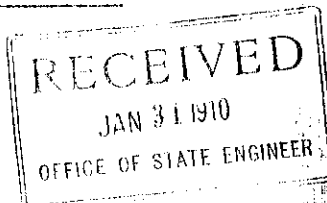


In the District Court of the Fourth Judicial District
of the
State of Idaho, in and for the County of Lincoln.



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, **SCANNED**
plaintiffs and defendants herein named, do have judgment respectively for **MAR 20 2003**

JUN 14 1996

MICROFILM

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ~~GOODING~~ ^{LINCOLN}

01-21-1946
ORDER CORRECTING ERROR

S.C.FRCST, et al.,
Plaintiffs,
-VS-
ALTURAS WATER COMPANY, et al.,
Defendants.

ORDER AMENDING AND CORRECTING
FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND DECREE.

The petition of Lloyd Stewart, the successor in interest of the defendant Charles A. Jones, to amend and correct the findings of fact, conclusions of decree in the above entitled action, came on to be heard before D. H. Sutphen the above court at chambers at Gooding, Idaho on the 21st day of January, 1946, petitioner appearing in person and by his attorneys, James, Shaw & James, an being submitted to the court upon all the records and files in the above case certain oral testimony, and it appearing therefrom that there are certain clerical and mistakes in the findings of fact, conclusions of law, and decree in the entitled action as alleged and set forth in said petition, and the court being advised in the premises.

NOW, THEREFORE, is hereby ordered that the findings of fact and conclusions of law entered in the above entitled case on the 13th day of December, 1909, by same are hereby amended and corrected in the following particulars, to wit:

That on page 114 of the findings of fact and conclusions of law as the same now appears in Book A of judgments, Page 101, transcribed records of Gooding County, Idaho, the words and figures as follows:

Jones, Charles A., SE $\frac{1}{4}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$, and NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 26, Township 5 South, Range 14 E.B.M., contain 160 acres.

Being amended and corrected to read as follows:

Jones, Charles A., SE $\frac{1}{4}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$, and NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 26, Township 5 South, Range 14 E.B.M., contain 160 acres.

It is further ordered by the court that said findings of fact, conclusions and decree are hereby corrected as of the date that they were made and rendered about December 13, 1909.

Given under my hand this 21st day of January, 1946.

SCANNED

MAR 20 2003

D.H. SUTPHEN
DISTRICT JUDGE

131/264
Filed Jan. 22, 1946
Ruth K. Kelley, Clerk

JUN 04 1996

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Decree
Big Wood River
205-B.

Note:- Findings of Fact
have been with S. H.
Chapman since 11/13/191

37	0326	Hunter, John W.	20 inches.	Nov. 1, 1882.	Little Wood River.
37	0327	" "	110 "	May 15, 1884.	" " "
37	0328	" "	30 "	Apr. 1, 1885.	" " "
37	0329	" "	100 "	May 15, 1886.	" " "
37	0330	" "			(Also shares in Big Cottonwood Canal Co.)
37	0331	Idaho Electric Supply Company	14000 "	June 1, 1889.	Big Wood River. (For power purposes.)
37	0332	Idaho Consolidated Mines Company	50 "	July 1, 1887.	Big Wood River.
37	0333	Iden, C. H.	80 "	Nov. 1, 1889.	Silver Creek.
37	0334	Ifland, Adam	300 "	June 30, 1884.	Big Wood River. #589-721
		Ifland, Adam, and Fred. W. Fator			(See Fator, Fred. W., and Adam-Ifland.)
37	0335	Ivers, Thomas C.	150 "	May 15, 1882.	Big Wood River.
37	0336	" "	50 "	May 15, 1895.	" " "
37	0337	Ivie, A. S.	260 "	June 1, 1887.	East Fork of Big Wood River.
37	0338	Ivie, John A.	105 "	May 1, 1900.	Big Wood River.
37	0339	Jeffers, Benjamin F.	150 "	May 1, 1888.	Soldier Creek.
37	0340	" "	75 "	May 9, 1901.	" " "
37	0341	Jenkins, Mrs. Emily	25 "	May 29, 1883.	" " "
37	0342	" "	75 "	Nov. 20, 1883.	" " "
37	0343	Johnson, Andrew	240 "	May 1, 1889.	Dyer Creek, a tributary of Upper Malad.
37	0344	Johnson, C. P.	230 "	Apr. 6, 1883.	Little Wood River.
37	0345	" "	60 "	Apr. 1, 1887.	" " "
		" "			(Also shares in Big Cottonwood Canal Co.)
37	0346	Johnson, George F.	150 "	June 15, 1886.	Soldier Creek.
37	0347	" "	10 "	June 1, 1892.	" " "
37	0348	Johnson, H. P.	40 "	Apr. 1, 1888.	Mallett Branch of Silver Creek.
37	0349	" "	80 "	Apr. 1, 1890.	Mallett Branch of Silver Creek.

16-387
32774 End of -14- Sub 3

SCANNED
MAR 20 2013

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.

Alfred B. [Signature]

Presiding Judge.

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State of Idaho , :
County of Lincoln. : ss.

I, Harry W. Anderson, Clerk of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Lincoln, do hereby certify that the foregoing is a true and correct copy of the original DECREE in the water case entitled "S.C. Frost, et al., Plaintiffs vs. Alturas Water Company, et al., Defendants," as filed by me on December 17, 1909, and recorded in book one Civil Judgement Record at page 159 and now on file in my office.

Given under my hand and the seal of said Court, this seventeenth day of December, A.D. 1909

Harry W. Anderson
Clerk



JUN 04 1996

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MAR 20 2003