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Department of Water Resources

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO AND FOR THE COUNTY OF TWIN FALLS

In re SRBA	)	Subcase Nos. 31-00053B
	)	31-00054B and 31-00055B
	)	
	)	PRE-TRIAL MEMORANDUM OF
Case No. 39576	)	OBJECTORS
	)	

Claimants seek, and the Idaho Department of Water Resources (IDWR) has recommended Claimants be awarded 2.15 cfs from East Camas Creek for irrigation of 80 acres. The point of diversion is the Knotwell/Hirschi/Bennett diversion into the Knotwell/Hirschi/Bennett ditch. The place of use is at the head of and along said ditch.

Objectors oppose the recommendation because East Camas Creek is already over appropriated. In normal years during the irrigation season, it runs 5 - 7 cfs. IDWR has recommended in excess of 21 cfs from East Camas Creek not including these Claimants. Consequently, there is less than one-third (1/3) of the water available for rights recommended without these claims.

In addition, Objectors are opposed because neither Claimants nor their predecessors helped build or pay for the construction of the diversion works nor the Knotwell/Hirschi/Bennett ditch. Consequently, Claimants do not have a valid point of diversion nor means of delivery.

There are a number of creeks in the area. To assist the Court in understanding, attached hereto as Exhibit A, is a copy of a portion of a USGS Map showing the creeks. The Court will notice that in the area the water flows generally from north to south and starting on the east the streams are identified as Ching Creek, Little Ching Creek, Little Warm Creek, Warm Creek, East

Camas Creek, and West Camas Creek. All converge further south to form Camas Creek. Cottonwood Creek does not appear, at least as a named stream.

The red hatch marks on Exhibit A represent Claimants place of use. Ownership of the Objectors is shown in different colors and the Knotwell/Hirschi/Bennett ditch is shown in purple.

Sherman Halverson (Halverson), predecessor to Claimants, owned the property from the later 1930's or early 1940's. It was sold to Claimants in December, 1981. From the early 1940's until the sale in 1981, a period of 40 years, Halverson never diverted any water from East Camas Creek whether East Camas Creek or Cottonwood Creek water. Nor, did he ever irrigate the proposed place of use during that time, with the exception of one (1) year in approximately 1972 when he placed a small tractor powered pump in Warm Creek to sprinkle a few acres with handlines. David Hirschi (Hirschi) recalls in the later 1930's or early 1940's, Halverson's predecessor (Christensen) was seriously injured so neighbors including Hirschi helped cut his hay on the proposed place of use. It was dry farm hay, not irrigated hay. Hirschi will further testify the place of use was not irrigated at any time during Halverson's ownership.

Prior to 1940, Howard Fredrickson also recalls helping cut and haul dry farm hay from the proposed place of use. It was very rough and could not be irrigated from East Camas or anywhere else. All the Objectors are familiar with the proposed place of use and all will testify, except for the tractor pump, there was no irrigation until 1982.

ASCS Maps indicate Halverson leveled the property between 1960 and 1966. However, he did not irrigate it even after it was leveled except for the tractor pump he put in Warm Creek, and that was only for that one (1) irrigation season.

The parties agree Knotwell/Hirschi/Bennett constructed a new diversion in East Camas Creek in 1974. Halverson declined to participate in the cost of construction because he had no need nor use for the diversion, even though his livestock used it for water as it ran through his place.

The watermaster's letter of July 23, 1992 to Mrs. Bennett, attached to the Directors' Supplemental Report states that a review of the records back to 1955 indicates Water Right No. 29 (the basis for Claimants right) was delivered to Mr. Halverson's Ching Creek diversions. Until 1982, the watermaster was unaware that the right was even claimed to be an East Camas Creek source.

Claimants acquired the property from Halverson in December, 1981. In 1982, Joe Knotwell allegedly gave Claimants temporary permission to use the Knotwell/Hirschi/Bennett point of diversion not from East Camas Creek. There was never any clarification of the source of Claimants water. That lead to dissatisfaction and any permission to use the diversion was withdrawn in 1989. In June, 1990, Norm Young of IDWR, instructed the watermaster to deliver Water Right No. 29 through the Knotwell/Hirschi/Bennett diversion. He renewed the order in 1991 explaining he wanted to maintain the status quo until the SRBA. The parties agree no one lost or gained any rights based on anything occurring after commencement of the 1990 irrigation season.

