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ALBERT C. AMONSON, in his capacity
as administrator of the estate of
Christina Amonson, deceased, KARL
O. SPAUN, KATHRYN J. FETTER,
ANKER AMONSON, OSCAR C. AMONSON,
CIARA DIGGLES, ESTHER PYEATT and
ALBERT C. AMONSON, in his individ-
ual capacity,

vs.

NEIS F. CARLSON,

Plaintiffs,

Defendant.

No. 2010
DECREE.

This cause came on regularly to be heard at the regular April term, 1929, of the above entitled court, in the County of Lemhi, Idaho; E. W. Whitcomb, appearing as counsel for the plaintiffs and E. H. Casterlin appearing as counsel for the defendant. A jury having been duly waived by the respective parties, plaintiffs and defendant; the case was heard by the court. Thereupon oral and written evidence was introduced by the respective parties and the case submitted to the court for consideration and determination: and the same having been duly considered by the court and findings of fact and conclusions of law having been duly filed herein,

It is therefore by the court ORDERED, ADJUDGED and DECREED that the plaintiffs, namely, Karl O. Spahn, Kathryn J. Pfeiffer, the Estate of Christina Amonson, deceased, and Albert C. Amonson, Anker Amonson, Oscar C. Amonson, Clara Diggles and Esther Fycatt as the sole heirs of said Christina Amonson, deceased, are the absolute owners of and hold the title to the reservoir situated near the summit of the mountain on the Mill Creek water shed, which reservoir is sometimes known as Carr's Lake and which has also been otherwise designated as the D. C. reservoir, and the owners of the dam by which waters are impounded in said lake, and all of the same, and the exclusive owners of the right to impound waters in said

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reservoir or lake, free and clear of all claims of the said defendants, Nels F. Carlson, and that said defendant, Nels F. Carlson, has no right, title or interest in and to said reservoir or any part thereof, or to the dam by which waters are impounded in said reservoir, or the waters contained therein, or the right to use the same; and said defendant, Nels F. Carlson is hereby perpetually enjoined and restrained from claiming or exercising any right to the possession of said reservoir, the dam by which the waters are impounded therein, or to the control and use of any water impounded in said reservoir; and that plaintiffs' claim and title to said property are hereby quieted; that the property herein claimed by the plaintiffs and the title which is hereby quieted is further described as follows: a certain reservoir situated near the summit of the mountain on the Mill Creek water shed, which reservoir is sometimes known as Carr's Lake and otherwise designated as the D. C. reservoir situated in the County of Lemhi, State of Idaho, and being the same reservoir described in that certain decree, rendered in the above entitled court dated November 10, 1913, wherein Robert G. Rees et al were plaintiffs and Nels F. Carlson et al were defendants, which decree was filed with the Clerk of the above entitled Court November 13, 1913, and recorded in Book "B" of Judgments at pages 128 and 129 inclusive, Records of said Court, Lemhi County, Idaho.

And it is further ORDERED, ADJUDGED and DECREED that the said plaintiffs do have and recover from the said defendant their costs herein incurred taxed at \$45.40, for which amount execution may issue.

Dated this 24th day of June, 1929.

Ralph W. Adair
Judge of said Court.

Filed & Entered this 2nd day of July, 1929.
W. W. Simmonds, Clerk.
By Margaret Shoup, Deputy.
Judgment Book C, page 599.

RECORDED
JUL 31 1929

I, W. W. Simmonds, Clerk of the District Court in and for the County aforesaid, do hereby certify that the foregoing is a full, true and correct copy of a Decree, as the same appears on file and of record in my office, in Judgment Book C, page 59.

W. W. SIMMONDS
Clerk of the District Court
By Margaret Ship
Deputy

[illegible]

100-12411

JUL 31 1996

File No. 468

Albert C. Amanson, et al.

vs.

Nels F. Carlson

Reservoir (Carr's Lake, or D.C.
Reservoir)

Lemhi County

Recorded in Book 5 of Decees
Page 397.

W. W. SIMMONS

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DEPARTMENT OF RECLAMATION

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In the District Court of the Sixth Judicial District of the
State of Idaho, in and for the county of Lemhi.

