

have 150 or 160 acres, they thought they had about 300 acres, but they have not.

MR. PATTON: That is the creek usually called Tom Creek.

MR. BROWN: No, on the other side of the river.

MR. BALLS: 700 acre feet, would practically take the whole flow of the creek.

THE CHAIRMAN: It is a very good case to compromise between you.

MR. BROWN: I claim our record is prior to anything else. It was accepted in good faith.

THE CHAIRMAN: It is accepted as an application, that is all. It did not mean they would grant it. You would not want them to refuse right off.

MR. BROWN: They accepted our fees for it.

THE CHAIRMAN: Exactly, they do that until they decide whether it will be granted or not. Accepting the money does not mean anything. If it is refused it will be returned to you, but if you were the first to put in an application still there are others who were there before you who have been using the water and I think if you get together and make some sort of a compromise and divide the water between you it will be the best way to get the licence. Of course you are at the mercy of the Indian Department to get leave to pass water over their land. They can refuse that if they choose.

MR. BROWN: They can refuse?

THE CHAIRMAN: They can refuse as far as we are concerned. It is land held by the Dominion. We cannot give an