

BEFORE THE STATE WATER BOARD OF OREGON

WASCO COUNTY

IN THE MATTER OF THE DETERMINATION OF )  
THE RELATIVE RIGHTS TO THE USE OF THE )  
WATERS OF MILL CREEK AND ITS TRIBUTARIES, )  
A TRIBUTARY OF THE COLUMBIA RIVER. )  
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FINDINGS  
AND  
ORDER OF DETERMINATION.

Now at this time the above entitled matter coming on for consideration by the State Water Board, and it appearing that all of the evidence and testimony taken in the above entitled proceeding has been duly filed in the office of said Board, and the Board having carefully considered all of said evidence and testimony, and the information and data gathered by the State Engineer, and being now fully advised in the premises, makes and orders to be entered of record in its office the following

FINDINGS AND ORDER OF DETERMINATION

1.

That on the 22nd day of July, 1920, there was filed in the office of said Board a petition signed by Julius Sandoz and others, water users upon said stream, requesting a determination of the relative rights of the various claimants to the use of the waters of said stream and its tributaries. That thereafter the State Water Board, after a full investigation and due consideration of said petition, finding the facts and conditions such as to justify the making of a determination of the rights of the various claimants to the use of the waters of said stream and its tributaries, made and entered an order in the records of its office, directing that such determination be made, and that the State Engineer proceed to make the necessary surveys and examinations and that the State Water Superintendent proceed to take and hear the testimony in support of the various claims to the waters of said stream, as provided by law.

2.

That a notice was prepared by said Board setting forth the date when the State Engineer or his assistants would begin the investigation of the flow of said stream and the ditches diverting water therefrom, and a time and place certain when the State Water Superintendent would begin the taking of testimony as to the relative rights of the various claimants to the use of the waters thereof, and said notice was published in two issues of The Dalles Chronicle, a newspaper published daily at The Dalles, Wasco County, Oregon, and of general circulation in the said County of Wasco, said two issues being those of October 10th and October 11th, 1921, and the date of the last publication of said notice being more than thirty days prior to the date fixed for the beginning of the measurements of the stream by the State Engineer, and for the beginning of taking testimony by the State Water Superintendent.

3.

That the time where said State Engineer or his assistants should begin the examination of said stream was set for Monday, the 14th day of November, 1921, and the time and place when and where the State Water Superintendent or his duly authorized assistant should attend and take the testimony of the various claimants was set as follows: on Tuesday, the 15th day of November, 1921, in the Circuit Court Room of the County Court House in the city of The Dalles, Wasco County, Oregon; for a period of thirty days beginning on Monday, the 21st day of November, 1921, in the office of the said State Water Superintendent at La Grande, Oregon.

4.

That on the 6th day of October, 1921, the State Water Superintendent did send by registered mail, to each person, firm or corporation claiming a right to the use of the waters of said stream, or any tributary thereof, and to each person, firm or corporation, owning or being in possession of land bordering on or having access to said stream or its tributaries, insofar as said claimants, owners, firms or corporations could be reasonably ascertained, a similar notice to such published notice, setting forth the date when the State Engineer would commence the examination of the stream and the time and place when the State Water Superintendent would commence the taking of testimony as to the relative rights of the various claimants to the waters of said stream or its tributaries. And said Superintendent did enclose with each of said notices a blank form upon which the said claimant or person in possession could present in writing all the particulars necessary for the determination of his rights to the waters of said stream or a tributary thereof, under oath. That due proof of the publication of said notice and of the sending of said notice by registered mail has been made and is duly filed as a part of the record hereof.

5.

That at the time specified in said original notice, a duly qualified assistant of the State Engineer did proceed to make an examination of the said stream and its tributaries, and of the ditches diverting water therefrom, and of the lands irrigated from said ditches and canals, which observations and measurements were reduced to writing and made a matter of record in his office. And the State Engineer did cause to be prepared a set of maps or plats, on a scale of measurement of four inches to the mile, showing with substantial accuracy the course of said stream and its tributaries and the location of the various ditches diverting water therefrom, and the number of acres of land which had been irrigated in each legal subdivision; blueprints and copies of the said maps being now on file herein and a part of the record hereof.

That during the period specified in said notice for the taking of testimony of the various claimants, a duly authorized representative of the State Water Superintendent did attend and take the testimony of the various claimants. That statements and proofs of claim to the use of the waters of said stream or its tributaries were filed by the following named parties, to-wit:

Barrett & Kurtz, Rt. #2, The Dalles, Ore.  
 Brace, Emma, Rt. #2, The Dalles, Ore.  
 Brace, Fred E., The Dalles, Ore.  
 Chatterton, Marie, Newport, Ore.  
 Curtis, Carl V., Earl L., and Donald M., The Dalles, Ore.  
 Curtis, Ernest L., The Dalles, Ore.  
 Dalles City, a corp., D. L. Cates, Recorder, The Dalles, Ore.  
 Davis, Jack and Eva., Box 807, Saunger, Calif., C.L.Hazen, Agt., Rt.#3, The Dalles, Ore.  
 Ellison, Frank, The Dalles, Ore.  
 Ericksen, Fred J., The Dalles, Ore.  
 Gossen, C. E., The Dalles, Ore.  
 Gossen, Henry., Rt. #2, The Dalles, Ore.  
 Gossen, Mrs. Louise-Bonomi, Rt.#2, Box 77A, The Dalles, Ore.  
 Hazen, C. L., Rt. #2, Box 79, The Dalles, Ore.  
 Hoering, A. G., The Dalles, Ore.  
 Hunsicker, F. W., 327 Corbett Bldg., Portland, Ore.  
 Jacobsen, Emily E., Rt. #2, Box 10, The Dalles, Ore.  
 Klindt, Hans John, 823 West 8th St., The Dalles, Ore.  
 -Little, Florence Morton-, Rt.#2, Box 93, The Dalles, Ore.  
 Mesplie, Julius, and Melanie Stegman, The Dalles, Ore.,  
 Mesplie, Albert, Heirs of., The Dalles, Ore.  
 Meyer, Henry E., Heirs of, Mrs. Ida and Algernon R., The Dalles, Ore.  
 Miller, George, Rt. #2, The Dalles, Ore.  
 Nielsen, Hans O., Rt.#2, Box 12B, The Dalles, Ore, Henry Nielsen, Agt., The Dalles, Ore.  
 Pashek, Gregory, and Mary, The Dalles, Ore.  
 Rogers, G. L., 327 Corbett Bldg., Portland, Ore.  
 Sandoz, Alex, Rt. #2, Box 74, The Dalles, Ore.  
 Sandoz, Julius, The Dalles, Ore.  
 Sandoz, Louis, The Dalles, Ore.  
 Sandoz, Rollen A., The Dalles, Ore.  
 Segui, Louesa, Rt. #4, Box 15, The Dalles, Ore.  
 Shults, Ella, The Dalles, Ore.  
 Simonson, Daniel J., Rt.#2, Box 101, The Dalles, Ore.  
 Skelly, J. H., The Dalles, Ore.  
 Stadelman, P. J., Joe, and Mrs. F.J., The Dalles, Ore.  
 Stegman, John H., Rt.#2, Box 76, The Dalles, Ore.  
 Stegman, Mrs. Melanie, Rt. #2, The Dalles, Ore.  
 Turner, Albert W., Rt. #2, The Dalles, Ore.  
 Turner, Catherine Sandoz-, The Dalles, Ore.  
 Turner, Charles P., The Dalles, Ore.  
 Turner, Chas. P., and Lillie Turner-Tindall, The Dalles, Ore.  
 Urquhart, Andrew, Rt. #2, Box 97, The Dalles, Ore.  
 Ward, John M., 500 Going St., Portland, Ore.  
 Webb, George, Rt. #2, The Dalles, Ore.  
 Whipple, J. W., The Dalles, Ore.  
 Wicks, Edward, Rt. #2, The Dalles, Ore.  
 Wilson, Carrie Mesplie-, The Dalles, Ore.  
 Yerxa, Barter, The Dalles, Ore.  
 Zurlinden, Fred, Rt. #2, The Dalles, Ore.

