

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Hood River County

IN THE MATTER OF THE DETERMINATION	)	<u>FINDINGS OF FACT</u>
OF THE RELATIVE RIGHTS TO THE USE OF	)	
THE WATERS OF PHELPS CREEK AND ITS	)	<u>AND</u>
TRIBUTARIES, A TRIBUTARY OF THE	)	
COLUMBIA RIVER	)	<u>ORDER OF DETERMINATION</u>

Now at this time the above-entitled matter coming on for consideration by the Water Resources Director and it appearing that all evidence and testimony have been taken in the above-entitled proceeding, and the Water Resources Director having carefully considered all such evidence and testimony and the engineering data and information gathered in accordance with law, and being fully advised in the premises, makes and orders to be entered of record in his office the following:

FINDINGS OF FACT AND ORDER OF DETERMINATION

-1-

The watershed of Phelps Creek and its tributaries is a small basin six and one-quarter miles long and averages about one mile wide, lying just west of the city of Hood River in Hood River County, Oregon. It is bounded on the northwest by the divides of Viento Creek, Perham Creek, Mitchell Creek and an unnamed drainage of the Columbia River; on the southeast by the divides of Ditch and Indian Creeks (tributaries to Hood River) and an unnamed drainage of the Columbia River.

Phelps Creek originates near the center of Section 13, Township 2 North, Range 9 East, W.M., and flows northeasterly six and four-tenths miles to the Columbia River in the NW1/4 SE1/4, Section 27, Township 3 North, Range 10 East, W.M., where it forms a Columbia River falls named Wah Gwin Gwin Falls. Post Canyon Creek is a major tributary in addition to several small unnamed tributaries in the watershed.

The basin comprises 6.2 square miles of which 1.2 square miles are above 2,000 feet elevation. The highest elevation is 3,140 feet at the southwestern end of the Phelps Creek watershed. The stream falls approximately 1,100 feet for the first one-third of its travel, then flattens out and falls approximately 850 feet for the remainder of its travel down to Wah Gwin Gwin falls. The falls are 207 feet high. The average flow gradient of the watershed including the falls is approximately six and one-half percent.

Phelps Creek is a perennial stream. Its runoff is derived from snowmelt and springs. The flow of the stream usually becomes low during May through October.

That on the 5th day of August 1971, there was filed with the State Engineer (now the Water Resources Director) a petition for the determination of the water rights of Phelps Creek, tributary to the Columbia River, signed by John H. Bennett, water user of said creek; that subsequently one other petition was filed for the determination of water rights of Phelps Creek as follows: March 25th, 1975 - Phelps Creek signed by three water users, Alice Bladwin Engel, Paul E. Picking and William T. Eglund, all of said petitions praying that a determination of the relative rights of the various claimants to the use of the waters of said stream system be made by the State Engineer (now the Water Resources Director) in accordance with the provisions of the Oregon Water Rights Act.

That the Water Resources Director thereafter fixed a time for the making of necessary surveys and examinations and the beginning of the taking of such testimony as would enable him to determine the relative rights of the various claimants to the use of the waters of Phelps Creek and its tributaries, as provided by law.

That a notice was prepared setting forth the date when the Director would begin the investigation of the flow of water in Phelps Creek and its tributaries, and the existing works for the utilization of the waters thereof; and said notice was published in The Hood River News, published weekly. That said newspaper is published and of general circulation in Hood River County, Oregon, and publication was in two consecutive weeks being September 17 and 24, 1986, the date of the last publication being more than ten days prior to the date fixed for the beginning of the investigations and measurements of said stream system by the Director.

That the Director did send by certified mail to each person, firm or corporation owning or being in possession of lands in or bordering on or having access to said stream or its tributaries, insofar as said claimants and owners and persons in possession could reasonably be ascertained, a notice similar to such published notice, and included therewith an explanatory statement and a blank form upon which the claimant or owner could prepare in writing his notice of intention to file a statement and proof of claim of his right to the use of the waters of said Phelps Creek and its tributaries, if any he had.

That the following named persons, firms, or corporations were duly notified of the proceeding by certified mail, as set forth in Paragraph 4 above:

ABERCROMBIE, J. J. & Erna E.  
 ADAMS Orchards, Inc.  
 ADAMS, Glen D. & Marilyn Jo  
 ADAMS, Marilyn Jo  
 AIKIN, Eugene R. & Irene  
 ANNALA, Helen M. & Timothy  
 ANNALA, John J.  
 ANNALA, Timothy  
 ANNALA, Timothy; NTFY: ANNALA, Ernest O.  
 APPELGREN, Wilson & Dorothy D.  
 ARONSON, Ted F. & Laura  
 ARTHUR, Beverly J.

922 Country Club Rd., Hood River OR 97031  
 1321 Alameda Rd., Hood River, OR 97031  
 1321 Alameda Rd., Hood River, OR 97031  
 1321 Alameda Rd., Hood River, OR 97031  
 5320 York Hill Dr., Hood River, OR 97031  
 1695 Country Club Rd., Hood River, OR  
 4690 Kenwood Dr., Hood River, OR 97031  
 1806 Country Club Rd., Hood River, OR  
 1814 Country Club Rd., Hood River, OR  
 421 Country Club Rd., Hood River, OR 97031  
 411 7th St., Hood River, OR 97031  
 P.O. Box 92, Hood River, OR 97031

BAKER, Louie K. & Dorothy J.  
 BAUSCH, Lester & Pearl  
 BAUSCH, Steven G. & Blanche E.  
 BEACH, S. Harold & Marjorie M.  
 BEACH, S. Harold; BEACH, Marjorie M.; Beach,  
 Karl Langford  
 BECKWITH, Leo C. & Lula A. c/o Fisher,  
 K.D. & C.L.  
 BELL, Charles L. & B. Joanne;  
 BELL, Jarrell J;  
 BENNETT, John H. & Janet H.  
 BESS, E.C. & W.B.; c/o Gehling, C.  
 & Berry, C.  
 BIRKETT, Richard N.  
 BLANCHETTE, Clifford H. & Mary  
 BLANCHETTE, Michael E. & Nancy  
 BLANSETT, Fay; c/o Farnsworth, John F. &  
 Dixie L.  
 BOWE, Charles S. Jr. & Hazel D.  
 BOWE, Charles S. Jr.; Hazel D; Larry S; &  
 Martin C.  
 BOWE, Larry S.  
 BRADY, Phillip L. & Patricia  
 BRANTON, Donald J. & Charlott  
 BRITTENHAM, Lee Roy & Lois J.;  
 c/o Blanchette, Clifford H. & Mary  
 BRITTLE, Jack & Virginia  
 BROWN, Frank A. & Grace S.  
 BROWN, James L. & Catherine S.  
 BROWN, Ralph E. & Ruth C.  
 BROWN, Robert J.; Elizabeth B. & Ross A.  
 BRYANT, Jack T. & Beverly R.  
 BUNT, Walter K. & Josie  
 BUSH, Stephen K. & Marian L.

841 Country Club Rd., Hood River, OR 97031  
 5160 York Hill Dr., Hood River, OR 97031  
 4120 Westcliff Dr., Hood River, OR 97031  
 12839 Castlebar Dr., Sun City W., AZ 85375  
 12839 Castlebar Dr., Sun City W., AZ 85375  
 4541 Post Canyon Rd., Hood River, OR 97031  
 440 Franklin Rd., Hood River, OR 97031  
 4314 Fordan Dr., Hood River, OR 97031  
 5250 York Hill Dr., Hood River, OR 97031  
 4590 Riordon Hill Rd., Hood River, OR  
 1802 Country Club Rd., Hood River, OR  
 4201 Post Canyon Dr., Hood River, OR 97031  
 2545 W. Sherman, Hood River, OR 97031  
 4720 Riordan Hill Dr., Hood River, OR 97031  
 3549 Indian Cliff Dr., Hood River, OR 97031  
 3549 Indian Cliff Dr., Hood River, OR 97031  
 3900 Lois Dr., Hood River, OR 97031  
 4680 Manzanita, Eugene, OR 97405  
 329 West 21st Street, The Dalles, OR 97058  
 4201 Post Canyon Dr., Hood River, OR  
 3663 Holly Drive, Hood River, OR 97031  
 1819 Montello, Hood River, OR 97031  
 685 Frankton Rd., Hood River, OR 97031  
 250 Jones Creek Rd., Grants Pass, OR 97526  
 3800 May Dr., Hood River, OR 97031  
 1150 21st Street, Hood River, OR 97031  
 820 Forden Rd., Hood River, OR 97031  
 430 Frankton Rd., Hood River, OR 97031

CAMPBELL Trucking Inc.  
 CARDON, L. Boyd & Donna  
 CAREY, Wilford K.  
 CARTER, Ralph A. & Janet Saulie  
 CEASE, Luther L. & Bonnie J.  
 CLAFLIN, Ralph D. & Lois  
 CLARKE, Gilbert T. & Vaughna L.  
 CLAYTON, Charles L. & Roberta L.  
 COLUMBIA GORGE HOSP. CO.  
 COOKSTON, Douglas E. & Diane L.  
 COON, James D. & Dewetta L.  
 COPLEY, Larry F. & Barbara J.  
 COTNER, R.E. & Doris E. dba Pan O Rama  
 Est. Inc.  
 COX, Katherine  
 CRIPPEN FAMILY ORCHARDS, INC.  
 CRIPPEN, Edward Franklin  
 CURTISS, Kenneth A. & Ruth L.  
 CUSHMAN, John F.  
 CUSHMAN, John F. & Ann J.  
 CUSHMAN, John F.; Richard J.; Robert J.

3330 Brookside Dr., Hood River, OR 97031  
 4130 Belmont Dr., Hood River, OR 97031  
 P.O. Box 325, Hood River, OR 97031  
 4670 Westwood Dr., Hood River, OR 97031  
 575 Country Club Rd., Hood River, OR 97031  
 701 Country Club Rd., Hood River, OR 97031  
 4150 Post Canyon Dr., Hood River, OR 97031  
 5270 York Hill Dr., Hood River, OR 97031  
 4000 West Cliff Dr., Hood River, OR 97031  
 761 Country Club Rd., Hood River, OR 97031  
 980 Country Club Rd., Hood River, OR 97031  
 900 County Club Rd., Hood River OR 97031  
 P.O. Box 836, Hood River, OR 97031  
 7368 Hollister Ave., #26, Goleta, CA 93117  
 1750 Country Club Rd., Hood River, OR  
 1750 Country Club Rd., Hood River, OR  
 5000 York Hill Dr., Hood River, OR 97031  
 415 Country Club Rd., Hood River, OR 97031  
 415 Country Club Rd., Hood River, OR 97031  
 415 Country Club Rd., Hood River, OR 97031

-D-

D & R TIMBER COMPANY  
DAVIS, Kenneth E. & Lynn M.  
DEACH, Charles A. & Mary G.  
DECKER, Donald W. & Sandra S.  
DECKER, Donald W. & Shari  
DEIBERT, Charles L.; c/o Franklin, Kenneth  
E. & Anna  
DIETZ, Donald & Melee  
DILLON, Una Mabel; Boyce, C.A.  
DOAN, Jack P. & Monica G., Trustee  
DODGE, Ronald R. & Linne K.  
DODSON, Raymond L.  
DOMINGUEZ, Luis B.  
DONAHUE, Gerald M. & Rose J.  
DOUGLAS, J. L. & Elizabeth B.  
DUDNEY, Ola Delila  
DYBVIK, James Douglas  
DYE, Flloyd S. & Leota O.

