

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR WASCO COUNTY

In the Matter of the Determination )  
of the Relative Rights to the Waters )  
of Chenowith Creek and its Tributaries, )  
a Tributary of the Columbia River. )  
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ORDER

In re Exceptions of Fred Wetle  
and Park S. Plummer

Comes now on for hearing the above entitled matter on the hearing of the Ex-  
ceptions taken by Fred Wetle and Park S. Plummer to the findings of Fact and Order of  
Determination of the State Engineer of the State of Oregon in the above entitled matter;  
there appearing at this time in open Court the said Fred Wetle and Park S. Plummer, both  
personally and by their attorney, T. Leland Brown; and Pat Foley appearing by his  
attorney, S. E. Van Vactor.

And it appearing to the Court from the record herein and the statements made  
in open Court that the said Pat Foley is successor in interest and assignee of the  
water rights of Mick and Hugh Thornton; and it further appearing from the record herein  
that the said Fred Wetle and Park S. Plummer did on the 13 day of October, 1927, file  
their duly verified Exceptions to the Findings of Fact and Order of Determination insofar  
as the same allowed to the said Mick and Hugh Thornton a priority date of 1860 for the  
storage of water in Big and Little Lakes; and the said Fred Wetle and Park S. Plummer,  
Contestants, and Pat Foley, Contestee, by their respective attorneys, having at this  
time presented to the Court a written Stipulation as follows:-

- First: That the Findings and Order of Determination of the  
State Engineer may be amended on page eleven there-  
of by substituting the name of Pat Foley as successor  
in interest to Mick and Hugh Thornton.
- Second: That the Findings and Order of Determination may be  
amended in regard to the storage rights of said Pat  
Foley so as to allow said Pat Foley to appropriate  
water for storage purposes in reservoirs designated  
as Big and Little Lakes; and the storage of water  
in said Lakes is limited to the non-irrigation  
season as established herein, to-wit, the months of  
October, November, December, January, and February  
of each year.
- Third: That the Findings and Order of Determination may be  
amended in regard to the storage of water in Big  
and Little Lakes so that the said Pat Foley may  
have a priority date of the year 1914, instead of  
the relative right of 1860.

And the Court having heard the Stipulation of the attorneys for the respective  
parties and having examined and considered the record herein introduced in support of  
the exceptions of the said Fred Wetle and Park S. Plummer, and the Court being now fully

advised as to what Orders to enter herein, it is hereby ordered that the Findings of Fact and Order of Determination in the above entitled cause be amended in relation to the water rights for storage purposes of the said Pat Foley, as successor to the rights of Mick and Hugh Thornton, so that the said Pat Foley shall be entitled to appropriate water for storage purposes in the reservoirs designated as Big and Little Lakes during the non-irrigation season as established herein, to-wit, the months of October, November, December, January, and February of each year; and that the said Pat Foley shall be entitled to a priority date of 1914 for the storage of water in said Lakes.

Dated at Dalles City, Oregon, this 19th day of December, 1927, at the Hour of 4:00 P.M.

John H. Stevenson  
Circuit Judge

"Endorsed"

E Indexed Compared  
No. 4338

In the Circuit Court of the  
State of Oregon for Wasco County.

In the Matter of the Determination  
of the Relative Rights to the Waters  
of Chenowith Creek and its Tributaries,  
a Tributary of the Columbia River.

ORDER

In re Exceptions of Fred Wetle  
and Park S. Plummer

Filed Jan. 10, 1928  
W. L. Crichton, Co. Clerk  
By E. A. Elton Deputy

T. Leland Brown  
The Dalles, Oregon  
Attorney for Contestants.

STATE OF OREGON, )  
                          ) ss.  
COUNTY OF WASCO, )

I, H. W. Scherrer, County Clerk and Ex-officio Clerk of the County Court, do hereby certify that the foregoing copy of ORDER, In re Exceptions of Fred Wetle and Park S. Plummer in the Matter of the Determination of the Relative Rights to the Waters of Chenowith Creek and its Tributaries, a Tributary of the Columbia River, has been by me compared with the original thereof 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 14th day of November A.D., 1929.

H. W. Scherrer  
County Clerk.

By E. A. Elton  
Deputy.

(SEAL)

STATE OF OREGON     )  
                          ) ss  
County of Marion    )

I, RHEA LUPER, State Engineer of the State of Oregon, do hereby certify that the foregoing copy of ORDER of the Circuit Court of the State of Oregon for Wasco County, dated December 19, 1927 in Re: Exceptions of Fred Wetle and Park S. Plummer in the Matter of the Determination of the Relative Rights to the Waters of Chenowith Creek and its tributaries, a tributary of the Columbia River, is a true and correct copy of such Order as received in the office of the State Engineer and entered of record herein this 27th day of December, 1929.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of December, 1929.



RHEA LUPER  
State Engineer