

IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR KLAMATH COUNTY.

IN THE MATTER OF THE DETERMINATION OF
THE RELATIVE RIGHTS TO THE USE OF THE
WATERS OF LOST RIVER AND ITS TRIBUTARIES,
A TRIBUTARY OF TULE LAKE, IN KLAMATH
COUNTY, OREGON.

FINAL DECREE.

Now at this time, the above entitled matter coming on for hearing upon the findings of fact and order of determination of the State Water Board herein, and exceptions to said findings, and the Court having heretofore remanded the case for further testimony and determination by said Board, and supplemental findings and order of determination of said Board having been made and filed with the Court, and it appearing to the Court that the findings of the Board should in all respects be confirmed, and the Court being now fully advised in the premises, NOW, THEREFORE, based upon the testimony and evidence and the findings of fact and order of determination of the State Water Board herein, it is now hereby CONSIDERED, ORDERED, ADJUDGED, and DECREED that the relative rights to the use of the waters of Lost River and its tributaries are hereby adjudicated and determined as follows, to-wit:

I.

That Lost River is a natural watercourse rising in the State of California and flowing thence into and through the State of Oregon, and back into the State of California, into Tule Lake, of which it is a tributary, in said State of California, and that insofar as the waters of said Lost River are herein involved, and insofar as said Lost River is situate in the State of Oregon, the said stream is situated in the County of Klamath in said State; that these proceedings are intended to determine and adjudicate the relative rights of the various claimants to the waters of said Lost River insofar as said Lost River is situate within the State of Oregon.

II.

That during the irrigation season as hereinafter described, the rainfall within the area of land irrigated by said stream and in the vicinity thereof is insufficient for the profitable production of agricultural crops on the lands irrigated therefrom, and said lands are arid in character and become during the crop-growing period of each year dry and unproductive without artificial irrigation, and in order to render said lands productive and for the profitable growing of crops thereon, it is and always has been since the first use of water from said stream for irrigation purposes necessary to divert and use the waters of said stream for the irrigation of said lands susceptible of irrigation therefrom, and with such irrigation said lands

yield annually valuable crops of hay, natural grasses, grain and vegetables, and produce pasturage for livestock.

III.

That the following named claimants to the waters of Lost River and its tributaries are entitled to rights of appropriation as of the priority, to the extent, and for the uses and purposes set forth in the following tabulated statement, and their rights are determined and set forth accordingly in said tabulated statement; and each of the following named claimants is entitled to the issuance of a water right certificate in accordance therewith, determining, establishing and confirming their respective rights to the use of the waters of said stream, or the tributary thereof, as indicated opposite their respective names under the heading "Stream", as of the date of relative priority, in the amount of water in acre feet or cubic feet per second, for the irrigation of the number of acres, by means of the ditch or other method of irrigation, upon the hereinafter described lands, as such date, amount, number of acres, use, ditch or method of irrigation, and lands, are hereunder set forth or described in tabulated form opposite the name of the claimant entitled to the right thereby defined, to-wit:

