

BEFORE THE STATE ENGINEER OF OREGON

Wasco County

IN THE MATTER OF THE)
CANCELATION OF CERTAIN)
WATER RIGHTS IN THE)
NAME OF WOLF RUN WATER)
USERS ASSOCIATION _ _ _ _)

STATEMENT
FINDINGS OF FACT
CONCLUSIONS
AND
ORDER

STATEMENT

- 1 -

On October 5, 1964, William G. Dick submitted affidavits of Roger Wilhelm and Harvey McAllister alleging that the water had not been used on certain lands now owned by H. A. Miller, or Miller Ranch Company, for irrigation, as authorized under certain water rights for more than five years and requested institution of proceedings for cancelation of said rights.

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Subsequently, this proceeding was initiated by the State Engineer under the provisions of ORS 540.631 to 540.650 for cancelation on grounds of abandonment of certain rights. The water rights in question are:

(a) For the use of not to exceed 1.16 cubic feet per second of water from Tamarach Creek, springs and gulch, and Eightmile Creek, under a date of priority of May 3, 1909, evidenced by certificate of water right in the name of Wolf Run Water Users Association and recorded in Volume 3, page 2359, State Record of Water Right Certificates, for irrigation of the following lands:

10.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
10.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
15.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
15.0 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
15.0 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 30

5.0 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
15.0 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 29

Township 1 South, Range 13 East, W.M.

(b) For the use of not to exceed 0.19 cubic foot per second of water from Tamarach Creek, spring and gulch, and Eightmile Creek, under a date of priority of May 3, 1909, for irrigation of 15.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Township 1 South, Range 13 East, W.M., evidenced by certificate of water right in the name of Wolf Run Water Users Association and recorded in Volume 3, page 2353, State Record of Water Right Certificates.

That part of the right in the above described proceedings, paragraph (b), for the use of not to exceed 3.41 cubic feet per second of water for domestic and stock uses and irrigation of the following lands:

10.0 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$	10.0 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
5.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$	10.0 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 25	10.0 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
	10.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
20.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$	5.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 26	5.0 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
	Section 36
10.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$	Township 1 South, Range 12 East, W.M.
5.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$	
5.0 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$	10.0 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
5.0 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$	Section 3
Section 33	Township 2 South, Range 12 East, W.M.
5.0 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$	10.0 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
5.0 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$	5.0 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
10.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$	5.0 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
5.0 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$	15.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
5.0 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$	5.0 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
7.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$	5.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
3.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$	Section 4
Section 34	
	10.0 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
5.0 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$	10.0 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
10.0 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$	Section 5
5.0 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$	Township 2 South, Range 12 East, W.M.
10.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$	
Section 35	10.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
Township 1 South, Range 12 East, W.M.	Section 31
	Township 1 South, Range 13 East, W.M.,

is not in question.

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Notice of initiation of such proceedings was given by notice dated November 19, 1964. Said notice was sent by certified mail to H. A. Miller, president of Miller Ranch Company, 5 Greenwood Street, Bend, Oregon, owner of said lands and to Mr. Merle Huston, Dufur, Oregon, occupant of lands described

above in paragraphs (a) and (b)

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On January 18, 1965, the State Engineer received a protest (objection) filed by T. Leland Brown, Attorney at Law, in behalf of the Miller Ranch Company (H. A. Miller). On January 22, 1965, amended objections were filed by T. Leland Brown in behalf of the Miller Ranch Company (H. A. Miller) protesting cancelation of the water rights in question described in paragraph 2.

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On January 6, 1966, the State Engineer notified all interested parties that a hearing on the protest of the Miller Ranch Company against the proposed cancelation of the water rights would be held before the State Engineer in the Courthouse Annex, Wasco County, in Room 114 at The Dalles, Oregon, on Tuesday, February 1, 1966, commencing at 11:00 a.m.

