

his own claim, testified as follows:-

DIRECT EXAMINATION BY HAWLEY.

Q. Mr. Howlan you are a defendant in this action?

A. Yes sir.

Q. Are you the owner of the land described in your cross-complaint as being the southeast quarter of the southeast quarter and other subdivisions of section thirty, township four?

A. Yes sir.

Q. How long have you been acquainted with that land Mr. Howlan?

A. Ever since 1888.

Q. Who occupied the land in 1888? A. A man by the name of Heneger bought Green out, Hakey sold to Green and Green sold to Heneger. In 1889 I bought him out.

Q. Had you known the land until 1888? A. Not until the spring of 1888.

Q. At the time you bought in the spring of 1888, had the land been irrigated before that? A. No sir.

Q. Had not been irrigated by any one before that?

A. It was got out that summer, Heneger got the water out in 1888.

Q. Where was the water taken out from? A. Out of Spring Creek—Jones Spring Creek.

Q. That is a tributary of Paton River? A. Tributary of Trail creek.

Q. Which is a tributary? A. Yes sir.

Q. How much of the land was covered by this ditch taken from Jones Spring Creek? A. All with the exception of part of one forty.

Q. About how many acres? A. Something over 100 acres.

Q. You say still whether or not the ditch the carrying capacity of that ditch is sufficient to irrigate this 100 acres, or over a hundred acres under the ditch? A. Yes sir.

Q. How much of that land has actually been irrigated from that ditch? A. Well, there has been a hundred acres or more.

Q. Is there any water for the balance of that land? A. Yes sir.

Q. From what source do you get water for the other sixty acres?

A. There is a part of the forty that water is out of Spring Creek, another creek called Spring Creek.

Q. Is the land actually irrigated now? A. Yes sir.

Q. How much of it altogether is irrigated, all of it?

A. Yes sir.

A. There is about—it is all irrigated with the exception of the last hundred acres, I guess about twenty acres across there, or twenty-five.

Q. Then there is about one hundred and forty acres is irrigated at the present time? A. Yes sir.

Q. You have gradually irrigated that land from 1889 up to the present time until all of it is irrigated by now have you irrigated? A. Yes sir.

Q. Is there any one else interested in this water? A. No sir.

Q. Just yourself? A. Just myself.

Q. Is there any other water supply besides these creeks you have named? Available for use on this land?

A. No sir.

Q. Is it at land owned land? A. Yes sir.

Q. Now when does it require to the acre to successfully irrigate and cultivate it? A. About an inch I would suppose.

Q. About like the rest of the land in the country? A. Yes sir.

Q. You think an inch of water would be enough for it?

A. Yes sir.

Q. That is, a continuous flow—and this ditch is of sufficient carrying capacity to irrigate all of the land is it?

A. Yes sir, I have had it since it was first made, you know.

Reader—Is there any dispute in regard to this, gentlemen? That is all Mr. Toole. I want to call your attention to the Sarah Hawley claim now.

Q. Do you know the defendant Sarah Hawley? A. Yes sir.

- Q. Who is your wife? A. Yes sir.
- Q. Do you know the tract of land described in your cross-complaint and being the southeast quarter of the northeast quarter of section 32, and other lands therein described? A. Yes sir.
- Q. That land belongs to her? A. Yes sir.
- Q. How long has she been the owner of that land?
- A. I could not say until I had the papers--
- Q. You may look at the papers? A. First of August, 1900, is it not.
- Q. Fourteenth of August 1901? A. Yes sir.
- Q. Is located under the desert act? A. Yes sir.
- Q. There did she produce water for use on the land?
- A. Called Spring Creek.
- Q. When did she first put the water on the land?
- A. The next spring after this.
- Q. That is August, 1900? A. Yes sir, the next spring.
- Q. Spring of 1901? A. Yes sir.
- Q. That time in the spring? A. About May.
- Q. About the first of May? A. Yes sir, not the first, either, along about the first.
- Q. How much of that land of hers was covered by the ditch you took out there? A. One forty.
- Q. Only one forty that could be irrigated from it or been irrigated since? A. I don't know what was irrigated.
- Q. I want to know how much could have been irrigated from that canal that you took out in 1901?
- A. There could have been close on to two fortys.
- Q. Did that ditch have a sufficient capacity to irrigate the two forties? A. Yes sir.
- Q. Any water taken out on the land since then from other sources?
- A. No sir.
- Q. About eighty acres can be irrigated? A. All can be.
- Q. From these ditches? A. Yes sir, from these ditches, it all has been irrigated.
- Q. Please pay attention—I asked you specifically how much of

what land could be irrigated from these ditches?

