

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR CUSTER COUNTY.

Lorenzo Falls, and Edward O'Neil,
partners doing business under the
firm name and style of Falls & O'Neil;
Wood Live Stock Company Limited, a
Corporation, and James Hooper,

Plaintiffs

vs

Uriah Wells, Frank A. Tolman, W. B.
Wells, Leah Reese, Hannah C. Reese,
Elmer D. Reese, James Wells, J. C.
Ross, Henry Bates, Sidney J. Roberts,
Eugene F. McJilton, Ed Popejoy, W. J.
Thorpe, R. L. Jones, Elizabeth Baralow,
John Z White, W. J. Knight, A. E. Knight,
Henry Davis, Thomas Davis, W. B. Drake,
George Sylvey, William Kirkwood, Reed
Vanderwoort, Mrs. A. J. Beach, Ed Hunter,
Edith Matley, Chas. Matley, Elizabeth Wells,
Mason Allen, Lynn D. Finch, Merritt Cun-
ningham, John F. Cunningham, Andrew C.
Porter, Laura Miller, Lucina Cochran, Rose
Wood, Jane Hawley, Martha Beach, Charles
Graves, Mrs. R. L. Jones, Lucy M. Wells,
Richard Blackburn, C. E. Wells, et al.,

Defendants.

D E C R E E.

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Department of Reclamation

This cause came on regularly for trial before Hon. G. F. Hans-
brough, sitting as special Judge, who by consent of all the parties
to this action, and by order of the Court was appointed special Judge
to try the same, and the same coming on regularly for trial before
the said special Judge sitting without a jury, on the 18th day of June,
1909, at May, Idaho, Clark & Budge and John W. Jones, Esq., appearing
as counsel for the plaintiffs, and W. H. Holden, F. J. Cowen, W. J.
Lamme, George E. Keyes, L. E. Glennon, and each of them appearing for
certain defendants; the defaults of the non-answering defendants having
been duly ordered. The evidence of the witnesses sworn and examined
and cross-examined by and on behalf of the respective parties having been
duly taken, and the documentary evidence having been duly admitted and
filed in said cause, and after argument of counsel, the case having
been closed and submitted to the Court and the Court having taken the
same under advisement and later having heard the argument thereon and
having fully considered the matter and being fully advised in the pre-
mises, makes and files its findings of fact and conclusions of law and
directs judgment to be entered in accordance therewith.

Whereupon, it is ordered, adjudged and decreed as follows:

I.

That the Creeks named and mentioned in the Findings herein are all
tributaries of Pahsimeroi River, a number of them flowing very little
or no water into said Pahsimeroi River in the ordinary water season
of the year.

II.

That each and every of the tracts of land described in the complaint,
complaints in intervention, answers and cross-complaints in this action

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southeast quarter of the northwest quarter, and the northeast quarter of the southwest quarter, and the northwest quarter of the southeast quarter of Section 19, Township 13 North of Range 23, East Boise Meridian in the State of Idaho.

73 0150 ✓

Wood Live Stock Company, a corporation, from Pahsimeroi River, 480 inches or 9 6/10 cubic feet per second of time from JULY 1, 1897, appurtenant to Lots 3 and 4 and the southeast quarter of the southwest quarter, and the southwest quarter of the southeast quarter of Section 19, and the northeast quarter of the northwest quarter and the northeast quarter of Section 20, and the south half of the northwest quarter, and the north half of the southwest quarter, and the west half of the southeast quarter, and the southeast quarter of the southeast quarter of Section 29; and the southeast quarter of the northeast quarter of the northeast quarter of the southeast quarter of Section 33; and the northeast quarter of the southeast quarter of Section 34, in Township 13 North, Range 23 East of Boise Meridian, in the State of Idaho.

The same to be diverted through what is known as the upper Ditch which heads on the southeast quarter of the northeast quarter of Section 18, Township 11 North, Range 24 East of Boise Meridian.

73 0151 ✓

Wood Live Stock Company, a corporation, from Pahsimeroi River 160 inches or 3 2/10 cubic feet per second of time from JULY 1, 1897, appurtenant to the west half of the southeast quarter of Section 27, and the east half of the southeast quarter of Section 28, Township 13 North, Range 23 East Boise Meridian, in the State of Idaho.

73 0152 ✓

Lorenzo Falls, from Pahsimeroi River 520 inches or 10 4/10 cubic feet per second of time from MAY 1, 1886, appurtenant to the west half of the southwest quarter of Section 23, and the southeast quarter of the northeast quarter, the west half of the northeast quarter, and the southwest

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finetly fixed by this decree, the points of diversion and measurement of the several parties to this action shall be the point where the water was diverted by the said several parties on the 18th day of JUNE, 1909, the time of trial of this action.

IX.

It is further adjudged and decreed that each of the parties to this action shall pay his or her proportionate share of all the costs of this action.

X.

That each and every of the parties to this suit plaintiff and defendant, their agents, servants, attorneys and employees and each and every and all persons acting in and for any of the parties to this suit are hereby, forever restrained from in any manner interfering with or diverting or using the waters of Pahsimeroi River or its tributaries or creeks, and springs herein mentioned, except in accordance with the terms and provisions of this decree.

Done dated and signed this 1st day of April, 1910.

G. F. HANSBROUGH
Special Judge.

(Endorsed) Filed April 6, 1910. Entered April 6, 1910.

C. M. HENDERSON, Clerk

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