

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF LAKE

DETERMINATION OF THE EXTENT OF COMPLETION )  
 OF THE INCHOATE WATER RIGHTS ALLOWED BY )  
 DECREE OF THE COURT. )  
 )  
 IN THE MATTER OF THE DETERMINATION OF THE )  
 RELATIVE RIGHTS TO THE USE OF THE WATERS )  
 OF DREWS CREEK, ANTELOPE CREEK, COTTONWOOD )  
 CREEK, THOMAS CREEK AND COGSWELL CREEK AND )  
 THEIR TRIBUTARIES, TRIBUTARIES OF GOOSE )  
 LAKE. )  
 \_\_\_\_\_ )

NO. 1849½

DECREE MODIFYING FINDINGS  
AND ORDER OF DETERMINATION  
OF THE STATE ENGINEER

The above entitled cause having come on regularly for trial on August 1, 1961, at the hour of 10:00 o'clock A.M. before the above entitled Court upon the exceptions of Drews Valley Ranch, a copartnership consisting of Clarence Dallas and Virginia Dallas, husband and wife, Clark Harris and Ruth Harris, husband and wife, and Ward Harris and Nellie H. Harris, husband and wife, who appeared in open Court by their attorney of record, Forrest E. Cooper; upon the exceptions of D. O. Tracy and Elizabeth Tracy, husband and wife, who appeared in open Court by their attorney, Forrest E. Cooper; upon the exceptions of Floyd Reed, A. E. Garrett and Edward L. Garrett, who appeared in open Court by their attorney, Forrest E. Cooper; and upon the exceptions of Lakeview Water Users, Inc., who appeared in open Court by its attorney of record, Theodore R. Conn, and the Court did thereafter proceed to trial and hearing of said exceptions, and from time to time during the calendar month of August, 1961, evidence was adduced on behalf of all of the Exceptors heretofore filing exceptions to the Supplemental Findings of Fact and Order of Determination in the above entitled matter, made and entered in said cause on October 5, 1960, by the Hon. Lewis A. Stanley, State Engineer of the State of Oregon, and the Court having carefully considered the exceptions of each and all of the Exceptors to the State Engineer's Supplemental Findings, the evidence adduced at the time of trial, and briefs filed by counsel in said cause and at this time being fully advised in the premises, does hereby amend the Supplemental Findings of Fact and Order of Determination heretofore filed by the State Engineer under date of October 5, 1960, in the above entitled cause and does hereby ratify and confirm Paragraphs 1 through 7 of said Supplemental Findings of Fact and Order of Determination, appearing on pages 1 to 5 inclusive of such Supplemental Findings, except as hereinafter modified and as to the remainder of said Findings of Fact and Order of Determination does strike the same and make and file the following Supplemental Findings of Fact and Order of Determination in said cause for the reasons set forth in the Court's MEMORANDUM OPINION filed herein on September 7, 1961:

SUPPLEMENTAL FINDINGS OF FACT

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The Findings of Fact, Order of Determination and Decree of the above entitled Court as made and entered by Judge G. F. Skipworth on May 15, 1923, retained jurisdiction in

the State Engineer and in the Circuit Court of the State of Oregon for Lake County to determine the extent, limit and amount of the inchoate rights perfected by the Goose Lake Valley Irrigation Company and its successor in interest, the Lakeview Water Users, Inc., within the time limited by said decree or any extensions thereof granted by the State Water Board or its successor, the State Engineer within certain limits set by said decree.

