

O. J. NEELEY and MYRA
his wife,

Plaintiffs,

vs.

GEORGE BROWNING and PHEBE BROWNING,
his wife, and MORRIS SLAYMAKER and
THELMA SLAYMAKER, his wife,

Defendants.

Stipulation
STIPULATION

It is hereby stipulated and agreed by and amongst the parties hereto as follows:

That the plaintiffs are the owners of that certain property described in Paragraph IV of their amended complaint.

That the defendants, George Browning and Phebe Browning, his wife, are the owners of that certain property set forth in Paragraph IV of the Answer to Amended Complaint.

That the defendants, Morris Slaymaker and Thelma Slaymaker, his wife, are the owners of that certain property set forth in Paragraph VI of the Answer to Amended Complaint.

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.

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.

That said parties are entitled to, and the Court may decree to them, an interest therein based on 435 miners inches to plaintiffs 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 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 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.

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

the parties hereto.

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.

That each party shall bear his own costs herein incurred.

That a decree may be prepared, based upon the pleadings as filed herein, and in conformity with those points herein agreed upon, and that this suit may be settled, without trial, upon the bases of such decree, said decree to have been approved by counsel for each side prior to its presentation to the Court for final approval.

Dated this 21st day of May, 1954.

O. J. Healey
Myrtle Healey
PLAINTIFFS.
Ray W. Rigby
ATTORNEY FOR PLAINTIFFS.

Leo J. Browning
Charles Browning
Morse Slagmaker
Thelma Slagmaker
DEFENDANTS
Leonard C. Kingford
ATTORNEY FOR DEFENDANTS.