

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.

SCANNED

AUG 03 2006

JUL 30 1926

Trans #
2782

73 0076

ALVIN M. ELLIS, .4 cubic feet per second of time from Duck Spring and Spring Creek, with date of priority April 1, 1912, appurtenant to the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, T. 15 N., R. 21 E. B. M., through the Ellis Ditch.

73 0077

A, B SAMUEL ATKINSON, 1.6 cubic feet per second of time of the waters of Spring Creek and Duck Springs, and 1. cubic feet per second of time of the flow of the waters of Pahsimeroi River and Mud Spring Creek, with date of priority April 1, 1912, appurtenant to the SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 8, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, T. 15 N., R. 21 E. B. M., said water to be conveyed through the Ellis Ditch.

73 0078

JOHN JOHNSON, Intervenor, 2.1 cubic feet per second of time from Pahsimeroi River and Big Springs Creek with date of Priority April 30, 1904, appurtenant to the NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 27, T. 15 N., R. 21 E. B. M., said waters to be diverted through the Johnson Ditch.

73 0079

JOHN JOHNSON, 3.2 cubic feet per second of time from Lawson Creek with date of priority June 20, 1917, the same being all of the flow of the waters of said Lawson Creek, appurtenant to the SW $\frac{1}{4}$ Section 27, T. 15 N., R. 21 E. B. M., to be diverted through the Johnson Ditch.

73 0080

J. D. BROWN, Intervenor, 3 cubic feet per second of time of the waters of Big Springs Creek, with date of priority April 25, 1904, appurtenant to Lot 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Section 1, T. 14, N., R. 21 E. B. M., to be diverted through the J. D. Brown Ditch.

73 0081

T. G. MONTGOMERY-Intervenor, 4 cubic feet per second of time of the waters of the Pahsimeroi River and from Springs located on and near the Southeast quarter of Section 8, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, and the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 9, T. 15 N., R. 21 E. B. M., to be diverted through the T. G. Montgomery Ditches, appurtenant to the S $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, lot 7, Section 6, T. 15 N., R. 21 E. B. M., with date of priority May 4, 1904.

73 0082

MINOR A. BROWN-Intervenor, 2.4 cubic feet per second of time of the waters of (Pahsimeroi River) with date of priority March 13, 1900, appurtenant to the SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 8, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, T. 14, N. R. 22 E. B. M., to be diverted through the Minor A. Brown Ditch.

73 0083

MINOR A. BROWN, Intervenor, .8 cubic feet per second of time of the waters from the Southwest fork of Big Springs Creek with date of priority July 14, 1917, appurtenant to SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 6, T. 14 N., R. 23 E. B. M., through the Minor A. Brown ditch.

73 0084

MINOR A. BROWN, 4 cubic feet per second, of time of the waters of O'Neil, or Spring Creek, with date of priority July 27, 1900, appurtenant to Lot 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 5, T. 15 N., R. 21 E. B. M., to be diverted through the Hardscrabble Ditch.

73 0085

MATILDA HOOPER - 1.6 cubic feet per second of time of the waters of Spring Creek, with date of priority May 25, 1901, appurtenant to Lots 3 and 4, Section 1, T. 14 N., R. 21 E. B. M., through the Hooper Ditch.

73 0086

ALEXANDER McDONALD, CATHERINE FRASER, and MARY ROBERTSON- 3.2 cubic feet per second of time, with date of priority February 4, 1910, through the Murphy Ditch; 1.6 cubic feet per second of time to be diverted to and through the Ellis Ditch; and 7.2

73 0087

cubic feet per second of time with date of priority May 1, 1900 through McDonald private ditch, all of the same being appurtenant to the E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, T. 15 N., R. 21 E. B. M.

Murphy D - Pahsimeroi

SCANNED
AUG 03 2004

RECEIVED

JUL 30 1906

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 03 2004

RECORDED

JUL 30 1996