

On Monday, the 9th day of November, A. D., 1953, before the Circuit Court of the State of Oregon, for the County of Union, the following proceedings were had, to-wit:

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF UNION

IN THE MATTER OF THE DETERMINATION)
OF THE RELATIVE RIGHTS OF THE VARIOUS)
CLAIMANTS TO THE USE OF THE)
WATERS OF GRANDE RONDE RIVER AND)
ITS TRIBUTARIES, A TRIBUTARY OF)
SNAKE RIVER.)

DECREE

On motion of C. R. Gekeler and
Nellie L. Spencer for Correction of
Original Decree

Now at this time this matter came on for hearing upon the petition of C. R. Gekeler and Nellie L. Spencer for the entry of final decree in the above entitled matter as to the lands and water rights hereinafter described, and it appearing to the court:

That at the time of the entry of decree herein on the 8th day of August, 1925, in Volume 32 of the Journals of this court at pages 372 et seq., the Estate of George Gekeler, deceased, of which C. R. Gekeler was then the administrator, was the owner of certain irrigated lands in Union County, Oregon, described in said decree as follows:

40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$
1 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$
1 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$
30 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$
40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$
30 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 9
40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$
40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$
10 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$
10 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 16

All in Township 3 S.R. 38 E.W.M.

That all of said land so described lying south of the O-W. R.R. & N. railroad track was and still is irrigated not only by water from Grande Ronde River, but also by water from Gekeler Slough, a tributary of said river;

That on or about the 11th day of January, 1912, the above entitled proceeding was initiated before the State Water Board of the State of Oregon; that thereafter such proceedings were had that on the 10th day of April, 1918, said State Water Board made Findings of Fact and Order of Determination determining the rights of the various claimants to the use of the waters of Grande Ronde River and its tributaries; that on March 31, 1919, the Circuit Court of the State of Oregon for Union County set July 1, 1919, for a hearing upon exceptions to said Findings of Fact and Order of Determination;

That thereafter said hearing was continued to various dates, and on September 29, 1919, by order entered in Journal 27 at page 589, said court referred said proceedings to Geo. T. Cochran, State Water Superintendent, to take testimony upon exceptions to said Findings of the State Water Board and make report as Supplemental Findings;

That exceptions to said Findings had been filed by C. R. Gekeler, one of the petitioners herein, and under such reference a hearing was held thereon and testimony taken by said Geo. T. Cochran, and on the 22nd day of June, 1921, said Geo. T. Cochran made Supplemental Findings, approved by the State Water Board; that said Supplemental Findings, on page 13 thereof, tabulated said descriptions the same as in the original Findings of the State Water Board, with the following words added thereto:

"This land also irrigated from Gekeler Slough
under date of 1869;"

that said supplemental Findings so approved were filed in the above entitled court on the 24th day of September, 1924;

That thereafter the above entitled proceedings were appealed to the Supreme Court of the State of Oregon; that the decision of the Supreme Court of the said appeal, reported in 113 Oregon Reports at page 211, made no change whatever concerning the water rights for the lands of the George Gekeler Estate and the irrigation thereof from Gekeler Slough;

That thereafter and on the 8th day of August, 1925, the Circuit Court of the State of Oregon for Union County made and entered in Journal 32 at pages 372 et seq. a decree based upon the Supplemental Findings theretofore filed in said court; that said decree purports to set out the water rights of all claimants to the use of the waters of Grande Ronde River and its tributaries, but that in copying the rights of the said George Gekeler Estate upon said stream and Gekeler Slough, a tributary thereof, the notation "This land also irrigated from Gekeler Slough under date of 1869," thus giving the right to the use of water from Gekeler Slough for the irrigation of said lands, was wholly and entirely, inadvertently and by mistake omitted; that said mistake was not discovered until the 2nd day of November, 1953;

That the description of the rights to the use of water upon the lands of the estate of George Gekeler, deceased, as described in said decree, should be corrected so as to read as follows:

Name and Postoffice Address of Appropriator	Date of Relative Priority	Number of Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Gekeler, Geo., Estate of by C. R. Gekeler, La Grande, Ore.	1883 from 1869 from Gekeler Slough	242	Irrigation	Irrigation Canal Company and Gekeler Slough	Grande Ronde River and Gekeler Slough	40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 1 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 1 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 30 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 30 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9 40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 10 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 10 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 16 Tp. 3 S.R. 38 E.W.M.

