Signed this 4th day of Dec, 1995

David B. Shaw
Adjudication Bureau Chief

INDEX

Tributary Stream	Page in Decree	
Antelope Creek	20, 35, 43, 48, 53, 55, 54, 56, 60, 70, 71, 72, 76, 95, 96, 99, 101, 102, 109, 114, 121, 124, 125, 127, 146, 147, 149, 156, 163, 177, 189, 190, 197, 204, 211, 226, 227, 238, 239, 242	
Alder Creek	49, 82, 87, 88, 129, 131, 142, 150, 153, 203, 208	
Bradshaw Springs	41, 46, 223	
Big Springs Creek	47	
Bear Creek	74	
Boyle Creek	121	
Beda Creek	122	(Not tributary)
Cedar (or Dry) Creek	41, 189, 190, 192, 237	(Not tributary)
Cedar, Lower	137, 183	
Cliff or White Knob Creek	52, 87	
Congdon Springs	63	
Congdon Springs Creek	132, 151, 224	
Corral Creek	82	(Not tributary)
Cherry Creek	114, 115	
Cold Springs Creek	117	
Dry Fork of Antelope Creek	27, 39, 73, 74, 115, 125, 151, 152, 159, 169, 227	
Deer Creek	137	
East Fork Big Lost River	117, 137, 148	
Fox Creek	32	
Grant Creek	174	(Not tributary)
Hamilton Creek	7	(Not tributary)
Jensen Springs	30	
James Creek	48, 118	
Jagles Springs	61	
Kent Springs	96	
Lower Cedar Creek	49, 50, 120, 126, 183, 205, 54, 237	(Not tributary)
Lower Pass Creek	34, 90	
Lohman Creek	107	(Not tributary)
North Fork of B. L. River	32	
Navarre Creek	37, 184, 230	

I N D E X (Continued)

Tributary Stream	Page in Decree	
North Fork of Cherry Creek	122	
Pass Creek -	25, 27, 67, 68, 120, 164, 165, 166, 229	
Pinto Creek -	83	(Not tributary)
Pete Creek -	137	(Not tributary)
Rock Creek -	33, 189	(Not tributary)
Rock Springs Creek -	85	(Not tributary)
Sage Creek -	82	(Not tributary)
Sheep Creek -	89	
Sawmill Creek -	117	
Spring Creek	119	
Stoddard Creek -	127	
Swauger Springs -	138	
Twin Bridges Creek -	58, 59	
Unnamed Springs	64, 66, 81, 82, 108	
Upper Cedar Creek	84, 167, 225	(Not Tributary)
Vance Creek -	173	(Not tributary)
Willow Creek -	33, 92	(Not tributary)
Warm Springs Creek -	46, 64, 67, 85, 93, 97, 105, 107, 109, 117, 158, 181, 196, 198, 199	
Wildhorse Creek -	242	

IN EQUITY NO. 222

DECREE

IN THE UNITED STATES DISTRICT COURT, IN

AND FOR THE DISTRICT OF IDAHO, EASTERN

DIVISION

THE UTAH CONSTRUCTION COMPANY, a corporation, Plaintiff,

vs.

John F. Abbott, William Adams, A. P. Adair, Esther L. Adair (successor in interest of A. P. Adair, Eugene A. Ahern, Andreas Aikele (or A. Aiken), Calvin S. Allen, Frank A. Allen, Gladys Allen, L. C. Allen, Richard Roe Alson, George L. Ambrose, Charles B. Anderson, Francis G. Anderson (or Francis C. Anderson, F. Gus Anderson (or F. G. Anderson or Gus Anderson,) H. W. Anderson, Hyrum Anderson, James E. Anderson, Jas. Earl Anderson, J. L. Anderson, James P. Anderson, Josephine Anderson, J. Wesley Anderson, Jos. W. Anderson (or J. W. Anderson), N. A. Anderson, Niels R. Anderson, Peter C. Anderson (or P. C. Anderson), S. W. Anderson, W. W. Anderson, Louis Andreason (or Lewis Andreson), H. W. Angelo (or Wallace Angelo), Frank Anthony, Marie L. Anthony, Arco Townsite Company, an unincorporated Association; Eleazer Asay, Ernest W. Asay, Emma M. Ashton, Margaretta S. Askew, Anna Atha (or Annie Atha), Ivan J. Atwood, J. H. Augustine.

