

BEFORE THE STATE ENGINEER OF THE STATE OF OREGON

YAMHILL COUNTY

IN THE MATTER OF THE DETERMINATION OF THE )  
RELATIVE RIGHTS TO THE USE OF THE WATERS )  
OF MILL CREEK AND ITS TRIBUTARIES, A TRIB- )  
UTARY OF WILLAMETTE RIVER. )

FINDINGS AND ORDER  
OF  
DETERMINATION

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

FINDINGS AND ORDER OF DETERMINATION

1.

That on the 8th day of July 1924, there was filed in the office of the State Engineer a petition signed by Springbrook Water Association and Frank Carlisle, requesting a determination of the relative rights of the various claimants to the use of the waters of Mill Creek and its tributaries, a tributary of Willamette River. That thereafter the State Engineer, after a full investigation and due consideration of said petition, finding the facts and conditions such as to justify it, made and entered an order directing that such determination be made, and fixing a time for the beginning of the taking of such testimony and the making of such examination as would enable him to determine the rights of the various claimants.

2.

That a notice was prepared by the State Engineer setting forth the date when he would begin an investigation of the flow of the stream and of the ditches diverting water therefrom, and said notice was published in two issues of the "Newberg Graphic", a newspaper published weekly at Newberg in Yamhill County, Oregon, and of general circulation in said county; said two issues being those of September 4th and 11th, 1924, and the date of the last publication of said notice being more than ten (10) days prior to the date set for the measurement of the stream by the State Engineer, or his assistants.

3.

That the time when the State Engineer, or his assistant, should begin the examination of said stream and its tributaries, was set for the 22d day of September, 1924. That at the time so specified, duly qualified assistants of the State Engineer did proceed to make an examination of the said stream and its tributaries and of the ditches

or other devices diverting water therefrom, and of the land irrigated by the waters from said stream or its tributaries, which observations and measurements were reduced to writing and made a <sup>matter of</sup> 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, the location of the various ditches, or other works for the diversion of water therefrom, and the number of acres of land which had been irrigated in each legal subdivision, blue prints of said maps and plats being now on file and a part of the record herein.

4.

That after said examination and measurements were completed, a notice was prepared by the State Engineer setting a time and place certain when he would begin the taking of testimony (in the form of written statements and proofs of claim) as to the relative rights of the various claimants to the use of the waters of said stream; and said notice was published in two issues of the "Newberg Graphic", a newspaper published weekly at Newberg, in Yamhill County, Oregon, and of general circulation in said county, the date of the last publication of said notice being more than thirty (30) days prior to the date fixed for the beginning of the taking of testimony by the State Engineer.

5.

That on the 13th day of December, 1924, the State Engineer did send by registered mail to each person, firm or corporation claiming a right to the waters of said stream, or a 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 the names of said claimants, owners, firms or corporations could be reasonably ascertained, a notice similar to such published notice, setting forth a time and place when and where the State Engineer would commence the taking of testimony (or statements and proofs of claim) as to the relative rights of the various claimants to the waters of said stream or its tributaries. And the State Engineer did enclose with each of said notices a blank form upon which the claimant or owner could present in writing all the particulars necessary for the determination of his rights to the waters of the stream, under oath.

6.

That the times and places when and where the State Engineer or his duly authorized assistant should attend and take the claims of the various parties were fixed as follows, to-wit:

On Thursday, the 15th day of January, 1925, in the City Hall at Newberg, Oregon.

And for a period of 12 days beginning Monday, January 19, and ending Saturday, January 31, 1925 (Sundays excepted), at the office of the State Engineer in the Capitol Building at Salem, Oregon.

