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73-E

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

\_\_\_\_\_  
ROSCOE HAMILTON, et al,       )  
                                Plaintiffs )

-vs-

W. G. SWENDSEN, Commissioner )  
of Reclamation, et al,       )  
                                Defendant. )  
\_\_\_\_\_

D E C R E E

This cause came on regularly for trial before Honorable James H. Anderson, sitting as a Referee, who by consent of all the parties to this action, and by order of the Court, was appointed Referee to try the same, and report his recommendations to the court, and the said Referee sitting without a jury, on the 12th day of August, 1924, at Challis, Challis, Custer County, State of Idaho and the plaintiffs and defendants appearing by their respective attorneys, and the default of the non-answering defendants having been duly entered and the parties hereto, by stipulation, being duly filed with the Court, having agreed upon a decree and the matter having been presented to the Referee for his findings and recommendations thereon and the findings and recommendations of the Referee, and a further stipulation having been entered into under date of November 2, 1925, and filed herein permitting Minnie W. Kerr to file her complaint in intervention and that the decree heretofore reported and recommended by the Referee be amended by adding thereto and including therein the rights said Minnie W. Kerr as claimed in her complaint in intervention, and the same having been fully considered by the court, and the court being fully advised in the premises finds that the decree should be entered in accordance with the stipulation on file herein.

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73 0088✓ IOIS P. REED, 2.3 cubic feet per second of time through the Reed & Bartlett Ditch from the Pahsimeroi River with date of priority November 5, 1889, and 1.6 cubic feet per second of time from the Pahsimeroi River with date of priority November 5, 1889, through the Murphy ditch appurtenant to the NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ , Section 34, W $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , Section 35, T. 15 N., R. 21 E. B. M.

73 0090✓ ODELI D. BARTLETT 2.5 cubic feet per second of time of the waters of Pahsimeroi River through the Reed and Bartlett Ditch with date of priority April 18, 1888, Appurtenant to the W $\frac{1}{2}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , Section 34, T. 15 N., R. 21 E. B. M.

73 0091✓ IOIS P. REED, 1.4 cubic feet per second of time of the waters of Warm Spring with date of priority November 5, 1885, appurtenant to the E $\frac{1}{2}$ SE $\frac{1}{4}$ , Section 34, T. 15 N., R. 21 E. B. M. through the Reed Ditch.

73 0092✓ I. R. WILSON and F. D. KEARNS from Spring Creek 3.2 cubic feet per second of time with date of priority March 24, 1891, appurtenant to the W $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 21, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 16, all in T. 15 N., R. 21 E. B. M. through the Halloran Ditch.

73 0093✓ JOHN S. NORMAN, cross-complainant, 2 cubic feet per second of time of the waters of Pahsimeroi River, with date of priority April 16, 1900, appurtenant to the SE $\frac{1}{4}$  Section 27, T. 15 N., R. 21 E. B. M., to be diverted through the Short Ditch.

73 0094✓ E. D. BROWN, defendant, 4 cubic feet per second of time of the waters of Big Spring Creek with date of priority March 24, 1891, appurtenant to the SE $\frac{1}{4}$  Section 8, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 17, T. 15 N., R. 21 E. B. M., to be diverted through the Halloran Ditch.

73 0095✓ E. D. BROWN, defendant, 4.8 cubic feet per second of time from Big Spring Creek with date of priority July 27, 1900, appurtenant to NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 9, NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$  Section 16, T. 15, N. R. 21 E. B. M., to be diverted through the Hardscrabble Ditch.

73 0096✓ W. L. DOEYTON, from Pahsimeroi River, 3.2 cubic feet per second of time with date of priority May 10, 1901; diverted as follows, 1.8 cubic feet per second of time through the Ellis and 1.4 cubic feet per second time through Murphey Ditch; also .8 cubic feet per second of time with date of priority April 5, 1919, through the Murphy Ditch, and .5 cubic feet per second of time from Dewton Springs through drive ditch, appurtenant to NW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 21, T. 15 N., R. 21 E. B. M.

73 0098✓ GEORGE HAMMOND 3.2 cubic feet per second of time of the waters of Spring Creek to date from October 30, 1902, appurtenant to the E $\frac{1}{2}$ NE $\frac{1}{4}$ , Section 21, W $\frac{1}{2}$ NW $\frac{1}{4}$ , Section 22, T. 15 N. R. 21 E. B. M., through the Cotter Ditch, and two other ditches.

73 0099✓ I. R. WILSON, 5.1 cubic feet per second of time of the waters of Mud Springs Creek and Pahsimeroi River to date from April 14, 1885; said 255 inches to be diverted from Mud Springs, and in so far as the same is in Mud Springs, and balance from Pahsimeroi River to be diverted as follows; 4 second feet through the Ellis Ditch, and 1.1 cubic feet per second of time through the Murphy Ditch; 2.9 cubic feet per second of time of the waters of Pahsimeroi River to date from June 11, 1901 to be diverted through the Murphy Ditch, all of said water being appurtenant to the NE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , Section 21, W $\frac{1}{2}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , Section 22, N $\frac{1}{2}$ SW $\frac{1}{4}$  Section 27, E $\frac{1}{2}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ , Section 21, all in T. 15 N., R. 21 E. B. M.

73 0100

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Dated this 17th day of February, 1926.

Ralph W. Adair

District Judge

STATE OF IDAHO, )  
                  : ss.  
County of Custer,)

This instrument was filed for record at the request of  
Judge Ralph W. Adair at 1 o'clock P. M. Feb. 19, 1926.

Emmett Donahue

Ex-Officio Recorder

By John Boyd

Deputy

(Recorded in book 3 of Judgments at pages 114-122)

SCANNED  
AUG 07 2004

RECORDED  
JUL 30 1996