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount in cubic feet per second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
<u>LOST RIVER.</u>							
2266 Barrows, T. A. Jr., Merrill, Oregon. (Proof 1. Vol.1)	1892	0.10 sec. ft.		Domestic and Stock	No ditch	Lost River	Lots 6 and 7 Sec. 11 Tp. 41 S. R. 10 E. W.M. Klamath County, Oregon.
2267 Bechdoldt, Frederick C. and Irene E. Bonanza, Oregon. (Proof 2. Vol.1)	1888	187.5 ac.ft.	75	Irrigation Domestic and Stock	Bechdoldt ditches and res- ervoir	Bechdoldt Gulch	8 ac in NW $\frac{1}{4}$ SW $\frac{1}{4}$.9 ac in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 13; 17 ac in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 21 ac in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 14 20 ac in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 24 Tp. 38 S.R. 11 E.W.M. Klamath County, Oregon.
2268 Beekman, Estate and Heirs of C. C. Jacksonville, Ore. (Proof 4. Vol.1)	1871	3506.3 ac.ft.	1322.5	Irrigation Domestic and Stock	Dams and Dykes	Lost River	36 ac in SE $\frac{1}{4}$ SE $\frac{1}{4}$; 28 ac in NE $\frac{1}{4}$ SE $\frac{1}{4}$; 30 ac in NW $\frac{1}{4}$ SE $\frac{1}{4}$; 37 $\frac{1}{2}$ ac in SW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 36 40 ac in NE $\frac{1}{4}$ NE $\frac{1}{4}$; 40 ac in NW $\frac{1}{4}$ NE $\frac{1}{4}$; 40 ac in SE $\frac{1}{4}$ NE $\frac{1}{4}$; 27 ac in SW $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 14 2 ac in SW $\frac{1}{4}$ SE $\frac{1}{4}$; 5 $\frac{1}{2}$ ac in SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 11 Tp. 40 S. R. 13 E. W. M. 160 ac in NE $\frac{1}{4}$; 160 ac in NW $\frac{1}{4}$; 160 ac in SW $\frac{1}{4}$; 80 ac in NE $\frac{1}{4}$ SE $\frac{1}{4}$; 40 ac in SW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 6 Tp. 41 S. R. 14 E. W. M. 35 ac in NW $\frac{1}{4}$ NE $\frac{1}{4}$; 23 $\frac{1}{2}$ ac in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 15 ac in NE $\frac{1}{4}$ NW $\frac{1}{4}$; 5 $\frac{1}{2}$ ac in NW $\frac{1}{4}$ NW $\frac{1}{4}$; 25 ac in SE $\frac{1}{4}$ NW $\frac{1}{4}$; 17 $\frac{1}{2}$ ac in SW $\frac{1}{4}$ NW $\frac{1}{4}$; 37 ac in NE $\frac{1}{4}$ SW $\frac{1}{4}$; 25 ac in NW $\frac{1}{4}$ SW $\frac{1}{4}$; 32 ac in SW $\frac{1}{4}$ SW $\frac{1}{4}$; 6 ac in SE $\frac{1}{4}$ SW $\frac{1}{4}$; 39 ac in NW $\frac{1}{4}$ SE $\frac{1}{4}$; 4 $\frac{1}{2}$ ac in SW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 31 16 ac in NE $\frac{1}{4}$ SW $\frac{1}{4}$; 3 ac in NW $\frac{1}{4}$ SW $\frac{1}{4}$; 27 ac in SE $\frac{1}{4}$ SW $\frac{1}{4}$; 27 $\frac{1}{2}$ ac in NW $\frac{1}{4}$ SE $\frac{1}{4}$; 9 ac in SW $\frac{1}{4}$ S Sec. 30 Tp. 40 S. R. 14 E. W. M. 19 ac in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 40 ac in NE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 1 20 ac in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 12 ac in SW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 12 Tp. 41 S.R. 13 E.W.M. Klamath County, Oregon.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount in Acres in Feet in Feet	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Bloomcamp, Ed. Bly, Oregon. (Proof 5, Vol.1)	1900	0.20 sec.ft.		Stock water	No ditches	Lost River	SE $\frac{1}{4}$ Sec. 30; Lot 1 Sec. 31; Tp. 39 S. R. 10 E. W. M. Klamath County, Oregon.
<i>Superseded by 32381/39364 C.R. Vol. 27, p. 14</i>							
Bord, Rex E. (Successor to Olene Livestock Company, a corporation) Olene, Oregon. (Proof 25, Vol.1)	1888	2.19 sec.ft.	175	Irrigation Domestic and Stock	Pumping plant	Lost River	10 ac in SW $\frac{1}{4}$ SE $\frac{1}{4}$; 11 ac in SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 2; 24 ac in NE $\frac{1}{4}$ NE $\frac{1}{4}$; 10 $\frac{1}{2}$ ac in NW $\frac{1}{4}$ NE $\frac{1}{4}$; 25 ac in SE $\frac{1}{4}$ NE $\frac{1}{4}$; 24 $\frac{1}{2}$ ac in NE $\frac{1}{4}$ SE $\frac{1}{4}$; 1 ac in SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 11
	1902	0.95 sec.ft.	76	<i>2.0 - Sp. Cr. Vol. 14, p. 27. Pl. of Use - change in pt. of div. and place of use - Sp. Cr. Vol. 8, p. 97</i>	<i>2.2 - Pl. of Use - Sp. Cr. Vol. 14, p. 27</i>	<i>* 16.9 * 10.5</i>	33 ac in SW $\frac{1}{4}$ NW $\frac{1}{4}$; 33 ac in NE $\frac{1}{4}$ SW $\frac{1}{4}$; 32 ac in NW $\frac{1}{4}$ SW $\frac{1}{4}$; 11 ac in SW $\frac{1}{4}$ SW $\frac{1}{4}$; 35 ac in SE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 12 Tp. 39 S.R. 10 E.W.M.
							<i>(See inchoate right - paragraph IV)</i>
Bowne, Francis J. Bonanza, Oregon. (Proof 6, Vol.1)	1902	9.27 sec.ft.	741.5	Irrigation Domestic and Stock	Pumping plant and Bowne Ditches	Lost River and tributary springs	23 ac in SE $\frac{1}{4}$ SE $\frac{1}{4}$; 25.5 ac in NW $\frac{1}{4}$ SW $\frac{1}{4}$; 38 ac in SW $\frac{1}{4}$ SW $\frac{1}{4}$; 13 ac in SE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 8; * 39 ^e - 39 ac in SW $\frac{1}{4}$ SW $\frac{1}{4}$; * 33 ^e - 37 ac in SE $\frac{1}{4}$ SW $\frac{1}{4}$; * 7 ^e - 20 ac in SW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 9 * 40 - 40 ac in NW $\frac{1}{4}$ NW $\frac{1}{4}$; * 40 - 40 ac in NE $\frac{1}{4}$ NW $\frac{1}{4}$; * 14 ^e - 20 ac in NW $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 16; 30 ac in NE $\frac{1}{4}$ NE $\frac{1}{4}$; 10 ac in SE $\frac{1}{4}$ NE $\frac{1}{4}$; 6 ac in NW $\frac{1}{4}$ NE $\frac{1}{4}$; 34 ac in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 29 ac in NE $\frac{1}{4}$ NW $\frac{1}{4}$; 28 ac in SE $\frac{1}{4}$ NW $\frac{1}{4}$; 34 ac in NW $\frac{1}{4}$ NW $\frac{1}{4}$; 5 ac in SW $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 17 20 ac in NE $\frac{1}{4}$ SE $\frac{1}{4}$; 35 ac in SE $\frac{1}{4}$ SE $\frac{1}{4}$; 26 ac in SW $\frac{1}{4}$ SE $\frac{1}{4}$; 10 ac in SE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 7 17 ac in NE $\frac{1}{4}$ NE $\frac{1}{4}$; 38 ac in NW $\frac{1}{4}$ NE $\frac{1}{4}$; 39 ac in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 39 ac in NE $\frac{1}{4}$ SE $\frac{1}{4}$; 30 ac in SE $\frac{1}{4}$ SE $\frac{1}{4}$; 10 ac in NW $\frac{1}{4}$ SE $\frac{1}{4}$; 6 ac in SE $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 18; Tp. 39 S.R. 11 E.W.M. Klamath County, Oregon.
<i>43600</i>							<i>(See inchoate right - paragraph IV)</i>
<i>Pt. of div. changed for part of these lands - Sp. Cr. Vol. 7, p. 438</i>							
				<i>* Pt. of div. changed for 174.5 acres - Sp. Cr. Vol 26, P. 447</i>			
Buesing, Fred Klamath Falls, Or. (Proof 7. Vol.1)	1900	0.25 sec.ft.		Stock and Domestic	No ditch	Lost River	30 ac from north side of Lot 2, Sec. 34 Tp. 40 S. R. 10 E.W.M. Klamath County, Oregon.
Bunnell, Estate of A. F. R. H. Bunnell, Admr. Klamath Falls, Or. (Proof 8. Vol.1)	1902	0.50 sec.ft.		Domestic and Stock	No ditch	Lost River	E $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{2}$ SE $\frac{1}{4}$; Sec. 20; W $\frac{1}{2}$ SW $\frac{1}{4}$ and Lots 2 and 3, Sec. 21, Lot 1, Sec. 28 Tp. 40 S.R. 10 E.W.M. Klamath County, Oregon.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount of Water in sec. ft.	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
C. A. Bunting Klamath Falls, Oregon. (Proof 9, Vol.1)	1900	0.25 sec. ft.		Domestic and Stock	No ditch	Lost River	Lot 6 Sec. 34; Lot 2 Sec. 35; Tp. 40 S. R. 10 E. W. M. Klamath County, Oregon.
Bunting, Mrs. M. Veneta. Klamath Falls, Oregon. (Proof 10, Vol.1)	1902	0.25 sec. ft.		Domestic and Stock	No ditch	Lost River	Lot 7; Sec. 34 Tp. 40 S. R. 10 E. W. M., Klamath County, Oregon.
Deal, George Langell Valley, Oregon. (Proof 11, Vol.1)	1873	335 ac. ft.	154	Irrigation Domestic and Stock	Dams and Dykes	Lost River	40 ac in SE $\frac{1}{4}$ NE $\frac{1}{4}$; 40 ac in NE $\frac{1}{4}$ SE $\frac{1}{4}$; 18 ac in NW $\frac{1}{4}$ SE $\frac{1}{4}$; S $\frac{1}{2}$ Sec. 12. Tp. 41 S. R. 13 E. W. M. 36 ac in NW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 7 Tp. 41 S. R. 14 E. W. M. Klamath County, Oregon.
DuFault, Edward H. Klamath Falls, Oregon. (Proof 12, Vol.1)	1873	445 ac. ft. during flood season	178	Irrigation and Stock	No ditch	Lost River flood waters	10 ac in NE $\frac{1}{4}$ SE $\frac{1}{4}$; 23 ac in SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 10 34 $\frac{1}{2}$ ac in SW $\frac{1}{4}$ SW $\frac{1}{4}$; 9 $\frac{1}{2}$ ac in SE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 11; 40 ac in NE $\frac{1}{4}$ NW $\frac{1}{4}$; 40 ac in NW $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 14 21 ac in NE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 15 Tp. 40 S. R. 13 E. W. M.
(Proof 13, Vol.1)	1873	64 ac. ft. from Jan. 1 to Apr. 15	64	Irrigation	Dams	Miller Creek	30 ac in NW $\frac{1}{4}$ SE $\frac{1}{4}$; 34 ac in NE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 11 Tp. 40 S. R. 13 E. W. M., Klamath County, Oregon.
(This right is subject and subordinate to the rights of other claimants to the waters of Miller Creek herein determined to have rights thereto)							
Horn, D. G. Bonanza, Ore. (Proof 14, Vol.1)	1864	742.5 ac. ft.	297	Irrigation Domestic and Stock	Dams in natural channel	Lost River	80 ac in E $\frac{1}{2}$ NW $\frac{1}{4}$; 37 ac in SW $\frac{1}{4}$ NW $\frac{1}{4}$; 80 ac in E $\frac{1}{2}$ SW $\frac{1}{4}$; 40 ac in SW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 7; 20 ac in NE $\frac{1}{4}$ NW $\frac{1}{4}$; 40 ac in NW $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 18 Tp. 41 S. R. 14 E. W. M. Klamath County, Oregon.
Horsefly Irrigation District, a cor- poration. F. J. Bowne, Secy. Bonanza, Oregon. (Proof 15, Vol.1)	Jan. 5 1912 App. No. 1972 Permit No. 1206		19780	Irrigation Domestic and Stock		Miller Creek	Lands described in Application No. 1972, Permit No. 1306, Records of State Engineer of Oregon; right to be completed according to terms of permit.