1221 SW Yamhill St., Portland, OR 97205  
5295 York Hill Dr., Hood River, OR 97031  
1060 Country Club Rd., Hood River, OR  
3705 Airport Dr., Hood River, OR 97031  
3705 Airport Dr., Hood River, OR 97031  
4257 Post Canyon Rd., Hood River, OR 97031

8307 N. Thorne Lane SW, Tacoma, WA 98498  
1376 Dillon Rd., Hood River, OR 97031  
4168 Westcliff Dr., Hood River, OR 97031  
608 Country Club, Hood River, OR 97031  
2285 E. 29th Ave., Eugene, OR 97403  
601 Industrial, Hood River, OR 97031  
1190 Sunset Rd., Hood River, OR 97031  
870 Country Club Rd., Hood River, OR 97031  
176 Skyline Blvd., Satalite Beach, FL  
7045 Valley View Drive, Gladstone, OR  
5285 York Hill Dr., Hood River, OR 97031

-E-

EDMUNDSON, George  
ELMGREN, Lee R.  
EMERSON, Vestena M.  
ENGEL, Allymae  
ERVIN, Marion D. & Wilma  
ESCOBAR, Jose L. & Victoria W.

600 Country Club Rd., Hood River, OR 97031  
1524 W. Sherman, Hood River, OR 97031  
4161 Post Canyon Dr., Hood River, OR 97031  
4551 Post Canyon Dr., Hood River, OR 97031  
820 Forden Rd., Hood River, OR 97031  
P.O. Box 02633, Portland, OR 97202

-F-

FARMERS IRRIGATION DISTRICT  
FARNSWORTH, John F. & Dixie L.  
FARRAR, Manley C. & Edith B.  
FAUBION, Delpha N.  
FERNANDEZ, Epifanio, A. & Juel  
FIELDS, Gary J. & Irene N.  
FISHER, Kirk D. & Connie L.  
FLERCHINGER, Donald P. & Elvera  
FLERCHINGER, D.P. & Elvera & Joseph P.  
FRANKLIN, Jack; Vann, Billy R.  
FRANKLIN, Kenneth E. & Anna Marie  
FRANKS, James C. & Theresa M.  
FRANZ, Clara May; NTFY Franz, Harold W.  
FRANZ, Harold W. & Jearoldine  
FREE, Melvin R.  
FREITAS, Tony W. & Maxine

1985 Country Club Rd., Hood River, OR  
4720 Riordan Hill Dr., Hood River, OR  
809 Country Club Rd., Hood River, OR 97031  
1216 13th Street, Hood River, OR 97031  
4495 Post Canyon, Hood River, OR 97031  
4540 Post Canyon Dr., Hood River, OR 97031  
4541 Post Canyon Dr., Hood River, OR 97031  
4180 Post Canyon Dr., Hood River, OR 97031  
4180 Post Canyon Dr., Hood River, OR 97031  
P.O. Box 875, Hood River, OR 97031  
4257 Post Canyon Rd., Hood River, OR 97031  
1140 Sunset Dr., Hood River, OR 97031  
420 Frankton Rd., Hood River, OR 97031  
420 Frankton Rd., Hood River, OR 97031  
880 Country Club Rd., Hood River, OR 97031  
4715 Riordan Hill Dr., Hood River, OR 97031

-G-

GATTIKER, Mary; Ernest; Woolston, Francis  
W. & Geneva L., c/o Brown, Ralph E.  
& Ruth C.  
GEHLING, C. & Berry C.  
GERDE, Kristin I. & Jon N.  
GILBERT, Charles R. & Darlene  
GLACIER INVESTMENT CORP; c/o Nunamaker, Don  
GLENN, Gilbert  
GOYACK, Louis A. & Mary P.  
GREAT AMERICAN BURGER COMPANY

250 Jones Creek Rd., Grants Pass, OR

4590 Riordon Hill Rd., Hood River, OR  
667 Rocky Rd., Hood River, OR 97031  
224 13th, Hood River, OR 97031  
3501 Brookside Dr., Hood River, OR 97031  
4081 Post Canyon Dr., Hood River, OR 97031  
591 Country Club Rd., Hood River, OR 97031  
4102 Westcliff Dr., Hood River, OR 97031

-H-

HALL, Clyde W.  
HANEL, Kathleen M.  
HANEL, L. Serling  
HANSEN, Kenneth M. & Helen M.  
HANSEN, Lorita J.  
HARDMAN, Donald M. & Nola J.

300 Frankton Rd., Hood River, OR 97031  
4695 Hwy. 35, Hood River, OR 97031  
4695 Hwy. 35, Hood River, OR 97031  
760 Frankton Rd., Hood River, OR 97031  
576 Frankton Rd., Hood River, OR 97031  
4354 Forden Dr., Hood River, OR 97031

HARMS, Raymond M. & Dorothy L.	899 Forden Rd., Hood River, OR 97031
HART, Buster & Opal; c/o Brown, Robert J.	3800 May Drive, Hood River, OR 97031
HART, Opal; c/o Hansen, Kenneth M. & Helen M.	760 Frankton Rd., Hood River, OR 97031
HARVEY, Ann B.	830 Country Club Rd., Hood River, OR 97031
HENDERSON, Laddie G. & Jeanette	135 Country Club Rd., Hood River, OR 97031
HOFFMAN, Donald & Lorinda	5171 Riordan Hill Dr., Hood River, OR 97031
HOLLOWAY, Boyd D. & Linda K. - Trustees	420 June Street, Hood River, OR 97031
HOOD RIVER COUNTY	Courthouse, Hood River, OR 97031
HOOD RIVER COUNTY FOREST	Courthouse, Hood River, OR 97031
HOOD RIVER COUNTY SCHOOL DISTRICT	P.O. Box 920, Hood River, OR 97031
HOOD RIVER SADDLE CLUB	P.O. Box 154, Hood River, OR 97031
HOOPER, Lillian J.; c/o Dominguez, Luis B.	601 Industrial, Hood River, OR 97031
HOOPS, C. J.; LE FEVRE, M.L.	640 Country Club Rd., Hood River, OR 97031
HUFF, Ray F. & Maxine	4300 Forden Drive, Hood River, OR 97031
HUNT, Muriel O.	4531 Post Canyon Dr., Hood River, OR 97031

-I-

ILES, Gordon C. & Sue Ann	5260 York Hill Dr., Hood River, OR 97031
ISHIZAKA, James & Chiyo U.	4080 Post Canyon Rd., Hood River, OR 97031

-J-

JACOBS, Franklin J. & Jeanette	4455 Post Canyon Dr., Hood River, OR 97031
JESSOP, Arleta	4610 Frazier Dr., Hood River, OR 97031
JOHNISEE, C. H.; Fagin, I.R.	3847 Barrett Dr., Hood River, OR 97031
JOHNNIE, Bill E. & Emily J.	P.O. Box 562, Hood River, OR 97031
JOHNSON, Herschel L. & Lorene D.	3816 Summit Drive, Hood River, OR 97031
JOHNSON, Medrick G. & Joy A.	3866 May Drive, Hood River, OR 97031
JOHNSON, Orrin L. & Charlotte L.	4180 Hays Drive, Hood River, OR 97031
JOHNSON, Randall S.	1396 Methodist Rd., Hood River, OR 97031

-K-

KANZLER, Walter H. & Avis M.	3132 NE Stanton, Portland, OR 97200
KARNS, Carl V. & Nancy	4475 Post Canyon Rd., Hood River, OR 97031
KENOYER, Leon A. & Ruth M.	429 Country Club Rd., Hood River, OR 97031
KERR, Jack A. & Shirlee S.	690 Frankton Rd., Hood River, OR 97031
KRIBY, Harold C. & Lora A.; Kriby, Kenneth W. & Bonnie J.	1513 Taylor, Hood River, OR 97031
KIYOKAWA, Yoshio	1216 12th Street, Hood River, OR 97031
KLEINSMITH, Dean S. & Diane L.	816 Country Club Rd., Hood River, OR 97031
KLINE, Jack & Ruth N.	872 Country Club Rd., Hood River, OR 97031
KNIFONG, Daniel & Pamela A.	615 Country Club Rd., Hood River, OR 97031
KOSAREK, Johnny C. & Betty E.	4800 Frazier Dr., Hood River, OR 97031
KRIEG MILLWORK INC.	755 Frankton Rd., Hood River, OR 97031
KRIEG, Ronald C.	755 Frankton Rd., Hood River, OR 97031
KRUCKENBERG, Paul J. & Nina J.	1920 Markham Rd., Hood River, OR 97031
KRUMBAH, Lillian A.; Kenneth L.; Cole, Annabelle L.	810 Country Club Rd., Hood River, OR 97031
KRUTZ, Wilbur O. & Flora D.	473 Frankton Rd., Hood River, OR 97031
KUYKENDALL, Wallace E. & Tobi	4515 Post Canyon Dr., Hood River, OR

-L-

LAHTI, Jeffrey A.	P.O. Box 762, Hood River, OR 97031
LAHTI, Jeffrey & Jennifer O.	P.O. Box 762, Hood River, OR 97031
LANCE, William D. & Mary Ellen	4459 Belmont Dr., Hood River, OR 97031
LANEY, Loren M. & Barbara L.	4463 Post Canyon Dr., Hood River, OR 97031
LANZL, Lawrence H. & Elizabeth	5750 S. Kenwood Ave., Chicago, IL 60637
LaVENTURE, Charles; Preyer, Sarah	500 Country Club Rd., Hood River, OR 97031
LAWSON, Joe R.	701 Frankton Rd., Hood River, OR 97031
LEE, Alvin U. & Margaret C.; c/o Lee, Randal L. & Janice C.	4498 Riordan Hill Dr., Hood River, OR 97031
LEE, Cula C.	4480 Riordan Hill Dr., Hood River, OR
LEE, Hedley O. & Jeanne L.	4432 Riordan Hill Dr., Hood River, OR
LEE, Loy D. & Terrie L.	4530 Riordan Hill Dr., Hood River, OR
LEE, Randal L. & Janice C.	4510 Riordan Hill Dr., Hood River, OR
LEE, Randall Leon; Lee, Hedley O'Neil; Lee, Alvin Ullis, Lee, Alvin Ellis; Lee, Roy Dula	4510 Riordan Hill Dr., Hood River, OR
LEININGER, Laddie L. & Dorothy M.	P.O. Box 233, Hood River, OR 97031
LEVIN, Franklin Q.	307 Frankton Rd., Hood River, OR 97031
LINCOLN, Robert D. & Kay L.	495 Frankton Rd., Hood River, OR 97031

LINDLEY, Steven L. & Cindy S.  
LOMBARD, Jack D.  
LUTGEN, Stanley V.  
LYON, James F. & Gail C.

