

32164
March Creek
and tributaries
2 to 50 copies

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA.

John A. Bridger, Edward Barrett, Hyrum S. Lewis,
Jesse M. Horsley, Administratrix of the estate
of Thomas Horsley, deceased, Hudson Butler,
Joseph R. Bailey, John A. Lewis, H. W. Burgess,
Mary Y. Norton, as administratrix, Joseph
Hepworth and Cyrus Albertson, Thomas Walton J. I. Burgess,
G. W. Winterburn, Joseph Harper, W. W. Chatburn,
George A. Chatburn, John Chatburn, J. B.
Chatburn, G. B. Chatburn, and W. W. Chatburn, Wm. E. Harris
Theodore Gray, H. A. Roper, E. Lee Dewey
Ervin Dewey, Glenn M. Dewey, D. C. Loveland, H. C. Haller, T. C.
Haller, George V. Brim, S. Mahoney, J. H. Mahoney
and B. F. Mahoney, Chas. Albertson, J. H. Wolverton,
Thomas Loveland, C. D. Pierson, William M. Sears,
John W. Hymas, C. H. Roper and Hope Roper, his
wife, C. H. Roper, R. T. Story, W. M. Mahoney, W. O. Pratt,
F. J. Nye, Thomas E. Harper, Reese M. Harper, Mrs. S. E.
Gray, Christian P. Peterson, Benjamin Lambertson,
Mary Alcantar, W. R. Marshall, Fred Danner, Wm. G. Holcomb,
and Henry C. Moody.

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

3-17-10

Plaintiffs.

VS.

Hyrum Tremayne, J. W. Snodgrass, O. P.
Anderson, Mrs. Marie Burstrom, Mary
Guiles, H. Parke, Mrs. Eliza Melcher, Mrs.
Anne Hale, R. C. Parke, John Parke, L. B. Parke, E. A. Nutt,
James Phippen, Louis Camp.

Defendants.

This cause having been regularly brought on for trial and it having
been stipulated and agreed by and between the parties appearing herein that
each and all of the parties appearing in this action either as plaintiffs or
defendants, shall take water as from the same date, to wit, April 12, 1892, except
20 inches of water to be awarded to certain of said parties, to wit, R. T. Story,
et al who take from the 2nd day of April, 1892, for said amount and
for all other amounts of the said last mentioned parties to take from the
common date, April 12th, 1892. And that each and every of said parties to take
of the excess water of said Marsh creek and its tributaries enough thereof
from said flat date to give to each one inch to the acre of all the lands
held by each in excess of the land to which water has been decreed in and by
said former decrees, in said complaint mentioned making to each of said parties
and distributing to each thereof one inch of water to each acre respectively
fully owned by them including both decreed and undecreed water of said
stream.

And the Court being fully advised in the premises and both the law and
the facts therein involved;

It is therefore ORDERED, Adjudged and Decreed that

RECORDED

JUN 05 1896

SCANNED

DEC 16 2002

45 0207

1. That the Plaintiff John Bridger, be and he is hereby awarded the use of the excess, flush or undecreed waters hereinafter stated from the waters of Marsh Creek and its tributaries, in each year to wit; 250 inches to be measured under a four inch pressure at the place of diversion for the irrigation of the lands described in the findings of Fact, and said right to date from April 12th 1892.

45 0208

2. That the plaintiff Edward Barrett, be and he is hereby awarded the use of the excess, flush or undecreed waters hereinafter stated from the waters of Marsh Creek, and its tributaries, in each year to wit; 30 inches to be measured under a four inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, and said right to date from April 12th 1892.

45 0209

3. That the plaintiff Hyrum S. Lewis, be and he is hereby awarded the use of the excess, flush or undecreed water hereinafter stated from the waters of Marsh Creek, and its tributaries, in each year, to wit; 44 inches to be measured under a four inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, and said right to date from April 12th. 1892.