Name and Postoffice Address of Proprietor	Date of Relative Priority	Amount in Acres ac.ft.	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Horton, Charles Olene, Oregon. (Proof 16, Vol.1)	1885	652.5 ac.ft.	261	Irrigation Domestic and Stock	Horton or Mastin	Lost River	24 ac in SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 21 6 ac in SW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 22; 12 ac in NE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 28; 3 ac in NE $\frac{1}{4}$ NW $\frac{1}{4}$; 37 ac in NW $\frac{1}{4}$ NW $\frac{1}{4}$; 8 ac in SW $\frac{1}{4}$ NW $\frac{1}{4}$; 16 ac in SE $\frac{1}{4}$ NW $\frac{1}{4}$; 3 ac in NE $\frac{1}{4}$ SW $\frac{1}{4}$; 6 ac in NE $\frac{1}{4}$ SE $\frac{1}{4}$; 14 ac in NW $\frac{1}{4}$ SE $\frac{1}{4}$; 8 ac in SW $\frac{1}{4}$ SE $\frac{1}{4}$; 17 ac in SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 27 13 ac in SW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 26; (Sub-irrigated lands) 11 ac in NE $\frac{1}{4}$ NE $\frac{1}{4}$; 11 ac in NW $\frac{1}{4}$ NE $\frac{1}{4}$; 19 ac in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 19 ac in SE $\frac{1}{4}$ NE $\frac{1}{4}$; 4 ac in SE $\frac{1}{4}$ NW $\frac{1}{4}$; 13 ac in NE $\frac{1}{4}$ SE $\frac{1}{4}$; 15 ac in NW $\frac{1}{4}$ SE $\frac{1}{4}$; 2 ac in SW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 35 Tp. 39 S. R. 11 $\frac{1}{2}$ E. W. M. Klamath County, Oregon.
Keller, Alfred and G. P., Bonanza, Oregon. (Proof 17, Vol.1)	Jan. 1911 Appl.No. 1070; Permit No. 505.			Irrigation	Keller	Lost River	Lands described in Application No. 1070 (Permit No. 505) Records of State Engineer of Oregon.
Kilgore, Estate of S. W., By W. A. Duncan, Administrator. Lorella, Cre. (Proof 18, Vol.1)	1870	727.5 ac.ft.	291	Irrigation Domestic and Stock	Dams in Lost River and Kilgore Springs and Ditches from Springs	Lost River and Kilgore Springs	160 ac. in NE $\frac{1}{4}$; 36 ac in NE $\frac{1}{4}$ SE $\frac{1}{4}$; 27 ac in NW $\frac{1}{4}$ SE $\frac{1}{4}$; 8 ac in SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 7 38 ac in NW $\frac{1}{4}$ NW $\frac{1}{4}$; 16 ac in SW $\frac{1}{4}$ NW $\frac{1}{4}$; 6 ac in NW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 8 Tp. 41 S.R. 14 E.W.M. Klamath County, Oregon.
Mark, Albert Olene, Oregon. (Proof 19, Vol.1)	1872	0.20 sec.ft		Stock and Domestic	No ditch	Lost River	NW $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 34 SW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 27 E $\frac{1}{2}$ SE $\frac{1}{4}$; and Lot 3 Sec. 28 Tp. 39 S.R. 11 $\frac{1}{2}$ E.W.M. Klamath County, Oregon.
McDonald, Alex Klamath Falls, Oregon. (Proof 20, Vol.1)	Sept. 21 1874	230 ac.ft.	92	Irrigation Domestic and Stock	Dam	Lost River	39 ac in NE $\frac{1}{4}$ NE $\frac{1}{4}$; 40 ac in NW $\frac{1}{4}$ NE $\frac{1}{4}$; 13 ac in NE $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 1 Tp. 41 S.R. 13 E.W.M. Klamath County, Oregon.

