

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF WASCO.

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

This matter coming on to be heard at this time, and it appearing to the Court that Findings of Fact and Conclusions of Law have heretofore been entered in this cause, and that a Decree should be entered herein in accordance with said Findings of Fact and Conclusions of Law.

NOW THEREFORE, on Motion of Homer D. Angell, of attorneys for Claimant, Dalles, City, it is ORDERED, ADJUDGED AND DECREED:

FIRST: That the relative rights of the Claimants to the use of the waters of Mill Creek and its tributaries, a tributary of the Columbia River, be and they are hereby fixed, determined and defined as set forth in the tabulation set out in this paragraph.

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:

MILL CREEK -DECREE- -1-

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
5684 Barrett & Kurtz, a partnership composed of Randall Barrett & E. Kurtz, Rt. #2. The Dalles, Oregon. (Proof No. 1)	1880			Domestic & 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, T. 1 N. R. 13 E. W. M. and NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 18, T. 1 N. R. 13 E. W. M.
5685 Cancelled - sp. or Rec. Vol. 45 p. 357 Bonomi-Ernest, heirs of Mrs. Louise Bonomi-Gossen and two daughters, Rt. #2, Box 77 A. The Dalles, Oregon. (Proof #2)	1861		9.1	Irrigation & 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.
5686 50542 Brace, Emma Rt. #2, Box 85, The Dalles, Oregon. (Proof No. 3)	1855		5.5	Irrigation & Stock	Sandoz	Mill Creek	4.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14, T. 1 N. R. 12 E. W. M.
(Proof #4) T-3718 ΔPOD	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 #5)	1882		3.2	Irrigation & 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 #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.
5687 Brace, Fred E. The Dalles, Oregon. (Proof #7)	1907		5.5	Irrigation	" "	" "	5.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14, T. 1 N. R. 12 E. W. M.
5688 Chatterton, Marie Newport, Oregon. (Proof #8)	1855			Domestic & Stock	North	Mill Creek	Place of Use: SW $\frac{1}{4}$ Section 13, T. 1 N. R. 12 E. W. M.
(Proof #9)	1855		4.1	Irrigation & Domestic and Stock Ch. Pt. of Div. Sp. Or. Vol. 11, p 290 Amended. " " " 13 p. 211	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.
5689 Curtis, Carl V. Earl L. & Donald M. The Dalles, Oregon. (Proof #10)	1905		8.5	Irrigation and Domestic		Mill Creek	8 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ .5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8, T. 1 N. R. 13 E. W. M.
5690 Curtis, Ernest L. The Dalles, Oregon. (Proof #11)  (See Par. 19, Pages 11-12)	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.

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
Curtis, Ernest L. (Continued)	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.
5691 Dalles City, a municipal corporation, D. L. Gates, Recorder, The Dalles, Oregon. (Proof #12) (See Par. 11, Page 7)	1862	2 sec. ft. at diversion point on Edw. Wicks place. NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28, T. 1 N. R. 12 E. W. M.		Municipal	City pipe lines	South Fork of Mill Creek	Within the corporate limits, and in the vicinity of the City of The Dalles, Oregon.
5694 Davis, Jack and Eva Box 807, Saunger, California. C. L. Hazen, Agt. Rt. #3, The Dalles, Oregon. (Proof #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.
5693 Ellison, Frank The Dalles, Oregon. T3670 $\Delta$ POW - POD (Proof # 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 #15)	1877			Domestic		Spring located in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 22 T. 1 N. R. 12 E. W. M.	Place of Use: NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22, T. 1 N. R. 12 E. W. M.
(Proof #16)	1877		1	Supplemental Irrigation Domestic and stock.		Springs located 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 #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 #19)	1908		6	Irrigation	Flume from ditch on South side of Creek	Mill Creek	2 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 4 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22, T. 1 N. R. 12 E. W. M.
5694 Ericksen, Fred J., The Dalles, Oregon. (Proof #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.