That the following named persons were duly notified by registered mail and by publication of said notice as hereinbefore set forth, and that each of them, although so notified, has failed, neglected and refused to appear herein and submit proof of a right to the use of the waters of said stream, if any they have or claim, and that such parties are in default, and that such default is here and now entered against them, and each of

them, and said parties are hereby enjoined and inhibited from using or asserting any rights to the use of the waters of said stream or a tributary thereof, except by, through or under the rights of the persons whose water rights are defined herein, or under and by virtue of appropriations made subsequent to Feb. 24, 1909:

Ball, J. S., The Dalles, Ore.  
Becker, Philip, The Dalles, Ore.,  
Burt, E. C., The Dalles, Ore.  
Coomans, Chas., The Dalles, Ore.  
County Water Commission, The Dalles, Ore.  
Crone, Carrie Elma, The Dalles, Ore.  
Curtis, Paul and Ellen, The Dalles, Ore.  
Dwyer, Mrs. Travis, The Dalles, Ore.  
Francois, H., The Dalles, Ore.  
French, Laura E., The Dalles, Ore.  
Gibson, Randolph, The Dalles, Ore.  
Gosson, James, R.F.D. No. 2, The Dalles, Ore.  
Gosson, Louis, R.F.D. No. 2, The Dalles, Ore.  
Gordion, H. L., The Dalles, Ore.  
Goy, Barbara A., The Dalles, Ore.  
Keller, Otto, The Dalles, Ore.  
Marineo, Isaac, The Dalles, Ore.  
Meyer, Julius, The Dalles, Ore.  
Mignet, Theodore, R.F.D. No. 2, The Dalles, Ore.  
Pattee, H. L., The Dalles, Ore.  
Rogers, Gladys, The Dalles, Ore.  
Sandoz, Edward, R.F.D.No. 2, The Dalles, Ore.  
Spickerman, B. L., The Dalles, Ore.  
Stegman, Helen Mesplie- The Dalles, Ore.  
Turner, C. W., R' F. D. No. 2, The Dalles, Ore.  
Turner, Dick, The Dalles, Ore.

8.

That upon the completion of the taking of testimony and proofs of claim as aforesaid, the State Water Superintendent did, on the 4th day of January, 1922, give notice by registered mail to each of the various claimants to the use of the waters of said stream or its tributaries, that at the times and places named in said notice, to-wit: for a period of four days, beginning on Tuesday, January 17, 1922, and ending on Friday, January 20, 1922, in the Circuit Court Room of the County Court House at The Dalles, Oregon; and for a period of eight days, beginning on Monday, January 23, 1922, and ending on Tuesday, January 31, 1922, (Sundays excepted), at the office of the State Water Board in the Capitol Building, at Salem, Oregon, all of said testimony and proofs of claim would be open to inspection by the various claimants or owners. That a duly authorized representative of said Superintendent did, in accordance with said notice, attend at said times and places and keep said evidence open to inspection for the periods aforesaid. That said notice did also state therein the county in which the determination of the State Water Board would be heard by the Circuit Court, to-wit: The County of Wasco. That due proof of the sending of said notice by registered mail and the holding of said inspection has been made and filed as a part of the records herein.

That within the time fixed by law therefor, the following contests were initiated by the filing with said Superintendent of notices of contest in writing:

Contest No. 1: Catherine Sandoz-Turner, Louise Bonomi-Gossen, Charles E. Gossen, Louise Segui, F. E. Brace, L. F. Sandoz, Gregory Pashek, Alexander Sandoz, Henry Gossen, A. W. Turner, C. L. Hazen, Julius Sandoz, J. W. Whipple, Geo. Miller, A. Urquhart, F. W. Hunsicker, C. L. Rogers, J. F. Mesplie, J. H. Stegman, E. L. Curtis, W. A. Hoering, Ida Meyer and Algernon Meyer, heirs of Henry Meyer, deceased, J. H. Skelly, Emma Brace, George Webb, Rollen A. Sandoz, Ella Shults, Edward Wicks, Fred Zurlinden, Carl V. Curtis, Earl L. Curtis, and Donald E. Curtis,

Contestants,

v.

Dalles City, a municipal corporation,

Contestee.

Contest No. 2: Hans C. Nielsen,

Contestant,

v.

Dalles City, a municipal corporation,

Contestee.

Contest No. 3: Emily E. Jacobsen,

Contestant,

v.

Dalles City, a municipal corporation,

Contestee.

Contest No. 4: Dalles City, a municipal corporation,

Contestant,

v.

Frank Ellison, John M. Ward, Fred J. Erickson, Hans John Klindt, Florence Morton Little, P. J. Stadelman, Joe Stadelman, Randall Barrett, Ed. Kurtz, Heirs of Henry Meyer, Jack Davis, Eva Davis, Heirs of Albert Mesplie, and Marie Chatterton,

Contestees.

Contest No. 5: Dalles City, a municipal corporation,

Contestant,

v.

Hans C. Nielsen,

Contestee.

Contest No. 6: C. L. Hazen,

Contestant,

v.

Frank Ellison,

Contestee.

Contest No. 7: Carrie Mesplie Wilson,

Contestant,

v.

Dalles City, a municipal corporation,

Contestee.

Contest No. 8: Chas. P. Turner and Lillie Turner Tindall,

Contestants,

v.

Dalles City, a municipal corporation,

Contestee.

Contest No. 9: Dalles City, a municipal corporation,

Contestant,

v.