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The Lakeview Water Users, Inc. and its predecessor in interest, the Goose Lake Valley Irrigation Company, was found by the State Engineer of Oregon to have exercised due diligence in the perfection of its water rights granted under and by virtue of the Decree of May 15, 1923, and to have shown good cause to the State Engineer for the extensions of time granted by him for the perfection of said rights, to and until August 1, 1960, and the objectors, Drews Valley Ranch, D. O. Tracy and Elizabeth Tracy, husband and wife, Floyd Reed, A. E. Garrett and Edward L. Garrett, have wholly failed to show any abuse of discretion by the State Engineer in the granting of such extensions of time as shown by the evidence in said cause, which said extensions of time expired on August 1, 1960, and each and every one of said Exceptors had constructive notice, either as parties to the above entitled litigation resulting in the Decree of 1923, or as successors in interest to parties thereto or as grantees of real property involved in the 1923 litigation, of the right of Goose Lake Valley Irrigation Company or its successor in interest, Lakeview Water Users, Inc., to apply for extensions of time in which to perfect inchoate rights. The Court finds that no requirement of notice to any person, firm or corporation of the granting of said extensions of time is provided for, either by statute or by the terms and provisions of the Decree of Court made and entered in 1923.

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The Lakeview Water Users, Inc. and its predecessors in interest have perfected an inchoate right for irrigation of 11,514.6 acres of land, and no more, which said lands are hereinafter particularly described in the Order of Determination and which lands are the lands under contract to receive water from the system of Lakeview Water Users, Inc. as shown by the evidence in this cause and the records and files of the State Engineer, which said water rights shall be determined to be appurtenant to said land hereinafter described, but are hereby granted to and shall remain the property of the irrigation company so long as the same are applied to a beneficial use, with the right in said company to change the place of use under its irrigation system, as provided by statute, thereby doing no injury to other water users, and said company will be entitled to a water right certificate or certificates as evidence thereof, in conformity with these Findings and prior Decree of Court made and entered herein.

The 1923 Decree made and entered herein placed the maximum duty of water at 2.5 acre feet per acre per season upon all lands for which water was adjudicated therein but further limited the use of said waters to the beneficial use that could be made upon the lands in any one season. That for all lands described therein (except those lands described as being under the Goose Lake Valley Irrigation Company's system) this maximum duty of water was also considered the diversion duty for said lands because diversion as to these lands was made directly from the streams involved onto the lands.

As to the lands under the irrigation system of the Goose Lake Valley Irrigation Company the Court in 1923 recognized that because of necessary transmission loss throughout the system such a diversion duty could not apply and therefore left this question open for later determination by the Court depending upon the extent of inchoate rights finally perfected by the Goose Lake Valley Irrigation Company or its successors in interest.

The Court in 1923 did provide that so far as the Goose Lake Valley Irrigation Company and its successors in interest were concerned the overall extent of appropriation of water in any one season should be limited to the amount that would deliver 1.5 acre feet per acre for all of the lands described as being under the Company's system (some 60,000 acres) as that was the extent of the appropriation contemplated by the predecessor of the Goose Lake Valley Irrigation Company. The Court in 1923 recognized that this amount of water would not be sufficient to adequately irrigate all of the 60,000 acres and therefore ordered the Goose Lake Valley Irrigation Company in perfecting its inchoate rights to limit its perfection of such inchoate rights to such amount of acres as it could furnish an adequate supply of water limited by actual beneficial use, a maximum 2.5 acre feet per acre per season delivered on the land and an overall extent of appropriation as originally contemplated of 1.5 acre feet per acre during a season delivered on the land for approximately 60,000 acres of land specifically described in the 1923 Decree.

Based on all the evidence the Court finds that the diversion duty necessary for the Lakeview Water Users, Inc. to deliver a maximum duty of 2.5 acre feet per acre of water per season to the lands under its system including transportation loss is 3.9 acre feet per acre per irrigation season measured at the points of diversion from its various sources of supply directly into its canal system. This diversion duty, however, is further limited by the amount that can be put to actual beneficial use on the lands it actually has under contract for the delivery of water in any particular irrigation season. Furthermore so far as the priorities herein adjudicated are concerned the Lakeview Water Users, Inc. in any one irrigation season must be limited to a maximum diversion of 3.9 acre feet per acre per season for 11,514.6 acres finally adjudicated water rights herein or a total maximum diversion in any one season into its

canal system of 44,907 acre feet of water. The Court further finds, however, that the diversion duty of 3.9 acre feet per acre per season for the Lakeview Water Users, Inc. should be considered and enforced in like manner as the 2.5 acre feet per acre per season for other lands herein having direct flow rights from various streams.