That during the period so specified in said notice, claims to the use of the waters of said stream or its tributaries were filed by the following parties, to-wit:

Baron, F. D., Newberg, Oregon.  
 Bishop, A. J., Newberg, Oregon.  
 Clemmens, Jennie E., R.F.D. #2, Newberg, Oregon.  
 Everest, Albert A., Newberg, Oregon.  
 George, Arthur B., 851 E. 6th St. N., Portland, Oregon.  
 (Howard H. George, Agent, Newberg, Ore.)  
 George, Marion, Newberg, Oregon.  
 Graue, August, Newberg, Oregon.  
 Grimes, Gilbert, Newberg, Oregon.  
 Hodson, Elwood A., Springbrook, Oregon.  
 Hodson, Thomas, R.F.D. #3, Box 8, Newberg, Oregon.  
 Hodson, J. W., Newberg, Oregon.  
 Johnson, David, 415 Hancock St., Newberg, Oregon.  
 Keeney, Chas. A. & Alice A., Newberg, Oregon.  
 City of Newberg, Newberg, Oregon.  
 Perkins, William, Newberg, Oregon.  
 Rees, Victor E., Springbrook, Oregon.  
 Rees, John H., Newberg, Oregon.  
 Newby, Ray S. & Rose E., Newberg, Oregon.  
 Sandoz, Chas. U., Newberg, Oregon.  
 Springbrook Water Association, Unincorporated, Springbrook, Ore.  
 Tangen, Mrs. Marie, R #1, Box 39, Newberg, Oregon.  
 Thorne, Elmer E. & Florence, Newberg, Oregon.

7.

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 or its tributaries, 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 any tributary thereof, except by, through or under the rights of the persons whose water rights are defined herein, or under and by virtue of permits issued by the State Engineer:

Adolph, Daniel, Newberg, Oregon.	Hensley, Albert R., Newberg, Ore.
Arney, L. E., Newberg, Oregon.	Henson, Mr., Springbrook, Ore.
Baird, H. F. & M. A., Newberg, Oregon.	Hodson, Ed., Newberg, Ore.
Baker, Walter & Sophia, Newberg, Oregon.	Hodson, Wina M., Newberg, Ore.
Bean, Violet S., Newberg, Oregon.	Hodson, V. M., Newberg, Ore.
Bronillette, Nelson D. & F. A., Newberg, Ore.	Homberger, Fred & Ida, Newberg, Ore.
Brower, Edith M., Newberg, Ore.	Hurford, Fred L., Newberg, Oregon.
Bullock, S. S., Newberg, Ore.	Hutchens, Effie, Newberg, Oregon.
Bush, Wm. F. & Isabelle, Newberg, Ore.	Isitt, Lena, Newberg, Oregon.
Candeaux, Geo. A., Newberg, Ore.	Johnson, Chas. A. & Pauline K., Newberg, Ore.
Friendly Church, Newberg, Oregon.	Johnson, David & E. A., Newberg, Oregon.
Colcord, J. S. & S. C., Newberg, Oregon.	Kinyon, Nora J., Newberg, Oregon.
Pacific College, Newberg, Oregon.	Leaper, John F., Newberg, Oregon.
Crow, Harry & Agnes, Newberg, Ore.	Lemon, John C. & Josephine, Newberg, Ore.
Crozer, W. E. & O. M. Estelle, Newberg, Ore.	Lewis, R. W. & E. J., Newberg, Ore.
Daniel, Adolph, Newberg, Ore.	Macdonald, J. R., Newberg, Ore.
Duer, D. G., Newberg, Ore.	Mardock, Mr., Springbrook, Ore.
Ehret, H., Newberg, Ore.	Martz, Benj. F., Newberg, Oregon.
Everest, J Van, Newberg, Ore.	McGarry, H. L. & A. C., Newberg, Oregon.
Everest, Rich, Newberg, Ore.	Merseman, Bernadine, Newberg, Ore.
Evans, M. K., Newberg, Ore.	Metcalf, L. M., Newberg, Ore.
Fell, Nellie L., Newberg, Ore.	Mewhirter, F. N. & Hattie, Newberg, Ore.
Fesslen, H. A., Newberg, Ore.	Miller, Eloise, Newberg, Ore.
Gall, Geo., Newberg, Ore.	Nelson, Nels S., Newberg, Ore.
Gore, Alva & L. E., Newberg, Ore.	Pope, Robt. L. & Mary H., Newberg, Ore.
Gower, John & Jennie, Newberg, Ore.	Ralston, L. R., Newberg, Ore.
Green, Laura, Newberg, Ore.	Riggs, Claude L., Newberg, Ore.
Groff, John, Newberg, Ore.	Roberts, Jas. & Hannah, Newberg, Ore.
Guild, J. J., Newberg, Ore.	Scott, Erwin & Mary, Newberg, Ore.
Gulley, Alva S. & Nora A., Newberg, Ore.	Slater, F. L., Newberg, Ore.
Hammon, David & Charolet, Newberg, Ore.	Spalding Logging Co., Newberg, Ore.
Hampton, W. A., Newberg, Ore.	Springbrook Parsonage, Springbrook, Oregon.