Attached as Exhibit B is a compilation of the water rights claimed and recommended by IDWR on East Camas Creek including Hamilton and Siddoway rights. Attached as Exhibit C is a similar compilation of the same rights, but excluding those of Claimants. As indicated therein, East Camas Creek is grossly over appropriated excluding Claimants. Their claims only makes it worse.

ARGUMENT

There are two (2) grounds for the Objectors' challenge to any water right of Claimants from East Camas Creek:

1. The Suave v. Abbott Decree Does Not Decree East Camas Creek Water To The Premises In Question.

2. Even if a water right was initially decreed, it was forfeited through 40 years of nonuse.

The latter argument raises possible issues of resumption of use, and/or accomplished transfers so those issues will also be addressed herein.

A. The Sauve v. Abbott Decree Does Not Decree East Camas Creek Water To The Premises In Question.

Ernest Sauve v. W.H. Abbott, et al., came on for final hearing October 13, 1930 in Pocatello, Idaho. Included in the Schedule of Water Rights was Water Right No. 29 as follows:

Spokane, a corporation

1896 - May 1	0.4 c.f.s.	Source: Camas Creek, a tributary of Mud Lake.
1897 - June 1	1.0 c.f.s.	Point of Diversion: The existing point or points of diversion on or near the land to be irrigated.
1893 - August 8	3.2 c.f.s.	

For use on the following described land, to-wit: The East Half of the Northwest Quarter, the North Half of the Southwest Quarter, and the Southeast Quarter of Section 32, Township 13 North, Range 39 East, B.M.

The Court will note the source is listed as Camas Creek. There is no reference to East Camas Creek.

However, assuming the Decree included the tributaries of Camas Creek, when one looks at the map, attached as Exhibit A, the described place of use (parts of Section 32) could be irrigated from Warm Creek, Little Warm Creek, and/or Little Ching Creek. East Camas is only one of four possible sources. Objectors are unaware of any evidence that prior to Halverson's ownership, East Camas water was ever used to irrigate the premises. Objectors, most of whom were personally present from the early 1940's, are aware that no East Camas Creek water (nor any other water for that matter) was used by Halverson to irrigate the premises after he acquired them in the early 1940's. The claim that the source for Water Right No. 29 is East Camas Creek is based on nothing other than conjecture.

The Watermaster's Report for 1922 lists the users on East Camas. Of the six (6) listed, there are only two (2) purporting to irrigate in Section 32, Thomas Knotwell (father of Joe Knotwell) and Fred Fredrickson (father of Horace and Howard Fredrickson). That report is significant because it indicates first, East Camas Creek was a named and identified source, second, there was no diversion in Section 32 from East Camas Creek to the place of use proposed by Claimants, and third, there is no reference to Cottonwood Creek.

It is finally worth noting the language in the letter from the Watermaster, Don Shenton, to Mrs. Bennett (Exhibit F to the Directors' Supplemental Report):

> "I must inform you however, that after a search of the records that water right #29 which is the water right of contention, the water has been delivered every year except 1978 as far back as I reviewed the records to 1955.

> However, this water delivery was made to Mr. Halverson through one or the other three of Mr. Halverson's Ching Creek Points of Diversion. Up until 1982 I did not know that Right #29 was claimed to be an East Camas Creek Source until Mr. Siddoway made request for delivery at the point of diversion of contention . . .
>
> The biggest problem with defining the source is that the decree states the source to be Camas Creek but the water had been delivered by my predecessors from Ching Creek. Mr. Halverson told me on occasion that the original source was Warm Creek. I made the deliveries through Ching Creek mostly because that is the way it was historically done and was accepted as such by the users on Ching Creek . . . "

Thus, the historical deliveries of Water Right No. 29 were from Ching Creek, not from East Camas Creek. It is not possible to get Ching Creek water into East Camas Creek or vice versa so the deliveries in Ching Creek were not East Camas Creek water.