That the said petitioners are successors in interest of the said George Gekeler Estate in the West half of the Southeast quarter of Section 9 and the West half of the Northeast quarter of Section 16 and the East 10 acres of the East half of the Northwest quarter of Section 16, all in Township 3 South of Range 38 E.W.M., in Union County, Oregon;

That at all times since 1869, and during the pendency of said proceedings, and since the entry of said decree herein, water has been distributed continuously each and every year to said lands, and used thereon, in accordance with the rights described in the Supplemental Findings of the State Water Board, and no modification of said Supplemental Findings has been made either by the Circuit Court of the State of Oregon or the Supreme Court of the State of Oregon which would in any manner deny, modify or alter the water rights as set out in said Supplemental Findings for said above described land; that no water right certificate has been issued for a water right from Gekeler Slough for said lands;

WHEREFORE, in consideration of the premises, it appears that the water right above described should be entered in the final decree herein, and the court being fully advised in the premises,

It is hereby CONSIDERED, ORDERED AND DECREED that final entry of said decree be now made by the addition of the waters of Gekeler Slough, a tributary of Grande Ronde River, to the description of the rights of the above described land to use water from said stream and its tributaries, as follows, to-wit:

Name and Postoffice Address of Appropriator	Date of Relative Priority	Number of Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Gekeler, Geo., Estate of by C. R. Gekeler, La Grande, Ore.	1883 from Grande Ronde River 1869 from Gekeler Slough	242	Irrigation	Irrigation Canal Company and Gekeler Slough	Grande Ronde River and Gekeler Slough Slough	40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 1 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 1 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 30 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 30 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9 40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 10 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 10 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 16 Tp. 3 S.R. 38 E.W.M.

(Note: This land also irrigated from Gekeler Slough under date of 1869)

And it is further CONSIDERED, ORDERED and DECREED that water be distributed to said land under the date of priority above set forth in accordance with all the provisions and terms of the decree of this court made and entered in the above entitled matter on the 8th day of August, 1925, and that a water right certificate be issued by the State Engineer in accordance with this decree, for said land;

And it is further CONSIDERED and ORDERED that this decree be entered nunc pro tunc as of the 8th day of August, 1925.

(Sgd) R. J. GREEN
CIRCUIT JUDGE

STATE OF OREGON,) ss.
County of Union,)

I, C. L. Graham, County Clerk and Ex-Officio Clerk of the Circuit Court of Union County, State of Oregon, do hereby certify that the foregoing copy of DECREE for correction in the matter of the determination of the relative rights of claimants for water from Grande Ronde River has been compared by me with the original, and it is a correct transcript therefrom, and of the whole of such original DECREE as the same appears of record in my office and in my custody.


IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court this 9th day of November A.D., 1953.

C. L. Graham, Clerk

STATE OF OREGON)
County of Marion) ss.

I, CHAS. E. STRICKLIN, State Engineer of Oregon, do hereby certify that the foregoing certified copy of DECREE on motion of C. R. Gekeler and Nellie L. Spencer for Correction of Original Decree, entered nunc pro tunc as of the 8th day of August 1925, in the matter of the determination of the relative right to the use of the waters of Grande Ronde River and its tributaries, a tributary of Snake River, is a true and correct copy of said DECREE, as received in this office and entered of record herein this 12th day of November, 1953.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of November, 1953.


Chas. E. Stricklin, State Engineer.