4274 Forden Dr., Hood River, OR 97031  
P.O. Box 596, Hood River, OR 97031  
610 Country Club Rd., Hood River, OR 97031  
4713 Westwood Dr., Hood River, OR 97031

-M-

MALAER, Daniel J. & Margaret; c/o Cushman,  
John F.  
MALEY, Max & Pearl  
MALLERY, Wesley E. & Opal; c/o Johnson,  
Orrin L. & Charlotte C.  
MANFULL, Thomas M. & Georgia J.  
MANSUR, Paul D. & Cecilia A.  
MARTIN, Carl H. & Wanda G.  
MAURUS, Leonard, Jr. & Audrey J.  
McCLELLAN, Viola  
McCRAVEY, Denise A.  
McCRAVEY, Michael & Denise  
McLEAN, Don; c/o Dietz, Donald & Melee  
MENTZER, Emma J.; c/o Monahan, Steve &  
Carol L.  
MESSENGER, Ruth Hamilton  
MILLER, George E. & Ruth P.  
MILLER, Jonathan E. & Barbara  
MILLS, Richard M. & Linda S.  
MOHAGEN, Keller  
MONAHAN, George W. & Mabel E.; c/o Snowden,  
James M. & Patti E.  
MONAHAN, Steve & Carol L.  
MOON, Samuel D. & Robin  
MOORE, Dale E. & Agnes L.  
MORGAN, George L. & Edna M.  
MORTON, Thomas L.  
MOSS, Dusty S., Roffel, Ira  
MURPHY, Kenneth E. & Doris V.  
MURRAYS AUCTION CENTER, INC.

415 Country Club Rd., Hood River, OR 97031  
3700 May Dr., Hood River, OR 97031  
4180 Hays Dr., Hood River, OR 97031  
1693 Country Club Rd., Hood River, OR  
3885 Lois Dr., Hood River, OR 97031  
984 Country Club Rd., Hood River, OR 97031  
4704 Westwood Dr., Hood River, OR 97031  
916 Wilson, Hood River, OR 97031  
5661 York Hill Dr., Hood River, OR 97031  
5661 York Hill Dr., Hood River, OR 97031  
8307 N. Thorne Land SW, Tacoma, WA 98498  
4365 Belmont, Hood River, OR 97031  
2066 Riverdale Rd., Hood River, OR 97031  
4605 Riordan Hill Dr., Hood River, OR  
1210 Sunset Rd., Hood River, OR 97031  
860 Country Club Rd., Hood River, OR 97031  
1195 Sunset Rd., Hood River, OR 97031  
4266 Forden Dr., Hood River, OR 97031  
4365 Belmont, Hood River, OR 97031  
2622 Woodwardia Rd., Atlanta, GA 30345  
4340 Post Canyon Dr., Hood River, OR 97031  
3870 May Drive, Hood River, OR 97031  
P.O. Box 54001, San Jose, CA 95154  
675 Highline Dr., Hood River, OR 97031  
4160 Post Canyon Drive, Hood River, OR  
4270 Belmont Dr., Hood River, OR 97031

-N-

NEGUS, Richard L. & Sandra Ann  
NIELSEN, Roberta L.  
NUNAMAKER, J. Robert & Gertrude

3994 May Dr., Hood River, OR 97031  
4266 Post Canyon Rd., Hood River, OR 97031  
1526 Nunamaker Rd., Hood River, OR 97031

-O-

OGAWA, Valiant T.  
OLSEN, Edwin  
ORCHARD MACHINERY CORP.

534 Highland Dr., Hood River, OR 97031  
629 Frankton Rd., Hood River, OR 97031  
3600 Apirport Dr., Hood River, OR 97031

-P-

PAGE, John M. & Marcia L.  
PALLADAN LAND COMPANY NTFY: Parker, D. D.  
PARSONS, Ina D.  
PAULL, Charles W. Jr., & Sally I.  
PAYNE, E.L. & Ida B.; NTFY: Payne, Donald L.  
PENTECOSTAL CHURCH  
PERRY, Theodore W. & Louise C.  
PIATT, John F.  
PIATT, John F. & Margaret  
PICKING, Paul E.  
POIRER, Gene & Mary  
POLSON, Joan Marie Cranmer; Cranmer,  
Jerry, King  
PORTER, Richard P. & Virginia F.  
PORTERFIELD, Leonard N. & Gertrude H.  
PRIEST, Vickie J.

4597 Westwood Dr., Hood River, OR 97031  
3550 S. Shore Blvd., Lake Oswego, OR 97034  
302 Prospect, Hood River, OR 97031  
507 Country Club Rd., Hood River, OR 97031  
2437 Washington St., Eugene, OR 97405  
P.O. Box 155, Hood River, OR 97031  
814 Country Club Rd., Hood River, OR 97031  
5070 Riordan Hill Dr., Hood River, OR  
5070 Riordan Hill Dr., Hood River, OR 97031  
4466 Belmont Dr., Hood River, OR 97031  
868 Country Club Rd., Hood River, OR 97031  
4070 Westcliff Dr., Hood River, OR 97031  
4221 Post Canyon Dr., Hood River, OR 97031  
4110 Post Canyon Dr., Hood River, OR 97031  
P.O. Box 20902, Portland, OR 97220

-R-

REED, Ida May  
REEL, Coy Dean & Dolly Mae  
REYNOLDS, Steven M.  
REYNOLDS, Virginia  
ROSEMONT, Robert K.  
RUFFNER, Gary R. & Ellen

4315 Post Canyon Dr., Hood River, OR 97031  
526 Frankton Rd., Hood River, OR 97031  
4470 Post Canyon, Hood River, OR 97031  
4672 Greene St. NW, Albuquerque, NM 87114  
436 Country Club Rd., Hood River, OR 97031  
5275 York Hill Dr., Hood River, OR 97031

-S-

S.D.S. Company  
SANDERS, Paul & Susan  
SAULIE, Berna Jean  
SCHEER, Edward G.  
SCHEER, Edward G. & Donna  
SCHEND, Michael S. & Patricia J.  
SCHNEEBERGER, Paul & Lilly  
SCHULD, Richard & Madlyne L.  
SEVERSON, Carl E. & Charlotte A.  
SHARPES, Esther P. Hoover  
SHELDRAKE, Eugene L.  
SHEPHERD, Seth Cameron; Fiedler,  
Marie Martha; Ballagh, Margarite Johanna;  
Shankle, Karen Sue; Shankle, Stephanie  
K.; Bell, Teresa Ann; Whitmire, Sandra  
Eve; Carlton, J.W. & Shirley Ann;  
c/o Laventura, Chas. & Preyer, Sarah  
SHORT, Jessie  
SINGER, George M. & Penny A.  
SMITH, Ellis B. & Karol N.  
SMITH, Judith A.  
SMITH, Leighton J.  
SNOWDEN, James M. & Patti E.  
SPEE-DEE HAULERS, INC.  
SPOTTS, Robert A. & Judith A.  
STAGER, James F. & Jennifer  
STARNES, Larry D.  
STATE OF OREGON  
STATE OF OREGON, Divison of State Lands  
STATE OF OREGON, Dept. of Transportation  
STATE OF OREGON, Dept. of Veterans Affairs  
STERR, Wolfgang & Anna - Trustees  
STEER, Wolfgang & Anna; Steer, Carl;  
Steer, Lore  
STRUCK, David G. & Lavon B.  
STRUCK, James M. - Trustee  
STRUCK, Mary C. - Estate  
SWAFFORD, D. G.; Wells, J. M.  
SWAIN, William J. & Ann G.  
SYLVESTER, D. H. & Lorene H.

P.O. Box 266, Bingen, WA 98605  
3725 May St., Hood River, OR 97031  
P.O. Box 1215, White Salmon, WA 98672  
4480 Post Canyon Rd., Hood River, OR 97031  
4480 Post Canyon Rd., Hood River, OR 97031  
551 Country Club Rd., Hood River, OR 97031  
2130 SW 111th Place, Portland, OR 97225  
641 Country Club Rd., Hood River, OR 97031  
751 Country Club Rd., Hood River, OR 97031  
5300 York Hill Dr., Hood River, OR 97031  
4316 Post Canyon Dr., Hood River, OR 97031  
500 County Club Rd., Hood River, OR 97031  
  
1714 "A" Street, Hood River, OR 97031  
3698 Westwood Drive, Hood River, OR 97031  
4471 Post Canyon, Hood River, OR 97031  
1816 SE 24th, Portland, OR 97214  
5401 York Hill Drive, Hood River, OR 97031  
4266 Forden Dr., Hood River, OR 97031  
2812 W. 2nd, The Dalles, OR 97058  
885 Forden Road, Hood River, OR 97031  
4640 Frazer Dr., Hood River, OR 97031  
4501 Post Canyon Dr., Hood River, OR 97031  
Oregon State Parks Division, Salem, OR  
1445 State Street, Salem, OR 97310  
Hwy. Division, Salem, OR 97310  
700 Summer Street, Salem, OR 97310  
1570 Country Club Rd., Hood River, OR 97031  
1570 Country Club Rd., Hood River, OR 97031  
  
Rt. 2, Box 180, Ricyhmond, VT 05477  
6480 Old Parkdale Rd., Parkdale, OR 97041  
6480 Old Parkdale Rd., Parkdale, OR 97041  
985 Country Club Rd., Hood River, OR 97031  
Star Route 86A, Underwood, WA 98651  
3233 Odell Highway, Hood River, OR 97031

-T-

TALLEY, Douglas Lee & Janine  
THOMAS, David W. & Elizabeth  
TILLMAN, Peter and Edith  
TOM & TOM INC.  
TROXEL, Lucille L.  
TURNER, Fredrich L. & Louise H.

505 Frankton Rd., Hood River, OR 97031  
4715 Riordan Hill Dr., Hood River, OR  
5195 York Hill Drive, Hood River, OR 97031  
1693 Country Club Rd., Hood River, OR  
2065 Highway 35, Hood River, OR 97031  
4201 Barrett Drive, Hood River, OR 97031

-U-

UNION PACIFIC SYSTEM (OWRR&N Co.)  
US of America-Small Business Administration  
W.A. Hadfield, Chief PMD

1515 SW 5th, Portland, OR 97201  
Portland Dist. Office, 1220 SW 3rd Ave.,  
Portland, OR 97204

-V-

VAGABOND LODGE INC.  
VAN CLEAVE, Paul  
VANN, Sally  
VISSER, Larry R. & Eunice D.  
VITAL, Joseph A. & Jeanette J.