IDWR claims Cottonwood Creek was diverted into East Camas Creek in approximately 1933. That conflicts with the claims made in *Jenkins v. State of Idaho Department of Water Resources*, 103 Idaho, 384 647 P2d 1256 (1982) where Jenkins wanted to transfer a point of diversion from Cottonwood Creek into Ching Creek. IDWR found no water had been diverted from Cottonwood Creek for use on Jenkins' land for some 18 years and that both Ching and Cottonwood Creeks were over appropriated. It concluded a resumption of use of Cottonwood Creek would therefore represent an enlargement and cause injury. The trial court found the water from Cottonwood Creek flowed to Ching Creek irregularly during the spring runoff. It also determined that both Cottonwood Creek and Ching Creek had insufficient water to meet the demands without any claimed diversion. Even though Cottonwood Creek was the subject of the Jenkins case, there is nothing therein to suggest anyone argued Cottonwood Creek had been diverted into East Camas Creek. On the contrary, as indicated, the case discusses the rights of the users to the waters of Cottonwood Creek. The findings and conclusions and holding in Jenkins make no sense if the waters of Cottonwood Creek had been diverted into East Camas Creek. Cottonwood Creek, therefore, becomes another potential source for Water Right 29.

There is no evidence to suggest Water Right No. 29 as decreed in *Sauve v. Abbott* had any reference at all to East Camas Creek. Indeed, the evidence suggests the contrary: Water Right No.

29 refers to Ching Creek because that is the way it was historically delivered. East Camas Creek water was never decreed to Claimant's place of use.

B. If Water Right No. 29 Intended East Camas Creek As Its Source, It Was Forfeited And/Or Abandoned Through 40 Years Of Nonuse.

Idaho Code § 42-222(2) provides in part:

> "All rights to the use of water acquired under this chapter or otherwise shall be lost and forfeited by a failure for the term of five (5) years to apply it to the beneficial use for which it was appropriated and when any right to the use of water shall be lost through nonuse or forfeiture such rights to such water shall revert to the state and be again subject to appropriation under this chapter. ."

Unlike abandonment, intent is not an issue in forfeiture. Forfeiture must be proven by clear and convincing evidence. Abandonment includes both nonuse and intent. *Jenkins v. State Department of Water Resources, supra.*

Howard and Horace Fredrickson are twins born in 1925. Except for World War II, Howard has spent his entire life at Kilgore on a farm/ranch located approximately one (1) mile south of the claimed place of use. Horace grew up in Kilgore and thereafter spent every summer on the Kilgore property until 1944 when he was drafted in the Army. He returned and went to work for Clark County, but continued to work nearly every summer weekend at the Fredrickson property. David Hirschi is a little older than the Fredricksons and has also spent all of his summers on the Hirschi property in Kilgore which is adjacent to the claimed place of use property. The Knotwell family has been at Kilgore since the early 1900's. Joe Knotwell, now past 80, lived at Kilgore year round for a long time, but in more recent years has only lived there in the summers. Eileen Bennett, predecessor in interest to the Rocking Question, moved to Kilgore in 1948 and lived there continuously until the sale to the Rocking Question in 1998.

All of them will testify that except for the one (1) year water was pumped from Warm Creek, there was no irrigation on the proposed place of use from the late 1930's or early 1940's until 1982. Sherman Halverson had some lands that were irrigated, but the water did not come from East Camas Creek and it was not on the proposed place of use. His diversions were in Ching Creek. The proposed place of use was rough and not irrigatable until it was leveled in the early 1960's. There

could be no beneficial use of water on it until leveled. However, Halverson did not irrigate it even after it was leveled except for one (1) year with the pump in Warm Creek.

In the early 1970's, Halverson placed a tractor powered pump in Warm Creek and sprinkled a small part of the proposed place of use with handlines. They were removed at the end of that season, loaned the next year to a neighbor, and thereafter disposed of.

There was actually some question about Halverson's failure to irrigate because it was believed he had obtained government assistance for the leveling and one of the requirements for the assistance was the land be irrigated. The failure to irrigate following the leveling caused some concern among neighbors including the Objectors.

All of that testimony is consistent with the watermaster's position that Water Right No. 29 was delivered to Halverson at his Ching Creek diversion. It could not therefore have been East Camas Creek water.

Clear and convincing evidence shows no use of Water Right No. 29 from East Camas Creek for more than 40 years, and no irrigation on the proposed place of use (except for the one (1) year of sprinkling) for more than 40 years. That is several times the five (5) years required for forfeiture.