The Court further finds that as an incentive to the Lakeview Water Users, Inc. and its member users that all savings of water hereafter made in transmission losses out of said maximum of 3.9 acre feet for each acre under contract by the Lakeview Water Users shall inure to the benefit of the Lakeview Water Users, Inc., and limited by actual beneficial use being made, may be applied by it each year to the specific 11,514.6 acres herein adjudged to have appurtenant water rights or to any lands to which said water rights have been transferred pursuant to change of use permission granted by the State Engineer to the Lakeview Water Users, Inc. and for which the Lakeview Water Users, Inc. have a contract for the delivery of water.

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The Lakeview Water Users, Inc. has the right to fill Drews Reservoir to its full capacity of 62,500 acre feet, and Cottonwood Reservoir to its full capacity of 4,400 acre feet, at any and all times throughout the year, without regard to the irrigation season as hereinafter fixed, out of the flow of Drews Creek and Cottonwood Creek, so long as sufficient waters are provided during the irrigation season hereinafter fixed for prior rights as determined by the 1923 Decree.

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In addition to the right to impound and store waters in Drews Reservoir and Cottonwood Reservoir, as hereinbefore stated from the full flow of Drews and Cottonwood Creeks subject to prior rights, Lakeview Water Users, Inc. during any irrigation season also has the right to divert and use for irrigation of the lands under its system to which water rights are made appurtenant herein, water from the streamflow of Drews Creek not to exceed 223 cubic feet per second and water from Cottonwood Creek not to exceed 200 cubic feet per second. These direct flow rights during the irrigation season are in addition to the storage rights granted herein but are limited in any one particular irrigation season to a total diversion into the canal system of the Lakeview Water Users, Inc. of 3.9 acre feet per acre for the number of acres actually under contract with said company for the delivery of water and not to exceed the 11,514.6 acres to which said water rights are hereby made appurtenant.

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The Court finds that all of the rights herein determined accruing to said Lakeview Water Users, Inc. in and to the waters of Drews Creek and its tributaries have a priority date of January 21, 1907, and that all of the rights herein determined accruing to Lakeview Water Users, Inc. in and to the waters of Cottonwood Creek and its tributaries have a priority date of July 31, 1908.

The State Engineer not having made any ruling now before the Court concerning Permits No. R-299 and No. 2186 issued to the predecessor of Lakeview Water Users, Inc. no ruling can now be made by the Court. However, it is the opinion of the Court that the rights asked to be perfected under said permits are identical with the water rights herein adjudicated and that said permits should now be cancelled.

The land for which certificate or certificates are to be ordered issued to the Lakeview Water Users, Inc. for irrigation under its contracts are particularly described hereinafter in the Order of Determination.

The direct streamflow rights granted to lands owned by Drews Valley Ranch, a co-partnership, by the Decree of 1923, are prior in time and superior in right to the rights of Lakeview Water Users, Inc., but the rights of said Exceptor Drews Valley Ranch acquired on September 4, 1958, under permits No. R-2177 and No. 25,738 are subsequent in time and are inferior in right to the rights of Lakeview Water Users, Inc. herein, and the rights of Lakeview Water Users, Inc. herein for the impoundment of waters in its reservoirs to their full capacity from direct streamflow as herein awarded must be first fulfilled and are superior in time and prior in right to any and every right acquired by the Drews Valley Ranch under Permits No. R-2177 and No. 25,738 except for such waters as would not be sufficient by means of normal flow to reach Drews Reservoir. However, the Court further finds that the Drews Valley Ranch partnership may store water in its reservoir under Permit No. R-2177 with a priority date of September 4, 1958, at any time that Drews Reservoir has been filled to its capacity and the streamflow of Drews Creek or any portion thereof is not being used to irrigate lands under the system of the Lakeview Water Users, Inc. to the extent of such water not then being so used. Such water stored by the Drews Valley Ranch in its reservoir could subsequently be used by said partnership under its 1958 permit No. 25,738 even though at such time the Lakeview Water Users, Inc. might have a use for it either for storage or irrigation. Although the water rights held by Drews Valley Ranch under 1958 permits No. R-2177 and No. 25,738 are subsequent in time and right to both the storage and direct flow rights of the Lakeview Water Users, Inc. in and to the waters of Drews Creek and its tributaries, it is the intention of the law that all such waters should be put to beneficial use when at all possible and that none should go to waste in this arid region. It is therefore contemplated that the State Engineer by and through the Watermaster for this area has both the duty and wide powers of discretion to see that this is done in enforcing the respective water rights of all concerned both as to storage and direct flow rights for irrigation purposes. In respect to the enforcement of the respective water rights of Lakeview Water Users, Inc. and the Drews Valley Ranch in their relation to each other, the State Engineer by and through the Watermaster for this area shall