Louise Bonomi Gossen, Catherine Sandoz Turner, Charles E. Gossen, Louise Segui, F. E. Brace, Emma Brace, Julius Sandoz, Louis Sandoz, Alex Sandoz, Gregory Pashek, Mary Pashek, Henry Gossen, Albert W. Turner, C. L. Hazen, J. W. Whipple, George Miller, Andrew Urquhart, F. W. Hunsicker, C. L. Rogers, Julius F. Mesplie, Melanie Stegman, John H. Stegman, E. L. Curtis, A. G. Hoering, Algernon Meyer, Ida Meyer, George Webb, J. H. Skelly, Rollen A. Sandoz, Ella Shults, Edward Wicks, Fred Zurlinden, Carl V. Curtis, Earl L. Curtis, Donald M. Curtis,

Contestees.

Contest No. 10: Dalles City, a municipal corporation,

Contestant,

v.

Carrie Mesplie Wilson,

Contestee.

Contest No. 11: Dalles City, a municipal corporation,

Contestant,

v.

Chas. P. Turner, and Lillie Turner Tindall,

Contestee.

Contest No. 12: Dalles City, a municipal corporation,

Contestant,

v.

Emily E. Jacobsen,

Contestee.

10.

That after the filing of said statements of contest the State Water Superintendent did fix a time and place for the hearing of each and every of said contests, and did on the 18th day of February, 1922, serve notice of hearing of said contests on each of the parties to each and every of said contests, which said notice of hearing set the said hearing for Monday, March 27, 1922, in the Circuit Court Room of the County Court house at The Dalles, Wasco County, Oregon; said date being more than thirty days and less than sixty days from the date the said notice of hearing was served upon said parties. That due proof of the service of said notices has been made and filed as a part of the record herein.

That at the time so set by said notices the taking of testimony upon said contests was commenced before a duly appointed reporter, and continued until each and every of said contests were fully heard, settled or otherwise disposed of.

That thereafter the evidence taken in said contests, together with all evidence taken in the original hearing before the Superintendent, was transmitted by the Superintendent to the office of the State Water Board, and such evidence was thereupon filed with the Board.

Contest No. 1: Catherine Sandoz Turner, Louise Bonomi Gossen, Charles E. Gossen, Louise Segui, F. E. Brace, L. F. Sandoz, Gregory Pashek, Alexander Sandoz, Henry Gossen, A. W. Turner, C. L. Hazen, Julius Sandoz, J. W. Whipple, Geo. Miller, A. Urquhart, F. W. Hunsicker, C. L. Rogers, J. F. Mesplie, J. H. Stegman, E. L. Curtis, W. A. Hoering, Ida Meyer and Algernon Meyer, heirs of Henry Meyer, deceased, J. H. Skelly, Emma Brace, George Webb, Rollen A. Sandoz, Ella Shults, Edward Wicks, Fred Zurlinden, Carl V. Curtis, Earl L. Curtis, and Donald E. Curtis,

Contestants,

v.

Dalles City, a municipal corporation,

Contestee.

That this contest came on for hearing and considerable testimony was taken thereon, a stipulation being entered into consolidating the hearing of this contest with the hearing of contests Nos. 2, 3, 7 and 8, all being against the claim of Dalles City.

That it appears from the evidence that in the year 1862 one Robert Pentland made an appropriation of the waters of Mill Creek at a point about a mile above Dalles City, a town of some 800 inhabitants at that time, and used the same to supply said Dalles City with water for general municipal purposes. That in 1870 said Pentland appropriated the waters of Dog River, a tributary of East Fork of Hood River, and diverted the same over the divide into the head waters of the South (or East) Fork of Mill Creek, to supplement the supply from Mill Creek. That in the year 1890 Dalles City acquired all the rights in and to said appropriations and water system, and thereupon changed the point of diversion of the water to a point about five miles upstream. That in the year 1904 Dalles City again changed the point of diversion, moving about four miles further upstream, to its present location on the Wicks place, on the South Fork of Mill Creek, and thereafter abandoned all use of the waters of the North Fork of Mill Creek. That these changes in diversion point injuriously affected the rights of appropriators on the stream above the former points of diversion, and it would therefore seem that the rights of the City at the time the changes were made were subordinate and inferior to the rights of those parties so injured. However, it appears that since 1904 Dalles City has acquired a right by adverse user as against all appropriators of the stream below its diversion, except Edward (Ned) Wicks. In 1904, under its rights theretofore acquired, the City built its dam and commenced diverting its water supply on the Wicks place, and greatly enlarged the capacity of its system, and increased its use of water to such an extent that during the dry season of each year thereafter, except perhaps in years of unusually large water supply, all of the water flowing in the South Fork of Mill Creek was diverted from the stream. The testimony shows that there was some little seepage through the dam, which was used by Edward Wicks, the next appropriator downstream, until about the year 1916, when the City concreted the floor of its reservoir, which shut off Mr. Wicks' supply during the dry season. As to the other appropriators below the City's intake, practically all of them have testi-

fied in this proceeding that their water supply became short immediately after the City began to divert water at the Wicks dam in 1904; that this shortage became more and more pronounced, year by year; that the matter was freely discussed among them, but no action was taken to stop the City's diversion of the water away from them; and that this use by the city continued in defiance and disregard of their rights without interruption for a period of more than ten years. The testimony shows that some of these appropriators received a little water even during the low water period of the year, but not enough to supply their needs, and it appears that this supply came from return seepage or springs below the City's intake, and that the City diverted the entire flow in the stream at its intake during the low water period. That Dalles City has openly and notoriously, for an uninterrupted period of more than ten years, utilized the waters of the South Fork of Mill Creek, adversely and to the detriment of all appropriators of water from Mill Creek below its point of diversion on the Wicks place, with the exception of Edward Wicks, and has therefore acquired a right by adverse user as against said appropriators. That the rights of Edward Wicks were infringed upon by the change of the City's intake in 1904 from a point below to a point above his diversion, and the city's appropriation after the change in 1904 was therefore inferior to the rights of said Edward Wicks. And his rights not having been seriously invaded until about 1916, Dalles City has not acquired a right by adverse user as against him, and the City's right shall therefore be subject and subordinate to the right of Edward Wicks as hereinafter tabulated.

That the evidence shows that the maximum amount of water which has been diverted by Dalles City from the South Fork of Mill Creek at the Wicks dam, and beneficially used through its system, in addition to the waters of Dog River turned into the South Fork above said point, is two cubic feet per second. That the rights of Dalles City herein shall therefore be limited to a diversion of two cubic feet per second of the waters of the South Fork of Mill Creek, and the date of priority of such appropriation shall relate back to the year 1862. And subject only to the rights of Edward Wicks, the City shall be allowed to divert water at any and all times when needed and beneficially used up to said limitation of two second feet, notwithstanding the earlier priority of any of the rights below. And none of said rights below the City's intake which may have a priority earlier than that of the Dalles City may by virtue of such earlier right compel said city to turn down the water to them when such water is needed by the City and does not exceed said limitation of two second feet; but as between themselves all rights below the city's intake shall be governed by priority as set forth in Paragraph 27 hereof.