LOST RIVER.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount in feet in feet	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
McDonald, George Klamath Falls, Oregon. (Proof 21, Vol.1)	1872	320 ac.ft.	128	Irrigation Domestic and Stock	Dam	Lost River	17 ac in SE $\frac{1}{4}$ SW $\frac{1}{4}$; 35 ac in NW $\frac{1}{4}$ SE $\frac{1}{4}$; 36 ac in SW $\frac{1}{4}$ SE $\frac{1}{4}$; 40 ac in SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 1; Tp. 41 S.R. 13 E.W.M. Klamath County, Oregon.
	1874	277.5 ac.ft.	111	Irrigation Domestic and Stock	Dam	Lost River	40 ac in NE $\frac{1}{4}$ NE $\frac{1}{4}$; 32 ac in NW $\frac{1}{4}$ NE $\frac{1}{4}$; 2 ac in NE $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 12 Tp. 41 S. R. 13 E. W. M. 37 ac in NW $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 7 Tp. 41 S.R. 14 E.W.M., Klamath County, Oregon.
McDonald, M. E. Klamath Falls, Oregon. (Proof 22, Vol.1)	1883	0.50 sec.ft.		Domestic and Stock	McDonald	Langell Branch from Palston Spring in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 27 Tp. 40 S., R. 13 E., W.M.	S $\frac{1}{2}$ SE $\frac{1}{4}$: Sec. 26 N $\frac{1}{2}$ NE $\frac{1}{4}$: Sec. 35 Tp. 40 S.R. 13 E.W.M. Klamath County, Oregon.
Merrill, W. S. Merrill, Oregon. (Proof 23, Vol.1)	1890	0.10 sec.ft.		Domestic and Stock	No ditch	Lost River	S $\frac{1}{2}$ Lot 3 (S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) Lot 2 (NW $\frac{1}{4}$ SW $\frac{1}{4}$) Lot 1 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) Sec. 2 Tp. 41 S. R. 10 E. W. M., Klamath County, Oregon.
Merrill, P. R. Merrill, Oregon. (Proof 24, Vol.1)	1892	0.10 sec.ft.		Domestic and Stock	No Ditch	Lost River	N $\frac{1}{2}$ Lot 3 (N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) Sec. 2; Tp. 41 S. R. 10 E.W.M. Klamath County, Oregon.
Pfannstiehl, Eliza Madison, Yolo County, Calif. (Proof 26, Vol.1)	1885	147.5 ac.ft.	59	Irrigation Domestic and Stock	Dam	Lost River	12 ac. in SW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 35; Tp. 39 S.R. 11 $\frac{1}{2}$ E. W. M. 13 $\frac{1}{2}$ ac in Lot 1; 10 ac in Lot 8; Sec. 3 16 $\frac{1}{2}$ ac in Lot 5; 7 ac in Lot 12; Sec. 2; Tp. 40 S. R. 11 E. W. M. Klamath County, Oregon.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount in ac.ft.	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
E. E. Ralston 1310 Palm St., San Diego, Calif. (Proof 27. Vol.1)	1882	1970 ac.ft.	768	Irrigation Domestic and Stock	No ditches overflow water	Lost River	39 ac in NE $\frac{1}{4}$ NE $\frac{1}{4}$; 21 ac in NW $\frac{1}{4}$ NE $\frac{1}{4}$; 22 ac in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 10 ac in SE $\frac{1}{4}$ NE $\frac{1}{4}$; 26 ac in SE $\frac{1}{4}$ NW $\frac{1}{4}$; 13 ac in NE $\frac{1}{4}$ SE $\frac{1}{4}$; 38 ac in NW $\frac{1}{4}$ SE $\frac{1}{4}$; 22 ac in SW $\frac{1}{4}$ SE $\frac{1}{4}$; 28 ac in SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 25; 10 ac in NW $\frac{1}{4}$ NE $\frac{1}{4}$; 5 ac in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 21 ac in NE $\frac{1}{4}$ NW $\frac{1}{4}$; 2 ac in NW $\frac{1}{4}$ NW $\frac{1}{4}$; 32 ac in SE $\frac{1}{4}$ NW $\frac{1}{4}$; 25 ac in NE $\frac{1}{4}$ SW $\frac{1}{4}$; 36 ac in NE $\frac{1}{4}$ SE $\frac{1}{4}$; 10 ac in NW $\frac{1}{4}$ SE $\frac{1}{4}$; 34 ac in SW $\frac{1}{4}$ SE $\frac{1}{4}$; 40 ac in SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 24; 39 ac in SW $\frac{1}{4}$ NW $\frac{1}{4}$; 31 ac in NE $\frac{1}{4}$ SW $\frac{1}{4}$; 38 ac in NW $\frac{1}{4}$ SW $\frac{1}{4}$; 16 ac in SW $\frac{1}{4}$ SW $\frac{1}{4}$; 32 ac in SE $\frac{1}{4}$ SW $\frac{1}{4}$; 23 ac in SW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 18; Tp. 40 S. R. 13 E. W. M. 40 ac in SW $\frac{1}{4}$ SW $\frac{1}{4}$; 19 ac in SE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 19; 39 ac in NE $\frac{1}{4}$ NW $\frac{1}{4}$; 39 ac in NW $\frac{1}{4}$ NW $\frac{1}{4}$; 22 ac in SW $\frac{1}{4}$ NW $\frac{1}{4}$; 16 ac in SE $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 30 Tp. 40 S.R. 14 E.W.M.
	1900	467.5 ac.ft.	183	Irrigation Domestic and Stock	No ditch overflow water	Lost River	32 ac in NE $\frac{1}{4}$ NE $\frac{1}{4}$; 15 ac in NW $\frac{1}{4}$ NE $\frac{1}{4}$; 19 ac in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 20 ac in SE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 36 Tp. 40 S. R. 13 E. W. M. 12 ac in NE $\frac{1}{4}$ NE $\frac{1}{4}$; 40 ac in NW $\frac{1}{4}$ NE $\frac{1}{4}$; 38 ac in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 7 ac in SE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 30 Tp. 40 S. R. 14 E. W. M.
	1900						
	1882	47.5 ac.ft.	19	Irrigation Domestic and Stock		Ralston Springs	7 ac in NE $\frac{1}{4}$ SW $\frac{1}{4}$; 12 ac in NW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 26 Tp. 40 S. R. 13 E. W. M. Klamath County, Oregon.
Roberts, E. W. Box 37 Bonanza, Oregon. (Proof 23. Vol.1)	1897	505 ac.ft.	202	Irrigation Domestic and Stock	Dam	Lost River	23 ac in NE $\frac{1}{4}$ NW $\frac{1}{4}$; 37 ac in NW $\frac{1}{4}$ NW $\frac{1}{4}$; 40 ac in SW $\frac{1}{4}$ NW $\frac{1}{4}$; 21 ac in SE $\frac{1}{4}$ NW $\frac{1}{4}$; 11 ac in NE $\frac{1}{4}$ SW $\frac{1}{4}$; 19 ac in NW $\frac{1}{4}$ SW $\frac{1}{4}$; 3 ac in SW $\frac{1}{4}$ SW $\frac{1}{4}$; 6 ac in SE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 26 12 ac in NE $\frac{1}{4}$ NE $\frac{1}{4}$ (Lot 6) 20 ac in SE $\frac{1}{4}$ NE $\frac{1}{4}$; 10 ac in SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 35 Tp. 29 S.R. 11 $\frac{1}{2}$ E.W.M. Klamath County, Oregon.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount in cubic feet per second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
1290 Rueck, Jacob Yonna, Oregon. (Proof 29, Vol.1)	1901	25 ac.ft.	10	Irrigation Domestic and Stock	Overflow water	Buck Creek	4 ac in NE $\frac{1}{4}$ NE $\frac{1}{4}$; 6 ac in SE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 24; Tp. 38 S.R. 11 $\frac{1}{2}$ E.W.M. Klamath County, Oregon.
1291 Short, J. E. Olene, Oregon. (Proof 30, Vol.1)	1902	0.10 sec.ft.		Domestic and Stock	No ditch	Lost River	Lots 7 and 8 Sec. 19 NW $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 29 N $\frac{1}{2}$ NE $\frac{1}{4}$; Sec. 30 Tp. 39 S.R. 11 $\frac{1}{2}$ E. W. M. Klamath County, Oregon.
1292 Stewart, Tassej Milton, Oregon. (Proof 31, Vol.1)	1890	0.50 sec.ft.		Stock and Domestic	No ditch	Lost River	E $\frac{1}{2}$ SW $\frac{1}{4}$; S $\frac{1}{2}$ SE $\frac{1}{4}$; Sec. 20 SW $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$; Sec. 21 NW $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 28 Tp. 39 S. R. 11 $\frac{1}{2}$ E.W.M. Klamath County, Oregon.
1293 Swingle, Charles J. Lorella, Oregon. (Proof 32, Vol.1)	1882	425 ac.ft.	170	Irrigation Domestic and Stock	Dams and Dykes	Miller Creek	40 ac in Lot 2 20 ac in SE $\frac{1}{4}$ NW $\frac{1}{4}$; 35 ac in Lot 3; Sec. 7 Tp. 40 S.R. 14 E.W.M. 40 ac in SE $\frac{1}{4}$ NE $\frac{1}{4}$; 35 ac in NE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 12; Tp. 40 S.R. 13 E.W.M. Klamath County, Oregon.
(Proof 33, Vol.1)	1870	42.5 ac.ft.	17	Irrigation Domestic and Stock	Dams	Oliver Swingle springs tributary to Lost River	A right to supplement the above right on the fol- lowing lands: 17 ac in NE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 12; Tp. 40 S.R. 13 E.W.M. Klamath County, Oregon.
1294 Swingle, Charles J. and Orpha F., Lorella, Oregon. and Oka Swingle Zimmerman, Yamhill, Oregon. (Proof 34, Vol.1)	1895	455 ac.ft.	182	Irrigation Domestic and Stock Storage of 60. ac.ft.	Swingle ditch and Res- ervoir	Miller Creek	13 ac in NE $\frac{1}{4}$ NE $\frac{1}{4}$; 40 ac in NW $\frac{1}{4}$ NE $\frac{1}{4}$; 27 ac in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 36 ac in NE $\frac{1}{4}$ NW $\frac{1}{4}$; 22 ac in NW $\frac{1}{4}$ NW $\frac{1}{4}$; 40 ac in SE $\frac{1}{4}$ NW $\frac{1}{4}$; 4 ac in NW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 15; Reservoir in NE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 17 Tp. 40 S.R. 13 E.W.M. Klamath County, Oregon.

LOST RIVER.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount CORRECT PROPOSED	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Swingle, Frank D. Ashland, Oregon. (Proof 35, Vol.1)	1882	451.3 ac.ft.	180 $\frac{1}{2}$	Irrigation Domestic and Stock	Dams	Miller Creek	40 ac in NW $\frac{1}{4}$ SE $\frac{1}{4}$; 40 ac in SW $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 12; Tp. 40 S.R. 13 E.W.M. 40 ac in NE $\frac{1}{4}$ SW $\frac{1}{4}$; 25 ac in SE $\frac{1}{4}$ SW $\frac{1}{4}$; 15 ac in NW $\frac{1}{4}$ SE $\frac{1}{4}$; 20 $\frac{1}{2}$ ac in SW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 7 Tp. 40 S.R. 14 E.W.M. Klamath County, Oregon.
Taylor, W. T. Klamath Falls, Oregon. (Proof 36, Vol.1)	1896	0.25 sec.ft.		Domestic and Stock	No ditch	Lost River and Springs on claim- ants land	SE $\frac{1}{4}$ SW $\frac{1}{4}$ and Part of Lot 9 (NE $\frac{1}{4}$ SW $\frac{1}{4}$) Sec. 19 Tp. 39 S. R. 11 $\frac{1}{2}$ E. W.M. Klamath County, Oregon.
United States of America. (Pg. 157, Vol.1)	May 1901	3 sec.ft. 5 sec.ft.	240	Irrigation and Domestic Water Wheel		Lost River	17 ac in Lot 11; 6 ac in Lot 10; 26 ac in Lot 9; 36 ac in SE $\frac{1}{4}$ NE $\frac{1}{4}$; 40 ac in NE $\frac{1}{4}$ SE $\frac{1}{4}$; 33 ac in NW $\frac{1}{4}$ SE $\frac{1}{4}$; 28 ac in SW $\frac{1}{4}$ SE $\frac{1}{4}$; 36 ac in SE $\frac{1}{4}$ SE $\frac{1}{4}$; 18 ac in Lot 7 Sec. 31; Tp. 39 S.R. 10 E.W.M. Klamath County, Oregon.
Wight, James G. Hildebrand, Ore. (Proof 37, Vol.1)	1887	32.5 ac.ft.	13	Irrigation Domestic and Stock	J. G. Wight ditch	Buck Creek	3 ac in NE $\frac{1}{4}$ NE $\frac{1}{4}$; 2 ac in NW $\frac{1}{4}$ NE $\frac{1}{4}$; 4 ac in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 4 ac in SE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 25; Tp. 37 S.R. 11 $\frac{1}{2}$ E.W.M. Klamath County, Oregon.
			Cancelled-sp. or Rec. Vol. <u>15</u> P. <u>25</u>				
Wight, William Dairy, Oregon. (Proof 38, Vol.1)	1898	250 ac.ft.	100	Irrigation Domestic and Stock	William Wight-	Buck Creek	18 ac in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 29 ac in SE $\frac{1}{4}$ NE $\frac{1}{4}$; 36 ac in NE $\frac{1}{4}$ SE $\frac{1}{4}$; 12 ac in NW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 23; 5 ac in NE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 26; Tp. 38 S.R. 11 $\frac{1}{2}$ E.W.M. Klamath County, Oregon.
Wilkerson, Thomas Lorella, Oregon. (Proof 39, Vol.1)	1887	140 ac.ft.	56	Irrigation Domestic and Stock	Dams	Miller Creek and Springs tributary to Miller Creek.	36 ac in NW $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 7 20 ac in SW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 6 Tp. 40 S. R. 14 E. W. M., Klamath County, Oregon.

LOST RIVER.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount per second per second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
126 Wilson, Jeff Klamath Falls, Oregon. (Proof 40, Vol.1)	June 28 1886	217.5 ac.ft.	87	Irrigation Domestic and Stock	Dam	Lost River	7 ac in SW $\frac{1}{4}$ NW $\frac{1}{4}$; 40 ac in SE $\frac{1}{4}$ NW $\frac{1}{4}$; 40 ac in NE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 1 Tp. 41 S.R. 13 E.W.M. Klamath County, Oregon.
136 Zlabek, Ferdinand Merrill, Ore. (Proof 41, Vol.1)	1900	0.25 sec.ft.		Domestic and Stock	No ditch	Lost River	SE $\frac{1}{4}$ SW $\frac{1}{4}$ and Lot 1 Sec. 35 Lot 5; Sec. 34 Tp. 40 S.R. 10 E.W.M. Klamath County, Oregon.

IV.

That Frances J. Bowne and Rex E. Bord initiated rights of appropriation prior to the year 1909, and since such initiation have been in good faith diligently prosecuting the work of construction, reclamation and irrigation of the lands originally contemplated by them to be irrigated. That said Frances J. Bowne and Rex E. Bord are each of them entitled to a reasonable time after the entry of this decree to complete and perfect their respective appropriations; that said claimants shall each respectively, complete their said appropriations within a period of three years from the date of this decree, or within such further time as the State Water Board shall allow, for good cause shown; that to the extent said appropriations are completed within said time, the said rights shall relate back to the dates of priority set forth opposite the names of said claimants in the tabulated statement herein, to-wit: In the case of Frances J. Bowne, the year 1902 and in the case of Rex E. Bord, to the year 1902.

That in accordance with the findings herein, said Frances J. Bowne is entitled to reclaim and bring under irrigation within the time herein limited, the following described lands, and to the extent irrigated and reclaimed within said time, shall be entitled to a right of appropriation as of said date 1902, to-wit:

1.8 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$;	38 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$;
.2 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$;	38 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$;
31 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$;	29 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$;
13 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$;	Sec. 7;
1 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$;	21 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$;
31 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$;	39 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 8;	9 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$;
39 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$;	27 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$;
39 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$;	37 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$;
2 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$;	38 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$;
26 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$;	32 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$;
7.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$;	10 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 9;	25 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$;
36 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$;	58 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$;
5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$;	14 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 16;	10 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$;
20 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$;	Sec. 18;
10 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$;	
5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$;	
34 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$;	Total 779.5 acres
10 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$;	
36 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$;	All in Township 39 South, Range 11
17 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$;	East of Willamette Meridian, in
Sec. 17;	Klamath County, Oregon.

That said Rex E. Bord is entitled to reclaim and bring under irrigation the following described lands, and to the extent the same are reclaimed and irrigated within the time herein limited, said Rex E. Bord shall be entitled to a right of appropriation as of said date 1902, to-wit:

Approximately 80 acres of land in the SW¹/₄SE¹/₄ Of Sec. 2, and in the NE¹/₄ of Sec. 11; all in Township 39 South, Range 10 East of Willamette Meridian, in Klamath County, Oregon.

That the irrigation and reclamation of said above described lands by each of said claimants shall be completed within three years from the date of this decree, or such further time as the State Water Board shall, for good cause shown, allow; that said rights shall be determined to have priority for a quantity of water at the date hereinbefore provided to the extent of the lands actually reclaimed and irrigated within said time, and not otherwise; and to the extent said lands or any portion thereof are not irrigated or reclaimed within the time herein limited or such further time as the Board shall allow, said rights of appropriation shall be deemed abandoned.

That upon the expiration of the time so limited herein, the State Water Board shall take proof of the extent to which said respective appropriations have been completed, and shall determine the extent thereof, and such supplemental decree or decrees shall be entered with respect to the same as may be necessary, and upon final determination thereof, said Board shall issue water right certificates in accordance with their said determination, confirming and establishing said rights of appropriation to the extent the same shall have been completed and perfected within the time herein limited.

That the United States, having heretofore initiated rights of appropriation of the waters herein involved, is entitled to complete and perfect the same, and to have its several rights relate back to the dates hereinafter set forth. And upon the complete application of the waters covered by said appropriations to any part of the lands hereinafter described, and upon satisfactory proof of such reclamation being submitted to the State Water Board, final water right certificates shall be issued to the United States or to any one whom it may designate for the whole or any part of such land which shall have been so reclaimed. The rights of the United States are hereby recognized to the extent the water may be beneficially used on the lands reclaimed and for such other uses and purposes as may be incidental to the reclamation thereof; and the use of water for irrigation shall not exceed one-eightieth of one cubic foot per second for each and every acre reclaimed.

The maximum amount of the rights so recognized, the priority dates of the same, the name of the stream, and the description of the land, being as hereinafter set forth, to-wit:

(1) From Miller Creek, with a priority date of March 8, 1905 for irrigation and storage in the Horsefly Reservoir with a capacity of 75,000 ac. ft. located in Sections 35 and 36, Tp. 38 S. R. 13 E., Sections 29, 30, 31, 32, Tp. 38 S. R. 14 E., Sections 1, 2, 10 and 13, Tp. 39 S. R. 13 E., Sections 5, 6, 7, 8, 17, 18, 19, 20, 16, 21, 22, Tp. 39 S. R. 14 E., 1,000 cubic feet per second, for the irrigation of 21,000 acres of land in the so-called Bonanza Sub-project, located in the following sections; Sections 7, 18, 19, 30, 31 and 32, Tp. 38 S. R. 11 E. W. M., Sections 10, 11, 12, 13, 14, 15, 23, 24, 25, 26, 35 and 36, Tp. 38 S. R. 11½ E. W. M., Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, Tp. 39 S. R. 11½ E. W. M., Sections 1 and 12, Tp. 39 S. R. 11½ E. W. M., Sections 7, 8, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 30, 32, 33, 34, 35, and 36, Tp. 39 S. R. 12 E. W. M., Sections 1, 2, 3, 4, 10, 11, 13, Tp. 40 S. R. 13 E. W. M., Sections 6, 7, 8, Tp. 40 S. R. 14 E. W. M.,

(2) From the waters of Lost River and its tributaries, stored in Clear Lake Reservoir, with a priority date of December 19, 1904, 162.5 cubic feet per second, for the irrigation of 13,000 acres in the so-called Modoc Unit in the State of Oregon, located in the following sections: Sections 28, 29, 32, 33, 34, 35, 36, Tp. 40 S., R. 11 E. W. M., Sections 28, 29, 30, 31, 32, 33, 34, 35, Tp. 40 S. R. 12 E. W. M., Sections 1, 2, 3, 4, 5, Tp. 41 S. R. 11 E. W. M., Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 23, 24, Tp. 41 S. R. 12 E. W. M., Sections 7, 18, 19, Tp. 41 S. R. 13 E. W. M.

(3) From Lost River and its tributaries with a priority date of May 19, 1905, and from Clear Lake Reservoir with a priority date of December 19, 1904, 25 cubic feet per second by means of the Griffith Lateral, for the irrigation of 2,000 acres in the so-called Second Unit of the Klamath Project, located in the following sections: Sections 29, 31 and 32, Tp. 39 S. R. 10 E. M. M., Sections 5, 6, 7, 8, 16, 17, 20, 21, 22, 26, 27, and 28, Tp. 40 S. R. 10 E. W. M.

(4) From Lost River and its tributaries, with a priority date of May 17, 1905, and from Clear Lake Reservoir with a priority date of December 19, 1904, 25 cubic feet per second, for the irrigation of 2,000 acres of land in the bed of Tule Lake in the State of Oregon, located in the following sections: Sections 13, 14, 15, and 16, Tp. 41 S. R. 11 E. W. M., Sections 19, 20 and 21, Tp. 41 S. R. 12 E. W. M.,

(5) From the waters of Lost River and its tributaries with a priority date of May 17, 1905 and from Clear Lake Reservoir, with a priority date of December 19, 1904, 162.5 cubic feet per second, for the irrigation of 13,000 acres of land in the so-called Modoc Unit in California. (The water to be diverted in the State of Oregon).

(6) From Lost River and its tributaries, with a priority date of May 17, 1905, and from Clear Lake Reservoir, with a priority date of December 19, 1904, 137.5 cubic feet per second, for the irrigation of 15,000 acres in the bed of Tule Lake in Modoc and Siskiyou Counties, California. (the water to be diverted in the State of Oregon).

The right of the United States to store the water of Lost River and its tributaries in Clear Lake in Modoc County, California, to the extent of the capacity of said Clear Lake Reservoir, subject to all prior rights to the use of the waters of Lost River and its tributaries, is hereby recognized.

VI.

That the waters of said stream shall be diverted under the rights of priority hereby confirmed, in the order thereof, according to the priority dates of the several rights, and at all times when those having prior rights shall not require the use of the quantities of water herein allowed them, or any part thereof, such water shall be at the disposal and subject to the use of those claimants having subsequent rights, in their priority order; and for the purpose of carrying into effect this principle, rotation in the use of water shall be required when necessary to secure a more economical and equitable distribution as among the several claimants; that where rotation is practicable among claimants utilizing the flow of the stream through ditches, a water master shall have authority to provide for a rotation in the following manner:

Such Water Master shall arrange the water users in groups or systems of rotation, first giving to the user who is first in priority an amount of water equal to the combined quantity of water to which all the users in said group or system are entitled, for a length of time bearing the same ratio to the whole time required to make the complete rotation through the whole group of users, as the quantity to which the said first user is entitled bears to the combined appropriations of said users, in said groups, and shall next serve the next user in point of priority with a like amount of water for his proportionate length of time, and so on, until all the users in said group are served; then the distribution of water shall be repeated in the same manner throughout the irrigation season; that in the case of two or more water users in said group or system having the same priorities, then the said water master shall distribute the water as between those users having the same priorities to the one whose ditch taps the stream nearest its source first, and the next lower down next, and so on; and in case two or more users have equal priorities and divert water through the same ditch, the water master shall distribute the water as between said users 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 the provisions of this paragraph shall be applicable to groups or systems of ditches, jointly owned, as well as individually owned; and where two or more users agree as between themselves as to the manner and system of rotation in the use of water, the said water master shall distribute the water in accordance with such agreement; provided always that such arrangement into groups or systems of rotation, or distribution under such agreement, shall not interfere with the prior rights of any user not a member of such group or system, or a party to such agreement. That as between claimants utilizing the waters of said stream either through natural overflow or by means of dams placed in natural channels or sloughs, thereby diverting the water without ditches, such system or method of rotation shall be established by the water master as shall secure the most economical and reasonable use of the water as between said claimants, or as between said claimants and claimants diverting water through ditches; the foregoing plan of rotation being followed in-so-far as practicable.

VII.

That the rights hereby confirmed for irrigation purposes are confined and limited to the irrigation of the lands hereinbefore described, and the waters appropriated as in the tabulated statement set forth are and shall remain appurtenant to said lands, as provided by law.

LOST RIVER.

named

That the rights of appropriation of the following claimants to the waters of said stream and its tributaries are limited and confined to an amount of water not exceeding two and one-half acre feet for irrigation purposes for each and every acre of land actually irrigated by each such claimant during the irrigation season commencing the 1st of March, each year, and terminating the 31st day of September of each year, and are limited and confined to a total or aggregate quantity of water for the irrigation of the total or aggregate area of land described in the foregoing tabulated statement in the amount not exceeding the number of acre feet set forth in the third column of the foregoing tabulated statement opposite the name of each such claimant. That of the quantity thus allowed each such claimant, such claimant in each case shall be entitled to divert or use not to exceed one and one-half acre feet for each acre actually irrigated by him, during that period or part of the said irrigation season subsequent to May 1st of each year; and the amount which each said claimant is entitled to divert in miner's inches, or second feet, or other unit of measurement of rate of flow is not herein determined, but the whole quantity diverted or used during any irrigation season shall not exceed the amount or quantity in acre feet hereinbefore set forth, and during said irrigation season, and the periods of said irrigation season hereinbefore defined; the said claimants being as follows: All the claimants named in the foregoing tabulated statement diverting or using the waters of Miller Creek, excepting Edward DuFault; Charles J. Swingle, diverting the waters of Oliver Swingle springs; Frederick C. and Irene E. Bechdoldt, claimants to the waters of Bechdoldt gulch; Jacob Rueck, James G. Wight, and William Wight, claimants to the waters of Buck Creek; Alex McDonald, E. W. Roberts, E. E. Ralston, Jeff Wilson, Edward DuFault, Estate and Heirs of C. C. Beekman, George Deal, Estate of S. W. Kilgore, deceased, D. G. Horn, Charles Horton, Eliza Pfannstiehl and George McDonald, claimants to the waters of Lost River, and springs tributary thereto.

That Francis J. Bowne and Rex Bord, successor to the rights of the Olene Live Stock Company, a corporation, diverting water from Lost River by means of pumps and ditches, are entitled to divert and use not to exceed $1/80$ of a second foot per acre for each and every acre actually irrigated by each of said claimants during the irrigation season aforesaid, not exceeding the total amount in second feet for the entire acreage of their lands as set forth and described in the foregoing tabulated statement. That the right of Edward DuFault to the waters of Miller Creek is limited to the natural overflow from said stream during the freshet or flood period of said stream to May 1st of each year, and he is not entitled to an amount of water to exceed one acre foot per

acre for each acre of lands to which his said right is appurtenant as described in the foregoing tabulated statement.

That the quantity of water to which each of the foregoing claimants is entitled for stock and domestic purposes does not exceed the rate of one-half second foot for each 1000 head of stock, and in the case of those claimants diverting water for irrigation purposes as set forth in the foregoing tabulated statement, the amount of water herein allowed for irrigation purposes during said irrigation season includes the quantity to which such claimants are entitled for stock and domestic purposes. That the rights to the use of water for stock and domestic purposes continues throughout the year. That the amount of water required by each of the claimants in the foregoing tabulated statement described as entitled to water for stock and domestic purposes, but having no irrigation right appurtenant to their respective lands, does not exceed for such stock and domestic purposes, or either, the quantity of water in second feet set forth opposite their respective names in said tabulated statement, and the right to use the same continues throughout the year.

Dated this 12th day of September, 1918.

(Sd.) D. V. Kuykendall,

Circuit Judge.

STATE OF OREGON)
County of Klamath) ss

I, Geo. Chastain, Clerk of the Circuit Court in and for Klamath County, State of Oregon, do hereby certify that the foregoing copy of Final Decree has been compared with the original and that it is a correct transcript therefrom and of the whole of such original Final Decree as the same appears of record at my office and in my custody.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Circuit Court this 12th day of September, 1918.


(COURT SEAL)

Geo. Chastain
Clerk of the Circuit Court.

STATE OF OREGON)
County of Marion)

I, R. W. Potter, Secretary of the State Water Board of Oregon, do hereby certify that the above and foregoing copy of Decree of the Circuit Court of the State of Oregon for Klamath County has been by me compared with, and same is a full, true and correct copy of, the certified copy of such decree as received in the office of the State Water Board and entered of record herein on the 16th day of September, 1918.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed the Seal of the State Water Board of Oregon, this 16th day of September, 1918.


Secretary, State Water Board of Oregon.