

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

W. J. THOMPSON and LYDIA M. THOMPSON,  
husband and wife,

Plaintiffs,

vs.

MARVIN CARL and HILDRED CARL, husband and  
wife; ELVA STONE and ELERY STONE, husband  
and wife; T. E. LEWMAN, and if married, JANE  
DOE LEWMAN, his wife; GEORGE FIELDS, and if  
married, JANE DOE FIELDS, his wife; HAROLD  
WHITESTINE, and if married, JANE DOE WHITE-  
STINE, his wife; ROBERT M. JOHNSON, and if  
married, JANE DOE JOHNSON, his wife; C. R.  
HILL, and if married, JANE DOE HILL, his wife;  
HAROLD TESKE, and if married, JANE DOE TESKE,  
his wife; WILLIAM CARL, and if married, JANE  
DOE CARL, his wife; HERMAN MESSINGER, and if  
married, JANE DOE MESSINGER, his wife; ARTHUR  
FARRA, and if married, JANE DOE FARRA, his  
wife; CARLO JOHNSON, and if married, JANE DOE  
JOHNSON, his wife; RALPH PLANALP, and if married,  
JANE DOE PLANALP, his wife; AUGUST SAKRAIDA, and  
if married, JANE DOE SAKRAIDA, his wife; R. H.  
BENTLEY, and if married, JANE DOE BENTLEY,  
his wife; HARVEY RICHARDSON, and if married,  
JANE DOE RICHARDSON, his wife; DORA SAMPSUL,  
and if married, JOHN DOE, her husband  
SAM LETTIKEN, and if married, JANE DOE LETTIKEN,  
his wife; and the unknown heirs, if any, of any  
deceased defendant; and also all other persons or  
parties unknown, claiming any right, title, estate,  
lien or interest in the water and water rights  
described in the Complaint herein,

Defendants.

No. \_\_\_\_\_ E

D E C R E E

THIS MATTER came on to be heard, based upon the FINDINGS OF FACT and CONCLUSIONS OF  
LAW, heretofore entered in the above entitled Court and Matter and the Plaintiffs appearing  
by one of their Attorneys of Record, V.A.C. Ahlf, and the Defendants and each of them failing  
to appear in person or by Attorney or to plead; an Order of Default was entered by the Court  
in said above entitled Court and Matter and the Court being fully advised in the Matter hereby  
makes the following amended Decree:

FIRST: That the Plaintiffs, W. J. THOMPSON and LYDIA M. THOMPSON, are the owners  
in fee simple of the following described premises, situate in Jackson County, Oregon, to-wit:

The Southeast Quarter of the Southwest Quarter of  
Section 7; and the Northeast Quarter of the Northwest  
Quarter of Section 18, in Township 38 South of Range 4  
West of the Willamette Meridian in Jackson County, Oregon;

Also, commencing at a stake set for a corner from which the Quarter Section corner between Sections 7 and 18 bears South 9.65 chains in Section 7, Township 38 South, of Range 4 West of the Willamette Meridian, in Jackson County, Oregon; and running thence North 10.59 chains to the Northwest Corner of the Southwest Quarter of the Southeast Quarter of said Section 7; thence North 89 degrees 40' East 9.00 chains to the County Road, at an iron bar for corner; thence along the West side of said County Road, South 5 degrees East 10.64 chains to a post for a corner; thence South 89 degrees 40' West 9.90 chains to the place of beginning;

Together with all water, water rights, ditches, and ditch rights appurtenant thereto, subject to Effie Wichman Mortgage.

cert.  
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SECOND, That the Plaintiffs are entitled to the use of water on said fifty acres of the above described premises, as heretofore used for more than forty-eight years, situate and lying on and riparian to the Applegate River, a tributary of Rogue River and which water is supplied to the premises by a diversion out of the Applegate River through what is known as Bridge Point Ditch. Plaintiffs are the owners of six shares in Bridge Point Ditch, a diversion of the Applegate River, a tributary of the Rogue River.

THIRD; That the Plaintiffs and each of them are hereby further decreed to .02 cubic feet per second per acre, to irrigate said fifty acres of said premises;

FOURTH: That the Defendants and each of them are hereby forever restrained and enjoined from asserting any right, title, estate, lien or interest, that said Defendants, their agents, employees and anyone claiming by, through, or under them, and each, every and all of them and the unknown heirs, if any, of any deceased Defendant and also all other persons and parties unknown, claiming any right, title, estate, lien or interest in the said water and water rights for irrigation purposes, would claim to have therein and thereto; and that said Plaintiffs be decreed to be entitled to the use of said water as hereinabove set forth and that said Plaintiffs' title to said water, water rights, ditch, and ditch rights, be forever quieted as against said Defendants and each of them, their agents, employees, and anyone claiming by, through, or under them and each, every and all of them, and the unknown heirs, if any, of any deceased Defendant and also all other persons or parties claiming any right, title, estate, lien or interest in said water, and water rights for irrigation purposes would claim to have therein and thereto.

FIFTH: That it is further ordered, considered, adjudged and decreed that any decree of this Court heretofore made, rendered, and entered herein in the Matter of the adjudication of the waters of Rogue River and its tributaries and any and all rights obtained through the State Engineer supplementary thereto or otherwise is hereby declared to be subject

to the right, title, estate, lien and interest of the Plaintiffs with equal priority of the Defendants and each of them hereinabove named, to the said use of said waters of the Applegate river, through Bridge Point Ditch, for the irrigation of the premises so irrigated by said Plaintiffs, as aforesaid at the time of the institution of this suit, and not in excess of fifty acres of said premises, and for domestic use thereon.

AND IT IS SO ORDERED, on this 23 day of December, A. D., 1947.

H. K. Hanna  
Circuit Judge

STATE OF OREGON            )  
                                  )ss.  
County of Jackson        )

I, BERETH P. HOPKINS, County Clerk and Clerk of the Circuit Court of the County and State aforesaid, do hereby certify that the foregoing copy of Amended Decree has been by me compared with the original, and that it is a correct transcript therefrom and of the whole of such original Amended Decree 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 1st day of June 1954

Bereth P. Hopkins, Clerk

/s/ By Bernice Bigham, Deputy

STATE OF OREGON        )  
                              )ss.  
County of Marion        )

I, CHAS. E. STRICKLIN, State Engineer of Oregon, do hereby certify that the foregoing certified copy of DECREE in re: W. J. Thompson, et ux., Plaintiffs, vs. Marvin Carl, et al., Defendants, entered December 23, 1947, is a true and correct copy of said DECREE, as received in this office and entered of record herein this 2nd day of June 1954.

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of June 1954.

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Chas. E. Stricklin, State Engineer