

Order Record=Board of Control=State of Oregon

BEFORE THE BOARD OF CONTROL OF THE STATE OF OREGON

WATER DIVISION NO. 2, UNION COUNTY.

IN THE MATTER OF THE DETERMINATION OF THE)
RELATIVE RIGHTS TO THE WATERS OF MILL)
CREEK, A TRIBUTARY OF CATHERINE CREEK AND)
THE GRANDE RONDE RIVER, IN UNION COUNTY,)
OREGON.)

FINDINGS AND ORDER OF DETERMINATION .

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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 the evidence and proofs herein, for findings and an order of determination of the relative rights to the waters of said above named stream, and the said Board having now considered said evidence and proofs, and the testimony and documents and instruments filed herein, and being now fully advised in the premises, finds as follows, to-wit:

(1)

That a proper petition praying for an adjudication of the relative rights to the waters of said Mill Creek, a tributary of the Grande Ronde River and of Catherine Creek, in Union County, Oregon, signed by Olliver B. Shappat and M. J. Duffy, water users on said stream, was heretofore and on the 12th day of April, 1909, filed with the Board of Control of the State of Oregon.

(2)

That upon an investigation the 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 said stream, and thereupon, by an order duly made and entered on the 15th day of April, 1909, fixed the 14th day of June, 1909, as the time 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, and the 29th day of June, 1909, as the time when, and the town of Cove, Union 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 14th day of June, 1909, and the place and time certain when the Superintendent of Water Division No. 2, in which division said stream is situated, would begin the taking of testimony as to the rights of the parties claiming water therefrom, to-wit: the 29th day of June, 1909, at Cove, Union County, Oregon, at the hour of 10 o'clock a.m., of said day, at the Dunham Wright Hotel in said town of Cove, was duly and regularly published in two issues of the La Grande Morning Star, a newspaper printed and published at La Grande, in Union County, Oregon, and having a general circulation within said County of Union, 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 13th day of May, 1909, send, by registered mail, a similar notice to each person, firm and corporation claiming the 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

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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 waters of said stream to which he lays claim, due proof whereof being now on file in the office of the Board of Control and a part of the record herein.

(4)

That pursuant to such notice a duly qualified assistant of the State Engineer did proceed to make an examination of said stream and of the works 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 water 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 15th day of July, 1909, 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 August 27th, 1909, and ending on September 7th, 1909, from 9 to 12:00 o'clock a.m., and from 1:30 to 5:00 o'clock p.m., at the Wright Hotel, in Cove, Union County, Oregon; and that the determination of the Board of Control would be heard by the Circuit Court of the State of Oregon for Union County; due proof whereof and of the mailing of said notices by registered mail being now on file in this cause.

(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 said Board of Control and are now on file in said office.

(8)

That the following named persons and corporations 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, firms and corporations so being in default herein, with their respective postoffice addresses, being as follows, to-wit:

NAME	POSTOFFICE ADDRESS.	NAME	POSTOFFICE ADDRESS.
Anderson, C.	Cove, Oregon.	Corpe, Fred	Cove, Oregon.
Anderson, Tony	" "	City of Cove	" "
Anderson, M. A.	" "	Corpe, Mrs. Geo.	" "
Alexander, Geo.	" "	Conley, Jabus	" "
Alexander, M. A.	" "	Corpe, S.	" "
Anthony, John	La Grande, Oregon.	French Estate	" "
Assention School	Baker City, "	Fisher, David	" "
Blewins, L.	Cove, Oregon.	Episcopal Church	" "
Burford, J. S.	" "	Gibson, James	" "
Bremen, Mary L.	" "	Harris, Wm.	" "
Bachelor, John	" "	Harris, Wallace	" "

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NAME.	POSTOFFICE ADDRESS.	NAME.	POSTOFFICE ADDRESS.
Horton, N.	Cove, Oregon.	Richards, Alice	Cove, Oregon.
Johnson, John	" "	Robinson, L. K.	" "
Kries, John	" "	Rawsland, J. S.	" "
Lane, Gregg	" "	Richards, Laban	" "
Lund, Oscar	" "	Rice, W.	Cleveland, Ohio
Miller, Henry	" "	Stackland, C.	Cove, Oregon
La Grande Inv. Co.	La Grande, Oregon.	Shappat, O. B.	" "
Martin, John	Cove, Oregon	Stackland, A. M.	" "
McDonald, Geo.	" "	Surby, E.	" "
Myrick, Mrs. S.	" "	Smith, Frank	" "
Morris, R. M.	" "	Trippur, J. E.	" "
Ogden, Wm.	" "	Williams, Geo.	" "
Paddock, Bishop	Baker City, Oregon.	White, Mrs. Geo.	" "
Peel, _____	Cove, Oregon.	Warkman, Elmer	" "
Puckett, Joe	" "	Weimer, W. H.	" "
Payne, Vene	" "	Wilbur, John	" "
Peterman, Bert	" "	Wilson, Pett.	" "
Richards, N.	" "	Wilson, Florence	" "
Richardson, J.	" "	Wilbur, J. P.	Vale, "

(9)

That said Mill Creek is a natural water course rising in said Union County, Oregon, and flowing thence to Catherine Creek, of which it is a tributary, and that said Catherine Creek is a tributary of the Grande Ronde River, in Union County, Oregon; that said Mill Creek is entirely situate in said Union County.

(10)

That the soil of the irrigable lands lying along said stream is chiefly gravelly formation and sandy loam, and is chiefly cultivated to gardens and crops of hay and grain.