45 0210

4. That the plaintiff Jesse McHorsley, as administratrix of the estate of Thomas Horsley deceased, be and she is hereby awarded the use of the excess, flush or undecreed waters hereinafter stated from the waters of Marsh Creek and its tributaries, in each year to wit; 40 inches to be measured under a four inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, and said right to date from April 12th. 1892.

SCANNED

45 0211

5. That the plaintiff Hudson Butler, be and he is hereby awarded the use of the excess, flush or undecreed water hereinafter stated from the waters of Marsh Creek, and its tributaries, in each year, to wit; 92 inches measured under a four inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, and said right to date from April 12th 1892.

DEC 16 2002

45 0212

JUN 05 1996

6. That the plaintiff Joseph R. Bailey, be and he is hereby awarded the use of the excess, flush or undecreed water hereinafter stated from the waters of Marsh Creek, and its tributaries in each year to wit; 60 inches to be measured under a four inch pressure at the place of diversion for the irrigation

of the lands described in the findings of fact, and said right to date from April 12th 1892.

45 0213

7. That the plaintiff, John A. Lewis, be and he is hereby awarded the use of the excess, flush or undecreed water hereinafter stated, from the waters of Marsh Creek, and its tributaries, in each year to wit; 40 inches to be measured under a four inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, and said right to date from April 12th 1892.

45 0214

8 That the plaintiff, H.W. Burgess, be and he is hereby awarded the use of the excess, flush or undecreed water hereinafter stated from the waters of Marsh Creek, and its tributaries, in each year to-wit; 50 inches measured under a four inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, and the said right to date from April 12th 1892.

45 0215

9. That the plaintiff, Mary Y. Norton, as administratrix of the estate of A.D. Norton, deceased, be and she is hereby awarded the use of the excess, flush or undecreed water hereinafter stated from the waters of Marsh Creek, and its tributaries, in each year, to wit; 60 inches measured under a four inch pressure at the place of diversion, for the irrigation of the lands described in the findings of fact, and said right to date from April 12th. 1892.

45 0216

10. That the plaintiffs, Joseph Hepworth and Cyrus Albertson, be and they are hereby awarded the use of the excess, flush or undecreed water hereinafter stated from the waters of Marsh Creek, and its tributaries, in each year, to wit;

15 inches to be measured under a four inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, said right to date from April 12th. 1892. 45 0217

JUN 05 1896

11. That the plaintiff Thomas Walton, be and he is hereby awarded the use of the excess, flush or undecreed water hereinafter stated from the waters of Marsh Creek, and its tributaries in each year, to wit; 120 inches to be measured under a four inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, said right to date from April 12th 1892.

45 0218

SCANNED

DEC 16 2002

12. That the plaintiff, J.I. Burgess, be and he is hereby awarded the

It is further ordered, adjudged and decreed that each of the parties ^{herein} pay their respective amounts of the cost of this action.

It is further ordered, adjudged and decreed that each of the parties herein are enjoined and restrained from interfering with the waters of said stream, except ^{as to} the amounts therein hereby decreed respectfully to each of them, and that each of said parties, are to have and enjoy the respective amounts of water herein decreed to them as of the surplus water of said Creek from the dates and in the amounts and for the purposes hereinbefore set forth.

Done in open Court this 17th day of March, 1910.

Edward A. Walters.

District Judge.

Filed April 6th 1910

*Jos. J. Haigh
Clerk*

RECORDED

JUN 05 1996

SCANNED

DEC 16 2002

State of Idaho (
County of Cassia (^{ss}

I, George A. Smith, Clerk of the District Court of the Fourth
Judicial District of the State of Idaho, in and for Cassia County,
do hereby certify that the foregoing is a full, true and correct
copy of the decree in an action entitled; John A. Bridger et al Ptf's
vs Hyrum Tremayne et al, defendants,, the original of which is now
on file in my Office at Albion, Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed
the official seal of said Court, at Albion, Idaho this 26th. day
of February A.D. 1912.

Geo. A. Smith
Clerk of the District Court.

JUN 05 1996

SCANNED

DEC 16 2002