

IN THE CIRCUIT COURT OF THE STATE OF OREGON,

IN AND FOR THE COUNTY OF GRANT.

IN THE MATTER OF THE DETERMINATION :
:
of :
:
THE RELATIVE RIGHTS TO THE USE OF :
THE WATERS OF JOHN DAY RIVER and :
ITS TRIBUTARIES, a TRIBUTARY of :
THE COLUMBIA RIVER. :

D E C R E E .

Now at this time this matter coming on before this court for the consideration of the objections and exceptions to the Findings and Order of Determination of the State Engineer, and for the entry of a decree in the above entitled matter; and

IT APPEARING to the Court that this cause was instituted by the filing in the office of the Board of Control of the State of Oregon (afterwards State Water Board, and now State Engineer) of various petitions requesting a determination of the relative rights of the various claimants to the use of the waters of the John Day River and its tributaries, and that such petitions were filed as aforesaid between the 24th day of November, 1909 and the 19th day of May, 1924; and

IT FURTHER APPEARING to the Court that the State Engineer did heretofore and on the 26th day of June, 1930 file with the Clerk of this Court a certified copy of his Findings and Order of Determination as the same appears of record in his office;

IT FURTHER APPEARING to the Court that certain objections or exceptions to the Findings and Order of Determination of the State Engineer were filed with the Circuit Court of the State of Oregon for the County of Grant, and that the Court set the date for the hearing of said objections and exceptions for November 7th, 1930 at 10 o'clock a.m., at the courthouse in Canyon City, Oregon; and

IT FURTHER APPEARING to the Court that objections and exceptions and petitions were filed as follows:

- | | | |
|------|--|----------------|
| 1. | Charles E. Stroup | Gilliam County |
| 1-A. | Alice Booth Gaylord | Gilliam County |
| 2. | Fred C. Smith | Grant County |
| 3. | R. N. Erikson | Wheeler County |
| 4. | G. W. Reynolds | Grant County |
| 5. | Blue Mountain Ditch Company
a corporation
A. L. Black
Ira G. Boyce
Clara A. Boyce
George Clark
J. H. Dunn
Henry Gregg
Sidney Green
John Mason
Arthur Yokom | Grant County |

Cert # 82409

6.	George Trosper	Wheeler County
7.	P. R. Barnhouse	Wheeler County
8.	Minnie Ehlers Frank Howell Alice Howell John A. Galbraith William G. Nelson	Grant County
9.	Ira G. Boyce Clara A. Boyce	Grant County
10.	C. E. Travillion G. Everet Baker Winterville Placers Inc. a corporation, the successor in interest of the Golden Bowl Mining Company, a corporation Petemann Irrigation Company a voluntary association con- sisting of Frank Steward, Oregon Lumber Company, a corporation, Byron Ruddell, L. C. Morin, John Hanby, T. C. Dearinger, Oris Elliott, R. A. Huddleston	Grant County
11.	Henry Ricco Federal Land Bank of Spokane	Grant County
12.	Roy E. McFadden W. A. Pehling	Wheeler County
13.	Eastern Oregon Light & Power Company	Grant County
14.	Oregon Lumber Company, a corporation	Grant County
15.	Winlock Hendricks	Wheeler County
16.	T. L. Prindle	Wheeler County
17.	Smith Bros. by G. S. Leeston Smith.	Grant County
18.	Amanda Waldon Frank Waldon Sanford L. Waldon	Grant County
19.	Rhys Humphreys	Grant County
20.	Henry A. Johnson Estate	Grant County
21.	E. D. Daly Wm. R. Axe	Grant County
22.	Ira G. Boyce Clara A. Boyce George Clark	Grant County
23.	John D. Harper Albert Harper	Grant County
24.	D. A. Yokom Fred Woods Oliver Brothers Harry Bailey	Grant County
25.	J. C. Liveira	Grant County
26.	D. W. Fisk	Grant County