If Water Right No. 29 was used at all, it was delivered to and used by Halverson through his Ching Creek diversions. That could not have physically been East Camas Creek water. Halverson's diversion of Water Right No. 29 in Ching Creek is clear and convincing evidence of Halverson's intent to abandon any alleged claim to East Camas Creek water and/or to a diversion on East Camas Creek. That intent is further evidenced by his declining to participate in the cost of the diversion works on East Camas Creek. He had never diverted there, had no need for diversion there, nor any intent to establish a diversion on East Camas Creek and therefore declined to share in the cost of the same.

Claimants acquired the property from Halverson in December, 1981. Knotwell allegedly gave them temporary permission to use the Knotwell/Hirschi/Bennett diversion. Neither Hirschi nor Bennett gave permission nor authorized Knotwell to do so. There was no discussion about the source of water.

However, as Claimants began using the water, it became clear to the Objectors they no longer had the water previously used because of Claimants' use. Moreover, Claimants were the head of the ditch and Knotwell/Hirschi/Bennett believed Claimants were taking the latter's water. There were some discussions during the 1980's, but no resolution. Consequently, in 1989, Hirschi, Knotwell and Bennett informed Claimants they could no longer use the diversion. That resulted in an order by Norm Young from IDWR to Don Shenton, watermaster, that he was to deliver Water Right No. 29 from East Camas Creek to the Claimants. Mr. Young renewed that order in 1991 and it has been in effect since.

C. Claimants Do Not Have A Valid Resumption Of Use Because Of Injury To Objectors And Others On East Camas Creek.[1]

It may be argued resumption of use prior to a claim by third-parties is a defense to forfeiture. *Jenkins v. State Department of Water Resources, supra,* p.389. It is first noted there can be no resumption of use if there was never any initial use; that is, since Water Right No. 29 was never diverted from East Camas Creek until allegedly done so by Hamilton and Siddoway in 1982, and since the proposed place of use was never irrigated prior to 1982, there can hardly be an argument there was a resumption of use. Resumption presupposes some sort of initial use that was forfeited and/or abandoned. In this instance, even if the language of the decree for Water Right No. 29 intended East Camas Creek, there was never any use of East Camas Creek water nor any place of use from East Camas Creek.

Moreover, allowing another 2.15 cfs to be diverted from East Camas Creek causes injury to the Claimants. Theoretically, Hirschi and Rocking Question cannot be injured because their priorities are ahead of Claimants. That is only theoretical, however, because Claimants are at the head of the ditch. There are no weirs on any of the diversions from the Knotwell/Hirshi/Bennett ditch so Claimants can only estimate the amount they are diverting. Objectors have disagreed with Claimants' estimates, and believe they have been using the water of Objectors, but without weirs, no one knows. Although the watermaster was appointed as a lateral ditch watermaster, he is not

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[1]*Sage Willow v. Blaine County Canal Company,* is currently awaiting decision by the Supreme Court. A significant issue is resumption of use so there may soon be further discussion and clarification.

there 24 hours a day so as flows decease, there will be times when Claimants are using an earlier priority. Even when he is there, he also can only estimate the diversions. In any event, Knotwell, Fredrickson and others have the same or later priorities so unless there is adequate water, all of them will be injured.

East Camas Creek is over appropriated. As indicated on Exhibit B, IDWR has recommended 21 cfs of water rights on East Camas Creek not including Claimants. With their additional 2.15 cfs there is 23.23 IDWR recommended rights. There is not a measuring weir in East Camas Creek so one can only estimate the flows therein. Greg Shenton, current watermaster, began helping his father, Don Shenton, measure water starting in 1982. In 1989, he was made assistant watermaster which was full-time employment, and in 1996, he became watermaster of District No. 31. As watermaster and assistant watermaster he is usually in the Kilgore area a couple of times a week and more often if there is a problem or if requested to be there. He estimates that on approximately July 1, the heart of the irrigation season, during the past 10 years, the flows in East Camas Creek have been 5 - 7 cfs. That is not nearly enough to fill existing rights. Approving an extra two (2) cfs, with a priority ahead of many of the existing rights, will result in injury to existing users. This matter is before the Court because there is not enough water to cover the Objectors' lands. Reducing what little is available will only increase the injury to the Claimants. In *Jenkins v. Idaho Department of Water Resources, supra*, the trial court found there was insufficient water in the creeks to meet the present demands, without adding a claimed transfer by Jenkins. The Supreme Court upheld IDWR and the trial court on the basis that adding another claim to an over appropriated creek would indeed cause injury. That should be apparent and a matter of common sense. Claimants irrigation between 1982 - 1989 cannot be a resumption of use because of the injury to Objectors and others on East Camas Creek.

