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D E C R E E.

IN THE DISTRICT COURT THIRD JUDICIAL DISTRICT OF IDAHO TERRITORY
HELD IN AND FOR THE COUNTY OF ONEIDA.

Thomas Daniels, WM, H. Jones, David Leigh, :
Daniel Thomas Sen., E. J. Davis, Henry R. :
Evans, Richards Jones, Henry Peck, Daniel :
Daniels, James E. Jones and Morgan Morgan, :
Plaintiffs, :

agst.

William Woodland, Henry Wakely, George :
Wakely, John Wakely, Henry Woodland and :
Sam Bamford, :

Defendants.

IN
EQUITY.

.....:
The Summons and complaint in this action having been duly served and the answer of the Defendants having been filed thereto and the following agreement and stipulation of the respective parties having been filed in open court on the 10th day of October 1878, to-wit:

It is hereby agreed understood and stipulated by and between the plaintiffs and defendants in this action and each and all of them and by the respective attorneys thereto that the rights privileges and equities of the respective parties to this action shall be as follows, to-wit:

That these plaintiffs are entitled to the use, occupation and control of three quarters of all the waters of a stream situated in Oneida County, Idaho and known as Birch Creek which is the same stream set forth and described in the plaintiffs' Complaint and it is hereby admitted, agreed, understood, and stipulated that the said Plaintiffs' are the first appropriators of the said three quarters of all the waters of the said Birch Creek and are entitled to the exclusive use possession and enjoyment of the same said water to be taken out at a point where plaintiffs ditch now intersects the said Birch Creek. It is further admitted that the said amount of water is not more than sufficient to irrigate the lands of plaintiffs and that the same is necessary for the successful irrigation of their farms and that a decree of this Court be entered in accordance with the prayer of the complaint in this action to the extent of said amount of water and in accordance with the terms of this stipulation. 3/4 MVI

It is agreed, understood, and stipulated on the part of the plaintiffs that the defendants are the first appropriators of one fourth of the waters of the said Birch Creek and are entitled to the exclusive use possession and enjoyment of the same and that a decree of this court be made and entered in their behalf for one fourth of the amount of the waters of the said Birch Creek and it is further admitted that said amount is necessary for the successful irrigation of the lands of these defendants. 1/4 REC

It is further agreed that the costs of this action be divided and paid equally between the parties thereto.

And it is further agreed and understood that this stipulation is made to carry into effect the former stipulation on file.

Dated Oct. 10th, 1878.

S. P. Highbee,
Willard Crawford, and
B. F. White,
Attys. for plfs.

Norman Buck,
Atty. for dfts.