A. I thought you meant the first spring.

Q. Can all of it be irrigated? A. Yes sir.

Q. How much of it? A. All but a very little. Just maybe ten or fifteen acres ten or fifteen.

Q. All of it can be? A. Yes sir.

Q. The first season about forty or fifty acres irrigated?

A. Yes sir.

Q. How much water do the more recent ditches require?

A. I should judge about an inch.

Q. About an inch? A. Yes sir.

Barley--that is all--any questions, gentlemen--any dispute on this claim? All right. Fred J. Drake.

FRED J. DRAKE, being first duly sworn, testified as follows:-

DIRECT EXAMINATION BY HADLEY.

Q. I will first ask you Mr. Drake a question in regard to Mr. Forster land. Do you know when the water was first taken off the claim owned by Mr. Forster? A. I don't know positively, but I know that he was in there and at his place in the year 1888.

Q. 1888? A. Yes sir.

Q. Do you know how much--whether the land had been cultivated prior to that time?

A. I don't know, that was the first year I was in there.

Q. You know he did have the place at that time?

A. I know he had watered it ever since.

Q. It is all practically under irrigation now? A. Yes sir.

Q. I will now ask you in regard to the claim of Fred J. Drake.

You are one of the defendants in this action? A. Yes sir.

Q. And the one of land being the East half of the Southeast quarter of section seven, and other pieces of land?

A. Yes sir.

Q. That is your land in it? A. Yes sir. Section 7 and 8 my land is

Q. How deep Mr. Clayton?

A. It varies from ten to six feet long.

Q. Good depth? A. Yes sir.

Q. Is that ditch sometimes or generally known as the Henry Creek ditch? A. No.

Q. This is known as the Thomas ditch? A. Yes, it is known as the Thomas ditch.

Q. This was the ditch you have testified to be dug by the defendant? A. Yes sir.

Q. Would it carry and latent water for the irrigation of your land and the others having interests therein? A. I think so.

Q. When did you get this ditch constructed after making this water location? A. It was started, the construction was started before that notice was received as the spring of 1908--1909.

Q. And finished when? A. It was finished I believe within ten years.

Q. You have personally witnessed? A. Yes sir.

Q. How much of your land is now owned by Mr. Platner and was covered by the ditch? A. 100 acres, but about fifty acres under cultivation.

Q. That is under cultivation? A. Yes sir.

Q. But it all can be cultivated? A. Yes sir.

Q. And it was your intention to bring it all under cultivation?

A. Yes sir.

Q. That is Mr. Platner's intention now, is you understood it, is it not? A. Yes sir.

Q. Is there any other water supply for this land? A. No sir.

Q. About how much per acre is needed? A. An inch to the acre. Nothing--That is all. Call Mr. Kuntz on the stand of Caroline Withrich.

MR. KUNTZ, being first duly sworn, on behalf of the above named, testified as follows:-

DIRECT EXAMINATION BY COUNSEL.

Q. What is your name sir? A. Sam Kuntz.

Q. Do you know the land described in the deed-complaint of the

CONFIDENTIAL

1. 1950年10月1日，中华人民共和国成立，标志着中国历史进入了一个新的纪元。

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 08-10-2017 BY 60322

1964

6. On the subject of "The World's Best Place to Live"

A. J. S. S. S. S.

1. Family was poor - it was the only one in the village.

A. The first of them was your son. Only 11/11/1941 seven years ago
1934 August.

4. Will the man go on, telling me what he thinks I should do, 10 years ago.

Q. 1985? A. Yes sir, 1985.

1. That the above described property is situated within the boundaries of the
to the land, and the same is a part of the same.

2. Located at corner of Liberty and Chestnut Sts. N. 10th St. and Chestnut St.

2. And is now holding it pending the receipt of a copy of the A. Y. M. R.

1. Did not contribute to life through a positive progression
towards the end of life. A. 7/24/45.

2. That, if anything, the above summary concerning mother, and nothing on that I am Mr. Roemer?

A. In connection with J. Lee, Cotton, and J. J. Miller developed
 their plan.

0. 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1041 1042 1043 1044 10

A. KNIGHT OF PARADES IN AMERICAN SQUAD. - died 6th Nov, 1918
in New Britain while on front line.

Is it a Greek word, you spoke of in Paradise Springs?

