

the 18th day of March, 1913.

At Chambers.

IN THE MATTER OF THE DETERMINATION OF THE  
RELATIVE RIGHTS TO THE WATERS OF COTTONWOOD  
CREEK, A TRIBUTARY OF BULLY CREEK.

----- )  
R. F. CLAYPOOL and ARTHUR SEVEY, )  
) )  
Contestants, )  
) )  
-vs- )  
) )  
FRANCIS O'NEILL and ANNA B. )  
O'NEILL, )  
) )  
Contestees. )  
----- )

Now on this 18th day of March, 1913, this cause coming on to be heard upon motion of the contestee, Francis O'Neill, for a decree on the Findings of Fact and Conclusions of Law, heretofore made herein; and it appearing to the court that such decree should at this time be made and entered,

It is, therefore, CONSIDERED, ORDERED, ADJUDGED AND DECREED, that the decree and order of the Board of Control of the State of Oregon, made in the above proceeding, be, and the same is hereby modified so as to make the same conform in all respects to the decree entered by the Circuit Court of the State of Oregon, for Malheur County, in the suit wherein Francis O'Neill was plaintiff, and John Corder, Arthur Sevey and Johnas Wickland were defendants, and that the contestee, Francis O'Neill, be, and he is hereby awarded the right to use upon his lands, more particularly described as follows, to-wit:

The S $\frac{1}{2}$  of the NW $\frac{1}{4}$  and NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Sec. 9, Tp. 18 S., R 43 E. W. M., in Malheur County, Oregon.

the waters of Cottonwood Creek to the extent of one hundred (100) inches, measured under a six inch pressure, miner's measurement, during all or any season or seasons of the year; a n d

It is further CONSIDERED, ORDERED, ADJUDGED AND DECREED, that the contestants, R. F. Claypool and Arthur Sevey, and their agents, attorneys, employees and all persons acting by, through or under them or either of them, and each and all of them, be, and they are hereby forever enjoined from in any manner interfering with the continuous, free and exclusive use and enjoyment of one hundred (100) inches, miner's measurement, of the waters of Cottonwood Creek, in and upon said premises, as provided in said decree, and the decree and order of the Board of Control is hereby modified so as to make the same conform in all respects to the decree aforesaid.

DALTON BIGGS,

Circuit Judge.

Recorded on page 411

Circuit Court Journal F.

STATE OF OREGON        )  
                          ( ss  
County of Malheur     )

I, A. M. MOODY, County Clerk and Clerk of the Circuit Court of the County and State aforesaid, do hereby certify that the foregoing copy of Decree has been by me compared with the original, and that it is a correct transcript therefrom, and of the whole of such original Decree as the same appears of record at my office and in my custody.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court this 21st day of August, 1919.

(SEAL OF THE CIRCUIT COURT)                   A. M. Moody,     Clerk  
  By \_\_\_\_\_     Deputy.

STATE OF OREGON        )  
                          ( ss  
County of Marion     )

I, R. W. POTTER, Secretary of the State Water Board of the State of Oregon, do hereby certify that the above copy of Decree in re Cottonwood Creek, was received in the office of the State Water Board and entered of record therein on the 27th day of August, 1919.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the State Water Board this 27th day of August, 1919.

  
Secretary of State Water Board.