

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR WASCO COUNTY

In the Matter of the Determination)
of the Relative Rights to the Use)
of the Waters of Mosier Creek and)
Its Tributaries, a Tributary of the)
Columbia River.)

D E C R E E

Now at this time this matter coming on for the entry of final Decree herein, and it appearing to the Court that all Exceptions and Contests filed since the entry of the Findings and Order of Determination of the State Engineer have either been settled by Stipulation or duly heard by the Court and disposed of by separate Decrees and Orders, and that said Findings and Order of the State Engineer should be modified in certain particulars; and the Court having carefully considered all evidence submitted herein, and being now fully advised in the premises;

It is Hereby considered, ordered, adjudged, and decreed that said Findings and Order of Determination of the State Engineer, as entered in the above entitled matter on the 8th day of June, 1927, are hereby modified to read as follows:-

1.

Geo. Chamberlain,	Charles C. Brooks,)
and O. E. Wilson,)
	Contestants,)
)
v.)
)
Mac-A-Wauna Orchard Company, a cor-)
poration, and its Successors in)
Interest, Edna B. and Calvin Reed,)
	Contestees.)

That from the evidence and records herein it appears that the predecessors in interest of Edna B. and Calvin Reed began to utilize the waters of Mosier Creek for irrigation and power purposes in the year 1879, and that 5.5 acres of land was irrigated on the west side of said Creek by means of a gravity ditch. It further appears that one second foot of water was appropriated for power purposes through a ditch and flume for the operation of a power system, which pumps the water to irrigate 29.1 acres of land on the east side of said Creek. There is no evidence to show the amount of water actually pumped through this system for the irrigation of said lands, and it has been agreed by the parties to this contest that the amount of water to

which the said Edna B. and Calvin Reed shall be entitled in the irrigation of the land on the east side of the Creek shall be restricted to the actual pumping capacity of their present power system. That the State Engineer, after measuring and ascertaining the capacity of said pumping system, shall enter a supplemental Finding to be filed with the Court, which Finding shall be adopted and made a part of this Decree.

The rights of the Contestees shall be defined as follows:- A priority date of 1879 for the appropriation of one second foot for power purposes and for domestic and stock use, and for the irrigation of 3 acres in the Northwest Quarter of the Northwest Quarter, and 31.6 acres in the Southwest Quarter of the Northwest Quarter, Section 18, Township 2 North, Range 12 East, W.M., by means of a ditch and pumping system. That the amount of water appropriated through the pumping system shall be restricted to the actual capacity of said system, to be ascertained by the State Engineer. 5.5 acres of said lands on the westerly side of Mosier Creek are irrigated by means of a ditch, and the said irrigated lands on the easterly side of Mosier Creek are to be irrigated by means of the said pumping system, as stated above.

2.

Geo. Chamberlain,	Charles C. Brooks)
and O. E. Wilson,)
)
	Contestants,)
)
vs.)
)
Ernest A. Kuck,)
	Contestee.)

That in the Contest of Geo. Chamberlain, Charles C. Brooks, and O. E. Wilson against Ernest A. Kuck, it was stipulated that the rights of the Contestants to the use of the waters of Mosier Creek and its tributaries for irrigation purposes only should be superior to those of Contestee, Ernest A. Kuck. That in the distribution of water as between Contestants and Contestee, Ernest A. Kuck, the Contestants shall have the first right to the use of the waters of Mosier Creek for irrigation purposes, regardless of the dates of priority; and that the said Stipulation should not prejudice the rights of Contestee, Ernest A. Kuck, to the other water users of Mosier Creek, and only affects the use of the waters for irrigation purposes between Geo. Chamberlain, Charles C. Brooks, and O. E. Wilson, Contestants, and Ernest A. Kuck, Contestee.

3.

3.

