A in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 A in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 A in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 38.2 A in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 A in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10; 40.0 A in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 A in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 A in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 A in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 A in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 A in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 A in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 A in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 A in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 A in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 A in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 35.0 A in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 34.2 A in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 7.0 A in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 5.0 A in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11; |

| 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 |
|--|---------------------------|------------------------------|--------------|------------|--------------------------------|-----------------------------------|---|
| Pacific Loan and Investment Company, Ltd. (Continued) | | | | | | | |
| | | | | | | | 22.0 A in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 A in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 24.0 A in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 35.0 A in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 38.0 A in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 9.5 A in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 8.0 A in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 30.0 A in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12; 18.5 A in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 15.0 A in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 A in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 A in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 25.0 A in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 31.0 A in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 3.5 A in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 20.0 A in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 A in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 6.5 A in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14; 40.0 A in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 6.8 A in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 5.5 A in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 4.0 A in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 5.0 A in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 6.0 A in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 7.5 A in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 22.5 A in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 31.0 A in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 A in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 A in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15; 11.5 A in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 17.0 A in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 2.0 A in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 22; 20.5 A in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23; Tp. 9 S.R. 40 E.W.M. (1) 10.5 A in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 8; (1) 22.7 A in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17, Tp. 10 S.R. 40 E.W.M. |
| Peyron, Henry, and Holland Land Company Baker, Oregon | March 1905 | | 12 | Irrigation | Baker Irrigation Company | Powder River | 12.0 A in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36 Tp. 8 S.R. 40 E.W.M. |
| John R. Schnau and John E. Sass Richland, Oregon (Findings, Paragraph 7) | 1908 | | 129.8 | Irrigation | Seigel | Daly Creek | 32.4 A in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 29.5 A in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 5.2 A in Lot 3 3.3 A in Lot 4 24.5 A in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 6.6 A in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31, Tp. 9 S.R. 46 E.W.M. 18.7 A in Lot 3 1.0 A in Lot 4 8.6 A in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 6, Tp. 10 S.R. 46 E.W.M. |
| Geo. S. Spiropolis Durkee, Oregon (Findings, Paragraph 8) | September 18, 1907 | | 13.3 | Irrigation | Kirby | West or South Daly Creek | 7.0 A in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 1.0 A in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, 4.3 A in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 1.0 A in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5, Tp. 11 S.R. 45 E.W.M. |

| Name and Postoffice Address of Appropriator | Date of Relative Priority | Amount Cubic Feet Per Second | Number Acres | Use | Name of Ditch | Stream | Description of Land or Place of Use |
|--|---------------------------|------------------------------|--------------|------------|----------------------|--------------|--|
| <p>F. L. Wilson Sumpter, Oregon</p> <p>(Findings, Paragraph 15)</p> <p>(Water Right Certificate for this right has already been issued)</p> | August 6, 1918 | | 106.2 | Irrigation | Sumpter Land Company | Powder River | 2.7 A in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 29.4 A in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 16.3 A in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 32, 0.8 A in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 23.4 A in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 33.6 A in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, Tp. 9 S.R. 37 E.W.M. |
| <p>World War Veterans State Aid Commission Salem, Oregon</p> <p>(Findings, Paragraph 13)</p> <p>(Water Right Certificate for this right has already been issued)</p> | 1905 | | 81.0 | Irrigation | | Daly Creek | 13.2 A in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 27.8 A in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 A in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28 Tp. 10 S.R. 45 E.W.M. |

IT IS FURTHER CONSIDERED, ORDERED AND DECREED that all inchoate water rights of the parties named in the foregoing tabulation in excess of the acreages specified in said tabulation, and all inchoate rights other than such as above tabulated, specified in said Decree of March 18, 1918, and also all the rights of all persons named in Paragraph 5 of the Supplemental Findings of Fact and Order of Determination of the State Engineer herein, be and the same are hereby forfeited and cancelled and henceforth shall be held for naught.

IT IS FURTHER CONSIDERED, ORDERED AND DECREED that the water rights as above tabulated shall be governed by and subject to all of the provisions and regulations set forth in said Decree of March 18, 1918.

Dated at Baker, Baker County, Oregon, this 28th day of March, A.D. 1946.

(Signed) Forrest L. Hubbard
Circuit Judge

STATE OF OREGON)
) ss.
County of Baker)

I, LLOYD REA, County Clerk and ex-officio clerk of the Circuit Court of the State of Oregon for the County of Baker, do hereby certify that the foregoing copy of ORDER MODIFYING AND CONFIRMING SUPPLEMENTAL FINDINGS OF FACT AND ORDER OF DETERMINATION OF THE STATE ENGINEER OF OREGON — In the Matter of the Determination of the Relative Rights of the Various Claimants to the Use of the Waters of POWDER RIVER, a tributary of Snake River, and its tributaries, in Union and Baker Counties, Oregon, has been by me compared with the original, and that it is a correct transcript therefrom, and the whole of such original, as the same appears on file and of record in my office and in my care and custody.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the Circuit Court this 28th day of March A.D. 1946.

LLOYD REA, Clerk,

By (Sgd) Barbara Smith Deputy

SEAL

STATE OF OREGON)
)
COUNTY OF MARION) ss

I, CHAS. E. STRICKLIN, State Engineer of Oregon, do hereby certify that the foregoing certified copy of ORDER MODIFYING AND CONFIRMING SUPPLEMENTAL FINDINGS OF FACT AND ORDER OF DETERMINATION OF THE STATE ENGINEER OF OREGON of the Circuit Court dated March 28, 1946, in the matter of the Determination of the Relative Rights of the Various Claimants to the Use of the Waters of POWDER RIVER, a tributary of Snake River, and its tributaries, in Union and Baker Counties, Oregon, was received in this office and entered of record herein on this 30th day of March, 1946.

IN WITNESS WHEREOF, I have hereunto set my hand this 30th day of March, 1946.


Chas. E. Stricklin, State Engineer