27.	Phillip J. Kuhl Walter Clyde Campbell	Grant County
28.	Annie Young	Grant County
29.	J. A. Laycock Louis Morris John Moura Alex DeLore George Gilbert John Brazil Frank Noble Schuyler Walker Ellen Stockdale Elbert Stockdale Andrew Fletcher John Silvers	Grant County
29-A.	J. A. Laycock Louis Morris John Moura Alex DeLore George Gilbert John Brazil Frank Noble Scjuylar Walker Ellen Stockdale Elbert Stockdale Andrew Fletcher John Silvers	Grant County
30.	Herbert Ricco Charlotte Ricco	Grant County
31.	Jemima J. Allen W. R. Allen	Grant County
32.	Maude M. Ervin	Grant County
33.	Ward E. Swift	Grant County
34.	William J. Galbraith Estate By John W. Galbraith	Grant County
35.	J. L. Schrier	Grant County
36.	Zella D. Plant	Grant County
37.	John Sievers	Grant County
38.	City of Condon	Gilliam County
39.	John Gienger Jennie Gienger	Grant County
40.	Mildred E. Hayes	Grant County
41.	Mrs. H. G. Justice	Grant County
42.	Henry J. Coombs Alfred Coombs George Coombs Florence Coombs Anna Coombs	Grant County
43.	John Asher	Grant County
44.	Jennie Murray	Grant County
45.	John C. Silvers Estate	Grant County
46.	Donald McLennan	Grant County
47.	A. J. Fletcher Brice Lemons Velda Williams Lee Williams Mildred Moore Benson Dewey Benson Rodney Moore	Grant County

48.	Norman Caverhill	Grant County
49.	W. H. Shank	Grant County
50.	Richard Danby A. W. Dunn Leslie A. Porter Charles A. Trowbridge	Grant County
51.	Bert Kramer	Grant County
52.	George Yokom	Grant County
53.	Stella Rice	Grant County
54.	Myra Barnard Halstead Frank B. McGirr	Grant County
55.	R. A. Ford	Grant County
56.	Wm. G. Nelson	Grant County
57.	Nellie Cochran	Grant County
58.	Frank Mulkey Hattie Mulkey	Grant County
59.	Stewart Livestock Company, a corporation By Wayne C. Stewart	Grant County
60.	William R. Axe	Grant County
61.	Baker Loan & Trust Company, a banking corporation	Grant County
62.	Estate of John Coombs Henry J. Coombs Alfred Coombs George Coombs Florence Coombs Anna Coombs	Grant County
63.	Julia Luce	Grant County
64.	S. T. Walker Dora Walker W. E. McKenna, Administrator of the Estate of Alice Mae McKenna, deceased	Grant County
65.	S. T. Walker Dora Walker	Grant County
65-A.	S. T. Walker Dora Walker	Grant County
66.	S. T. Walker Dora Walker W. E. McKenna, Administrator of the Estate of Alice Mae McKenna, deceased	Grant County
67.	S. T. Walker Dora Walker W. E. McKenna, Administrator of the Estate of Alice Mae McKenna, deceased	Grant County
68.	W. E. McKenna, Administrator of the Estate of Alice Mae McKenna, deceased	Grant County
69.	S. T. Walker Dora Walker W. E. McKenna, Administrator of the Estate of Alice Mae McKenna, deceased	Grant County

70.	S. T. Walker Dora Walker	Grant County
71.	H. H. McKern Mrs. E. E. McKern	Grant County
72.	Roland Lemons	Grant County
73.	A. A. Yokom	Grant County
74.	Antone Braga Martin Braga J. V. Braga	Grant County
75.	George M. Ray	Grant County
76.	R. A. Ford Stewart Livestock Company	Grant County
77.	Horace D. Stewart	Grant County
78.	Emma L. Velvin	Grant County
79.	Donald MacLennan	Grant County
80.	W. E. Stockdale R. J. Stockdale	
81.	John Brazil	Grant County
82.	J. J. Moura	Grant County
83.	R. C. Reiter	Grant County
84.	Marsden Livestock Company, by J. W. Biggs, vice-president and general manager	Grant County
85.	Sylvia Reid, by her agent, Byars Deardorff	Grant County
86.	Mount Vernon Irrigation and Power Company, By W. E. Stockdale, President	Grant County
87.	Gus Mekas	Grant County
88.	Jemima J. Allen W. R. Allen	Grant County
89.	Herbert Ricco Charlotte Ricco	Grant County
90.	Loring V. Stewart	Grant County
91.	Loring V. Stewart	Grant County
92.	Henry J. Gregg	Grant County
93.	H. E. Buker	Wheeler County

AND IT FURTHER APPEARING to the Court that a hearing was had on all of said petitions, exceptions and objections, but that no decree has ever been entered by the Circuit Court of the State of Oregon for the respective counties involved, affirming or modifying the findings and order of determination of the State Engineer in the cause herein; and that such a decree should now be entered.