Geo. Chamberlain, Charles C. Brooks,))
and O. E. Willson,))
Contestants,))
vs.))
E. W. Haley,))
Contestee,))
*****)

That in the contest of Geo. Chamberlain, Charles C. Brooks and O. E. Wilson against E.W.Haley, it appears from the record herein that the said E. W. Haley was duly served and notified of said contest, but he has failed, neglected, and refused to appear herein, and is therefore in default, and that such default is here and now entered against him; and that E. W. Haley is hereby enjoined and inhibited from using or asserting any rights to 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.

4.

Geo. Chamberlain, Charles C. Brooks,))
and O. E. Wilson,))
Contestants,))
vs.))
Alice H. Dunsmore,))
Contestee.))
*****)

That in the contest of Geo. Chamberlain, Charles C. Brooks, and O. E. Wilson against Alice H. Dunsmore, it appears from the record that the same has been dismissed, and that her rights are described in the tabulation hereinafter contained.

5.

Fred W. Wilson,))
Contestant,))
vs.))
Maca-Wauna Orchard Company, a))
corporation,))
Contestee.))
*****)

After this contest came on for hearing, a stipulation was filed by which it was agreed that the water rights of Contestant should be superior to those of Contestee involved in said contest, namely, those under Claims 45, 46, and 47. That in the distribution of water from Mosier Creek as between said parties, Contestant shall therefore have the first right to the waters of said stream, regardless of the dates of priority set forth in the tabulation hereinafter contained.

6.

M. C. Nichelsen,)
Contestant,)
vs.)
Dora J. Roberts,)
Contestee.)

This contest was set down for hearing, but the Contestee, although duly notified thereof, failed to make any appearance or offer any proof in support of his claim. As against said Contestant he is therefore, in default. This contest was directed against only one of the claims filed by Contestee; namely, Proof No. 31, for a right to the water of "Government Spring". It appears that the water of this spring arises upon land owned by Contestant and does not flow off of said land in a well defined channel, or at all. Such water is therefore not subject to general appropriation by others than the owner of the land upon which it arises. As owner of the land, Contestant is entitled to the sole and exclusive use of the spring.

7.

That Mosier Creek and its tributaries, form a perennial stream with well defined bed and banks, rising in the Cascade Mountains near the line between Wasco and Hood River Counties, Oregon, and flowing in a northerly direction a distance of about twelve miles, becoming tributary to the Columbia River near the town of Mosier, Oregon. With the exception of small portions of the stream near its headwaters, the drainage basin lies wholly within the County of Wasco. The land adjacent to said stream is semi-arid land, and irrigation is necessary for the raising of the most profitable crops thereon.

That the waters of said stream are subject to appropriation under the laws of the State of Oregon, and that various appropriations of water have been made therefrom.

That the soil irrigated from said stream consists of sandy and gravelly loam, or volcanic ash, and the main crops raised are fruit, berries, vegetables and hay. The irrigation season ordinarily commences about the 1st day of March and continues until about the 1st of October, although the water supply diminishes as the season progresses, and is usually insufficient to supply all the needs of the water users during the latter part of the season.

8.

That the rights to the use of the waters of Mosier Creek and its

tributaries as herein defined, shall entitle the holders thereof to the use of the quantity of water which can be applied to beneficial use, and such rights shall be limited as follows: The use of water for irrigation purposes shall be confined to an irrigation season from March 1st to October 1st of each year, during which period the water diverted shall not exceed one-sixtieth of a second foot per acre of land irrigated, or a total of three acre feet per acre during each irrigation season, to be measured at the point where the water is diverted from the stream. The basis of determining the quantity to which an appropriator is entitled under the above limitations at the beginning of any particular irrigation season shall be the acreage actually prepared for irrigation and to which water may be beneficially applied to the production of crops.

9.

That the Water Master of the district in which Mosier Creek and its tributaries are situated may arrange such system or systems of rotation as may be best applicable to the conditions arising from time to time in the distribution of water on such stream. When two or more appropriators agree between themselves as to a manner and system of rotation in the use of their water, the Water Master shall distribute such water in accordance with such agreement, providing that in so doing, he does not interfere with the priority rights of any appropriator not a member of such group of system of rotation.

