

BEFORE THE STATE WATER BOARD OF OREGON
WATER DIVISION NO. 1,
Jackson County.

IN THE MATTER OF THE DETERMINATION OF)
THE RELATIVE RIGHTS TO THE WATERS OF)
LITTLE BUTTE CREEK, AND ITS TRIBUTARIES)
A TRIBUTARY OF ROGUE RIVER.)

FINDINGS
and
ORDER OF DETERMINATION

Now on this 12th day of April, 1916, the above entitled matter coming on for findings and an order of determination of the State Water Board of the State of Oregon, upon the evidence and testimony taken and filed in the above entitled matter; and the maps and data on record in the office of the State Engineer in relation thereto having been duly considered; and the Board being fully advised in the premises, now makes the following

FINDINGS OF FACT.

(1)

That Little Butte Creek is a natural, non-navigable watercourse, tributary to Rogue River; and that said stream and its tributaries and the lands irrigated therefrom are situate within Jackson County, Oregon.

(2)

That upon the filing of a petition with the State Water Board, then the Board of Control, signed by H. B. Tronson, E. G. Guthrie, L. K. Hoak, E. S. Wolfer and W. W. Taylor, users of the waters of the above named stream, requesting a determination of the relative rights of the various claimants to the waters of said stream, an investigation was made, and the facts and conditions found by the Board were such as to justify the making of a determination of said rights.

(3)

That by an order of said Board duly made and entered of record at a meeting held on the 11th day of September, 1909, Monday, November 29th, 1909, was fixed as the time when the State Engineer would commence an examination of said stream and its tributaries, and of the ditches diverting water therefrom; and the time and place for the beginning of the taking of testimony as to the relative rights of the claimants to said waters as follows: Saturday, the 4th day of

December, 1909, at the school house at Eagle Point, Jackson County, Oregon, at 10 o'clock A.M.; and Monday, the 6th day of December, 1909, at the Moore Hotel, in Medford, Jackson County, Oregon, at 10 o'clock A.M.

(4)

That said Board did prepare a notice, setting forth the date when the State Engineer would begin the investigation of the flow of said stream and the ditches diverting water therefrom; and the places and times when the Superintendent of Water Division No. 1, -- in which division said stream is situated -- would commence the taking of testimony as to the rights of the parties claiming water from said stream and tributaries, and that said notice was published in two issues of a newspaper having a general circulation in the County of Jackson, wherein said stream and tributaries are situated, to-wit: The Southern Oregonian, a semi-weekly newspaper published at Medford, Jackson County, Oregon; the first publication of said notice being on the 23rd day of October, 1909, and the last publication thereof on the 27th day of October, 1909, more than thirty (30) days prior to the time fixed in said notice for the examination and measurement of said stream by the State Engineer, or the taking of testimony by the Superintendent of Water Division No. 1; that due proof of said publication was made, and is hereby made a part of the record of these proceedings.

(5)

That said Division Superintendent of Water Division No. 1 did send by registered mail to each person, firm and corporation claiming the right to the use of any of the waters of said stream and its tributaries; and to each person, firm and corporation owning or being in possession of lands bordering on and having access to said stream or its tributaries, in so far as such claimants, owners and persons in possession could be reasonably ascertained, a similar notice to such published notice, setting forth the time when the State Engineer or his assistant would begin the examination of said stream and tributaries, and ditches diverting water therefrom, and also the times when and the places where said Superintendent would commence the taking of testimony as to the rights to the waters of said stream and tributaries thereof; that said notice was mailed more than thirty days prior to the date set therein for making such examination of said stream and tributaries or said taking of testimony; due proof of the sending of said notice by registered mail having been made and filed and being a part of the record of these proceedings.

(6)

That said Superintendent did, in addition to said notice, enclose

therewith a blank form on which said claimants or owners should present in writing all the particulars necessary for the determination of the rights to the waters of said stream or its tributaries: due proof whereof being now a part of the record of these proceedings.

(7)

That upon the date named in said notice therefor, to-wit: November 29th, 1909, the duly qualified assistant of the State Engineer did proceed to make an examination of said stream and tributaries thereof, and of the works diverting water therefrom, and that said observations and measurements have been reduced to writing and made a matter of record in the office of the State Engineer of the State of Oregon; that said State Engineer did cause to be made maps or plats on a scale of not less than one inch to the mile, showing with substantial accuracy the course of said stream, the location of each ditch or canal diverting water therefrom, and the legal subdivision of lands which have been irrigated or were susceptible of irrigation from ditches and canals already constructed, and thereafter, and prior to the date fixed for said hearing and taking of testimony, did file the same in his office as a matter of record therein, and make and file in the office of the Board of Control, certified copies thereof, as a part of the record of these proceedings, and that said maps are now a part of the record herein.

(8)

That upon the date named in said notice for the commencement of the taking of testimony herein said Superintendent did, at the times and places specified in said notices, commence the taking of testimony, and did continue the taking of the same until completed, due proof whereof having been made and filed and being now a part of the record of these proceedings.

(9)

That upon the completion of the taking of testimony herein, the said Superintendent of Water Division No. 1 did at once give notice by registered mail to the various claimants that at the time and place named in said notice all of said evidence so taken would be open to public inspection at said place for a period of ten days, to-wit: from and including January 21st, 1910, to and including January 30th, 1910, at the Moore Hotel in Medford, Oregon, due proof of the sending of said notice by registered mail to each claimant having been made and filed, and being now a part of the record of these proceedings; that said Superintendent did also state in said notice that the determination of the Board of Control in these proceedings would be heard by the Circuit Court.

of the State of Oregon, for Jackson County, in which county said stream and the tributaries thereof are situated.

(10)

That during the period fixed in said notice of public inspection and at the place named therein, said Division Superintendent did attend and keep said evidence so taken open to public inspection as stated in said notice, and did allow inspection thereof by all persons interested therein; due proof whereof being now a part of the record herein.

(11)

That Fish Lake Water Company, a corporation, initiated a contest against the rights of the following named claimants, to-wit:

Thomas Baldwin Estate; Alvin Bieberstedt; George B. Brown; Brown, Nichols & Holmes; Emogene Charley; L. C. Charley; E. D. Colby; A. J. Daley; W. C. Daley; John B. Edsall; W. P. Farlow; J. J. Freyer; Louis J. Hessler; Fred L. Heath; I. L. Hamilton; Rebecca Jones; W. O. Knighton; W. R. Lamb; Chas. Randall; Chas. Siefried; C. E. Terrill; A. H. Thompson; R. E. Tucker; J. H. Warmsley; Frank Ceol; Pool Estate; Olive R. Bell; E. & A. Britt; Mrs. M. W. Brown; W. S. Chapman, from No. Fork; W. S. Chapman, from main stream; W. S. Chapman, from So. Fork; J. D. Culbertson; Geo. W. Daley; R. A. Peck; I. L. Farlow; Geo. W. Frey; J. W. Grover; M. F. Hanley, from No. Fork taken through the Hanley High Line; M. F. Hanley, from No. Fork through the old Hanley ditch; Meyer & Klinge; A. T. Ratcliffe; W. W. Taylor; L. Tonn; J. H. Tyrrell; W. Ulrich; Marvin S. Wood; and John A. Miller. That said contest came duly and regularly on for hearing before the Superintendent of Water Division No. 1, and testimony was taken therein. That in said contest above referred to, after a hearing had been had and testimony taken as to the quantity of water required by the contestees to satisfy their respective appropriations and rights of use of the waters of said stream, a stipulation was made and entered into by and between said contestant on the one hand and the contestee named in said stipulation on the other, which stipulation was and is a part of the record herein.

(12)

That Gust Nygren, claimant to the waters of Salt Creek, a tributary of said Little Butte Creek, filed a notice of contest against the rights of Art Nichols, claimant to the waters of said Salt Creek, and the same came on for hearing before the Superintendent of Water Division No. 1, but prior to the

taking of any testimony therein the parties filed a stipulation as between themselves, which stipulation is now a part of the record herein.

(13)

That M. F. Hanley filed a contest against the right claimed by the City of Medford, and that the same came on for a hearing on the 9th day of May, 1910, but that said contestant failed to submit testimony as to the subjects enumerated in his notice of contest therein, and that said contest should be dismissed.

(14)

That M. F. Hanley filed a contest against the right claimed by I. L. Bradshaw to the waters of said stream, and the said contest came on for a hearing on the 9th day of May, 1910, at Medford, Oregon, and that said contestee, I. L. Bradshaw, failed to appear therein, either in person or by attorney; that thereafter on the 25th day of May, 1910, testimony was offered by said contestant in support of his said notice of contest, whereby it appears that said contestee, I. L. Bradshaw, has a lateral ditch out of the ditch of the Fish Lake Water Company, and not out of the stream proper, that said I. L. Bradshaw did not initiate a right to the waters of said stream, and has acquired no right, title or interest therein, either by appropriation or otherwise, except as to such right as he may have by virtue of his contractual relations with the Fish Lake Water Company.

(15)

That M. F. Hanley, claimant to the waters of said stream, filed a contest against the rights claimed by L. Niedemeyer, and the said contest came on for hearing on the 9th day of May, 1910, at Medford, Oregon, but prior to the taking of any testimony therein the parties to said contest entered into a stipulation whereby it was agreed that the rights of said contestee, L. Niedemeyer, were subordinate to those of said contestant, M. F. Hanley; that by the statement and proof of said L. Niedemeyer, contestee, it appears that said ^{L.}Niedemeyer has initiated a right, by appropriation of the waters of said Little Butte Creek, as of the priority date of 1908, and that he claims a right by appropriation as of that date, for the irrigation of fifty-two acres of land, that he should be allowed a reasonable time within which to complete said appropriation and put said water to beneficial use for the purpose for which he initiated his said right. *(That Jacob Hanley has succeeded to the interests of said Niedemeyer in or to said land)*

(16)

That M. F. Hanley initiated a contest against the right claimed by the Little Butte Irrigation Company, a corporation, and that said contest came on for hearing on the 9th day of May, 1910, at Medford, Oregon, and from the testimony taken at said hearing the Board finds as follows:

1.- That the contestee, Little Butte Irrigation Company, is a corporation, duly and regularly organized and existing under and by virtue of the laws of the State of Oregon; and now is and at all times during this proceeding has been the owner and in possession of that certain ditch and water right known herein as the Little Butte Irrigation Company ditch tapping said Little Butte Creek, and the water right connected therewith and appurtenant to the lands irrigated thereby.

2.- That the predecessors in interest of contestee, the Little Butte Irrigation Company, commenced the construction of the Little Butte Irrigation Company ditch in the year 1883 and in said year initiated an appropriation of the waters of said Little Butte Creek through said ditch for irrigation, stock and domestic purposes; that since said time the waters so appropriated have been applied to the irrigation of about 600 acres of lands under said ditch.

3.- That contestee, the Little Butte Irrigation Company, has failed to establish or prove any earlier appropriation of the waters of said stream than as above set forth in said year 1883, either by itself or its predecessors in interest, or those having a privity of right or interest with said contestee; and by stipulation with said contestee; and by stipulation it has been admitted that as early as the year 1880, contestant M. F. Hanley and his grantors and predecessors in interest were the owners and in possession of his (contestee's) three ditches out of Wasson and Long Canyons, known as the Upper and Lower and Middle ditches, and that the same have been used each and every year since said date by contestant and his grantors for beneficial purposes on the lands of contestant described in his claims; and it was further stipulated that said use was practically all of the waters of said Wasson and Long Canyons during all of said times, during the irrigation seasons of each and every year.

4.- That in the year 1890 the predecessor in interest of M. F. Hanley, contestant herein, and another, posted at the head of a ditch thereafter constructed as herein set forth, a notice of appropriation, which said notice was thereafter recorded in the county records of Jackson County, Oregon, and within a reasonable time thereafter said predecessor and said other commenced the construction of a ditch and completed the same down to and upon lands now owned by this contestant, and perfected rights of appropriation of the waters of the North Fork of Little Butte Creek through said ditch, then known as the Hanley and Downing ditch, and now known as the Hanley and Slinger ditch; that said contestant and his said predecessor in interest commenced about the said year 1890 to apply the waters so diverted to the irrigation of lands under said ditch, and have since applied the waters so diverted to the irrigation of about 380 acres.

5.- That in the year 1908 the contestant extended said ditch across lands owned by him under and in accordance with the terms of a certain decree of the Circuit Court of Jackson County, Oregon, wherein contestant was plaintiff, and one Slinger, a claimant herein, and S. Cameron were defendants, and wherein, on December 27, 1905, said decree was entered pursuant to stipulation; and in said year initiated rights of appropriation for the irrigation of certain other lands belonging to said contestant, but at the time of the commencement of this proceeding had not yet applied the waters to be diverted therefor to said lands; that in order to irrigate said lands it is necessary to cross the lands owned by one J. W. Slinger at the time of the commencement of these proceedings, who was a defendant in said suit and bound by said decree; that said contestant has alleged an intention to complete and perfect an appropriation for the said lands, and to complete the extension of said ditch, but at the time of the commencement of this suit had not then had sufficient time to carry such intention into effect; that since the commencement of construction of said ditch in the year 1890, many rights of appropriation of the waters of said stream have been perfected and have intervened, and said proposed extension in said year 1908 constituted the initiation of a new appropriation, as against said claimants, with intervening rights: that it is proposed to irrigate by means of said extension not to exceed 440 acres, and the extension of said ditch and irrigation of said lands should be completed prior to the year 1918, and that this is a reasonable time to fix for the completion of said right of appropriation.

6.- That in the year 1908 the owners of the lands under the said Little Butte Irrigation Company ditch, having a right to the use of the waters diverted into said ditch appurtenant to their lands, commenced and made preparations to still further increase the area of land irrigated under said ditch, and said Little Butte Irrigation Company, contestee, in said year 1908, and prior to the commencement of these proceedings, had initiated rights of appropriation for said additional lands; that it was and is the intention of said contestee, and those lawfully acting for and on behalf thereof, and of the various owners of land under said ditch having water rights appurtenant thereto, to enlarge their appropriation as perfected prior to the commencement of these proceedings by bringing an additional area of land under irrigation to the extent of about 500 acres of land belonging to those persons having water rights appurtenant to their said lands by virtue of the ownership by said contestee of said ditch and appropriation of water through the same and inchoate right of appropriation; that said inchoate appropriation should be perfected and completed by the year 1918, and the waters appropriated completely applied to beneficial use, and that said time is a reasonable time within which to make complete application of said waters appropriated under said inchoate right.

7.- That in the year 1907 said M. F. Hanley commenced the construction of that certain ditch known as the High Line ditch, and initiated rights of appropriation through the same by means of said ditch, which was taken out of the south bank of said North Fork of Little Butte Creek; and that thereafter said claimant proceeded with the construction of said ditch with reasonable diligence: that at the time of the commencement of this proceeding said ditch was not completed nor the waters intended to be appropriated thereby fully applied; that it appears from the proof of said claimant that said ditch was to be about four or five miles in length, was to be constructed through hard rock formation, and that about one mile and one half had been completed on October, 1909; and that it was claimant's (M. F. Hanley's) intention to irrigate thereby about 968 acres, or so much thereof as should be practicable and possible to irrigate, as disclosed in his proof herein; that said ditch should be completed and the lands to be irrigated completely reclaimed by the year 1918; and that said time is a reasonable time, in view of all the circumstances, within which to complete such appropriation.

8.- That the right of appropriation owned by said contestant through the old Hanley ditch, taken out of the South bank of the North Fork of Little Butte Creek, was initiated in the year 1881, and completed and perfected within a reasonable time thereafter, and is prior in time and superior in right to any right of said contestee, to the extent of the appropriation through the same, as in the order of determination herein set forth.

(17)

That the Fish Lake Water Company, a corporation, and claimant herein, instituted a contest against the rights claimed by M. F. Hanley, who had instituted various contests against the rights claimed by said company, and at the hearing of said contests a stipulation was made and entered into by and between said Fish Lake Water Company on the one part, and said M. F. Hanley on the other, which is now a part of the record herein; reference being hereby made thereto for the particulars of the settlement of the conflicting claims of said parties; and a decree should be entered herein as between the parties in accordance with the terms of said stipulation, without further application therefor, by either party; and said stipulation, it was provided, should bind the successors in interest of said Fish Lake Water Company, and its successors in interest, and the said M. F. Hanley, his heirs, executors, administrators and assigns.

(18)

That M. F. Hanley instituted a contest against the claim made by J. W. Slinger to the waters of Little Butte Creek, through the Long Canyon ditch, Slinger

& Lamb ditch, and the Hanley & Slinger ditch; that T. L. Farlow has succeeded to all the right, title and interest of said J. W. Slinger in and to the lands described in the proof of claim of said Slinger herein and the water rights and ditches appurtenant thereto, and has asked to be substituted as a claimant for said Slinger herein; that subsequent to said substitution a stipulation was made and entered into by and between said T. L. Farlow and M. F. Hanley, contestant, which stipulation is now a part of the record herein, and to which reference is hereby made for the particulars of said settlement; that said stipulation is binding upon the parties thereto, their successors in interest and assigns; and a decree should be entered as between the parties in accordance therewith.

(19)

That in 1899, the predecessors in interest of the Rogue River Valley Canal Company, a corporation, then the Fish Lake Canal Company, claimant herein, initiated a right of appropriation of the waters of Little Butte Creek, and commenced the construction of a ditch to divert said waters about the year 1900 or 1901, and thereafter said ditch was extended a distance of about 39 miles, covering prior to the year 1909 an approximate area of about 1500 acres, to which water has been actually applied for irrigation purposes by means of several miles of lateral ditches, constructed and used for that purpose.

That by the terms of said stipulation between said Fish Lake Water Company, and said M. F. Hanley, hereinbefore referred to, said company renounces any claim to the waters of Long Canyon and Wasson Canyon, and agrees that the use thereof may be decreed to said Hanley; that as between said Hanley and said Fish Lake Water Company, and their successors in interest, the rights of the said parties to the waters of the North Fork of said stream, are set forth in said stipulation, and should be adjudicated and determined in accordance with the terms and conditions of said stipulation, which is hereby referred to and by reference incorporated herein.

That as between said Fish Lake Water Company and the several contestees in the contest of Fish Lake Water Company vs. Thomas Baldwin Estate and others, who signed the stipulation hereinbefore referred to, it is understood and agreed that the said Fish Lake Water Company should not take any water from the low flow of said stream in the prosecution of its project, for their irrigation of lands to be irrigated or reclaimed by it, and that the company should not be required to furnish any water to any of said contestees; and that the said signers should be entitled to priority for lands then irrigated by them as against said company; and that said company was entitled to priority as against said signers, who were claim-

ing the right to irrigate additional lands, not then irrigated, to the extent that the lands of said signers had not been irrigated; reference being hereby made to said stipulation, and the same by reference being hereby incorporated herein and made a part hereof.

(20)

That on the 23rd day of July, 1909, the predecessor in interest of said Fish Lake Water Company filed with the State Engineer of Oregon Application No. 194 for a permit to appropriate the public waters of the State of Oregon by an enlargement and extension of said Fish Lake Canal; and thereby proposed to irrigate by appropriation and diversion of the waters of both the North and South forks of said stream, about 55,000 acres of land, and to develop power with the waters so diverted; that thereafter said engineer issued Enlargement Permit No. 19, whereby the amount of water to be appropriated was limited to the amount required for beneficial use, not to exceed a total amount of 500 cubic feet per second; that said claimant, and its successor in interest, is entitled to complete and perfect its said appropriation of the waters of said stream, in accordance with law and the terms and conditions of said permit, and to have its said right relate back to the date of said application, upon completion thereof; that the amount of water to which said claimant shall be entitled should not exceed the amount or quantity specified in said permit.

That it further appears from the records herein, and in the State Engineer's office, that said Fish Lake Water Company filed application No. 589 in the office of the State Engineer for a permit to appropriate the waters of Four Mile Lake, together with the waters of Fish Lake, and the waters tributary thereto; and to store the waters in said lakes, and conduct the said stored waters down the natural channel of said Little Butte Creek, as described in said application, and to apply the same to irrigation, power and domestic supply, and to manufacturing purposes. That said State Engineer issued Permit No. 407, limiting the quantity of water to the amount specified in said permit. That said application was made on March 31st, and that also on said day, the said Fish Lake Water Company made application to said State Engineer for a permit to use and complete certain reservoirs and to store the unappropriated waters in Four Mile Lake and Fish Lake, and to use both of said lakes for storage purposes; and thereafter said State Engineer issued permits No. 50; that said proposed appropriations should be completed and perfected in accordance with the terms and conditions of said permits and said claimant is entitled to perfect and complete its said right of appropriation, and upon completion thereof to have the same relate back to the date of initiation thereof. That it appears that the Rogue River Valley Canal Company is the successor in interest to said Fish Lake Water Company, and that the rights

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acquired by the various applications and permits and appropriations hereinbefore mentioned should be adjudicated to said Rogue River Valley Canal Company, as the successor in interest of said Fish Lake Water Company; that Four Mile Lake appears not to be tributary to said Little Butte Creek, but said Fish Lake is tributary to said Little Butte Creek; that the right to store water in said Fish Lake should be limited to the storage of flood and surplus waters therein; and should not interfere with the rights of prior appropriators to the natural flow of said Little Butte Creek, as provided in the several stipulations of the parties on file herein. That the waters of Four Mile Lake are not involved in this adjudication, and are not the subject of adjudication herein.

(20 $\frac{1}{2}$)

That as between Gust. Nygren, and Art. Nichols, in the contest hereinbefore mentioned, a stipulation was entered into, whereby it was agreed that said contestee should use the waters of said stream to the present carrying capacity of his ditch for irrigation and domestic purposes on his said premises through the ditch taken out on the north side of said stream, seven days out of each ten days during the irrigation season, and said contestee, Art. Nichols, agreed to turn the waters down said stream through his waste gates three days out of each ten days during the irrigation season, reserving a continual flow for domestic purposes; and further agrees to utilize the said waters through said ditch taken out on the south side of said stream to the extent of its carrying capacity three days out of every ten days during the irrigating season, and to turn said waters down said stream through his waste gates seven days out of each ten day period during the irrigating season; and it was agreed that as between the contestant and contestee the contestee relinquished any and all claim to the surplus waters of said stream after contestee's needs had been supplied for irrigation and domestic purposes on his said premises as described in his claim herein: that said stipulation should be binding on the parties thereto; that in the distribution of the waters between the said parties the said stipulation should be recognized.

That in the contest between said Fish Lake Water Company and said Thomas Baldwin Estate, it was stipulated that as against the claims of George Brown, James F. Brown, William H. Brown, Otilia E. Nichols, and Celia E. Holmes, that said last named claimants had theretofore been using beneficially the waters of Little Butte Creek to the extent of 2 $\frac{1}{2}$ miner's inches, throughout the irrigating season each year for domestic, house and garden purposes, and that the parties named had been pumping water for the uses stated and were prior in right to the right of said Fish Lake Water Company, and the rights of said claimants to use water for domes-

tic purposes was acknowledged.

That in said contest last mentioned, A. C. Ratcliffe, claimant therein, and a contestant, appeared in person, and voluntarily withdrew his said claim, and it was at the hearing of said contest ordered that the said claim of said Ratcliffe be withdrawn and said contest be dismissed as to him.

That the contest of Fish Lake Water Co. against the claims of Charles E. Tyrell, George B. Brown, Louis J. Hessler, Emil and Emila Britt, Charles Randles M. M. Brown, and W. S. Chapman, was duly heard, and it was stipulated that the evidence introduced in said contest of Fish Lake Water Company vs. Thomas Baldwin Estate, during the absence of said parties, was not binding upon them; that there was no issue as between the said parties as to the dates of initiation of the respective rights of the said claimants as to the ownership of the ditches involved, or as to the lands which had been theretofore irrigated from said ditches, and additional lands to be irrigated therefrom respectively, but that those facts were as alleged in the claims of the said respective claimants therein; that the rights of said claimants are as set forth in the order of determination herein.

(21)

That J. D. Culbertson, prior to the year 1901, was the owner of a ditch out of Little Butte Creek, and an appurtenant water right, initiated in the year 1896; that by agreement with the Fish Lake Water Company said Culbertson in said year 1901 permitted the destruction of a portion of said ditch by said company, and since said time said company has delivered to said Culbertson sufficient water to irrigate his said lands from the ditch of said company; that the rights of said Culbertson as set forth in the order of determination herein are determined upon the basis of the beneficial application of the waters of Little Butte Creek prior to the agreement above referred to, and nothing herein contained is to be construed as attempting to impair the terms of said agreement, or as a determination of any rights said Culbertson may have as against said company by reason of his contractual relations therewith; that nothing in these findings or order of determination herein shall be deemed or construed to mean that said Culbertson has any interest in said ditch of said company or the water right of said company or other right therein than such right as he may have by virtue of his said contractual relations therewith.

(22)

That the quantity of water to which J. D. Culbertson, Michael Sidley and A. H. Thompson are entitled to divert from said stream, by virtue of appropriations made as set forth in the tabulated statement herein, through the Culbertson ditch,

is separate and distinct from the appropriations made by the predecessor in interest of the Rogue River Valley Canal Company through its canal, and for the purpose of supplying said water to the lands of said Culbertson, Sidley and Thompson, the use of said company canal should not be considered as intermingling the appropriations of said claimant with those of said company; and any quantities of water which may be diverted through said canal and supplied to said lands shall be considered as additional to the quantity to which said canal company is entitled for the lands described in the tabulated statement herein; but nothing in these findings should be construed as finding or determining that said Culbertson, Sidley, or Thompson have any right or interest in said company's ditch, or a right to divert water therefrom, or conduct water through the same, or use water therefrom; the rights of said claimants in this respect depending entirely upon their contractual relations with said company, or its predecessors in interest, and being expressly hereby made not a subject for determination herein.

(23)

That pursuant to a decree of the Circuit Court of Jackson County, Oregon, heretofore made and entered of record by said Court on the 27th day of March, 1911, wherein W. C. Daley was plaintiff and Frank Ceol defendant, which decree is now in full force and effect, it was determined as between said W. C. Daley and Frank Ceol that Frank Ceol (or his successor in interest) is the owner of the lands and ditch and water right described in said decree, which ditch is known herein as the Rechter ditch, and that as between said plaintiff and said defendant, or the successors in interest of either, said defendant is the owner of said water ditch and water right, with the right to use so much of the said waters therefrom as may be required for the proper irrigation of the said lands belonging to defendant (said lands being more particularly described in the order of determination herein), and if at any time there shall be in said ditch and water right, an amount of water necessary for the proper irrigation of the said lands of said defendant, Frank Ceol, the surplus and all thereof over and above the amount actually needed by said Ceol for the said irrigation of the said lands shall be permitted to pass down the said ditch uninterruptedly to the said Daley; that as between said Ceol and said Daley all waters which shall come into said ditch to the lands of defendant Ceol shall be divided as follows between said claimants;

The defendant Ceol shall first take all of the water which he needs for the proper irrigation of his said lands and use the same for the irrigation of the said lands, and the balance and surplus of said waters, if any there be after the irrigation needs of the defendant shall be met on said premises, shall be permitted to pass down to the plaintiff without interruption, and such surplus waters shall be

waters belonging to the plaintiff, Daley, the irrigation of defendant's premises to be conducted without waste of water; and it was further decreed that plaintiff, Daley, should have a perpetual easement in said ditch for the conveyance of said surplus waters and all the rights and privileges necessary for the protection of the same.

(24)

That after these proceedings had been commenced, but prior to the preparation of findings of the Board herein, proceedings were commenced before said Board for the determination of the relative rights of the various users to the waters of Rogue River, and all of its tributaries, forks and branches, above the mouth of the Illinois River, a tributary; that, as heretofore stated, Little Butte Creek is a tributary of said Rogue River; that thereafter such proceedings were had in the matter of the determination of the relative rights to the waters of Rogue River, as required that all evidence and proof theretofore taken in such matter should be opened to public inspection, as provided in Section 6642, L.O.L. and each of the various claimants who had theretofore appeared and offered proof in the matter of the determination of the relative rights to the waters of said Little Butte Creek, was duly and regularly notified of the period for inspection in said matter of the determination of the relative rights of the various claimants to the waters of Rogue River and its tributaries; and at the time fixed in said notice, all of said testimony taken in said Little Butte Creek proceedings was opened to public inspection, together with all the evidence and testimony taken in said Rogue River proceedings, and as a part thereof; and all of said evidence and testimony in both said proceedings was kept open for public inspection at the place named in said notice for the full period of time named in such notice, and for the full period required by law. That thereafter no contests were filed or entered into as against any of the rights claimed by the various claimants to the waters of Little Butte Creek, by parties who were not parties to the original adjudication proceedings as between the claimants to said Little Butte Creek waters, or otherwise.

(25)

DUTY OF WATER

From the testimony, evidence, maps, and the data supplied by the State Engineer, the following facts are found relative to the quantity of water necessary for the proper irrigation of the lands herein involved.

1.- LANDS IRRIGATED: The statements of the various claimants on file herein show that a total of about 4500 acres has been irrigated from this stream, and claims have been made for about 2000 acres additional lands, not irrigated, but which it is

proposed to clear and irrigate. The city of Medford, a municipal corporation, diverts from six to eight second feet of water from the North Fork of Little Butte Creek for municipal purposes. The greater part of the lands irrigated by claimants, other than the Rogue River Valley Canal Company, are situated within the watershed of the stream, and in most instances adjacent to the stream itself, so that a considerable percentage of the waters applied to these irrigated lands return to the stream as seepage and waste water.

2.- LANDS UNDER ROGUE RIVER VALLEY CANAL COMPANY DITCH: As set forth in the findings heretofore, the Rogue River Valley Canal Company, a corporation, is the owner of certain water rights herein involved, and of several permits from the State Engineer, issued under the provisions of Chapter 216, General Laws of Oregon for 1909, which rights are in general admitted to be subsequent in point of time to the rights of the several claimants whose lands are referred to in the preceding paragraph. The lands irrigated and to be irrigated from the Rogue River Valley Canal Company's canal are situated in the Rogue River Valley, extending from the City of Medford, northward for a distance of about ten miles, with an average width of about six miles, and comprise an area of approximately 55,000 acres. The greater part of these lands appear to be in private ownership, and are to be irrigated under contracts for water rights from said canal company, the appropriations of the canal company being chiefly for the purpose of sale and rental of water for irrigation and domestic purposes in connection with the lands described in its several permits. The supply of water for the irrigation of these lands is the surplus waters of Little Butte Creek, supplemented by storage waters impounded in Fish Lake, to be further supplemented by the impounded waters of Four Mile Lake. Fish Lake is naturally a tributary of Little Butte Creek, but the outlet of Four Mile Lake flows easterly and drains into the Klamath Lake Basin, in Klamath County. The lands under this ditch are situated without the watershed of Little Butte Creek and water diverted from that stream for their irrigation is practically lost to that stream system, the drainage from said lands being chiefly to Bear Creek, and other tributaries of Rogue River below the mouth of Little Butte Creek.

3.- SOILS: The greater part of the lands within the watershed of the stream, and owned by the several claimants other than said canal company, appears to be of a clay loam formation, varying in depth from a few inches to several feet, and underlaid in places with gravelly subsoil. Other lands are sandy loams and a considerable part of the irrigated area is composed of a clay adobe.

The greater part of the lands proposed to be, or now, irrigated under the canal of the Rogue River Valley Canal Company, is included within what is known locally as the "Desert." This type of land is composed of a clay loam, termed

locally "sticky," intermingled with gravel. The surface soil is very shallow, and is underlaid with an almost impervious stratum of cemented gravel, known as "hardpan." When irrigated and cultivated, these lands appear to be very fertile, and yield abundantly various farm crops, and are especially adapted to the production of small fruits and berries. Large areas are also successfully planted to orchard, which, with irrigation, are very productive. For these lands the permits of the canal company limit the quantity of water to an amount not exceeding one second foot to each 100 acres, or an average duty of $2/5$ miner's inch, measured at the headgate. The appropriations of said canal company, if completed, will require all of the surplus waters of Little Butte Creek.

4.- CLIMATIC CONDITIONS: This locality may be properly termed "semi-arid" in character, and irrigation is absolutely necessary to secure the highest yield from the lands irrigated, and the most profitable crops; but crops are grown in ordinary seasons without irrigation on some lands, and an abundant yield is thus often obtained. The precipitation varies considerably, but often exceeds thirty inches, of which, however, the greater part occurs during the winter and early spring. During summer months, there are often long periods of drouth, and in ordinary seasons the rainfall is very light during the summer season. The temperature is moderate, the nights are cool, and the relative humidity is generally low.

5.- METHODS OF IRRIGATION: The method of irrigation usually followed in this locality is that known as the "flooding method," although some irrigators apply the furrow method. Rotation is quite commonly practiced by water users, especially by those diverting water through the same ditch, but no regular or uniform system of rotation is followed. The ditches are constructed through the soil, are unlined, and are of the character in general use throughout the state for irrigation purposes. Owing to the clayey nature of the soil through which constructed, the seepage losses in most of the ditches are not great; the ditches generally being short and the losses in transit consequently being relatively unimportant. The greatest waste of water is due to careless methods of irrigation, and the greatest losses are due to the character of the subsoil.

6.- CROPS: The important crops appear to be alfalfa and clover, although large areas are set to orchard, grain, small fruits and general garden vegetables. Upon the lands under the Rogue River Valley Canal Company's Canal, large areas will be planted to orchards, small fruits and berries, and general farming crops, while at present a large proportion is already devoted to these crops. Some large areas, especially within the upper watershed, are devoted to the production of natural grasses, and pasturage purposes, the principal industry here being the

the raising of cattle. Of the crops raised, the alfalfa, and hay crops, and natural grasses require the greater quantity of water.

7.- DUTY OF WATER: The Board has carefully considered the several stipulations of the parties as to the quantity of water required for the several tracts involved, and considers these stipulations as important evidence relative to the duty of water to be here determined. The testimony taken at the hearings has also been carefully considered. In view of the many difficulties attendant thereon, the Board does not consider it practicable or expedient to establish a different duty for each tract, but deems it proper for the interests of all concerned that a maximum duty should be established, which should be sufficient in each case. No unusual or extraordinary conditions appear to prevail in the majority of instances, although in some cases the soil appears to be very gravelly; otherwise conditions favor a rather high duty of water. Under proper systems of irrigation, and rotation in the use of water, the duty should vary from one second foot to each eighty acres or fraction thereof, to one sixtieth of a second foot per acre. Owing to the porosity of some lands, particularly small tracts, more water per acre is required. Considering, however, the methods of irrigation now in use, and the porosity of the soils here involved, and the climatic conditions, the Board deems it expedient to fix a duty of water ranging from one second foot per acre for forty acres in the case of small tracts, to not to exceed one sixtieth of a second foot per acre, in the case of larger tracts, except in those cases where the quantity of water has already been fixed and determined by application, to, and permits issued by, the State Engineer.

8.- That for the lands actually irrigated by the predecessors in interest of the Rogue River Valley Canal Company, and for which a vested right was claimed, with priority dating from 1899, it was claimed by said predecessor in interest, the Fish Lake Water Company, that fifteen second feet were required and necessary for the irrigation of said lands, including a total area of about 1500 acres, as described in its proof of claim herein. That the quantity thus claimed is equal to about two-fifths inch per acre, or less than one second foot per 100 acres. Considering the losses in transit, in the length of its said canal, and the character of the lands to be irrigated, this quantity or rate per acre is reasonable. That by stipulation it is agreed by said company that the quantity necessary for the irrigation of its said lands, for which it claims a vested right, does not exceed 420 miner's inches; and that said claimant should be limited to the quantity thus stipulated for lands for which it claims a vested right.

9.- That the irrigation season or period during which water is utilized

for irrigation purposes from this stream and its tributaries generally commences during the month of May, but during some seasons water is diverted and used as early as April; the season of use for irrigation generally ceases about the 15th of September. An irrigation season commencing April 1st and terminating October 1st covers the period during which water is used for irrigation. The use for domestic and stock purposes and for power continues throughout the year.

10.- In the case of very small acreages the Board has deemed it advisable to limit the claims to less than one-fiftieth of a second foot per acre, and in cases where not exceeding five or six acres are involved, the Board has limited the quantity to an amount equivalent to one-fortieth of a second foot per acre. In the case of these small acreages it is the opinion of the Board that this will fully compensate for losses by seepage and evaporation, and supply a sufficient head of water under a reasonable rotation system. A reasonable rotation system should be provided for by the decree herein to secure the highest duty of water possible.

11.- The point where the water should be measured to supply the quantities confirmed in each case should be at the head of each main ditch or intake where the ditch leaves the stream, above all diversions for use, and at the most practicable point near such intake in each case taking into consideration spillways and return waters causing no loss or diminution of the natural flow of the stream. Unusual and exceptional loss by seepage in ditches and canals should be considered as wasteful, and each ditch should be maintained in such condition as to prevent unnecessary losses in conducting the waters to the place of use. Reasonable losses in seepage and evaporation in transit when due care is exercised in each case are included within the quantity which each claimant is entitled to divert, and the quantity herein allowed in the order of determination is presumed in each case to be sufficient to supply each claimant the quantity necessary for his purposes (after deducting reasonable and necessary losses in transit) at the place of use.

Based upon the foregoing findings of fact, the Board makes the following

ORDER OF DETERMINATION.

(1)

That the following named persons are in default and have no right, title or interest in or to any of the waters of said stream or any of its tributaries, and should be barred and estopped from hereafter asserting any rights which they or any of them may have heretofore acquired to any of the waters of said stream or

its tributaries, and have forfeited all rights to the use of said waters, if any they may have heretofore had, to-wit:

Mrs. L. Abbott; John Ashpole; C. C. Beckman; Mrs. Amy Brown; J. P. Brown; William H. Brown; J. H. Carlton; M. Chapman; W. L. Childreth; Dr. J. N. Coghlan; Eli Daback; Mrs. E. Daniels; F. C. Dugan; John Engle; C. C. Felts; A. J. Florey; Mrs. S. Hart; V. W. Harnish; A. L. Hazelton; Mrs. G. W. Heckathorn; J. S. Howard; William W. P. Holt; A. C. Howlett; W. Jack; J. B. Jackson; Mr. ____ Jordan; Thomas Krimey; Mr. Lane; F. L. Lewis; Lofland Bros.; L. Lowden; Joe Moomaw; Leaf Moomaw; William Newbeum; H. Palmer; I. J. Patton; Charles Prewet; Henry Ratrie; Mrs. James Ringer; J. E. Shaw; Mrs. ____ Singleton; G. W. Thomas; Fred Tredger; John Watkins; J. B. Williams.

(2)

That the following named claimants are entitled to a decree and to the issuance of certificates of water right in accordance therewith, determining, establishing and confirming their several rights to the use of said waters of said Little Butte Creek, or tributary under which their names are listed, as of the date of relative priority, and to the amount of water in cubic feet per second of time, continuous flow, for the particular use or uses for which said appropriations were made, and if for irrigation, for the irrigation of the number of acres, through the ditch or ditches, upon the lands or places of use of said claimants, as herein-after described, as such date, amount, number of acres, use, ditch or ditches, and land or place of use are hereunder set forth in tabulated form opposite the respective names of said claimants, 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
Estate of Thomas Baldwin, By J.A. Miller, Lake Creek, Ore. (Proof 1059, Vol. 15)	1874	0.28	10.9	Irrigation	Henry Brown	Main	10.9 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 4; Tp. 36 S.R. 1 E.W.M. Jackson County, Oregon.
Minnie O. Belshaw and J. A. Orchard, Climax, Oregon. (Proof 1148, Vol. 15)	1879	0.50	38	Irrigation	Rummel	Rummel Creek, trib. of Antelope Creek	10 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$; 5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 8 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$; 15 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 1; Tp. 38 S.R. 1 E.W.M. Jackson County, Oregon.
Olive R. Bell, Brownsboro, Ore. (Proof 1060, Vol. 15)	1874	0.10	4	Irrigation	Brownsboro	Main	4 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 5; Tp. 36 S.R. 1 E.W.M. Jackson County, Oregon.
<i>W. M. Young and Melvin D. Britt, successors to</i> E. D. Briggs, Ashland, Oregon. (Proof 1139, Vol. 15)	1874	0.30	12 $\frac{1}{2}$	Irrigation and domestic	Browns- boro	Main	12 $\frac{1}{2}$ acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 4; Tp. 36 S.R. 1 E.W.M. Jackson County, Oregon.
Emil and Amelia Britt, Jacksonville, Ore. (Proof 1062, Vol. 15)	1899	0.70	38	Irrigation	Young and Britt	Main	5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$; 1 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$; 15 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$; 4 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$; 3 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 7; 10 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 6; Tp. 36 S.R. 1 W.W.M. Jackson County, Oregon.
Geo. B. Brown, Brownsboro, Ore. (Proof 1063, Vol. 15)	1863-	0.80	42	Irrigation, domestic and stock	Henry Brown	Main	15 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$; 10 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$; 4 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$; 13 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 10; Tp. 36 S.R. 1 E.W.M. Jackson County, Oregon.
Mrs. M. M. Brown, Brownsboro, Ore. (Proof 1064, Vol. 15)	1874	0.13	5	Irrigation, domestic and stock	Browns- boro	Main	5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 4; Tp. 36 S.R. 1 E.W.M. Jackson County, Oregon.
Alvin Bieberstedt, Brownsboro, Ore. (Proof 1065, Vol. 15)	1885	0.90	46 $\frac{1}{2}$	Irrigation	Bieberstedt	Main	10 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 5; 22 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$; 10 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 6; Tp. 36 S.R. 1 E.W.M. 1 $\frac{1}{2}$ acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$; 3 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 31; Tp. 35 S.R. 1 E.W.M. Jackson 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
Frank Ceol, Lake Creek, Ore. (Proof 1067, Vol. 15)	1884	0.60	30	Irrigation	Rechter	North Fork	30 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 21; Tp. 36 S.R. 2 E.W.M. Jackson County, Oregon.
W. S. Charman, Lake Creek, Ore. (Proofs 1068-69-70, Vol. 15)	1885	0.33	15	Irrigation domestic and stock	Rechter	North Fork	15 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 21; Tp. 36 S.R. 2 E.W.M. Jackson County, Oregon.
	1892	0.03	1	Irrigation domestic and stock	Chapman	North Fork	1 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 21; Tp. 36 S.R. 2 E.W.M. Jackson County, Oregon.
	1888	0.33	13	Irrigation domestic and stock	Peck and Rechter	North Fork	8 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$; 5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 21; Tp. 36 S.R. 2 E.W.M. Jackson County, Oregon.
Emogene Charley, Brownsboro, Ore. (Proof 1071, Vol. 15)	1895	0.68	36 $\frac{1}{2}$	Irrigation	Clay Charley	Main	2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$; 3 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$; 2 $\frac{1}{2}$ acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 10; 20 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$; 2 $\frac{1}{2}$ acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 11; 2 $\frac{1}{2}$ acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 14; Tp. 36 S.R. 1 E.W.M. Jackson County, Oregon.
Lemon C. Charley, Brownsboro, Ore. (Proof 1072, Vol. 15)	1893	1.0	60	Irrigation	Lem. Charley	Main	6 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$; $\frac{1}{2}$ acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 11; 10 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$; 10 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$; 2 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 15 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$; 9 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$; 7 $\frac{1}{2}$ acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 14; Tp. 36 S.R. 1 E.W.M. Jackson County, Oregon.
E. D. Colby, Brownsboro, Ore. (Proof 1073, Vol. 15)	1874	0.50	29 $\frac{1}{2}$	Irrigation	Brownsboro	Main	16 $\frac{1}{2}$ acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$; 6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$; 2 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 4; 5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 5; Tp. 36 S.R. 1 E.W.M. Jackson County, Oregon.
J. D. Culbertson, Lake Creek, Ore. (Proof 1075, Vol. 15)	1896	1.60	95	Irrigation	Fish Lake and Culbertson Lateral	South Fork	15 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 20; 17 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$; 30 $\frac{1}{2}$ acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$; 32 $\frac{1}{2}$ acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 29; Tp. 36 S.R. 2 E.W.M. Jackson 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
A. J. Daley, Eagle Point, Ore. (Proof 1076, Vol. 15)	1885	0.08	3	Irrigation and domestic	Flour Mill	Main	3 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 2; Tp. 36 S.R. 1 W.W.M. ✓ Jackson County, Oregon.
Geo. W. Daley, Eagle Point, Ore. (Proof 1077, Vol. 15)	1895	0.08	3	Irrigation	Pumping Plant	Main	3 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 2; Tp. 36 S.R. 1 W.W.M. ✓ Jackson County, Oregon.
W. C. Daley, Lake Creek, Ore. (Proof 1078, Vol. 15)	1871 1886	0.70 1.00	35 $\frac{1}{2}$ 59	Irrigation	Chapman & Ceol Daley Rechter	North Fork	22 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$; 37 $\frac{1}{2}$ acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$; 35 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 20; ✓ Tp. 36 S.R. 2 E.W.M.
	1896	0.25	10	Irrigation	Culbertson	South Fork	10 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 29; ✓ Tp. 36 S.R. 2 E.W.M. Jackson County, Oregon.
John B. Edsall, Brownsboro, Ore. (Proof 1079, Vol. 15)	1874	0.13	5	Irrigation	Brownsboro	Main	5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 4; ✓ Tp. 36 S.R. 1 E.W.M. Jackson County, Oregon.
T. L. Farlow, Lake Creek, Ore. (Proof 1080, Vol. 15)	(See paragraph 3)						
W. P. Farlow, Lake Creek, Ore. (Proof 1081, Vol. 15)	May 1st, 1900	0.43	21 $\frac{1}{2}$	Irrigation	Moore & Farlow	South Fork	9 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 13; ✓ Tp. 37 S.R. 2 E.W.M. 5 $\frac{1}{2}$ acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$; 7 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 18; ✓ Tp. 37 S.R. 3 E.W.M. Jackson County, Oregon.
Rogue River Valley Canal Company, a corporation, (Successor to Fish Lake Water Company, a corporation) Medford, Oregon. (Proof 1082, Vol. 15)	Sept. 14 1899	10.5	1470	Irrigation	Fish Lake	North and South forks	20 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 18; 3 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 7 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 19; 10 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 30; 2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 14; 10 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 15; Tp. 36 S.R. 1 E.W.M. 18 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 30; ✓ Tp. 36 S.R. 2 E.W.M. 6 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 8; 4 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 9; 20 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 13; 10 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 16; ✓ 25 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$; 23 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$; 10 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$; 10 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$; 5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 20; ✓

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
Rogue River Valley Canal Company (continued)							10 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 21;
						5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$;	
						8 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 23;	
						35 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$;	
						40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$;	
						16 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$;	
						16 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$;	
						160 acres in NW $\frac{1}{4}$;	
						90 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 $\frac{1}{4}$; Sec. 29;	
						8 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$;	
						10 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$;	
						10 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$;	
						8 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 30;	
						15 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 32;	
						38 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$;	
						3 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$;	
						31 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$;	
						10 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 33;	
						Tp. 36 S.R. 1 W.W.M.	
						10 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$;	
						8 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$;	
						2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$;	
						10 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$;	
						10 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 5;	
						10 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$;	
						20 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 6;	
						10 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 7;	
						10 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$;	
						25 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$;	
						5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 18;	
						10 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 19;	
						Tp. 37 S.R. 1 W.W.M.	
						10 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$;	
						10 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$;	
						19 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$;	
						10 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$;	
						10 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 1;	
						5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$;	
						1 acre in NE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 2;	
						25 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$;	
						25 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$;	
						12 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$;	
						18 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$;	
					40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$;		
					10 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$;		
					17 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$;		
					3 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 11;		
					10 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$;		
					27 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$;		
					3 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 12;		
					10 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$;		
					10 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$;		
					5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$;		
					10 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 13;		
					10 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$;		
					10 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 14;		
					LITTLE BUTTE		

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
Rogue River Valley Canal Company (continued)							10 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 24; ✓ Tp. 37 S.R. 2 W.W.M. 15 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$; 5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 14; 10 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 21; 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$; 10 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 22; 10 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$; 10 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$; 20 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$; 20 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$; 10 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 24; 10 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$; 5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$; 5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$; 10 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$; 10 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 25; ✓ 40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$; 3 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 26; 7 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 27; 10 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$; 10 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$; 10 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$; 10 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$; 10 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 35; Tp. 36 S.R. 2 W.W.M. Jackson County, Oregon.
Geo. W. Frey, Lake Creek, Ore. (Proof 1083, Vol. 15)	June, 1898	0.20	8	Irrigation	Frey	North Fork	8 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 32; ✓ Tp. 36 S.R. 3 E.W.M. Jackson County, Oregon.
A. S. and F.E. Furry, Phoenix, Ore. (Proof 1146, Vol. 15)	1895	0.13		Stock	J.A. Grain	Trib. springs on Lost Prairie	Place of use: SW $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 1; SW $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 2; Tp. 38 S.R. 4 E.W.M. Jackson County, Oregon. ✓
J. J. Fryer, Eagle Point, Ore. (Proof 1084, Vol. 15)	Jan. 31, 1870	0.35	15	Irrigation	Fryer	Main	15 acres in Sec. 3; ✓ Tp. 36 S.R. 1 W.W.M. Jackson County, Oregon.
J. W. Grover, Eagle Point, Ore. (Proof 1085, Vol. 15)	Jan. 31, 1870	0.25	10	Irrigation, domestic and stock	Fryer	Main	10 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 3; ✓ Tp. 36 S.R. 1 W.W.M. Jackson County, Oregon.
C. P. Hall, Brownsboro, Ore. (Proof 1086, Vol. 15)	1874	0.05	2	Irrigation	Brownsboro	Main	2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 4; ✓ Tp. 36 S.R. 1 E.W.M. Jackson County, Oregon.

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Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount cubic feet per second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
I. L. Hamilton, Medford, Ore. (Proof 1087, Vol. 15)	1889	0.90	53½	Irrigation	North Side	North Fork	16 acres in SW¼ NW¼; Sec. 31; Tp. 36 S.R. 3 E.W.M. 37½ acres in SE¼ NE¼; Sec. 36; Tp. 36 S.R. 2 E.W.M. Jackson County, Oregon.
	1892	0.75	45	Irrigation	South Side	North Fork	25 acres in NW¼ SW¼; Sec. 31; Tp. 36 S.R. 3 E.W.M. 20 acres in NE¼ SE¼; Sec. 36; Tp. 36 S.R. 2 E.W.M. Jackson County, Oregon.
M. F. Hanley, Lake Creek, Ore. (Proofs 1088-90-91- 92-93, Vol. 15)	1856	1.40	82	Irrigation, domestic and stock	Upper & Lower Wasson Canyon	Wasson Canyon	5 acres in NE¼ SW¼; 32½ acres in NW¼ SW¼; 10 acres in SW¼ SW¼; 28 acres in SE¼ SW¼; Sec. 23;
	1879	1.30	75		Long Canyon	Long Canyon	4 acres in NW¼ NE¼; 22 acres in SW¼ NE¼; 30 acres in NE¼ NW¼; 38 acres in NW¼ NW¼;
	1881	4.13	247½		Old Han- ley and Hanley- Slinger	North Fork	3 acres in SW¼ NW¼; 18 acres in SE¼ NE¼; NW¼? 12 acres in NE¼ SE¼; 10 acres in NW¼ SE¼; 1 acre in SE¼ SE¼; Sec. 26;
							15 acres in SW¼ NE¼; 7 acres in SE¼ SW¼; 30 acres in NE¼ SE¼; 35 acres in NW¼ SE¼; 37 acres in SW¼ SE¼; 40 acres in SE¼ SE¼; Sec. 22; 23 acres in NE¼ NE¼; 4 acres in NW¼ NE¼; Sec. 27; Tp. 36 S.R. 2 E.W.M. Jackson County, Oregon.
Mrs. Myrtle Harris, Medford, Ore. (Proof 1094, Vol. 15)	(See paragraph 3)						
Stephenson and Archibald, Successors to Fred L. Heath, Medford, Ore. (Proof 1095, Vol. 15)	1874	0.85	50	Irrigation	Browns- boro	Main	15 acres in NE¼ SE¼; 35 acres in NW¼ SE¼; Sec. 4; Tp. 36 S.R. 1 E.W.M. Jackson County, Oregon.
Louis J. Hessler, Brownsboro, Ore. (Proof 1096, Vol. 15)	1902	0.33	13	Irrigation and domestic	Hessler	Main	5 acres in NE¼ SW¼; 8 acres in NW¼ SE¼; Sec. 10; Tp. 36 S.R. 1 E.W.M. Jackson County, Oregon.
Wm. M. Holmes and S.B. Holmes, 603 River- side Ave., Medford, Ore. (Proof 1097, Vol. 15)	1872	40		Power 60 H.P.	Daley Mill	Main	Butte Creek or Daley Flouring Mill, at Eagle Point, Oregon, in Sec. 3; Tp. 36 S.R. 1 W.W.M. Jackson 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
Charles Hoeffft, Lake Creek,Ore. (Proof 1098,Vol.15)	1869	0.86	51	Irrigation	Hoeffft & Peck	South Fork	15 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$; 8 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$; 28 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 33; Tp. 36 S.R. 2 E.W.M. Jackson County, Oregon.
S.B.Holmes, J.F. Brown, Geo.Brown, W.H.Brown, Gus. Nichols, and W.M. Holmes, Eagle Point, Ore. (Proof 1099,Vol.15)	1907	0.13	5	Irrigation, domestic and stock	Pumping Plant	Main	5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 3; Tp. 36 S.R. 1 W.W.M. Jackson County, Oregon.
Nels P. Hanson, Climax,Ore. (Proof 1147,Vol.15)	1875	0.25	10	Irrigation and domestic	Nelson	Antelope Creek	7 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 31; Tp. 37 S.R. 2 E.W.M. 3 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 6; Tp. 38 S.R. 2 E.W.M. Jackson County, Oregon.
T.Slater Johnson, and Rogue River Commercial Orchard Co., Medford,Ore.	1902	0.55	33	Irrigation and stock	Smith and Welch	Antelope Creek	8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 11 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$; 14 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 19; Tp. 36 S.R. 1 E.W.M. Jackson County, Oregon.
Estate of Jas. A. Jonas, by Rebecca R. Jonas, Eagle Point,Ore. (Proof 1100,Vol.15)	Jan.31 1870	0.30	12	Irrigation	Fryer	Main	6 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$; 6 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 3; Tp. 36 S.R. 1 W.W.M. Jackson County, Oregon.
W. G. Knighton, Eagle Point,Ore. (Proof 1101,Vol.15)	Jan.31, 1870	0.04	1.3	Irrigation-	Fryer	Main	1.3 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 3; Tp. 36 S.R. 1 W.W.M. Jackson County, Oregon.
W. R. Lamb, Lake Creek,Ore. (Proof 1102,Vol.15)	1888 1904	0.30 0.10	12 4	Irrigation Irrigation	Slinger & Lamb Chapman & Lamb	North Fork North Fork	5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$; 5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$; 6 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 21; Tp. 36 S.R. 2 E.W.M. Jackson County, Oregon.
Little Butte Irriga- tion Company, a cor- poration, L.K.Hoak, Sec., Eagle Point,Ore. (Proof 1103,Vol.15) (Including lands of Estate of D.Polk Mathews,deceased, Proof 1104,Vol.15)	1883	10.60	632	Irrigation, domestic and stock	Little Butte Irrigation Company	Main	4 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 31; Tp. 35 S.R. 1 E.W.M. 10 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$; 3 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$; 20 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$; 35 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$; 20 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$; 17 $\frac{1}{2}$ acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$; 3 $\frac{1}{2}$ acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$; 7 $\frac{1}{2}$ acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$; 3 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 36;

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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
Little Butte Irrigation Company (continued)							37 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$; 33 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$; 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$; 33 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$; 21 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$; 32 $\frac{1}{2}$ acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$; 4 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$; 12 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 35; 7 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$; 34 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$; 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$; 10 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$; 15 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 34; Tp. 35 S.R. 1 W.W.M. 15 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$; 35 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$; 2 $\frac{1}{2}$ acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 37 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$; 21 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$; 34 $\frac{1}{2}$ acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$; 10 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$; 32 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$; 3 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 3; Tp. 36 S.R. 1 W.W.M. Jackson County, Oregon.
W. G. Messal, Lake Creek, Ore. (Proof 1105, Vol. 15)	1882 1904	0.3 0.20 0.15	17 8 6	Irrigation	Messal #1 Messal #3	Salt Creek	6 $\frac{1}{2}$ acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 7; 86 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 8; Tp. 36 S.R. 2 E.W.M. Jackson County, Oregon.
H. G. Meyer, Lake Creek, Ore. (Proof 1107, Vol. 15)	1872	0.40	20	Irrigation	Meyer	Salt Creek	12 $\frac{1}{2}$ acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$; 7 $\frac{1}{2}$ acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 7; Tp. 36 S.R. 2 E.W.M. Jackson County, Oregon.
H. A. Meyers & C. W. Klingle, Lake Creek, Ore. (Proof 1108, Vol. 15)	1872	1.80	106 $\frac{1}{2}$	Irrigation	Meyer & Klingle	Main	20 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 2 $\frac{1}{2}$ acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$; 32 $\frac{1}{2}$ acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$; 10 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$; 28 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$; 8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$; 5 $\frac{1}{2}$ acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 19; Tp. 36 S.R. 2 E.W.M. Jackson County, Oregon.
A. Meyer, Lake Creek, Ore. (Proof 1106, Vol. 15)	1878	0.88	48	Irrigation	A. Meyer	Salt Creek	7 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 13; Tp. 36 S.R. 1 E.W.M. 21 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$; 1 $\frac{1}{2}$ acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$; Sw $\frac{1}{4}$? Sec. 7; 6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$; 12 $\frac{1}{2}$ acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 18; Tp. 36 S.R. 2 E.W.M. Jackson 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
John A. Miller, Lake Creek, Ore. (Proof 1109, Vol. 15)	1882	0.41	21	Irrigation	Hutchens	South Fork	8 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$; 10 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 13; 3 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 12; Tp. 37 S.R. 2 E.W.M. Jackson County, Oregon.
C. R. Moore, Lake Creek, Ore. (Proof 1110, Vol. 15)	Feb. 1894	0.39 1.00	19	Irrigation Power (4 H.P.)	Clagg	South Fork	10 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$; 9 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 18; Tp. 37 S.R. 3 E.W.M. Jackson County, Oregon.
Jno. G. McCallister, Lake Creek, Ore. (Proof 1111, Vol. 15)	Nov. 25 1906	40.00		Power 60 H.P.	McCallister Saw Mill	South Fork	McCallister Saw Mill in Sec. Tp. 36 S.R. 2 E.W.M. Jackson County, Oregon. Water to be returned to stream at point of use and above all diversions below present point of return.
D. W. Myers, Brownsboro, Ore. (Proof 1112, Vol. 15)	Jan. 1893	0.15	6	Irrigation	Lem. Charley	Main	6 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 11; Tp. 36 S.R. 1 E.W.M. Jackson County, Oregon.
<i>Jacob Morin, successor to</i> L. Niedermyer, Medford, Ore. (Proof 1113, Vol. 15)	(See paragraph 3)						
Art Nichols, Brownsboro, Ore. (Proof 1114, Vol. 15)	1870 1898	1.20 0.40	70 20	Irrigation	Nichols	Salt Creek	32 $\frac{1}{2}$ acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$; 15 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$; 30 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$; 10 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$; 2 $\frac{1}{2}$ acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 5; Tp. 36 S.R. 2 E.W.M. Jackson County, Oregon.
T. E. Nichols, Eagle Point, Ore. (Proof 1115, Vol. 15)	1860	0.10	4	Irrigation	Nichols	Tributary springs on land.	4 acres in Sec. 30; Tp. 35 S.R. 1 E.W.M. Jackson County, Oregon.
Gust Nygren, Lake Creek, Ore. (Proof 1116, Vol. 15)	1874	0.40	20	Irrigation	Nygren	Salt Creek	5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$; 5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$; 5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 13; Tp. 36 S.R. 1 E.W.M. Jackson County, Oregon.
J. F. Nichols, Eagle Point, Ore. (Successor to W. F. Smith) (Proof 1127, Vol. 15)	Jan. 31 1870	0.13	5	Irrigation	Fryer	Main	5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 3; Tp. 36 S.R. 1 W.W.M. Jackson 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
R. P. Neil, Ashland, Ore. (Proof 1143,4,Vol.15)	1858 1888	1.50 1.30	90 78	Irrigation Irrigation	Samuel Grubb R.P.Neil	Spencer Creek Dead Indian Creek	11 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$; 38 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$; 2 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$; 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 15; 5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 16; 2 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 $\frac{1}{4}$; Sec. 21; 35 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$; 12 $\frac{1}{2}$ acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$; 2 $\frac{1}{2}$ acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 22; Tp. 38 S.R. 3 E.W.M. Jackson County, Oregon.
Mrs. Careless A. Obenchain, Brownsboro, Ore. (Proof 1117,Vol.15)	Jan. 1870	0.03	$\frac{1}{2}$	Irrigation	Brownsboro		$\frac{1}{2}$ acre described as: Beginning at NE corner Lot 1 in NE $\frac{1}{4}$ Sec. 4, Tp. 36 S.R. 1 E.W.M., thence S. 330 ft.; E. 50 ft; N. 330 ft; W. 50 ft. to beginning.
C. E. Owen, Ashland, Ore. (Proof 1142,Vol.15)	1865	1.70	100	Irrigation	Owen	Dead Indian Creek	100 acres in NW $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$; and SE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 10; Tp. 38 S.R. 3 E.W.M. Jackson County, Oregon.
Gus Peck, Lake Creek, Ore. (Proof 1118,Vol.15)	1888	0.38	17	Irrigation	Randles & Ragsdale	South Fork	7 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$; 10 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 3; Tp. 37 S.R. 2 E.W.M. Jackson County, Oregon.
R. A. Peck, Lake Creek, Ore. (Proof 1119,Vol.15)	1882 1895	0.50 0.14	25 5 $\frac{1}{2}$	Irrigation	Tonn & Peck Hoeffft & Peck	South Fork	13 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$; 12 $\frac{1}{2}$ acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$; 5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 33; Tp. 36 S.R. 2 E.W.M.
John Walsh, succeeded to Charles Randles, Lake Creek, Ore. (Proofs 1120-21, Vol. 15)	1885 1887	0.65 0.38	34 $\frac{1}{2}$ 17 $\frac{1}{2}$	Irrigation Irrigation, domestic and stock	Randles & Ragsdale Randles	South Fork Lost Creek	22 $\frac{1}{2}$ acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$; 12 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 3; 12 $\frac{1}{2}$ acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$; 5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 4; Tp. 37 S.R. 2 E.W.M. Jackson County, Oregon.
J. L. Ragsdale, Lake Creek, Ore. (Proof 1122,Vol.15)	1885	0.93 0.90	59 $\frac{1}{2}$ 52 $\frac{1}{2}$	Irrigation	Randles & Ragsdale	South Fork	33 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$; 9 $\frac{1}{2}$ acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$; 2 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$; 8 $\frac{1}{2}$ acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 3; Tp. 37 S.R. 2 E.W.M. Jackson 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
J. M. Rader, Phoenix, Ore. (Proof 1140-41, Vol. 15)	1898	0.35	15	Irrigation, domestic and stock	Rader Ditches #1 and #2	Bybee Gulch trib. of Lost Creek	15 acres in Lots 1 and 2, and S $\frac{1}{2}$ NE $\frac{1}{4}$; Sec. 1; Tp. 38 S.R. 2 E.W.M. Jackson County, Oregon. ✓
Charles Seefield, Lake Creek, Ore. (Proof 1123, Vol.15)	Nov. 1906	0.30	12	Irrigation	Seefield	South Fork	7 $\frac{1}{2}$ acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$; 2 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 10; 2 $\frac{1}{2}$ acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 11; Tp. 37 S.R. 2 E.W.M. Jackson County, Oregon. ✓
Michael Sidley, Lake Creek, Ore.	1896	0.30	12	Irrigation	Culbert- son	South Fork	12 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 30; Tp. 36 S.R. 2 E.W.M. Jackson County, Oregon. ✓
T. L. Farlow (Successor to J. W. Slinger) Lake Creek, Ore. (Proof 1125-26, Vol. 15)	Jun. 1, 1903 No. Fork 1885 Long Canyon	1.40	75	Irrigation	Slinger & Lamb & Long Canyon	North Fork Long Canyon	10 $\frac{1}{2}$ acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 21; 7 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$; 40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$; 17 $\frac{1}{2}$ acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 22; Tp. 36 S.R. 2 E.W.M. Jackson County, Oregon. ✓
Aden C. Spencer Ashland, Ore. (Proof 1128, Vol.15)	1904	0.90	50	Irrigation	Spencer ditches	West Branch of Dead Indian Creek	11 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$; 9 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$; 5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$; 20 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 20; Tp. 38 S.R. 3 E.W.M. Jackson County, Oregon. ✓
Phebe M. Smith, Ashland, Ore. (Proof 1145, Vol. 15)	1865	1.70	100	Irrigation	Minnie Smith	Dead Indian	15 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$; 30 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 15 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$; 20 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$; 20 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 10; Tp. 38 S.R. 3 E.W.M. Jackson County, Oregon. ✓
W. W. Taylor, Eagle Point, Ore. (Proof 1129, Vol.15)	Jan. 31 1870	0.13	5	Irrigation	Fryer	Main	1 $\frac{1}{2}$ acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$; 2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$; 1 $\frac{1}{2}$ acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 3; Tp. 36 S.R. 1 W.W.M. Jackson County, Oregon. ✓
Chas. E. Terrill, Brownsboro, Ore. (Proof 1130, Vol.15)	1863	0.65	34 $\frac{1}{2}$	Irrigation domestic and stock	Old Henry Brown	Main	16 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$; 13 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$; $\frac{1}{2}$ acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 10; Tp. 36 S.R. 1 E.W.M. Jackson 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
A.H. Thompson, Lake Creek, Ore. (Proof 1131, Vol. 15)	May 12 1896	0.30	12	Irrigation	Culbertson	South Fork	12 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 19; Tp. 36 S.R. 2 E.W.M. Jackson County, Ore. ✓
L. Tonn, Lake Creek, Ore. (Proof 1132, Vol. 15)	1882	0.30	12	Irrigation	Tonn & Peck	South Fork	2 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$;
	1904	0.30	12	Irrigation	Tonn	South Fork	2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$; 20 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 4; Tp. 37 S.R. 2 E.W.M. ✓
R. E. Tucker, Brownsboro, Ore. (Proof 1133, Vol. 15)	1875	0.44	21 $\frac{1}{2}$	Irrigation	Tucker	Main	6 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 11 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$; 4 $\frac{1}{2}$ acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 5; Tp. 36 S.R. 1 E.W.M. Jackson County, Oregon. ✓
J. H. Tyrrell, Lake Creek, Ore. (Proof 1134, Vol. 15)	1878	0.43	20	Irrigation	Tyrell	Lost Creek	3 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$; 17 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 9; Tp. 37 S.R. 2 E.W.M. Jackson County, Oregon. ✓
William Ulrich, Medford, Ore. (Proof 1135, Vol. 15)	1883	0.10	4	Irrigation	Little Butte Ditch Co.	Main	4 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 3; Tp. 36 S.R. 1 W.W.M. Jackson County, Oregon. ✓
G. H. Wamsley, Eagle Point, Ore. (Proof 1136, Vol. 15)	Jan. 1, 1870	0.05	2	Irrigation	Fryer	Main	2 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 3; Tp. 36 S.R. 1 W.W.M. Jackson County, Oregon. ✓
Marvin S. Wood, Eagle Point, Ore. (Proof 1137, Vol. 15)	Jan. 1, 1870	0.03	1	Irrigation	Fryer	Main	1 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 3; Tp. 36 S.R. 1 W.W.M. Jackson County, Oregon. ✓
Edward Woodbury, Kalamazoo, Mich. (Proof 1138, Vol. 15)	(See paragraph 3)						
Nicholas Young, Peter F. Young, Clara M. Young, Catherine Givens and Annie M. Owens, heirs at law of Nicholas Young, deceased, Eagle Point, Ore.	1899	0.94 1.17	63 56	Irrigation	Young and Britt	Main	6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$; 15 $\frac{1}{2}$ acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$; 5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 4; 20 $\frac{3}{4}$ acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$; 6 $\frac{1}{2}$ acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$; 4 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 9; ✓ Tp. 36 S.R. 1 W.W.M. Jackson County, Oregon.

That the following named claimants have initiated rights of appropriation as of the year hereinafter set forth opposite their respective names which each of said claimants is entitled to complete and perfect within a reasonable time thereafter; and each of said appropriations shall be completely and entirely perfected before the first day of January, 1919, and the water appropriated completely applied to beneficial use as herein set forth prior to that date; and to the extent that said appropriations have not been completed and perfected prior thereto each of said claimants shall be deemed and considered to have waived, abandoned and forfeited any further right of appropriation thereunder by failure to complete the same with due diligence and within a reasonable time from the date of initiation thereof, and all rights of subsequent priority shall take precedence thereto and be deemed and considered prior in time and right thereto to the extent of such abandonment and forfeiture; a tabulated statement of the names of such claimants, the dates of initiation of their respective rights, and which shall constitute the priorities thereof to the extent the same shall have been perfected within the time here limited, the area of land which is to be irrigated and a description thereof, being as follows, to-wit:

*Time extended to
 Oct. 1, 1919 - See Board
 order Nov. 20, 1918, Record
 of proceedings, p. 301*

*Further extended to
 Oct. 1, 1921. Record of
 proceedings, p. 329.
 File ex. to Oct. 1, 1921
 p. 418
 Same ex. to Oct. 1, 1923
 p. 37*

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
Mrs. Olive R. Bell, Brownsboro, Ore. (Proof 1060, Vol. 15)	1908		10	Irrigation-	Browns- boro	Main	10 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5; Tp. 36 S.R. 1 E.W.M. Jackson County, Oregon.
Alvin Bieberstedt, Brownsboro, Ore. (Proof 1065, Vol. 15)	1908		31 $\frac{1}{2}$	Irrigation	Bieberstedt	Main	9 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$; 5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 5; Tp. 36 S.R. 1 E.W.M. 7 $\frac{1}{2}$ acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$; 10 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 31; Tp. 35 S.R. 1 E.W.M. Jackson County, Oregon.
Dr. Melvyn & Melina D. Briggs, Ashland, Ore. E. D. Briggs, Ashland, Ore. (Proof 1139, Vol. 15)	1908 1908		15 $\frac{1}{2}$	Irrigation	Browns- boro	Main	15 $\frac{1}{2}$ acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 4; Tp. 36 S.R. 1 E.W.M. Jackson County, Oregon.
Emil and Amelia Britt, Jacksonville, Or. (Proof 1062, Vol. 15)	1908		210	Irrigation domestic and stock	Young and Britt	Main	30 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$; 30 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$; 30 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$; 15 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$; 30 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$; 30 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 7; 30 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$; 15 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 8; Tp. 36 S.R. 1 W.W.M. Jackson County, Oregon.
George B. Brown, Brownsboro, Ore. (Proof 1063, Vol. 15)	1908		17.1	Irrigation domestic and stock	Henry Brown	Main	3.2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$; 0.2 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$; 11 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$; 5.7 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 3; Tp. 36 S.R. 1 E.W.M. Jackson County, Oregon.
Mrs. Kate W. Curt- enius, Kalamazoo, Mich. (Proof 1066, Vol. 15)	1900		40	Irrigation	Curtenius	Tributary springs on land	20 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 19; 20 acres in NE $\frac{1}{2}$ NE $\frac{1}{4}$; Sec. 30; Tp. 35 S.R. 2 E.W.M. Jackson County, Oregon.
Lemon C. Charley, Brownsboro, Ore. (Proof 1072, Vol. 15)	1908		46	Irrigation	L.C. Char- ley	Main	6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$; 17 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$; 19 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 4 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 14; Tp. 36 S.R. 1 E.W.M.
E. D. Colby, Brownsboro, Ore.	1908		15	Irrigation	Brownsboro	Main	10 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$; 5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 5; Tp. 36 S.R. 1 E.W.M. Jackson County, Oregon.
W. C. Daley, Lake Creek, Ore. (Proof 1078, Vol. 15)	1908		43	Irrigation	Daley-Cul- bertson and Chapman- Ceol	North and South forks	18 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$; 25 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 20; Tp. 36 S.R. 2 E.W.M. Jackson 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
Geo. W. Daley, Eagle Point, Ore. (Proof 1077, Vol. 15)	1908		3	Irrigation	Pumping Plant	Main	3 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 2; Tp. 36 S.R. 1 W.W.M. Jackson County, Oregon.
T. L. Farlow, Lake Creek, Ore. (Proof 1080, Vol. 15)	July 1 1907 <i>extended to 10/1/22</i>		28 $\frac{1}{2}$	Irrigation and stock	Farlow ditch	South Fork	13 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$; 5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$; 4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$; 4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$; 1 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 11; 1 $\frac{1}{2}$ acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 14; Tp. 37 S.R. 2 E.W.M. Jackson County, Oregon.
W. P. Farlow, Lake Creek, Ore. (proof 1081, Vol. 15)	1908 <i>extended to 10/1/22</i>		15	Irrigation	Moore and Farlow	South Fork	6 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 18; Tp. 37 S.R. 3 E.W.M. 9 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 13; Tp. 37 S.R. 2 E.W.M. Jackson County, Oregon.
George W. Frey, Lake Creek, Ore. (Proof 1083, Vol. 15)	1908		10	Irrigation	Frey	North Fork	10 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 32; Tp. 36 S.R. 3 E.W.M. Jackson County, Oregon.
J. J. Fryer, Eagle Point, Ore. (Proof 1084, Vol. 15)	1908 <i>extended to 10/1/22</i>		20	Irrigation	Fryer	Main	20 acres in Sec. 3; Tp. 36 S.R. 1 W.W.M. Jackson County, Oregon.
J. W. Grover, Eagle Point, Ore. (Proof 1085, Vol. 15)	1908		20	Irrigation	Fryer	Main	14 $\frac{1}{2}$ acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$; 5 $\frac{1}{2}$ acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 3; Tp. 36 S.R. 1 W.W.M. Jackson County, Oregon.
M. F. Hanley, Lake Creek, Ore. (Proof 1089, Vol. 15)	1908		440	Irrigation	Hanley and Slinger Ditch	Wasson Canyon	240 acres in SE $\frac{1}{4}$ and S $\frac{1}{2}$ NE $\frac{1}{4}$; Sec. 17; Tp. 36 S.R. 2 E.W.M. 200 acres in S $\frac{1}{2}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 20; Tp. 36 S.R. 2 E.W.M.
(Proof 1093, Vol. 15)	April 1907 <i>extended to Oct 1, 1922</i>		977 $\frac{1}{2}$	Irrigation	Hanley High Line	North Fork	20 $\frac{1}{2}$ acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$; 30 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$; 21 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$; 2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$; 4.6 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$; 14 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$; 1 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 26; 22 $\frac{1}{2}$ acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$; 33 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$; 39 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 29 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$; 35 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$; 35 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$; 31 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$; 12 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 27; 14 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$; 16 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$; 2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 22;

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
M. F. Hanley (continued)							160 acres in SW $\frac{1}{4}$; 40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$; 34 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 21; 80 acres in N $\frac{1}{2}$ NE $\frac{1}{4}$; 20 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 13 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$; 80 acres in N $\frac{1}{2}$ NW $\frac{1}{4}$; 37 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 28; 80 acres in E $\frac{1}{2}$ SE $\frac{1}{4}$; Sec. 20; 40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$; 20 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$; 10 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 29; All in Tp. 36 S.R. 2 E.W.M. Jackson County, Oregon.
Mrs. Myrtle Harris, 236 S. Oakdale Ave, Medford, Ore. (Proof 1094, Vol. 15)	1900		40	Irrigation	Harris	Tributary springs on land	40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 23; Tp. 35 S.R. 1 E.W.M. Jackson County, Oregon.
Louis J. Hessler, Brownsboro, Ore. (Proof 1096, Vol. 15)	1902		6	Irrigation	Klopham	Main	6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 10; Tp. 36 S.R. 1 E.W.M. Jackson County, Oregon.
Estate of Jas. A. Jonas, by Mrs. Rebecca H. Jonas, Eagle Point, Ore. (Proof 1100, Vol. 15)	1908		15	Irrigation	Fryer	Main	15 acres in N $\frac{1}{2}$ SE $\frac{1}{4}$; Sec. 3; Tp. 36 S.R. 1 W.W.M. Jackson County, Oregon.
Little Butte Irrigation Co., a corp. Eagle Point, Ore. (Proof 1103, Vol. 15)	1908		531 $\frac{1}{2}$	Irrigation	Little Butte Irrigation Company	Main	20 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$; 35 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$; 5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 31; Tp. 35 S.R. 1 E.W.M. 25 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 6; Tp. 36 S.R. 1 E.W.M. 30 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$; 20 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$; 15 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$; 26 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$; 23 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$; 37 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 36; Tp. 35 S.R. 1 W.W.M. 30 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$; 20 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$; 12 $\frac{1}{2}$ acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$; 3 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$; 7 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$; 5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$; 20 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 35; Tp. 36 S.R. 1 W.W.M. 10 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$; 30 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$; 15 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$; 10 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$; 20 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$; 6 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 34; Tp. 35 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
Little Butte Irrigation Co. (continued)							5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$; 5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$; 25 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$; 25 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$; 7 $\frac{1}{2}$ acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$; 5 $\frac{1}{2}$ acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$; 10 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$; 15 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 3; Tp. 36 S.R. 1 W.W.M. 4 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 1; Tp. 36 S.R. 1 W.W.M. Jackson County, Oregon.
<i>Jacob Menia, successor to</i> L. Niedermeyer, Medford, Ore. (Proof 1113, Vol. 15)	1908 <i>EXTENDED TO 10/1/22</i>		52	Irrigation	Niedermeyer	Main	40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 4; 12 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 3; Tp. 36 S.R. 1 E.W.M. Jackson County, Oregon.
J. M. Rader, Phoenix, Ore. (Proofs 1140-41, Vol. 15)	1908 <i>EXTENDED TO 10/1/22</i>		40	Irrigation	Rader ditches #1 and #2	Bybee Gulch Trib. of Lost Creek	30 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 10 acres in Lot 2; Sec. 1; Tp. 38 S.R. 2 E.W.M. Jackson County, Oregon.
<i>See Board order, record of proceedings, p. 459</i> J. L. Ragsdale, Lake Creek, Ore. (Proof 1122, Vol. 15)	1908		40	Irrigation	Randles and Ragsdale	South Fork	40 acres in E $\frac{1}{2}$ SW $\frac{1}{4}$ <i>7-NE SW</i> and N $\frac{1}{2}$ SE $\frac{1}{4}$; Sec. 3; <i>25-NW SE</i> Tp. 37 S.R. 2 E.W.M. <i>8-SW SE</i>
T. L. Farlow (Successor to J. W. Slinger) Lake Creek, Ore. (Proofs 1125-26, Vol. 15)	1908		163	Irrigation	Slinger and Lamb and Hanley Slinger ditches.	North Fork and Long Canyon	<i>W 1/2</i> 30 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$; 40 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$; 33 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 22; Tp. 36 S.R. 2 E.W.M. Jackson County, Oregon.
C. E. Terrill, Brownsboro, Ore. (Proof 1130, Vol. 15)	1908 <i>EXTENDED TO 10/1/22</i>		25	Irrigation	Henry Brown	Main	25 acres in S $\frac{1}{2}$ NE $\frac{1}{4}$; and N $\frac{1}{2}$ SE $\frac{1}{4}$; Sec. 10; Tp. 36 S.R. 1 E.W.M. Jackson County, Oregon.
R. E. Tucker, Brownsboro, Ore. (Proof 1133, Vol. 15)	1908 <i>EXTENDED TO 10/1/22</i>		43 $\frac{1}{2}$	Irrigation	Tucker	Main	15 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$; 25 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$; 3 $\frac{1}{2}$ acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 5; Tp. 36 S.R. 1 E.W.M. Jackson County, Oregon.
Edward Woodbury, Kalamazoo, Mich. (Proof 1138, Vol. 15)	1890		40	Irrigation	Woodbury	Springs tributary to stream	20 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$; - Sec. 15; 10 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$; 10 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 16; Tp. 35 S.R. 1 E.W.M. Jackson County, Oregon.
C. R. Moore, Lake Creek, Ore. (Proof 1110, Vol. 15)	1908		8	Irrigation	Moore	South Fork	8 acres in S $\frac{1}{2}$ NE $\frac{1}{4}$; Sec. 18; Tp. 37 S.R. 3 E.W.M. Jackson County, Oregon.

That the quantity of water to which the above named claimants shall be entitled, upon completion of the several rights of appropriation hereinbefore set forth to the satisfaction of the State Water Board, shall not exceed such amount as it shall appear to said Board shall be required for the beneficial purposes for which the appropriation was initiated, to be determined by said Board at the time when proof is made with said Board, or completion of said rights, or of the extent to which completed, and shall not exceed the rate of one-sixtieth of a cubic foot per second per acre, and such less amount per acre as the Board shall determine reasonably necessary for the irrigation of said lands, according to the proof taken in each case. The quantity of water in each case shall be determined upon the completion of the appropriation as hereinbefore provided by the area of land actually reclaimed and irrigated within the time limited, and the acreage for which a water right shall be deemed completed and perfected in each case shall include such lands only as found suitably and properly prepared for irrigation, and to which water has been actually applied for beneficial purposes in the production of crops within the time hereinbefore limited; and to the extent that the said lands shall not have been irrigated within the meaning of this provision, the rights of appropriation therefor hereinbefore mentioned shall be deemed to that extent to have been abandoned, and shall be disregarded and held for naught.

(4)

That nothing in this order of determination shall be construed or regarded as interfering with any existing contract between said Fish Lake Water Company or its successors in interest, and the City of Medford, a municipal corporation, concerning the sale or delivery to said city for purposes of municipal supply of any of the waters to which said company may be entitled by virtue of appropriation and storage of the waters of Fish Lake.

(5)

That the rights of the several claimants to the use of any of said waters for irrigation purposes is limited to the irrigation season commencing the first day of April and terminating the first day of October of each year; that the right to use any of said waters for municipal, domestic and stock purposes, or to develop power, shall continue throughout the year, in such amount as is reasonably necessary for such purposes, not exceeding the quantity herein limited.

(6)

That the quantity diverted for domestic and stock purposes shall not exceed one-fourth second foot for each claimant having less than one hundred

head of stock; and in excess of one hundred head of stock, each claimant having a right therefor shall be entitled to divert one-fortieth of one second foot for each hundred head of stock; but during the irrigation season as herein limited, the quantity diverted by each claimant for irrigation purposes in the amount to which he is entitled to divert the same, shall include the water to which he is entitled for stock and domestic purposes.

(7)

That the rights of appropriation of the several claimants, as herein determined, are and shall remain appurtenant to the lands of said claimants, as hereinbefore described, as provided by law.

(8)

That a system of rotation in the use of water among the several appropriators of small amounts of water in the same neighborhood, or through the same ditch, has been in use, more or less, upon said stream and its tributaries and adds greatly to the duty which said water may be made to perform, and that in the absence of an agreement between such appropriators arranging for such rotation and the manner in which such water shall be used in rotation, the water master of the district in which said stream and its tributaries may hereafter be situated shall arrange such appropriators in groups or systems of rotation, first giving the appropriator who is first in priority an amount of water equal to the combined appropriations of all the appropriators in said group or system for a length of time bearing the same ratio to the whole time required to make a complete rotation through the whole group of appropriators as the appropriation of the said first appropriator bears to the combined appropriations of said appropriators, and shall next serve the next appropriator in priority with a like amount of water for his proportionate time, and so on, until all the appropriators in said group are served; then the distribution of water shall be repeated in the same manner throughout the irrigation season; that in case of two or more appropriators in said group or system having the same priorities, then the said water master shall distribute the water as between those appropriators having the same priorities to the one whose ditch taps the stream nearest the source, first, and the next lower down, next, and so on; and in case of two or more appropriators having equal priorities and diverting water through the same ditch, the said water master shall distribute the water as between said appropriators to the one whose lands are first covered by said ditch and nearest the head thereof, first, and to the next lower down on said ditch, next, and so on; and where two or more

appropriators agree as between themselves as to a manner and system of rotation in the use of their water, the said water master shall distribute the water in accordance with such agreement; provided, always, that such arrangement into groups or systems or distribution under such agreement shall not interfere with the prior rights of any appropriator not a member of such group or system.

(9)

That by virtue of its appropriations hereinbefore referred to, the Fish Lake Water Company, and its successors in interest, the Rogue River Valley Canal Company, is entitled to complete and perfect its appropriations initiated by virtue of applications made to and permits issued by the State Engineer of Oregon, for the purposes and uses therein specified, and to furnish the City of Medford with water for municipal purposes, as alleged in its proof herein; but there is nothing in the record to determine the respective rights of said city of Medford and said company, and the relative rights of said parties depend upon their contractual relations, which are hereby expressly not made the subject of adjudication in these proceedings.

That said Rogue River Valley Canal Company, under the terms and conditions of its said applications and permits, and all others having permits from said State Engineer, whether issued prior to or subsequent to the initiation of these proceedings, are entitled to complete and perfect their appropriations of the waters of said stream, in accordance with the terms and conditions of said several permits; and to have their respective rights of appropriation relate back upon completion thereof to the dates of initiation thereof, and to take effect in their priority order. That said Fish Lake Water Company is entitled to store and impound the waters of Fish Lake, which are surplus or flood waters, consistently with the rights of prior appropriations of the waters of said Little Butte Creek, and to perfect and complete its appropriations for storage purposes, and to the extent completed shall be entitled to priority as by law provided.

(10)

That for storage purposes, the said Fish Lake Water Company, and its successor in interest, the Rogue River Valley Canal Company, is entitled to convey the waters of Four Mile Lake into said Fish Lake, so far as the claimants involved in these proceedings are concerned, and intermingle the stored waters in Fish and Four Miles Lakes, and is entitled to use the natural channel of said Little Butte Creek, to conduct the said stored waters down said natural channel, and to divert the same into its canal for distribution for irrigation and other beneficial purposes for which a right was initiated; and said stored waters,

lawfully impounded, should not be regarded as a part of the natural flow of said stream; but in the storage of said waters, and in conducting the same down said natural channel, no interference should be occasioned with prior appropriations of the natural flow of said Little Butte Creek, and its tributaries; subject to prior appropriations of the natural flow of said stream, said company should be entitled to divert and use said stored waters in the manner specified in its said applications and permits.

(11)

That the waters of said stream and the tributaries thereof shall be diverted under the rights of appropriation hereby confirmed in the order of the dates of relative priority of the respective rights of appropriation as hereinbefore set forth; and at all times when the waters of said stream or tributaries are not required by those parties having prior rights thereto, the same shall be at the disposal of and subject to use by those parties entitled to subsequent rights of appropriation, in the order of their priority rights; and the said parties shall at all times when practicable, rotate in the use of the water as hereinbefore provided; and at all times the waters diverted by those having a right to do so shall be beneficially, economically and reasonably used, without waste, and no rights of appropriation are hereby confirmed to divert a greater amount of water into the head of the ditch through which such water is diverted than the claimant is entitled to, measured by beneficial use, and in no event shall the amount so diverted exceed the amount set forth in the tabulated statement herein, except under a reasonable rotation system, as hereinbefore provided, or at such times as the waters so diverted shall not be needed and required by other appropriators.

(12)

The quantities of water in each case in the tabulated statement hereinbefore set forth shall be measured at the head of the ditch or point where the same leaves the natural stream, and includes necessary and reasonable seepage and evaporation losses in conducting the water from the natural stream to the place of use. In no case shall the quantity diverted and used exceed the quantity actually needed and required under reasonably economical methods of use, and in no event shall it exceed the quantity set forth in each case in the tabulated statement, excepting under a system of rotation, as hereinbefore provided for, or the use of the water alternately with other water users, and by periods of time rather than continuously. In which event and in case of such rotation, the water user so rotating for his proportionate part of the time shall be entitled to divert

and use such amount in excess of the quantity hereinbefore allowed him for continuous use as the rotation system or plan hereinbefore provided for shall permit. Rotation in the use of water shall at all times be subject to the control and direction of the water master of the district.

By order of the State Water Board of Oregon, made and entered at a regular meeting of said Board on the 12th day of April, 1916, in the office of said Board, in the State House, at Salem, Oregon.

STATE WATER BOARD OF OREGON

By

John N. Lewis
State Engineer, President.

James T. Chimock
Superintendent of Water Division No. 1.

Geo. T. Cochran
Superintendent of Water Division No. 2.

ATTEST:

M. F. Mers
Secretary.