

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

IN THE MATTER OF THE DETERMINATION OF  
THE RELATIVE RIGHTS TO THE WATERS OF  
SILVIES RIVER AND ITS TRIBUTARIES, A  
TRIBUTARY OF MALHEUR LAKE, IN GRANT  
AND HARNEY COUNTIES, STATE OF OREGON.  
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Order Correcting  
Decree.

Now on this 21st day of October, 1931, the above entitled matter coming on to be heard on motion of Chas. B. Foley, the duly appointed, qualified and acting Executor of the Estate of Tim Donovan, deceased, for the entry of an order correcting certain clerical errors and omissions in the decree rendered by the Court in the above entitled matter, and

It appearing to the court that the State Water Board of Oregon, in its consideration of the above entitled matter, awarded the late Tim Donovan a relative priority of 1906 for 0.33 cubic feet of water per second for the irrigation of 26 acres in SWNW Section 5, Twp. 23 S.R.31 E.W.M., such water to have its source in Foley Slough and waste water from the Rembold ditch, and to be delivered to said lands through the Farre Slough, and it further appearing that said finding and award was not appealed, and that the decree of this Court should conform to such finding and award in every particular except that since Foley Slough derives its water supply from Silvies River, such fact should be inserted in the decree, and it further appearing that by error or omission in copying said findings and award into the decree now in force and effect in this matter reference to Foley Slough and waste water from Rembold ditch have been omitted whereas in fact these references should be made a part of said decree, and

It further appearing to the Court that both the State Water Board of Oregon and this Court in its decree in this matter awarded the late Tim Donovan a relative priority of 1895 for 3.08 cubic feet per second for the irrigation of 185 acres in Section 7, Twp.20,S.R.30 E.W.M. to have its source in Main Silvies River and Foley Slough, and to be delivered through the Donovan ditch to the place of use, and it appearing to the Court that such finding and award is as to the source of supply erroneous for the reason that Foley Slough is some 20 miles downstream from the lands involved and that it would be a physical impossibility to divert water from Foley Slough to said lands, and that the decree in this matter should be changed to show Main Silvies River as the source of supply,

And it further appearing that F. W. Triska and L. E. Hibbard, the owners of lands adjacent to the Donovan premises in Section 5, Twp.23, S.R.31 E.W.M. and the only persons directly affected hereby, have filed herein their acknowledgment of notice and consent to such correction above mentioned, without further notice, now therefore

IT IS CONSIDERED, ORDERED AND DECREED That the decree of this Court in the above entitled matter be corrected to show Main River, Foley Slough and waste water from Rembold Ditch as the source of water for the irrigation of 26 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$  Section 5, Twp.23 S.R.31 E.W.M.

the property of the late Tim Donovan, and that said decree be further corrected to show Main Silvies River as the sole source of supply for waters for the irrigation of the premises of the late Tim Donovan in Section 7, Twp. 20 S. R. 30 E. W.M.

AND IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED That the clerk of this court be and he is hereby authorized and directed to make the corrections herein ordered upon the records of this court in his custody and possession.

W. W. Wood  
Circuit Judge

Filed Oct. 21, 1931.  
Wm. M. Carroll, Clerk.

STATE OF OREGON     )  
                          )     ss.  
County of Marion    )

I, LEWIS A. STANLEY, State Engineer of Oregon, do hereby certify that the foregoing copy of Order Correcting Decree In The Matter of the Determination of the Relative Rights to the waters of Silvies River and its Tributaries, a tributary of Malheur Lake, in Grant and Harney Counties, State of Oregon, is a true and correct copy of a photostat of said decree, as received in this office, March 27, 1958, and entered of record herein this 22nd day of October 1958.

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of October 1958.

Lewis A. Stanley  
Lewis A. Stanley, State Engineer