That in case the water flowing in the channel of a stream or ditch sinks or fails to flow down the channel so as to be of beneficial use to an appropriator having the prior right to its use, the Water Master shall allow the diversion thereof by the next appropriator in order of priority who can make a beneficial use of such water.

10.

That all parties herein allowed the right to the use of water for irrigation shall be entitled to use such water for stock and domestic purposes; provided, that during the irrigation season such appropriators shall not be entitled to divert any water for stock or domestic purposes in addition to the amount which they are entitled to divert for irrigation purposes. That outside of the irrigation season, the right to the use of water for stock and domestic purposes as herein confirmed, entitles the owner of such right to divert and use such a quantity of water as is reasonably necessary for stock and domestic purposes, and to prevent the water in the ditches and channels used for such purposes from being completely frozen;

provided, that the amount diverted for stock and domestic uses shall not exceed one-tenth of one cubic foot per second for each family or farm.

11.

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.

12.

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 time, 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 water 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 than such appropriator can beneficially use for the purpose to which the water is to be put.

13.

That each and every appropriator holding a permit or permits covering the right to appropriate water from said Mosier Creek, or its tributaries, whether a claim thereunder was filed in this proceeding or not, shall have such water rights thereunder as are 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 Mosier Creek or its tributaries, whether a claim thereunder was filed in this proceeding or not, shall be as defined and limited in such certificates, except where such rights have been abandoned subsequent to the issuance of the certificate.

14.

