

(All rights given a specific amount and time)

That all appropriations of water from said stream for domestic purposes, as found herein, are limited to sufficient amount for the needs of the appropriator, not to exceed the rate of one-fortieth ($1/40$) cubic foot per second to each one thousand (1000) head of stock; Provided, that the amount of water for irrigation specified herein, includes the water for domestic purposes to which said appropriation is entitled during the irrigation season.

That the water for domestic purposes includes household use and water for live stock throughout the year.

GOODMAN SPRING BRANCH

Tributary of Walla Walla River

Umatilla County

-----o-----

	<u>Order Record</u>	
	Vol.	Page
Findings of Board of Control, April 13, 1910.....	1	49
Decree of the Circuit Court, June 29, 1911.....	1	466

Note: The findings of the Board is a complete record, said findings having been confirmed in toto by the Circuit Court's decree.

-----o-----

Note: Numbering machine numbers appearing on right hand margin of the findings and decree herein, indicate corresponding page numbers in recorded volumes.

-----o-----

Certificate Nos. 3825 to 3831, inclusive, issued and are shown in "red" on left hand margin of the findings.

-----o-----

Rights allowed as follows:

Irrigation.....240.7 acres *201.70 - 4-3-57-WAC*

BEFORE THE BOARD OF CONTROL OF THE STATE OF OREGON

WATER DIVISION NO. 2, UMATILLA COUNTY.

IN THE MATTER OF THE DETERMINATION)
OF THE RELATIVE RIGHTS TO THE WATERS)
OF GOODMAN SPRING BRANCH, A TRIBUTARY)
OF THE WALLA WALLA RIVER, IN UMATILLA)
COUNTY, OREGON.)

FINDINGS AND ORDER OF DETERMINATION.

Now on this 13th day of April, 1910, the above entitled matter coming on for the consideration of the Board of Control of the State of Oregon, upon evidence and proofs herein, for findings and an order of determination of the relative rights to the waters of said stream, and the said Board, having now considered said evidence and proofs, and testimony, documents and instruments filed herein, and being now fully advised in the premises, finds as follows:

(1)

That a proper petition praying for an adjudication of the relative rights to the waters of the said Goodman Spring Branch, a tributary of the Walla Walla River, in Umatilla County, Oregon, signed by Charles Morrill, a water user on said stream, was heretofore and on the 10th day of May, 1909, filed with the Board of Control of the State of Oregon.

(2)

That upon an investigation, said Board of Control found the facts and conditions such as to justify the making of a determination of the relative rights of the various claimants to the waters of the said stream, and thereupon, by order duly made and entered on the 18th day of November, 1909, fixed the 10th day of January, 1910, as the time when the State Engineer of the State of Oregon would begin an investigation of the flow of said stream and of the ditches diverting water therefrom, and the 13th day of January, 1910, as the time when, and Freewater, in Umatilla County, Oregon, as the place where, the Superintendent of Water Division No. 2, would begin the taking of testimony and proofs as to the relative rights of the various claimants to the waters of said stream.

(3)

That pursuant to such order, a notice, setting forth the date when the State Engineer of the State of Oregon would begin the investigation of the flow of said stream, and of the ditches diverting water therefrom, to-wit: the 10th day of January, 1910, and the place and time certain when the Superintendent of the water division in which said stream is situated would begin the taking of testimony as to the rights of the parties claiming water therefrom, to-wit: January 13th, 1910, at the office of Hall & Korts, in Freewater,

Umatilla County, Oregon, was duly and regularly published in two issues of the Freewater Times, a newspaper printed and published in Freewater, Umatilla County, Oregon, and having a general circulation in said County of Umatilla, Oregon; due proof of such publication in said newspaper being now on file in the office of the Board of Control and a part of the record herein; that said Superintendent of Water Division No. 2, did, on the 10th day of December, 1909, send, by registered mail, a similar notice to each person, firm and corporation claiming a right to the use of any of the waters of said stream, or its tributaries, and to each person, firm and corporation owning or being in possession of lands bordering on or having access to said stream or its tributaries, in so far as such claimants could be reasonably ascertained, and that said Superintendent did, enclose with said notice, a blank form on which said claimant, owner or person in possession should present in writing, all of the particulars necessary for the determination of his rights to the use of the waters of said stream to which he made claim; due proof being now on file in the office of the Board of Control and a part of the record herein.