Stratton, A., Newberg, Ore.	Venable, John J., Newberg, Oregon.
Stretch, C. E., & Nora E., Newberg, Ore.	Walter, E. L. & M. E., Newberg, Ore.
Terrell, Walter E., Newberg, Oregon.	Weatherly, Herbert & Della, Newberg, Ore.
Thorne, Elmer, Springbrook, Oregon.	West, O. H., Newberg, Oregon.
Tomitsa, Inosuke, Newberg, Oregon.	Wheeler, Sarah J., Newberg, Oregon.
	Wolgemuth, Gottfried, Newberg, Oregon.

8.

That upon the completion of the taking of such statements and proofs of claim the State Engineer did on the 23d day of March, 1925, 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:

On Saturday, April 4, 1925, in the City Hall at Newberg, Ore.

And for a period of 10 days beginning with Monday, April 6, 1925, and ending with Thursday, April 16, 1925 (Sunday excepted) at the office of the State Engineer in the Capitol Building at Salem, Oregon;

the testimony and proofs of claim would be open to public inspection by the various claimants or owners. That a duly authorized representative of the State Engineer did in accordance with said notice keep said evidence and claims open to inspection at said times and places.

That said notice did also state therein the county in which the determination of the State Engineer in the said matter would be heard by the Circuit Court of the State of Oregon, to-wit: The County of Yamhill.

9.

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

Contest No. 1.

Springbrook Water Association,  
Contestant,

vs.

Mrs. Marie Tangen,  
Contestee.

Contest No. 2.

Springbrook Water Association,  
Contestant,

vs.

A. J. Bishop,  
Contestee.

Contest No. 3.

Springbrook Water Association,  
Contestant,

vs.

Gilbert Grimes,  
Contestee.

Contest No. 4.

Contest No. 4.

Springbrook Water Association,  
Contestant,

vs.

Jennie E. Clemmens,  
Contestee.

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That after the filing of said notices of contest, the State Engineer did fix a time and place for the hearing of each of said contests, and did on the 16th day of May, 1925, serve notice of hearing of said contests on each of the parties to said contests, the date fixed for hearing being more than thirty (30) days and less than sixty (60) days from the date the notice of hearing was served upon said parties.

That the time so set for said hearing was later extended to suit the convenience of the interested parties. That upon the date as finally fixed for the hearing of said contests, the taking of testimony upon said contests was commenced before a duly authorized reporter and continued until each of said contests was fully heard, settled, or otherwise disposed of.

10.

Contests Nos. 1, 2, and 3. Springbrook Water Association, Contestant, vs. Mrs. Marie Tangen, A. J. Bishop, and Gilbert Grimes, Contestees.

That the above contests were set down for hearing, and the contestees, although duly notified, failed to offer any testimony or proof in support of their claims. That the said contestees are in default, and their rights as hereinafter tabulated shall be subject to the rights of contestant, Springbrook Water Association.

11.

Contest No. 4. Springbrook Water Association, Contestant, vs. Jennie E. Clemmens, Contestee.