That except as otherwise modified herein, the rights of the various appropriators of water from Mosier Creek and its tributaries, arranged in a tabulated form, with the dates of relative priority of such appropriations, the number of acres to which such appropriations are applied and are now limited, the use or uses to which said water is applied, the name of the ditch or other means by which the water so appropriated has been diverted, the name of the stream or other source from which the water has been used, and the description of the lands upon which the water has been used the tabulated rights of each appropriator 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
8130 Baumann, Lizzie (Elder) Route #4, Beaverton, Ore.	Riparian			Domestic and stock		Mosier Creek	Lot 3, and the SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1, T. 1 N. R. 11 E.W.M.
8131 Beldin, J. O. Mosier, Ore.	1891		3.3	Irrigation & Domestic	Beldin Sprinkling System	Lamb Spring in Lot 6- Sec. 1-2N. 11 E.	3.3 acres in Lot 6 (SW $\frac{1}{4}$ SE $\frac{1}{4}$) Section 1, T. 2 N. R. 11 E.W.M.
8132 Brooks, Charles C. Mosier, Ore.	1903		2	Irr. & Dom. & stock	Pump and sprinklers	Mosier Creek	2 acres in Lot 6 (SW $\frac{1}{4}$ SE $\frac{1}{4}$) Section 1, T. 2 N. R. 11 E.W.M.
8133 8135 Carroll, John M. Mosier, Ore. <i>Partial Cancellation Sp. Or. Vol. 14 p. 262</i>	1897		40	Domestic & stock		Carroll Spring in Lot __, (SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 7, 2 N. 12 E.	40 acres in Lot __ (SW $\frac{1}{4}$ SW $\frac{1}{4}$) Section 7, T. 2 N. R. 12 E.W.M.
8134 Chamberlain, Geo. Mosier, Ore.	1903		1.1	Irrigation dom and stock	Chamberlain pipe line and sprinkling system	Chamberlain Spring	1.1 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12 T. 2 N. R. 11 E.W.M.
Conlee, F. E. Mosier, Ore.	(Rights acquired under and 6363)				State Engineer's Permits	Nos. 6204, 6359,	
(See Paragraph 13, page 9)							
8135 Dunsmore, Alice H., 844 Clinton St., Portland, Ore.	1896		1	Irr., Dom., & stock	Patterson Ditch	Mosier Creek	1 acres in Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) Section 30, T. 2 N. R. 12 E.W.M.
8136 Duvall, R. L. Mosier, Ore.	1885			Domestic & stock		Two sprs. trib. to Mosier Creek	SE $\frac{1}{4}$ of Section 7, T. 2 N. R. 12 E.W.M.
8137 Evans, Ernest, Mosier, Ore	1902			Stock		Three small spring, trib. of Mosier Creek	NW $\frac{1}{4}$ SW $\frac{1}{4}$, of Section 17, T. 2 N. R. 12 E.W.M.
8138 Evans, Fred E., Mosier, Ore	1887		1	Irr. Dom & stock	Fred Evans Ditch & pipe line	Dry Creek & springs trib. of Mosier Creek	1 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7, T. 2 N. R. 12 E.W.M.
8139 Fisher, Samuel D. & Alice Mosier, Ore.	1880		2.5	Irr. Dom. & Stock	Fisher D. and pipe	Mosier Cr. and spr.	2.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12, T. 2 N. R. 11 E.W.M.
8140 Galbraith, Ruth A., Mosier, Ore.	1894		4	Irrigation	Gerald W. Jyss	Mosier Cr.	4 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 19, T. 2 N. R. 12 E.W.M.
Cancelled-sp. or Rec. Vol. 18 P. 468							
8141 Green, Cynthia A., Charlotte, Mich.	Riparian			Dom., & Stock		Mosier Cr.	SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31, T. 2 N. R. 12 E.W.M.
8142 Hildreth, Edna 453 12th St., Portland, Ore.	Riparian			Dom. & stock		Little Mosier Cr.	E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 3, T. 1 N. R. 11 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
43 Hunter, Nancy A. Mosier, Ore.	1894		3.4	Irr. & Dom., & stock	Pipe line & Hunter sprinkling system	Three sprs. in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 12, 2 N. 11E.	1 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 1 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 0.4 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 1 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12, T. 2 N. R. 11 E.W.M.
44 Kennedy, Mrs. Ida B. Mosier, Ore.	1882		7.7	Irrigation & Dom., Stock	Cramer Ditch	Mosier Cr. & two sprs. located in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 18, 2 N. 12E.	7.7 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 18, T. 2 N. R. 12 E.W.M.
45 Ketchum, Wm. K. The Dallas, Ore.	1905		15	Irri. & Dom. & stock	Ketchum Ditch	Mosier Cr.	2 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 33, 13 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 34, T. 1 N. R. 11 E.W.M.
	1900		16	Irr. & Dom. & stock	Ketchum Spring Cr. Ditch	Spring Creek	8 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 33, 8 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 34, T. 1 N. R. 11 E.W.M.
	1903		1	Irr. Dom. & stock	Ketchum Spring	Ketchum Spring	$\frac{1}{2}$ acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 33, $\frac{1}{2}$ acre in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 34, T. 1 N. R. 11 E.W.M.