Mrs. Hannah Babcock (or Mrs. Albern Babcock, A. Rowley Babcock (or R. Babcock), William Babcock (now deceased), Jaacob F. Baird, Bank of Nyssa, an Oregon Banking corporation; John L. Bardsley, Josie Bardsley, Jerome K. Bartlett (or J. K. Bartlett), A. H. Bascom, E. W. Bascom, Pete Basick, Harlow Bassett (Or H. Bassett), Clara M. Bate, J. M. Bate (or Joseph M. Bate), Ralph Bate, E. J. Bates, Leslie Bates, Erin Beal (or Aron Beal) or C. Beal), Eldon E. Beck; J. W. Beck and John Doe (Or John Pingree) and Richard Roe (or F. S. Lack,) as statutory trustees of Beck Land/Livestock Company, a defunct Idaho Corporation; William Beck, Beck Land and Livestock Company, an Idaho corporation; A. W. Bell, Lee Bell, John C. Bell, J. L. Bell, George Bennett (or George Bennetts), James Bennetts, F. S. Bernard, John Bernard (successor in part to New World Life Insurance Company); Gus Bertsch, Agnes T. Best (or Agnes Best), Harold C. Best (or Harold Best), Alexander Beverland, Francis Beverland (successor in interest of James Beverland), George Beverland, Effie Beverland (or Mrs. George Beverland), James Beverland, as executor of the estate of Charles Beverland, deceased; James Beverland, Joana Beverland, Henry Bews (or Harry Bews), Peter Bidegain, Lota C. Billings, Elizabeth Bills, John L. Bills, Norman Bills, Ole Bills, Albert F. Bischoff (or A. F. Bischoff), Lewis A. Bitton (or John Doe Britton), Zina Bitton (or Zina Britton), B. Bjornson (or B. Bjornsen), Blackfoot City National Bank, an Idaho Banking corporation (successor in interest to Heber G. Johnson); Charles H. Black, Mary E. Black, Nils S. Bladh (successor in interest of Ole Bills), John L. Blosser (or John L. Blasser), Henry Blattner, Lulu E. Bliss, Phillip R. Bliss, Arthur L. Bodine, John J. Bodine, Oscar Bodine, William T. Bodine, Joseph A. Boillin, Rhoda Boling, Rachael Boone, Wm. A. Boone, David S. Boyack (or D. Boycock or David D. Boycock, Jr.), Sylvanus Boyack (or S. Boycock), Mary E. Boyd, Robert G. Boyd (successor in interest of Charles H. Rampton), I. W. Boyer, Elizabeth Bradshaw (now deceased), George Bradshaw, John Bradshaw, Pearl Bradshaw, William Bradshaw, William Bradshaw, as administrator of the estate of Elizabeth Bradshaw, deceased (substituted for Elizabeth Bradshaw deceased); Francis Braithwaite, R. F. Braithwaite (or Robert Braithwaite), William F. Braithwaite, H. C. Brake, William H. Brashear, H. T. Brengman, Charles Brown, Edna Brown, Edna E. Brown, as executrix of the estate of Martin W. Brown, deceased (substituted for

Martin W. Brown, deceased); Elbert C. Brown, John D. Brown, Martin W. Brown (or Martin Brown)now deceased); J. M. Bryson, O. Buchanan, George Buehler, Wilfrid Burgman, Frank Burke, William J. Burke, Alexander Burnett, Alexander Burnett, Jr., D. M. Burnett, John H. Burnett, Burnett Land and Water Company, Ltd., an Idaho corporation; A. R. Burt (or A. R. Burke), Adam Burt (or Adam Burke), Fred Burton, Butte County Bank, an Idaho Banking corporation,(successor in interest of Norman Bills), George Bywater.

J. V. Caldwell, Francis Cammack, A. W. Canaday, T. M. Carlisle, F. T. Carlson, John J. Carlson, John V. Carlson, O. H. Carlson (successor in interest of F. T. Carlson), Frederick H. Carter (or F. H. Carter), Jas. J. Cearley, Thomas Chamberlain, Christina A. Chamberlain, Ed. Chaney, F. H. Chapin (or John Doe Chapman), Clara Cherry, Mark K. Cherry, W. H. Cherry, E. A. Child, Lester A. Child, Roy Child, Inger B. Childs, as administrator of the estate of Leo Childs, deceased; Elwood Christensen, James Christensen, J. E. Christensen, Chase A. Clark, Daniel Clark, Elizabeth S. Clark (or Elizabeth Clark), Ethel S. Clark, Joseph Clark (or Joe Clark), J. C. Clark, Lee Clark, William Clark, Solon B. Clark, J. W. Clendenin, Emeline Cloward, George L. Cloward, James T. Cloward, Lee Cloward, Sarah Cloward, Bert Coates (or Bert Coats), Lucy Coats, E. C. Cobbley, Bert W. Cobbs, Danield J. Cobbs, Hyrum Coleman, Columbia Trust Company, a corporation, as administrator of the estate of John Foster Davidson, deceased; Continental Life Insurance Company, a corporation(successor in interest of Charles A. Peterson); Dean Cook, Edwin C. Cook (successor in part to William Sutter, deceased), Frank Cook, David F. Coon, James Willard Coon (or James W. Coon), Josephine Combe, Ernest A. Crampton (or Ernest Crampton or E. A. Crampton), Alzina F. Crandall (or Alzina T. Crandall), Mrs. E. S. Crawford (successor in interest of E. S. Crawford, deceased), E. S. Crawford (now deceased), Joseph Cresto (or Joe Cresto), W. A. Criswell, Mrs. Thomas Crocker, Louisa Cummings, Della Schaaf Curran (or Delia Curran), Robert Curran, Henry W. Curtis.