AND IT FURTHER APPEARING to the Court that the late Judge W. W. Wood made and entered certain orders affecting the cause herein, but that these alleged orders

were not a decree of the Circuit Court affirming or modifying the findings and order of determination of the State Engineer, and that such orders have no effect or validity whatsoever because they are not a decree as required by statute, and that such orders should be set aside;

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED and DECREED as follows:

1. That all orders heretofore entered herein by the late Judge W. W. Wood be, and the same are hereby, set aside and held for naught.

2. That all of the objections, exceptions and petitions filed herein are overruled and denied, except as hereinafter specifically set forth.

3. That the stipulation entered in Objection Number 1 filed by Charles E. Stroup, be, and the same is hereby, approved, as follows, to-wit:

It is hereby stipulated and agreed by and between Edward C. Dodson and Sophia A. Dodson of Winlock, Oregon, and Charles E. Stroup of Winlock, Oregon, that a Decree shall be entered by the Judge of the above entitled Court relative to the rights of the above parties as follows: That both parties above named shall have a right to domestic use of the water from Alder Creek, that both parties shall have a right to use all of the water necessary and as applied for in their claims now on file herein as long as there is sufficient water in said Alder Creek. That when the water becomes short in said Alder Creek each party shall be entitled to divert and use an equal amount of the waters of said Alder Creek, and the watermaster shall be authorized to so divide the water of said stream as between the parties hereto.

DATED at Winlock, Oregon, this 29 day of November, 1930.

Witnesses:
J. D. Weed
Carl Hendricks

Edward C. Dodson
Sophia A. Dodson
Charles E. Stroup

That by virtue of the above stipulation Edward C. Dodson and Sophia A. Dodson and Charles E. Stroup shall each have a priority of 1905 for the irrigation of their lands as set forth on pages 127 and 247 of the State Engineer's findings and order of determination, and the findings and order of the State Engineer be modified accordingly; and Provided, that the quantity of water which the parties involved herein shall be entitled to divert shall be limited to the duty of water established by the State Engineer's Findings and this Decree.

4. That exception Number 3, filed by R. N. Erikson be, and the same is hereby allowed, and page 134 of the State Engineer's findings be, and the same are hereby amended by adding to the Description of land and Place of Use to allow R. N. Erikson 17.1 acres in the NW NW quarter and 5 acres in the SW NW quarter of Section 23, Township 13 South, Range 24 E.W.M., increasing the total number of irrigated acres from 130.3 to 152.4 acres.

5. That concerning the objection Number 4 of G. W. Reynolds, it is hereby ordered, adjudged and decreed that C. P. Ragsdale's right to the use of the waters of Riley Creek under 1875 priority, through the Riley Creek ditch, as set forth on page 221 of the State Engineer's findings and order of determination, are inferior to the rights of G. W. Reynolds to the use of the waters of Riley Creek under 1875 priority

through the Harper ditch, as set forth on page 224 of the State Engineer's findings and order of determination.

6. That the stipulation filed by the parties in objection Number 9, reading as follows, be and the same is hereby, approved:

"IT IS HEREBY STIPULATED and AGREED BY AND BETWEEN IRA G. BOYCE and CLARA A. BOYCE, objectors and acceptors herein, appearing by their attorneys Hubbard & Godwin, and by W. G. Belshaw, one of the acceptees herein, appearing by his attorney Edwin D. Hicks, and E. R. MOORE, J. C. MOORE and SARAH A. MOORE, the remainder of the acceptees herein, and L. E. CUMMINGS, GEORGE E. BARRY, R. R. MOORE, FRED KOEHLER and LOUISE A. MOORE, successors in interest of the acceptees J. C. MOORE and SARAH A. MOORE, by their attorney Earl B. Moore, as follows, to-wit:

That this Stipulation shall be taken and deemed as a full and complete settlement of all rights claimed by the parties hereto, their successors and assigns, to the use of the waters of Fields Creek, a tributary of the John Day River, such Fields Creek flowing across Sections 13 and 24 in Township 13 S., R. 28 E., W.M., in Grant County, Oregon;

That the several dates of priority as set out in the above several statements and proofs of claim shall be and remain as set out in the Findings and Order of Determination of the State Engineer in the above entitled adjudication and the tabulation thereof;

