

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF WASHINGTON

IN THE MATTER OF THE DETERMINATION )  
OF THE RELATIVE RIGHTS TO THE USE )  
OF THE WATERS OF TUALATIN RIVER )  
AND ITS TRIBUTARIES, WASHINGTON AND )  
OTHER COUNTIES. )

DECREE  
No. 21-830

Now at this time the above entitled matter coming before the Court for entry of decree upon the Findings of Fact and Order of Determination of the State Engineer, and this Court having heretofore heard the arguments of counsel for the objectors and exceptors to said Findings of Fact and Order of Determination, and having received petitions for certain amendments and corrections to typographical errors therein contained, being now fully advised in the premises and having entered its Memorandum Opinion on the 27th day of July, 1960:

IT IS CONSIDERED, ORDERED, ADJUDGED AND DECREED:

- (a) That the exceptions and objections of all claimants, be, and they hereby are disallowed and denied.
- (b) That the proceedings of the State Engineer in this matter, be, and they hereby are approved as hereinafter amended.
- (c) That the Findings of Fact and Order of Determination of the State Engineer, as filed in this Court on the 10th day of December, 1959, are hereby made the Findings and Order of Determination and Decree of this Court, subject however, to the following modifications:

I

That, relative to Statement and Proof of Claim No. 21 in the name of John and Gladys Cereghino, treated under Finding No. 21 appearing on page 118 of the Findings of Fact and Order of Determination of the State Engineer, Mr. Fred A. Anderson, Counsel for claimants, petitioned the Court for an amendment of said Claim No. 21 to show the acreage for which a right for irrigation was being claimed, to coincide with the acreage found to be irrigated by the State Engineer's survey, as shown on the map prepared and made a part of the record herein, being 12.1 acres within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 28, T. 2 S., R. 1 W., W.M. That the 7.0 acres for which a right was asserted in Statement of Proof of Claim No. 21 was an inadvertent error which was overlooked in checking said claim before filing same.

The petition for amendment having been considered and there being no objections thereto, it is hereby ordered that the right of John and Gladys Cereghino under Proof No. 21, appearing in the tabulation on page 142, for the irrigation of 7.0 acres within the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 28, T. 2 S., R. 1 W., W.M., be, and the same hereby is amended and modified to read 12.1 acres in said subdivision, section, township and range.

That, upon request of the State Engineer for the correction of certain typographical errors appearing in the Findings of Fact and Order of Determination, which were detected and called to the attention of the Court prior to the hearing before the Court, it is hereby ordered that the following corrections be made:

(a) On page 118 under Finding No. 28, in the third line of the first paragraph, "section 29" shall be changed to read "section 28."

(b) On page 140, under tabulation of rights allowed, Proof No. 3, Nels and Eleanor Anderson, the first line in the last column shall be changed to read "20.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ ."

(c) On page 146, under tabulation of rights allowed, Proof No. 49, Don and Bessie Galbreath, the second line in the last column shall be changed to read, "4.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ ."

IT IS FURTHER CONSIDERED, ORDERED, ADJUDGED AND DECREED: that, in accordance with said Findings of Fact and Order of Determination of the State Engineer as modified and amended herein, the various claimants are entitled to the use of the waters of Tualatin River and its tributaries 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 using any of the waters of said stream system in any other amount, manner and priorities than herein found, nor upon any lands or place of use other than herein set out and described without first having complied with the provisions of ORS 540.510 to 540.550 inclusive, or statutory legislation supplementary thereto.

ENTERED in open Court this 9th day of September, 1960.

SGD/J. S. Bohannon  
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J. S. Bohannon, Circuit Judge

SGD/Glen Hieber  
\_\_\_\_\_  
Glen Hieber, Circuit Judge

STATE OF OREGON,        )  
                              ) SS  
County of Washington )

I, Roger Thomssen, 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 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 4th day of October, A. D., 1960.

ROGER THOMSSSEN, COUNTY CLERK

By E. Donohue  
\_\_\_\_\_  
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 copy of Decree In the Matter of the Determination of the Relative Rights to the Use of the Waters of Tualatin River and its Tributaries, Washington and Other Counties, is a full and correct copy of such Decree of the Circuit Court as the same was received in this office and entered of record herein this 5th day of October, 1960.

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of October, 1960.

  
State Engineer