That this contest was set down for hearing, and testimony was taken therein. In this contest, contestant seeks to reduce the extent of contestee's appropriation from Mill Creek, as claimed, and further alleges that the water it has appropriated is not tributary to Mill Creek, and therefore the use thereof is not an infringement upon contestee's right, which is admitted to be prior in time. The evidence strongly supports this contention. The record shows that the shortage of water supply experienced by contestee the last few seasons was due to the general deficiency in rainfall which affected practically all streams in the state. The water used by contestant rises some four miles (by the creek channel) above contestee's diversion point, and is piped from two springhouses made with concrete sides and earth bottom, which were constructed after removing several feet of muck and leaves and top soil. Before these excavations were made the only evidence of the presence of a flow of water was the wet, boggy condition of the ground extending in a direction roughly parallel with the creek channel, and the fact that if holes were scooped out at the head of such

places, small pools of water would accumulate therein. These seepage waters percolated through the soil in no definite or visible channel, and were apparently not connected with the creek, the water being consumed by evaporation and absorption by the soil. The combined flow at present obtained from the pools which form in the two springhouses, is of very small volume, there being on June 19, 1925, .0185 of a cubic foot per second flowing into the reservoir built by contestant, according to careful measurements made by the State Engineer. This water supply is located on land owned by contestant. It is not a part of the flow of Mill Creek, and contestee has no right thereto. Contestant is entitled to the exclusive use and enjoyment thereof.

The evidence shows that contestee Clemmens initiated an appropriation from Mill Creek in the year 1902, and has gradually increased the acreage irrigated, to a total of about 6.5 acres. Contestee shall be entitled to divert from Mill Creek the full amount claimed, for the irrigation thereof, as specified in the tabulation hereinafter contained, but shall not be entitled to any of the water appropriated by contestant as above described.

12.

That Mill Creek rises on the southern slope of a range of hills in Yamhill County, Oregon, sometimes called the Chehalem Mountains, and flows in a southerly direction, skirting the eastern border of the town of Newberg, Oregon, thence flowing southeasterly to its junction with Willamette River. The water of the creek is utilized for domestic purposes and the watering of livestock, and for the irrigation of some small gardens near the lower end of the stream. One appropriator uses a system of overhead pipes for irrigating a commercial flower garden, while the remaining irrigation on the stream is accomplished mostly by natural sub-surface flow. The climate in the locality of the stream is humid in winter and spring, but during the summer months there is usually a long period of drouth, and artificial irrigation is therefore desirable for raising the most profitable crops.

13.

That some of the claimants to the waters of said stream for domestic and stock use, have claimed as riparian proprietors. That such claimants, as owners of land riparian to the stream, are entitled to, and are hereby found to have, rights to the use of water from said stream, for domestic and stock purposes. Such rights shall be equal in priority and shall entitle such owners to a reasonable amount of water for stock and domestic purposes upon their lands. That all rights herein allowed under the doctrine of appropriation shall be inferior to, and subject to, riparian rights.

14.