Superseded

Robert G. Rees, Peter Amonson, O
Michael Maier, Rhoda A. Spahn,)
Karl O. Spahn, Oscar Amonson)
and Jane L. Amonson)
Plaintiffs)
VS)
Nels F. Carlson, Carl A Carlson,)
Clara J. Carlson, George Hanson,)
Richard E. Fielder, Mary H)
Fielder, William J. Crehan and)
Arthur P. Crehan,)
Defendants)

This cause having heretofore come on for hearing
before Geo. E. Keyes, a referee who had been regularly appointed
by the Court for that purpose, and said hearing having been
had without a jury;

The evidence and the proofs of the respective
parties having been submitted to the said referee for his
consideration, and he having filed herein his findings of
fact and conclusions of law, and this Court having adopted said
findings of fact and conclusions of law,

WHEREFORE by reason of the law and the findings
and conclusions aforesaid

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It is ordered, adjudged and decreed;

Trans 1233
74 0278 That the plaintiff, Robert G. Rees is entitled to the use of Three and Six tenths (3.6) cubic feet per second of time of the waters of Mill Creek for the irrigation of the south half of the northwest quarter, and the southwest quarter, and the west half of the southeast quarter of Section Fourteen (14) Township 17 North, Range 24 E.B.M., his right thereto to date from May 30th, 1881.

74 0279 That the plaintiffs Michael Maier, Rhoda A. Spahn, Karl O. Spahn and Oscar Amonson are entitled to the use of five and four tenths (5.4) cubic feet per second of time, of the waters of Mill Creek, with date of priority of May 30, 1881, and also are entitled to the use of four and forty six one hundredths ⁷⁴⁻⁰⁴⁰⁶ (4.46) cubic feet per second of time of the waters of Mill Creek, with date of priority of May 1st, 1886, that said plaintiffs are also entitled to all the waters, ⁷⁴⁻⁰⁴⁰⁷ to the extent of 280 acres, feet that may be stored in their certain reservoir situated near the summit of the mountain on the Mill Creek water shed, which reservoir is sometimes known as Carr's Lake, all for the irrigation of the south half of the southeast quarter and the southeast quarter of the southwest quarter of Section 27, and the northeast quarter, and the east half of the north west quarter, and the southeast quarter, and the east half of the southwest quarter, and the southwest quarter of the southwest quarter of Section Thirty four (34), in Tp. 17 N., R. 24 E.B.M.

74 0280 That the plaintiff Jane Amonson is entitled to the use of Six and Four tenths (6.4) cubic feet per second of time of the waters of Mill Creek for the irrigation of the northeast quarter and the north half of the southeast quarter, and the northeast quarter of the southwest quarter, and the southeast quarter of the northwest quarter of Section Twenty seven (27) , in Tp. 17.N., of Range 24 E.B.M. her right thereto to date from May 19, 1908

74 0281 That the plaintiff Peter Amonson is entitled to the use of Three and twenty two one hundredths (3.22) cubic feet per second of time of the waters of Mill Creek for the irrigation of the north half of the southwest quarter and the west half of the southeast quarter, and the south half of the northwest quarter of Section 32.

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74 0289 That the defendant Mary K. Fielder is entitled to the use of Six and four tenths (6.4) cubic feet per second of time of the waters of Mill Creek for the purpose of irrigating the south half of the northwest quarter and the north half of the southwest quarter, and the south half of the northeast quarter and the north half of the southeast quarter of Section Thirteen (13), in Township 16, North, of Range 25 E.B.M., her right thereto to date from September 25, 1909.

That each and every of the parties to this action be, and they are hereby restrained and enjoined perpetually, from interfering with any of the said rights decreed hereunder, to the use of the waters of said creek, in the order of priority herein set forth, or in the manner or to the extent above set forth.

It is further ordered and decree that each of the parties hereto shall bear his own costs and expenses in this action.

J. M. Stevens,
Judge.

Filed November 13th, 1913.

J. L. Kirtley Jr,
Clerk.

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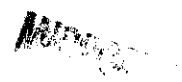
State of Idaho,)
 : SS
County of Lemhi (

I, J. L. Kirtley Jr., Clerk of the District
Court of the Sixth Judicial District of Idaho, in and for the
County of Lemhi, hereby certify that the foregoing is a full,
true and complete copy of the Decree in the cause wherein Robert
G. Rees, et al are the plaintiffs and Nels F. Carlson, et al,
are the defendants; said decree being recorded in Judgment Book
B at page 128, Records of Lemhi County, Idaho.

IN WITNESS WHEREOF, I have hereunto set my
hand and affixed my official seal this 13th. day of November, A.D.
1913.

(signed) J. L. Kirtley Jr.

Clerk


JUL 31 1996