

① Dist. No. Misc. In the District Court of the Fourth
Judicial District in and for the
County of Cassia, State of Idaho 45-G

R. L. Wood, et al
Plaintiffs

vs

Wm. Stokes, et al
Defendants,

Transfers Noted

This cause having been heretofore tried by the Court without a jury and the Court having made its findings and conclusions of law,

It is now ordered adjudged and decreed that the following persons parties to this action are entitled to divert from Marsh Creek and its tributary streams situate in Cassia County, Idaho, the amount of water hereinafter indicated, the amount of each party to date from the time hereinafter stated and set apposite his or their name, to-wit:

- 45-0258 Hardy Sears one hundred (100) inches from Land Creek tributary to Marsh Creek March 1st. 1875.
- 45 0259 Hardy Sears, Thirty inches from Rose Creek tributary to Marsh Creek March 1st. 1875.
- 45 0260 M. A. Harroun Seventy inches (70) from Howell Creek Tributary to Marsh Creek, March 31st. 1876.
- 45 0261 Josiah Bridger Fifty inches (50) from Marsh Creek March 31st. 1882.
- 45 0262 John Bridger Sixty inches from Marsh Creek November 30, 1879.
- 45 0263 J. W. Lamoreaux Sixty inches from Marsh Creek April 16th 1881.
- 45 0264 J. W. Lamoreaux, Sixty (60) inches from Marsh Creek July 21st 1884.
- 45 0265 J. W. Lamoreaux Four hundred and eighty (480) inches from Marsh Creek from January 1st. to July of each year when not in use by prior appropriators.
- 45 0266 T. A. Starrh, Sixty inches from Land Creek Tributary to Marsh Creek June 15, 1875. 100 ft #88 30"
- 45 0267 S. R. Guin Fifty inches from Marsh Creek June 5th, 1875.
- 45 0268 S. R. Guin one hundred and thirty three and 1/3 inches from Marsh Creek May 30, 1879.

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45 0297 J. H. Brim, Fifty Five (55) inches of the waters of Grays Canyon and Spring Creek, tributaries of Marsh Creek from July 31st. 1876.

36.

45 0298 U. Levitt, Forty inches of the waters of Marsh Creek, from the 1st. day of April 1881.

37.

45 0299 George Gordon, Twenty Five (25) inches of the waters of Howell Creek, a tributary of Marsh Creek, from the 31st. day of March 1882.

38.

45 0300 Ed. McCoy twenty inches of the waters of Howell Creek a tributary of Marsh Creek from the 31st. day of March 1882.

39.

45 0301 U. S. Dickey Six inches of the waters of Rose Creek, tributary of Marsh Creek from the 31st. day of July 1886, and Six inches of the waters of Howell Creek, tributary of Marsh Creek from July 31st. 1886

40.

45-0302 Martha L. Snodgrass Forty (40) inches of the waters of Marsh Creek from the 31st. day of March 1882.

41.

45 0303 Julia A. Weatherman Forty inches of the waters of Land Creek tributary of Marsh Creek, from the 31st. day of December 1877.

42.

45 0304 James A. Lewis, Six (6) inches of the waters of Brim Creek, tributary of Marsh Creek from the 30th day of June 1875, and one hundred and fifty inches of the waters of Land Creek a tributary of Marsh Creek from the 1st. day of June 1877.

43.

45 0305 M. G. Robinson, Thirty inches of the waters of Land Creek, tributary of Marsh Creek, from the 31st. day of July 1880.

44.

45 0306 William Haller Ten (10) inches of the waters of Rose Creek, tributary of Marsh Creek and thirty inches (30) of the waters of Land Creek, tributary of Marsh Creek, from the 31st. day of May 1878.

on their lands and known as Brim Springs or Brim Creek, being about Five inches in amount.

It is further ordered, adjudged and decreed that in case of insufficiency of water to supply all parties, the entire volume is to be devoted to and used by the appropriators who are first in point of time.

It is further ordered, adjudged and decreed that all water diverted from said streams by any party hereto shall be diverted through a box or flume so arranged and constructed as to permit of the water so diverted being measured under a four inch pressure.

It is further ordered, adjudged and decreed that the amount of water herein decreed to the several parties aforesaid shall be measured as follows, The owner or owners of each ditch shall construct a box or flume of two inch plank sixteen and one half feet long and of sufficient width and height to carry the amount of water herein awarded to such parties, in a substantial manner and place the same at the head gate of such ditch upon permanent and substantial supports the lower end of said flume to be $\frac{3}{8}$ of an inch lower than the upper end, the water to run through said box without any obstruction, the water in said box not to be at any time a greater depth than nine inches at the head gate in said box or flume, and that no person or persons, shall receive or divert any of the waters of said Marsh Creek or its tributaries except through said box or flume, the amount in inches under a four inch pressure to which each party is entitled, to be indicated by the number of square inches in the cross section of the water measured eight and one quarter feet below the head gate in said flume.

It is further ordered, adjudged and decreed that each and every party to this action and his successors and assigns is hereby perpetually enjoined from diverting or interfering with any of the water of said Marsh Creek or any of its tributaries except in the quantity and in the order and in the manner in which they and each of them are herein decreed to be entitled thereto.

Dated March 21st. 1892.

C. O. Stockslager,

Dist. Judge.

Entered herein April 11th, 1892.

M. T. Brown, Clerk,

JUN 05 1896

IFIGATE OF TRUE COPY—CLERK.

Printed and for sale by the Statesman Printing Co., Boise, Idaho.

STATE OF IDAHO,

ss.

I, Ray Gudmundsen

he District Court of the Fourth Judicial District of the State of Idaho, in and for the County

Cassia do hereby certify that the foregoing is a true and correct copy of the original

Water Decree in the Case of R. B. Wood

Wm Stokes

of record in my office

JUN 05 1996

Given under my hand and the seal of said court, this 29 day of

Aug A. D. 1987

SCANNED

Ray Gudmundsen
Clerk.

DEC 16 2002

By Edith Bower
Deputy.

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