

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF HOOD RIVER

In the Matter of the)
Determination of the Relative)
Rights for the Various Claim-) No. 1045
ants to the Use of the Waters)
of Hood River and its)
Tributaries, Tributary of) DECREE
Columbia River, Hood River)
County, Oregon)

On May 31, 1977, this cause came on regularly for entry of a supplemental decree based upon "Supplemental Findings of Fact and Order of Determination of Hood River and its Tributaries" filed by the Water Resources Director in the Circuit Court of Hood River County on January 13, 1977, the Water Resources Director appearing through Clarence R. Kruger, Assistant Attorney General, Farmers Irrigation District and Hood River Irrigation District appearing by and through Alan J. Bell, of their attorneys, and George Akiyama, Ted Kawachi, Tom Hasegawa, Mits Yamiyasu, Dick Kobayashi and James Ishizaka appearing by Donald W. Hull, of their attorneys,

And it appearing to the Court from the files, records and evidence that:

(1) A decree was entered herein on October 24, 1921; upon subsequent appeals and stipulation of contestant and constestees the court entered a final decree on May 2, 1932.

(2) Finding No. 34 commencing on page 54 of the decree entered on October 24, 1921 provided for certain appropriators to be given additional time in which to apply the water appropriated to a beneficial use; the decree provided extensions may be granted by the State Water Board for appropriators to apply water appropriated to a beneficial use; extensions were duly granted to individual appropriators, the latest being October 1, 1962, to apply water appropriated to a beneficial use.

(3) On January 13, 1977, the Water Resources Director filed with the Circuit Court of Hood River County "Supplemental Findings of Fact and Order of Determination" relating to appropriators given extensions of time to apply water appropriated to a beneficial use.

(4) Exceptions and objections to the Water Resources Director's "Supplemental Findings of Fact and Order of Determination" were filed by Farmers Irrigation District, Hood River Irrigation District, George Akiyama, Ted Kawachi, Tom Hasegawa, Mits Tamiyasu, Dick Koyayashi, James Ishizaka and Mt. Hood Meadows Development Corporation.

(5) Farmers Irrigation District and Hood River Irrigation District stipulated with the Water Resources Director that modification be made in the "Supplemental Findings of Fact and Order of Determination" filed January 13, 1977 pursuant to the summary in the "Report of Inspection" on each district; the stipulation provides further that the field notes in each report was for reference purposes only.

(6) The priority and extent of appropriations previously established by objects George Akiyama, Ted Kawachi, Tom Hasegawa, Mits Yamiyasu, Dick Kobayashi and James Ishizaka are not changed or modified by this decree.

(7) Mt. Hood Meadows after filing objections withdrew said objections.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

(1) The "Supplemental Findings of Fact and Order of Determination" filed January 13, 1977 by the Water Resources Director be and hereby is affirmed and made final with the following changes:

(Finding of Fact No. 24 is modified as follows:

Farmers Irrigation District

Amount of cubic feet per second changed from 41.02 to 41.11. (page 30)

Number acres changed from 3,281.2 to 3,288.7. (page 30)

SE 1/4 SE 1/4, Section 27, T3N, R10E, acreage changed from 5.8 to 6.5. (page 30)

NE 1/4 SE 1/4, Section 34, T3N, R10E, acreage changed from 33.4 to 32.6. (page 31)

Lot 6 (SW 1/4, NW 1/4), Section 35, T3N, R10E, acreage changed from 29.5 to 33.9. (page 31)

NE 1/4, SE 1/4, Section 3, T2N, R10E, acreage changed from 11.6 to 17.3. (page 32)

NW 1/4, NW 1/4, Section 3, T2N, R10E, acreage changed from 35.6 to 36.1. (page 32)

NW 1/4, SW 1/4, Section 11, T2N, R10E, acreage changed from 31.0 to 29.1. (page 33)

NE 1/4, SW 1/4, Section 11, T2N, R10E, acreage changed from 38.5 to 37.4. (page 33)