49

(4)

That pursuant to such notice, a duly qualified assistant to the State Engineer did proceed to make an examination of said stream and of the works diverting water therefrom, including the measurements of the discharge of said stream and of the carrying capacity of the various ditches and canals diverting water therefrom, and an examination and approximate measurement of the lands irrigated and susceptible of irrigation from said ditches and canals, which said measurements and observations have been reduced to writing and made a matter of record in the office of the State Engineer of the State of Oregon; and that said Superintendent of Water Division No. 2, did, at the time and place in said notice specified, take the testimony and proofs of claimants to the waters of said stream, said claimants being hereinafter named in the findings as to their respective rights, due proof of such hearing being now on file herein, and a part of the record in this cause.

(5)

That upon the completion of the taking of testimony and proofs aforesaid by the said Superintendent of Water Division No. 2, he did, on the 10th day of February, 1910, give notice to each of the claimants to the waters of said stream (hereinafter named in the findings as to their respective rights), by registered mail, that all of the evidence, testimony and proofs of the various claimants would be open to inspection for a period of ten days, (Sundays excepted), beginning on February 23rd, 1910, and ending March 5th, 1910, from 9 to 12:00 o'clock, a.m., and from 1:30 to 5:00 o'clock, p.m., of each day, at the office of Hall & Korts, in Freewater, Umatilla County, Oregon, and that the determination of the Board of Control in this cause would be heard by the Circuit Court of the State of Oregon for Umatilla County; due proof whereof and of the mailing of said notices by registered mail being now on file in this cause and a part of the record herein.

(6)

That pursuant to said notice, the said division superintendent did, at the time and place in said notice specified, hold such inspection, due proof whereof being now on file herein.

(7)

That all evidence, testimony and proofs filed with the said superintendent in the above entitled matter have been transmitted by him in person to the office of the Board of Control and are now on file in said office.

(8)

That the following named persons were duly notified as declared in Finding No. 3 herein, but that each and all of them have failed, neglected and refused to file any claim to the waters of said stream and are in default herein, and have no interest in or claim to the waters of said stream; said persons so being in default herein, with their respective postoffice addresses, being as follows, to-wit:

NAME	POSTOFFICE ADDRESS
E. B. Goodman	Freewater, Oregon
Leo Lawson	" "
R. Lawson	" "
Milton, Freewater & Hudson Bay Irr. Co.	" "
James Petrie, Estate	" "
W. W. Phillippi, Pres., Milton, Freewater & Hudson Bay Irrigation Co.	" "
Joseph Pool	" "
George Robinson	" "
Mike Stubblefield	" "

(9)

That no contests or other objections have been filed with the said division superintendent or with the Board of Control, and that the time for filing the same has long since expired.

(10)

That Goodman Spring Branch is a natural water course rising in Umatilla County, Oregon, and flowing toward the Walla Walla River, into the water shed of which it drains, in Umatilla County, Oregon, and that Johnson Creek, Hodgdon Creek and Dugger Creek are tributaries of said Goodman Spring Branch.

(11)

That claimant Alice Lawson has a right to the waters of said Goodman Spring Branch for domestic purposes and irrigation upon thirty-three (33) acres in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and six (6) acres in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 30, Tp. 6 N., R. 35 E., W. M., in Umatilla County, Oregon, to the extent of .25 cu. ft. per sec., for twenty-four (24) hours during each of the first, second and third weeks in August, and the first week of September,

51875

6² acres NE $\frac{1}{4}$ NW $\frac{1}{4}$ CANCELED Spec. Or. V. 31 p. 508

50
51

(12)

3826
That claimant Wm. Records has a right to the waters of said Goodman Spring Branch for the irrigation of seven (7) acres in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of section 30, Tp. 6 N., R. 35 E., W. M., in Umatilla County, Oregon, to the extent of .125 cu. ft. per second, for two days during the month of June, two days during the month of July, and two days during the month of August of each year, the particular two days of use in each of said months to be selected by said Wm. Records.

(13)

That the rights of the above named Alice Lawson and Wm. Records are co-ordinate in time and equal in right and constitute the first right to the waters of said Goodman Spring Branch.

(14)

Superseded by 50927
Cart. No. 35092
Trs. Sp. Or. V. 15 p. 424
Chg. pt. of div. - B-170
35092
That claimant W. S. Edwards has a right to the waters of said Goodman Spring Branch for the irrigation of eighteen and one tenth (18.1) acres in the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and seven and six tenths (7.6) acres in the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of section 29, Tp. 6 N., R. 35 E., W. M., to the extent of .225 cu. ft. per second.
T # B-170
C # 35092

(15)

8828
CANCELED Spec. Or. V. 28 p. 251
That claimant E. C. Kralman, has a right to the waters of said Goodman Spring Branch for domestic use and for the irrigation of seven (7) acres in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of section 29, Tp. 6 N., R. 35 E., W. M., in Umatilla County, Oregon, to the extent of .175 cu. ft. per second.

