IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR BAKER COUNTY

ADER GROGAN,
Plaintiff,
vs.
M. M. GROGAN, and WALLACE MAXWELL Watermaster,
Defendants.

D E C R E E

The above entitled cause having come regularly on for trial on the 22nd day of March, 1955, before the Court, plaintiff appearing in person and through her attorneys, Banta, Silven and Horton, and defendants appearing in person and through their attorneys Grant & Fuchs and Gene C. Rose, and the evidence, both oral and documentary having been introduced by the respective parties hereto, and the Court having heard the evidence and the arguments of counsel, and having made its findings of fact and conclusions of law:

NOW, THEREFORE, it is hereby CONSIDERED, ORDERED, ADJUDGED and DECREED as follows:

(1) That the water right with priority date of 1901 from Durkee Creek for the irrigation of 7 acres in the southeast quarter of the southeast quarter of Section 20, Township 11 South, Range 43 East of Willamette Meridian, as decreed by the Circuit Court of the State of Oregon, for Baker County, in the matter of the determination of the relative rights of the claimants' use of the waters of Burnt River and its tributaries dated May 4th, 1925, and enrolled and appearing of record in Vol. 36 of the Circuit Court Journal of Baker County, Oregon, should be and the same hereby is declared to be abandoned, and is no longer of any force, effect or validity.

Durkee Mercantile Co. Decree Vol. 8 p 176 Cir. Ct. 5972

(2) That defendant M. M. Grogan, his heirs and assigns, should be and they hereby are perpetually enjoined and restrained from claiming or seeking to claim any rights whatsoever by, through or under said abandoned water right.

(3) The defendant Wallace Maxwell, as watermaster, and his successors in office should be and they hereby are enjoined and restrained from diverting any waters whatsoever under the abandoned 1901 water right to the southeast quarter of the southeast quarter of Section 20, Twp. 11 South, Range 43 East, of the Willamette Meridian, and are directed to distribute the available water from Durkee Creek to the plaintiff Ader Grogan and the defendant M. M. Grogan in accordance with existing water certificates of the parties and other valid rights out of Durkee Creek.

(4) None of the parties hereto are entitled to costs or disbursements incurred herein.

Dated this 5th day of May, 1955.

/s/ Forrest L. Hubbard, Circuit Judge.

Entered 5/5/1955 in Circuit Court Book 65 page 498. /s/ Grant A. Young, County Clerk

STATE OF OREGON, County of Baker, ss.

I hereby certify that I have compared the within instrument with the original instrument now on file in my office, and that it is a true and correct copy of the same and of the whole thereof.

Dated 5/2,1957 GRANT A. YOUNG, County Clerk

By /s/ Bess O. Ingle, Deputy

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

I, LEWIS A. STANLEY, State Engineer of the State of Oregon, do hereby certify that the foregoing certified copy of Decree of the Circuit Court for Baker County, Oregon, In the Matter of Ader Grogan, Plaintiff, vs. M. M. Grogan, and Wallace Maxwell, Watermaster, Defendants, entered May 5, 1955, was received in this office and entered of record herein this 7th day of May 1957.

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of May 1957.

Lewis A. Stanley

LEWIS A. STANLEY
State Engineer