by all practical means possible so enforce these respective rights that as little water as possible is wasted even though this may involve from time to time storage and then subsequent release of waters in the reservoir of the Drews Valley Ranch should it appear that waters of Drews Creek and its tributaries might be wasted by reaching the facilities of the Lakeview Water Users Irrigation system when they would be unusable under the rights herein adjudicated to said company and therefore wasted.

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Any and all rights which may be hereafter given or granted to others or to Exceptors Douglas O. Tracy and Elizabeth Tracy, husband and wife, by reason of their application of August 31, 1959, for the impoundment and appropriation of the waters of Lasier Creek, a tributary of Drews Creek above the impoundment of Lakeview Water Users, Inc., will be inferior in right and subsequent in time to all of the rights of Lakeview Water Users, Inc. granted herein, and the rights of Lake Water Users, Inc. are superior in time and prior in right to any and every right which may be acquired under the applications of Exceptors Douglas O. Tracy and Elizabeth Tracy, husband and wife, dated August 31, 1959, and appearing as Exceptors' Group A, Exhibit 18 herein, in the same manner and under the same conditions as hereinabove described as to the subsequent rights of the Drews Valley Ranch under permits No. R-2177 and No. 25,738 in the relation such subsequently acquired rights have to the rights herein adjudicated the Lakeview Water Users, Inc.

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Each and all of the rights to the use of waters of Cottonwood Creek and its tributaries accruing to Exceptors Floyd Reed, A. E. Garrett and Edward L. Garrett were found and determined by the 1923 Decree, and it appears from the evidence that these rights have at all times been recognized by the Lakeview Water Users, Inc. as prior in time and superior in right, and during the irrigation season, as herein fixed, said Exceptors Floyd Reed, A. E. Garrett and Edward L. Garrett shall be supplied the quantity of water as specified in said 1923 Decree to the extent that the same shall then be flowing in Cottonwood Creek..

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The irrigation season generally recognized in Goose Lake Valley for the streams flowing into said valley is from April 1st to September 30th of each year, and the irrigation season for all of the waters tributary to Goose Lake should be fixed and determined to be from April 1st to September 30th of each year.

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Relative to the direct flow rights allowed by the Goose Lake Decree of 1923 to the Goose Lake Valley Irrigation Company, predecessor in interest to the Lakeview Water Users, Inc. from

Willow Creek, Antelope Creek, Muddy Creek and Thomas Creek, it appears that no water has been, or is being diverted from said streams, and that a claim has not been asserted in this proceeding for the use of the waters of said streams by the Lakeview Water Users, Inc. It is therefore considered that any claim to the use of the waters of these creeks by the Lakeview Water Users, Inc. has been forfeited and lost by non-use.

