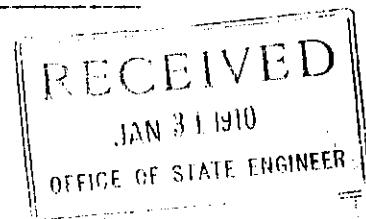


In the District Court of the Fourth Judicial District
of the
State of Idaho, in and for the County of Lincoln.

: : : : :
S. C. Frost, et al.,
P l a i n t i f f s,
vs.
Alturas Water Company, et al.,
D e f e n d a n t s.
: : : : :



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, receive judgment respectively for

JUN - 14 1996

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

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 defo 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, petitioner appearing in person and by his attorneys, James, Shaw & James, being submitted to the court upon all the records and files in the above certain oral testimony, and it appearing therefrom that there are certain 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, 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 are 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

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D.H. SUTPHEN
DISTRICT JUDGE

131/264
Filed Jan. 22, 1946
Ruth M. Kelloy, Clerk

JUN 04 1996

File No. 205-B

S. C. Frost, et al., Plaintiffs

-vs-

Alturas Water Company, et al.,
 Defendants

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MAR 20 2003

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37 0215	Fator, Fred. W., abd Adam Ifland	520 inches.	June 15, 1899.	Silver Creek. Trans #76
37 0216	Fator, John A.	140	Apr. 1, 1885.	Trans #201
37 0217	" "	50	Apr. 1, 1887.	Trans #201
37 0218	" "	37	June 1, 1889.	"
37 0219	" "	60	June 1, 1893.	Trans #201
37 0220	Finch, John and Helen	80	June 30, 1883.	Soldier Creek.
37 0221	" "	160	June 30, 1883.	"
37 0222	Finney, William	79	June 27, 1883.	"
37 0223	" "	50	Oct. 25, 1883.	"
37 0224	" "	160	June 15, 1884.	"
37 0225	" "	75	June 1, 1886.	"
37 0226	" "	100	June 1, 1887.	"
37 0227	" "	110	June 1, 1889.	"
37 0228	Fletcher, Andrew J.	100	June 1, 1883.	Chimney Creek.
37 0229	" "	100	June 1, 1884.	"
37 0230	Robert T.	200	May 15, 1883.	Big Wood River.
37 0231	" "	120	May 15, 1883.	"
37 0232	" "	80	May 15, 1884.	"
37 0233	" "	80	May 15, 1888.	Crystal Creek.
37 0234	Foster, Peter	100	June 15, 1884.	Big Wood River. Trans #141?
37 0235	" "	100	June 15, 1883.	"
37 0236	" "	200	June 15, 1884.	"
37 0237	Freeman, John L.	100	June 15, 1887.	Butte Creek, a tribu- tary of Silver Creek.
37 0238	split by Cady vs. Bryan	"	Apr. 15, 1883.	Lower Malad River
37 0239	split by Cady vs. Bryan	"	Aug. 29, 1884.	"
37 0240	split by Cady vs. Bryan	"	June 1, 1895.	"
37 0241	Irene A.	100	Dec. 17, 1907.	Big Wood River.
37 0242	Walter	100	June 1, 1885.	Soldier Creek.
37 0243	" "	100	June 1, 1888.	"
37 0244	" "	100	June 1, 1898.	"

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pectively 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 W. George

Presiding Judge.

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