(NOTE: This land is also irrigated under Matney Ditch)

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
Ericksen, Fred J., (Continued)	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 Permits No. 3690, Certificate No. 3239)							
5695 Gosson, C. E. The Dalles, Oregon. (Proof #21)	1900		5.3	Irrigation & domestic.	North	North Fork of Mill Creek	0.9 acres 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 #22)	1901		3.5	Irrigation, Domestic & Stock	South	" "	3 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 0.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29, T. 1 N. R. 12 E. W. M.
5696 Gosson, Henry Rt. #2, The Dalles, Oregon. (Proof #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 #24)	1901		1	Irrigation	North No. 2	" "	1 acre in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, T. 1 N. R. 12 E. W. M.
(Proof #25)	1901		0.8	Irrigation Domestic & Stock	South	" "	0.8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, T. 1 N. R. 12 E. W. M.
Gosson, Mrs. Louise Bonomi (See Bonomi, Ernest, Page 16)							
5697 Hazen, C. L. Tr. Sp. Gr. V. 14, 229 Rt. #2, Box 79 The Dalles, Oregon. (Proof #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, T. 1 N. R. 12 E. W. M.
(Proof #27)	1865		2.3	Supplemental Irrigation & Domestic	Hazen Pipeline	Springs	2.3 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 22, T. 1 N. R. 12 E. W. M.
5698 Hoering, A. G. The Dalles, Oregon. (Proof #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.
5699 Hunsicker, F. W. 327 Corbett Bldg., Portland, Oregon. (Proof #29)	1856		1	Irrigation Domestic & Stock	North	Mill Creek	0.5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 0.5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16, T. 1 N. R. 13 E. W. M.

Ch. Pt. of Div. Sp. Gr. Vol. 11 p. 11.

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
Hunsicker, F. W.  (Continued) (Proof #30)	1856		10	Irrigation Domestic & 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.
5700 Jacobsen, Emily E. Rt. #2, Box 10, The Dalles, Oregon.  (Proof # 31)	1859		28.3	Irrigation  <i>Ch. Pt. of Div. Sp. Or. Vol. 11, p 75</i>	East Denton or Morrisy	" "	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.
5701 Klindt, Hans John 823 West 8th St., The Dalles, Oregon.  (Proof #32)	1890		1.8	Irrigation Domestic & 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 Military Reservation Addition to Dalles City, County of Wasco, Oregon.)
(Proof # 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 Reservation Addition to Dalles City, County of Wasco, Oregon.)
5702 Little, Florence Morton Rt. #2, Box 93 The Dalles, Oregon.  (Proof # 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.
5703 Mesplie, Julius, and Melanie Stegman, The Dalles, Oregon.  (Proof # 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.
							<i>T-4307 A POD all Cancel domestic V33, P275</i>
5704 Mesplie, Albert, heirs Julius Mesplie, Melanie Stegman, Marie Chatterton, Carrie Mesplie Wilson, Cecile Mesplie Dwyer, The Dalles, Oregon.  (Proof # 35)	1856		1.2	Irrigation Domestic & Stock	Mesplie North	Mill Creek	1 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 0.2 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, T. 1 N. R. 12 E. W. M.
							<i>T-4307 Δ POD All cancel domestic V33, P276</i>
49485 5705 Meyer, Henry, Heirs of Mrs. Ida Meyer, widow, and Algernon R. adult son, and three minor children, The Dalles, Oregon.  (Proof # 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.
							<i>112 Ac. Trst. Sp. Or. Vol. 12, p. 62</i>