D. Claimants Use Between 1982 - 1989 Is Not An Accomplished Transfer Because There Was No Transfer And There Is Injury.

Idaho Code § 42-1425 is referred to as the accomplished transfer statue. Subsection (1) recognizes that prior to commencement of the SRBA, persons having water rights appurtenant to certain lands changed the place of use, point of diversion, or period of use without filing for transfers

under Idaho Code § 42-108 and/or § 42-222. Subsection (2) provides in substance that many of the changes were made with knowledge of other users and that continuation of "historic water use patterns" resulting from these changes is in the public interest and so long as no other water right is injured, said accomplished transfers should be approved. Subsection (2) specifically provides in part:

> "Any change in place of use, point of diversion, nature or purpose of use or period of use of a water right by any person entitled to use water or owning any land to which the water has been made appurtenant either by decree of the court or under provisions of constitution and statutes of this state, prior to November 19, 1987, the date of commencement of the Snake River basin adjudication, may be claimed in a general adjudication even though the person has not complied with sections 42-108 and 42-222, Idaho Code, provided no other water rights existing on the date of the change were injured and the change did not result in an enlargement of the original right."

Claimants do not meet the requirements of an accomplished transfer for several reasons including the following:

1. Claimants use is not a "historic water use pattern." It was new use that had never existed prior to 1982.

2. Claimants are seeking to use East Camas Creek water. The accomplished transfer recognizes changes in place of use, points of diversion, nature or purpose of use, or period of use, but does not recognize a transfer to a different source. Water Right No. 29, to the extent it was delivered at all, was Ching Creek water delivered at points of diversion in Ching Creek. It was not East Camas Creek water. Idaho Code 42-1425 does not recognize an accomplished transfer for the source of the water.

3. An accomplished transfer means there must be a transfer. Claimants have not reduced their diversions from Ching Creek, nor the historic acreage irrigated from Ching Creek. There has not been a real transfer of anything.

4. Since Claimants have not reduced the diversions from Ching Creek and/or the acreage irrigated out of Ching Creek, their claim will result in an enlargement of use. As noted, Idaho Code § 42-1426 does not authorize any accomplish transfer if there is "an enlargement of the original right." Original right in this context has to mean the right as established through historic use and not

simply a number in a decree. Otherwise, there is an enlargement of the historic use through a claimed accomplished transfer. Idaho Code § 42-1425 was designed to recognize historic use patterns and not numbers in a decree unless those were also the historic use pattern.

Claimants meet virtually none of conditions for an accomplished transfer under Idaho Code § 42-1425 and it does not provide a basis for their claims.

E. Claimants Have No Point Of Diversion.

As argued hereinbefore, there is no evidence Halverson ever used the point of diversion sought by the Claimants. On the contrary, in 1971 he elected not to participate in the cost of construction thereof because he had no need for nor intention of ever using it. In 1982, Joe Knotwell, without authority from either Hirschi or Bennett, allegedly gave temorary permission for Claimants to use the point of diversion. As such, their use was a permissive use and could be revoked. In 1989, Knotwell, Hirschi and Bennett gave written notice to Claimants they could no longer use the diversion. Claimants have continued to do so through the interim orders of IDWR, but there is no evidence Claimants have ever created a right to that point of diversion or works or the Knotwell/Hirshi/Bennett ditch. The court can hardly bestow such a right with no legal basis for the same.

SUMMARY

The *Sauve v. Abbott* Decree does not list East Camas Creek as the source for Water Right 29. Other creeks flow through section 32 and are just as likely a source for Right 29. Indeed, the watermasters delivered said right from Ching Creek. Ching Creek water cannot physically be East Camas Creek water and visa versa.

Even if East Camas Creek was the intended source for Water Right 29, the right was forfeited through 40 years of non use. Halverson did not use the diversion or ditch and declined to participate in the cost of constructing the new diversion in 1974. His cattle watered from the ditch but he did not irrigate from it.

