

11, 12, 13 and 14 in T. 12. N. R. 4. W. S. L. M., which ditch continued south along the west boundary of Section 13 for approximately one quarter of a mile at which point the natural lay of the land slopes to the southwest and said drain ditch turned at said point into Section 14 and the waters flowing in said drain ditch then spread out in a southwest direction over lands embraced in the southeast quarter of the northeast quarter and the east half of the southeast quarter of Section 14. T. 12. N. R. 4. W. S. L. M.,

2. That one P. C. Pettersen either before, or shortly after, 1903, worked upon said drain ditch with a shovel and attempted to divert said water flowing down said ditch, south and eastward from the point where the same entered Section 14, from Section 13.

3. That in the spring of 1931, James Henry Christiansen and J. C. Christensen his father, the predecessors in the title to the east half of the east half of Section 14. T. 12. N. R. 4. W. S. L. M., to Melvin O. Christensen, fixed and established permanent and substantial diversion works where said ditch entered into Section 14 from Section 13, being approximately at the northwest corner of the southwest quarter of the northwest quarter of Section 13 and caused laterals to be made southwesterly approximately one half of the distance across the east half of the East half of Section 14. Township and Range aforesaid, and that from said diversion works, the water then spread out and flowed south and westerly until it neared the southerly end of Section 14, at which time it then flowed to the southeast and into the northwest corner of Section 24. Township and Range aforesaid.

4. That in the year 1935, Melvin O. Christensen completed the diversion work by making a further channel from the west end of the channel theretofore built, in 1931 by James Henry Christiansen and J. C. Christensen, his father, and caused the same to extend southwesterly to the west side of the east half of the east half Section 14, and then southerly along the west boundary of said tract until it neared the south line of Section 14 to the point where the water naturally flowed again to the southeast, to the northwest corner of Section 24.

5. That there is within the lands of the protestant Melvin O. Christensen, lying to the south of the diversion channels, where the water crosses from