That each spring hereafter the said Ira G. Boyce and Clara A. Boyce, and their successors in interest, shall, as soon as irrigation is possible turn out and use continuously on their lands all the waters of said Fields Creek which is practicable for them to use and which use, subject to the rights of objectees shall be continuous and uninterrupted during each and every irrigation season, provided that the said Ira G. Boyce and Clara A. Boyce, their successors and assigns shall at all such times so use said waters that there shall always be flowing in Fields Creek and at the head of the Moore-Koehler ditch on the west bank of said creek near the south line of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 24, Township 13, South Range 28, E.W.M., an amount of water at least equal to the amount then flowing in said creek and at the head of the upper Boyce ditch located on the east bank of said Fields Creek near the center of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the said Section 24, both of said ditches being so shown on the State Engineer's map in the foregoing adjudication proceedings and provided further that in no case shall the irrigation of the objectors, their successors and assigns, interfere or encroach upon, either directly or indirectly, the rights of irrigation owned and possessed by the objectees, as heretofore established by order and decree of the State Engineer, which priority dates are conceded to be authentic and controlling upon the parties.

That the Circuit Court of the State of Oregon, for Grant County, shall, if such be found proper, amend said statement and proof of claim No. 141 of Ira G. Boyce and Clara A. Boyce and the tabulation, all in conformity with the terms of this stipulation.

IT IS FURTHER STIPULATED That this contest shall be dismissed and that any testimony taken shall be disregarded.

Dated this 27th day of June, 1932.

IRA G. BOYCE and CLARA A. BOYCE
By Hubbard & Godwin
Their Attorneys

W. G. BELSHAW
By Edwin D. Hicks
His Attorney

E. R. MOORE, J. C. MOORE and SARAH
A. MOORE, the remainder of the
acceptees herein, and L. E. CUMMINGS,
GEORGE E. BARRY, R. R. MOORE, FRED
KOEHLER, and LOUISE A. MOORE, successors
in interest of the acceptees J. C. MOORE
and SARAH A. MOORE

By Earl B. Moore
Their Attorney, "

and that the findings of fact and order of determination of the State Engineer are modified in so far as such finding and order affects proof of claims Numbers 90, 141, 895, 901, 905 and 907 of said State Engineer's findings of fact and order of determination, at pages 95, 99, 196 and 197 thereof. Provided that the quantity of water which the parties involved are entitled to divert for their land, shall be limited to the duty of water established by the State Engineer's findings, and this decree.

7. That the stipulation entered into by the parties involved in Objection Number 20, reading as follows, be and the same is hereby approved:

"Comes now the parties above named, the contestant appearing by Edwin D. Hicks, their attorney, and the contestee appearing by Geo. H. Cattanach, his attorney, and in order to settle this contest do stipulate as follows:

That the contestee shall be decreed an equal priority with the contestant to the use of the waters of Little Indian Creek through the Johnson ditch for the irrigation of six acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, Township 14 south, Range 33 E. W.M., as set forth in his statement and proof of claim No. 544; that all other lands claimed by the contestee under said statement and proof of claim shall be decreed to be subsequent in time and inferior in right to the rights of the contestants as set forth in their statement and proof of claim No. 694.

HENRY A. JOHNSON ESTATE
Contestant,
By Edwin D. Hicks,
Their Attorney

N. H. GWYN
Contestee,
By Geo. H. Cattanach
Hit Attorney,"

and that the findings of fact and order of determination of the State Engineer are modified accordingly.

8. That the findings of fact and order of determination of the State Engineer at Page 182 thereof, under J. C. Liveira, proof Number 791, be amended to add, "irrigation" to "domestic and stock use," and the description of the land or place of use be amended to read as follows: "12.3 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 7.6 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, Tp. 13 S., Range 27 E.W.M."

9. That Objection Number 46 filed by Donald McLennan be sustained and allowed, and Page 192 of the State Engineer's findings of fact and order of determination, Proof Number 866, for the irrigation of 48.3 acres with a priority of 1906 be amended -- by striking "iron bridge ditch" and by changing the description of the land describing the said 48.3 acres irrigated under the "iron bridge ditch" -- to read as follows:

"Lower ditch:	16.0 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$ 7.4 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$ 9.9 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11, Tp. 13, S., Range 27 E.W.M.
Upper ditch	15.0 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11, Tp. 13, S., Range 27 E.W.M."