4. It is a finding that dropped out of the bill on the J. J. Miller nomination.

2. How much water in the 1 liter of water?

A. Well, they have got a diameter of 36 by 12 inches and under a four inch diameter it never, the water is never over six inches deep and twenty-six inches wide.

4. How much of this water was used by Mrs. Sullivan?

4. Other

Q. When was this water put on her head first--

Q. Well, the ditch, the first water was about 1900, it would be
raised in the dam—the dam broke once and it was discontinued

Q.

again, and last season she used the first water and raised the third alone.

Q. When was it first that you were located so as to put the water upon the land? A. Oh, within two or three years long before I came into the basin. And not been used by Mrs. Withrich until last season.

Q. That was 1903? A. 1904.

Q. Has she irrigated any of the land prior to 1904?

A. No she could not, the ditch was too low.

Q. For much of that land of hers is covered by this water?

A. Of the quantity, yes, yes sir.

Q. I think about 100 acres can be irrigated.

A. About 100 acres? A. Yes sir.

Q. Is there any other water supply except this water supply from Paradise Springs? A. Not from, only from Paradise Springs.

Q. Has Mrs. Withrich another piece of land besides this land that has been mentioned? A. Yes, got an eighty acre tract and a hundred acre.

Q. This eighty acre tract is in the northeast quarter of the Southeast quarter and the Southeast quarter of the Northeast quarter, section thirty, township four, north of range forty-five west. How long has she had that land? A. About two years.

Q. Did she locate it first? A. Yes sir.

Q. And where does she procure water for use on that land?

A. From Paradise Springs.

Q. From the same spring? A. Yes sir.

Q. Has she a sufficient supply of water to irrigate both of these tracts from these springs?

A. Well, last season the water has been enough to irrigate both and showing up, and I think by a proper use she will have enough.

Q. You think she will? A. Yes sir.

Q. When did she first put it on this last piece of ground?

A. Has not put it there yet. Not to make the land yet, about four feet.

Q. She is intending to put it there, and obtain a water right?

A. As quick as possible.

Q. How many pieces? A. Yes, sir.

Q. That is the only water supply for this place or town? A. Yes.

Q. It is necessary for the extensive cultivation of grain
land and the other place? A. Yes, sir.

Q. Are you an old settler about Mr. Allison?

A. Been been in the country ten years.

Q. Have you noticed any effect of the use of water for irrigation
purposes as far as extending the water supply is concerned?

A. By Mr. Joseph has got a homestead, and he has--at his estate
to get any hay at all, he has got to cut it in June for it
will flood over on the lower in July and August.

Q. How long has this state of affairs existed?

A. Well, I can't say in the winter as much but it nearly every
year, and not lately, last year, it got out last fall a ton.

Q. Where in his land did you see water flowing to the creek?

A. It is just north and west of Mr. Fulton on the Cotton River.

Q. You are satisfied that it is the agreement of the use of the
water that has caused this increase in the volume of the
land? A. Absolutely.

Q. Could not be attributed to any other cause could it? As a
man of experience in irrigation, what is your opinion as to
the use of water in Cotton Basin, does it interfere with the
water supply in the low water season with the people below
or increase it?

A. From what I know of Mr. Allison's land, for instance,
in some brush land, the biggest part of it, and last season
there was over a foot of spring water up right in among
the brush.

Q. I will ask you--I will ask you in regard to the land of

Mr. A. Miller--you know that? A. Yes, sir.

Q. You know the land he claims, described in his complaint
as yours? A. Yes, sir.

Q. When did Mr. Miller settle on that land?

A. About thirty years ago.

Q. Mr. Miller is one of the parties that makes water from

Q10

Paradise Springs? A. Yes sir.

Q. When did he first take the land from the land of the
Spartan land of the land? A. This is the land.

Q. Is that? A. Yes sir.

Q. How did he come to the land of the land?

A. By means of a ditch.

Q. The ditch of that land of his is covered by this ditch, and he
indicated this ditch? A. In the ditch of the land, I
think.

Q. Is there any other ditch of the land of this water of the

Paradise Springs? A. No sir.

Q. It is necessary to use the ditch of the land to the land of the
land? A. Yes sir.

Q. How long is it the land of the land of the land of the land?

A. About nine acres.

Q. About nine acres--is it in intention to increase the amount?
A. Yes sir.

Realty--The ditch of the land, I believe, on this land.