(11)

That each of the appropriations of water for the purpose of irrigation hereinafter set forth, is limited to an amount of water sufficient for the irrigation and reclamation of the lands described herein as being the lands to which such water is appurtenant, and the total volume of water so appropriated and hereby confirmed in each case shall not exceed the rate of one cubic foot of water per second of time for each eighty (80) acres of land irrigated, except as hereinafter set forth and specified.

(12)

That a system in the use of the water, among the several 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 the said appropriators arranging for such rotation, and the manner in which such water shall be used in such rotation, the water master of the district in which such water is situated shall arrange such appropriators in groups or systems of rotation, first giving to the appropriator who is first in priority an amount of water 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 or system of appropriators as the appropriation of said first appropriator bears to the combined appropriations of said appropriators, and shall serve the next appropriator in priority next, 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 water shall be repeated in the same manner throughout the irrigating season; that in case any two or more of appropriators in said group 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 manner and system 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. 12, is upon the condition that such arrangement

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into groups and systems shall not interfere with the prior rights of any appropriator not a member of such group or system.

(13)

That claimants John A. McNeill and Phoebe J. Anderson, filed a contest herein against the claims of Jennie B. Corpe, Alice C. Corpe and B. L. Batchelor, but before any testimony was taken in support thereof, a stipulation, signed by all of said parties, was filed herein, from which it is determined that the rights of each and all of said parties to the water of Mill Creek, through what is known as the McNeill or Cochran Ditch, are and shall be as follows, subject to the right of Mrs. Irvin Batchelor, as determined in Finding No. 20, herein; that the said John A. McNeill and Phoebe J. Anderson shall each have two-fifths of the flow of said ditch, and of the remaining one-fifth of the flow of said ditch, Alice C. Corpe and Jennie B. Corpe shall each have two-fifths thereof, and the said B. L. Batchelor one-fifth thereof.

(14)

That claimants F. T. Sanford and Otto Johnson, filed a contest herein against the claim of Alice C. Corpe, but before any testimony was taken in support thereof, a stipulation signed by all of said parties was filed herein, from which it is determined that the rights of each of said parties to the waters of Millard Branch, a tributary of Mill Creek, as determined in Finding No. 20, herein, shall be modified as follows: that the said Alice C. Corpe shall have the right to all the waters of said Millard Branch, so far as the rights of other parties to said stipulation are concerned, for thirty-six hours during each week, beginning on Monday, at six o'clock p.m., and ending on Wednesday, at six o'clock a.m.; and that the said F. T. Sanford and Otto Johnson shall have the right to all of the waters of the said Millard Branch, so far as the said Alice C. Corpe is concerned, during all the rest and remainder of the time.

(15)

That claimant, Julia A. Daugherty, filed a contest against the claim of Emma E. Wilbur, but before any testimony was taken in support thereof, a stipulation, signed by all of the parties, was filed herein, from which it is determined that in so far as the said Emma E. Wilbur is concerned, the said Julia F. Daugherty shall have at all time sufficient water from Mill Creek, through the Babington Branch to properly irrigate all of Lots 8, 9, and 10, of Hibler's Addition to the town of Cove, Union County, Oregon, not exceeding five miner's inches (.125 second feet).

(16)

That J. H. Allen, Stella Gibson Arthur, A. A. Beldon, B. F. and S. E. Bell, A. G. Conklin, E. B. Coons, Mary M. Harris, W. A. Jordan, Annie Lund, A. McDaniel, Louis W. Peck, Annie Ragsdale, Sarah A. Shappat, and Karl J. and Bessie Stadland, have filed claims to the waters of Mill Creek, by virtue of their ownership of shares of stock in the Caldwell Ditch Company, a corporation claimant; that such claims are in no sense adverse to the claim of the said Caldwell Ditch Company, but should be considered as a part thereof; that the right of the different stock holders in said corporation should not be considered separately, but in the aggregate, as constituting the right of the corporation, and the water right certificate issued to the corporation as appurtenant to the aggregate land holdings of the stock holders; and the individual rights of each stock holder must depend upon his or her contractual relations with the corporation, which relation is in no way involved in this proceeding and therefore not determined.

(17)

That the claimant Caldwell Ditch Company, filed a contest herein against the claimant, Claude N. Ogilvie, and after issues joined therein, the testimony was taken, from which it is determined that the said claimant, Claude N. Ogilvie, and his predecessor in interest, have used water from said Mill Creek, upon the promises of the said claimant, Ogilvie, through the said Caldwell Ditch, to the extent of .6 second foot, from May the first to July the first, of each year, since the Spring of 1898, and to the extent of .1 second foot from July the first to September the first, of each year, since the Spring of 1898; that said use has continued for more than ten consecutive years, under a claim of right; that the said use of said .6 second foot of water from the first of May to the first of July of each season did not interfere with the use of the Caldwell Ditch

