

BEFORE THE STATE WATER BOARD OF THE STATE OF OREGON

WATER DIVISION NO. 2.

MORROW and GILLIAM COUNTIES.

IN THE MATTER OF THE DETERMINATION )  
OF THE RELATIVE RIGHTS OF THE VARIOUS )  
CLAIMANTS TO THE USE OF THE WATERS OF ) SUPPLEMENTAL FINDINGS.  
WILLOW CREEK, AND ITS TRIBUTARIES, A )  
TRIBUTARY OF THE COLUMBIA RIVER. )  
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Now, on this 12th day of April, 1916, this matter came on before the State Water Board of the State of Oregon for submitting the proofs and making findings as to the completion of the inchoate rights of the various water users from the above named stream, under the decree of the Circuit Court of the State of Oregon for the County of Morrow, filed on the 12th day of December, 1910, and the findings of the State Water Board (formerly designated as Board of Control) as heretofore made; and it appearing to the Board that the time for completion of each and all of said inchoate rights has expired, and that a field survey has been made of said inchoate rights by Mr. Rhea Luper, the duly appointed and acting representative of the Superintendent of Water Division No. 2; and his report showing the results of such survey has been duly filed with the Board, together with the sworn statements of the water users relative to the completion of their rights; that due notice of intention to take proof of the completion of said appropriations was given to each claimant, or his successor in interest, that on the 18th day of November, 1915, the necessary surveys and investigations would be commenced and the taking of testimony would be begun; and that beginning with the 18th day of November, 1915, said Rhea Luper made the necessary surveys and investigations, and each of the claimants filed a sworn statement as to the work done and the completion of their appropriations; that from the report on said investigations and surveys and testimony so submitted, all of which is now part of the record herein, the State Water Board does here now make the following

FINDINGS OF FACT.

1.

That the Nunamaker Sheep and Land Company initiated an appropriation of the waters of Rhea Creek, a tributary of Willow Creek, in the year

1904 for the irrigation of 30 acres of land and in the year 1898 for the irrigation of 20 acres of land, and that said land was described as follows: 30 acres in sections 33 and 34, Tp. 3 S. R. 25 E. W. M.; 20 acres in Section 35, Tp. 3 S. R. 25 E. W. M., and that in the Circuit Court Decree hereinbefore made said company was allowed until January 1st, 1912, to complete such right. That since such decree was entered no work whatsoever has been done towards the completion of such right, and that said right has therefore lapsed, and said Nunamaker Sheep and Land Company now has no right to divert and use any of the waters of Rhea Creek for the irrigation of the lands above described.

2.

That Emiline E. Bisbee initiated an appropriation of the waters of Willow Creek in the year 1907, for the irrigation of 75 acres of land in the  $W\frac{1}{2}$  of  $NE\frac{1}{4}$  and the  $W\frac{1}{2}$  of the  $SE\frac{1}{4}$ , Section 26, Tp. 3 N. R. 22 E.W.M., and that in the Circuit Court Decree hereinbefore filed, said Emiline E. Bisbee was allowed until January 1st, 1912, to complete such right. That said right or no part thereof has been completed, and has therefore lapsed, and that said Emiline E. Bisbee now has no right to divert and use any of said waters of Willow Creek for the irrigation of said 75 acres of land.

3.

That Henry Blahm initiated an appropriation of the waters of Willow Creek in the year 1909 for the irrigation of 30 acres in the  $SE\frac{1}{4}$   $SE\frac{1}{4}$ , Section 17, Tp. 2 S. R. 26 E. W. M., and that in the Circuit Court Decree hereinbefore filed, said Henry Blahm was allowed until January 1st, 1912, to complete such right; that said right or no part thereof has been completed, and has therefore lapsed, and said Henry Blahm now has no right to divert and use any of the waters of Willow Creek for the irrigation of said lands.

4.

