

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

IN THE MATTER OF THE DETERMINATION)		
OF THE RELATIVE RIGHTS TO THE USE)		
OF THE WATERS OF ROGUE RIVER AND)	# 1203	DECREE
ITS TRIBUTARIES ABOVE THE MOUTH OF)		
THE ILLINOIS RIVER, A TRIBUTARY OF)		
THE PACIFIC OCEAN)		

Now at this time the above entitled matter coming before the court upon the Findings of Fact and Order of Determination of the State Engineer as to the extent of completion of the inchoate water rights allowed by the Rogue River Decree of April 26, 1919, and a hearing having been held on February 29, 1940 for the hearing of objections to said Findings of Fact and Order of Determination of the State Engineer, and various objections having been filed to the said Findings of Fact and Order of Determination of the State Engineer, and the court having duly considered said objections and being fully advised in the premises; it is

CONSIDERED, ORDERED, ADJUDGED and DECREED:

Cert #82375

(a) That the exceptions and objections of all claimants be, and they hereby are denied, except as they have been disposed of heretofore by prior supplemental decree or order of this court and except that the exception filed by Wilderville Irrigation Company on behalf of various individual claimants is allowed to the extent that the claimant's proofs aggregate 9.75 cubic feet per second and the total acreage concerned is 487.05 acres. (Page 152, Line 4)

(b) That the proceedings of State Engineer in this matter, be and the same hereby are approved except as hereinafter amended.

(c) That the Findings of Fact and Determination of the State Engineer in this matter, entered on January 10, 1940, are hereby affirmed, approved and ratified in all respects except only as modified hereafter.

Certain typographical errors in the State Engineer's Findings have been called to the court's attention which are set forth hereunder, and it is ordered that these errors be herewith corrected in the matter indicated:

(1) On Page 12, Paragraph 10 and on Page 237 under the name of Irwin H. and Rena M. Howe the 16.7 acres shown in that part of Lot 3 lying west of Rogue Acres is stated to be in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, whereas said acreage is located in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SE $\frac{1}{4}$.

(2) On Page 53, Line 10, the phrase "found irrigated areas of 7.1 acres" should be corrected to read "found irrigated areas of 7.6 acres".

(3) On Page 64, Paragraph 5, Line 5 and 6, the phrase "proofs aggregate 1.76 cubic feet per second of water for domestic and stock use and for the irrigation of 104.9 acres" should be corrected to read "proofs aggregate 2.03 cubic feet per second of water for domestic and stock use and for the irrigation of 120.9 acres".

(4) On Page 65, Paragraph 5, Line 4, the phrase "irrigated area is 10.2 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4" should be corrected to read "irrigated area is 10.2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4".

(5) On Page 270, under name of F. A. J. Gallwas and on Page 115, Lines 1 and 2, the phrase "9 acres in that part of NE $\frac{1}{4}$ NW $\frac{1}{4}$ lying north of the county road" should be corrected to read "9 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ ".

It is further ORDERED, ADJUDGED and DECREED that the Findings of Fact and Order of Determination of the State Engineer in this matter be and they hereby are affirmed except as above modified and by this reference to said Findings and Determination the same are made a part of this Decree as if set out herein in full.

Dated at Medford, Oregon this 19th day of May, 1964.

/sgd/ Edward C. Kelly
Circuit Judge

STATE OF OREGON)
) ss.
County of Jackson)

I, E. M. Madden, County Clerk and Clerk of the Circuit Court of the County and State aforesaid, 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 Rogue River and its Tributaries Above the Mouth of the Illinois River, a Tributary of the Pacific Ocean. #1203 E has been by me compared with the original, and that it is a correct transcript therefrom and of the whole of such original as 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 20th day

of May, 1964

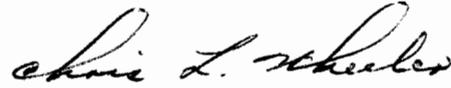
E. M. Madden, Clerk

By /sgd/ Vierl Harrison
Deputy

STATE OF OREGON)
) ss.
County of Marion)

I, CHRIS L. WHEELER, State Engineer of the State of Oregon, do hereby certify that the foregoing copy of Decree of the Circuit Court for Jackson County, modifying the Supplemental Findings of Fact and Order of Determination of the State Engineer entered in the Rogue River Adjudication proceedings, and confirming said Findings as Modified, is a true and correct copy of said decree, as received in this office, May 22, 1964, and entered of record herein this 22nd day of May 1964.

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of May, 1964.



CHRIS L. WHEELER, State Engineer