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Company, and therefore as to the use of the said water was not adverse, but as to the use of the said ditch, it was adverse; that the use of the said .1 second foot, from the first day of July to the first day of September of each year, did interfere with the use of the Caldwell Ditch Company, and it is therefore adverse both as to the use of the said water, and as to the use of the said ditch; the claim therefore, of the said Caldwell Ditch Company, is reduced .1 second foot from the first day of July to the first day of September of each year; and should be 3.35 second feet from the first day of May to the first day of July of each year, and 3.25 second feet from the first day of July to the first day of September of each year; that said Claude N. Ogilvie, having shown the use of .6 second feet of water since the Spring of 1898 from Mill Creek through the said Caldwell Ditch, but having failed to show that such use was adverse prior to July the first, of each season, establishes a right to an appropriation out of Mill Creek, through the said Caldwell Ditch, to the extent of said .6 second feet, dating from June 30th, 1898, but limited to the months of May and June of each season; that by reason of his adverse use of the said Caldwell Ditch for more than ten years as aforesaid the said Claude N. Ogilvie has acquired a perpetual right to run his .6 second feet of water in the said ditch from the first of July of each year, subject henceforth to his proportional share of the maintenance of such ditch; and that said Claude N. Ogilvie has acquired the further right, by adverse use to .1 second foot of water, from the first day of July to the first day of September of each season, through the said Caldwell Ditch and out of the original Caldwell Ditch appropriation; that is, with a priority of 1866.

(18)

That claimant Caldwell Ditch Company filed a contest herein against the claimant T. G. Wilson, and after issues joined therein, testimony was taken from which it is determined that the claimant T. G. Wilson, purchased the land for which he claims a water right in 1902, but elected to purchase the same without a water right; that by reason of his said contract for the purchase of said land, the water right appurtenant thereto, if any, did not pass to the purchaser, T. G. Wilson; he appears to have used a small amount water at different times, during the past five or six years upon his said premises, but it is not clear as to where the said water came from, or under what claim it was used; that the testimony does not disclose such a user by the said T. G. Wilson as would establish a right.

(19)

That none of the parties to the contests herein, recover costs; and that contestant, Caldwell Ditch Company, be considered to have prevailed as against T. G. Wilson, so as to be entitled to a return of fees advanced in the taking of testimony in the sum of seven and 50/100 (\$7.50) dollars; and that Claude N. Ogilvie be considered to have prevailed against the Caldwell Ditch Company, so as to be entitled to a return of fees advanced in the taking of testimony, in the sum of fifteen and no/100 (\$15.00) dollars.

(20)

That the name and address of each appropriator of water from said Mill Creek, arranged alphabetically, together with the date of relative priority of each 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, with the season thereunder during which such water is used for irrigation and to which such use is limited, the name of the ditch or ditches through which such appropriation is diverted, and a description of the legal subdivisions in which such ^{irrigated} land is situated, with the number of acres in each subdivision, and to which ^{land} such water right is appurtenant, arranged in tabulated form and set opposite the name and postoffice address of each appropriator, are as follows, to-wit:

	NAME AND POSTOFFICE ADDRESS OF APPROPRIATOR	DATE OF RELATIVE PRIORITY	AMOUNT CU. FT. PER SEC.	NO. ACRES	USE AND IRRIGATION SEASON	NAME OF DITCH	DESCRIPTION OF LAND OR PLACE OF USE
					<u>M I L L C R E E K</u>		
313	Alice O. Allen, Cove, Oregon.	Martin Ditch, 1874. Other Ditches 1870.	.02 .75	1 1/2 60	Irrigation April 1st to September.	1/3 interest in Martin ditch, and ditches from Hulick Branch	1 1/2 ac. in SE 1/4 NW 1/4; Sec. 22, Twp. 3 S.R. 40 E.W.M. 40 ac. in SW 1/4 NW 1/4; 20 ac. in SE 1/4 NW 1/4; Sec. 16, Twp. 3 S.R. 40 E.W.M.
314	John A. Allen, Cove, Oregon.	1871	.73	58	Irrigation & Domestic April 1st to September 1st	1/2 interest in Hender- shott ditch & ditch from Hulick Branch.	10 ac. in NW 1/4 SW 1/4; 38 ac. in SW 1/4 SW 1/4; 10 ac. in SE 1/4 SW 1/4; Sec. 16, Twp. 3 S.R. 40 E.W.M.
315	Alfred A. Anderson, Cove, Oregon.	1880	.05	4	Irrigation May 1st to September 1st	De Borde ditch (1/2 inch) Other small ditches.	4 ac. in SE 1/4 SE 1/4; Sec 22, Twp. 3 S.R. 40 E.W.M.
316	Phebe J. Anderson, Cove, Oregon. By Caspar Anderson	1864 1864	.15 .05	12	Irrigation & Domestic May 1st to September 1st September 1st to May 1st	McNeill	12 ac. in SE 1/4 NW 1/4; Sec. 26, Twp. 3 S.R. 40 E.W.M.
317	Bunyan E. Anderson, Cove, Oregon.	1874	.02	1/2	Irrigation May 1st to October 1st.		1/2 ac. in Lot 6, Block D, Hayden Platt of Cove, Oregon.
318	G. M. Baker, Cove, Oregon.	1877	.02	1/2	Irrigation May 1st to September 1st		1/4 ac. in NE 1/4 SE 1/4; 1/4 ac. in SE 1/4 SE 1/4; Sec. 16, Twp. 3 S.R. 40 E.W.M.
319	Mrs. Irwin Bachelor, Cove, Oregon.	1896	.02	1 1/2	Irrigation May 15th to September 1st	McNeill Ditch	1 1/2 ac. in NW 1/4 NW 1/4; Sec. 26, Twp. 3 S.R. 40 E. W. M.
320	B. L. Batchelor, Cove, Oregon.	1893	.02 .005	1/2	Irrigation & Domestic May 15th to September 1st September 1st to May 1st	McNeill Ditch	1/2 ac. in SW 1/4 SW 1/4; Sec. 23, Twp. 3 S.R. 40 E. W. M.
321	Mrs. Dana Blevins, Cove, Oregon.	1875	.19	15	Irrigation May 1st to September 1st	John Martin Shoemaker	15 ac. in SE 1/4 NW 1/4; Sec. 22, Twp. 3 S.R. 40 E.W.M.
322	Jennie Blevins, Cove, Oregon.	1880	.05	4	Irrigation May 1st to September 15th	Small ditches	4 ac. in SE 1/4 SE 1/4; Sec. 22, Tp. 3 S.R. 40 E. W. M.
323	S. M. Bloom, Cove, Oregon.	1891	.03	2 1/2	Irrigation May 1st to September 15th		1 1/4 ac. in NE 1/4 SE 1/4; 1/4 ac. in NW 1/4 SE 1/4; 3/4 ac. in SE 1/4 SE 1/4; Sec. 16 Twp. 3 S.R. 40 E. W. M.
324	Ellen Bloom, Cove, Oregon.	1888	.02	1/2	Irrigation May 1st to September 1st		Lot 13, Hibler's Addition to town of Cove, Oregon.
325	William Bloom, Cove, Oregon.	1890	.18	14	Irrigation & Domestic March 1st to September	Overflow from Rees Mill Ditch.	14 ac. in NW 1/4 NE 1/4; Sec. 21, Twp. 3 S.R. 40 E. W. M.
326	Lucy Bloom, Cove, Oregon.	1864	.02	1	Irrigation May 1st to September 1st	Small Ditch	1 ac. in SE 1/4 SE 1/4; Sec. 16, Twp. 3 S.R. 40 E. W. M.
327	Charity Bloom, Cove, Oregon.	1880	.02	1/2	Irrigation June 1st to Sept. 1st.		1/2 ac. in SW 1/4 NW 1/4; Sec. 22, Twp. 3 S. R. 40 E. W. M.
328	Frank L. Bloom, Cove, Oregon.	1874	.02	1/2	Irrigation May 1st to October 1st	Private ditch	1/2 ac. in Lots 2 and 3, Block C, Hayden Platt, Original town of Cove, Oregon.