(16)

That the rights of said E. C. Kralman and W. S. Edwards are co-ordinate in time and equal in right and constitute the second right to the waters of said Goodman Spring Branch.

(17)

That claimant J. S. Hoskins, makes no claim to the waters of said Goodman Spring Branch above its confluence with the above named Johnson Creek, Hodgdon Creek and Dugger Creek, except such water as may remain in said Goodman Spring Branch after all the rights of all the other parties hereto as herein defined are satisfied.

(18)

3829
DVA
That claimant Chas. Morrill, has a right to the waters of said Goodman Spring Branch for domestic purposes and for the irrigation of thirty-five and one half (35 $\frac{1}{2}$) acres in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and thirty-seven and one half (37 $\frac{1}{2}$) acres in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of section 29, Tp. 6 N., R. 35 E., W. M., in Umatilla County, Oregon, to the extent of all the

(19)

3830
That said claimant J. S. Hoskins, has a right to the waters of said Goodman Spring Branch after its confluence with said Johnson Creek, Hodgdon Creek and Dugger Creek, and to the waters of said Johnson Creek, Hodgdon Creek and Dugger Creek, for domestic purposes and for the irrigation of eight (8) acres in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$; two (2) acres in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and forty (40) acres in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of section 24, Tp. 6 N., R. 34 E., W. M., in Umatilla County, Oregon, with a priority of 1890, to the extent of 1.25 cu. ft. per sec., subject, however, to the rights hereinbefore defined as to the waters of said Goodman Spring Branch.

(20)

51876
3831
60 NE $\frac{1}{4}$ NW $\frac{1}{4}$ CANCELED Spec. Or. V. 37p. 508
That said claimant Alice Lawson, has a right to the waters of said Goodman Spring Branch after its confluence with said Johnson Creek and Hodgdon Creek and to the waters of said Johnson Creek and Hodgdon Creek for domestic purposes and for the irrigation of thirty-three (33) acres in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and six (6) acres in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of section 30, Tp. 6 N., R. 35 E., W. M., in Umatilla County, Oregon, with a priority of 1894, to the extent of .75 cu. ft. per sec., subject, however, to the rights hereinbefore defined as to the waters of said Goodman Spring Branch.

(21)

In the event that there should be, at any time, a surplus of unappropriated water in said Goodman Spring Branch, above its confluence with said Johnson Creek or Hodgdon Creek, after the rights of said W. S. Edwards, E. C. Kralman, Chas. Morrill, Wm. Records and Alice Lawson, therein, as hereinbefore defined and specified, are satisfied, then such surplus of unappropriated water shall be divided equally between said Wm. Records, Alice Lawson and J. S. Hoskins.

(22)

That all water furnished by springs on the Stubblefield land, known as one and two, shall belong to W. S. Edwards, E. C. Kralman and Chas. Morrill, their heirs and assigns; and all of the water furnished by all other springs on said Stubblefield land, shall belong to said Alice Lawson and J. S. Hoskins, their heirs and assigns.

(23)

That a system of rotation in the use of water, among the appropriators of small amounts of water, in the same neighborhood, has been in use, more or less, upon the said stream and adds greatly to the duty which said water may be made to perform; and that in the absence of an agreement between such appropriators arranging for such rotation and the manner in which such water shall be used in such rotation, the water master of the water district in which such water is situated shall arrange such appropriators in groups or sys-

51
52

equal to the combined appropriations of all the appropriators in said group or system for a length of time bearing the same ratio to the whole time required to make the complete rotation through the whole group of appropriators as the appropriation of said first appropriator bears to the combined appropriation of said appropriators, and shall next serve the next appropriator in priority with a like amount of water for his proportionate time and so on, until all the appropriators in said group are served; then the distribution of the water shall be repeated in the same manner throughout the irrigating season; that in case any two or more of the appropriators in said group of appropriators shall have the same priorities, then the said water master shall distribute the water as between those appropriators having the same priorities to the one whose ditch taps the stream nearest its source first, and the next lower down next, and so on; and where two or more appropriators agree as between themselves as to a system and manner of rotation in the use of their water, the said water master shall distribute their water in accordance with such agreement; provided, and this whole finding No. 23, is upon the condition that such arrangement into systems and groups shall not interfere with the prior rights of any appropriator not a member of such group or system.

