

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

In the Matter of the Determination of the	)	
Relative Rights to the waters of Butter	)	
Creek, and its Tributaries, a tributary of	)	Case No. <i>CV 03-0327</i>
the Umatilla River in Umatilla and Morrow	)	
Counties	)	
	)	STIPULATION AND ORDER
Cunningham Sheep Company	)	CORRECTING DECREE
	)	
Petitioners;	)	
	)	
Oregon Water Resources Department,	)	
	)	
Objector.	)	

I. STIPULATION

THE OREGON WATER RESOURCES DEPARTMENT (Objectors) and CUNNINGHAM SHEEP COMPANY (Petitioners) AGREE AND STIPULATE AS FOLLOWS:

The above-captioned water right Decree contains a typographical error. As a result of this error, the Decree described the place of use of the Donald Ross water right at an incorrect location. The Decree currently identifies the place of use of the Ross water right as 6.0 acres in the NW1/4 of the SW1/4 in Section 21, T. 1 S., R. 30 E.W.M. However, the statement and Proof of Claim filed by Donald Ross in the Umatilla River Adjudication states that the Ross water right is located in NW1/4 of the SE1/4 of Section 21.

Therefore, the above-captioned Decree should be corrected

to identify the correct location of the place of use of water for irrigation of petitioner's land to accurately reflect the current and historic use of the water right decreed by this Court.

Petitioner and Objector have caused Notice of the correction to be published on July 21, 2001 and July 28, 2001, in the East Oregonian, a newspaper of general circulation in Umatilla County. A copy of said Notice and Affidavit of Publication is attached hereto. In addition, Petitioner and Objector have mailed a copy of this Stipulation and Order to the owner of the land currently described in the Decree as the place of use of the water right. No request of a hearing has been received.

Petitioner and Objector respectfully request the Court to ORDER that:

The place of use of the right in the name of Donald Ross, Nye, Oregon described on page 250 of the Decree as:

6 acres in the NW1/4 SW1/4
Section 21;
T. 1 S., R.30 E.W.M.

Should be corrected to read:

6 acres in the NW 1/4 SE1/4
Section 21;
T. 1 S., R.30 E.W.M.

Petitioners and Objector further request the Court to ORDER:

The Oregon Water Resources Department to issue a

certificate of water right in the name of Cunningham Sheep Co.,
Successors in interest to the Donald Ross water right, verifying
the above-described correction. Such certificate shall supersede
and replace Certificate Number 2685, recorded in State Record of
Water Right Certificates, Volume 3.

Steven H. Corey 9/25/01
Steven H. Corey Date
for Cunningham Sheep Co.
OSB # 72058

[Signature] 3/13/03
Date
Attorney for Objector
Oregon Bar No. 00169

II. ORDER

SO ORDERED.

DATE: 3/18/03

/s/ Rudy Murgu
Judge

IN THE _____ COURT OF THE STATE OF OREGON
FOR UMATILLA COUNTY

} AFFIDAVIT OF PUBLICATION

STATE OF OREGON
County of Umatilla } ss

I, DIA SANDERSON being duly sworn, depose and say that I am the principal clerk of the publisher of the East Oregonian, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Pendleton in the aforesaid county and state; that the

EO-8243 NOTICE OF ACTION

a printed copy of which is hereto annexed; was published in the entire issue of said newspaper for 2 successive and consecutive issues in the following issues:

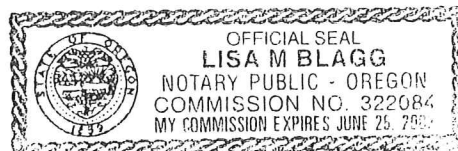
JULY 21, AND 28, 2001

Subscribed and sworn to before me on this 06th, day of

AUGUST, 2001

Dia Sanderson

Lisa M. Blagg
Notary Public of Oregon



EO-8343
NOTICE OF ACTION
TO CORRECT

WATER RIGHTS DECREE
IN THE MATTER of the Determination of the Relative Rights to the waters of Butter Creek and its Tributaries, a tributary of the Umatilla River, in Umatilla and Morrow Counties.

TO ALL PERSONS holding water rights under said Decree: You are hereby notified that Cunningham Sheep Co., Petitioner; and the Oregon Water Resources Department (Department), Objector; have stipulate and agreed that the above-described Decree should be corrected to identify the correct location of the place of use of water for irrigation of petitioner's land and to reflect accurately the current and historic use of a water right decreed by the Umatilla County Circuit Court in the above-described matter.

PETITIONERS AND OBJECTOR propose to submit a Stipulation and Order Correcting Decree to the Circuit Court of the State of Oregon for Umatilla County, 31 days following the date of final publication of this Notice.

IF ANY PERSON holding a water right under the Decree opposes issuance of the Order, said person must submit a request for a hearing in writing to the Oregon Water Resources

Department at:
15B 12th Street NE
Salem, OR 97310

Attn: Reed Marbut;
on or before: 5:00 p.m.,
August 27, 2001.

If no requests are received by said date, Petitioner and Objector will ask the Court to issue the Order Correcting the Decree.

July 21, 28, 2001