That Eddie A. Hammer initiated an appropriation of the waters of Willow Creek on April 1, 1908, for the irrigation of 10 acres described as follows: 5 acres in  $NW\frac{1}{4}$   $NW\frac{1}{4}$ ; Section 11; 5 acres in  $NE\frac{1}{4}$   $NE\frac{1}{4}$ ; Section 10; Tp. 1 S. R. 24 E. W. M., and that in the Circuit Court Decree hereinbefore made, said Eddie A. Hammer was allowed until January 1st, 1912, to complete said right; that Frank Akers is the successor in interest to Eddie A. Hammer, and that no work has been done by said Eddie A. Hammer, or his successor in interest, Frank Akers towards the completion of such right, and the right has therefore lapsed, and said Frank Akers the present owner of said land now has no right to divert and use any of the waters of said stream for the irrigation

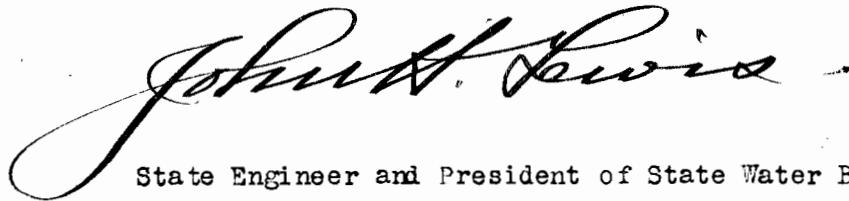
of said land.

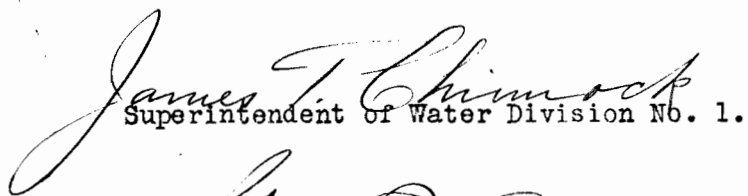
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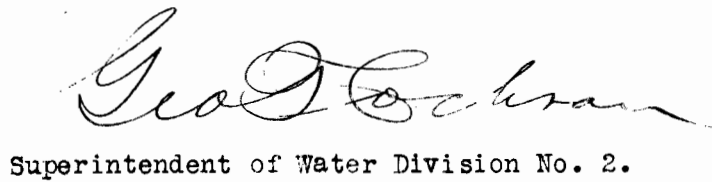
That the name and address of each appropriator of water from Willow Creek, or its tributaries, who has completed or partially completed his inchoate right, in accordance with the terms of the Decree hereinbefore made, arranged in alphabetical form, together with the date of priority of such appropriation, the amount of such appropriation in cubic feet per second of time, the number of acres to which such appropriation is applied and to which such water is appurtenant, the use or uses for which such water was appropriated and is now applied and to which it is limited, the name of the ditch or ditches through which such water is diverted, the name of the stream or streams from which such appropriation is diverted, and the number of acres of land in each legal subdivision to which such water right is appurtenant, arranged in alphabetical order and set forth opposite the name and address of such appropriator, are as follows, to-wit:

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
1940 Adkins, J. J. Heppner, Ore.	July 1907	1.18	70.5	Irrigation	Adkins	Rhea Creek	26.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ ; 3 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ ; Sec. 1; Tp. 3 S.R. 24 E.W.M. 13.5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ ; 6 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ ; 5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ ; 9 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ ; 7.5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ ; Sec. 6; Tp. 3 S.R. 25 E.W.M.
1941 Duncan, R. E. Cecil, Ore.	July 11, 1908	0.50	30	Irrigation	Ruedy Company	Willow Creek	10 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ ; 3 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ ; 17 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ ; Sec. 6; Tp. 2 N.R. 23 E.W.M.
1942 Wright, S. A. Heppner, Ore.	Jan. 1909	0.51	30.5	Irrigation	Wright	Rhea Creek	1 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$ ; 17.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ ; 12 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ ; Sec. 35; Tp. 3 S.R. 25 E.W.M.


And the State Water Board being fully advised in the premises, it is hereby CONSIDERED AND ORDERED, that the above named parties have completed their inchoate rights to the use of the waters of Willow Creek and its tributaries, a tributary of the Columbia River, in accordance with, and as set out in the foregoing findings, and the same are hereby ADJUDICATED, DETERMINED and ESTABLISHED in accordance therewith, subject to the provisions of the findings of fact and order of determination heretofore entered in the above entitled matter.

  
State Engineer and President of State Water Board.

  
Superintendent of Water Division No. 1.

  
Superintendent of Water Division No. 2.

ATTEST:

  
Secretary of State Water Board.