That it appears from the evidence herein that the water diverted by the City at the Wicks dam is carried down to the Mesplie place in a 12-inch pipe where it is divided and carried in two pipes for the remainder of the way to Dalles City. That there



is an overflow pipe at the Mesplie place through which the surplus water is turned back into the Mill Creek channel. That at times the amount of water flowing out of this overflow pipe is considerable, even at low water stages of the stream, there being an average overflow of 0.92 second foot in August, 1922. That this practice deprives the appropriators above said overflow of the use of said water, and constitutes an unnecessary waste of water. And Dalles City shall so regulate its diversion of water from the South Fork of Mill Creek that this waste and overflow shall be eliminated insofar as practicable.

That the rights of said Dalles City to the use of the waters of Dog River are not involved herein. Said Dalles City has been granted the right by decree of the Circuit Court for Hood River County dated October 24, 1921, to divert all the water flowing in said stream at its point of diversion. That Dalles City shall maintain suitable measuring devices on the South Fork of Mill Creek to determine what amount of water it turns into said stream from Dog River, and shall be entitled to re-divert the same amount at the Wicks dam, less a reasonable deduction for transmission losses.

That it appears that it has been the practice of Dalles City to secure as large a proportion of its water supply as possible from Dog River, and in the diversion of water hereafter this practice shall be continued, and the Mill Creek water shall be used only when Dog River will not furnish a sufficient amount to supply the City's needs.

12.

Contest No. 2: Hans G. Nielsen,  
Contestant,  
v.  
Dalles City, a municipal corporation,  
Contestee.

That this contest is settled by the findings as to Contest No. 1, Paragraph 11.

13.

Contest No. 3: Emily E. Jacobsen,  
Contestant,  
v.  
Dalles City, a municipal corporation,  
Contestee.

That this contest is settled by the findings as to Contest No. 1, Paragraph 11.

14.

Contest No. 4: Dalles City, a municipal corporation,  
Contestant,  
v.  
Frank Ellison, John M. Ward, Fred J. Erickson, Hans John Klindt, Florence Morton Little, P. J. Stadelman, Joe Stadelman, Randall Barrett, Ed. Kurtz, heirs of Henry Meyer, Jack Davis, Eva Davis, Heirs of Albert Mesplie, and Marie Chatterton,  
Contestees.

That this contest came on for hearing and testimony was taken thereon. That sufficient proof was made by the contestees as to their respective claims, and their rights shall be as hereinafter tabulated.

15.

Contest No. 5: Dalles City, a municipal corporation,  
Contestant,  
v.  
Hans C. Nielsen,  
Contestee.

That testimony was taken as to the rights of the Contestee in this Contest, and satisfactory proof was furnished as to the rights claimed, and the rights of said contestee shall be as hereinafter tabulated.

16.

Contest No. 6: C. L. Hazen,  
Contestant,  
v.  
Frank Ellison,  
Contestee.

That this contest came on for hearing and considerable testimony was taken thereon. That by the allegations of this contest the ownership of a certain ditch referred to in Contestee's Proof No. 19 as the "Miguet" ditch (and by Contestant referred to as the "Hazen" ditch), is in question. That it appears that said ditch was built by one Victorine Mesplie about 1865, who later sold some of the lands across which said ditch was constructed to Theo. Miguet, and that said Theo Miguet later conveyed said lands to Isaac Matney, predecessor in interest of Contestee Frank Ellison. That in making said conveyances a definitely described right-of-way for said ditch, and the use of the water of Mill Creek through said ditch, were expressly reserved, title to the ditch right-of-way remaining in the Mesplies until in later years it was conveyed to Contestant C. L. Hazen, as was the balance of the original Mesplie place. That said Hazen now owns a two-thirds interest in said ditch right-of-way, having sold a one-third interest to one Geo. Miller, with the east part of said place. That it appears that for two or three years beginning about 1913, the Matneys, predecessors of Contestee Ellison, were permitted by said Hazen to use water from said ditch, at certain times designated by Hazen, in return for the use by Hazen of a ditch taken out on the Matney place on the opposite (or south) side of the creek, this arrangement being made through an oral agreement between said parties. That Contestee Ellison claims that his predecessors were given a permanent interest in the ditch by such oral agreement, but the testimony shows that the exchange

of ditch privileges between said parties was purely a temporary one, and was made with the express understanding that no permanent rights should thereby accrue to either party. That this arrangement was dis-continued about the year 1915, but in the last few years Contestee Ellison has continued to make some use of the water from said ditch, over the objections of Contestant Hazen. That no right by adverse user has been acquired by Ellison as against said Hazen, however, as such use has not continued for a period of ten years. That it appears that Contestee Ellison has no legal title in said ditch right-of-way, and no right to use said ditch for the conveyance of the water which he is entitled to appropriate from Mill Creek. That it appears that up until about the year 1912 Contestee's predecessors irrigated the lands described under Proof No. 19 through a flume taken across Mill Creek from a ditch on the south side of the creek, and that said lands may still be irrigated in this manner by the reconstruction of said flume. And Contestee's rights to irrigate said lands shall be as hereinafter tabulated.

17.

Contest No. 7: Carrie Mesplie Wilson,  
Contestant,  
v.  
Dalles City, a municipal corporation,  
Contestee.

That this contest is settled by the findings as to Contest No. 1, Paragraph 11.

18.

Contest No. 8: Chas. P. Turner and Lillie Turner Tindall,  
Contestants,  
v.  
Dalles City, a municipal corporation,  
Contestee.

That this contest is settled by the findings as to Contest No. 1, Paragraph 11.

19.

Contest No. 9: Dalles City, a municipal corporation,  
Contestant,  
v.

Louise Bonomi Gossen, Catherine Sandoz Turner, Charles E. Gossen, Louise Segui, F. E. Brace, Emma Brace, Julius Sandoz, Louis Sandoz, Alex Sandoz, Gregory Pashek, Mary Pashek, Henry Gossen, Albert W. Turner, C. L. Hazen, J. W. Whipple, George Miller, Andrew Urquhart, F. W. Hunsicker, C. L. Rogers, Julius F. Mesplie, Melanie Stegman, John H. Stegman, E. L. Curtis, A. G. Hoering, Algernon Meyer, Ida Meyer, George Webb, J. H. Skelly, Rollen A. Sandoz, Ella Shults, Edward Wicks, Fred Zurlinden, Carl V. Curtis, Earl L. Curtis, Donald M. Curtis,  
Contestees.

That this contest came on for hearing and testimony was taken thereon. Sufficient proof was made by the contestees as to their respective claims, and their rights shall be as claimed, except as follows: The claim of Ernest L. Curtis for irrigation purposes shall be denied except as to the two acres of land, and his right limited to domestic use with a priority of 1854, and the irrigation of two acres with a priority of 1904. This claimant did not begin the irrigation of the balance of his land until 1914, and is not entitled to a water right therefor except by the filing of an application with the State Engineer and securing a permit as provided by law (L. 1909, Chap. 216, Sec. 45, being Sec. 5721, O.L.). The priority dates of the rights claimed by the following parties shall be changed to conform to the testimony: Louesa Segui, from 1890 to 1886; Louis Sandoz, from 1887 to 1888; Ida and Algernon Meyer, 1868 to 1863; Edward Wicks, from 1881 to 1887. And the rights of Contestees in said contest shall be as hereinafter tabulated.