ORDER AND DECREE OF DETERMINATION

The Court having considered all of the evidence adduced at trial and briefs of counsel, and based upon the Findings of Fact as herein modified and for the reasons set forth in the Court's Memorandum Opinion filed herein, IT IS CONSIDERED, ORDERED AND ADJUDGED as follows:

1. That the Lakeview Water Users, Inc. have perfected the right to irrigate 11,514.6 acres of land now under contract out of the waters of Drews Creek and its tributaries and out of Cottonwood Creek and its tributaries, which said water rights are appurtenant to said land hereinafter described, and appropriate certificates are hereby ordered to be issued by the State Engineer of Oregon to Lakeview Water Users, Inc. as the owner and holder of such rights, subject only to a change of place of use under its irrigation system as provided by statute.
2. That the maximum duty of water to which said Lakeview Water Users, Inc. shall be entitled during the irrigation season hereinafter fixed is hereby fixed at 3.9 acre feet per acre at the points of diversion from Drews Creek and Cottonwood Creek into its canal system for the number of acres actually under contract for the delivery of water for the particular irrigation season but not to exceed 11,514.6 acres; provided always that such waters so diverted are put to beneficial use.
3. That in any irrigation season hereafter when the total amount of water released into the canal system of the Lakeview Water Users, Inc. or its successors from storage and/or direct creek flow equals 3.9 acre feet for each acre under contract with the Lakeview Water Users, Inc. or its successors for the delivery of water in that particular irrigation season, the canal headgates of the Lakeview Water Users, Inc. shall be closed and no more water released into the canal system until the next irrigation season, except to prevent or alleviate an emergency. Furthermore no greater amount of water shall be released into said canal system during any one irrigation season from either storage or direct creek flow or both than would constitute the division requirement of 3.9 acre feet per acre for 11,514.6 acres of 44,907 acre feet of water under the water rights herein adjudicated to the Lakeview Water Users, Inc.
4. That any reduction in transportation loss made by the Lakeview Water Users, Inc. in the transportation of waters in its canal system shall, as an incentive to more efficient use of water, accrue to the benefit of the Lakeview Water Users, Inc. and its successors in interest and may be used for the irrigation of the 11,514.6 acres of land under said system adjudicated appurtenant water rights herein, or to any lands to which such water rights may hereafter be transferred according to law, provided, however, that such water can be put to beneficial use on such lands.

C# 47166

5. That the Lakeview Water Users, Inc. has the right to fill Drews Reservoir to its full capacity of 62,500 acre feet and Cottonwood Reservoir to its full capacity of 4,400 acre feet at any and all times throughout the year, without regard to the irrigation season hereinafter fixed, out of the flows of Drews Creek and Cottonwood Creek respectively, as long as sufficient waters are provided out of streamflow during the irrigation season hereinafter fixed for prior rights as fixed by the 1923 Decree.

C# 47166

6. That in addition to the right to impound and store waters in Drews Reservoir and Cottonwood Reservoir as aforesaid, Lakeview Water Users, Inc. and its successors shall have the right after prior rights have been served to divert and use water out of the streamflow of Drews Creek not to exceed 223 cubic feet per second and out of the streamflow of Cottonwood Creek not to exceed 200 cubic feet per second during the irrigation season for irrigation of lands under its system herein given appurtenant water rights and for which the Lakeview Water Users, Inc. have contracts for the delivery of water, provided, however, that such water is put to beneficial use on said lands under contract. These direct flow rights are in addition to the storage rights herein adjudicated for Drews and Cottonwood Reservoirs but the total amount of water diverted into the canal system of the Lakeview Water Users, Inc. or its successors during any one irrigation season whether taken from storage or from direct creek flow, or both, shall not exceed the maximum diversion duty of water hereinbefore set forth.

7. That the rights herein granted to Lakeview Water Users, Inc. out of Drews Creek and its tributaries shall have a date of priority of January 21, 1907, and the rights herein granted to Lakeview Water Users, Inc. out of Cottonwood Creek shall have a date of priority of July 31, 1908.

8. That Permits No. R-299 and 2186 now held by Lakeview Water Users, Inc. are not now before this Court, but remain before the State Engineer of Oregon for disposition.