NAME AND POSTOFFICE ADDRESS OF APPROPRIATOR	DATE OF RELATIVE PRIORITY	AMOUNT CU. FT. PER SEC.	NO. ACRES	USE AND IRRIGATION SEASON	NAME OF DITCH	DESCRIPTION OF LAND OR PLACE OF USE
<u>M I L L C R E E K .</u>						
329 M. Borkgren, Cove, Oregon.	1883	3.15	10 H.P.	Power (Planing Mill)	Planing Mill Ditch.	Planing Mill, in the NW $\frac{1}{4}$; Sec. 22, Twp. 3 S.R. 40 E. W. M.
330 John Boyd, Union, Oregon.	1909	.5	40	Irrigation May 1st to October 1st	Boyd	40 ac. in SW $\frac{1}{4}$; Sec. 19, Twp. 3 S.R. 40 E. W. M.
331 L. Brazille, Cove, Oregon.	1894	1.5	120	Irrigation April 1st to September 15th	Old Mill Ditch	15 ac. in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 10 ac. in SE $\frac{1}{4}$ NW $\frac{1}{4}$; 10 ac. in NE $\frac{1}{4}$ SW $\frac{1}{4}$; 15 ac. in SE $\frac{1}{4}$ SW $\frac{1}{4}$; 35 ac. in NW $\frac{1}{4}$ SE $\frac{1}{4}$; 35 ac. in SW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 21, Twp. 3 S.R. 40 E. W. M.
42871 40978 331 Caldwell Ditch Co., Cove, Oregon.	1866	3.35		Irrigation May 1st to July 1st	Caldwell Ditch	3 $\frac{1}{2}$ ac. in SE $\frac{1}{4}$ NE $\frac{1}{4}$; 40 ac. in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 40 ac. in SE $\frac{1}{4}$ NW $\frac{1}{4}$; 37 ac. in NE $\frac{1}{4}$ SW $\frac{1}{4}$; 34 ac. in SE $\frac{1}{4}$ SW $\frac{1}{4}$; 21 ac. in NE $\frac{1}{4}$ SE $\frac{1}{4}$; 30 ac. in NW $\frac{1}{4}$ SE $\frac{1}{4}$; 30 $\frac{1}{2}$ ac. in SW $\frac{1}{4}$ SE $\frac{1}{4}$; 24 ac. in SE $\frac{1}{4}$ SE $\frac{1}{4}$; all in Sec. 15, Tp. 3 S.R. 40 E. W. M.
Modified by Deerec Vol. 1, p. 207 *Cancelled - sp. or Rec. Vol. 25, p. 131 *Amended - Vol. 26, page 278	1866	3.25	385 $\frac{1}{2}$	July 1st to September 1st and six (6) consecutive Sundays thereafter, from 6 p.m. Saturday until 6 p. m. Sunday.	Caldwell Ditch.	37.7 31 $\frac{1}{2}$ ac. in NE $\frac{1}{4}$ NE $\frac{1}{4}$; 38 ac. in NW $\frac{1}{4}$ NE $\frac{1}{4}$; 18 ac. in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 14 ac. in SE $\frac{1}{4}$ NE $\frac{1}{4}$; 8 ac. in SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 22; 13 ac. in SW $\frac{1}{4}$ NW $\frac{1}{4}$; 3 ac. in SW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 23; Tp. 3 S.R. 40 E. W. M.
333 Pearl Chadwick, Union, Oregon.	1898	.09	7	Irrigation May 15th to September 15th	Waste water from Cald- well and Selders Ditch- es & Duncan Branch.	7 ac. in SW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 15, Twp. 3 S.R. 40 E. W. M.
334 H. Cochrane, Union, Oregon.	1894	.02	$\frac{1}{4}$	Irrigation May 1st to October 1st	Wentworth Ditch.	$\frac{1}{4}$ ac. in NE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 21, Twp. 3 S.R. 40 E. W. M.
335 Alexander Cochrane, Union, Oregon.	1893	.02	1	Irrigation June 1st to Sept., 15th	Cochrane, Fisher & Martin	1 ac. in NE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 21, Twp. 3 S.R. 40 E. W. M.
336 A. G. Conklin, Cove, Oregon.	1888	.25	52	Irrigation	Waste water from Caldwell Ditch.	35 ac. in SE $\frac{1}{4}$ SW $\frac{1}{4}$; 17 ac. in SW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 15, Twp. 3 S.R. 40 E. W. M.
337 A. B. Conley, Cove, Oregon.	1870	.38	30	Irrigation May 1st to August 1st	Hulick Channel	30 ac. in SE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 17, Twp. 3 S. R. 40 E. W. M.
338 E. B. Coons, Cove, Oregon.	1890	.03	2	Irrigation May 1st to September 1st	An interest in Fisher's Ditch	1 ac. in SE $\frac{1}{4}$ NW $\frac{1}{4}$; 1 ac. in NE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 22, in Twp. 3 S.R. 40 E.W.M.
339 *Alice C. Corpe,* Cove, Oregon.	1864	.05	16	Irrigation & domestic May 1st to September 1st	McNeill Ditch	*14 ac. in NW $\frac{1}{4}$ NW $\frac{1}{4}$; 2 ac. in SW $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 26, Twp. 3 S.R. 40 E. W. M.
	1864	.61		September 1st to May 1st		
	1897	.13		36 hours each week during season, in accordance with Finding No. 14.	Millard Branch	This right is appurtenant to the above described land.