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  (Continued) (See Par. 19, pages 11-12) (Proof # 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.W.M.	Place of Use: SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5, T. 1 N. R. 13 E. W. M.
45346 5406 Miller, George, Rt. #2, The Dalles, Oregon. (Proof # 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 canceled V. 21, p. 37	3.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 22, T. 1 N. R. 12 E. W. M.
5407 Neilsen, Hans C., Rt. #2, Box 12 B, The Dalles, Oregon. (Proof # 40) Henry Nielsen, Agt.	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.
							ch. Pt. of Div. Sp. Or. Vol. 11, p. 31
5408 Pashek, Gregory and Mary The Dalles, Oregon.  (Proof # 41)	1885		3.8	Irrigation	Pashek	North Fork Mill Creek	3.6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 0.2 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28, T. 1 N. R. 12 E. W. M.
5409 Rogers, G. L., 327 Corbett Bldg., Portland, Oregon.  (Proof # 42)  (Proof # 43)	1856		3.4	Irrigation Domestic & 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.
	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 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 18, T. 1 N. R. 13 E. W. M.
5410 Sandoz, Alex., Rt. # 2, Box 74., The Dalles, Oregon.  (Proof # 44)  (Proof # 45)	1885		6.7	Irrigation Domestic & Stock	Lower Sandoz	North Fork 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.
	1887		3.6	Irrigation, Domestic & Stock	Upper Sandoz	North Fork 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 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28, 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
5713 67384 Sandoz, Julius, The Dalles, Oregon. (Proof # 46) T-6435 Add'l POD Sp Or V 46 P 193 (Proof # 47)	1855		15.1	Irrigation and stock Ch. Pt. of Div. Sp. Or. Vol. 11, p. 290 Amended: - - - 13 p. 211	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 $\frac{1}{4}$ Section 13, 5.2 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13, T. 1 N. R. 12 E. W. M.
	1884			Domestic and Stock	Spring	Mill Creek	
	1888		0.2	Irrigation		Mill Creek	0.2 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13, T. 1 N. R. 12 E. W. M.
5719 Sandoz, Louis, The Dalles, Oregon. (Proof # 48) (See Par. 19, pages 11-12) (Proof # 49)	1888		3	Irrigation	Sandoz Bros.	North Fork Mill Creek	3 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28, T. 1 N. R. 12 E. W. M.
	1888		7.25	Irrigation	(Chrisman) Louis Sandoz No. 1	North Fork Mill Creek	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.
	1903		1.1	Irrigation	Louis Sandoz No. 2	North Fork Mill Creek	1.1 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28, T. 1 N. R. 12 E. W. M.
5713 67254 Sandoz, Rollen A. The Dalles, Oregon. (Proof # 51) T-6435 Add'l POD Sp Or V 46 P 193 (Proof # 52)	1855		11.9	Irrigation Ch. Pt. of Div. Sp. Or. Vol. 11, p. 290 Amended: - - - 13 p. 211	L. A. Sandoz	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.
	1855			Domestic and Stock	Spring		Place of Use: SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13, T. 1 N. R. 12 E. W. M.
5714 Segui, Louesa Rt. # 4, Box 15, The Dalles, Oregon. (Proof # 53) (See Par. 19, pages 11-12) (Proof # 54)	1886		6.7	Irrigation and Domestic	Upper Segui	North Fork Mill Creek	1.3 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 30, 1.1 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30, 1 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31, 3.3 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 31, T. 1 N. R. 12 E. W. M.
	1901		1.3	Irrigation & Domestic	Lower Segui	North Fork Mill Creek	1.3 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 31, T. 1 N. R. 12 E. W. M.
5715 Shults, Ella The Dalles, Oregon. (Proof # 55)	1906		1	Irrigation	Brace	Mill Creek	1 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14, 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
(Proof # 56)	1907			Domestic	Pipe line	Spring located in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14, T. 1 N. R. 12 E.	Place of Use: SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14, T. 1 N. R. 12 E. W. M.
(Proof # 57)	1908		6.3	Irrigation & 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.
<sup>5716</sup> Simonson, Daniel J. Rt. #2, Box 101, The Dalles, Oregon.	Aug. 1908		3	Irrigation & 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.
(Proof # 58)							
<sup>5717</sup> Skelly, J. H. The Dalles, Oregon.	1862		12.6	Irrigation Domestic and Stock	Skelly	Mill Creek and Springs	1 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 3.7 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 4.9 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23, 3 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23, T. 1 N. R. 12 E. W. M.
(Proof # 59)							
	1906		6	Supplemental Irrigation	Skelly ditch & pumping plant	Mill Creek	(Being a part of the land irrigated under Skelly ditch )
<sup>5718</sup> Stadelman, P. J. Joe, and Mrs. F. J. The Dalles, Oregon. P. J. Stadelman, Agt.,	1880		32.9	Irrigation Domestic & Stock	Stadelman ditch & flume	Mill Creek	0.6 acres 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.
(Proof # 60)							
Superseded by Cert. No. <u>47542</u>							
<sup>5719</sup> Stegman, John H., Rt. #2, Box 76 The Dalles, Oregon.	1864		8	Irrigation, Domestic & Stock	John H. Stegman	Mill Creek North Fork	8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 22, T. 1 N. R. 12 E. W. M.
(Proof # 61)							
(Proof # 62)	1886			Domestic & 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.
Cancelled or Rec. Vol. <u>17 P. 154</u>							
<sup>5720</sup> Stegman, Mrs. Melanie Rt. #2, Box 76 The Dalles, Oregon.	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 # 63)							
T-4367 Δ P00 = 11 Cancel domestic V33, P 277							