That the rights of the various persons entitled to the use of water from Mill Creek, and its tributaries, (excepting any persons who may have rights by virtue of filings made with the State Engineer since February 24, 1909, and who may not be specifically mentioned herein), arranged in a tabulated form, the rights of each party being set opposite and following his name and post office address, 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
6816 Baron, F. D. Newberg, Ore. Proof #1.	Riparian	Reason- able amount		Stock and domestic		Mill Creek	Used on land in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, T. 3 S. R. 2 W. W. M.
6817 Bishop, A. J. Newberg, Ore. Proof #2.	1904	.013	1	Irrigation	Sub-irri- gation by dams	Mill Creek	0.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 0.5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29, T. 3 S. R. 2 W. W. M.
6818 Clemmens, Jennie E. R.F.D. #2, Newberg, Ore. Proof #3.	1902	3500 gallons an hour for 15 hours daily	6.5	Irrigation	Dams, ditches & pump	Mill Creek	4.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 29, T. 3 S. R. 2 W. W. M.
6819 Everest, Albert A., Newberg, Ore. Proof #4.	1899	.01		Stock		Mill Creek	Lot #4, Co. Sunny #2071 part of Richard Ernest D.L.C. Beginning south 89 degrees 25' east 7.63 chains from SW corner of said D.L.C. south 89 degrees 25' east along south boundary of said chain, 19.35 chains to SE corner of SW $\frac{1}{4}$ of said D.L.C. north 00 degrees 04' E. 24.92 chains to SE corner of Lot #3 S. 00 degrees 24' W. along East line Cemetery 3.03 chains to SE corner of Cemetery North 89 degrees 36' West 3.47 chains to West line of Ernest D.L.C. South 00 degrees 24' W. 11.035 chains to NW corner of 10 acre tract South 89 degrees 25' East 19.53 chains to NE corner 10 acre tract South 00 degrees 24' W. 10.50 chains to beginning.
6820 George, Arthur B., 851 E. 6th St. N., Portland, Ore. Howard H. George, Agt., Newberg, Ore. Proof #5.	Riparian	Reason- able amount		Stock		Mill Creek	SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, T. 3 S. R. 2 W. W. M. Being a part of the James Badley and Almeda Badley Donation Land Claim Notification #6388 in Sec- tion 4 and 5, Township 3, South of Range 2, West of the Willamette Meridian and State of Oregon and more fully described as: Begin- ning at the Southeast corner of Section 5 of said Township and Range and running thence North 39.86 chains; thence West 10.75 chains; thence South 11.80 chains to tract sold to City of New- berg; thence South 75 degrees East 2.23 chains; thence South 59 degrees 45' East 2.01 chains; thence South 4 degrees 15' East 3.72 chains; thence North 87 degrees 15' East 2.10 chains; -thence South 62 $\frac{1}{2}$ degrees, East 0.76 chains; thence South 31 degrees 25' West 2.40 chains; thence South 54 degrees 6' West 2.50 chains; thence South 17 degrees 36' West 3.39 $\frac{1}{2}$ chains; thence South 41 degrees, West 3.24 $\frac{1}{2}$ chains; thence South 13.65 chains to South boundary of said Badley D.L.C., thence East 9.50 chains to place of beginning and containing Thirty-four (34) acres more or less. Also including the privilege of stock water purposes to a strip 4 rods North and South, beginning at the Southwest corner of the tract of land conveyed and running thence to center of the creek.
6821 George, Marion, Newberg, Ore. Proof #6.	Riparian	Reason- able amount		Domestic and stock		Mill Creek	NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, T. 3 S. R. 2 W. W. M. Beginning at a point twenty-two and fifty seven and $\frac{1}{2}$ hundredths chains North and eight chains East, (Var. 21 degrees East,) of the in- tersection of the section line between Sections Nineteen and Twenty, said Township and Range, and the South Line of said Do- nation Land Claim; running thence East, (Var. 21 degrees East,) 12.80 chains; thence North 2.35 chains; thence West (Var. 21 degrees E.,) 12.80 chains, and thence South 2.35 chains to the place of beginning, containing 3 acres, more or less.