*1862-1864...
340...
could not determine...
reason...
1862-1864*

M I L L C R E E K

Irrigation & Domestic

340	Jennie B. Corpe, Cove, Oregon.	1862 1864 1864 1897 (1893 (1905	.05 .05 .01 .02 .01 .03	4 13 1/2 1 1/2 1 2	May 1st to Sept. 1st Sept. 1st to May 1st May 1st to Oct. 1st	McNeill Ditch McNeill Ditch Ego Ditch Joint Ditch-G. Corpe Joint Ditch-T. DeBorde	3 ac. in SW 1/4 SE 1/4; 1 ac. in SE 1/4 SE 1/4; Sec. 17; Tp. 3 S.R. 40 E.W.M. 1 1/2 ac. in SW 1/4 SW 1/4; Sec. 23; 12 ac. in NW 1/4 NW 1/4; Sec. 26; Tp. 3 S.R. 40 E.W.M. 2 ac. in SW 1/4 SW 1/4; Sec. 23; Tp. 3 S R. 40 E.W.M. 1 ac. in NW 1/4 NW 1/4; Sec. 22; Tp. 3 S R. 40 E.W.M. 2 ac. in SE 1/4 NW 1/4; Sec. 22; Tp. 3 S R. 40 E.W.M.
341	George E. Corpe, Cove, Oregon.	1875	.23	18	Irrigation May 1st to September 1st.	Shoemaker	18 ac. in NE 1/4 NW 1/4; Sec. 22; Tp. 3 S. R. 40 E.W.M.
342	Julia F. Daugherty, Cove, Oregon.	1895	.02	3/8	Irrigation May 1st to October 1st.	Babington Branch	Lots 8, 9, and 10, Hibbler's Addition to Cove, Oregon; being in NE 1/4 NE 1/4; Sec. 21; Tp. 3 S. R. 40 E.W.M.
343	Frank De Borde, Cove, Oregon.	1880	.28	23	Irrigation May 1st to September 1st	John Wright	17 1/2 ac. in NE 1/4 SW 1/4; 5 1/2 ac. in SE 1/4 SW 1/4; Sec. 22 Tp. 3 S.R. 40 E.W.M.
344	T. W. and Lydia De Borde,	1874	.02	1 1/2	Irrigation May 1st to October 1st	John Martin	1 1/2 ac. in Lots 5, 6, and 7, Block F, Haylen Plat, Original Town of Cove, Oregon, in Tp. 3 S.R. 40 E.W.M.
345	Sarah J. De Borde	1880	.03	2 1/2	Irrigation	Lower John Wright	2 1/2 ac. in NE 1/4 SW 1/4; Sec. 22, Tp. 3 S.R. 40 E.W.M.
346	Ray Duncan, Cove, Oregon.	1880	.08	6	Irrigation May 1st to September 1st	John Wright	2 1/2 ac. in NE 1/4 SW 1/4; 3 1/2 ac. in SE 1/4 SW 1/4; Sec. 22, Tp. 3S.R. 40 E.W.M
347	Mrs. Vina Duncan, Cove, Oregon.	1905	.13	10	Irrigation May 1st to September 1st	Duncan & Martin Harris & Duncan	10 ac. in NW 1/4 SE 1/4; Sec. 22, Tp. 3 S.R. 40 E.W.M.
348	Melissa Ego, Cove, Oregon.	1895	.02	2	Irrigation May 15th to September 1st	Ego	1 3/4 ac. in SW 1/4 SW 1/4; Sec. 23; 1/4 ac. in SE 1/4 SE 1/4; Sec. 22; Tp. 3 S.R. 40 E. W. M.
349	Mrs. E. J. Fisher, Cove, Oregon.	1891	.02	3/4	Irrigation May 1st to September 1st	Fisher	3/4 ac. in NE 1/4 NE 1/4; Sec. 21, Tp. 3 S.R. 40 E. W. M.
350	E. C. Fulp, Cove, Oregon.	1880	.75	60	Irrigation March 1st to July 1st		30 ac. in NW 1/4 SW 1/4; Sec. 17; 30 ac. in NE 1/4 SE 1/4; Sec. 18; Tp. 3 S.R. 40 E.W.M.
351	J. L. Gibson, Cove, Oregon.	1896	.05	4	Irrigation May 1st to September 1st	Hulick Channel & Martin Ditch	4 ac. in SE 1/4 NW 1/4; Sec. 22, Twp. 3 S.R. 40 E.W.M.
352	Grande Ronde Electric Co., La Grande, Oregon.	Power-1905 Irrigation 1887	10.00 .06	500 H.P. 5 acres	Irrigation & Power		Power developed in SW 1/4 SW 1/4; Sec. 24, Irrigation- 5 ac. in NE 1/4 NW 1/4; Sec. 25; all in Tp. 3 S.R. 40 E. W. M.
	<i>Superseded by 31325</i> <i>Power Claim #48 Cancelled</i>	13	112				
353	L. C. Haynes, Rupert, Idaho.	1895	.05	4	Irrigation May 1st to September 1st		4 ac. in NW 1/4 NW 1/4; Sec. 22, Tp. 3 S.R. 40 E. W. M.
354	Mary Hancock, Cove, Oregon.	1897	.05	4	Irrigation May 1st to September 1st		4 ac. in NW 1/4 NW 1/4; Sec. 22, Tp. 3 S.R. 40 E. W. M.

	NAME AND POSTOFFICE ADDRESS OF APPROPRIATOR	DATE OF RELATIVE PRIORITY	AMOUNT CU. FT. PER SEC.	NO. ACRES	USE AND IRRIGATION SEASON	NAME OF DITCH	DESCRIPTION OF LAND OR PLACE OF USE
	<u>M I L L C R E E K .</u>						
355	Mary M. Harris, Cove, Oregon.	1895	.13	11	Irrigation & Domestic. May 1st to September 1st	Four short ditches.	3 ac. in SW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 23; 8 ac. in SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 22, Tp. 3 S.R. 40 E.W.M.
356	G. W. Harris, Cove, Oregon.	1895	.02	$\frac{1}{2}$	Irrigation May 1st to September 1st	Ego-Corpe Harris.	$\frac{1}{2}$ ac. in SW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 23, Tp. 3 S. R. 40 E.W.M.
357	James Hoatson, Cove, Oregon.	1867 1866	.55 .03	43 $\frac{3}{4}$ 1 $\frac{1}{4}$	Irrigation "	Sellers & Wright ditch Caldwell ditch.	38 ac. in SW $\frac{1}{4}$ SW $\frac{1}{4}$; 7 ac. in SE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 14, Tp. 3 S.R. 40 E.W.M.
358	A. Houx, Cove, Oregon.	1890	.23	18	Irrigation April 1st to November 1st	The over flow from Rees Mill Flume, L. Brazille Ditch and French Ditch.	18 ac. in NE $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 21, Tp. 3 S.R. 40 E.W.M.
359	Otto Johnson, Cove, Oregon.	1896	.2	16	Irrigation June 1st to October 1st	Millard Branch	10 ac. in NE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec 27; 6 ac. in NW $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 26; Tp. 3 S.R. 40 E.W.M.
360	Charley Johnson, Cove, Oregon.	1875	.11	9	Irrigation May 1st to September 1st	Shoemaker Ditch	9 ac. in NE $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 22, Tp. 3 S. R. 40 E.W.M.
361	John Lane, Cove, Oregon.	1903	.02	2	Irrigation June 1st to September 15th	Small Ditch	2 ac. in SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 22, Tp. 3 S.R. 40 E.W.M.
362	D. H. Layne,	1888	.02	$\frac{3}{4}$	Irrigation May 1st to November 1st		$\frac{3}{4}$ ac. in Lots 3,4,5,6, and 7, in Hibler's Addition to Cove, Oregon; Tp. 3 S.R. 40 E.W.M.
363	Estate of Mary Lieurance, By Joshua Lieurance, Cove, Oregon.	1890	.08	6	Irrigation March 1st to September 1st	Lieurance, Houx and Bloom.	6 ac. in NW $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 21; Tp. 3 S. R. 40 E. W. M.
364	Annie Lorenze, Cove, Oregon.	May, 1903	.02	2	Irrigation May 15th to September 15th		2 ac. in Lots 1, 2, 9, and 10, Block G, Hayden Addition to Cove, Oregon; Tp. 3 S.R. 40 E.W.M.
365	Annie Lund, Cove, Oregon. By Oscar Lund.	1897	.25	20	Irrigation	Waste water from Caldwell Ditch	10 ac. in SW $\frac{1}{4}$ SW $\frac{1}{4}$; 10 ac. in SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 15, Tp. 3 S.R. 40 E.W.M.
366	W. T. Martin, Cove, Oregon.	1890 1906	.02 .15	$\frac{1}{2}$ 12	Irrigation	George White Ditch, Duncan & Martin Ditch	$\frac{1}{2}$ ac. in NE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 21; 12 ac. in SW $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 22; Tp. 3 S.R. 40 E. W. M.
367	John Mitchell, Cove, Oregon.	1888	.02	$\frac{1}{4}$	Irrigation		Lots 16 & 17 in Hibler's Addition to town of Cove, Oregon.

