

1.

That the defendants George A. Day, Charles Johnston, Mrs. Charles Johnston, Eva Fairchild, Julius B. Fairchild, James P. Okleberry, Charles Smith, Peter I. Rock, Lowell B. Wilson, Ray Karlson, George Bunn, Eugene Emery Jr., and George C. Carson, having been duly served with Summons in this cause, and the time for answering or pleading to the complaint herein having expired, and no appearance having been entered or made herein by said defendants, the default of said defendants for failing to appear and answer herein is hereby entered, and the said defendants have not, nor has any of them, any right, title or interest in or to the water of Goose Creek or any of its tributaries, or any right to the use thereof.

2.

That Goose Creek is an interstate stream, having its source in the State of Idaho, with a number of small tributaries, some of which have their source in the State of Idaho and others in the States of Utah and Nevada; that said tributaries empty into Goose Creek above plaintiff's reservoir and point of diversions hereinafter described.

3.

OAKLEY CANAL COMPANY

That subject to such rights as are hereinafter decreed to the defendants herein, plaintiff is the owner of those certain water rights and water appropriations which were adjudged and decreed as owned and held by the parties herein-after named, by the decree of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Cassia, in a certain action in said Court, wherein one, Mary H. Botzet was plaintiff, and George Chapin and others, were defendants, which decree bears date of the 19th day of March, 1892, and was filed for and entered of record in the office of the Clerk of said Court on the 9th day of April, 1892, and by which said decree the said District Court decreed and established the following rights and priorities now owned and held by plaintiff as aforesaid, to-wit:

<u>Date of Priority</u>	<u>Name of party to whom water right was Decreed.</u>	<u>Number of Inches Awarded, or/</u>	<u>Cubic Feet per second</u>
April 1, 1875	H. D. Haight	160	3.2
April 1, 1876	George Chapin	320	6.4
March 1, 1877	S. R. Worthington	80	1.6
March 1, 1877	S. R. Worthington	70	1.4
March 1, 1877	F. M. Cummins	75	1.5
March 1, 1877	H. H. Sever	115	2.3
Mar. 31, 1877	Henry Adamson	100	2.
July 1, 1877	J. F. Tatro	170	3.4
May 31, 1878	Mary H. Gillespie	80	1.6

Tract 20" JUN 11 1892

The East half of the Northwest Quarter ($E\frac{1}{2}NW\frac{1}{4}$)
The East half of the Southwest Quarter ($E\frac{1}{2}SW\frac{1}{4}$)
The East half ($E\frac{1}{2}$) of Section twenty-seven (27)
in Township sixteen (16) South, Range twenty-one
(21) East of the Boise Meridian.

Also Lot numbered One (1), and the Northeast
quarter of the Southeast quarter ($NE\frac{1}{4}SE\frac{1}{4}$): South-
east quarter of the Northeast quarter ($SE\frac{1}{4}NE\frac{1}{4}$)
Section thirty-three (33) and lots two (2), three
(3) and four (4) and the North half of the South-
west quarter ($N\frac{1}{2}SW\frac{1}{4}$), The East half of the North-
west quarter ($E\frac{1}{2}NW\frac{1}{4}$) Southwest quarter of the
Northwest quarter ($SW\frac{1}{4}NW\frac{1}{4}$) West half of the North-
east quarter ($W\frac{1}{2}NE\frac{1}{4}$) Northwest quarter of the
Southeast quarter ($NW\frac{1}{4}SE\frac{1}{4}$) of Section thirty-four
(34), in township sixteen (16) South, Range twenty-
one (21) East of the Boise Meridian, situated in
Cassia County, Idaho.

5.

A. G. NELSON, and EMILY WALKER,
J. W. WALKER and DON SEVERE,
AS ADMINISTRATORS, etc.

That the defendants, A. G. Nelson, and A. G. Nelson, Emily Walker,
J. W. Walker and Don Severe as administrators of the estate of James F. Walker,
deceased, are the owners of a water right on Trepper Creek to the amount of 2
cubic feet per second with a priority as of May 31, 1877, and to the amount of
.8 of a cubic foot per second with a priority as of May 31, 1883, and under which
said water rights and water appropriations the said defendants under the stipula-
tions filed herein may use the said 2.8 second feet upon the lands hereinafter
described between the first day of April and the first day of July in each year,
and after said last mentioned ate the said defendants shall have the right to
use upon said lands .4 cubic foot per second of the water right of May 31, 1877
and no more, throughout the remainder of the irrigation season. That the lands of
said defendants upon which the aforesaid water shall be used are described as
follows, to-wit:

The Southwest quarter of the Southwest quarter ($SW\frac{1}{4}SW\frac{1}{4}$)
of Section 26, (twenty-six), the Southeast quarter of
the Southeast quarter ($SE\frac{1}{4}SE\frac{1}{4}$) Section twenty-seven
(27) and the North half of the Northeast quarter
($N\frac{1}{2}NE\frac{1}{4}$) Section thirty-four (34), all in Township four-
teen (14) South of Range twenty-one (21) East of the
Boise Meridian, Cassia County, Idaho.

6.

F. J. LAKE and MALVINA LAKE

That the defendants F. J. Lake and Malvina Lake have no right, title
or interest to any of the waters of Goose Creek or any of its tributaries, and
are not entitled to take or divert or use any of such waters, but said defendants
may take all water heretofore developed in any of the tunnels or underground work-
ings of the Vipont Mine, or any of the mining tunnels or underground workings in
the vicinity of said mine, whether upon the property of the Vipont Silver Mining

It is further ordered and decreed that the Court retain jurisdiction of this cause, to make all reasonable rules touching the manner of diverting, measuring and distributing the water, and the devices to be installed and used for such purposes where it may be impracticable to fully comply with the terms of this decree, and to direct that the parties keep accurate and detailed records of the amount of water diverted, and to require reports to be filed from time to time of the amount so diverted, and generally to make such orders as may be found reasonably necessary to give effect to the decree, and to appoint commissioners or watermasters to make distribution in accordance with its terms, and to punish the parties hereto and officers, agents and employees, and their grantees and successors in interest, for any violation of the provisions hereof. In all other respects this decree shall be final.

Done in open Court this 21st day of February, 1925.

T. BAILEY LEE
DISTRICT JUDGE

STATE OF IDAHO)
) ss.
COUNTY OF CASSIA)

I, B. F. Wilson Clerk of the District Court of Cassia County, Idaho, do hereby certify that the foregoing is a true and correct copy of the original Decree in the above entitled cause, now on file & of record in my office in Burley, Idaho. this 25th day of February A. D. 1925.

Attest: B. F. Wilson
Clerk of the District Court in and
for Cassia County.

By /s/ C. N. Doe
Deputy

JUN 05 1926