

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF
UNION.

IN THE MATTER OF THE DETERMINATION OF THE)
RELATIVE RIGHTS OF THE VARIOUS CLAIMANTS)
TO THE USE OF THE WATERS OF GRANDE RONDE RIVER)
ABOVE THE MOUTH OF GORDON CREEK, AND OF ALL) DE C R E E
ITS TRIBUTARIES ABOVE SAID POINT, INCLUDING)
GORDON CREEK, EXCEPT MILL CREEK, HERETOFORE)
ADJUDICATED, IN UNION COUNTY, OREGON.)

At this time, this 13th day of March, 1924, the above entitled matter comes on for hearing on the original and supplemental Findings and Order of Determination made and filed by the State Water Board of the State of Oregon, and upon exceptions to said Findings and Order; and the Court having duly considered the same, and it appearing that said Findings and Order should be in the main affirmed and should in some details hereinafter referred to be modified, it is

CONSIDERED, ORDERED and DECREED: That said Findings and Order of Determination be and hereby are modified as hereinafter set forth, and in the following particulars, to-wit:-

1.

With reference to the exceptions filed by Mrs. M. W. Mitchell to Finding No. 8 of the said Supplemental Findings, there be and hereby is added to said Finding No. 8, as a part thereof, the following, to-wit:-
"As to Murphy Creek, mentioned in said stipulation, the dates of priority are the same, said stipulation providing for equal division of the waters from said Murphy Creek; and the Water Master shall so divide said waters in accordance with such dates of priority."

2.

That there be and hereby is added to Finding No. 18 of said Supplemental Findings, as a part thereof, the following:

"Provided that the owners of the Conklin Estate lands shall have the first right to the use of the waters from the springs rising on said Conklin Estate lands, and on the Payne Estate lands, to the extent that same are beneficially used."

3.

That as shown by the exception of Carrie Hunter and Pearl Harrison, the streams from which appropriations are made by S. A. Pennick, E. D. Whiting and E. L. Whiting are the same streams which furnish water to Hunter Canyon Creek, from which W. G. Hunter Estate has an appropriation;

and that in the suit wherein W. G. Hunter was plaintiff and F. M. Stanley and Harry Huntley were defendants, in the Circuit Court of the State of Oregon for the County of Union, the rights of the predecessors in interest of E. D. Whiting, E. L. Whiting and S. A. Pennick were decreed inferior to the right of the said W. G. Hunter.

The original tabulation of the rights of the W. G. Hunter Estate should stand as rights superior to those of the said S. A. Pennick and E. D. Whiting and E. L. Whiting, as tabulated in the Supplemental Findings of said State Water Board.

4.

That in said Supplemental Findings, at the pages and opposite the names of the persons hereinafter set forth, in the column headed "Name of Ditch," the name "May Park Water Ditch Co." should be substituted for the name "May Park Water Co.", as follows:

At page 13, opposite the name of M. A. Adams,
At page 13, opposite the name of James Ainsworth,
At page 13, opposite the name of B. P. Courtney,
At page 13, opposite the name of Elizabeth Elsworth,
At page 23, opposite the name of J. W. O'Bryant,
At page 25, opposite the name of Belle Quinland,
At page 27, opposite the name of Charles Wilson,

and that in said particulars the tabulation hereinafter set forth is hereby substituted for said Supplemental Findings, at said names and pages, and which said Supplemental Findings are in said particulars hereby so modified.

5.

That the date of relative priority of the rights of George Chadwick as given in the tabulation in the Original Findings of said State Water Board, at page 29 of said Findings, should be 1874 instead of 1897; and that the tabulation as to said George Chadwick hereinafter set forth is hereby substituted in place of said original tabulation in said respect, and which tabulation is hereby in said particular so modified.

6.

That the rights of J. B. Tallent should be included in said Findings and there tabulated; and that the tabulation hereinafter set forth as to the said J. B. Tallent is hereby made a part of said tabulation.

7.