	1903			Dom. & stock		Mosier Cr.	SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 32, T. 1 N. R. 11 E.W.M.
19747 446 Kuck, Ernest A., The Dallas, Ore. (See Paragraph 2, page 2)	1896	$\frac{1}{2}$ ac. Trsf - See Sp. Or. Vol. 4, p. 344	2	Irr., Dom. & stock	Kuck	Mosier Cr. & springs	2 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 31, T. 2 N. R. 12 E.W.M.
			$\frac{1}{2}$	Irrigation		Spring in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 6, T. 1 N. 12E.	$\frac{1}{2}$ acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 6, T. 1 N. R. 12 E.W.M.
				Stock & Dom.		Lucky Canyon	SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, T. 1 N. R. 12 E.W.M.
47 Lawyers Title & Trust Co., a corporation, 285 Stark St., Portland, Ore.	1908		2.5	Irr. & Dom.	Pipe line	Spring called Surgess Spr. in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 12, 2 N. 11E.	2.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, T. 2 N. R. 11 E.W.M.
48 Reed, Edna B. & Calvin, Successors in interest to the Mac* ^A -Wauna Orchard Co., Mosier, Ore. (See Paragraph 1, page 1 and Paragraph 5, page 3)	1879		34.6	Irr. Dom. & stock	Ditch & pump	Mosier Creek	3 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 31.6 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 18, T. 2 N. R. 12 E.W.M.
	1879			Power			1 sec. ft. with 12 ft. head 2 H.P.
49 Macrum, C. A., Mosier, Ore.	1875			Dom & stock	Pump & pipe	Three Sprs. which rise on land.	Located in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, T. 2 N. R. 11 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
8149 Macrum, C. A. Mosier, Ore. (con't)	1880		1	Irrigation	Macrum flume	Dry Cr. trib. of Mosier Cr.	0.6 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 0.4 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, T. 2 N. R. 11 E.W.M.
(Proof No. 26)	(Rights acquired under State Engineer's Permit No. 4727, Certificate No. 3879)						
8150 Mitchell, B.F., & Effie L. Mosier, Ore.	1882		6.9	Irr.Dom& stock	Cramer Ditch	Mosier Creek	6.9 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 18, T. 2 N. R. 12 E.W.M.
	Cancelled-sp. or Rec. Vol. 18 p. 467						
8151 Mosier, Jefferson N. Mosier, Ore.	Mar. 3, 1908			Municipal for lower or spring No. 1. Sept 23, 1911, for upper or spr. No. 2,	Pipe line	Two sprs. Located in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 12, 2 N. 11 E.	Donation Land Claim of J.H.Mosier & wife, City of Mosier in W $\frac{1}{2}$ of claim Sec 1 and 2 T. 2 N. R. 11 E.W.
8152 Nichelsen, M. C., Dallas, Ore.	April 1907		2.5	Irr.Dom.& stock	Ditch	"Government Spring" Located in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 30, T. 2 N.	2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ $\frac{1}{2}$ acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30, T. 2 N. R. 12 E.W.M.
(See Paragraph 6, page 4)	R.12E and Spring in _____						
8153 Roberts, Dora J. Mosier, Ore.	Mar. 3, 1895		1.5	Irr.Dom.& stock	Roberts E. Ditch	Mosier Cr.	1.5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 30, T. 2 N. R. 12 E.W.M.
(See Paragraph 6, page 4)	March 3, 1895		4.3	Irrigation Dom & stock	Roberts W. Ditch	Mosier Cr.	4.3 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 30, T. 2 N. R. 12 E.W.M.
8154 Ross, John P Mosier, Ore.	1908			Domestic and gardening	Pipe line	Spr. called Surgess Spring	* Place of use in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Place of diversion in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, T. 2 N. R. 11 E.W.M.
	* Place of use changed: Sp.Or.Vol.7, p. 650						
8155 Sendlinger, Marie Mosier, Ore.	1905		6	Irrigation Dom. & stock	Unnamed Ditch	Indian Cr. trib. of Mosier Cr.	6 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14, T. 1 N. R. 11 E.W.M.
8156 Sendlinger, Wm. P.O.Box 132 Mosier, Ore.	Jan. 21, 1909		7.5	Irrigation	Ditch	Mosier Cr.	7.5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 19, T. 2 N. R. 12 E.W.M.
	1909			Domestic & garden		Spring in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 19, 2 N. 12 E.	
8157 Scobee, Harriet L., R.F.D.#1, Box 83, Hood River, Ore.	1904		8	Irrigation & Dom.	Poe Ditch	L. Mosier Cr. & Mosier Cr. proper	8 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 6, T. 1 N. R. 12 E.W.M.
8158 Shogren, May & Anne H. 98 E. 62d St. N. Portland, Ore.	1909		2	Irrigation & dom.	Ram & pipe line	Mosier Creek	2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, T. 2 N. R. 11 E.W.M.
		0.63 sec.ft.	20 ft. fall	Dev. of H.P.	1/7th		
Shogren, May & Anne H.	1890		1	Irrigation Dom & stock	Ditch now replaced by ram.	Mosier Cr.	1 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, T. 2 N. R. 11 E.W.M.
	(NOTE: This land is also covered by a water right under Permit No. 3155, Certificate No. 5017 of the State Engineer.)						
Simpson, Robt. W., Mosier, Ore.				(Rights acquired under State Engineer's Permit No. 6359)			

