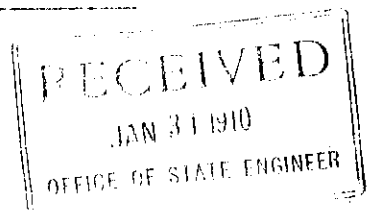


In the District Court of the Fourth Judicial District
of the
State of Idaho, in and for the County of Lincoln.

: : : : :
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 Findings 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 recommendations 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, plaintiffs and defendants herein named, do have judgment respectively for

JUN -14 1906

SCANNED
MICROFILM

MAR 20 2003

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 EOFF.

S.C.FRCST, et al.,	)	
Plaintiffs,	)	
-vs-	)	ORDER AMENDING AND CORRECTING
	)	FINDINGS OF FACT, CONCLUSIONS
ALTURAS WATER COMPANY, et al.,	)	
Defendants.	)	OF LAW, AND DECREE.

The petition of Lloyd Stewart, the successor in interest of the defen 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, 19 petitioner appearing in person and by his attorneys, James, Shaw & James, ar being submitted to the court upon all the records and files in the above cas certain oral testimony, and it appearing therefrom that there are certain cl 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 bei advised in the premises.

NOW, THEREFORE, is hereby ordered that the findings of fact and concl 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., containi 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., containi 160 acres.

It if further ordered by the court that said findings of fact, conclu and decree are hereby corrected as of the date that they were made and rende 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 M. Kelley, Clerk

JUN 04 1996

37 0457✓	McGee, George W.	240 inches.	May 1, 1883.	Trail Creek.
37 0458✓	McGee, James F.	All of	June 1, 1883.	Clear Creek Spring.
37 0459✓	"	60 inches.	June 1, 1900.	Big Wood River.
37 0460✓	McFall, Matt.	200 "	June 3, 1884.	Little Wood River.
37 0461✓	"	70 "	July 17, 1884.	" " "
(Also shares in Big Cottonwood Canal Co.)				
37 0462✓	McGhee, Barkley J.	120 "	June 1, 1886.	Chimney Creek.
37 0463✓	McLeod, George A.	125 "	June 1, 1885.	Corral Creek.
37 0464✓	McLochlin, James	100 "	June 1, 1886.	Silver Creek.
37 0465✓	McLochlin, Walter B.	125 "	Apr. 1, 1888.	" "
37 0466✓	McMonagle, Andrew	680 "	Apr. 1, 1880.	Deer Creek.
37 0467✓	McMonagle, Patrick	140 "	Apr. 1, 1880.	" "
37 0468✓	McNary, T. T.	25 "	Apr. 17, 1883.	Big Wood River.
37 0469✓	"	225 "	June 20, 1884.	" " "
37 0470✓	"	50 "	June 2, 1890.	" " "
37 0471✓	McNulty, Dennis	100 "	Apr. 30, 1884.	Little Wood River.
37 0472✓	McNulty, Edward	60 "	Apr. 1, 1884.	" " "
37 0473✓	Mehle, Herman	75 "	June 1, 1883.	Elk Creek.
37 0474✓	"	80 "	June 1, 1893.	Elk Creek and Minnehaha Creek.
37 0475✓	Mellink, John	22 "	Apr. 17, 1883.	Big Wood River.
37 0476✓	"	193 "	June 20, 1884.	" " "
37 0477✓	"	43 "	June 2, 1890.	" " "
37 0478✓	Meller, J. W.	120 "	June 10, 1887.	" " "
37 0479✓	"	"	June 10, 1887.	" " "
37 0480✓	Miller, Annie I.	"	June 15, 1891.	" " "
37 0481✓	Miller, Annie I., John G. Pankard, Jane E. Turner, William M. Wayman and Oliver Wayman	1000 "	Aug. 1, 1882.	" " "
37 0482✓	"	"	Aug. 1, 1884.	" " "
37 0483✓	"	"	1902.	" " "

SCANNED
MAR 12 2003

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.

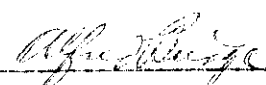
It appearing to the court herein that the necessary costs, expenses and disbursements incurred in connection with the taking of the testimony in this action, and in the preparation and filing of the decree herein, together with the necessary costs and expenses of the distribution of the waters of said 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.


Presiding Judge.

JUN 04 1996
-32-

SCANNED
MAR 7 0 2003

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 "G.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



RECORDED

JUN 04 1996

SCANNED
MAR 20 2003