20.

Contest No. 10: Dalles City, a municipal corporation,  
Contestant,  
v.  
Carrie Mesplie Wilson,  
Contestee.

That sufficient proof was furnished by the contestee in this contest in support of her claim, and her rights shall be as hereinafter tabulated.

21.

Contest No. 11: Dalles City, a municipal corporation,  
Contestant,  
v.  
Ghas. P. Turner, and Lillie Turner Tindall,  
Contestees.

That satisfactory proof was made by the above contestees as to their claims, and their rights shall be as hereinafter tabulated.

22.

Contest No. 12: Dalles City, a municipal corporation,  
Contestant,  
v.  
Emily E. Jacobsen,  
Contestee.

That the proof furnished by the above contestee is satisfactory, and her rights shall be as hereinafter tabulated.

That Mill Creek and its tributaries form a perennial stream with well defined bed and banks, rising in the Cascade Mountains in the eastern part of Hood River County, and western part of Wasco County, Oregon, and flows in a northeasterly direction a distance of about eighteen miles, becoming tributary to the Columbia River near the City of The Dalles. That the land irrigated from said stream is semi-arid land, and irrigation is necessary for the raising of profitable crops thereon. That various appropriations of water have been made upon said stream, there being approximately 400 acres of land for which water rights are claimed in this proceeding.

That the soil irrigated from said stream and its tributaries consists of a sandy and gravelly loam or volcanic ash, and the main crops raised are fruit, berries, vegetables, and alfalfa. That the irrigation season commences about the 1st of April and continues until about the 1st of October. That from the records of the flow of Mill Creek and its tributaries on file herein, it appears that the water supply is more than sufficient to properly irrigate the lands now irrigated during the early part of the irrigation season, but that said water supply diminishes gradually as the season progresses, and is usually insufficient during the months of August and September to supply all the needs.

That the rights to the use of water from Mill Creek and its tributaries as hereinafter tabulated shall be limited to the diversion of the amount of water which can be applied to beneficial use, not to exceed one-sixtieth of a cubic foot per second per acre of land irrigated, or its equivalent in case of rotation, during the irrigation season from April 1st to October 1st.

That the water master of the district in which Mill Creek and its tributaries are situated, shall arrange such system or systems of rotation as may be best applicable, either by giving a greater quantity of water for a proportionately less time, or by arranging such appropriators in groups or systems of rotation, first giving 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 complete rotation through the whole group or system as the appropriation of the first appropriator bears to the combined appropriations of said appropriators, and shall serve the next appropriator in priority next 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 water shall be repeated in the same manner throughout the irrigating season. In case any two or more appropriators in said group shall have the same priority, then the said water master shall distribute the water as between those having the same priority to the one whose ditch taps the stream next its source first, and the next lower down next, and so on. And when two

or more appropriators agree among 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. That in case the water flowing in the channel of Mill Creek sinks or fails to flow down the channel thereof so as to be of beneficial use to the appropriator having the prior right to its use, the water master shall allow the diversion thereof by the next in order of priority who can make a beneficial use of such water. Provided, however, that nothing contained in these findings shall operate to interfere with the prior rights of any appropriator not a member of any of such groups or systems of rotation.

25.

That all parties herein allowed a right to the use of water for irrigation shall be entitled to use such water for stock and domestic purposes, and that the right of use of water for stock and domestic purposes as hereby confirmed entitles the owner of such right to divert and use such a quantity of water as is reasonably necessary for his domestic and household use and for stock purposes; that the right to divert and use water for stock and domestic purposes shall continue throughout the year. That outside of the irrigation season, the amount so diverted and used shall not exceed the rate of one-fortieth of one cubic foot per second for each one thousand head of stock, but during the irrigation season appropriators of water for irrigation purposes shall not be entitled to divert any water for stock and domestic purposes in addition to the amount which they are entitled to divert for irrigation purposes.

26.

That the rights to the use of water for irrigation purposes hereby confirmed are appurtenant to the lands herein described, and the rights of use of the waters of said stream and its tributaries by virtue of such rights are limited and confined to the irrigation of the lands described herein to the extent of said lands herein set forth, and the priorities of right herein confirmed confer no right of use of the waters of said stream and its tributaries on any lands other than those specified tracts to which such rights are herein set forth as appurtenant, and each and every person shall be and hereby is prohibited, restrained, and enjoined from diverting and using water from said stream on such other lands without lawful permit first obtained from the State Engineer.

27.

That except as otherwise determined herein, the order of the rights of the respective appropriators of the waters of said stream and its tributaries, and in which order they are entitled to divert and use the said water shall be and is according to the date of the relative priority of the rights as herein set forth and determined, and the first in order of time according to the date of relative priority shall be and is the first in order of right, and so on down to the date of the latest right, and those having prior rights are entitled to divert and

use the waters of said stream and its tributaries when necessary for beneficial use in connection with the irrigation of their respective lands or other useful and beneficial purposes for which they are decreed the right of use, at all times against those having subsequent rights without let or hindrance, and whenever the water is not required by the appropriator having a prior right to its use for the purpose for which said water was appropriated, he must and shall permit it to flow down the natural channel of the stream as it was wont to flow in its natural course without hindrance or diversion thereof, and those having subsequent rights are entitled to the use of such water and to divert the same to the extent of their rights of appropriation according to the order of priority of their rights; and at all times the waters shall be beneficially, economically and reasonably used without waste by those having a right to the use of such water, and no rights of appropriation are hereby confirmed to divert a greater quantity of water into the head of the ditch or ditches of the appropriator having valid right to divert water than such appropriator can beneficially use for the purpose to which the water is to be put.

28.

That each and every appropriator holding a permit or permits covering the right to appropriate water from said Mill Creek or its tributaries, whether a claim thereunder was filed in this proceeding or not, shall have such water rights thereunder as is provided by law, and the rights of such parties shall be completed and established in the manner provided by law for the completion of such rights. That the rights of each and every appropriator holding a water right certificate or certificates covering a right to appropriate water from said Mill Creek or its tributaries, whether a claim thereunder was filed in this proceeding or not, shall be as defined and limited in such certificates.

29.

That the name and address of the various appropriators of water from said MILL CREEK and its tributaries arranged in a tabulated form, together with the date of relative priority of such appropriation, the number of acres to which such appropriation is applied, the use or uses for which said water was applied and is now limited, the name of the ditch or ditches through which the water so appropriated is diverted, the name of the stream or streams from which the water so appropriated is diverted, and the description of the lands upon which such water is used, the tabulated rights of each appropriator being set opposite and following the name and post office address of each appropriator, are as follows: to-wit:-

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Barrett & Kurtz, a partnership composed of Randall Barrett and E. Kurtz, Rt. #2, The Dalles, Ore. (Proof No. 1)	1880			Domestic and Stock		Mill Creek	Place of Use: SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 7, and NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 18, T. 1 N., R. 13 E.W.M.
Bonomi- Ernest, heirs of, (Mrs. Louise Bonomi-Gossen and two daughters, Rt. #2, Box 77A, The Dalles, Ore.) (Proof No. 2)	1861		9.1	Irrigation and stock	Bonomi-Gossen	North Fork Mill Creek	4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 5.1 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 22, T. 1 N., R. 12 E.W.M.
Brace, Emma, ✓ Route 2, Box 85, The Dalles, Ore. (Proof No. 3)	1855		5.5	Irrigation and stock	Sandoz	Mill Creek	5.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14, T. 1 N., R. 12 E.W.M.
(Proof No. 4)	1855			Domestic		Spring	Place of Use: SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14, T. 1 N., R. 12 E.W.M.
(Proof No. 5)	1882		3.2	Irrigation and domestic	Zurlinden and Brace	Mill Creek	3.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14, T. 1 N., R. 12 E.W.M.
(Proof No. 6)	1908		3	Irrigation	Pumping Plant	Mill Creek	3 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14, T. 1 N., R. 12 E.W.M.
Brace, Fred E., ✓ The Dalles, Ore. (Proof No. 7)	1907		5.5	Irrigation	Pumping Plant	Mill Creek	5.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14, T. 1 N., R. 12 E.W.M.
Chatterton, Marie, ✓ Newport, Ore. (Proof No. 8)	1855			Domestic and stock	North	Mill Creek	Place of Use: SW $\frac{1}{4}$ Section 13, T. 1 N., R. 12 E.W.M.
(Proof No. 9)	1855		4.1	Irrigation Domestic and Stock	South	Mill Creek	1.1 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 3.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13, T. 1 N., R. 12 E.W.M.
Curtis, Carl V., ✓ Earl L., and Donald M., The Dalles, Ore. (Proof No. 10)	1905		8.5	Irrigation and domestic		Mill Creek	8 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ .5 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8, T. 1 N., R. 13 E.W.M.
Curtis, Ernest L., ✓ The Dalles, Ore. (Proof No. 11)	1854			Domestic		Mill Creek	Place of Use: NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8, T. 1 N., R. 13 E.W.M.
(See Par. 19, pages 11-12)	1904		2	Irrigation		Mill Creek	2 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8, T. 1 N., R. 13 E.W.M.
Dalles City, a municipal corporation, D. L. Gates, Recorder, The Dalles, Ore. (Proof No. 12)	1862	2 sec.ft. at diversion point on Edw. Wicks place -		Municipal	City pipe lines	South Fork of Mill Creek	Within the corporate limits, and in the vicinity of the City of The Dalles, Oregon.
(See Par. 11, page 7)		NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 28, T.1 N., R. 12 E.					



Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Davis, Jack and Eva, ✓ Box 807, Saunger, Calif. C. L. Hazen, Agt., Rt. #3, The Dalles, Ore. (Proof No. 13)	1906		2.7	Irrigation	Skelly	Mill Creek	2.7 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23, T. 1 N., R. 12 E.W.M.
Ellison, Frank, ✓ The Dalles, Ore. (Proof No. 14)	1870		4.1	Irrigation	Ellison	Mill Creek	4.1 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22, T. 1 N., R. 12 E.W.M.
(Proof No. 15)	1877			Domestic		Spring located in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 22, T. 1 N., R. 12 E.	Place of Use: NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22, T. 1 N., R. 12 E.W.M.
(Proof No. 16)	1877		1	Supplemental Irrigation, Domestic and Stock		Springs lo- cated in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 22, T. 1 N., R. 12 E.W.M.	1 acre of same land that is described under Proof No. 19, in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22, T. 1 N., R. 12 E.W.M.
(Proof No. 18)	1901		5	Supplemental Irrigation, Domestic & Stock	Matney	Mill Creek	5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22, T. 1 N., R. 12 E.W.M.
(Proof No. 19)	1908		6	Irrigation	Flume from ditch on South side of creek	Mill Creek	2 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 4 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22, T. 1 N., R. 12 E.W.M.
Ericksen, Fred J., ✓ The Dalles, Ore. (Proof No. 20)	1894		1	Irrigation	Ericksen's Flume	Mill Creek	1 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, T. 1 N., R. 13 E.W.M.
	1896		1	Irrigation	Ericksen's Flume	Mill Creek	1 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, T. 1 N., R. 13 E.W.M.
	(Also rights under State Engineer's Permit No. 3690, Certificate No. 3239).						
Gosson, C.E., ✓ The Dalles, Oregon. (Proof No. 21)	1900		5.3	Irrigation and Domestic,	North	North Fork of Mill Creek	0.9 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 4.4 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, T. 1 N., R. 12 E.W.M.
(Proof No. 22)	1901		3.5	Irrigation, Domestic and Stock	South	North Fork of Mill Creek	3 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 0.5 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29, T. 1 N., R. 12 E.W.M.
Gosson, Henry, ✓ Rt. #2, The Dalles, Ore. (Proof No. 23)	1901		2	Irrigation	North	North Fork of Mill Creek	2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, T. 1 N., R. 12 E.W.M.
(Proof No. 24)	1901		1	Irrigation	North No. 2	North Fork of Mill Creek	1 acre in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, T. 1 N., R. 12 E.W.M.
(Proof No. 25)	1901		0.8	Irrigation Domestic & Stock	South	North Fork of Mill Creek	0.8 acre in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, T. 1 N., R. 12 E.W.M.
Gossen, Mrs. Louise ✓ Bonomi- (See Bonomi, Ernest, page 16).							

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
48680 Hazen, G. L., Rt. #2, Box 79, The Dalles, Ore. (Proof No. 26)	1865		14.8	Irrigation	Hazen	Mill Creek	3.2 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 10.3 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 22,
(Proof No. 27)	1865		2.3	Supplemental Irrigation and Domestic	Hazen Pipe Line	Mill Creek	1.3 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 22, T. 1 N., R. 12 E.W.M.
Hoering, A. G., The Dalles, Ore. (Proof No. 28)	1872		2.3	Irrigation	Hoering Pump	Mill Creek	2.3 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4, T. 1 N., R. 13 E.W.M.
Hunsicker, F. W., 327 Corbett Bldg., Portland, Ore. (Proof No. 29)	1856		1	Irrigation Domestic and Stock	North	Mill Creek	0.5 acre in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 0.5 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 18, T. 1 N., R. 13 E.W.M.
(Proof No. 30)	1856		10	Irrigation Domestic and Stock	South	Mill Creek	4.3 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 1.7 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 4.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 18, T. 1 N., R. 13 E.W.M.
Jacobsen, Emily E., Rt. #2, Box 10, The Dalles, Ore. (Proof No. 31)	1859		28.3	Irrigation	East Denton or Morrissy	Mill Creek	5.8 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ 0.3 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5, 6.4 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 15.8 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, T. 1 N., R. 13 E.W.M.
Klindt, Hans John 823 West 8th St., The Dalles, Ore. (Proof No. 32)	1890		1.8	Irrigation Domestic and Stock	Hans John Klindt Pipe line	Mill Creek	1.8 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4, T. 1 N., R. 13 E.W.M., (being portions of blocks 79 & 105, Fort Dalles Mili- tary Reservation Addition to Dalles City, County of Wasco, Oregon).
(Proof No. 33)	1892		1.7	Irrigation, Domestic and Stock	Klindt Pumping System	Mill Creek	1.7 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4, T. 1 N., R. 13 E.W.M., (being portion of Block 104, Fort Dalles Military Reser- vation Addition to Dalles City, County of Wasco, Ore- gon.)
Little, Florence Morton Rt. #2, Box 93, The Dalles, Ore. (Proof No. 39)	1882		10	Irrigation, Domestic & Stock	Morton- Little	Three Springs	10 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 13, T. 1 N., R. 12 E.W.M.
Mesplie, Julius, and Melanie Stegman, The Dalles, Ore. (Proof No. 34)	1856		8.2	Irrigation, Domestic & Stock	Mesplie South	Mill Creek and Springs	2.2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 2.3 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 2.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 1.7 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, T. 1 N., R. 12 E.W.M.
Mesplie, Albert, Heirs of, (Julius Mesplie, Melanie Stegman, Marie Chatterton, Carrie Mesplie Wilson, Cecelia Mesplie Dwyer The Dalles, Ore.) (Proof No. 35)	1856		1.2	Irrigation Domestic & Stock	Mesplie North	Mill Creek	1 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 0.2 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, T. 1 N., R. 12 E.W.M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Meyer, Henry, Heirs of, (Mrs. Ida Meyer, widow, and Algernon R., adult son, and three minor children, The Dalles, Ore.) (Proof No. 36)	1863		11.7	Irrigation	Meyer	Mill Creek	7 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, 4.7 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5, T. 1 N., R. 13 E.W.M.
(See. par. 19, pages 11-12)							
(Proof No. 37)	1908			Domestic	Meyer pipe line	Spring located in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 4, T. 1 N., R. 13 E.	Place of Use: SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5, T. 1 N., R. 13 E.W.M.
Miller, George, Rt. #2, The Dalles, Ore. (Proof No. 38)	1865		6	Irrigation	Hazen	Mill Creek	4.8 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 1.2 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 22, T. 1 N., R. 12 E.W.M.,
			3.5		Pump	Spring	3.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 22, T. 1 N., R. 12 E.W.M.
Nielsen, Hans G., Rt. #2, Box 12B, The Dalles, Ore. Henry Nielsen, Agt., The Dalles, Ore. (Proof No. 40)	1859		10.9	Irrigation	West Denton	Mill Creek	2.8 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 1.1 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 7.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 8, T. 1 N., R. 13 E.W.M.
Pashek, Gregory, and Mary The Dalles, Ore. (Proof No. 41)	1885		3.8	Irrigation	Pashek	North Fork of Mill Creek	3.6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 0.2 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28, T. 1 N., R. 12 E.W.M.
Rogers, G. L., 327 Corbett Bldg., Portland, Ore. (Proof No. 42)	1856		3.4	Irrigation Domestic and stock	North	Mill Creek	3.4 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 18, T. 1 N., R. 13 E.W.M.
(Proof No. 43)	1856		5.3	Irrigation, Domestic & Stock	South	Mill Creek	4.2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, T. 1 N., R. 12 E.W.M.  1.1 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 18, T. 1 N., R. 13 E.W.M.
Sandoz, Alex, Rt. #2, Box 74, The Dalles, Ore. (Proof No. 44)	1885		6.7	Irrigation, Domestic & Stock	Lower Sandoz	North Fork of Mill Creek	0.1 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 3.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 3.6 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28, T. 1 N., R. 12 E.W.M.
(Proof No. 45)	1887		3.6	Irrigation Domestic & Stock	Upper Sandoz	North Fork of Mill Creek	0.7 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 2.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 0.9 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28, T. 1 N., R. 12 E.W.M.
Sandoz, Julius, The Dalles, Ore. (Proof No. 46)	1855		15.1	Irrigation and Stock	Sandoz	Mill Creek	6.1 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14, 3.8 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 5.2 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13, T. 1 N., R. 12 E.W.M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Sandoz, Julius, (Continued) (Proof No. 47)	1884 1888		0.2	Domestic and Stock Irrigation	Spring	Mill Creek Mill Creek	0.2 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13, T. 1 N., R. 12 E.W.M.
Sandoz, Louis, The Dalles, Ore. (Proof No. 48)  (See. paragraph 19, pages 11-12)  (Proof No. 49)	1888 1888		3 7.25	Irrigation Irrigation	Sandoz Bros. (Chrisman) Louis Sandoz No. 1	North Fork of Mill Creek North Fork of Mill Creek	3 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28, T. 1 N., R. 12 E.W.M. 4.5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 3) 1.5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 2) 1.25 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28, T. 1 N., R. 12 E.W.M.
(Proof No. 50)	1903		1.1	Irrigation	Louis Sandoz No. 2	North Fork of Mill Creek	1.1 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28, T. 1 N., R. 12 E.W.M.
Sandoz, Rollen A., The Dalles, Ore. (Proof No. 51)  (Proof No. 52),	1855 1855		11.9	Irrigation Domestic and Stock	L. A. Sandoz Spring	Mill Creek	2.9 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14 9 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13, T. 1 N., R. 12 E.W.M. Place of use: SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13, T. 1 N., R. 12 E.W.M.
Segui, Louesa, Rt. #4, Box 15, The Dalles, Ore. (Proof No. 53)  (See. Par. 19, pages 11-12)  (Proof No. 54)	1886 1901		6.7 1.3	Irrigation and Domestic Irrigation and Domestic	Upper Segui Lower Segui	North Fork of Mill Creek North Fork of Mill Creek	1.3 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 1.1 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30, 1 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 3.3 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 31, T. 1 N., R. 12 E.W.M. 1.3 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 31, T. 1 N., R. 12 E.W.M.
Shults, Ella, The Dalles, Ore. (Proof No. 55)  (Proof No. 56)	1906 1907		1	Irrigation Domestic	Brace Pipe Line	Mill Creek Spring located in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14, T. 1 N., R. 12 E.	1 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14, T. 1 N., R. 12 E.W.M. Place of Use: SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14, T. 1 N., R. 12 E.W.M.
(Proof No. 57)	1908		6.3	Irrigation and domestic	Pumping Plant	Mill Creek	6.3 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14, T. 1 N., R. 12 E.W.M.
Simonson, Daniel J., Rt. #2, Box 101, The Dalles, Ore. (Proof No. 58)	Aug. 1908		3	Irrigation and domestic	Byers-Simonson Pumping system	Mill Creek	2.4 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, 0.6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 18, T. 1 N., R. 13 E.W.M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Skelly, J. H., The Dalles, Ore.  (Proof No. 59)	1862		12.6	Irrigation Domestic & Stock	Skelly	Mill Creek & Springs	1 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 6.7 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 4.9 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23,
	1906		3	Supplemental Irrigation	Skelly Ditch & Pumping Plant	Mill Creek and Springs	3 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23, T. 1 N., R. 12 E.W.M., (being a part of the land irrigated under Skelly Ditch)
Stadelman, P. J., Joe, and Mrs. F. J., The Dalles, Ore. P. J. Stadelman, Agt., The Dalles, Ore. (Proof No. 60)	1880		32.9	Irrigation Domestic & Stock	Stadelman Ditch & Flume	Mill Creek	0.6 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 18.9 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4, T. 1 N., R. 13 E.W.M.  7.9 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 5.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, T. 2 N., R. 13 E.W.M.
	1864		8	Irrigation Domestic & Stock	John H. Stegman	North Fork of Mill Creek	8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 22, T. 1 N., R. 12 E.W.M.
(Proof No. 61)	1886			Domestic and Stock	John H. Stegman	Spring in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 22	Place of Use; SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 22, T. 1 N., R. 12 E.W.M.
	(Proof No. 62)						
Stegman, John H., Rt. #2, Box 76 The Dalles, Ore.  (Proof No. 61)	1864		8	Irrigation Domestic & Stock	John H. Stegman	North Fork of Mill Creek	8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 22, T. 1 N., R. 12 E.W.M.
	(Proof No. 62)						
Stegman, Mrs. Melanie, Rt. #2, Box 76, The Dalles, Ore. (Proof No. 63)	1856		5.7	Irrigation Domestic & Stock	Mesplie South	Mill Creek & Spring	3.6 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 2.1 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, T. 1 N., R. 12 E.W.M.
	(Proof No. 63)						
Turner, Albert W., R. F. D. No. 2, The Dalles, Ore. (Proof No. 64)	1897		2	Irrigation and domestic	Turner	South Fork of Mill Creek	2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T. 1 S., R. 11 E.W.M.
	(Proof No. 64)						
Turner, Catherine Sandoz, The Dalles, Ore. (Proof No. 65)	1855		8.7	Irrigation and stock	Sandoz	Mill Creek	7.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ 1.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14, T. 1 N., R. 12 E.W.M.
	(Proof No. 65)						
(Proof No. 66)	1880			Domestic		Spring located in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 14, T. 1 N., R. 12 E.	
Turner, Charles P., The Dalles, Ore. (Proof No. 67)	1894		4.45	Irrigation and domestic	Thompson- Turner	North Fork of Mill Creek	3.25 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 1.20 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25, T. 1 N., R. 11 E.W.M.
	(Proof No. 67)						
Turner, Charles P., & Lillie Turner Tindall, The Dalles, Ore. (Proof No. 68)	1901		0.6	Irrigation and domestic	Eben- Turner	North Fork of Mill Creek	0.6 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29, T. 1 N., R. 12 E.W.M.
	(Proof No. 68)						
Urquhart, Andrew, Rt. #2, Box 97, The Dalles, Ore. (Proof No. 69)	1860		10	Irrigation Domestic & Stock	Urquhart Spring	Mill Creek & Spring	3 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 18, T. 1 N., R. 13 E.W.M.
	(Proof No. 69)						

