

rights to the use of the waters of Loss Creek, Dry Creek and Durphy Creek, by the said S. M. Jorgensen, are to be as follows:

"1. That said S. M. Jorgensen is to have the use of all of the high or surplus waters of said Loss Creek, or so much thereof as may be necessary for him to use, after the 30th day of April, and prior to the 15th day of June of each and every year.

"2. That after the 15th day of June of each and every year, said S. M. Jorgensen shall be entitled to the use of one-eighth of all of the waters of said Loss Creek to be used in the following manner -- that is: he shall have the right to the use of all of the waters of said Creek two days of twenty-four hours each, during each sixteen days. The first use of said two days to begin at 8:00 A. M., on the 15th day of June of each and every year and thereafter, to begin at 8:00 A. M. every sixteenth day after the 15th day of June.

"3. That said S. M. Jorgensen shall also have the use of such waters of Loss Creek as may be necessary for the cultivation of a garden spot not to exceed one-half acre in area.

"It shall be further provided in said decree that when the use of the waters of Loss Creek by the said S. M. Jorgensen shall have expired as provided herein, then it shall be his duty to turn the water from off his lands into the channel from which it was taken by him so that it may pass down to the use of the said Loss Creek Irrigation Company; and,

"It shall be further provided in said decree that said S. M. Jorgensen shall have the use of the waters of Dry Creek for the irrigation and cultivation of said thirty acres of land and the further use of the waters of Loss Creek for the irrigation and cultivation of said eight acres of land lying at the West of Loss Creek.

"It is further understood and agreed that the said S. M. Jorgensen is not to have the use of any of the waters of Loss Creek, Dry Creek, or Durphy Creek for the irrigation of said lands so watered-logged, estimated in the amount of twenty acres.

"It is further understood and agreed and said decree shall provide that the said S. M. Jorgensen is the owner of an undivided one-eighth interest in said reservoir of said Loss Creek Irrigation Company situate in the Seven Mile District, and known as the Brian Reservoir.

"The provisions of this Stipulation in regard to the use of waters as hereinabove set out shall become effective upon the filing of this Stipulation herein and said rights shall be so administered until the same shall be incorporated in the decree to be made and entered herein."

(b) Priority: 1890. Acreage: 1,040.1. Amount: 26.00 c. f.s. maximum and 17.34 c.f.s. minimum. Period of Use: March