Henry Danielson, Maude L. Davis, W. G. Davis, Darlington Land and Irrigation Company, an Idaho corporation, Dale Day, E. N. Day, Luther Day, Marshall Day, Nellie J. Day, H. B. DeCorria, Joseph Detton, Susie J. Diers(now deceased), Alice R. Dickey, Joseph Dickie, Frank Dobson; John Doe, Richard Roe and William Doe, as statutory trustees of George Ferguson and Sons, a defunct corporation; Emmett Donahue (or E. Donahue), Peter Donahue (successor in interest of Henry Bews or Harry Bews), Thos. J. Donahue, T. Dore as receiver of the Idaho Bond and Loan Company, a corporation; Albert Duncan, W. S. Dunham, Mamie Dupuis, C. L. Dutton, Lura B. Dutton (or Laura B. Dutton), Maude D. Daggert (or Maude D. Dysert).

Richard Roe Edwards, Edgerton-Fabrick Company, a corporation (successor in interest of L. D. Savaria), S. A. Edrington (or S. Edrington), D. W. Ellenson, Equitable Savings and Loan Association, a corporation; A. V. Erickson, Andrew Ericksen, Augusta Erickson, Erick Erickson (now deceased), J. C. Erickson, as administrator of the estate of Erick Ericson, deceased (substituted in lieu of Erick Erickson), M. G. Ericson (or Richard Roe Ericson), J. S. Espitallier, John N. Etherington, David H. Evans, Louis H. Evans (or Lewis Evans or Lewis H. Evans), Mrs. Mary Evans, Urban Evans (or U. Evans), Sarah Evans, R. H. Ewing,

A. E. Fahrney (successor in interest of V. Fahrney), V. Fahrney, Isadore Fallert, Lorenzo Fallert, Carlo Fallini, Lorenzo B. Farmer, Louis Felt, Julia Ferguson (successor in interest of Reuben C. Ferguson), Reuben C. Ferguson (now deceased) Richard Roe Ferlin, G. L. Ferris, Jennie L. Ferris, R. W. Ferris (or R. W. Farris, First National Bank of Challis (formerly First State Bank of Challis); A. B. Fitzgerald, Agnes Fleischer, Otto Fleischer, A. D. Foster, Geo.Fowers,

Dorothy Fox, J. C. Fox, Viola S. Fox, Eloda Long Fryar (formerly Eloda Long), William P. Freckleton (or Wilford P. Freckleton), William Frickie, Taylor Frye (or Taylor Fry or Fry Taylor), James E. Fullmer, Mrs. James S. Fullmer (or Mrs. J. S. Fullmer), William P. Fullmer, JR.(or William Fullmer or W. P. Fullmer), Frank Fulton, Georgia Fulton, Sherman Furey.

John Gardner, John A. Gardner, Joseph Gardner, Frank W. Gates, (or F. W. Gates), George Ferguson & Sons, an Idaho corporation; Christina George, H. M. George, Ira S. George (in part as successor in interest of Lewis M. Hardy), Samuel E. George (in part as successor in interest of Lewis M. Hardy and Christina Hansen), George Georgetta, Jas. Genesy, Richard T. Gibbs, Robert Gibbs, H. E. Gilbert, Pat Gilboy (or John Doe Gilboy), Minnie J. Gill, A. L. Gilmour, Mabel L. Gilmore, Fawn Gim, Helen Gim, Yee H. Gim, Louis Giraud (or Lewis Giraud), Frank Goodman, Lulu Goodman, William Goodman (or William Martin Godman), J. R. Gooden, Bert M. Gray, Herbert M. Gray (or Herbert Gray), Gaylord Wilson Greene, J. H. Greene (Mortgagee), H. G. Greenwood, Silas Grizzle, Naomi Grizzle, Alex B. Groth, A. Gustafassen (or Gustafsen)m Annie Florence Guthrie.