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The hearing was held in the Circuit Court Room in the Wasco County Courthouse at the designated time before Chris L. Wheeler, State Engineer. Louis S. Bonney, Assistant Attorney General, appeared in behalf of the State Engineer. The Miller Ranch Company was represented by T. Leland Brown and Sam Van Vactor, Attorneys at Law, The Dalles, Oregon. Testifying in behalf of the Miller Ranch Company were: H. A. Miller, William E. Miller, Merle Huston and Emerson Burtner. Testifying in behalf of the State Engineer were: Roger Wilhelm, Harvey McAllister and Wayne Sigman. William G. Dick, Attorney at Law, The Dalles, Oregon, represented C. R. Hause, N. W. Carothers, Tidwell Ranch, George D. Hastings, Davidson Brothers, Miles Leabo, Halbert Gerking, Frank May, W. E. Davis, John F. Stanek, Gary Kortge and Clair Creighton, all of whom are holders of water rights on Eightmile Creek below the point where the water from the Wolf Run Water District flows back into the channel of Eightmile Creek.

FINDINGS OF FACT

- 1 -

The lands involved in this proceeding lie on the ridge between Eightmile Creek and Fifteenmile Creek and in general are a strip about 1/4 mile wide and 1 1/2 miles long, with the lands in Section 29 separated from the bulk by a strip 1/4 mile wide having no water rights. The long way of the land runs in an east-west direction and are on the eastern most edge or lower end of the Wolf Run Ditch which was constructed to irrigate these lands when the water rights were acquired. The eastern most tract, containing 85 acres of water right described in paragraph 2 (a), page 1, is referred to as the Palmer place. The western most forty containing 15 acres of water right described in paragraph 2 (b), page 2, is referred to as the Lawrence place. Mr. Miller also owns an 80 acre tract of land immediately west of the Lawrence place, known as the Lindhorst place, which has appurtenant water rights not involved in this proceeding.

The water supply to the Wolf Run Ditch is not adequate during the late summer and shortages have occurred particularly in the lower end of the ditch. Therefore, other users on the ditch could improve their water supply although it may be more expensive if the rights are canceled.

The testimony presented was not in serious disagreement except as to the actual effect of subbing or subirrigation. The witnesses are long-time residents and farmers of the area who possess particular knowledge of the irrigation practices. Therefore, their testimony is summarized in some detail:

- 2 -

Roger Wilhelm testified that he has been employed as surveyor for 40 years and was watermaster in Wasco County from 1934 until 1959. He is familiar with permits Nos. 92 and 93 in the name of Wolf Run Water Users Association, and part of these lands under these rights are now owned and operated by Miller Ranch Company. Part of his duties as watermaster was to regulate the flow of water diverted from Eightmile Creek into the Wolf Run

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Company ditch and to distribute it to some 12 waterusers. He has not been on the lands presently owned by Miller Ranch Company, but is familiar with them from observing them from the county road which he traveled about once every two weeks on his trips to the headworks of the ditch. These trips were usually made during the months of July and August and latter part of June. During the time he was watermaster, 1934 to 1959, he did not observe any actual irrigation of the lands in question. Upon cross-examination he stated that he had not had any occasion to observe the lands during the early part of the irrigation season, which was during the months of April and May. He states: "I have not observed any irrigation on the land, but I did observe it when it could have been irrigated. That is the only thing. I did observe stock water being used". He stated that during the years when he was in the vicinity of the lands in question, he did not see evidence of irrigation in any field. There were no pipelines, no laterals, and no ditches to irrigate the lands. He also said he had observed the pond many times; that at all times there was water in it and estimated the flow of water into the pond as about 1/4 cubic foot per second, or 100 gallons per minute, and it was being used for stock watering.

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Harvey McAllister testified that prior to a year ago he had lived and farmed in the Dufur area all of his life; that he is 66 years of age; that he and his parents farmed and raised cattle on lands about a mile from the Miller property and later bought land adjacent to the Miller Ranch Company lands. These lands, known as the Lawrence Estate, were purchased from Mr. McAllister by Mr. Miller. He testified that he has been familiar with the Wolf Run Water Users District since its formation about 1909, and with all of the Miller lands which are within the District. At one time when he owned the Lawrence place, he had irrigated approximately 3 acres of land once or twice in 1940 but that was all the land he had irrigated. He stated that the Lindhorst place had been irrigated before being placed in the Soil Bank.

Except for the Lindhorst lands, which lands are not in question, none of the Miller Ranch Company lands had been irrigated. Between 1909 and 1964, he had been all over these lands and to his knowledge Mr. Miller had not irrigated the lands until installation of the sprinkler system in 1964. He stated that he was on the property almost every year and water had been stored in the existing pond and used for stock water. This pond is filled by a four inch pipeline, approximately 1/4 mile long, across the Lawrence property and then by open ditch to the pond on the Palmer place. When questioned about any excess water in the ditch before reaching the Miller lands, he stated that if there was any excess water at the head of the pipeline it would spill over the ridge and would not reach the Palmer place. However, there was seldom any excess water.

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Mr. Wayne Sigmar testified that he has farmed and raised cattle in the Dufur area all his life. He is 61 years of age; that from 1924 until about 1940 he farmed the lands in question known as the Palmer place; that he is familiar with the Lawrence place (formerly owned by Harvey McAllister) next to the place he farmed; that at the time he was first on the lands they were planted to apple trees; that about 1920 or 1924 all these trees were removed by him and that he raised wheat crops. At no time when he was on the place, from 1924 to about 1940, was the land irrigated. He testified to the location of the pond upon the Palmer place at that time which he stated was used for watering of cattle and sheep while he was there.

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Mr. Emerson Burtner testified that he has lived southwest of the Palmer place since 1908; that his property joins the Lawrence place. At the time Dufur Orchards Company owned these lands they put a pipeline across the Lawrence place to run water for spraying purposes, and this water continued on to a natural pond. When this pond was filled they ran the water on through the orchard for 1/2 mile to irrigate some of the trees. After Mr. Miller acquired the place, he did away with this pond (No. 3) and constructed

a new pond about 1/4 mile down from the line of the Palmer place (pond No. 2). Mr. Miller turned water out of the pond and irrigated some of the wheat field one year. However, water continued to run into the pond every year. There was subirrigation from the ditch and pond on to the lands and during some years they could not farm because the ground was too wet. No statement or estimate was made as to the extent of this subirrigation nor of the acreage covered. For the past two years Mr. Miller has irrigated by sprinkler and quit the subirrigation use. Upon cross-examination he stated that Mr. Miller pays about 25% of the ditch assessments and he pays about 25% to Wolf Run Ditch Company. He has no knowledge as to whether or not Mr. Sigman irrigated any of the Palmer place when it was owned and operated by him from 1924 to 1940; however wheat was raised and it was dry farmed. Mr. Burtner stated that he did not know if Mr. Sigman had ever used the pond for any purpose other than for stock watering.

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William E. Miller is vice president of Miller Ranch Company, His father, H. A. Miller, acquired the Palmer place in 1937 which was later deeded to the Miller Ranch Company. They purchased the Lindhurst place in 1963, and in 1964 purchased the Lawrence McAllister place. His testimony as to pond No. 2 (the Palmer pond) is that a four inch pipeline crosses the Lawrence place, extending from the northeast corner of the Lindhorst place, then in a ditch which is approximately 1/2 mile in length to the pond. He stated that the pipeline has about 15 feet of fall and calculated the capacity at 125 gallons per minute, and that the pipe was about 1300 feet in length but he had never measured the exact distance. This pond is about one acre in area and holds 4 to 5 acre feet of water.

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Merle Huston has been foreman for Miller Ranch Company for 10 to 12 years, since returning from the Service in 1946. The lower pond (pond No. 3) was in existence prior to 1946, but had washed out by the time he returned,

and pond No. 2 (shown on Objector's exhibit No. 3) was built. He is familiar with the Palmer place and states that the seepage from the ditch and pond caused lands on the north and south sides to be always wet. He could make no estimate of the area covered by the seepage from the ditch or pond which existed up until the time the pond was constructed on the Lindhorst place in 1963 or 1964. Other than this seepage and the sprinkler irrigation in 1964 and 1965, there was no irrigation to his knowledge. Upon cross-examination he stated there had been no irrigation on the Palmer place in Section 29, this being lands with a 20 acre water right. The ponds were used for stock water and to let water seep out on to the lands. This was his first experience with irrigation.

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H. A. Miller, president of Miller Ranch Company, first purchased the Palmer place in 1937. He later sold, or deeded it to Miller Ranch Company. Mr. Sigman was farming the Palmer place under lease when it was purchased. The lease expired in either 1938 or 1939. He testified that they tried two different years to irrigate from the ditch across to Palmer's pond by cutting banks, etc., but discontinued as the subbing seemed to do as good a job. Possibly anywhere from 1 to 6 acres were irrigated by seepage or subirrigation from pond No. 2. He did not have any knowledge of the area covered when they attempted to irrigate from the ditch. The 5 and 15 acres in Section 29 were never irrigated as they were too far from the pond. On cross-examination he stated that he meant subirrigation to be under the ground or in the ground; that water was not always available from the main ditch and they had to store water in the ponds and keep some there for stock watering. The new pond was built on the Lindhorst place to secure more storage, principally for stock. It was also used for other purposes. They sprinkled from this source in 1964 and 1965.

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Mr. Sigman and Mr. McAllister were recalled and testified to the extent and distance from the ditch and pond where the seepage reached. The seepage

from the ditch probably extended for 40 feet out from the pond. It varied in distance according to season and conditions, possibly from 400 to 500 feet and possibly not over 100 feet from the pond. They had no knowledge of the area covered.

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The testimony of all witnesses is in accord that water for stock in the open ditch through the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30 and the pond located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30 (pond No. 2) has been used for stock watering purposes.

CONCLUSIONS

- 1 -

There was no dispute on nonuse of water in Section 29 or the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Township 1 South, Range 13 East, W.M. The evidence is also uncontroverted for the remainder of the lands as follows:

15.0 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
10.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
10.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
15.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
15.0 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 20

Township 1 South, Range 13 East, W.M.,

for a period of 15 to 17 years (the time of Mr. Sigman's operation, 1924 to 1938 or 1939). There can be little doubt but that the water right was abandoned in intent as well as fact during this period. In any event, under the provisions of ORS 540.610 (1):

"Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of a perfected and developed water right ceases or fails to use the water appropriated for a period of five successive years, the right to use shall cease and the failure to use shall be conclusively presumed to be an abandonment of water right. Thereafter the water which was the subject of use under such water right shall revert to the public and become again the subject of appropriation in the manner provided by law, subject to existing rights".

The water right, not being used for at least 15 successive years, was forfeited and if there has been any subsequent use of water it would have been illegal. The right, when forfeited, reverts to the public and the statutes (ORS Chapter 537) provide an exclusive way to obtain a new right on the land, namely issuance of a permit by the State Engineer. However, even if this period were not to be considered due to elapsed time, the evidence does not show any actual irrigation up until the installation of a sprinkler system in 1964.

The ditch leading into the pond is limited to the amount of flow that the pipeline will carry. This flow was estimated at various amounts from 100 to 125 gallons per minute, the pipeline being 4 inches in size. This was the only water available to the Miller Ranch Company with which to irrigate the Palmer place or to fill the stock ponds. They maintained this condition from 1937 until 1963 at which time they started construction of the Lindhorst pond for the sprinkler irrigation system. There is no question (and Mr. Miller so testified) but that the primary purpose of the ditch through the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30 and the pond were for stock watering purposes. The land was planted to wheat and small grains during the period of the Miller ownership from 1937 to 1963, and those crops were not normally irrigated in the area. Any benefit that may have been derived from subbing or seepage from the ditch would be incidental. This exists along any ditch or main canal and is generally more of a detriment than a benefit as it interferes with some tillage operations. It is not material how the irrigation was carried out, but it is essential that a system be employed that will identify the specific tract of land, particularly as to the extent of the area (number of acres) actually irrigated in order to constitute a valid appropriation.

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Miller Ranch Company urges that the state is barred from instituting this proceeding on the doctrine of laches and cites Withers vs. Reed, 194 Or. 541 P. 563. The state's position in that case was an appropriator, the same

as the Miller Ranch Company is here, and not as a regulating agency under its police powers as it is here. The position has no merit. It is further urged that because the protestant questioned the watermaster for a list in 1963 of the extent of his water rights and was given the data of record, the state is barred from subsequently initiating these proceedings. Contrary to the claim in the protestant's brief, there was no evidence presented as to the questions of and answers given by the watermaster, nor is it material. The watermaster is required by law to follow the rights of record in distribution even though he may know a right has not been used. He must act on the rights of record until such rights are declared abandoned or forfeited in an appropriate proceedings. This position is without merit since its effect is to say that: by careful questioning of the watermaster a landowner could validate a water right that had not been used for more than five years, all without regard to the effect on the other waterusers who might be affected thereby. The clear intent of the legislature was to provide a reasonable procedure for determining those rights which had been forfeited, not revalidate all those against whom no proceedings were immediately taken. If the right had not been used for five successive years, it was at that time lost and the procedure is simply one for determining the facts with adequate protection to the landowners to present those facts.

It is indeed unfortunate that the protestants expended money without determining their status, but it was their obligation to know the laws of forfeiture. It may be noted that this expenditure is not a total loss since there is nothing that would prevent the Miller Ranch Company from filing applications for storage of water and the use of the stored water and streams for irrigation. The water supply would suffer some from later priority, but it would be usable. The sprinkling system which is the bulk of the expense could also be sold or used on other property.

The waterusers proposing the cancelation initiated the action in the summer of 1964, almost immediately after they had constructive notice (installation

and use of the sprinkling system) of the Miller Ranch Company's intent to attempt use of water under the old right. They suffered no injury until the water was again put to use and action initiated within that same irrigation season certainly could not be considered undue delay.

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The protestant further urges that there is no provision for canceling only part of a right. This has absolutely no merit. ORS 540.641 specifically provides that:

" * * * * After the hearing the State Engineer shall enter an order canceling the water right, canceling in part or modifying the water right, or declaring that the water right shall not be canceled or modified.
* * * *"

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It appears that the right to use water for irrigation has been forfeited and should be canceled, and the right to use water for stock in the open ditch through the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30 and the pond located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30 (pond No. 2) Township 1 South, Range 13 East, W.M., has not been forfeited and should be reaffirmed.

ORDER

NOW, THEREFORE, it is hereby ORDERED that the right to the use of not to exceed 1.16 cubic feet per second of water from Tamarach Creek, springs and gulch and Eightmile Creek, under a date of priority of May 3, 1909, evidenced by certificate of water right in the name of Wolf Run Water Users Association and recorded in Volume 3, page 2359, State Record of Water Right Certificates, for irrigation of the following lands:

10.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
10.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
15.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
15.0 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
15.0 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 30

5.0 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
15.0 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 29

Township 1 South, Range 13 East, W.M.,

is canceled;

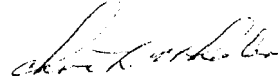
And that the right to the use of not to exceed 0.19 cubic feet per second of water from Tamarach Creek, spring and gulch, and Eightmile Creek, under a date of priority of May 3, 1909, for irrigation of 15.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Township 1 South, Range 13 East, W.M., evidenced by certificate of water right in the name of Wolf Run Water Users Association and recorded in Volume 3, page 2353, State Record of Water Right Certificates, is also canceled.

It is FURTHER ORDERED that the certificate of water right recorded in Volume 3, page 2353, State Record of Water Right Certificates, is canceled; and in lieu thereof a certificate be issued to Wolf Run Water Users Association and Miller Ranch Company covering that part of the water right not in question which is for the use of not to exceed 3.41 cubic feet per second of water from Tamarach Creek, springs and gulch, and Eightmile Creek, under a date of priority of May 3, 1909, for domestic and stock uses and irrigation of the following lands:

10.0 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$	10.0 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
5.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$	10.0 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 25	10.0 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
20.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$	10.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
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5.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$	Section 36
5.0 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$	Township 1 South, Range 12 East, W.M.
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Section 33	Section 3
5.0 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$	Township 2 South, Range 12 East, W.M.
5.0 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$	10.0 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
10.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$	5.0 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
5.0 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$	5.0 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
5.0 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$	15.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
7.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$	5.0 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
3.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$	5.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 34	Section 4
5.0 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$	10.0 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
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5.0 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$	Section 5
10.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$	Township 2 South, Range 12 East, W.M.
Section 35	10.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
Township 1 South, Range 12 East, W.M.	Section 31
	Township 1 South, Range 13 East, W.M.,

and for stock watering purposes in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30,
Township 1 South, Range 13 East, W.M.

Dated at Salem, Oregon this 27th day of March 1968.



CHRIS L. WHEELER
State Engineer