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
5721 Turner, Albert W., R. F. D. No. 2, The Dalles, Oregon.  (Proof # 64)	1897		2	Irrigation & Domestic	Turner	South Fork Mill Creek	2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T. 1 S. R. 11 E. W. M.
5722 Turner, Catherine Sandoz, The Dalles, Oregon.  (Proof # 65)  (Proof # 66)	1855  1880		8.7	Irrigation & Stock  Domestic	Sandoz	Mill Creek  Spring located in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 14, T. 1 N. R. 12 E.	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.
5723 Turner, Charles P., The Dalles, Oregon.  (Proof # 67)	1894		4.45	Irrigation & Domestic	Thompson- Turner	North Fork 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.
5724 Turner, Charles P. & Lillie Turner Tindall, The Dalles, Oregon.  (Proof # 68)	1901		0.6	Irrigation & Domestic	Eben- Turner	North Fork Mill Creek	0.6 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29, T. 1 N. R. 12 E. W. M.
5725 Urquhart, Andrew Rt. # 2, Box 97, The Dalles, Oregon.  (Proof # 69)	1860		10	Irrigation Domestic & Stock	Urquhart Spring	Mill Creek and 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.
5726 Ward, John M. 500 Going St., Portland, Oregon.  (Proof # 70)	1894		2.1	Irrigation Domestic & Stock	Thompson Turner	North Fork 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.
<del>5727</del> Canceled Sp Or. Volume 38, page 370 (A11) Webb, George, Rt. # 2, The Dalles, Oregon.  (Proof # 71)	1874		7.5	Irrigation Domestic & Stock	Webb	Mill Creek and 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.
5728 Whipple, J. W. The Dalles, Oregon.  (Proof # 72)	1906		6.5	Irrigation Domestic & Stock	Skelly & Brace, ditch 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.

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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
5929 Wicks, Edward Rt. #2, The Dalles, Oregon.  (Proof # 73) (See Par. 11, page 7, Par. 19, pages 11- 12)	1887		4.6	Irrigation	Wicks Nos. 1, 2 & 3.	South Fork 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.
5930 Wilson, Carrie Mesplie The Dalles, Oregon.  (Proof # 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 # 75)	1850		6.1	Irrigation Domestic & Stock	South	Mill Creek	0.2 acres 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 # 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).
5931 Yerxa, Barter, The Dalles, Oregon.  (Proof # 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.)
5932 Zurlinden, Fred, Rt. #2, The Dalles, Oregon.  (Proof # 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.

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SECOND: That the Claimant, Dalles City, subject only to the rights of Edward Wicks, is the owner of and vested with the right to divert water at any and all time when beneficially used, at its head works on the Edward Wicks place in the Northeast quarter (NE $\frac{1}{4}$ ) of the Southeast quarter (SE $\frac{1}{4}$ ) of Section Twenty-Eight (28) Township One (1) North, Range Twelve (12) E. W. M., up to the limitation of two second feet, notwithstanding the earlier priority of the rights of Claimants below said point of diversion, and that none of the Claimants below said point of diversion who have priority earlier than that of Dalles City, may by virtue of such earlier rights compel the City to turn the water to them when such water is needed by the Dalles City and does not exceed such limitation of two second feet, but as between themselves, all Claimants below the City's intake on the Wicks place, shall be governed by priority, as set forth in the tabulation set forth in this Decree.