10. That the stipulation filed by the parties involved in Exception Number 54, reading as follows, be, and the same is hereby, approved and made a part of this decree:

"Comes now Myra Barnard Halstead by her attorney, Earl B. Moore, and Frank B. McGirr by his attorney, Geo. H. Cattanach, and do hereby stipulate and agree as follows:

Whereas the said Myra Barnard Halstead filed in the above proceedings her statement and proof of claim No. 566 in which she claimed the right to use of waters of Smith Creek and Fox Creek for the irrigation of 121.6 acres in Section 6, Township 11 south, Range 30 E., W.M., with a priority of 1875, and also filed statement and proof of claim No. 567 wherein she claimed water from the said streams for the irrigation of 106.8 acres in Section 1, Township 11 south, Range 29 E., W.M., with a priority of 1875, and also filed proof No. 568 for the irrigation of 60 acres in Section 35, Township 10 south, Range 29 E., W.M., with a priority of 1875 from the said streams, and

Whereas the said Frank B. McGirr filed statement and proof of claim No. 843 for the irrigation from said streams of 129.8 acres in Section 32, Township 10 south, Range 30 E., W.M., and in Section 5 and 6, Township 11 south, Range 30, with a priority of 1880, and also filed proof No. 844 for the irrigation of 87 acres from said streams in Section 6, Township 11 south, Range 30, with a priority of 1880, and

Whereas, the State Engineer in his order of determination in the above proceedings allowed each and all of the above named claims as filed, and

Whereas, the said parties for many years last past have used the said waters without reference to date of priority and have recognized equal rights therein between the parties,

It is therefore STIPULATED and AGREED by and between the parties hereto that their rights to the waters of Smith creek and Fox creek as set forth in the above claim, shall be equal in right and priority as between the parties hereto, without reference to the dates of priority, and that the court is hereby requested to enter its decree accordingly, it being especially stipulated, however, that this agreement in no way affects the rights of the parties in the use of any springs which have their source on the lands of either of the parties hereto.

Dated this 5th day of November, 1930.

Earl B. Moore
Attorney for Myra Barnard Halstead.

Geo. H. Cattanach
Attorney for Frank B. McGirr,"

and that Paragraph 44, page 51 of the State Engineer's findings and order of determination be amended to show the contest settled by the above stipulation.

11. That Page 202 of the State Engineer's findings of fact and order of determination under proof Number 943, Mulkey, Frank and Hattie, be amended by changing the

place of use to read as follows: "3 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, Tp. 10 south, Range 31 E., W.M."

12. Certain typographical errors in the State Engineer's Findings have been detected and have been called to the attention of this Court by the State Engineer with the request that the Findings be amended to correct such errors which are here set out as follows:

(a) On page 99 under Proof No. 143, the lands are described as being located in township 19 South, Range 28 East, W.M. whereas said lands are actually located in Township 9 South, Range 28 East, W.M.

(b) On page 157 under Proof No. 599 the source of supply is designated as "Alsop Creek, trib. of North Fork John Day River and South Fork John Day River" whereas Alsop Creek is actually tributary to South Fork John Day River.

(c) On page 160 under Proof No. 616 the location of the lands irrigated is stated as Township 18 South, Range 19 East, W.M. whereas said lands are actually located in Township 8 South, Range 19 East, W.M.

(d) On page 176 under Proof No. 743 the source of supply is designated as "Unnamed Creek, trib. of John Day River," whereas said Unnamed Creek is actually tributary of Long Creek.

(e) Certain lands under the following designated proofs were allowed rights to the use of the waters of Five Mile Creek, tributary of North Fork of John Day River:

on page 167 under Proof No. 670 in the name of
Inland Empire National Bank,

on page 228 under Proof No. 1169 in the name of
J. R. Saylor

on page 250 under Proof No. 1340 in the name of
A. R. Thompson and Bert Pullor

on page 250 under Proof No. 1341 in the name of
James F. Thompson

and

on page 250 under Proof No. 1342 in the name of
Susan Almira Thompson

Said lands were also allowed rights for irrigation under the Butter Creek Decree, Umatilla County, with earlier dates of priority, that the waters of Butter Creek were insufficient to properly irrigate said lands and that a supplemental supply was secured by diverting Five Mile Creek water into the headwaters of Butter Creek. (See Butter Creek Decree confirming State Engineer's Findings, paragraph XV, page 6 and tabulation of rights, pages 13 and 14.)

(f) On page 254 under Proof No. 1376, 6.6 acres was allowed in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 29, Township 17 South, Range 28 East, W.M. whereas said 6.6 acres is actually located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, said township and range, and is so shown on the State Engineer's Adjudication Survey maps.

