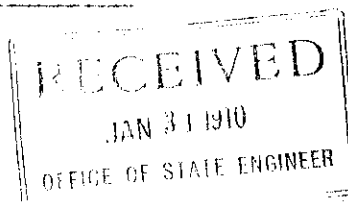


In the District Court of the Fourth Judicial District
of the
State of Idaho, in and for the County of Lincoln.



S. C. Frost, et al.,

Plaintiffs,

vs.

Alturas Water Company, et al.,

Defendants.

DECREE.

This cause coming on to be heard this 6th day of October,
1909, upon the Report of F. J. Cowen, Referee heretofore appointed for
the purpose of taking the testimony and making recommendations as to Find-
ings of Fact, Conclusions of Law and Decree, to be entered herein, and the
said F. J. Cowen having filed his Report of the testimony taken, and his
recommendations as to Findings of Fact, Conclusions of Law, which have
heretofore been adopted, and the respective plaintiffs and defendants and
cross-complainants appearing herein by their respective counsel, and the
court being fully informed and advised in the premises, and having ordered
that judgment be entered in accordance with the Report and recommenda-
tions of the said Referee, Wherefore, by reason of the law and the Report
and Findings of Fact and Conclusions of Law aforesaid,

It is Ordered, Adjudged and Decreed, that the several parties, plain-
tiffs and defendants herein named, receive judgment respectively for

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✓ Allen, Calvin S.	120 inches.	276	Aug. 6, 1902.	Big Wood River.
✓ Allred, George	225	"	402 May 23, 1885.	" " " TRANS # 1946
✓ " "	100	"	120 June 15, 1886.	" " " TRANS # 1946
✓ Alturas Water Co.	100	"	24 Mch. 24, 1883.	" " " (From Riley ditch.)
Anderson, Harry W. ?				Big Cottonwood Canal Company shares. ✓
✓ Angel, Mary E.	100	"	51 June 1, 1883.	Big Wood River.
Arnold, Castro S.	90	"	103 June 1, 1885.	Chimney Creek.
" " "	70	"	424 June 1, 1889.	" "
✓ Arthur, Edward B. and John B.	100	"	45 May 15, 1883.	Little Wood River.
✓ Ashton, Edward	42	"	140 July 1, 1887.	Big Wood River.
Babbington, Charles	90	"	42 June 1, 1882.	Corral Creek. 773
Babbington, Thomas	50	"	136 June 1, 1887.	" " 774
✓ Baldwin, Theodore	320	"	201 Apr. 23, 1906.	Big Wood River.
Ballard, Elmer	60	"	474 May 1, 1890.	Soldier Creek. °
Ballard, Nancy P.	75	"	143 Nov. 8, 1887.	" "
Ballard, Philip	100	"	91 Aug. 4, 1884.	" " ✓
✓ Bannon, Lawrence J.	15	"	182 June 1, 1891.	Big Wood River.
✓ Bannon, Miles F.	60	"	736 June 1, 1887.	" " "
✓ " " "	130	"	159 June 1, 1891.	" " "
✓ Bannon, Peter	100	"	451 June 1, 1891.	" " "
✓ Barnett, Fred.	80	"	323 Aug. 2, 1909.	" " "
✓ Barnett, James	150	"	224 July 1, 1896.	" " "
✓ <u>Barnett, William</u>	110	"	323 Aug. 2, 1909.	" " "
✓ Barnum, Guy C.	300	"	120 Oct. 31, 1889.	" " "
✓ Barry, Martin	200	"	131 May 1, 1887.	" " "
✓ Baugh, W. H.	210	"	34 Apr. 1, 1883.	Little Wood River.
✓ Baxter, John L.	136	"	59 June 27, 1883.	Soldier Creek. ✓
✓ Bellinger, Merritt	100	"	484 May 15, 1891.	Big Wood River.
✓ Bergin, Joseph D.	130	"	444 June 15, 1885.	" " "

spectively awarded such use in the various actions and decrees to which they are parties, respectively; but that this right shall not be construed to be a double appropriation of the waters of said streams, and wherein the said parties are reawarded such amounts in this decree, they and their successors in interest, respectively, shall be entitled to the use of only one of such rights, to-wit: either the right named in said decrees, or the right otherwise awarded in this decree.

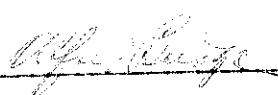
It appearing to the court herein that the necessary costs, expenses and disbursements incurred in connection with the taking of the testimony in this action, and in the preparation and filing of the decree herein, together with the necessary costs and expenses of the distribution of the waters of said stream for the season of 1909, amount to the sum of approximately \$2700.00, in addition to the amounts heretofore paid by the respective parties to this action, and that there is filed herewith a tabulated statement apportioning such costs as near as may be among the various claimants and decreed rights in this action,

It is Therefore Further Ordered, that the various parties, plaintiffs and defendants herein, pay to the Clerk of this court the respective amounts set opposite their names in the said statement, for which execution may issue herein.

And it is Further Ordered, that none of the parties hereto, or their successors in interest, shall be entitled to the use of any water under the terms of this decree until the respective amounts as assessed in said statement shall be paid into court.

And it is Further Ordered, that each party hereto shall pay his own necessary costs for witnesses and other individual expenses.

Dated at Pocatello, Idaho, December 13th, 1909.



Presiding Judge.