THIRD: That the Dalles City is the owner of the rights to the waters of Mill Creek diverted at its head works on the Wicks place as herein defined, and as such owner, has the right to dispose of the same for any beneficial use, to any person, persons, or corporation, either within or without its corporate limits. That any increased flow of water of the East Fork of Mill Creek developed by Dalles City, resulting from borings into the hills or the developing of springs along the line of the channel of the Creek above the Wicks dam, is the property of the Dalles City and it has the exclusive right to the use thereof.

FOURTH: That the rights to the use of water from Mill Creek and its tributaries as hereinbefore 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 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.

FIFTH: 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.

SIXTH: 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.

SEVENTH: 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.

EIGHTH: 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 certificate. That Dalles City has been granted the right by decree of the Circuit Court of Hood River County, dated October 24, 1921, to divert all of the water flowing in the said stream at its point of diversion. That said Dalles City is hereby granted the right and privilege to divert the said waters from Dog River into the East fork of Mill Creek and to take the same from Mill Creek at the point of diversion at the Wicks dam. That Dalles City shall maintain suitable measuring devices on the East 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.

NINTH: That the following named persons were duly notified by registered mail and by publication of said notice 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 February 24, 1909:

Ball, J. S., The Dalles, Oregon,  
Becker, Philip, The Dalles, Oregon,  
Burt, E. C., The Dalles, Oregon,  
Coomans, Chas., The Dalles, Oregon,  
County Water Commission, The Dalles, Oregon.,  
Crone, Carrie Elma, The Dalles, Oregon,  
Curtis, Paul and Ellen, The Dalles, Oregon,  
Dwyer, Mrs. Travis, The Dalles, Oregon,  
Francois, H., The Dalles, Oregon,  
French, Laura E., The Dalles, Oregon,  
Gibson, Randolph, The Dalles, Oregon,

Gosson, James, R. F. D. No. 2, The Dalles, Oregon,  
 Gosson, Louis, R. F. D. No. 2, The Dalles, Oregon,  
 Gordion, H. L., The Dalles, Oregon,  
 Goy, Barbara A., The Dalles, Oregon,  
 Keller, Otto, The Dalles, Oregon,  
 Marineo, Isaac, The Dalles, Oregon,  
 Meyer, Julius, The Dalles, Oregon,  
 Mignet, Theodore, R. F. D. No. 2, The Dalles, Oregon,  
 Pattee, H. L., The Dalles, Oregon,  
 Rogers, Gladys, The Dalles, Oregon,  
 Sandoz, Edward, R. F. D. No. 2, The Dalles, Oregon,  
 Spickerman, B. L., The Dalles, Oregon,  
 Stegman, Helen Mesplie, The Dalles, Oregon,  
 Turner, C. W., R. F. D. No. 2, The Dalles, Oregon,  
 Turner, Dick, The Dalles, Oregon.

Dated at Portland, Oregon, this 17th day of May

1924.

Geo. H. Stapleton  
 JUDGE

STATE OF OREGON, )  
 )ss  
 County of Wasco )

I, W. L. Crichton, County Clerk and Ex-officio Clerk of the Circuit Court, do hereby certify that the foregoing copy of Decree 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, has been by me compared with the original Decree, now of record in my office, and that the same is a full, true and correct transcript therefrom and of the whole of said original, as the same appears of record in my office and in my custody.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal, this the 23rd day of July, A. D. 1925.

(S E A L)

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 W. D. CRICHTON  
 County Clerk  
 By-----  
 Deputy

ENDORSED: Indexed #3155 Compared.  
 In the Circuit Court of the State of Oregon for the County of Wasco. 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: DECREE. Filed May 21st, 1924. W.D.Crichton, Co.Clerk,  
 STATE OF OREGON )  
 )ss  
 County of Marion )  
 by E.A.Etton, Deputy.

I, Rhea Luper, State Engineer of Oregon, do hereby certify that the foregoing copy of Decree in the matter of the determination of the relative rights to the use of the waters of Mill Creek has been by me compared with the original, and that it is a true and correct copy therefrom, 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 this 2nd day of November, 1925.

RHEA LUPER Rhea Luper  
 State Engineer