Francis Hadden, Frank F. Hagedorn, Abram S. Hall, Francis Halverson (otherwise named herein as Francis T. Halverson and Lewis A. Bitton as co-partners and as John Doe Halverson); Marion J. Hamblett (or Marion Jefferson Hamblett), Eddie Hammerly, Lillie C. Hammerly (now deceased); Ella M. Haney, Burton C. Haney and Eliza Haney, minors, by Ida M. Kern their duty appointed, qualified and acting guardian; J. P. Haney, Olive S. Haney, Walter Haney, William Hanna (or William Hannah), John Hanni, sr., John Hanni, J. N. Hanrahan, Ephraim Hansen (successor in interest of J. J. Carlson), C. V. Hansen, Christina Hansen, H. S. Harcourt, Lewis M. Hardy, Louisa Hardy (or Louisa Hardy), Burton B. Harger (or B. B. Harger), Emma A. Harger (in part successor to B. B. Harger), Frank E. Harger (or Frank B. Harger), Harriett M. Harger, Henry Harger (now deceased), Chas. R. Harkness, Jack K. Harkness, Allen I. Harmon, Sr., Allen I. Harmon, Jr., J. A. Harned (or Jas. A. Harned), Chester Harper (or C. Harper), Hilda Charlotte Jones Harper, as executrix of the estate of Edwin L. Jones, deceased; John S. Harper (or J. S. Harper), Park Harper, William Harper, Evan Harris, E. H. Harris, John E. Harris, P. H. Harris, William J. Harris (or William Harris, W. L. Harris, L. A. Hartert, Mary Ann Hays, Benjamin F. Haynes (successor in interest of Owen S. Weaver), George Herbst, Mrs. R. J. Hess(formerly A. Grace Furey), Andrew J. Higgins, Doyle Hill, George H. Hill, W. B. Hill, Samuel Hile (or Samuel Hill), F. F. Hintze (or Richard Roe Hintze), Nora M. Hintze, G. A. Hodges, Otto P. Hoebel, as administrator of the estate of J. P. Jeppesen, deceased (substituted for J. P. Jeppesen); Thomas Hodges (successor in interest of John L. Bardsley and Joise Bardsley); Louis Hohn (or Lewis Hohn), Mrs. Clarissa L. Hooper (or Mrs. Clara Hooper or Mrs. John Hooper); Joseph A. Horne, E. W. Hovey, as administrator of the estate of William Babcock, deceased (substituted for William Babcock)deceased); Chas. J. Howell, John Howell, Thomas L. Howell, Alice C. Hunter, Annie S. Hunter (in part successor to the interests of J. B. Hunter); J. B. Hunter, Richard Roe Hunter, W. C. Hunter, William S. Hunter (or William Hunter), Fred Hurst (successor in interest to Mark Hurst), John Hurst, Mark Hurst (now deceased), Nina Hurst, Walter Hurst, Ardelia Hutchinson (or Adelia N. Hutchinson), George A. Hyde.

Idaho State Life Insurance Company, an Idaho corporation, Industrial Savings Bank, a corporation, H. E. Ingram, International Mortgage Bank, a banking corporation, Dick Ivie, Evan Ivie, L. F. Ivie, Pearl Ivie (or Parl Ivie).

Albert James, Pearl James, H. B. Jarvis, Mark Jenkins (or John Doe Jenkins), Anna M. Jensen, C. R. Jensen, Harold G. Jensen, Hyrum Jensen, H. L. Jensen, Katie C. Jensen, Joseph E. Jensen (or Jos. Jensen), Moses A. Jensen, J. A. Jensen, N. C. Jensen, Ray Jensen, S. E. Jensen, S. T. Jensen, Soren Jensen, Walter A. Jensen, William Jensen, Annie M. Jeppesen, C. R. Jeppesen, as administrator of the

estate of Joseph L. Jeppesen, deceased (substituted for Joseph L. Jeppesen, deceased); Joseph L. Jeppesen (now deceased), Daniel P. Jeppesen, J. P. Jeppesen, Lemuel R. Jeppesen, Mary A. Jeppesen, Niels R. Jeppesen, Charles John, Thos. Johns, Algott Johnson, C. D. Johnson, Edward D. Johnson (now deceased), Edward R. Johnson, Heber G. Johnson, Hyrum S. Johnson,(or H. S. Johnson), John A. Johnson, J. L. Johnson, Leo Johnson, Mrs. Lillie Johnson, Martin Johnson, Mary B. Johnson, as administratrix of the estate of E. D. Johnson, deceased (substituted for Edward D. Johnson, deceased); Mary F. Johnson, Ole Johnson, Otto A. Johnson, Robert Johnson, S. D. Johnson (or Samuel D. Johnson), C. C. Jones, Harvey D. Jones, Martha A. Jones (formerly Martha Jones Stoddard), James A. Jones, W. A. Jones, Walter I. Jones, William H. Jones, Charles E. Judd.

J. J. Kay, Joseph F. Keele (or J. F. Keele), Edwin M. Kennedy, George Kent (or George F. Kent), Robert Kent, Ida M. Kern, D. R. Kerr (or David R. Kerr), Ephraim Kidman(successor in interest of Mary L. Lemmon), Harriett M. Kidman, D. L. Killian, Andrew F. King, (or Andrew King), David R. King, Daniel King, Edward King, James King (now deceased), James L. King (or James King, Jr.), Lottie King, Marian King, as administratrix (or executrix) of the estate of James Beverland, deceased; Wm. C. King (or W. C. King), Hiram Kinney, Chloe M.Knapp (successor in interest of George Bywater), James Knighton, F. R. Knowlton, John J. Knudson, Gustav Kunze, J. J. Kyne.

Chas. LaFever, C. D. LaFever, L. A. Lafferty (now deceased), Otis W. Lake, Laker Land and Loans, a corporation (successor in interest of Francis Hadden); Ira C. Lambert, Allen B. Lambson (or Allen Lambson), Alfred B. Lambson (or A. B. Lambson), A. W. Lambson (or Arthur Lambson), A. M. Lambson, Bird M. Lambson (or Byrd Lambson or Burd M. Lambson), William Lambson (or William Hampton), N. M. Lamont (or Nathan Lamont), Claud M. Larter (or Claud Larter), Ella C. Larter, Henry Larter, Ralph V. Larter, Albert M. Larsen (or John Doe Larsen), A. W. Latham, Lydia M. Latham, Lydia S. Latham, Gotlob Laubenstein, Ovid Lawson, Joseph R. Leaden, Revella Leaden, J. C. Lee, Carl Lehman (or Richard Roe Lehman), John E. Lehman (or John Lehman)or John Doe Lehman), Rudolph Lehman, Charles B. Lemon (or Charles Lemon), D. W. Lemon (or D. W. Lemmon), John J. Lemmon, Mary L. Lemmon, Thos. Lemon (now deceased), N. N. Levin (or N. M. Levin), George Laing (or George Liang), August Linderman, William A. Lindberg (or William Lindburg), Lester Lingenfelter (or Lester Lingenfeldter), H. E. Lisonbee, C. T. Longhurst, Murray Longhurst, Ruth Berg Longhurst, Thomas Longson, Wilfred Longson (or Wilford Longson), Aug. M. Loske, Lost River Commercial Company, a corporation (successor in interest of John E. Gardner, Alice R. Dickey and Joseph H. Maddock); Florence B. Loveless (or Florence Loveless), John W. Loveless, R. O. Lyon.

Mackay Market Company, Ltd., a corporation; Mackay Market Company, a co-partnership (substituted for Alva Norman, Albert Wachner and J. H. Wornek); Joseph H. Maddock (or Jos. H. Maddocks), R. Y. Magee, Charles H. Mann (or Charles Mann), Wm. C. Mann (or W. C. Mann), Alfred A. Martensen, Mart Martensen, Chaney J. Martin, Charles G. Martin (successor in interest of Thomas Chamberlain and Christiana A. Chamberlain, as execution purchaser); Charles A. Matthews, Mary A. Matthews (or Mary H. Matthews), William P. Matthews)or W. P. Matthews), R. T. Mason (or John Doe Mason), R. E. Mason (or Richard Roe Mason), F. M. Maynerd, Elmer Mecham, W. L. Meinzer, J. Melton, Maggie J. Melton (or M. J. Melton, now deceased), Ed. Melzer, A. Michael, Sarah A. Michael (now deceased), Henry H. Mickelson (or H. N. Michelson), W. F. Miles (or Frank Miles, Erie Miller (successor in interest of T. M. Carlisle), Florence L. Miller, George R. Miller, John C. Miller, Ernest Miller (or John Doe Miller,) Josephine Miller, Lewis T. Miller (or Louis T. Miller), M. S. Miller (or Richard Roe Miller), S. C. Miller, Samuel G. Miller, S. M. Miller, Sanford Miller, W. C. Miller, Jacob Millong, James Milloneg, Emery T. Mitten (or Emery Mitten), Mrs. L. Molen, M. W. Molen, Ronald Molen, E. L.

Montgomery, Elmer Morgan, J. D. Morris, O. B. Morris (or Oscar B. Morris), Byron F. Morrison, Frank P. Morrison (or F. P. Morrison, see Morrison & Harned, co-partners); Lavina Moses (or Jane Doe Moses); C. S. Mott (successor in interest of the Industrial Savings Bank, a corporation); Ben Muir, Dan Muir (successor in interest of G. C. Wright), Lottie Muir (now deceased), Elizabath Mullhall, Edward Mulligan, Steve Murgic (or Steve Murgie, J. C. Murray, John Murphy (or John Doe Murphy), John Murphy, William Mutz.

John McAffe(or John McAfee), Lennington McCann, H. V. McClellan, Melissa McClellan, B. W. McDaniel (successor in interest of Lottie King), Charles H. McFarland, Eliza J. McFarland, Lydia Toombs McGee (formerly Lydia Toombs), John A. McGue, John D. McHenry (or John McHenry), Elizabeth A. Mackey (or Elizabeth A. McKay), Richard Roe McKean, Annie McKelvey (now deceased), Charles McKelvey, John McKelvey, Thos. McKenny, K. McKenzie, W. B. McShane.

Molly Nanson (or Milly Nanson (successor in part of Thornton C. Woodbridge); Ernest Naef, Mary V. Naef (or Mary Naef), John W. Nations, Fred R. Neal, Martie Nelson, Victor D. Nelson, William Nero, J. W. Nesbit, New World Life Insurance Company, A Washington corporation; A. W. Nichols, D. W. Nichols, Arthur R. Neilsen (see Nielsen Bros.); Chris Nelson, Chris Nielsen, Edward Chris Nielsen and Alice Nielsen (successor interest of J. A. Jensen); Pearl Nielsen, Soren C. Nielsen (or Soren C. Nielsen) also T. C. Nielsen); S. R. Nielsen (or Soven R. Nielsen), Wyman Nielsen (or W. I. Nielsen, see Nielson Bros.), Anna Niver, A. R. Noble, Alva Norman (or Al Norman, see Mackay Market Company, a co-partnership); North American Mortgage Company, a corporation (successor in part to the interests of Paul Terry).

Charles G. Ohman, Charles L. O'Kelly, C. H. Olson, Lewis A. Olson (or Louis A. Olson), Ole Olson, O. J. Olsen, O. V. Olson, Olive E. Oliver, Ralph O'Neal, Oregon Mortgage Company, Ltd., a corporation (successor in interest of John Stewart).

Robert Pack (successor in interest to W. H. Perkins, et al.), Augusta Paetch (or Mrs. Augusta Patsche, see Mrs. Augusta Smith); Oscar C. Paisley, S. F. Palmer (successor in interest of J. N. Bryson), F. C. Parkinson, S. J. Paris, John Doe Parr, Robert Parsons, William N. Patton, Paul M. Paulsen (or Paul M. Paulsen), A. R. Pearson, B. A. Pearson (or A. B. Pearson or B. A. Pierson), J. H. Pearson, Roy C. Pearson (or Ray C. Pearson), M. W. Peart, Hugh Pelton, Thos. L. Pence (or Lee Pence), Grace E. Perkins, Grace E. Perkins, as executrix of the estate of Maggie J. Melton, deceased; W. H. Perkins, Martin S. Perry, Andrew P. Peterson, Charles A. Peterson, Henry Peterson, H. C. Peterson, J. M. Peterson, Milton Peterson (or M. Peterson), Mrs. Milton Peterson, W. M. Phillippi (or W. M. Phillips), C. E. Pieper, Daniel Pitman (successor in interest of J. A. Jensen), D. R. Pingree, Vervene Pingree, Frank J. Pinkham, Richard Roe Polk, I. S. Pope, Thomas S. Porter, Charles R. Potts, Charles S. Powers (or John Doe Powers), D. L. Price, J. W. Price (or William Price), Mary Pritchett, Thomas J. Pritchett (or Thomas Pritchett), W. C. Purdy, William O. Putnam (or William O. Putman.).

A. L. Quist.

Joseph Rabido, C. H. Rampton (or Charles Rampton), Oliver J. Randall (or C. J. Randall), D. E. Rathbun (or D. H. Rathbun), A. C. Reay (or Anthony Raey), Alex Reay, George E. Reay, Abraham Reed, Hugh Reid, James Reid, Lee E. Reid (or Lee E. Ried), Vera Reid (or Vera Ried), Henry Rehfuss, Alma Revoir, Albert L. Reynolds (or A. L. Reynolds), Harris Q. Reynolds, William Reynolds, Geo. Richards, E. C. Richardson, Ernest L. Richardson, George P. Richardson, John G. Richardson, E. L. Richeson, T. G. Richeson, John C. Rodgers, Peter R. Routh, Rowe Rogers (successor in interest of John C. Rodgers), George Rosenkranc, A. J. Rothwell (or J. A. Rothwell), R. W. Rothwell, Edward M. Rowe, E. H. Rudd,Jr. (or E. H. Ehrudd), Lucy R. Rudd (or Lucy R. Ehrudd), Mike Rukivana, George

Runyon (or R. R. Runyon), Bessie Russell, J. P. Russell, Serena G. Russum, Hugh Rutledge, Charles J. Ryberg.

Oliver Sanderson, Oliver G. Sanderson, Jules Sarrett, Uranie Sarrett, L. D. Savaria, U. M. Saravia, Jacib M. Sax (or Jac. M. Sax), Emma A. Schade, H. C. Schade, H. Scheibler, Chris Schmohl, Charles A. Schultz, John H. Scott, Security State Bank, a corporation (successor in interest to A. A. Zeigler,) Calvin Seddon, Merle Shanafelt; A. T. Shane, John Doe, Richard Roe, Charles Doe and William Roe, as statutory trustees of the Thousand Springs Land & Irrigation Company, Ltd., a defunct corporation; Henry J. Sheppard, Flora A. Sherman (formerly Flora Samworth), S. G. Sherman, John Shull, Frank A. Silene, C. D. Simpson, H. J. Simpson, Albert Smith, Augusta Smith (formerly Augusta Paetch), Elisha G. Smith, E. Smith, James S. Smith (or James B. Smith), Leonard J. Smith, Louis F. Smith, Steve Smith, Edward Sorensen, E. A. Sorensen, S. E. Sorensen, W. H. Sorensen, Emil Soulon, James B. Spear, Mrs. Nancy M. Spencer (or Nannie Spencer), W. V. Sperry, Orvin Spiking (or Orvin Spikins), William Spiking (or W. V. Spiking), F. A. Stacy, Josie Stacy (or Josile M. Stacy or Rosie M. Stacy); Jesse W. Steele, Jos. W. Steele, L. A. Stevenson, George H. Stewart (or George Stewart), J. H. Stewart, Charles H. Stinson, George Stinson, Allen E. Stoddard (or Allen Stoddard), William H. Stoddard (or W. H. Stoddard), Corwin S. Stout, Bert Straley, A. D. Streetor, William Sutter (now deceased), Alice M. Sutter, as administratrix of the estate of William Sutter, deceased (substituted for William Sutter, now deceased), R. D. Swasey, Celia Swauger (substituted for Floyd Swauger and Frank P. Swauger), John W. Swauger, Warren G. Swendsen, Annie L. Swensen.

John E. Tadlock, Walter E. Talboy, Amos Taylor, Bryan Taylor, Howard Taylor, John S. Taylor, W. P. Taylor (or W. F. Taylor), Paul Terry, Oscar Terry (or O. L. Terry), John Doe Terry, Richard Roe Terry, M. Bird Tew, Bryan Tew, Warren S. Tew, (or Warren Tew), William T. Tew,Jr. (or W. T. Tew also William Tew), Jennie Thalman, Robert Thalman (successor in interest of Uranie Sarrett and Jules Sarrett); Edgar H. Thayne (or Edgar Thayne), Paul Thomas, Talitha E. Thomas, Alvor C. Thompson (or Alvin C. Thompson), L. L. Thompson, J. K. Thompson(or John Doe Thomson), N. K. Thomson, Edith L. Thornton, E. L. Thornton, W. T. Thornton, Thousand Springs Land & Irrigation Company, Ltd., an Idaho corporation; S. M. Threewit, Helen A. Tiedeman (or Helen A. Tideman), Anna B. Turner, Francis D. Turner, F. G. Twede, D. O. Tweedie.

N. Valpert, Sherman Vance, Mabel Paxton Vance, Clay Vance, Priscilla Vance, Joseph Vann, M. S. Vaught (or Scott Vaught), Gustav Venz (or Gustaz Venz, Jr.), Village of Mackay, Custer County, Idaho, a municipal corporation, Joseph Vogner.

Albert Wachner (or Wochner) (see Mackay Market Company, a co-partnership); Ezra Waddoups, Josie Waddoups, Royal Waddoups (or Roy Waddoups), T. C. Waddoups, Thos. Waddoups, Thos. A. Waddoups, Chas. F. Wagner, Geo. Waite (or Geo. Wait), A. E. Walburn, L. G. Walburn (successor in interest of A. E. Walburn), Geo. E. Walker, Franklin Walker (or F. Walker), A. Wanman (successor in interest of J. E. Christensen), Antone Wanstrom (or A. Wanstram), Chas. Warren, Edith C. Warren, Geo. L. Warren, Levi Warren, William H. Warren, L. E. Wasson (or John Doe Wasson), W. L. Wattis, Chas. E. Watson (successor in interest of J. W. Nations), Owen Weaver, W. H. Weedop, H. W. Weiler (or John Doe Weiler), J. T. Welch, D. P. Wells (now deceased), J. E. Wells, Margaret A. Wells (or Margaret Wells), O. J. Wells, Wm. R. Wells, Dora Werry (successor in interest to Russell Werry), Russell Werry, Alvin West, Charles H. West, Erastus West, John Doe West (now deceased), Richard Roe West, Mamie West, Emily A. White, Emma C. White, Orlando White, Joseph White, J. W. Whitehead, Pearl Whiting, L. B. Whiting, Willis Whitney, John Doe Wiggins, Joseph E. Wilcox (successor in interest of S. G. Shorman), George Wilie, Chas. D. Williams, David M. Williams, Henry Williams, Lavon Williams, T. T. Williams, George Wilson, Thornton C. Woodbridge, E. J. Woodhams, T. E. Woolstenhulme(successor in

interest of W. H. Perkins, et al.), F. V. Wolf, G. G. Wright.

Hyrum Young (successor in interest of William H. Brashear), Joseph Young (successor in interest of Charles John), L. M. Young (or Lemual C. Young), John Doe Young, Wade H. Young, T. C. Young, Okie Lee Young (formerly Okie Lee), Alex Younie.

A. A. Ziegler, Ernest Zesiger, Jennette Zesiger, Alvin J. Zollinger, Ferdinand Zollinger, Fred Zumbrum (Fred Zimbrum).

C. R. Clute, as receiver of the Idaho Bond & Loan Company, a corporation (substituted for T. Dore, formerly receiver of said corporation.)

C. R. Jeppesen, Helen Richardson, John Stewart, Edward McKelvey. Idaho Metals Company, a corporation; Scottish American Mortgage Company Ltd., a corporation; Doctor, Edgar P. Hill, O. N. Friendly, Ellen Bennetts,

Defendants.

This cause came on to be further heard on the 15th day of March, A. D. 1923, before the Honorable E. S. Farrington, Judge pro tempore of the above entitled Court and said cause having been further argued by counsel and thereafter submitted for decision upon the evidence introduced at the trial and upon the stipulations filed herein and it appearing to the satisfaction of said Court and the Judge thereof as aforesaid:

1. That all of the defendants respectively named in sub-division"A" of the Schedule of rights set forth in part 2 hereof, by their respective counsel of record thereunto duly authorized, or, by individual stipulation duly executed by them in person, have appeared herein and agreed with plaintiff that decree may be entered as hereinafter set forth.

2. That all of the defendants respectively named in sub-division "B" of the Schedule of Rights as set forth in part 2 hereof, and each of them, have been duly and regularly served with subpoena herein according to law and that none of them have answered or otherwise appeared herein within the time provided by law and that decree pro confesso has been regularly taken against them, and that they have failed to appear or procure a vacation thereof, and that said defendants are respectively entitled to the water rights decreed to them in said subdivision "B" of the Schedule of Rights herein, and none other.

3. That the respective persons named in subdivision "C" of the Schedule of Rights as set forth in part 2 hereof are entitled to the water rights decreed to them in said subdivision "C" of said Schedule of Rights herein.

4. That the respective defendants hereinafter named do not have or claim to have any interest in the waters of Big Lost River or its tributaries or any part thereof and that this action has heretofore upon motion of plaintiff, been dismissed as against such defendants, to-wit: Serena G. Russum, Frank J. Pinkham, Joseph Vann, Frank Burke, Mrs. Lillie Johnson, M. N. Peart, Henry J. Shepperd.

5. That the following parties, to-wit: William Babcock, Elizabeth Bradshaw, Martin W. Brown, E. S. Crawford, Erick Erickson, Mark Hurst, L. A. Lafferty, William Sutter, Lillie C. Hammerly, Joseph L. Jeppesen, Edward D. Johnson, Thomas Lemon, Maggie J. Melton, Sarah A. Michael, Lottie Muir, Annie McKelvey, D. P. Wells, John Doe West, Reuben C. Ferguson, J. N. Hanrahan, Henry Harger, Susie J. Diers, having died prior to the date of the decree herein, the rights respectively vested in such deceased persons, prior to their death are herein decreed to the respective assigns, successors in interest, or legal representatives of such deceased persons, who have regularly appeared herein in lieu of such deceased persons.

6. That the respective defendants named in paragraph 1 of part 3 hereof have been duly and regularly served with subpoeno in this cause according to law and that they and each of them have failed to answer or otherwise appear herein within the time provided by law and that a decree pro confesso has been duly and regularly entered herein against the said defendants and each of them according to law and the practice of this court, and that they have failed to appear or procure a vacation thereof.

7. That the respective defendants named in paragraph 3 part 3 hereof have regularly appeared herein by answer, stipulation or other pleading, but have failed to submit proof in support of their claims, and it appearing to the satisfaction of the Court, that such defendants do not have any rights in or to the waters of Big Lost River and its tributaries.

Now, Therefore, upon motion of counsel for plaintiff, it is ORDERED, ADJUDGED AND DECREED as follows, viz:

D E C R E E

Part I

1. That Big Lost River is a stream with a large number of tributaries, having its entire water shed within the counties of Butte and Custer, State of Idaho, said river rising in the Lemhi National Forest in Custer County, Idaho and flowing in a general southeasterly direction through Custer county and Butte County, Idaho and having its terminus in the Lost River Sinks situated in Townships 4 and 5 North of Range 30 East of the Boise Base and Meridian.

That there is hereby drawn within the jurisdiction of this Court for distribution for beneficial uses, under and pursuant to the terms of this decree, all of Big Lost River and its tributaries as above described, and with the exceptions hereinafter provided, are hereby decreed to constitute a single interdependent river system to be administered under the terms of this decree,

2. Subject to such prior rights as are herein decreed in the order of their respective priorities, that is to say such rights as are prior by virtue of this decree, said plaintiff, Utah Construction Company, has the right to divert at its points of diversion hereafter stated and to impound at its reservoir (known as the Mackay reservoir) or in part to divert and in part to impound at said reservoir all the waters of Big Lost River and its tributaries to the extent of Two Thousand Three Hundred (2300) cubic feet per second of time according to the dates of priority hereafter set forth, the water stored in said reservoir to be thereafter released from said reservoir at plaintiff's pleasure through the gates of the Mackay Reservoir Dam and thence down the natural channel of Big Lost River for use at the following points of diversion, to-wit:

(a) In the Northwest quarter of the Northeast quarter of Section 14, