

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR WASHINGTON COUNTY

IN THE MATTER OF THE DETERMINATION)
OF THE RELATIVE RIGHTS TO THE USE OF)
THE WATERS OF AN UNNAMED TRIBUTARY)
AND ITS TRIBUTARIES, A TRIBUTARY OF)
THE TUALATIN RIVER, BEING WITHIN)
TOWNSHIP 1 SOUTH, RANGES 3 AND 4 WEST,)
WILLAMETTE MERIDIAN.)
-----)

D E C R E E

Now at this time this matter coming on for an entry of a Decree in this Court in the above entitled matter; and

It appearing to the Court that heretofore the State Engineer of the State of Oregon did proceed to determine the water rights in and to the water in the above mentioned tributary and its tributaries, being a tributary of the Tualatin River, in accordance with the provisions of Oregon Law, Chapter 47-601 et seq. and amendments thereof; and

It further appearing to the Court that the State Engineer did heretofore and on the 14th day of April, 1938, file with the Clerk of this Court the original evidence gathered by him, the certified copies of the observations and measurements and maps of record in the State Engineer's office in connection with such determination, together with a copy of his Order of Determination and Findings as the same appears of record in his office, all certified to by the State Engineer; and

It further appearing to the Court that June 1st, 1938, at the hour of 10 o'clock a.m. of said day was fixed by the order of this Court as the time at which the Determination should be heard by this Court and that notice of said order was duly and legally and regularly served upon all of the parties interested in the above entitled matter, as shown by the record on file in the above entitled court and cause; and

It further appearing to the Court that none of the contestants or contestees appeared or filed objections to the Findings and Determination of the State Engineer, except W. A. Harris and Nellie Harris, his wife; and Joseph Ott and Josephine Ott, his wife; and

It further appearing to the Court that thereafter the Court did fix the 30th day of November, 1938, at the Circuit Court Room in the County Court House in Hillsboro, Washington County, Oregon, as the time and place for the hearing of the objections of the said W. A. Harris and Nellie Harris, his wife; and Joseph Ott and Josephine Ott, his wife, to the Findings and Determination of the water rights by the State Engineer; and

It further appearing to the Court that at said time and place said objectors W. A. Harris and Nellie Harris appeared by and through their attorney, Percy A. Cupper and the objectors Joseph Ott and Josephine Ott appeared by and through their attorney, D. D. Bump, and the contestees

C. B. Buchanan, Sr. and C. B. Buchanan, Jr., appeared by and through their attorneys, Thomas H. Tongue, Jr., and P. L. Patterson, and presented the objections and the arguments against the objections and that the objectors filed written briefs with this Court; and

It further appearing to the Court that the Court not being fully advised in the premises, did take the matter under advisement; and

It further appearing to the Court that now being fully advised and finding that the objections of W. A. Harris and Nellie Harris, and the objections of Joseph Ott and Josephine Ott to the findings and determination of the State Engineer are not well taken or founded in law or in fact,

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED That the objections of W. A. Harris and Nellie Harris and the objections of Joseph Ott and Josephine Ott to the Findings and Determination of the State Engineer in the above entitled matter be and the same hereby are over-ruled and disallowed.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED That the Findings of the State Engineer of the State of Oregon in the matter of the determination of the relative rights to the use of the waters of an unnamed tributary and its tributaries, a tributary of the Tualatin River, being within Township 1 South, and Ranges 3 and 4 West, Willamette Meridian, which said Findings and Determination were filed in the above entitled matter with the Clerk of this Court on the 14th day of April, 1938, be and the same hereby are affirmed and approved and ratified in all respects and reference to which findings and determination is hereby made and the same are made a part of this Decree as if herein set out in full.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED That the Clerk of this Court be and he hereby is authorized and directed to transmit a certified copy of this Decree to the State Engineer of the State of Oregon who is instructed to immediately enter the same upon the records in his office as provided by law.

Dated This 11th day of February, 1939.

R. Frank Peters
Circuit Judge

STATE OF OREGON)
) ss.
County of Washington)

I, W. A. TUPPER, County Clerk and ex-officio Clerk of the Circuit Court of the State of Oregon for the County of Washington, 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 the whole of such original as the same appears of record at my office and in my custody.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said court this 14 day of Febry, A. D., 1939.

W. A. Tupper
County Clerk

(SEAL OF THE CIRCUIT COURT)

By Edw. C. Luce
Deputy

Noted
Vol. 12
p. 452

STATE OF OREGON)
) ss.
County of Marion)

I, CHAS. E. STRICKLIN, State Engineer of the State of Oregon, do hereby certify that the foregoing copy of Decree of the Circuit Court In the Matter of the Determination of the Relative Rights to the Use of the Waters of an unnamed Tributary and its Tributaries, a Tributary of the Tualatin River, being within Township 1 South, Ranges 3 and 4 West, Willamette Meridian, is a full and correct copy of such decree as the same was received in this office and entered of record herein this 15th day of February, 1939.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of February, 1939.

CHAS. E. STRICKLIN

State Engineer