There was no resumption of use in 1982 because there was never any initial use. Moreover, East Camas Creek is already over appropriated, and the other users will be injured by adding additional users.

Idaho Code § 42-1425 does not allow an accomplished transfer for an entirely new source. There has been no accomplished transfer, because Claimants have not removed water from any acreage. Their claim will result in an enlargement of acreage contrary to § 42-1425. Finally, the other users on East Camas Creek will be injured if the claims are approved because it will simply add additional claims to an already over appropriated stream.

DATED this 17th day of September, 2002.

GROVER & ARCHIBALD

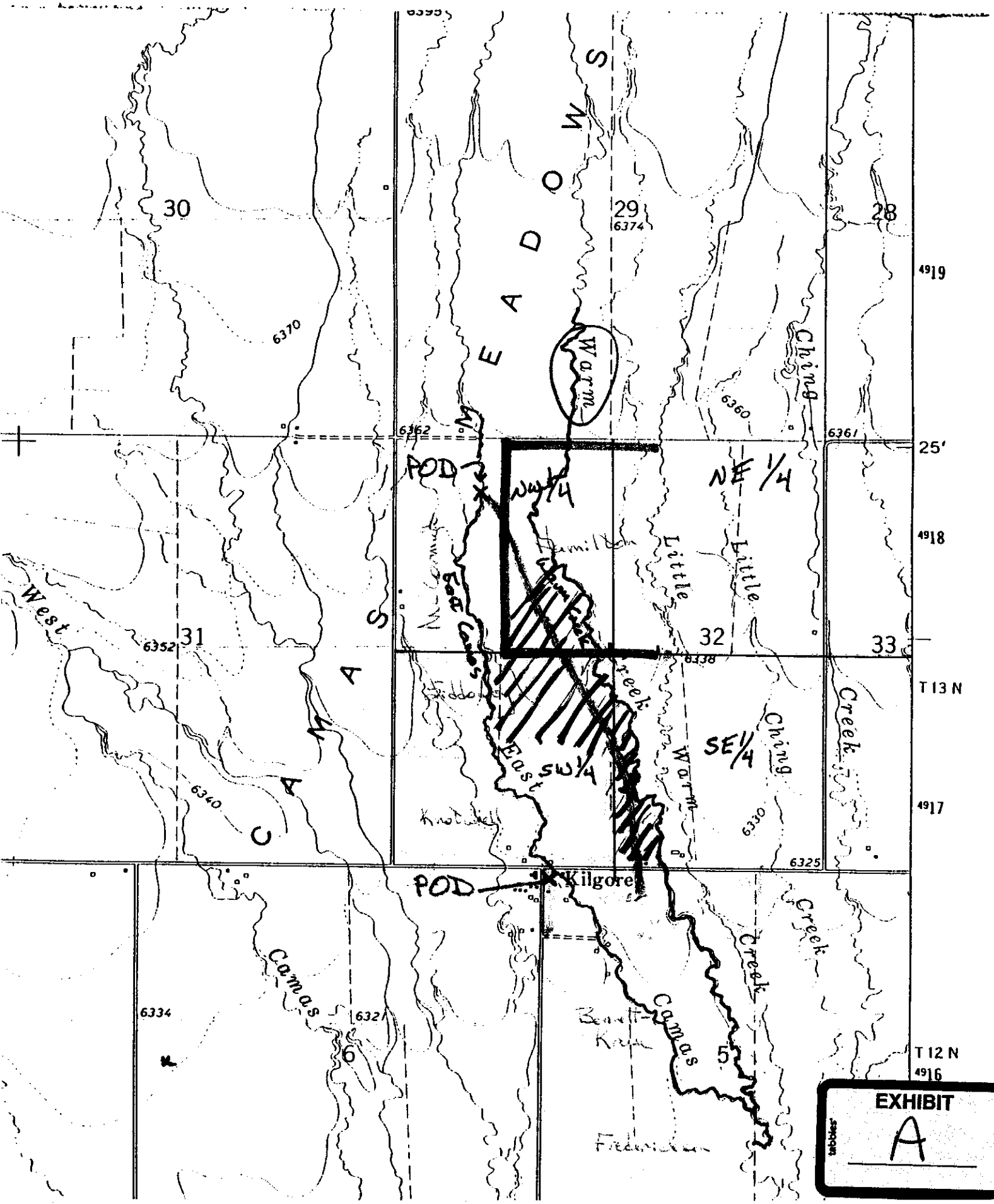
BLAIR GROVER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am a duly licensed attorney in the State of Idaho, with my office in Rigby, Idaho; that I served a copy of the foregoing document or pleading on the attorney listed below by hand delivering, by facsimile transmission (Fax), or by mailing with the correct postage thereon, a true and correct copy thereof this 17th day of September, 2002.

Served:	Jerry R. Rigby, Esq. P.O. Box 250 Rexburg, ID 83440	[x] Mail [ ] Hand Delivery [ ] Facsimile
	Candace McHugh Idaho Department of Water Resources P.O. Box 83720 Boise, ID 83720-0098	[x] Mail [ ] Hand Delivery [ ] Facsimile
	Judge Bridgette Bilyeu P.O. Box 2707 Twin Falls, ID 83303	[x] Mail [ ] Hand Delivery [ ] Facsimile

BLAIR GROVER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Kilgore
Hamilton
Fiddle
Knotwell
Bennett Ranch
Fredericksen
EXHIBIT
A

CLAIMED & IDWR RECOMMENDED WATER RIGHTS ON EAST CAMAS INCLUDING HAMILTON & SIDDOWAY

(All Based On Decrees Arranged & Grouped In Order Of Priority)
(Emphasis on Siddoway & Hamilton Rights)

NAME	IDWR #	PRIORITY	AMOUNT (c.f.s.)	ACRES
Rocking Question (formerly Bennett)	31-00022	June 1, 1891	1.1	121
David Hirschi	31-00088	June 1, 1891	0.7	21
Frederiksen	31-00145	June 1, 1895	1.0	141
Rocking Question (formerly Bennett)	31-00023	June 1, 1895	1.5	
Kirk Jacobs (formerly Marshall)	31-00158	June 1, 1895	3.0	158
Harold Siddoway	31-00133	June 1, 1895	3.0	157
Dean Crain (formerly Price)	31-00087	June 1, 1895	2.7	106
Max Siddoway	31-00053A	May 1, 1896	0.3	55
	31-00055C	May 1, 1896	1.0	
Jack Hamilton	31-00053B	May 1, 1896	0.1	25
	31-00055B	May 1, 1896	0.5	
Joe Knotwell	31-00115	May 1, 1896	0.6	28
Frederiksen	31-00173	June 1, 1896	0.82	76
Fredericksen	31-00146	June 1, 1897	1.6	
Jack Hamilton	31-00054B	June 1, 1897	0.25	
Don McCormick	31-00202	May 1, 1899	.8	56
	31-00202	May 1, 1899	1.2	
Burtenshaw (formerly Bradshaw)	31-00060B	March 31, 1915	3.06	160
TOTAL			23.23	1,104

EXHIBIT
B

CLAIMED & IDWR RECOMMENDED WATER RIGHTS ON EAST CAMAS EXCLUDING CLAIMS OF HAMILTON & SIDDOWAY

(All Based on Decrees Arranged & Grouped In Order Of Priority)

NAME	IDWR #	PRIORITY	AMOUNT (c.f.s.)	ACRES
Rocking Question (formerly Bennett)	31-00022	June 1, 1891	1.1	121
David Hirschi	31-00088	June 1, 1891	0.7	21
Frederiksen	31-00145	June 1, 1895	1.0	141
Rocking Question (formerly Bennett)	31-00023	June 1, 1895	1.5	
Kirk Jacobs (formerly Marshall)	31-00158	June 1, 1895	3.0	158
Harold Siddoway	31-00133	June 1, 1895	3.0	157
Dean Crain (formerly Price)	31-00087	June 1, 1895	2.7	106
Joe Knotwell	31-00015	May 1, 1896	.6	28
Frederiksen	31-00173	June 1, 1896	0.82	76
Fredericksen	31-00146	June 1, 1897	1.6	
Don McCormick	31-00202	May 1, 1899	.8	56
	31-00202	May 1, 1899	1.2	
Burtenshaw (formerly Bradshaw)	31-00060B	March 31, 1915	3.06	160
TOTAL			21.08	1,024

EXHIBIT C