

Order Record=Board of Control=State of Oregon

IN THE CIRCUIT COURT OF THE STATE OF OREGON,

FOR THE COUNTY OF GRANT.

IN THE MATTER OF THE DETERMINATION OF THE)
RELATIVE RIGHTS TO THE WATERS OF COCHRAN)
CREEK AND ITS TRIBUTARIES, A TRIBUTARY OF)
THE JOHN DAY RIVER, GRANT COUNTY, OREGON.)

D E C R E E :

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Now on this 27th day of October, 1910, this cause coming on for a decree upon the findings of fact and order of determination heretofore made by the Board of Control of the State of Oregon, and filed in the above entitled court, and the court having heretofore approved and adopted the findings of the Board of Control of the State of Oregon, as the findings of this court, and being now fully advised in the premises:

It is hereby ordered, adjudged and decreed that J. Lieurance, Joseph Putnam and Wm. Crabtree, and each and all of them, and all other persons, firms and corporations claiming any right to the waters of said Cochran Creek, who have not appeared and filed their statements of claim to the waters of said stream, and made proofs herein as to their said rights, and each and all of them are in default herein, and such default is hereby entered.

It is hereby further ordered, adjudged and decreed that each of the several appropriations of water for the purpose of irrigation hereinafter set forth is limited to an amount of water sufficient for the irrigation and reclamation of the lands described herein as being the lands to which such water is appurtenant and the total volume of water so appropriated and hereby confirmed in each case shall not exceed the rate of one cubic foot per second of time for each fifty (50) acres of land irrigated.

It is further ordered, adjudged and decreed that a system of rotation in the use of water, among the several appropriators of small amounts of water in the same neighborhood, has been in use, more or less, upon the said stream, and adds greatly to the duty which said water may be made to perform; and that in the absence of an agreement between such appropriators arranging for such rotation and the manner in which such water shall be used in such rotation, the water master of the water district in which such water is situated shall arrange such appropriators into groups or systems of rotation, first giving to the appropriator who is first in priority an amount of water equal to the combined appropriations of all the appropriators in said group or system for a length of time bearing the same ratio to the whole time required to make the complete rotation through the whole group of appropriators as the appropriation of said first appropriator bears to the combined appropriations of said appropriators, and shall next serve the next appropriator in priority with a like amount of water for his proportionate time and so on, until all the appropriators in said group are served; then the distribution of the water shall be repeated in the same manner throughout the irrigating season; that in case of two or more appropriators in said group having the same priorities, then the said water master shall distribute the water as between those appropriators having the same priorities to the one whose ditch taps the stream nearest its source first, and the next lower down next, and so on; and where two or more appropriators agree as between themselves as to a manner and system of rotation in the use of their water, the said water master shall distribute their water in accordance with such agreement; provided that such arrangement into groups and systems shall not interfere with the prior rights of any appropriator not a member of such group or system.

It is further ordered, adjudged and decreed that the name and postoffice address of each appropriator of water from said stream, in alphabetical order, together with the date of relative priority of such appropriation, the amount of such appropriation in cubic feet per second, the number of acres of land to which such appropriation is applied and to which such water is appurtenant, the use or uses for which such water was appropriated and is now applied, with the irrigation season during which such water is now used for irrigation and to which such use is limited, the name of the ditch or ditches through which such appropriation is diverted, and a description of the legal subdivisions in which such irrigated land is situated, with the number of acres in each such subdivision, arranged and set forth in tabulated form opposite the name of each such appropriator, are as follows, to-wit:

