

B E I T R E M E M B E R E D . That at a regular term of the CIRCUIT COURT OF THE STATE OF OREGON, for the County of Union, begun and held at the Court House in the City of La Grande, in said county and state, on Monday, the 2nd day of October, A. D. 1911, the same being the first Monday of said month and the time fixed by law for holding a regular term of said Court, when were present:

The Honorable J. W. KNOWLES, Judge Presiding,
F. S. IVANHOE, District Attorney,
ED. WRIGHT, Clerk,
F. P. CHILDERS, Sheriff.

WHEN, on Tuesday, the 26th day of December, A. D., 1911, or the 38th Judicial Day of said term, among others the following proceedings were had,
to-wit:

IN THE MATTER OF THE DETERMINATION)
OF THE RELATIVE RIGHTS TO THE VARIOUS)
CLAIMANTS TO THE WATERS OF MILL CREEK)
AND GRAND RONDE RIVER, in UNION COUNTY,)
OREGON.)
.....)

Now at this time this matter came on for hearing upon the exceptions to the findings of the Board of Control, of the State of Oregon, filed herein in the above entitled proceedings; said exceptions were filed by Jennie B. Corpe, by the Caldwell Ditch Company, a corporation and by T. G. Wilson, and

It appearing to the court that the objections and exceptions of Jennie B. Corpe were duly waived. A hearing was had upon the objections and exceptions of the Caldwell Ditch Company a corporation, and T. G. Wilson, and it appearing to the court that the objections and exceptions of said T. G. Wilson were not well taken, and that in the matter of said exceptions, the findings of the said Board of Control of the State of Oregon were just and correct, and

It further appearing to the Court that the exceptions of the Caldwell Ditch Company, a corporation, to the findings of the said Board of Control were well taken, and that finding 17 of said Board of Control should be so changed as to show that claimant Claude N. Ogilvie does not now have and never has acquired any right in and to the water of Mill Creek, through the Caldwell Ditch, to the extent of .6 second feet from May 1st to July 1st, of each year, and to the extent of .1 second feet from July 1st to September 1st, of each year, or any right whatever, that said findings should show and grant to the claimant Caldwell Ditch Company 3.41 second feet, for the lands described in finding 20, as being irrigated by the Caldwell Ditch Company, during the whole irrigation season from May 1st to September 1st, of each year, and the six consecutive Sundays thereafter, from 6:00 P. M. Saturday until 6:00 P. M. Sunday, and that that part of said finding 20 wherein the lands of Claude N. Ogilvie are described and water granted be stricken out of said finding.

It is therefore CONSIDERED, ORDERED and DECREED that said finding of said Board of Control be modified and the same is hereby modified so as to grant to the claimant, Caldwell Ditch Company, a water right, the date of priority of 1866, for 3.41 cubic feet of water per second for 385 $\frac{1}{2}$ acres as described in finding 20 of

said Board of Control, for irrigation during the irrigation season from May 1st to September 1st, of each year and six consecutive Sundays from 6:00 P. M. Saturday until 6:00 P. M. Sunday.

And that that part of finding 20 wherein claimant Claude N. Ogilvie has been granted a water right be, and the same is hereby stricken out, and that finding 17 of said Board of Control be, and the same is hereby stricken out, and that finding 17 of said Board of Control be, and the same is hereby modified in accordance with this order, and that after so modified said findings of said Board of Control, of the State of Oregon, be and the same is hereby in all things affirmed, and

It is further CONSIDERED, ORDERED and DECREED that no party to these proceedings recover costs, and

It is further CONSIDERED, ORDERED and DECREED that the contest fee in the sum of \$15.00 heretofore advanced by the Caldwell Ditch Company, be returned by the Superintendent of Water Division No. 2 to the said Company, and

It is further CONSIDERED, ORDERED and DECREED that this order be entered nunc pro tunc as of the 24th day of June, 1911.

(Sgd) J. W. Knowles,
Circuit Judge.

State of Oregon,)
County of Union.) ss.

I, Ed Wright, County Clerk and Ex-officio Clerk of the Circuit Court of Union County, State of Oregon, do hereby certify that the foregoing copy of Decree in the matter of the determination of the relative rights to the various claimants to waters of Mill Creek and Grande Ronde River has been compared by me with the original, and it is a correct transcript therefrom, and of the whole of such original decree as the same appears of record in my office and in my custody.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court this 2nd day of February, A. D. 1912.

(Seal of Court) (Sgd) Ed Wright, County Clerk, By.....Deputy.

State of Oregon,)
County of Marion.) ss.

I, M. B. Wann, Secretary of the Board of Control of the State of Oregon, do hereby certify that the foregoing copy and transcript of Journal Entry was received in the office of the Board of Control the 5th day of February, A. D. 1912, and entered of record herein on this 7th day of February, A. D. 1912.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Board of Control of the State of Oregon, this 7th day of February, A. D. 1912.



Secretary of the Board of Control of the State of Oregon.