See Min. Book
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(p. 207)

368	Mrs. Geo. McDaniel, Cove, Oregon.	1885	.02	1 1/4	Irrigation		1 1/4 ac. in SE 1/4 NW 1/4; Sec. 22, Tp. 3 S.R. 40 E. W. M.
369	Geo. W. McDaniel, Cove, Oregon.	1890	.04	3	Irrigation June 1st to Sept., 1st.		3 ac. in SE 1/4 NW 1/4; Sec. 22, Tp. 3 S.R. 40 E. W. M.
370	John A. McNeill, Cove, Oregon.	1908 1864	.01 .18 (3)	15	Irrigation & Domestic April 1st to Sept., 1st	Millard Branch McNeill Ditch	14 ac. in NE 1/4 NW 1/4; 1 ac. in NW 1/4 NE 1/4; Sec. 26, Tp. 3 S.R. 40 E. W. M.
371	Adelaide R. McKennon, Robt. S. French, Agt., La Grande, Ore.	1897 1870	.08	6	Domestic Irrigation May 1st to September 1st	2 inch pipes from Rees Flume; French ditch.	6 ac. in NW 1/4 NW 1/4; Sec. 21, Tp. 3 S.R. 40 E. W. M.
372	Mrs. May Motley, Cove, Oregon.	1891	.02	1/2	Irrigation May 1st to September 1st	Joint flume with S. M. Bloom.	1/2 ac. in NE 1/4 SE 1/4; Sec. 16, Tp. 3 S.R. 40 E. W. M.
373	Claude N. Ogilvie, Cove, Oregon.	1866 1898	.1 .6	9 38	Irrigation	Caldwell Ditch	9 ac. in SE 1/4 NE 1/4; Sec. 22; 35 ac. in NE 1/4 SE 1/4; Sec. 22; 3 ac. in NW 1/4 SE 1/4; Sec. 23, Tp. 3 S. R. 40 E. W. M.
373	Robert L. Paddock, By J. D. Slater, Agent, La Grande, Oregon.	1870	.94	75.	Irrigation May 1st to September 1st	Mill Creek. Hulick Branch.	40 ac. in NW 1/4 SE 1/4; 35 ac. in SW 1/4 SE 1/4; Sec. 16; Tp. 3 S. R. 40 E.W.M
374	J. C. Pixton, Cove, Oregon.	1880	.71	57	Irrigation March 1st to July 1st		16 ac. in SW 1/4 NW 1/4; 7 1/2 ac. in NW 1/4 SW 1/4; Sec. 17; 16 ac. in SE 1/4 NE 1/4; 7 1/2 ac. in NE 1/4 SE 1/4; Sec. 18; 10 ac. in SW 1/4 NW 1/4; Sec. 15; Tp. 3 S.R. 40 E. W. M.
375	Mary H. Ramsdell, Cove, Oregon.	1902	.13	10	Irrigation & Domestic May 1st to September 1st	Duncan Branch	10 ac. in NE 1/4 SW 1/4; Sec. 15, Tp. 3 S. R. 40 E. W. M.
376	H. C. Rees, Cove, Oregon.	1872	.08	6	Irrigation April 1st to September 1st	Hulick Branch	6 ac. in NW 1/4 NW 1/4; Sec. 22; Tp. 3 S.R. 40 E. W. M.
377	S. G. Rees & M. B. Rees, Cove, Oregon.	1866	6.2	40 H.P.	Power	Mill Ditch	Mill in NE 1/4 NE 1/4; Sec. 21, Tp. 3 S.R. 40 E. W. M. Head 56 feet.
	CANCELLED				See Power claim # 115 cancelled 3-19-38		
378	M. B. Rees, Cove, Oregon.	1863	3.	240	Irrigation April 1st to Sept. 1st	Hulick Branch	17 ac. in NE 1/4 SW 1/4; Sec. 21; Tp. 3 S.R. 40 E. W. M. 160 ac. in NW 1/4 and 63 ac. in N 1/2 SW 1/4; Sec. 8, Tp. 3 S.R. 40 E. W. M.
379	Mrs. E. G. Rice, Cove, Oregon. By M. B. Rees.	1866	1.	80	Irrigation April 1st to July 1st	Hulick Branch	40 ac. in SE 1/4 SE 1/4; Sec. 18; 40 ac. in SW 1/4 SW 1/4; Sec. 17; Tp. 3 S.R. 40 E. W. M.
380	John Richards, Cove, Oregon.	1875	.11	9.	Irrigation May 1st to October 1st	Showmaker Ditch	9 ac. in NE 1/4 NW 1/4; Sec. 22; Tp. 3 S.R. 40 E. W. M.
381	Mary J. Richards, Cove, Oregon.	1897	.04	3.	Irrigation May 1st to September 1st	Hulick Branch	3 ac. in SE 1/4 NW 1/4; Sec. 22, Tp. 3 S.R. 40 E. W. M.
382	W. L. Richards, Cove, Oregon.	1890	.06	5.	Irrigation May 1st to September 1st	Hulick Branch & tributary springs.	5 ac. in SW 1/4 SW 1/4; Sec. 15; Tp. 3 S.R. 40 E. W. M.
383	Thos. J. Ryan, Cove, Oregon.	1897	.03	2.	Irrigation	Caldwell Ditch	2 ac. in SE 1/4 SW 1/4; Sec. 15, Tp. 3 S.R. 40 E. W. M.

Order Record=Board of Control=State of Oregon

	NAME AND POSTOFFICE ADDRESS OF APPROPRIATOR	DATE OF RELATIVE PRIORITY	AMOUNT CU. FT. PER SEC.	NO. ACRES	USE AND IRRIGATION SEASON	NAME OF DITCH	DESCRIPTION OF LAND OR PLACE OF USE
384	F. T. Sanford, Cove, Oregon.	1896	.13	10	Irrigation June 1st to October 1st	Sanford-Johnson Ditch from Millard Branch	10 ac. in NE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 27, Tp. 3 S.R. 40 E. W. M.
385	J. M. Selder, Cove, Oregon.	1868	1.21	97	Irrigation May 1st to October 1st	Selder & Wright	15 ac. in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 35 ac. in SE $\frac{1}{4}$ NE $\frac{1}{4}$; 35 ac. in NE $\frac{1}{4}$ SW $\frac{1}{4}$; 12 ac. in NW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 23, Tp. 3 S.R. 40 E. W. M.
386	O. T. Severs, Cove, Oregon.	1874	.02	1	Irrigation April 1st to September 1st		1 ac. in NW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 22, Tp. 3 S.R. 40 E. W. M.
387	J. D. Slater & Adelaide R. McKennon, Trustees, and Adelaide R. McKennon, La Grande, Oregon.	1866	.34	27	Irrigation May 1st to September 1st	French Ditch Allen & Bloom Branch	16 ac. in NE $\frac{1}{4}$ SE $\frac{1}{4}$; 11 ac. in NW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 20, Tp. 3 S.R. 40 E. W. M.
388	John M. S. Smith, Cove, Oregon.	1871	.23	18.	Irrigation June 15th to September 15th	Hendershott Ditch	18 ac. in SE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 16, Tp. 3 S.R. 40 E. W. M.
389	Lewis D. Sutherland, Cove, Oregon.	1870	.01	1.	Irrigation & Domestic April 1st to October 1st	Spring and overflow	1 ac. in SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 16, Tp. 3 S.R. 40 E. W. M.
390	Richard Wade, Cove, Oregon.	1883 1895	7.33 .09	20 H.P. 7 ac.	Power Irrigation & Domestic June 1st to September 1st	4 Wade Ditches	5 ac. in SE $\frac{1}{4}$ SW $\frac{1}{4}$; 1 ac. in SW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 23; 1 ac. in NE $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 26; Tp. 3 S.R. 40 E. W. M.
391	Mary A. Wagner, Cove, Oregon.	1880	1.02	81 $\frac{1}{2}$	Irrigation March 1st to July 1st	Hulick Branch	40 ac. in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 40 ac. in SE $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 17; 1 $\frac{1}{2}$ ac. in SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 16; Tp. 3 S. R. 40 E. W. M.
392	J. E. Weaver, Haines, Oregon.	1880	.59	47	Irrigation March 1st to July 1st	Hulick Branch	23 $\frac{1}{2}$ ac. in SW $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 17; 23 $\frac{1}{2}$ ac. in SE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 18; Tp. 3 S.R. 40 E. W. M.
393	Emma E. Wilbur, By J. P. Wilbur, Cove, Oregon.	1864	.13	10.	Irrigation June 1st to September 1st		10 ac. in SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 16; Tp. 3 S. R. 40 E. W. M.
394	Mrs. S. R. White, Cove, Oregon.	1886	.01	$\frac{1}{2}$	Irrigation May 1st to September 1st		Lot 1 Block C, Hayden Addition to Cove, Oregon; Tp. 3 S.R. 40 E. W. M.
395	Dunham Wright, Cove, Oregon.	1867	1.09	87	Irrigation May 1st to September 1st	Selders & Wright Ditch	10 ac. in NW $\frac{1}{4}$ NE $\frac{1}{4}$; 19 ac. in NE $\frac{1}{4}$ NW $\frac{1}{4}$; 35 ac. in NW $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 23; 23 ac. in SE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 14, Tp. 3 S.R. 40 E. W. M.

(power cancelled 5/8/35 - Sec. 17 NW. 1/4 789)

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Order Record=Board of Control=State of Oregon

(21)

That all appropriations of water from said stream and its tributaries, as found in Finding No. 20 herein, are limited to a beneficial use by the appropriators for the purposes specified.

(22)

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

(23)

That all appropriations of water from said stream, for domestic purposes, as found in Finding No. 20 herein, are limited to a sufficient amount for the needs of the appropriator not to exceed the rate of one-fortieth cubic foot per second of time for each one thousand head of stock: Provided, that the amount of water for irrigation specified in Finding No. 20 herein includes the water for domestic purposes to which said appropriation is entitled during the irrigation season.

By order of the Board of Control of the State of Oregon, made at a regular meeting of said Board 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. C. Holgate Superintendent,
 Water Division No. 1.
H. M. Sauton Superintendent,
 Water Division No. 2.

ATTEST:
James T. Chinook
 Secretary, Board of Control, State of Oregon.