4070 Westcliff Dr., Hood River, OR 97031  
P.O. Box 206, Klickitat, WA 98628  
7915 SE King Rd., #5, Milwaukie, OR 97222  
1301 Martin Rd., Hood River, OR 97031  
510 Frankton Rd., Hood River, OR 97031

VITTORIA, Frank & Ann M.  
VOYLES, Kelly Rd. & Shirley

4940 York Hill Dr., Hood River, OR 97031  
4444 Belmont Drive, Hood River, OR 97031

-W-

WALDEN, Paul E. & Elizabeth M  
WALLS, Leonard D.; Walls, Ruth M.; Walls,  
Dick L. and Diane L.; Walls, Jack D;  
Jones, John E.  
WALTER, Fred L. & Sheila R.  
WAMSLEY, Vestus L. & Arbutus; c/o Kline,  
Jack & Ruth N.  
WELLS, Donald J.  
WELLS, R. Donald & Dolly  
WERKMAN, Herman R. & Lois M.  
WESCHE, Paul & Berniece; Wesche, Nancy C.  
WILCOX, Donald Stanley  
WILLIAMS, David O. & Mildred R.  
WILLIAMS, Jerry D. & Sonja  
WILLIAMS, William C. & Leona  
WILLIFORD, Edward R. & Gloria  
WILLSEY, Robert L. & Faye M.  
WINGERD, Michael R. & Lorrie  
WINSLOW, Russell E. & Joan A.  
WITHERINGTON, Dorothy M.  
WOLCHIK, Fred E. & Carol A.

4100 Post Canyon Dr., Hood River, OR 97031  
1808 Country Club Rd., Hood River, OR  
4385 Belmont Dr., Hood River, OR 97031  
872 Country Club Road, Hood River, OR 97031  
15657 NE Beebe Rd., Battle Ground, WA  
15657 NE Beebe Rd., Battle Ground, WA  
4264 Post Canyon Dr., Hood River, OR 97031  
2019 May St., Hood River, OR 97031  
5520 Dee Highway, Parkdale, OR 97041  
646 Frankton Rd., Hood River, OR 97031  
1248 NE 5th Ave., Camas, WA 98607  
1936 Belmont, Hood River, OR 97031  
4456 Belmont Dr., Hood River, OR 97031  
614 Country Club Rd., Hood River, OR 97031  
4380 Post Canyon Rd., Hood River, OR 97031  
4950 York Hill Dr., Hood River, OR 97031  
4288 Post Canyon Dr., Hood River, OR 97031  
P.O. Box 636, Hood River, OR 97031

-Y-

YOUNG, Becky S.  
YOUNG, C. B. & Laura L.  
YOUNG, Dale A. & Susan R.  
YOUNKINS, Hugh C. & Ruby C.; Young,  
Thomas A. and Eloise A.

831 Country Club Rd., Hood River, OR 97031  
4060 Belmont, Hood River, OR 97031  
646 Frankton Rd., Hood River, OR 97031  
P.O. Box 651, Hood River, OR 97031

-Z-

ZAKLAN, Stanley & Martha L.  
ZEMAN, Louis C. Jr., and Julia R.

2966 SW Benington Dr., Portland, OR 97201  
1531 Checketts Rd., Hood River, OR 97031

\* Sent by Registered mail, return receipt requested, as required for foreign delivery.

-6-

That all of said certified notices, addressed as tabulated in the preceding finding, which addresses were secured from the records of the County Assessor and Tax Collector of the county in which the property is located, were delivered to the addresses by the Post Office Department except those hereinafter tabulated, which were returned by the Post Office Department bearing a notation as to the reason for nondelivery as shown by the statement following the name:

BLOUIN, Robert J. & Alta B.  
CONNERS, Anthony H.  
DOMINQUEZ, Luis  
DUCHOWNY, Nan F.  
EADES, R. K. & Hilda M.  
EDWELL, William & Lorraine  
HIMES, Leroy & Pua N.  
HOOVER, Esther P.  
KEISER, Eldon R.  
LUTZ, Charles A.  
MACK, Troyce, A.  
OLSEN, Edwin O. & Shirley  
PATTON, Leroy D. & Deborah A.  
SCHUEPBACH, Charles R. & Lynne  
SMITH, Donald C. & Juanita  
STENCIN, Stephen

Unclaimed  
Forward expired  
Forward outdated  
Unclaimed  
Unclaimed  
Forward expired  
Unclaimed  
Forward expired  
Forward expired  
Unclaimed  
Unknown  
Unclaimed  
Unclaimed  
Unclaimed  
Unclaimed  
No such number



THOMPSON, John D. & Pearl  
ZORZA, Scott S. & Kathleen E.

Moved, left no address  
Forward expired

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That the following named persons, firms, or corporations were duly notified of the proceeding by certified mail on April 2, 1987, as set forth in Paragraph 4 above:

BEACH, S. Harold; BEACH, Marjorie M; 12839 Castlebar Drive, Sun City West, AZ  
BEACH, Karl Langford  
STATE OF OREGON, Oregon State Parks Division Salem, Oregon  
STATE OF OREGON, Dept. of Transportation Salem, Oregon  
Highway Division

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That the following named persons, firm, or corporations were duly notified of the proceeding by certified mail on May 1, 1987, as set forth in Paragraph 4 above:

STATE OF OREGON, Dept. of Veterans Affairs 700 Summer Street, Salem, Oregon

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That the following named persons, firm, or corporations were duly notified of the proceeding by certified mail on May 20, 1987, as set forth in Paragraph 4 above:

FRANKLIN, Jack; VANN, Billy R. 9427 Saddle Drive, Yuma, AZ  
STATE OF OREGON, Dept. of Veterans Affairs 700 Summer Street, Salem, Oregon

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That fully qualified assistants to the Director did proceed to make examinations, surveys, and measurements of said Phelps Creek and its tributaries, and of the works diverting water therefrom, and surveys of the lands irrigated, and gathered such other data and information as were essential to the proper determination of the relative rights of the parties interested, which observations and measurements were reduced to writing and made a matter of record in his office. The Director did cause to be prepared a set of maps or plats, showing with substantial accuracy, the location of all streams in the drainage basin, the location of each means of conveyance of appropriated water and the points of diversion thereof, and the number of acres of land being irrigated in each legal subdivision, or other use of water, prints of said maps or plats being on file and a part of the record herein.

That as soon as practicable after the examinations and measurements were completed as described in the preceding finding, the Director did prepare a notice setting forth a place and time certain when he would begin the taking of statements and proofs of claim as to the relative rights of the various claimants to the use of the waters of Phelps Creek and its tributaries; and said notice was published in the Hood River News, Hood River.

That said newspaper is published and of general circulation in Hood River County, Oregon, and publication was in two consecutive weeks being August 5 and 12, 1987, the date of the last publication being at least thirty days prior to the first date set for the taking of statements and proofs of claim by the Director.

That the Director did send by certified mail to each person, firm or corporation who had filed a declaration of intention to file a claim to the use of the waters of Phelps Creek and its tributaries in this proceeding, in response to the notice described in Finding 4 above, a notice similar to such published notice described in the preceding finding, setting forth the date when the Director would receive the statements and proofs of claim to the use of the waters of said stream and its tributaries. That said notice was mailed at least thirty days prior to the date set for receiving of said statements and proofs of claim. The Director did include with each notice a blank form upon which the claimant or owner could prepare in writing all the particulars necessary for the determination of his right, under oath, and a pamphlet of information for water users in the preparation of their statements and proofs of claim in connection with the adjudication of water rights.

That the times and places where the Director did appear and receive the statements and proofs of claim of the various parties, were fixed in said notice as follows:

On Tuesday, September 15; Wednesday, September 16; and Thursday, September 17, 1987, in the Basement Conference Room, Hood River County Courthouse, Hood River, Oregon;

And for a period of seven days, beginning with Monday, September 21, and ending with Tuesday, September 29, 1987, excepting Saturday and Sunday at the office of the Water Resources Department, 3850 Portland Road NE, Salem, Oregon.

That the following named persons, who had filed their notices of intention to file a statement and proof of claim, were duly notified by certified mail, as provided by law, of the

commencing of the taking of statements and proofs of claim of their rights to the use of the waters of said Phelps Creek and its tributaries:

APPELGREN, A. Wilson & Dorothy D.	421 Country Club Rd., Hood River, OR 97031
ATWOOD, Allymae Engel	4551 Post Canyon Dr., Hood River, OR 97031
BENNETT, John H.	5250 York Hill Drive, Hood River, OR 97031
BERRY, Collin	(See Gehling, Charles M.)
CUSHMAN, John & Malaer, Daniel & Margaret, et al	415 Country Club Road, Hood River, OR 97031
CUSHMAN, John F. & Anna J.	415 Country Club Road, Hood River, OR
CUSHMAN, John F., et al	415 Country Club Road, Hood River, OR
DOAN, Jack P. & Monica G.	1878 Jackson Street, Port Townsend, WA
DOUGLAS, James Lynn	870 Country Club Road, Hood River, OR
EDMUNDSON, George	600 Country Club Road, Hood River, OR
FARMERS IRRIGATION DISTRICT	1985 Country Club Road, Hood River, OR
FISHER, Kirk D.	4541 Post Canyon Dr., Hood River, OR 97031
FLERCHINGER, Donald P. & Elvera R.	4180 Post Canyon Dr., Hood River, OR 97031
FLERCHINGER, Donald P. & Elvera R. & Joseph P.	4180 Post Canyon Drive, Hood River, OR
GEHLING, Charles M. or Berry, Collin	4590 Riordan Hill, Hood River, OR 97031
GUNDERSON, Edward & Katharine	4532 Post Canyon Drive, Hood River, OR
HALL, Terry C.	727 NE 128th, Portland, OR 97230
HUNT, Muriel O.	4531 Post Canyon Drive, Hood River, OR
KENOYER, Leon A. & Ruth M.	429 Country Club, Hood River, OR 97031
MOON, Samuel & Robin,	2622 Woodwardia Rd., Atlanta, GA 30345
PALLADIAN LAND COMPANY	777 SW Englewood Dr., Lake Oswego, OR 97034
PARSONS, Inda D.	302 Prospect, Hood River, OR 97031
PRIEST, V. Jill	P.O. Box 20902, Portland, OR 97220
ROSEMONT, Robert K.	436 Country Club Rd., Hood River, OR 97031
TILLMAN, Peter J.	1038 S. 4th Street, Lakeview, OR 97630
VANN, Billy R.	2719 E. 10th, The Dalles, OR 97058
VITAL, Joseph A.	510 Frankton Rd., Hood River, OR 97031
WILLSEY, Robert L.	614 Country Club Rd., Hood River, OR 97031

That all of said notices to the above-listed persons, firms or corporations at said addresses, appear to have been delivered by the Post Office Department to the addressees.

