

in the District Court of the Fifth Judicial District of
the State of Idaho, in and for Bannock County.

William W. Cooper, Cora Warner,
Frank Warner, her husband, John
Hall, David Aslett, John C. Tel-
lefsen, Charles J. McGuinn,
Albert M. Boyce, L.A. Bingham,
and A. E. Stolpe, Frank C. Potter,

Filed March 10, 1902.

Plaintiffs,

vs.

Patrick Harkins,
Defendant.

This cause came on for hearing on this the 10 day of March 1902, upon the pleadings and the stipulations filed herein, T. T. Reeves and Thos. M. Terrell, appearing as counsel for the plaintiffs, and no counsel appearing for the defendant; and it appearing from said stipulation on file that the rights of all the parties have been agreed to and settled by the terms of said stipulations, the court therefore adopts said stipulations as the findings of fact as to the rights of the parties to this action as to the use of the waters of Fish Creek, in Bannock County, State of Idaho;

It is therefore adjudged and decreed that the plaintiff William W. Cooper, since the first day of March, 1889, has been and now is the owner, in the possession and entitled to the possession of the tract of land described in the complaint and containing 198 acres more or less, situated in Bannock County, State of Idaho:

That the said William W. Cooper is entitled to divert and use of the waters of Fish Creek on said land, One Hundred inches, or two cubic feet per second of time, said right to date from the first day of March, 1889;

And that the said William W. Cooper is further entitled to divert and use of the waters of said Fish Creek on said land, Sixty inches, said right to date from the 1st day of March, 1889;

It is further adjudged and decreed that all the lands of the several plaintiffs and the defendant are situated along or near the said stream known as Fish Creek, in said Bannock County, and are susceptible to irrigation from said stream; and there is no other available supply of water for use upon said lands or used thereon; and all of said land is said in character and requires the use of water thereon in order to successfully or profitably raise and produce agricultural crops thereon;

That the waters herein mentioned shall be measured as follows: By means of a box, constructed of lumber, the same to be at least eight feet and three inches long, to be placed at the point of diversion, said box to have a fall of one-fourth of an inch to each eight feet and three inches of box in length, said fall to furnish the pressure for the flow of said water; that the water be allowed to flow through said box not to exceed six inches in depth at the head of said box, and the measurement shall be made at the head of said box.

It is further ordered, adjudged and decreed that each and every of the plaintiffs and the defendant, their agents, servants, or employees, and their successors in interest, be and they and each of them are hereby perpetually enjoined and restrained from in any manner interfering with the free flow of the waters of said Fish Creek, except as herein adjudged and decreed to the respective parties hereto, and in the order of their several priorities.

Done in open District Court on this the 10th day of March, 1902.

Joseph C. Rich.

Judge of said District Court.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF BAUNOCK.

Wm W. Cooper et al
Plaintiff.

Patrick Barkins,
Defendant.

I, the undersigned, Clerk of the District Court of the Fifth Judicial District of said State, in and for said County, do hereby certify the foregoing to be a true copy of the Judgment entered in the above entitled action, and recorded in Judgment Book 2. of said Court, at page 312; and I further certify that the foregoing papers, hereto annexed, constitute the Judgment Roll in said action.

Witness my hand and the seal of said District Court, this 10th day of March, A.D. 1902.

J. S. Campbell
Clerk.