And you sufficiently informed Mr. Keatts to testify in regard
to the ditch of the land of Keatts, Mr. Keatts was hardly in a position
to do so--as will be his land in the present.

Q. So, Mr. Walton is a man of the land of the land of Paradise Springs?

A. Yes sir.

Realty--That is all Mr. Keatts. Will George Walton.

This is the land of the land of the land of the land.

GEORGE WALTON, being first duly sworn, deposes and says that he
can swear, testified as follows:-

STATE OF TEXAS, COUNTY OF DALLAS.

Q. You are the owner of the land of the land of the land of the land
of the land? A. Yes sir.

Q. Where is the land of the land? A. Teton Plains, Teton Plains.

Q. Are you the owner of that land of the land of the land of the land
of the land of the land of the land of the land of the land of the land
and other parts of section twenty-nine and section thirty,
township four, north of range forty-two east? A. Yes sir.

Q. How long have you lived upon that land?

A. I took possession of it in 1891.

Q. Who did you buy it from Mr. Walton? A. Mr. Hodgins.

Q. How long had Mr. Hodgins lived upon that land before you went there? A. I could not say, was not personally acquainted with him.

Q. Had Mr. Hodgins, when you bought it, any water upon the land?

A. I purchased his water right and his improvements.

Q. Where had he taken the water from? A. Paradise Springs.

Q. That is the springs mentioned by Mr. Koontz in giving his testimony? A. Yes sir.

Q. How much of this 180 was covered by the waters of Paradise Springs? A. About twenty acres.

Q. And do you mean that that had been watered from it or could be? A. Had not been up until 1892. I enlarged the ditch and irrigated about twenty acres in 1892.

Q. You mean 1902? A. 1892, yes sir, 1892.

Q. How long did Mr. Hodgins live upon that land?

A. I could not say, I just got here in the spring and I was working for Mr. Pratt.

Q. Did you buy it by bill of sale or deed or simply take possession? A. I got a deed of the water and of the improvements. But I have not now—they are lost.

Q. You have had them? A. I have had them.

Q. Is there any one here that can testify to Mr. Hodgins?

A. Mr. Ray Kibbell, I think he is here.

Q. After you went on you increased the size of the ditch did you?

A. Yes sir.

Q. How much—what carrying capacity did you give it?

A. I finished the ditch sufficiently large to irrigate the land in 1892 about twenty acres, and the land lies this way and this way and the creek comes down, it is very low, consequently had to build a large dam, to dam it to the south end, and we have not got it completed.

Q. How much of that land can be irrigated from that ditch?

A. When the ditch is all completed on the place, about 120 acres.

Q. These Paradise Springs, how much water flows from it?

A. I don't know--I don't undertake measuring water.

Q. Is there enough to irrigate all of the lands you claim, and for the other lands besides? A. I believe there will be water--there will be sufficient, to irrigate the claims of Miller and Koshitz and myself.

Q. That is all that claim from it? A. Yes sir.

Q. You think there is sufficient water there for it?

A. I think there would be, yes.

Q. How much water do you need per acre on your land?

A. In an irrigating stream, an inch to the acre would be sufficient.

Q. It is necessary to have water there for this, and this is the only available water supply? A. Yes sir.

Hawley--That is all--is Mr. Ray Kimball here. Mr. Breckenridge.

R. BRECKENRIDGE, being recalled, on behalf of the above claim, testified as follows:-

Q. Do you know the Geo. Walton claim? A. No sir.

Q. When did Hodgins settle up there, what year?

A. I could not say that, 1888 or 1889, somewhere along there. He farmed up there, and left.

Q. You have just rode by there.

THOMAS RATES, being recalled, on behalf of the above claim, testified as follows:-

DIRECT EXAMINATION BY HAWLEY.

Q. Mr. Rates when did Mr. Hodgins go on this land?

A. I believe it was about 1881 or 1882.

Q. 1881? A. Somewhere about that time.

Hawley--That is all--that will do. Call Mr. D. O. Walton.

D. O. WALTON, being first duly sworn, on behalf of the above claim, testified as follows:-

DIRECT EXAMINATION BY HAWLEY.

Hawley--First I will ask you Mr. Kimball, when Mr. Hodgins first settled on the land now owned by George Walton, 1881?

A. Yes, 1881, the summer of 1881.

Q. The summer of 1881? A. Yes sir.

Q. Used the water for the first time in 1881? A. Yes sir.