Order Record=Board of Control=State of Oregon

NAME AND POSTOFFICE ADDRESS OF APPROPRIATOR.	DATE OF RELATIVE PRIORITY	AMOUNT CU. FT. PER SECOND.	NO. ACRES	USE AND IRRIGATION SEASON	NAME OF DITCH	DESCRIPTION OF LAND OR PLACE OF USE
H. A. Cupper, Monument, Ore. 43672 49256 36362	1870 Prior to John J. Marcus' right.	.44	21.8	Irrigation & domestic Apr. 1 to Oct. 1.	Cupper	.3 ac. in NE $\frac{1}{4}$ NE $\frac{1}{4}$; .3 ac. in NW $\frac{1}{4}$ NE $\frac{1}{4}$; 13 $\frac{1}{2}$ ac. in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 1.8 ac. in SE $\frac{1}{4}$ NE $\frac{1}{4}$; 5.1 ac. in NW $\frac{1}{4}$ SE $\frac{1}{4}$; .8 ac. in SW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 33, Tp. 8 S. R. 27 E. W. M.
H. A. Cupper, Monument, Oregon.	1883	.05	2.5	Irrigation & domestic Apr. 1st - Oct. 1st	Cupper	2.5 ac. in NE $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 5 Tp. 9 S. R. 27 E. W. M.
Eva Crabtree, Monument, Ore.	1882	.04	1.8	Irrigation Apr. 1st - Aug. 31st.	Crabtree	1.8 ac. in SE $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 5 Tp. 9 S. R. 27 E. W. M.
Thomas Hayward, Monument, Oregon.	1889	.05	2.3	Irrigation April 1st - July 31st	Hayward	1.3 ac. in NE $\frac{1}{4}$ SW $\frac{1}{4}$; 1 ac. in SW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 28, Tp. 8 S. R. 27 E. W. M.
John J. Marcus, Monument, Oregon.	1870 Sub-sequent to H. A. Cupper right 1890	.06 (See p. 5)	2.75 4.1	Irrigation & domestic April 1st - September 1st.	Cochran	2 $\frac{3}{4}$ ac. in NW $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 8 Tp. 9 S. R. 27 E. W. M. 1.5 ac. in SE $\frac{1}{4}$ SW $\frac{1}{4}$; 2.6 ac. in NE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 5 Tp. 9 S. R. 27 E. W. M.

It is hereby further ordered, adjudged and decreed that the right of H. A. Cupper, claimant above named to the waters of said Cochran Creek, for the irrigation of the following lands, to-wit: NE $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 33; SE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 28, Tp. 8 S. R. 27 E. W. M.; and the SE $\frac{1}{4}$ NE $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$; Sec. 33, Tp. 8 S. R. 27 E. W. M.; is prior in time and superior in right to the right of said above named claimant, John J. Marcus, to the waters of said stream.

It is further ordered, adjudged and decreed that all appropriations of water from said stream as herein decreed, are limited to a beneficial use by the appropriators for the purposes therein specified.

It is further ordered, adjudged and decreed that the use of water for domestic purposes as herein specified, includes household use and water for live stock throughout the year.

It is further ordered, adjudged and decreed that all appropriations of water from said stream, for domestic purposes, as decreed and defined herein, are limited to a sufficient amount for the needs of the appropriator, not to exceed the rate of one fortieth (1/40) second foot to each one thousand (1000) head of stock; Provided, that the amount of water for irrigation specified herein, includes water for domestic purposes to which said appropriation is entitled during the irrigating season.

Geo. E. Davis,
Judge of the Circuit Court of Grant County, Ninth Judicial District.

Order Record=Board of Control=State of Oregon

State of Oregon,)
 : SS.
 County of Grant.)

I, Wm. H. Schroeder, County Clerk of Grant County, State of Oregon, and ex-officio Clerk of the Circuit Court in and for said County and State, do hereby certify that the foregoing Transcript of Journal Entry has been by me compared with the original entry, and that it is a true and correct copy of such original Journal Entry, and of the whole thereof, as the same appears of record in my office and custody.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Circuit Court at my office in Canyon City, Oregon, this 28th day of October, 1910.

Wm. H. Schroeder,
 Clerk.

(Seal Circuit Court,
 Grant County, Oregon.)

State of Oregon,)
 : ss.
 County of Marion.)

I, James T. Chinnock, Secretary of the Board of Control of the State of Oregon, do hereby certify that the foregoing Copy and Transcript of Journal Entry was received in the office of the Board of Control the 31st day of October, 1910, and entered of record herein on this 2nd day of November, 1910.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Board of Control of the State of Oregon, this 2nd day of November, 1910.

James T. Chinnock
 Secretary, Board of Control, State of Oregon.