

6. That the maximum flow so diverted is approximately 960 miners inches of water, and that such flow decreases during the summer months of the years;
7. That said parties are entitled to an interest therein based on ^{9.1}435 miners inches to plaintiffs out of such maximum flow of ^{19.2}960 inches, such interest to be decreased proportionately to any decrease in the total flow of water at any given time; and on ^{6.0}300 miners inches to defendants, George Browning and Phebe Browning, his wife, out of such maximum flow of 960 inches, such interest to be decreased proportionately to any decrease in the total flow of water at any given time; and on ^{4.5}225 miners inches to defendants, Morris Slaymaker and Thelma Slaymaker, his wife, out of such maximum flow of 960 inches, such interest to be decreased proportionately to any decrease in the total flow of water at any given time;
8. That domestic use of water should have priority over any other use during seasons when the total supply of water is inadequate to cover all needs of the parties hereto;
9. That each of the parties hereto should be liable for expenses of maintenance of the irrigation system used in common by such parties, on the basis of the share of water owned by such party;
10. That each party should bear his own costs herein incurred;
11. That the parties are entitled to the relief prayed for in their Amended Complaint and Answer and Cross Complaint, all filed herein.
- NOW, THEREFORE, BY REASON AND VIRTUE OF THE LAW AND THE PREMISES, ON MOTION OF COUNSEL FOR THE PARTIES, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:
1. That the Stipulation on file herein is hereby allowed and approved;
 2. That for over five years last past, the various parties hereto, amongst them, have diverted and used the full flow of the waters of Pony Creek for domestic and agricultural purposes;
 3. That the maximum flow so diverted is approximately 960 miners inches of water, and that such flow decreases during the summer months of the year;

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4. That the plaintiffs, O. J. Neeley and Myrtle Neeley be and they are hereby vested with title to 435 miners inches of the waters of Pony Creek, based on a maximum flow of 960 inches, such interest to be decreased proportionately to any decrease in the total flow of water at any given time;

5. That the defendants, George Browning and Phebe Browning be and they are hereby vested with title to 300 miners inches of the waters of Pony Creek, based on a maximum flow of 960 inches, such interest to be decreased proportionately to any decrease in the total flow of water at any given time;

for 200 acres = .0306/acre

6. That the defendants, Morris Slaymaker and Thelma Slaymaker be and they are hereby vested with title to 225 miners inches of the waters of Pony Creek, based on a maximum flow of 960 inches, such interest to be decreased proportionately to any decrease in the total flow of water at any given time;

7. That domestic use of water shall have priority over any other use during the seasons when the total supply of water is inadequate to cover all needs of the parties hereto;

8. That each of the parties hereto shall be liable for expenses of maintenance of the irrigation system used in common by such parties on the basis of the share of water owned by such party;

9. That each party shall bear his own costs herein incurred.

Dated this 21st day of May, 1954.

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4. That the plaintiffs, O. J. Neeley and Myrtle Neeley be and they are hereby vested with title to ^{8.7}435 miners inches of the waters of Pony Creek, based on a maximum flow of 960 inches, such interest to be decreased proportionately to any decrease in the total flow of water at any given time;

5. That the defendants, George Browning and Phebe Browning be and they are hereby vested with title to 300 miners inches of the waters of Pony Creek, based on a maximum flow of 960 inches, such interest to be decreased proportionately to any decrease in the total flow of water at any given time;

6. That the defendants, Morris Slaymaker and Thelma Slaymaker be and they are hereby vested with title to 225 miners inches of the waters of Pony Creek, based on a maximum flow of 960 inches, such interest to be decreased proportionately to any decrease in the total flow of water at any given time;

7. That domestic use of water shall have priority over any other use during the seasons when the total supply of water is inadequate to cover all needs of the parties hereto;

8. That each of the parties hereto shall be liable for expenses of maintenance of the irrigation system used in common by such parties on the basis of the share of water owned by such party;

9. That each party shall bear his own costs herein incurred.

Dated this 21st day of May, 1954.

Henry S. Martin

Judge of the Ninth Judicial District
of the State of Idaho