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
6822 Graue, August, Newberg, Ore. Proof #7.	Riparian	Reasonable amount		Stock and domestic		Mill Creek and Spring in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 8, T.3 S. R. 2 W.W.M.	SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, T. 3 S. R. 2 W. W. M. Beginning at a point 20 chains West and 24 chains South of the Northeast corner of the William T. Wallace and wife Donation Land Claim in Township 3 South of Range 2 West of the Willamette Meridian in Yamhill County and State of Oregon; thence South 6 chains; thence West 8.60 chains; thence North 6 chains; thence East 8.60 chains to the place of beginning and containing 5.16 acres, more or less.
6823 Grimes, Gilbert, Newberg, Ore. Proof #8.	1905	0.025	2	Irrigation	Damming for sub-irrigation	Mill Creek	2 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29, T. 3 S. R. 2 W. W. M.
6824 Hodson, Elwood A. Springbrook, Ore. Proof #9.	Riparian	Reasonable amount		Stock		Mill Creek	NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, T. 3 S. R. 2 W. W. M. Beginning 20 chains West of the Northeast corner of the Wm. Wallace donation land claim, Claim No.47. Notification No. 1477; Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, State of Oregon; thence South 19 chains and 46 feet; thence East 10 chains; thence North 19 chains and 46 feet; thence West 10 chains to place of beginning.
6825 Hodson, Thomas, R.F.D. #3, Box 8, Newberg, Ore. Proof #10.	Aug. 23, 1907	.003	0.25	Irrigation and stock	Dam for sub-irrigation	Mill Creek	0.25 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 17, T. 3 S. R. 2 W. W. M.
6826 Hodson, J. W. Newberg, Ore. Proof #11.	Riparian	Reasonable amount		Stock, domestic and truck garden	Sub-irrigation	Mill Creek & Springs	Section 8, T. 3 S. R. 2 E. W. M. Beginning at the Northeast corner of the William Wallace Donation Land Claim, No. 47, Notification No.1477, Township 3 South, Range 2 West of Willamette Meridian, in Yamhill County, State of Oregon; thence running South on the East boundary line of said claim 38.22 chains; thence South 73 degrees 13' West 15.82 chains to center of county road; thence North 21 degrees 10' West along center of county road (survey No. 375) 15.69 chains to angle No. 2 of said road survey; thence North 6 chains to land formerly owned by Claude S. Calkins; thence East 1.25 chains to Southeast corner of said Calkins land; thence North 4 chains to the South boundary line of land formerly owned by N. S. Nelson; thence East 8.75 chains; thence North 20 chains to North boundary line of said claim; thence East 10 chains to place of beginning.
6827 Johnson, David, 415 Hancock St., Newberg, Ore. Proof #12.	1885	.01		Domestic and stock	Dam	Mill Creek	Beginning at a point 29 rods and 14.7 feet south of the northwest corner of a certain tract of land sold and deeded to Elisha Smith by Samual Longley and Ellen H. Longley, his wife, which said deed is of record at page 371 in book 29 of the record of deeds in and for said county, and running thence east 91 and 1/5 rods, to east line of said tract, thence south 7 rods and 2.2 feet to line of Everest lands thence west 3 and 1/5 rods to east line of said claim thence south on said east line to north line of the O. & C.R.R. (formerly P & W V R R) right of way, thence southwesterly along said railroad right of way to a point 9 and 3/4 rods north