NE 1/4, SE 1/4, Section 34, T3N, R10E, acreage changed from 6.6 to 7.4. (page 34)

SW 1/4, NW 1/4, Section 35, T3N, R10E, acreage changed from 10.0 to 5.6. (page 34)

NW 1/4, NW 1/4, Section 3, T2N, R10E, acreage changed from 4.4 to 3.9. (page 34)

NE 1/4, SE 1/4, Section 3, T2N, R10E, acreage changed from 20.9 to 15.7. (page 34)

NE 1/4, SW 1/4, Section 11, T2N, R10E, acreage changed from 1.5 to 2.6. (page 35)

Hood River Irrigation District

Number acres changed from 2,278.1 to 2,281.7. (page 35)

NE 1/4, SE 1/4, Section 5, T2N, R10E, acreage changed from 16.4 to 20.0. (page 36)

Proof No. 3, acreage changed from 1,940.2 to 1,941.6 and the primary changed from 190.4 to 191.8 acres. (page 37)

SW 1/4, SE 1/4, Section 33, T3N, R10E, acreage changed from 9.9 to 10.6. (page 37)

NE 1/4, NE 1/4, Section 4, T2N, R10E, acreage changed from 3.9 to 4.6. (page 37)

Proof No. 4, acres changed from 2,488.5 to 2,493.5 and the 2,432.5 acres supplemental to both high line canal and low line canal distribution systems (528.3 acres above low line canal and 1,904.2 acres below low line canal) is changed to read "the following 2,437.5 acres are supplemental to both high line canal and low line canal distribution systems" (531.9 acres above low line canal and 1,905.6 acres below low line canal). (page 40)

SW 1/4, SE 1/4, Section 33, T3N, R10E, acreage changed from 32.4 to 33.1. (page 40)

NE 1/4, NE 1/4, Section 4, T2N, R10E, acreage changed from 37.9 to 38.6. (page 41)
NE 1/4, SE 1/4, Section 5, T2N, R10E, acreage changed from 16.4 to 20.0. (page 41)
NE 1/4, SE 1/4, Section 5, T2N, R10E, acreage changed from 5.6 to 2.0. (page 43)

(b) The figures set forth in Finding of Fact No. 13 relating to Farmers Irrigation District and Finding of Fact No. 15 relating to Hood River Irrigation District are modified to reflect the changes made in the tabulation of Finding of Fact No. 24.

(2) The priority and extent of appropriations previously established by George Akiyama, Ted Kawachi, Tom Hasegawa, Mits Tamiyasu, Dick Kobayashi and James Ishizaka are not changed or modified by these proceedings.

(3) The field notes and reports received in evidence relating to Hood River Irrigation District and Farmers Irrigation District are for reference purposes only.

(4) None of the parties hereto shall recover costs or disbursements in these proceedings.

Dated this 30 day of August, 1977.

/s/ John Jelderks
CIRCUIT JUDGE

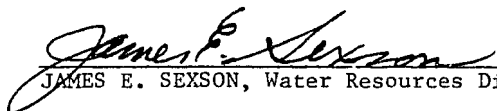
Certified to be a true and correct copy of the ORIGINAL. Dept. of Records & Assessment, October 10, 1977.

by /s/ D. Roberts, Deputy

STATE OF OREGON)
) ss
County of Marion)

I, JAMES E. SEXSON, Water Resources Director of the State of Oregon, do hereby certify that the foregoing copy of Decree in re: Adjudication of Hood River and its tributaries, is a full and correct copy of such Decree as the same was received in this office and entered of record herein on this 11th day of October, 1977.

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of October, 1977.



JAMES E. SEXSON, Water Resources Director

Effective July 1, 1975, all duties, functions, and powers of the State Engineer were imposed and transferred to the Water Resources Director, Chapter 581, Oregon Laws 1975. The basic engineering and field work were accomplished under the State Engineer. Unless the context requires otherwise, the words "State Engineer" and "Water Resources Director" are synonymous as used herein.