IT THEREFORE IS FURTHER ORDERED, ADJUDGED and DECREED That the Findings of Fact and Order of Determination of the State Engineer of Oregon be amended in the following particulars:

- (a) That on page 99 under Proof No. 143 in the name of Guy Boyer, the location of the lands irrigated be amended to show said lands in Township 9 South, Range 28 East, W.M.
- (b) That on page 157 under Proof No. 599 in the name of E. S. Harrison, the source of supply be amended to read, "Alsop Creek, trib. of South Fork John Day River and South Fork John Day River."
- (c) That on page 160 under Proof No. 616 in the name of J. C. Herman, the location of the lands irrigated be amended to show said lands in Township 8 South, Range 19 East, W.M.
- (d) That on page 176 under Proof No. 743 in the name of D. P. King, the source of supply be amended to read, "Unnamed Creek, trib. of Long Creek."
- (e) That pages 167, 228, and 250 of the State Engineer's Findings and Order of Determination relating to Proofs No's 670, 1169, 1340, 1341 and 1342 covering rights to the use of the waters of Five Mile Creek, be amended by designating the use under Proofs No's 670, 1169, 1341 and 1342 as "Supplemental Irrigation," and under Proof No. 1340 as "Irrigation and Supplemental Irrigation" and that in connection with each of said Proofs the following explanatory note be inserted:

(NOTE: Water diverted in $SE\frac{1}{4}$ $NE\frac{1}{4}$, Section 28, Tp. 4 S., R. 29 E., W.M. and taken northerly across divide into Butter Creek.)

That in addition to said explanatory note the following reference be made relating to the respective Proof:

Proof No's. 670 and 1169: See Butter Creek Decree, Finding XV and tabulation of rights under J. B. Saylor.

Proof No. 1340: 38.0 acres in $SW\frac{1}{4}$ $NW\frac{1}{4}$ Supplemental. See Butter Creek Decree, Finding XV, and tabulation of rights under A. B. Thompson and Bert Pullor.

Proof No. 1341: See Butter Creek Decree, Finding XV, and tabulation of rights under James F. Thompson.

Proof No. 1342: See Butter Creek Decree, Finding XV, and tabulation of rights under Susan Almira Thompson.

- (f) That page 254 of the State Engineer's Findings of Fact and Order of Determination, proof Number 1376, H. H. Trowbridge, be amended by changing the description of land or place of use from, "6.6 acres in $SE\frac{1}{4}$ $SE\frac{1}{4}$, Section 29" to "6.6 acres in $SE\frac{1}{4}$ $SW\frac{1}{4}$ of Section 29, Tp. 17 South, Range 28 E., W.M."

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 of the users of the waters of the John Day River and its tributaries, a tributary of the Columbia River, which said Findings and Determination were filed in the above entitled matter with the Clerk of this court on the 26th day of June, 1930, be, and they hereby are, affirmed and approved and ratified in all respects except only as above modified, and reference to which said Findings and determination of the State Engineer 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 is hereby, 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 of his office as provided by law.

DATED at Canyon City, Oregon, November 16, 1956.

E. H. HOWELL,

Circuit Judge.

STATE OF OREGON :
 : ss.
COUNTY OF GRANT :

I, JOHN LIVEIRA, County Clerk and ex-officio Clerk of the Circuit Court of the State of Oregon for the County of Grant, 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 in my office and in my custody.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said court this 16th day of November, 1956.

(Sgd) John Liveira

(Seal of the
Circuit Court)

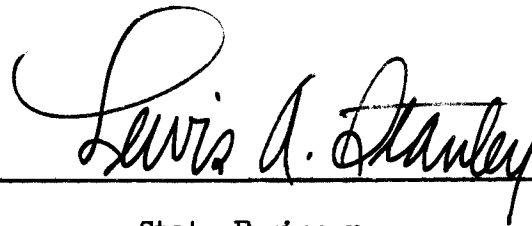
County Clerk and ex-officio Clerk of the
Circuit Court of Grant County, Oregon.

By (Sgd) Elma Campbell, Deputy

STATE OF OREGON :
 : ss.
COUNTY OF MARION :

I, Lewis A. Stanley, 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 John Day River and its Tributaries, a Tributary of The Columbia River, is a full and correct copy of such decree as the same was received in this office and entered of record herein this 19th day of November 1956.

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of November 1956.



State Engineer