That with reference to the exception by L. M. Wilson to Supplemental Finding No. 18 $\frac{1}{2}$, there should be and hereby is added thereto as a part thereof, by inserting immediately after the words, "State Water Board," on second line of said Finding, the following, to-wit:="except that the said L. M. Wilson has a date

of priority as of 1880, and the original tabulation, appearing on page 100 of said original Findings, be modified so as to read as the tabulation hereinafter set forth as to the said L. M. Wilson.

8.

That with reference to the exception filed by Pearl Payne Huntley, it appears that lands belonging to her are tabulated at page 81 of the original Findings as a part of the lands of the Payne Estate; and that her lands should be separately tabulated, and the tabulation hereinafter set forth as to the said Payne Estate and the said Pearl Payne Huntley is accordingly hereby substituted in said respects for said original tabulation.

How much of the same acreage be added?

9.

That with reference to the exception filed by C. C. Henderson, successor in interest of R. L. Wakefield, to the tabulation of the rights appearing on page 27 of said Supplemental Findings, the date of priority for the 98.25 acres of land there described should be 1874 instead of 1900, and the name of the stream furnishing water for said 98.25 acres in Little Creek; and that for the purpose of such correction, the tabulation of the rights of said C. C. Henderson, successor in interest of R. L. Wakefield hereinafter set forth, is hereby in said particular substituted for said supplemental tabulation.

10.

That with reference to the exceptions filed by Edward Gillaspie, the tabulation hereinafter set forth as to the said Edward Gillaspie is hereby added to as a part of the said original tabulation, and that said Findings are in said particulars so modified.

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
Adams, M. A. La Grande, Ore.	May 10, 1902.		10	Irrigation.	May Park Water Ditch Company	Grande Ronde	10 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, T. 3 S. R. 38 E. W. M.
Ainsworth, James La Grande, Ore.	" "		18.1	"	" "	" "	8.1 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 10 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4, T. 3 S. R. 38 E. W. M.
Courtney, B.P. La Grande, Ore.	" "		12.5	"	" "	" "	10 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 2.5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4. T. 3 S. R. 38 E. W. M.
Ellsworth, Elizabeth La Grande, Ore.	" "		10	"	" "	" "	10 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4. T. 3 S. R. 38 E. W. M.
O'B ryant, J.W. La Grande, Ore.	" "		10	"	" "	" "	10 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4. T. 3 S. R. 38 E. W. M.
Quinland, Belle La Grande, Ore.	" "		6	"	" "	" "	6 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4. T. 3 S. R. 38 E. W. M.
Wilson, Charles La Grande, Ore.	" "		23	"	" "	" "	3 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 20 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 5. T. 3 S. R. 38 E. W. M.
Chadwick, Geo. Cove, Ore.	1874		35	"	Rees	Warm Creek	5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 15 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 15 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10. T. 3 S. R. 40 E. W. M.
✓ Tallent, J. B. Cove, Oregon.	1863		30	"	May's ditch	North Br. Warm Creek.	5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 25 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10. T. 3 S. R. 40 E. W. M.
Wilson, L. M. La Grande, Ore.	1880		35	"	Wilson 1 & 2	Ladd Creek	34 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 1 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12. T. 4 S. R. 38 E. W. M.
✓ Payne, Estate Cove, Oregon.	1874		35	"	Payne Estate	Thomas Creek & Spring Branch Warm Ck.	15 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10. 20 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15. T. 3 S. R. 40 E. W. M.
✓ Huntley, Pearl Payne, Cove, Oregon.	1874		18.5	"	" "	" "	8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 10.5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15. T. 3 S. R. 40 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
Wakefield, R.L. C. C. Henderson Successors in interest.	1876		0.5	Irrigation	Town	Catherine Creek	S $\frac{1}{2}$ of Block 13 in West Union, Oregon (being in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 19, T. 4 S. R. 40 E. W. M.)
	1874		98	Irrigation	Wright Hutchinson	Little Creek	40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 38.5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 9.75 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 10 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12. T. 4 S. R. 39 E. W. M.
✓ Gillaspie, Edw. Union, Oregon.	1896		55	Irrigation		Brinker Creek	30 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11. 25 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2. T. 5 S. R. 40 E.W.M.

