

numbered copy

11-7 ✓
11-95

- - - - - PLAINTIFFS - - - - -

VS.

DEFENDANTS.

SCANNED
FEB 14 2007

RECEIVED
MAY 14 1996

- - - - - D E C R E E . - - - - -

This cause was commenced on September 9th, 1901, and summons duly issued on the same day, thereafter service was duly made upon each of the defendants named in the complaint; thereafter, Gottfried Eschler, J.W. Cook, J. H. Holmes and Taylor Canal Company, named in the complaint as defendants, asked to be and the court ordered, that they should be made parties plaintiff instead of parties defendant, whereupon, Gottfried Eschler, J. W. Cook, J. H. Holmes and the following named persons, in lieu of the Taylor Brothers Canal Company, to-wit, S. B. Young, J. A. Dalton, Samuel W. Hart, Zion's Saving Bank & Trust Company, W. A. Hart, N. P. Larson, Albert Colton, John Watson and Traugott Hofer, filed their complaints and afterwards upon motion the court made an order permitting John S. Bryson, Alexander Allenback and Enoch Bagley to be made parties plaintiff and file their complaints, setting up their respective claims herein.

Thereafter, each and every of the defendants appeared and filed their answers and cross-complaints, excepting the defendant Miss Price. The defendant Miss Price having failed to appear or answer, her default was duly and regularly entered.

That John A. Bagley Esqu., appeared as counsel for the plaintiffs and Messrs Glenn & Gough appeared as counsel for the defendants; after such appearance it was stipulated by all the parties to this action through their respective counsel, in open court, that all proceedings hereinafter had, might be entitled - - (Fawcett Brothers et al Plaintiffs. - - - - vs - - - - Thomas Fork Irrigation Company et al.. Defendants.) - - with the same force and effect as if all the parties herein were named, and further, that the complaints and cross-complaints filed herein should be deemed unverified and deemed denied, with the same force and effect as if duly verified answers specially

RECORDED
MAY 14 1935

11-89

11 0088
160 Ams

(a)

A. T. PRICE Sr, 4 second feet, being 200 miners inches of water,
diverted from Muddy Creek, of date May 15th-1879.

11-90

11 0030
60

(b)

EDWARD LASHBROOK, 4 second feet, being 200 miners inches of water,
diverted from Muddy Creek, of date May 15th-1879.

11-91

11 0091
60

(c)

A. T. PRICE Jr, 2 second feet, being 100 miners inches of water,
diverted from Dry Creek, of date October 1st, 1883.

11-92

11 0092
160

(d)

DUNCAN McCLENNAN, 1/6 of the waters of Raymond Creek, of date May
15th-1880.

11-93

11 0093
160

(e)

JAMES FRANCIS, 1/6 of the waters of Raymond Creek, of date May
15th-1880.

11-94

11 0094
160

(f)

J. W. STONER, 1/6 of the waters of Raymond Creek, of date May 15th-
1880.

11-95

11 0095
160

(g)

J. W. STONER, 2/5 second feet, being 20 miners inches of water,
diverted from Thomas Fork Canal, May 15th-1880.

11-96

11 0096
160

(h)

RANSOM CONLEY, 1/9 of the waters of Raymond Creek, of date May 15-1880.

11-97

11 0097
240

(i)

A. J. EVANS, 2/9 of the waters of Raymond Creek, of date May 15th-1880.

11-98

11 0098
400

(1)

GRANT RAYMOND, 1/6 of the waters of Raymond Creek, of date May 15-1880.

1-1042

GRANT RAYMOND, 4-4/5 second feet, being 240 miners inches of water,
diverted from the Thomas Fork Irrigation Co's canal, of date
May 15th-1880.

MAY 14 1996

11-7
In the District Court of the Fifth Judicial District of
Idaho, in and for the County of Bear Lake.

A. Fawsett and John M. Fawsett, Partners, as Fawsett
Brothers, et. al.,
vs. Plaintiffs.

Thomas Fork Irrigation and Canal Company, et. al
Defendants.

List of lands belonging to parties in above suit, as appears
by pleadings in same.

(a)

A. T. PRICE, SR:-

The West 1/2 of the South-east 1/4 of Sec. 10 Town 12,
South Range 46 East Boise Meridian, containing 160 acres.

(b)

EDWARD LASHBROOK:-

The East 1/2 of the North-west 1/4 and the East 1/2 of
the South-west 1/4 of Sec. 15, Town 12, South Range 46 East of
Boise Meridian, containing 160 acres.

(c)

A. T. PRICE JR.:-

The W. 1/2 of the S.E. 1/4 and the E. 1/2 of the S.W.
1/4 of Sec. 10, T. 12, S. Range 46 E. Boise Meridian, containing
160 acres.

(d)

Duncan McClennan:-

Lots 3 and 4 of Sec. 35, Town 13, and Lots 1 and 2 Sec.
2., Town 14, South Range 46 East Boise Meridian, containing 160
acres.

(e)

JAMES FRANCIS:-

The West 1/2 of the South-west 1/4 of Sec. 2 and the
East 1/2 of the South-east 1/2 of Sec. 3, Town 14 South Range 46
East Boise Meridian, containing 160 acres.

(f)

J. W. STONER:-

The S. 1/2 of the S.W. 1/4 and the S.W. 1/4 of the S.E.
1/4 of Sec. 27, and the N.W. 1/4 of the N.E. 1/4 of Section 34,
T. 13, S.R. 46 East Boise Meridian, containing 160 acres.

MAY 14 1996

That each and every of the parties to this suit, their agents, attorneys, assigns and grantees are hereby restrained and perpetually enjoined, from in any manner interfering with the waters of Thomas Fork or the tributaries thereof being decreed, or exercising any other or greater rights with reference to said waters than as herein decreed to the said parties respectively.

That each of the parties to this suit, pay the costs and disbursements herein incurred by him.

/s/ JOSEPH C. RICH
Judge of the District Court.

Dated this 20th day of February, A.D. 1902.

We hereby waive notice of the filing of this decree being present in court when it was signed and filed this 20th day of February, 1902.

/s/ JOHN A. BAGLEY
Atty for plaintiff

/s/ GLENN & GOUGH
Attorneys for defendant

MAY 14 1902