

applied the same to beneficial use in the irrigation of the above described lands, during each irrigating season, which has been in addition to any other rights fixed, decreed, or granted to this plaintiff, or his predecessors in interest.

L.

That the plaintiff, M. E. Phillips, is the owner of or has an estate in the following described lands, to-wit:

NE $\frac{1}{4}$ of section 17 in township 6 north, range 45 E.B.M., and the SE $\frac{1}{4}$ of section 8 in township 6 north, range 45 E. B. M.,

and is the owner of a ditch through which he conveys water from Badger Creek, with the point of diversion located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of section 9 in township 6 north, range 45 E.B.M., and the plaintiff, or his predecessors in interest, on or before and ever since the 22nd day of January, 1916, has so diverted 6.4 cubic feet per second or 320 miners inches of the waters of said creek, and has applied the same to beneficial use in the irrigation of the above described lands, during each irrigating season, which has been in addition to any other rights fixed, decreed, or granted to the said plaintiff, or his predecessor in interest.

LI.

That the plaintiff, Parley Rammell, is the owner of or has an estate in the following described lands, to-wit:

NW $\frac{1}{4}$ SE $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$ of section 24 in township 6 north, range 44 E.B.M.,

and is the owner of a ditch through which he conveys water from Badger Creek, with the point of diversion located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of section 9 in township 6 north, range 45 E.B.M., and the plaintiff, or his predecessor in interest, on or before and ever since the 22nd day of January, 1916, has so diverted 2.4 cubic feet per second or 120 miners inches of the waters of said creek, and has applied the same to beneficial use in the irrigation of the above described lands during each irrigating season, which has been in addition to any other rights fixed, decreed, or granted to the