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
8159 Terrill, Wm., Mosier, Ore.	Successor by 40403 1886 44828 44784		5	Irrigation & stock 32 ac. Ch. Pt. of Div. Sp. Or. Vol. 24 p. 3.	Peterson Ditch	Little Mosier Cr.	5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 24, T. 2 N. R. 11 E.W.M.
8160 Veatch, B. W., Mosier, Ore.	1907		2.5	Irrigation	Pipe line and ditch	Two sprs. which rise on land	2.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, T. 2 N. R. 11 E.W.M.
8161 Wyss, Catherine F., Mosier, Ore.	1892		5.5	Irrigation & stock	C. Wyss Ditch #1, and sprs. on land	Mosier Cr. & sprs. on land	5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 0.5 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 30, T. 2 N. R. 12 E.S.M.
	1898		2	Irrigation	C. Wyss Ditch #2.	Mosier Cr.	2 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 30, T. 2 N. R. 12 E.W.M.
	1898		2.6	Irr. & stock	C. Wyss Ditch #3	Mosier Cr.	2.6 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 30, T. 2 N. R. 12 E.W.M.
2281 2162 Wilson, Fred W. Dallas, Ore.	Mar. 6, 1917		1 cu. ft. per sec.	Irrigation Dom. & stock	Wilson flume pipe line and sprinkling system.	L. Mosier Creek	4.4 acres in W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ 2 acres in E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23, T. 2 N. R. 11 E.W.M.
	1903		$\frac{1}{2}$	Irrigation	Ditch	L. Mosier Cr. (called Peterson Cr.) trib. of Mosier Cr.	$\frac{1}{2}$ acre in S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 24, T. 2 N. R. 11 E.W.M.
	Riparian			Dom. & stock		L. Mosier (called Peterson Cr.) trib. of Mosier Cr.	On lands described as follows: SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, SE $\frac{1}{4}$ Section 23, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 24, T. 2 N. R. 11 E.W.M.
(See Paragraph 5, page 3.)							
1163 Wray, Calvin A. Mosier, Ore. (Successor to S.D. & Alice Fisher)	1880		2.5	Irr. Dom. & stock	Fisher D. and pipe	Mosier Cr. & spring	2.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13, T. 2 N. R. 11 E.W.M.
8164 Yonish, J. W. Mosier, Ore.	1909		0.3	Irr. Dom. & stock	Ditch and pipe line	Unnamed spr.	0.3 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, T. 2 N. R. 11 E.W.M.

And the Court being fully advised in the premises, it is hereby considered and ordered that the relative rights to the use of the waters of Mosier Creek and its tributaries are hereby adjudicated, determined, and settled in accordance with and as set forth herein; and it is further considered and ordered that each and every appropriator holding a State Engineer's Permit for the appropriation of water of said Mosier Creek, or its tributaries, shall have such right thereunder as is provided by law, and the rights of such appropriators shall be established in the manner provided by law for the issuing of Water Certificates in such cases.

Done and dated at Portland, Oregon, this 20th day of June, 1928.

John H. Stevenson

Circuit 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 of the Various Claimants to the Use of the Waters of Mosier 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 29th day of June, A. D. 1928.

W. L. Crichton
County Clerk

STATE OF OREGON)
) ss
County of Marion)

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 Mosier Creek, and its tributaries, a tributary of Columbia River 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 on file in my office and custody.

IN WITNESS WHEREOF, I have hereunto set my hand, this, the 30th day of June, 1928.


Rhea Luper,
State Engineer.