

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

In The Matter of the Determination  
Of The Relative Rights Of The Use Of  
The Waters Of Rock Creek And Its  
Tributaries, Harney County.

HARRY WITHERS, EARL WITHERS, JACK  
WITHERS and MABEL BAILEY,

Plaintiffs,

vs.

B.B. CLARK,

Defendant,

DONALD CORCORAN and BOBBIE CORCORAN,  
Successor,

U BAR RANCH INC.,

Successor.

Case No. 4004E

OPINION, ORDER AND FINAL  
DECREE

The above-entitled matter came before the Court on Exceptions of Harry A. Withers Jr. and Jack and Leona McGee to the State Engineer's Findings of Fact and Order of Determination dated September 18, 1973 and Donald and Bobbie Corcoran's Motion for Judgment and Decree, and the Court concluding that a de novo review was required under ORS 539.150 of all matters arising in the case since the filing of Complaint on March 4, 1950, in conjunction with according substantial weight to the expertise of the State Engineer during said de novo review, and the Court having finally completed such de novo review, which review proved to be both laborious and unenlightening with respect to much of the materials making up the case file, such review has nevertheless convinced this Court that the substantial evidence in the file supports the State Engineer's Findings of Fact and Order of Determination and outweighs any preliminary conclusions as continued in the Opinion of Court dated October 3, 1953, and more specifically supports conclusions that Rock Creek ceases to be an established water course above Exceptor's lands, is not a water course running to or through Exceptor's lands, and does not involve appropriation rights in the Exceptors.

NOW, THEREFORE, IT IS HEREBY ORDERED under authority of ORS 539.150(4) that Final Decree be given, and it is hereby given, affirming and incorporating the State Engineer's Findings of Fact and Order of Determination as the Final Decree of this Court.

DONE AND DATED this 17th day of July, 1979.

/s/ F. J. Yraguen  
Circuit Judge

Certified to be a true and correct copy of the original.

Date: July 19, 1979

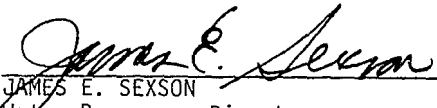
AVEL DIAZ, Harney County Clerk and Recorder

By /s/ Colean Norton  
Deputy

STATE OF OREGON            )  
                                  )  
County of Harney         )        ss.

I, JAMES E. SEXSON, Water Resources Director of the State of Oregon, do hereby certify that the foregoing copy of Decree in re: Adjudication of the Waters of Rock Creek and its Tributaries, Harney County, is a full and correct copy of such decree as the same was received in this office and entered of record herein on this 23rd day of July, 1979.

IN WITNESS WHEREOF, I have hereunto set my hand this 30th day of July, 1979.

  
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JAMES E. SEXSON  
Water Resources Director