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
Johnson, David Proof #12 (Continued):							of the southwest corner lands formerly owned by one A. T. Blair, and thence north to place of beginning, save and except from the operation of this deed 38/100 of an acre of the said premises now owned by the Southern Pacific Railroad Company, and described in decree as recorded at page 2, 3 and 4 of volume 12 of the Journal of the Circuit Court for the County of Yamhill and State of Oregon, and containing twenty-three acres of land be the same more or less. Tract No. 2, beginning at a stone in County road 21 rods and 1.6 feet south of the northwest corner of a tract of land sold and deeded to Elisha Smith by Samuel Longley and Ellen H. Longley, his wife; said deed being recorded at page 371 in book 29 of the record of deeds for said county, and running thence east 91 and 1/5 rods to stone, thence south 8 rods and 12.7 feet to stone, thence west 91 and 1/5 rods to stone, in County road, and thence north 8 rods and 12 and 7/10 feet to place of beginning, and containing five acres of land, be the same more or less.
6828 Keeney, Chas. A. & Alice A., Newberg, Oregon. Proof #13.	Riparian	Reason- able amount		Domestic and stock		Mill Creek	Beginning at a stake on the east boundary line of Joseph B. Rogers and wife, D. L. C. No. 55, Not. 1473, in T. Three (3) South of Range Two (2) West of the Willamette Meridian, in Yamhill County, Oregon, and at a point 29.02 chains South 24' West of the Northeast corner of said claim, being the southeast corner of the Friends Cemetery; thence west 10.84 chains to a stake in center of county road leading from Newberg to Wynooski landing; thence south 27 degrees east along center of said road 7.14 chains to stone 6 x 6 x 8 inches on northwest corner of a tract sold by F. S. Cattle to Haworth from which an oak 12 in. in diameter bears north 60 degrees 30' east 67 1/2 links; thence east 7.60 chains to a stone 12 x 8 x 6 in. on east boundary of said Rogers claims and northeast corner of land sold to Haworth from which an oak 14 in. in diameter bears north 33 degrees 45' west 52 links and another oak 12 in. in diameter bears south 45 degrees West 31 links; thence north 24' east on east boundary of said claim (six and 36/100) 6.36 chains to stake and place of beginning containing 5.86 acres of land more or less, save and except therefrom a strip eight (8) feet wide off of the north end of said premises heretofore deeded to the city of Newberg for a right of way to Cemetery.
6829 City of Newberg, Newberg, Ore. F. B. Layman, Agent, Newberg, Ore. Proof #14.	1894	Exclus- ive use		Municipal	Pipe line and reservoir	A spring called Oliver Spring	Within and in the vicinity of the City of Newberg, Oregon.
6830 Perkins, William, Newberg, Oregon. Proof #15.	1899	.01		Stock		Mill Creek	Being a part of the D. D. Diskins D. L. C. in Township Three South, Range Two West of the Willamette Meridian in Yamhill County and State of Oregon and beginning at the Southeast corner of a tract of land deeded by Marie K. Evans and Eli Evans to William Perkins; Thence West 306.9 ft. thence North 10.75 chains; thence East 306.9 feet, thence South 10.75 chains to place of beginning containing 5 acres, more or less.
6831 Rees, Victor E. Springbrook, Ore. Proof #16.	1891	.01		Stock		Mill Creek	Used in the SE 1/4 SW 1/4 Section 8, T. 3 S. R. 2 W. W. M.
6832 Rees, John H. Newberg, Ore. Proof #17.	Riparian	Reason- able amount.		Stock and dryer use		Mill Creek	Used in SE 1/4 SW 1/4 NW 1/4 SE 1/4 and SW 1/4 SE 1/4 Section 8, T. 3 S. R. 2 W. 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
4833 Newby, Ray S. & Rose E. Newberg, Oregon. Proof #18.	Riparian	Reasonable amount		Stock and dryer use		Mill Creek	Used in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17, T. 3 S. R. 2 W. W. M.
4834 Sandoz, Chas. U. Newberg, Ore. Proof #19.	Riparian	Reasonable amount		Domestic and stock		Mill Creek	Vol. 67 page 395 Section 20-29 T. 3 S. R. 2 part of Samuel D. Snowden D.L.C. Beginning at NE corner of said D.L.C. and thence S. 7' W. along Co. Road 6.39 chains thence N. 89 degrees 20' W. 28.17 chains thence S. 22' W. 18.895 chains, thence N. 76 degrees 41' E. 29.00 chains to center of Co. road, thence N. 7' E. along Road 11.876 chains to beginning.
Springbrook Water Ass'n. (Unincorporated) Springbrook, Ore. Proof #20. (Permit No. 2808; Certificate No. 2849)	Feb. 8, 1916	Exclusive use		Domestic	Headworks, pipe line and reservoir	Two springs called Oliver Springs	In the community known as Springbrook, Yamhill County, Oregon.
(NOTE: See special finding, Paragraph 11.)							
4835 Tangen, Mrs. Marie, Route #1, Box 39, Newberg, Oregon. Proof #21.	1908	.05	3.8	Irrigation, domestic & stock	Sub-irrigation	Mill Creek	3.8 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29, T. 3 S. R. 2 W. W. M.
4836 Thorne, Elmer E. & Florence, Newberg, Oregon. Proof #22.	Riparian	Reasonable amount	.75	Stock	Sub-irrigation	Mill Creek	.75 of an acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17, T. 3 S. R. 2 W. W. M.
	1888	.009		Irrigation			

And the State Engineer of Oregon, being fully advised in the premises, it is hereby considered and ordered, that the relative rights of the various claimants to the use of the waters of Mill Creek and its tributaries, be, and the same are hereby, adjudicated, determined and settled as set forth in the foregoing findings and order of determination.

Dated this 20th day of January, 1926, at Salem, Oregon.

A handwritten signature in cursive script, reading "Rhea Luper", written over a horizontal dashed line.

Rhea Luper  
State Engineer.