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That in response to said notices to file statements and proofs of claim, the following named persons, firms or corporations did submit to the Director statements and proofs of claim:

APPELGREN, A. Wilson & Dorothy D.	421 County Club Road, Hood River, Oregon
ATWOOD, Allymae Engel	4551 Post Canyon Drive, Hood River, Oregon
BENNETT, John H.	5250 York Hill Drive, Hood River, Oregon
CUSHMAN, John F.	415 Country Club Road, Hood River, Oregon
CUSHMAN, John F. & Anna J.	415 Country Club Road, Hood River, Oregon
DOAN, Jack P.	1878 Jackson Street, Port Townsend, Washington
FARMERS IRRIGATION DISTRICT	1985 Country Club Road, Hood River, Oregon
GUNDERSON, Edward R. and Katharine R.	4532 Post Canyon Drive, Hood River, Oregon
ROSEMONT, Robert Kent	436 Country Club Road, Hood River, Oregon
TILLMAN, Kenneth G. & Edith E.	1038 S. 4th Street, Lakeview, Oregon
WILLSEY, Robert L. & Faye	614 Country Club Road, Hood River, Oregon

That all of said statements and proofs of claim were in sufficient form accompanied by the statutory fees and filed with the Director.

That all persons, firms or corporations to whom notices were sent by certified mail, as tabulated under Findings 5 and 14 above, who have failed, neglected or refused to appear herein and submit proof of a claim of right to the use of the waters of Phelps Creek and its tributaries, initiated prior to the adoption of the Oregon Water Code on February 24, 1909, if any they have or claim, are in default; such default is here and now entered against them, and each of them, and such parties are hereby barred and estopped from using or asserting any rights to the use of the waters of said Phelps Creek or any tributary thereof, except by, through or under the rights of persons whose water rights are defined herein, or under and by virtue of permits issued by the Water Resources Director, as provided by law.

That after the completion of the taking of such statements and proofs of claim, the Director did, on the 9th day of May 1988, give notice by certified mail to each of the various claimants to the use of the waters of Phelps Creek and its tributaries, as provided by law, that at the times and places named in said notice, to wit:

For a period of four days, beginning Tuesday, May 31, 1988, and ending Friday, June 3, 1988, at the office of the Water Resources Department, 3850 Portland Road NE, Salem, Oregon.

And for a period of three days beginning Tuesday, June 7, 1988, and ending Thursday, June 9, 1988, at the West Side Fire Station at Rockford, 4240 Barrett Drive, Hood River, Oregon.

And for a period of three days beginning Monday, June 13, 1988, and ending Wednesday, June 15, 1988, at the office of the Water Resources Department, 3850 Portland Road NE, Salem, Oregon.

the statements and proofs of claim theretofore filed would be open to inspection by the various claimants between the hours of 8:00 a.m. to 12:00 noon and from 1:00 p.m. to 5:00 p.m. on each of said days. That said notice did state that the determination of the Water Resources Director would be heard by the Circuit Court of the State of Oregon, for the County of Hood River.

That the Director did, in accordance with said notice as described in the preceding Finding 17, keep said statements and proofs of claim open to inspection at said times and places.

That the time set by law for filing of statements of contest, within fifteen days after the expiration of the period for inspection, would expire on June 30, 1988, and it appearing that additional time was required by certain parties to properly prepare and file their statements of contest, the Water Resources Director did, on the 21st day of June 1988, enter an order directing that the time within which to file statements of contests, be extended, as provided by

law, and the same was thereby extended and continued to include the 20th day of July 1988. That within the time, as extended by order of the Water Resources Director, the following contest was initiated by the filing with the Water Resources Director a notice of contest, in writing:

John H. Bennett, et al. (Contestant)

vs.

Farmers Irrigation District (Contestee)

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That after the filing of said statement of contest, the Water Resources Director, did fix a time and place for the hearing of said contest, and did on the 22nd day of September 1988, serve notice of said hearing, by certified mail, on each of the parties and on their respective counsel.

As set in the notice, the hearing was scheduled for Wednesday, October 26, 1988, at 9:30 a.m., in the Port Conference Room, Port Office Building and Visitor Center, Port of Hood River, Port Marina Park, at Hood River, Hood River County, Oregon.

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That due proof of the sending of the various notices by certified mail, as provided by law and hereinbefore set forth, has been made and filed as part of the record herein.

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That prior to time set for the hearing on contest, the matter was settled by stipulation between the contestant (John H. Bennett, et al.) and contestee (Farmers Irrigation District), which stipulation is entered as evidence in this proceeding as follows:

"AGREEMENT:

1. The parties agree and stipulate that the CONTESTANTS' priority date and water rights claim in this adjudication is prior and superior to the CONTESTEE's priority date and water rights claim in this adjudication.
2. The parties stipulate that this agreement should be submitted to the Water Resources Department of the State of Oregon for approval and that this agreement should be incorporated into the above referenced adjudication proceeding."

The rights to the use of Phelps Creek as claimed by the contestee in his Statement and Proof of Claim No. 7, is more particularly determined in Finding 29 and set out in the tabulation of water rights under Finding 44 herein.

-23-

APPELGREN, A. Wilson and Dorothy D. Proof # 1

County: Hood River

Basin Number: 04

Source: Phelps Creek

Tributary to: Columbia River

Source Type: Stream

Diversion Point Location: NW1/4 NW1/4, Section 34 T3N R10E W.M.

Use: 1) Irrigation; 2) Power

Place of Use Location: 1) 0.5 acre NW1/4 NW1/4, Section 34 T3N R10E W.M.

2) 1/2 hp NW1/4 NW1/4, Section 34 T3N R10E

Date of Initiation: May 2, 1903

Hood River County Assessor records show the claimant owns Tax Lot # 3N1034B-1200. This is within the NW1/4 NW1/4 Section 34 T3N R10E. The WRD field inspection showed that there is a diversion of water from Phelps Creek into a wooden flume. The flume carries the water to a nine foot overshoot wheel. The claimant rebuilt the system when he moved onto the property. The overshoot wheel drives a Myers piston pump. The pump supplies water for irrigation at approximately 40 psi and will run 6 lawn sprinklers. The system is used to irrigate lawn and landscaping. Mr. Appelgren is claiming that the use of water for this power and irrigation was initiated May 2, 1903, and that the water was first used for irrigation April 3, 1905.

It appears that this claimed right should be limited to a rate of diversion of not to exceed 0.47 cubic feet per second, being 0.01 cubic feet per second from Phelps Creek for irrigation and 0.46 cubic feet per second from Phelps Creek for power, with a priority date of May 2, 1903. Claimants rights are more particularly set out and described in the tabulation of water rights under Finding 44 herein.

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ATWOOD, Allymae Engel Proof # 2

County: Hood River

Basin Number: 04

Source: Phelps Creek

Tributary to: Columbia River

Source Type: Stream

Diversion Point Location: SE1/4 SW1/4, Section 33 T3N R10E W.M.

Use: Irrigation

Place of Use Location: 6.6 acres SE1/4 SW1/4, Section 33 T3N R10E W.M.

0.1 acre SW1/4 SE1/4, Section 33 T3N R10E W.M

Date of Initiation: 1874

Hood River County Assessor records show that the claimant owns Tax Lot # 3N1033-2400 and 3N1033-2500. The WRD field inspection found that an old unused diversion point and ditch did exist with remnants here and there. A portion of the ditch is on the claimants property. The old ditch would have diverted water from Phelps Creek. At present the claimant uses two pumps

to divert water from Phelps Creek. One of the pumps is a 5 hp centrifugal pump and the other is a 1 hp centrifugal pump. The larger pump is used for irrigation of pasture and the smaller pump is used for irrigation of lawn and garden. There is a combination of aluminum and plastic pipe which conveys the water to eleven Rainbird 30 sprinkler heads.

The claimant submitted copies of affidavits by Raymond E. Nicholson and Archie Radcliff. These affidavits describe water use from Phelps Creek on various properties.

The Farmers Irrigation District has submitted a Statement and Proof of Claim in this proceeding. The claim is for the use of water from Phelps Creek for irrigation with a priority date of 1874. The acres described include all of the Atwood right claimed herein: 6.6 acres within the SE1/4 SW1/4 and 0.1 acre within the SW1/4 SE1/4, Section 33, T3N R10E W.M.

A certificate of water right #46954 was issued to the Hood River Irrigation District, confirmed by decree of Circuit Court of the State of Oregon for Hood River County. The right is for the use of waters of Ditch Creek and Dead Point Creek for irrigation with priority dates of 1874; December 19, 1892; and October 6, 1902. The acres described include all of the Atwood right claimed herein: 6.6 acres within the SE1/4 SW1/4 and 0.1 acre within the SW1/4 SE1/4, Section 33, T3N R10E W.M.

A certificate of water right #46956 was issued to Hood River Irrigation District, confirmed by Decree of Circuit Court of the State of Oregon for Hood River County. The right is for the use of waters of Ditch Creek and Parker Springs, North Fork Green Point Creek and Spring at Camp No. 4 for irrigation and supplemental irrigation with dates of priority 1891, Ditch Creek and Parker Springs; 1899, North Fork Green Point Creek and Spring at Camp No. 4. The acres described for supplemental irrigation include all of the Atwood right claimed herein: 6.6 acres within the SE1/4 SW1/4 and 0.1 acre within the SW1/4 SE1/4, Section 33, T3N R10E W.M.

The Hood River Irrigation District and the Farmers Irrigation District merged. The Farmers Irrigation District now delivers the water under certificates #46954 and #46956.

It appears that Farmers Irrigation District delivers water to the claimant but at times the quantity is inadequate to properly irrigate the land. At those times, the claimant uses the diversion and conveyance system covered under her Statement and Proof of Claim to make up for the deficient delivery.

It appears that the right claimed herein should be denied and recognized in the claim submitted by Farmers Irrigation District as an alternate point of diversion under Farmers Irrigation District with a priority date of 1874.

Claimants right is more particularly set out and described in Finding #29 (Farmers Irrigation District claim) and in the tabulation of water rights under Finding #44 herein.

BENNETT, John H. Proof # 3

County: Hood River

Basin Number: 04

Source: Phelps Creek

Tributary to: Columbia River

Source Type: Stream

Diversion Point Location: NW1/4 NE1/4, Section 8 T2N R10E W.M.

Use: Irrigation

Place of Use Location: 13.4 acres SW1/4 SW1/4, Section 4 T2N R10E W.M.

38.6 acres SE1/4 SW1/4, Section 4 T2N R10E W.M.

Date of Initiation: May 2, 1874

Hood River County Assessors records show that the claimant owns tax lot numbers 2N1004-3000, 2N1004-3001 and 2N1004-3200. This property is within the SW quarter of Section 4 T2N R10E. There is a diversion dam in Phelps Creek that the claimant uses to divert water into a 12" plastic pipe. The water flows to a regulating box, through a ditch and to a pond. The water is then pumped by a Berkley pump rated at 350 gpm. There is a 6' suction lift and a 130' discharge lift. Sprinklers are then use to irrigate the orchards.

A Certificate of Water Right #46954 was issued to Hood River Irrigation District, confirmed by Decree of Circuit Court of the State of Oregon for Hood River County. The right is for the use of water of Ditch Creek and Dead Point Creek for irrigation with priority dates of 1874; December 19, 1892; and October 6, 1902. The acres described include a portion of the Bennett right claimed herein: 6.0 acres within the SW1/4 SW1/4 and 16.0 acres within the SE1/4 SW1/4, Section 4, T2N R10E W.M.