9. That the direct streamflow right now held by Drews Valley Ranch as determined by the Findings and Decree of May 15, 1923, are prior in time and superior in right to those of Lakeview Water Users, Inc.; that the rights of said Drews Valley Ranch acquired by application dated September 24, 1958, resulting in Permits No. R-2177 and 25,738 are subsequent in time and inferior in right to the rights herein determined to Lakeview Water Users, Inc., and the rights herein granted to fill Drews Reservoir and for streamflow therefrom during the irrigation season for allowable irrigation shall be fully filled prior to the time of exercising any of the rights under said permits, except for the storage and use of water that under natural flow conditions would not reach Drews Reservoir.

10. That any and all rights which may be hereafter granted by the State Engineer to Exceptors Douglas O. Tracy and Elizabeth Tracy, husband and wife, by reason of their application dated August 31, 1959, for the appropriation of the waters of Lasere Creek, a tributary of Drews Creek above Drews Reservoir, will be inferior in right and subsequent in time to all of the rights



of Lakeview Water Users, Inc. granted herein, and the rights of Lakeview Water Users, Inc. are superior in right and prior in time and must be fully filled prior to the exercise of any of the rights which may be hereafter acquired by Douglas O. Tracy and Elizabeth Tracy by reason of their applications to the State Engineer of Oregon of August 31, 1959, Exceptors' Group A, Exhibit 18.

11. That each and all of the rights in and to the use of the waters of Cottonwood Creek granted by Decree of Court dated May 15, 1923, to Floyd Reed, A. E. Garrett and Edward L. Garrett or their predecessors in interest are prior in time and superior in right during the irrigation season to the rights of Lakeview Water Users, Inc. herein determined, and said Floyd Reed, A. E. Garrett and Edward L. Garrett shall receive such rights granted their lands by the Decree of May 15, 1923, so long as said Cottonwood Creek shall have sufficient flow to provide the same, and Lakeview Water Users, Inc. shall discharge from its Cottonwood Reservoir the inflow thereto up to the quantity required by the rights granted Floyd Reed, A. E. Garrett and Edward L. Garrett by the Decree of May 15, 1923.

12. That for the purpose of properly administering and enforcing the water rights herein adjudicated to the Lakeview Water Users, Inc. it is further Ordered that complete records shall be obtained yearly, to the satisfaction of the State Engineer of:

- (a) Storage in and diversion from both Drews and Cottonwood Reservoirs.
- (b) Flow in the North and South Drew Canals of the Lakeview Water Users, Inc. system at the recorder stations presently installed.
- (c) Flow of Cottonwood Creek below the reservoir, and below the North Drew Canal crossing of said system.
- (d) The annual number of acres under contract by the Lakeview Water Users, Inc. for the delivery of water for irrigation through its system.
- (e) And any other measurements that may be needed to properly administer and enforce the water rights herein adjudicated.

In administering and enforcing the water rights and priorities herein adjudicated particularly in their relation to each other and their respective priorities the State Engineer by and through the Watermaster for this area is hereby given wide discretion to so administer and enforce such rights to the end that as little water as possible shall go to waste prior to such time as all water rights both for direct flow irrigation and storage shall have been served. It is further ordered that all holders of water rights involved herein shall at all times cooperate fully with the State Engineer and the Watermaster of this region both in the gathering of the required information and compliance with the directions of the State Engineer and the Watermaster in the accomplishment of this purpose.

13. That the right allowed by the Goose Lake Decree of 1923 to the Goose Lake Valley Irrigation Company, predecessor in interest to the Lakeview Water Users, Inc., for the direct diversion from the natural flow of Willow Creek to the extent of 100 cubic feet per second, from the natural flow of Antelope Creek to the extent of 100 cubic feet per second, from the natural flow of Muddy Creek to the extent of 50 cubic feet per second, under priority date of January 21, 1907, has been forfeited and lost by non-use and is of no further force or effect.

14. That the irrigation season for all lands involved herein and the water rights pertaining thereto shall be from April 1st to September 30th of each year hereafter.