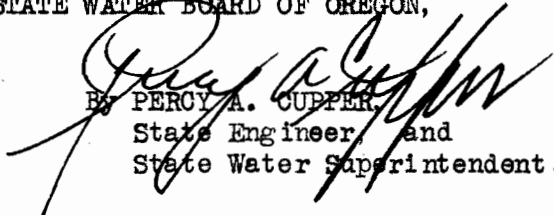
Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Ward, John M., 500 Going St., Portland, Ore. (Proof No. 70)	1894		2.1	Irrigation Domestic & Stock	Thompson- Turner	North Fork of Mill Creek	0.8 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 1.3 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25, T. 1 N., R. 11 E.W.M.
Webb, George, Rt. #2, The Dalles, Ore. (Proof No. 71)	1874		7.5	Irrigation Domestic & Stock	Webb	Mill Creek & Spring	1 acre in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 4 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, 1.5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 1 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8, T. 1 N., R. 13 E.W.M.
Whipple, J. W., The Dalles, Ore. (Proof No. 72)	1906		6.5	Irrigation Domestic & Stock	Skelly & Brace, and Pump	Mill Creek and Spring	1.1 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14, 5.4 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23, T. 1 N., R. 12 E.W.M.
Wicks, Edward, Rt. #2, The Dalles, Ore. (Proof No. 73) (See. Par. 11, page 7; Par. 19, pages 11-12).	1887		4.6	Irrigation	Wicks Nos. 1, 2, 3.	South Fork of Mill Creek	1.4 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 3.2 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27, T. 1 N., R. 12 E.W.M.
Wilson, Carrie Mesplie- The Dalles, Ore. (Proof No. 74)	1856		4.5	Irrigation Domestic & Stock	North	Mill Creek	4.5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, T. 1 N., R. 12 E.W.M.
(Proof No. 75)	1850		6.1	Irrigation Domestic & Stock	South	Mill Creek	0.2 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 5.9 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, T. 1 N., R. 12 E.W.M.
(Proof No. 76)	1860		2	Supplemental Irrigation	Spring	Springs	2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, T. 1 N., R. 12 E.W.M., (being a part of same land irrigated under South Ditch)
Yerxa, Barter, The Dalles, Ore. (Proof No. 77)	1905		0.2	Irrigation	Pump	Mill Creek	0.2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4, T. 1 N., R. 13 E.W.M., (being part of Lots A, B, C, D, and E, in Block 98, of Fort Dalles Military Reservation Addition to the Dalles City)
Zurlinden, Fred, Rt. #2, The Dalles, Ore. (Proof No. 78)	1882		8.3	Irrigation and domestic	Zurlinden and Brace	Mill Creek	3.2 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14, 3.1 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23, T. 1 N., R. 12 E.W.M.

And the State Water Board of the State of Oregon, being fully advised in the premises, it is hereby CONSIDERED AND ORDERED that the relative rights to the use of the waters of the said MILL CREEK and its tributaries are hereby adjudicated, determined and settled in accordance with and as set forth in the foregoing findings.


Dated this 10th day of May, 1923, at Salem, Oregon.

(Seal of State Water Board)

STATE WATER BOARD OF OREGON,

  
By PERCY A. CUPPER,  
State Engineer, and  
State Water Superintendent.

ATTEST:

  
R. W. POTTER,  
Secretary.