A Certificate of Water Right #46955 was issued to Hood River Irrigation District, confirmed by Decree of Circuit Court of the State of Oregon for Hood River County. The right is for the use of water of North Fork Green Point Creek, South Fork Green Point Creek, Dead Point Creek and South Fork Pine Creek for irrigation and supplemental irrigation with a priority date of December 1, 1905. The acres described for primary irrigation include a portion of the Bennett right claimed herein: 15.4 acres within the SE1/4 SW1/4, Section 4, T2N R10E W.M. The acres described for supplemental irrigation include a portion of the Bennett right claimed herein: 15.6 acres within the SE1/4 SW1/4, Section 4, T2N R10E W.M.

A Certificate of Water Right #46956 was issued to Hood River Irrigation District, confirmed by Decree of Circuit Court of the State of Oregon for Hood River County. The right is for the use of water of Ditch Creek and Parker Springs, North Fork Green Point Creek and Spring at Camp No. 4 for irrigation and supplemental irrigation with priority dates of 1891 and 1899. The acres described for primary irrigation include a portion of the Bennett right claimed herein: 6.8 acres within the SW1/4 SW1/4 and 6.4 acres within the SE1/4 SW1/4 Section 4 T2N



R10E W.M. The acres described for supplemental irrigation include a portion of the Bennett right claimed herein: 6.0 acres within the SW1/4 SW1/4 and 31.4 acres within the SE1/4 SW1/4, Section 4, T2N R10E W.M.

The Hood River Irrigation District and the Farmers Irrigation District merged. The Farmers Irrigation District now delivers the water under certificates #46954, #46955 and #46956.

Permit #6574, Certificate #48821 in the name of Farmers Irrigation District evidences the right of use of the waters of Capron Spring inflow, Winan Spring inflow, Dago Spring inflow, Savage Spring inflow, No-Name Spring inflow, Yumibe Spring inflow, North Fork Pine Creek, unnamed spring and Indian Creek for supplemental irrigation with a priority date of February 29, 1924. The acres described include a portion of the Bennett right claimed herein: 31.0 acres within the SE1/4 SW1/4, Section 4, T2N R10E W.M.

Permit #34538, Certificate #48822 in the name of Farmers Irrigation District evidences the right of use of the waters of Hood River for supplemental irrigation with a priority date of July 16, 1969. The acres described include a portion of the Bennett right claimed herein: 31.0 acres within the SE1/4 SW1/4, Section 4, T2N R10E W.M.

Permit #27551, Certificate #39052 in the name of John H. and Janet H. Bennett evidences the right of use of the waters of an unnamed drainage way for supplemental irrigation with a priority date of July 28, 1961. The acres described include a portion of the Bennett right claimed herein: 8.2 acres in the SW1/4 SW1/4 and 19.0 acres within the SE1/4 SW1/4, Section 4 T2N R10E W.M.

There is a question regarding the priority date of this claimed right. The Statement and Proof of Claim indicates; 1) The right was initiated by filing and recording in the Wasco County records on December 3, 1876, by P.G. Barrett, 2) the date of initiating such water right was 1880, 3) water was first used for irrigation circa 1880, 4) construction began 1870, and 5) an attached copy of the notice filed by P.G. Barrett on December 3, 1876 in the records of Wasco County of the intent to divert 51 inches (miners inches) to irrigate certain land in Section 4, Township 2 North, Range 10 East, W.M., as of May 2, 1874.

On June 9, 1988, during open inspection of evidence submitted in this proceeding, the claimant submitted an affidavit that he had no basis to claim the "circa 1880" date.

On June 15, 1988, the claimant submitted an affidavit to the effect that he had no personal knowledge of the date of initiation of his right, he was claiming the date of May 2, 1874, as stated in the recorded notice of P.G. Barrett.

On July 18, 1988, in the office of the Water Resources Department a "Statement of Contest" was filed. This was in the matter of the determination of the rights to Phelps Creek. Anna Sterr, Wolfgang Sterr, Karl Sterr, Lore Sterr and John H. Bennett were listed as Contestants vs. Farmers Irrigation District listed as Contestee. The statement of contest stated that John H. Bennett had filed a Statement and Proof of Claim and that the Sterr's have purchased the Bennett property.

The contestee, Farmers Irrigation District, did stipulate and agree that contestant John Bennett's claimed right was superior to their claimed right of 1874.

Therefore, it appears that based on the foregoing evidence this claimed right from Phelps Creek and all other sources shall not exceed 0.65 cubic feet per second (26 miners inches) for irrigation with a priority date of May 2, 1874. Claimant's right is more particularly set out and described in the tabulation of water rights under Finding 44 herein.

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CUSHMAN, John F Proof # 4

County: Hood River

Basin Number: 04

Source: Phelps Creek

Tributary to: Columbia River

Source Type: Stream

Diversion Point Location: NW1/4 NW1/4 Section 34, T3N R10E, W.M.

Use: Irrigation

Place of Use Location: 2.4 acres SW1/4 SW1/4 Section 27, T3N R10E, W.M.

Date of Initiation: September 14, 1904

Hood River County Assessor records show that the claimant owns the following property; numbers 3N1027C-1100 and 3N1027C-1200. The records also show that the claimant is buying a parcel, numbered 3N1034B-1000, from D. and M. Malaer. All of this property is within either the SW1/4 SW1/4 Section 27 or NW1/4 NW1/4 Section 34 both T3N R10E.

The WRD field inspection found that the claimant uses a pipe system to irrigate his vineyard and garden. There is a 6" pipe that is put into Phelps Creek at the diversion point. The pipe is reduced along the course of conveyance. There is 2" PVC at the place of use with 3/4" sprinklers that irrigate. These sprinklers operate under approximately 30# pressure.

It appears that this claimed right should be limited to a rate of diversion of not to exceed 0.03 cubic feet per second from Phelps Creek for irrigation with a priority date of September 14, 1904. Claimant's right is more particularly set out and described in the tabulation of water rights under Finding 44 herein.

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CUSHMAN, John F. and Anna J. Proof # 5

County: Hood River

Basin Number: 04

Source: Phelps Creek

Tributary to: Columbia River

Source Type: Stream

Diversion Point Location: NW1/4 NW1/4 Section 34, T3N R10E W.M.

Use: Irrigation

Place of Use Location: 0.4 acre NW 1/4 NW 1/4 Section 34, T3N R10E W.M.

Date of Initiation : 1899

Hood River County Assessor records show that the claimants own the following tax lots; # 3N1027C-1000, 3N1034B-1300 and 3N1034B-1401. This property is within the SW1/4 SW1/4 Section 27 and the NW1/4 NW1/4 Section 34 T3N R10E.

There is a diversion from Phelps Creek that runs water to a pond on the claimants property. There is a 2hp pump that is connected to an underground pipe system that is used to sprinkle irrigate their lawn and garden with 6 sprinkler heads.

It appears that this claimed right should be limited to a rate of not to exceed 0.01 cubic feet per second from Phelps Creek for irrigation with a priority date of 1899. Claimant's right is more particularly set out and described in the tabulation of water rights under Finding 44 herein.

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DOAN, Jack P. Proof # 6

County: Hood River

Basin Number: 04

Source: Phelps Creek

Tributary to: Columbia River

Source Type: Stream

Diversion Point Location: NW1/4 NW1/4 Section 34 T3N R10E W.M.

Use: Irrigation

Place of Use Location: 1.3 acres SW1/4 SW1/4, Section 27 T3N R10E W.M.

Date of Initiation: June 20, 1879

Hood River County Assessors records show that the claimant owns tax lot # 3N1027C-800. This property is north of the Columbia River Highway US 30.

The claimant uses a diversion point with a neighbor, John Cushman, another claimant in this determination. There is a 6 inch pipe that they put in Phelps Creek to divert the water for irrigation. The pipe system is used by Mr. Cushman and then reaches Mr. Doan's property. There is a buried system of 4 inch aluminum and steel pipe and 1 inch and 3/4 inch plastic pipe which operates under gravity pressure. There are sprinkler heads that irrigate their lawn and garden.

It appears that this claimed right should be limited to a rate of diversion of not to exceed 0.015 cubic feet per second from Phelps Creek for irrigation with a priority date of June 20, 1879. Claimant's right is more particularly set out and described in the tabulation of water rights under Finding 44 herein.

FARMERS Irrigation District Proof # 7

County: Hood River

Basin Number: 04

Source: Phelps Creek

Tributary to: Columbia River

Source Type: Stream

Diversion Point Location: NW1/4 NE1/4 Section 18 T2N R10E

Use: Irrigation

Place of Use Location: 101.1 acres Section 33 T3N R10E

64.3 acres Section 4 T2N R10E

20.0 acres Section 5 T2N R10E

8.4 acres Section 8 T2N R10E

Date of Initiation: 1874

The claimant has a dam and headgate in Phelps Creek that diverts water into the Riordan Hill Highline Canal. This is an extension of the Highline Canal which diverts water from Ditch Creek. This is a district canal that is an earth section. The canal is earth section for about a mile where it changes from that to various pipe sizes here and there along the way. The water that is diverted is used for irrigation by members of the district.

Allymae Engel Atwood has submitted a Statement and Proof of Claim in this proceeding. The claim is for the use of water from Phelps Creek for irrigation with a priority date of 1902. The acres described include a portion of the Farmers Irrigation District right claimed herein: 6.6 acres within the SE1/4 SW1/4 and 0.1 acre within the SW1/4 SE1/4 Section 33 T3N R10E W.M. It appears that Farmers Irrigation District delivers water to Allymae Atwood but at times the quantity is inadequate to properly irrigate the land. At those times, Allymae Atwood uses the diversion and conveyance system covered under her Statement and Proof of Claim to make up for the deficient delivery.

Edward R. and Katharine R. Gunderson have submitted a Statement and Proof of Claim in this proceeding. The claim is for the use of water from Phelps Creek for irrigation with a priority date of 1887. The acres described include a portion of the Farmers Irrigation District right claimed herein: 2.6 acres within the NE1/4 SW1/4 and 0.6 acre within the NW1/4 SE1/4 Section 33 T3N R10E W.M.

Permit #140, Certificate #723 in the name of E. Shelley Morgan evidences the right of use of the waters of Post Creek for irrigation of twenty acres of land and domestic use with a priority date of August 7, 1909. There is a question about the true location of use under this certificate, however, the acres described appear to include a portion of the Farmers Irrigation

District right claimed herein: 10 acres within the NE1/4 SW1/4 and 10 acres within the SE1/4 SW1/4 Section 33 T3N R10E W.M.

A Certificate of Water Right #46954 was issued to the Hood River Irrigation District confirmed by Decree of Circuit Court of the State of Oregon for Hood River County. The right is for the use of water of Ditch Creek and Dead Point Creek for irrigation with a priority date of 1874; December 19, 1892; and October 6, 1902. The acres described for irrigation include a portion of the Farmers Irrigation District right claimed herein: 2.4 acres SW1/4 NE1/4, 6.8 acres SW1/4 NW1/4, 16.8 acres SE1/4 NW1/4, 36.7 acres NE1/4 SW1/4, 10.9 acres NW1/4 SW1/4, 24.3 acres SE1/4 SW1/4, 1.3 acres NW1/4 SE1/4, all Section 33 T3N R10E W.M. 36.6 acres NE1/4 NW1/4, 4.5 acres NW1/4 NW1/4, 8.5 acres SE1/4 NW1/4, 10.8 acres NW1/4 SW1/4 all Section 4 T2N R10E W.M. 20.0 acres NE1/4 SE1/4, Section 5, 6.4 acres NE1/4 NE1/4, 2.0 acres NW1/4 NE1/4, Section 8 T2N R10E W.M.

A Certificate of Water Right #46956 was issued to the Hood River Irrigation District confirmed by Decree of the Circuit Court of the State of Oregon for Hood River County. The right is for the use of water of Ditch Creek and Parker Springs, North Fork Green Point Creek and Spring at Camp No. 4 for irrigation and supplemental irrigation with a priority date of 1891 and 1899. The acres described for supplemental irrigation include a portion of the Farmers Irrigation District right claimed herein: 2.4 acres SW1/4 NE1/4, 6.8 acres SW1/4 NW1/4, 16.8 acres SE1/4 NW1/4, 36.7 acres NE1/4 SW1/4, 10.9 acres NW1/4 SW1/4, 1.0 acre SW1/4 SW1/4, 24.3 acres SE1/4 SW1/4, 1.3 acres NW1/4 SE1/4, Section 33 T3N R10E W.M. 36.6 acres NE1/4 NW1/4, 4.5 acres NW1/4 NW1/4, 8.5 acres SE1/4 NW1/4, 10.8 acres NW1/4 SW1/4 Section 4, 20.0 acres NE1/4 SE1/4 Section 5, 6.4 acres NE1/4 NE1/4, 2.0 acres NW1/4 NE1/4 Section 8 T2N R10E W.M.

The Hood River Irrigation District and the Farmers Irrigation District merged. The Farmers Irrigation District now delivers the water under certificates #46965 and #46956.

It appears that this claimed right should be limited to a rate of diversion from Phelps Creek and all other sources not to exceed 2.42 cubic feet per second for irrigation with a priority date of 1874. Claimant's right is more particularly set out and described in the tabulation of water rights under Finding 44 herein.

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GUNDERSON, Edward R. & Katharine Proof # 8

County: Hood River

Basin Number: 04

Source: Phelps Creek

Tributary to: Columbia River

Source Type: Stream

Diversions Point Location: NE1/4 SW1/4 Section 33 T3N R10E W.M.

Use: Irrigation

Place of Use Location: 2.6 acres NE1/4 SW1/4 Section 33 T3N R10E W.M.

0.6 acre NW1/4 SE1/4 Section 33 T3N R10E W.M.

Date of Initiation: 1874

Hood River County Assessor records show that the claimants own tax lot # 3N1033-2101. The WRD field inspection showed that the claimants divert water from Phelps Creek by way of a Berkeley centrifugal pump on a 7-1/2 hp electric motor. This is rated at 70 gpm. The water is conveyed through a mostly buried pipe line system that is used to sprinkle irrigate lawn, garden and blueberries.

The claimants have indicated that their use began in "1887 via Hood River Irrigation District canal". The Farmers Irrigation District has included this use in their claim to a vested right in this proceeding.

The Farmers Irrigation District has submitted a Statement and Proof of Claim in this proceeding. The claim is for the use of water from Phelps Creek for irrigation with a priority date of 1874. The acres described include all of the Gunderson right claimed herein: 2.6 acres NE1/4 SW1/4, 0.6 acre NW1/4 SE1/4 Section 33 T3N R10E W.M.

A Certificate of Water Right #46954 was issued to Hood River Irrigation District, confirmed by Decree of Circuit Court of the State of Oregon for Hood River County. The right is for the use of waters of Ditch Creek and Dead Point Creek for irrigation with priority dates of 1874; December 19, 1892; and October 6, 1902. The acres described include all of the Gunderson right claimed herein: 2.6 acres NE1/4 SW1/4 and 0.6 acre NW1/4 SE1/4 Section 33 T3N R10E W.M.

A Certificate of Water Right #46956 was issued to Hood River Irrigation District, confirmed by Decree of Circuit Court of the State of Oregon for Hood River County. The right is for the use of waters of Ditch Creek and Parker Springs, North Fork Green Point Creek and Spring at Camp No. 4 for irrigation and supplemental irrigation with priority dates of 1891 and 1899. The acres described as supplemental irrigation include all of the Gunderson right claimed herein: 2.6 acres NE1/4 SW1/4 and 0.6 acre NW1/4 SE1/4 Section 33 T3N R10E W.M.

The Hood River Irrigation District and the Farmers Irrigation District merged. Farmers Irrigation District now delivers the water under certificates #46954 and #46956.

It appears that the right claimed herein should be denied and recognized in the claim submitted by the Farmers Irrigation District as an alternate point of diversion under Farmers Irrigation District claim with a priority date of 1874.

Claimants right is more particularly set out and described in Finding #29 (Farmers Irrigation District) and in the tabulation of water rights under Finding #44 herein.

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ROSEMONT, Robert Kent Proof # 9

County: Hood River

Basin Number: 04

Source: Phelps Creek and Spring

Tributary to: Columbia River

Source Type: Stream and Spring

Diversion Point Location: NE1/4 NE1/4 Section 33 T3N R10E W.M.

Use: 1) Irrigation; 2) Domestic

Place of Use Location: 1) 2.0 acres NE1/4 NE1/4 Section 33 T3N R10E W.M.

2) domestic NE1/4 NE1/4 Section 33 T3N R10E W.M.

Date of Initiation : 1864

Hood River County Assessor records show that the claimant owns tax lot # 3N1033A-100, 3N1033A-200, 3N1033A-300 and 3N1033A-400. The WRD field inspection found that the claimant uses water from Phelps Creek for irrigation and uses water from an unnamed spring tributary to Phelps Creek for domestic purposes.

Irrigation: There is a 5" intake pipe at the diversion point from Phelps Creek which runs the water under gravity pressure to the place of use. This is wooden pipe for about 600'. There is about 500' of 2" galvanized pipe and about 600' of 3/4" galvanized pipe used on the irrigated area. Sprinklers are used to irrigate lawn and garden. There is about 55 feet of fall in the irrigation system.

Domestic: There is a concrete spring box that the claimant uses which is connected to a 1" galvanized pipe which conveys the water to his house. There is about 25 feet of fall between the spring and the house. There is a booster pump in the house which is a Sears Hydro Glass Water pump. This is a 3/4 hp pump that delivers between 40 and 60 pounds of pressure.

It appears that this claimed right should be limited to a rate of diversion of not to exceed 0.025 cubic feet per second from Phelps Creek for irrigation and 0.005 cubic feet per second from an Unnamed Spring for domestic both with a priority date of 1864. Claimant's rights are more particularly set out and described in the tabulation of water rights under Finding 44 herein.

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TILLMAN, Kenneth G. and Edith E. Proof # 10

County: Hood River

Basin Number: 04

Source: Spring

Tributary to: Phelps Creek

Source Type: Spring

Diversion Point Location: NW1/4 SW1/4 Section 8, T2N R10E W.M.

Use: Domestic

Place of Use Location: domestic NW1/4 SW1/4 Section 8, T2N R10E W.M.

Date of Initiation: 1900

Hood River County Assessor records show that the claimant owns tax lot # 2N1008CB-100. The WRD field inspection found that the claimant uses water from an unnamed spring for domestic use in one house. There is a concrete spring box with a 2" pipe for about 120' which reduces to 1" pipe at the place of use.

It appears that this claimed right should be limited to a rate of diversion of not to exceed 0.005 cubic feet per second from an Unnamed Spring for domestic use with a priority date of 1900. Claimant's right is more particularly set out and described in the tabulation of water rights under Finding 44 herein.

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WILLSEY, Robert L. and Faye Proof # 11

County: Hood River

Basin Number: 04

Source: 1) Spring; 2) & 3) Phelps Creek

Tributary to: Columbia River

Source Type: Spring and Stream

Diversion Point Location: SW1/4 NE1/4 Section 33 T3N R10E W.M.

Use: 1) Domestic; 2) Irrigation; 3) Stock

Place of Use Location: 1) domestic SW1/4 NE1/4 Section 33 T3N R10E W.M.

2) 0.8 acre SW1/4 NE1/4 Section 33 T3N R10E W.M.

3) stock SW1/4 NE1/4 Section 33 T3N R10E W.M.

Date of Initiation: Dec. 29, 1891

Hood River County Assessors records show that the claimants own tax lot # 3N1033A-1900. This property is in the SW 1/4 NE 1/4 Section 33. There are two sources of water that the claimants use; a spring for domestic use and Phelps Creek for irrigation and stock.

Domestic: There is an unnamed spring that is used for a one house domestic supply. There is a 2" pipe from the spring which crosses Phelps Creek and is connected to a 268 gallon holding tank. There is a 1/2 hp pump that is used to deliver the water to the house through 3/4" pipe.

Irrigation: There is an electric 1/2 hp motor on a pump that is used to divert water from Phelps Creek. There is a 2" pipe from the pump to the place of use. Four faucets are used for watering the lawn, garden and pasture. There is 0.8 acres irrigated within the SW 1/4 NE 1/4 section 33 T3N R10E.

Stock: Livestock are watered in two smaller tanks and a small pond which are delivered water through the irrigation system.



It appears that this claimed right should be limited to a rate of diversion of not to exceed 0.01 cubic feet per second from Phelps Creek for irrigation, 0.01 cubic feet per second from Phelps Creek for stock water and 0.01 cubic feet per second from an Unnamed Spring for domestic use all with a priority date of Dec. 29, 1891. Claimant's rights are more particularly set out and described in the tabulation of water rights under Finding 44 herein.

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DUTY OF WATER, HEAD OF WATER FOR IRRIGATION USE

Taking into consideration all of the various elements and conditions having a bearing on the quantity of water essential for the irrigation of crops within the basin of Phelps Creek and its tributaries, the duty of water hereby is fixed at not to exceed 3.0 acre feet per acre during any one irrigation season.

The rate of flow or head of water to be diverted, where not specifically stated in specific findings herein, or definitely fixed in a permit or certificate of water right, hereby is fixed at not to exceed one-eightieth of one cubic foot per second for each acre irrigated.

It is further provided that the quantity of water which a claimant whose right has been determined herein shall be entitled to divert at any time shall be determined on the basis of the acreage actually prepared for irrigation and to which water may be beneficially applied in the production of crops.

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DOMESTIC USE

Where a claimant in this proceeding asserted a right for domestic purpose and the same was allowed herein, it is to be understood that the claimant has a right to the use of water for household purposes and water for such animals as are required for the proper sustenance of the family.

Domestic use shall include the irrigation of lawn and domestic garden only if specifically listed.

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STOCK USE BY DIVERSION

Where a claimant in this proceeding asserted a right to the use of water for stock purposes by diversion and it was allowed herein, it is to be understood that the claimant has a right to the use of the water for such animals as are essential to the proper sustenance of the family and also water for stock when the claimant is engaged in the raising of livestock or when

the claimant takes in livestock for pasturage and is limited to the use of such quantity of water as is necessary for the number of stock claimed.

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DOMESTIC AND STOCK USE

Where a claimant in this proceeding asserted a right to the use of water for both domestic and stock purposes, and it was allowed herein, it is to be understood that domestic use includes only water for household uses.

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DOMESTIC USE, DOMESTIC AND STOCK USE, STOCK USE

The right to divert and use the waters of Phelps Creek and its tributaries, as allowed herein, for domestic use, domestic and stock use, or stock use shall continue throughout the year.

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HEAD-GATES AND MEASURING DEVICES

The owner or owners of any ditch, pump, pipeline or other means of diversion and conveyance, whether the rights are determined in this proceeding or subsequently initiated and perfected, shall maintain to the satisfaction of the watermaster a substantial head-gate at the point of diversion, which shall be constructed so that it can be set and locked or closed and locked by the watermaster. And when in the distribution of water by the watermaster, he may require the installation of suitable head-gate or measuring devices, such owner or owners shall construct and maintain such suitable head-gates or measuring devices as may be necessary to assist the watermaster to determine the quantity of water that is to be diverted into said ditch, pipeline or other means of conveyance, from the spring, stream or other source of supply.

If the owner or owners shall refuse or neglect to install such head-gate or measuring devices after ten days written notice, the watermaster may close and post such ditch, pump, pipeline or other means of conveyance and the same shall not be opened or any water diverted from the source of supply under the penalties prescribed by law for the illegal opening of head-gates lawfully closed, until the requirements of the watermaster as to such head-gate or measuring devices have been complied with.

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IRRIGATION SEASON

The irrigation season for Phelps Creek and its tributaries hereby is fixed as beginning April 15 and ending October 31 of each year.

PLACE OF MEASUREMENT

The place of measurement of the water to which any appropriator of the waters of Phelps Creek and its tributaries is entitled hereby is fixed to be at the point of diversion from the stream or source of supply.

RIGHTS APPURTENANT TO LAND

The rights to the use of the waters of Phelps Creek and its tributaries for irrigation purposes, as herein confirmed, are appurtenant to the lands herein described in connection with such rights, and are limited and confined to the irrigation of the lands described herein, and the priorities of rights confirmed confer no right to the 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, association or corporation, or their respective successors in interest, shall be and hereby are prohibited, restrained and enjoined from diverting and using water from said stream or any of its tributaries on any other lands without lawful permit thereof first obtained from the Water Resources Director.

The rights to the use of water for other useful and beneficial purposes as herein confirmed are appurtenant to the lands and place of use as herein described and the priorities and rights herein confirmed confer no rights to the use of waters of said Phelps Creek or any of its tributaries on any lands other than those specified tracts to which such rights are set forth herein as appurtenant, and each and every person, association or corporation, or their respective successors in interest, shall be and hereby are prohibited, restrained and enjoined from diverting and using water from said stream or any of its tributaries on any other lands without lawful permit thereof first obtained from the Water Resources Director.

DIVERSIONS GOVERNED BY PRIORITIES AND BENEFICIAL USE

Except as otherwise determined herein, the order of rights of the respective appropriators of the waters of Phelps Creek and its tributaries, and the order in which they are entitled to divert and use said water shall be and is according to the date of relative priority of the rights as determined and set forth herein, and the first in order of time according to the date of relative priority shall be and hereby is first in order of right, and so on down to the latest priority; and those having prior rights are entitled to divert and use the water of said stream and its tributaries when necessary for the irrigation of their respective lands, or other useful and beneficial purposes for which they were allowed a right of use, and in accordance with such right at all times against those having rights of subsequent priority, without let or hindrance. Whenever the water is not required for beneficial use by the appropriator having

such prior right to its use for the purpose for which such 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 let or hindrance or diversion thereof, and those having subsequent rights are entitled to the use of said water and to divert the same to the extent of their respective rights, according to the order of priority of their respective rights. At all times the water diverted by the appropriator whose rights have been determined herein, shall be beneficially and reasonably used without waste, and no rights of appropriation are hereby confirmed to divert a greater quantity of water into the head of the ditch, pump, pipeline, or other means of conveyance of the appropriator having a valid right to divert the water than such appropriator can beneficially use for the purpose to which the water is to be used, in accordance with his right.

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ORDER OF DETERMINATION

To summarize and supplement the specific findings herein, the rights of the claimants to the use of the waters of Phelps River and its tributaries as determined herein, are arranged in tabulated form, with the date of relative priority of such appropriation, the quantity or rate of flow of the water allowed such appropriator, the number of acres to be irrigated by such appropriation, the use or uses to which such water is applied, the means by which the water so appropriated has been diverted, the name of the stream or other source from which the water is appropriated and diverted, and the description of the lands upon which the water has been used and is fixed as appurtenant; the tabulated right of each appropriator being set opposite and following his name and post office address, as stated in his statement and proof of claim as follows:

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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
APPELGREN, A. Wilson & Dorothy D. 421 Country Club Rd. Hood River, OR 97031 (Proof #1) (See Finding 23)	May 2, 1903	0.01	0.5	Irrigation	Wooden Flume & overshot Wheel	Phelps Creek	0.5 acre NW1/4 NW1/4 Section 34
	May 2, 1903	0.46		Power		Phelps Creek	NW1/4 NW1/4 Section 34 T. 3 N. R. 10 E., W.M.
ATWOOD, Allymae Engel 4551 Post Canyon Dr. Hood River, OR 97031 (Proof #2) (Also see Proof #7) (See Finding 24) (Also see Finding 29)	1874	0.08	6.7	Irrigation	2 pumps & Pipeline	Phelps Creek	6.6 acres SE1/4 SW1/4 0.1 acre SW1/4 SE1/4 Section 33 T. 3 N. R. 10 E., W.M.
BENNETT, John H. 5250 York Hill Drive Hood River, OR 97031 (Proof #3) (See Finding 25) (Also see Findings 19 through 22)	May 2, 1874	0.65	52.0	Irrigation	Unnamed Ditch	Phelps Creek	13.4 acres SW1/4 SW1/4 38.6 acres SE1/4 SW1/4 Section 4 T. 2 N. R. 10 E., W.M.
							(These lands are covered by Water Right Certificates #46954, #46955, #46956, #48821 and #48822 through the Farmers Irrigation District and Water Right Certificate #39052 in claimants name.)
CUSHMAN, John F. 415 Country Club Road Hood River, OR 97031 (Proof #4) (See Finding 26)	Sept. 14, 1904	0.03	2.4	Irrigation	Pipeline	Phelps Creek	2.4 acres SW1/4 SW1/4 Section 27 T. 3 N. R. 10 E., W.M.
CUSHMAN, John F. and Anna J. 415 Country Club Road Hood River, OR 97031 (Proof #5) (See Finding 27)	1899	0.01	0.4	Irrigation	Pipeline	Phelps Creek	0.4 acre NW1/4 NW1/4 Section 34 T. 3 N. R. 10 E., W.M.

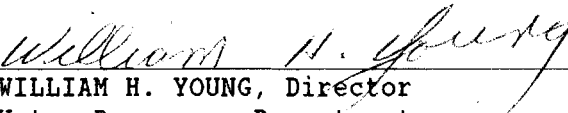
Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
DOAN, Jack P. 1878 Jackson St. Port Townsend, WA 98368 (Proof #6) (See Finding 28)	June 20, 1879	0.015	1.3	Irrigation	Pipeline	Phelps Creek	1.3 acres SW1/4 SW1/4 Section 27 T. 3 N. R. 10 E., W.M.
FARMERS IRRIGATION DISTRICT 1985 Country Club Road Hood River, OR 97031 (Proof #7) (Also see Proofs #2 & #8) (See Finding 29) (Also see Finding 24 & 30) (Also see Findings 19 through 22)	1874	2.42	193.8	Irrigation	Highline Ditch	Phelps Creek	2.4 acres SW1/4 NE1/4 6.8 acres SW1/4 NW1/4 16.8 acres SE1/4 NW1/4 36.7 acres NE1/4 SW1/4** 10.9 acres NW1/4 SW1/4 1.8 acres SW1/4 SW1/4 24.3 acres SE1/4 SW1/4* 1.3 acres NW1/4 SE1/4** 0.1 acre SW1/4 SE1/4* Section 33 T. 3 N. R. 10 E., W.M.  36.6 acres NE1/4 NW1/4 8.4 acres NW1/4 NW1/4 8.5 acres SE1/4 NW1/4 10.8 acres NW1/4 SW1/4 Section 4 20.0 acres NE1/4 SE1/4 Section 5 6.4 acres NE1/4 NE1/4 2.0 acres NW1/4 NE1/4 Section 8 T. 2 N. R. 10 E., W.M.
GUNDERSON, Edward R. and Katharine R. 4532 Post Canyon Drive Hood River, OR 97031 (Proof #8) (Also see Proof #7) (See Finding 30) (Also see Finding 29)	1874	0.04	3.2	Irrigation	Pump and Pipeline	Phelps Creek	2.6 acres NE1/4 SW1/4 0.6 acre NW1/4 SE1/4 Section 33 T. 3 N. R. 10 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
ROSEMONT, Robert Kent 436 Country Club Road Hood River, OR 97031 (Proof #9) (See Finding 31)	1864	0.025	2.0	Irrigation	Pipeline	Phelps Creek	2.0 acres NE1/4 NE1/4 Section 33
	1864	0.005		Domestic One House	Pipeline	Spring NE1/4 NE1/4	NE1/4 NE1/4 Section 33 T. 3 N. R. 10 E., W.M.
TILLMAN, Kenneth G. & Edith E. 1038 S. 4th St. Lakeview, OR 97630 (Proof #10) (See Finding 32)	1900	0.005		Domestic One House	Pump and Pipeline	Spring NW1/4 SW1/4	NW1/4 SW1/4 Section 8 T. 2 N. R. 10 E., W.M.
WILLSEY, Robert L. & Faye 614 Country Club Road Hood River, OR 97031 (Proof #11) (See Finding 33)	Dec. 29, 1891	0.01	0.8	Irrigation	Pump and Pipeline	Phelps Creek	0.8 acre SW1/4 NE1/4
	Dec. 29, 1891	0.01		Stock	Pump and Pipeline	Phelps Creek	SW1/4 NE1/4
	Dec. 29, 1891	0.005		Domestic One House	Pump and Pipeline	Spring SW1/4 NE1/4	SW1/4 NE1/4 Section 33 T. 3 N. R. 10 E., W.M.

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And the Water Resources Director of Oregon, being fully advised in the premises, it is hereby CONSIDERED AND ORDERED that the relative rights of the various claimants to the use of the waters of Phelps creek and its tributaries, be and the same are hereby determined and settled as set forth in the foregoing Findings and Order of Determination.

Dated at Salem, Oregon, this 28th day of November, 1988.

  
WILLIAM H. YOUNG, Director  
Water Resources Department

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