

IN THE MATTER OF THE DETERMINATION)
 OF THE RELATIVE RIGHTS TO THE USE OF)
 THE WATERS OF MILL CREEK AND ITS TRIB-) DECREE OF THE COURT
 UTARIES, A TRIBUTARY OF THE WILLAMETTE)
 RIVER.)

On the 26th day of March, 1926, this cause coming on for final hearing upon the exceptions filed herein by Jennie Clemmens to the findings and order of determination of the State Engineer heretofore filed herein and made on the 20th day of January, 1926, Will R. King appearing as attorney for the contestee, Jennie Clemmens, and the contestants appearing by Percy A. Cupper and Clarence Butt, their attorneys, and the State Engineer not appearing; and this being the time and place heretofore appointed by this court for hearing said exceptions, and due notice of this hearing having been duly given, and the interested parties appearing herein by their respective attorneys, the court proceeded with this the final hearing in this matter, and the testimony herein having been heretofore taken herein and said evidence having been read or referred to by the counsel for the respective parties, and the said attorneys for the respective parties having argued the case and submitted the same to this court for decision, the court took this cause under advisement; and this court being now fully advised in the premises, and having considered the evidence and the law and the argument of counsel and the findings and determination of Hon. Rhea Luper, the State Engineer, bearing date of January 20th, 1926, and filed in this court, and relating to the water rights of said contestee, Jennie Clemmens, and the contestants, the Springbrook Water Association and others, in Mill Creek and in certain springs referred to in said findings and said exceptions; and this court, after making said examination, and after examining said evidence and the law pertaining thereto, finds that there is no merit in the exception of said contestee, Jennie Clemmens, and that the findings and order of determination made by Hon. Rhea Luper, in regard to the rights of said Jennie Clemmens, said contestee, and said Springbrook Water Association and others in and to the waters of said Mill Creek and in the springs mentioned in said findings and order of determination made and filed in the above mentioned proceeding, on January 20th, 1926, and on file herein, are in all respects true and correct, and truly set forth the rights of all of said parties and persons mentioned therein and to the use of the waters of said Mill Creek and the springs mentioned therein, - said Mill Creek and said springs being located near Newberg in Yamhill County, State of Oregon; and it is, therefore, hereby ordered and decreed by this court that the said findings and order of determination, made by the said State Engineer, as aforesaid, and on file herein, be and they are hereby in all respects approved and affirmed by this court, and it is further ordered and decreed by this court that the parties to this proceeding pay their own costs and disbursements and that neither said Springbrook Water Association nor said Jennie Clemmens recover any costs or disbursements from the other party

or parties; and the Clerk of this court is hereby directed immediately after entering this decree in the journal of this court to make and prepare a certified copy of this decree and to send the same to the State Engineer at Salem, Oregon, as required by law.

This decree is made this the first day of April, 1926.

W. M. Ramsey,
Circuit Judge.

Filed April 1, 1926
Elijah Corbett, Clerk.

STATE OF OREGON)
) ss.
County of Yamhill.)

I, Elijah Corbett, Clerk of the Circuit Court of the County of Yamhill, and State of Oregon, do hereby certify that the foregoing copy of Decree in the matter of the determination of the Relative rights to the use of the Waters of Mill Creek and its tributaries, a tributary of the Willamette River has been by me compared with the original, and that it is a correct transcript therefrom and of the whole of such original Decree of the Court as the same appears at my office and in my custody and on file herein.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court, this 1st day of April, A. D. 1926.

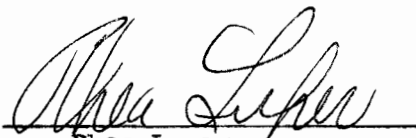
ELIJAH CORBETT
Clerk of the Circuit Court,
by F. L. Duncan, Deputy.

SEAL)

STATE OF OREGON)
) ss.
County of Marion.)

I, Rhea Luper, State Engineer of Oregon, do hereby certify that the foregoing copy of Decree of the Court in the matter of the determination of the relative rights to the use of the waters of Mill Creek and its tributaries, has been by me compared with the original, and that it is a true and correct copy therefrom, and of the whole thereof as the same appears on file in my office and custody.

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of April, 1926.


Rhea Luper,
State Engineer.