

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF HARNEY

IN THE MATTER OF THE DETERMINATION OF)
THE RELATIVE RIGHTS TO THE USE OF THE)
WATERS OF WILDHORSE CREEK AND ITS)
TRIBUTARIES, HARNEY COUNTY _____)

DECREE

Now at this time the above entitled matter coming before the Court for consideration of the objections and exceptions to the Findings and Order of Determination of the State Engineer and the Court having heard the arguments of counsel for the various objectors and exceptors to said Findings and Order of Determination, and being now fully advised in the premises;

IT IS CONSIDERED, ORDERED AND DECREED:

That the exceptions and objections of all claimants, be, and they hereby are disallowed and denied except as hereinafter allowed.

That the proceedings of the State Engineer in this matter, be, and they are hereby approved as hereinafter modified.

That the Findings and Order of Determination of the State Engineer as filed in this Court are hereby made the Findings and Order of Determination and Decree of this Court, subject, however, to the following modifications.

I

That the last paragraph of finding No. 22 relating to Claim No. 4, filed by Harry E. and Bessie Blair, shall be modified so as to show the acreage allowed to be: 7.0 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 3.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 1, T. 35 S., R. 33 E., W.M.

That the tabulation of said water right appearing on page 38, be corrected as herein modified.

II

That the date of relative priority under Claim No. 19 in the name of Andrew J. Shull and Marjorie A. Shull, appearing on page 41 of the tabulation of water rights, be, and the same hereby is amended to read "1906" to conform to the findings relative to said Claim No. 19 as set out under Finding No. 29, appearing on page 25.

It is further CONSIDERED, ORDERED, ADJUDGED AND DECREED that, based upon the said Findings and Order of Determination of the State Engineer as modified herein, the various claimants are entitled to the use of the water as contained in these findings and this decree; and they, and each of them, their successors and assigns, and all persons claiming under them, are hereby enjoined and prohibited

from the use of water in any other amounts, manner of priorities than as herein found.

ENTERED in open Court this 6th day of December, 1954.

M. A. Biggs
M. A. Biggs - Circuit Judge

STATE OF OREGON)
) ss.
County of Harney)

I, Wm. M. CARROL, County Clerk and Clerk of the Circuit Court of the County and State aforesaid, do hereby certify that the foregoing copy of DECREE Modifying the Findings and Order of Determination of the State Engineer, and Affirming same as Modified, in the Matter of the Determination of the Relative Rights to the Use of the Waters of Wildhorse Creek and its Tributaries has been 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 WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court, this 7th day of February, 1954.

Wm M. Carroll
County Clerk

STATE OF OREGON)
) ss
COUNTY OF MARION)

I, LEWIS A. STANLEY, State Engineer of Oregon, do hereby certify that the foregoing certified copy of DECREE of the Circuit Court of Oregon for Harney County, dated December 6, 1954, in the Matter of the Determination of the Relative Rights to the use of the waters of Wildhorse Creek and its tributaries, was received in this office and entered of record herein on this 9th day of February, 1955.

Lewis A. Stanley
LEWIS A. STANLEY, State Engineer.