15. That the 11,514.6 acres of land to which the water rights herein granted to the Lakeview Water Users, Inc. are appurtenant, subject only to the right to transfer the same as provided by statute, are more particularly described as follows:

Township 38 South, R. 19 E. W.M.

Section 23: 10 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$   
 25 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$   
 Section 25: 20 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$   
 20 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$   
 10 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$   
 20 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$   
 20 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$   
 Section 26: 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$   
 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$   
 Section 35: 40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$   
 26 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$   
 9 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$   
 35.53 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$   
 19 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$   
 38 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$   
 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$   
 40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$   
 30 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$   
 Section 36: All 640 acres

Township 39 South, R. 19 E. W.M.

Section 1: 20 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$   
 20 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$   
 12 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$   
 40 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$   
 20 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$   
 10 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$   
 10 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$   
 15 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$   
 30 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$   
 30 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$   
 10 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$   
 20 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$   
 Section 2: 40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$   
 38 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$   
 40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$   
 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$   
 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$   
 35 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$   
 40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$   
 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$   
 Section 11: 30 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$   
 30 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$   
 35 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$   
 28 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$   
 8 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$   
 10 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$

Township 39 South, R. 19 E. W.M. (Cont.)

Section 12: 10 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$   
 23 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$   
 10 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$   
 10 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$   
 17 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 $\frac{1}{4}$   
 20 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 $\frac{1}{4}$   
 20 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$   
 29 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$   
 30 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$   
 Section 13: 38 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$   
 5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$   
 14 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$   
 20 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$   
 20 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$   
 10 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$   
 10 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$   
 13 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$   
 3 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$   
 Section 14: 3 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$   
 20 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$   
 34 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$   
 36 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$   
 6 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$   
 35 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$   
 10 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$   
 15 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$   
 Section 15: 17 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$   
 33 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$   
 5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$   
 20 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$   
 Section 22: 12.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$   
 Section 23: 40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$   
 35 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$   
 14 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$   
 4.25 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$   
 5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$   
 30 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$   
 20 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$   
 Section 24: 27 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$   
 8 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$   
 36 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 $\frac{1}{4}$

1160.46 Ac.  
 Transferred  
 Sp. O. Vol. 31 p. 611  
 C# 17469





Township 41 South, R. 19 E. W.M.

Section 8: 30.1 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$   
17 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$   
11.9 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$   
Section 17: 36 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$   
24 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$   
Section 18: 25 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$   
Section 20: 17 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$   
24 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$   
4.5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$

Dated and so Ordered this 3rd day of October, 1961

CHARLES H. FOSTER  
Circuit Judge

STATE OF OREGON )  
                          ) SS.  
County of Lake )

I, Zane Gray, County Clerk and ex-officio Clerk of the Circuit Court, in the for said County and State, do hereby certify that the foregoing copy of DECREE MODIFYING FINDINGS AND ORDER OF DETERMINATION OF THE STATE ENGINEER has been by me compared with the original thereof and is a full, true and correct transcript therefrom and of the whole of such Decree Modifying Findings and Order of Determination of the State Engineer as the same appears of record in my office and in my custody.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the Circuit Court this 29th day of November, 1961.

Zane Gray  
County Clerk

By: Madge E. Langslet  
Deputy

STATE OF OREGON )  
                          )  
County of Lake )

I, LEWIS A. STANLEY, State Engineer of the State of Oregon, do hereby certify that the foregoing copy of Decree Modifying Findings and Order of Determination Of The State Engineer of the Circuit Court for Lake County, Oregon, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Drews Creek, Antelope Creek, Cottonwood Creek, Thomas Creek and Cogswell Creek and Their Tributaries, Tributaries of Goose Lake, is a true and correct copy of the certified copy of such decree as the same was received in this office and entered of record herein this 6th day of December, 1961.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of December, 1961.

*Lewis A. Stanley*  
LEWIS A. STANLEY  
State Engineer