

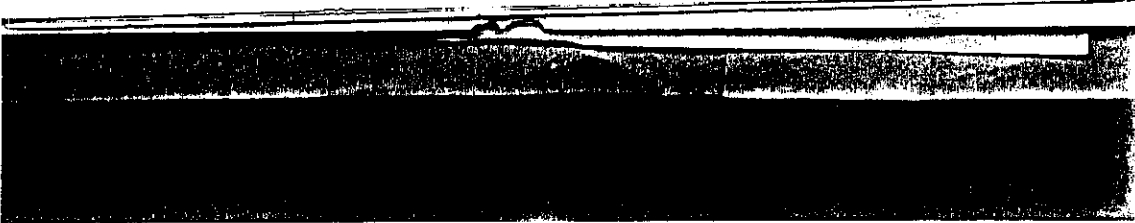
on

This cause was commenced on September 10th-1901, by E. Strong, plaintiff, vs Montpelier Irrigation Company, a corporation defendant; summons was duly issued on the same day and thereafter service was made upon defendant, the Montpelier Irrigation Company, which appeared by its attorney, John A. Bagley Esq, and filed its answer and cross complaint, thereafter the court ordered that Joseph Bagley, John Jewett, T. M. Mumford and J. W. Mumford, partners as "Mumford Brothers," Rudolph Ashliman, Miles J. Weaver, Gilbert Weaver, Gettfried Teuscher and Frank Jones, be made parties defendant, and, thereupon said parties appeared by their attorney, John A. Bagley, and filed their answers and cross-complaints, afterwards and upon motion duly made, the court, by proper order, duly entered, permitted R. Livingston and Sidney Stevens to appear as and be made parties plaintiff in this action and they each filed their complaints setting up their claims to the subject matter of this action.

That Messrs Glenn & Gough appeared as counsel for the plaintiffs and John A. Bagley, appeared as counsel for the defendants and after this appearance it was stipulated by all the parties to this action through their respective counsel, in open court, that all proceedings hereinafter had, might be entitled (E.Strong, plaintiff// vs Montpelier Irrigation Company et al.defendants.) with the same force and effect as if all the parties herein were named, and further, that the complaints and cross-complaints filed herein should be deemed unverified and deemed denied, with the same force and effect as if duly verified answers, specially denying all the allegations therein contained were duly filed.

Thereafter, on the 3d, day of February, 1902, by agreement of the respective counsel for all the parties and for their convenience

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E. STRONG, 32/50 second feet, being 32 miners inches of water,

measured under a four inch pressure of the waters of Montpelier Creek
of date June 1st-1869.

(b)

R. LIVINGSTON, 1-1/5 second feet, being 60 miners inches of water,

measured under a four inch pressure of the waters of Montpelier Creek,
of date June 1st-1865.

(c)

MONTPELIER IRRIGATION COMPANY, 28-2/5 second feet, being 1420 miners
inches measured under a four inch pressure of the waters of Montpelier
Creek, of date June 1st-1864.

MONTPELIER IRRIGATION COMPANY, 1-41/60 second feet, being 91 miners
inches, measured under a four inch pressure of the waters of Montpelier
Creek, of date June 1st-1868.

MONTPELIER IRRIGATION COMPANY, 6-4/25 second feet, being 353 miners
inches, measured under a four inch pressure of the water of Mont-
pelier Creek, of date June 1st-1869.

MONTPELIER IRRIGATION CO., 16-18/50 second feet, being 818 miners
inches measured under a four inch pressure of the waters of Mont-
pelier Creek, of date June 1st-1871.

MONTPELIER IRRIGATION CO., 8-second feet, being 300 miners inches
measured under a four inch pressure of the waters of Montpelier
creek, of date June 1st-1873.

MONTPELIER IRRIGATION CO., 1-1/5 second feet, being 60 miners inches
measured under a four inch pressure of the waters of Montpelier Creek,
of date June 1st-1879.

MONTPELIER IRRIGATION CO., 3-1/5 second feet, being 180 miners inches
measured under a four inch pressure of the waters of Montpelier
Creek, of date June 1st-1882.

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1-1021
ans.
2118 MONTPELIER IRRIGATION CO., $4/5$ second feet, being 40 miners inches
measured under a four inch pressure of the waters of Montpelier
Cree, of date June 1st-1883.

1-1022
2118 MONTPELIER IRRIGATION CO., 1 second foot, being 50 miners inches
measured under a four inch pressure of the waters of Montpelier
Creek, of date November 1st-1891.

-1023
2118 MONTPELIER IRRIGATION CO., $12/50$ second feet, being 12 miners inches
measured under a four inch pressure of the water of Montpelier
Creek, of date July 7th-1892.

1-1024
2118 MONTPELIER IRRIGATION CO., $1/2$ second foot, being 25 miners inches
measured under a four inch pressure of the waters of Montpelier
Creek, of date August 8th-1885.

-1025
2118 MONTPELIER IRRIGATION CO., $21/50$ second feet, being 21 miners inches
measured under a four inch pressure of the waters of Montpelier
Creek, of date June 1st-1887.

1-1026
2118 MONTPELIER IRRIGATION CO., $3-23/50$ second feet, being 173 miners
inches measured under a four inch pressure of the water of
Montpelier of date June 1st-1891.

(d)

1-1027
2118 FRANK JONES, $1-4/5$ second feet, being 90 miners inches measured under
a four inch pressure of the water of Montpelier Creek, of date
June 1st-1864.

-1028
2118 FRANK JONES, $3/5$ second feet, being 30 miners inches measured under
a four inch pressure of the waters of Montpelier Creek of date
June 1st-1871.

(e)

1-1029
2118 JOSEPH BAGLEY, 2 second feet, being 100 miners inches measured under
a four inch pressure of the waters of Montpelier Creek, of date
June 1st-1869.

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(f)

70" as amended by Court
May 26-1902

1-1030

ans 2118 JOHN JEWETT, 35/50 second feet, being (35) miners inches measured under a four inch pressure of the waters of Montpelier Creek, of date June 1st-1889.

(g)

1-1031

ans 2118 MUMFORD BROTHERS, 35/50 second feet, being 35 miners inches measured under a four inch pressure of the waters of Montpelier Creek, of date June 1st-1889.

1-1032

ans 2118 MUMFORD BROTHERS, 1/2 second foot, being 25 miners inches measured under a four inch pressure of the waters of Montpelier Creek, of date June 1st-1889.

1-1033

ans 2118 MUMFORD BROS. 6-2/5 second feet, being 270 miners inches measured under a four inch pressure of the waters of Montpelier Creek, of date June 1st-1885.

1-1034

ans 2118 MUMFORD BROS., 3/5 second foot, being 30 miners inches measured under a four inch pressure of the waters of Montpelier Creek, of date June 1st-1897.

1-1035

ans 2118 MUMFORD BROS., 2-35/50 second feet, being 135 miners inches, measured under a four inch pressure of the waters of Montpelier Creek, of date June 1st-1885.

(h)

1-1036

ans 2118 RUDOLPH ASHLIMAN, 12/50 second feet, being 12 miners inches measured under a four inch pressure of the water of Montpelier Creek, of date June 1st-1895.

(i)

1-1037

ans 2118 MILES WEAVER, 2-2/5 second feet, being 120 miners inches, measured under a four inch pressure of the waters of Montpelier Creek, of date May 20th-1873.

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(j)

1-1038

21/18 GILBERT WEAVER, 1-2/50 second feet, being 52 miners inches, measured under a four inch pressure of the waters of Montpelier Creek, of date April 1st-1884.

(k)

1-1039

21/18 GOTTFRIED TEUSCHER, 2/5 second feet, being 20 miner inches at measured under a four inch pressure of the waters of Montpelier Creek, of date May 1st-1895.

(l)

11-1040

21/18 FRANK JONES, 3 second feet, being 150 miners inches, measured under a four inch pressure of the waters of Montpelier Creek, of date April 23d-1886.

(m)

11-1041

21/18 SIDNEY STEVENS, 1-1/10 second feet, being 55 miners inches, measured under a four inch pressure of the waters of Montpelier Creek, of date, June 1st-1890.

That the said several amounts of water above decreed be measured and distributed to the said parties at their several points of diversion, from the natural channel of Montpelier Creek and its tributaries thereof.

That each of the said parties to this suit construct and maintain at their several points of diversion respectively, substantial and uniform boxes, headgates and weirs for the measurement of their said water.

It is further ordered, adjudged and decreed that none of the parties hereto, or their successors in interest, shall have the right to the use of the waters of said Montpelier Creek herein awarded except for beneficial uses and purposes, and, that whenever the beneficial use has ceased such party or parties shall turn the water of

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