(24)

That all appropriations of water from said stream for domestic purposes, as found herein, are limited to a sufficient amount for the needs of the appropriator, not to exceed the rate of one-fortieth ($1/40$) cubic foot per second to each one thousand (1000) head of stock; Provided, that the amount of water for irrigation specified herein, includes the water for domestic purposes to which said appropriation is entitled during the irrigation season.

(25)

That all appropriations from said stream, as found herein, are limited to a beneficial use by the appropriators for the purposes herein specified.

(26)

That the water for domestic purposes includes household use and water for live stock throughout the year.

By order of the Board of Control of the State of Oregon, made at a regular meeting of said Board, commenced and held on the 13th day of April, 1910.

BOARD OF CONTROL OF THE STATE OF OREGON.

JOHN H. LEWIS State Engineer.
President of the Board.

H. L. Holgate Superintendent,
Water Division No. 1.

ATTEST:

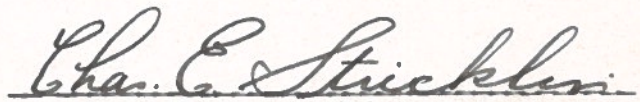
JAMES T. CHINNOCK
Secretary of the Board of Control

F. M. Saxton Superintendent,
Water Division No. 2

STATE OF OREGON)
) ss
County of Marion)

I, CHAS. E. STRICKLIN, State Engineer of Oregon, do hereby certify that the foregoing copy of FINDINGS AND ORDER OF DETERMINATION of the Board of Control of Oregon, in the matter of the determination of the relative rights to the waters of GOODMAN SPRING BRANCH, a tributary of the Walla Walla 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 of record in my office and custody.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of
May, 1933.


State Engineer of Oregon.

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF UMATILLA.

BE IT REMEMBERED, That at a regular term of the Circuit Court of the State of Oregon for the County of Umatilla, begun and held in the County Court House in Pendleton, in said County and State on Monday, the 10th day of April, A. D. 1911, the same being the 2nd Monday in said month and the time fixed by law for holding a regular term of said Court.

Present Gilbert W. Phelps, Judge, Presiding.

Whereupon a term of said Court is begun and holden on Thursday the 29th day of June, A. D. 1911, the same being the 45th Judicial day of said Court; and among other proceedings, the following were had, to-wit:

IN THE MATTER OF THE DETERMINATION)
OF THE RIGHTS TO THE WATERS OF THE)
GOODMAN SPRINGS BRANCH IN UMATILLA)
COUNTY, STATE OF OREGON.)

Now on this day this cause comes on for hearing upon the report of the Board of Control of the State of Oregon, and the findings of said board as to the rights to the use of the waters of the said Goodman Springs Branch, and it appearing to the court that no person has filed any objections or exceptions to the Findings of said board of control, and there being no reason why said report and findings should not be fully confirmed by this court, and the court being advised,

It is therefore CONSIDERED, ORDERED, ADJUDGED AND DECREED that the findings and determination of the State Board of Control as to the rights to the use of the waters of the Goodman Springs Branch, in Umatilla County, Oregon, be and the same are in all respects confirmed by this Court.

GILBERT W. PHELPS, Circuit Judge.

State of Oregon,)
(SS.
County of Umatilla.)

I, Frank Saling, County Clerk of said County and State and ex-officio Clerk of the Circuit Court of the State of Oregon for Umatilla County do hereby certify that the foregoing copy of Journal Entry has been by me compared with the original and that it is a correct transcript therefrom and of the whole of such original as the same appears of record and on file at my office and in my custody.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said court this 26th day of October, A. D. 1914.

STATE OF OREGON,)
(SS.
County of Marion.)

I, M. F. Mers, Secretary of the State Water Board of the State of Oregon, do hereby certify that the above copy of Journal Entry of the Circuit Court of the State of Oregon for Umatilla County, was received in the office of the State Water Board October 28th, 1914, and entered of record herein on the 28th day of October, 1914.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the State Water Board of Oregon, this 28th day of October, 1914.

M. F. MERS

Secretary of State Water Board.

STATE OF OREGON)
) SS
County of Marion)

I, CHAS. E. STRICKLIN, State Engineer of Oregon, do hereby certify that the foregoing copy of DECREE in the matter of the determination of the rights to the waters of the GOODMAN SPRINGS BRANCH in Umatilla County, Oregon, 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 of record in my office and custody.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of May, 1933.

Chas. E. Stricklin
State Engineer of Oregon.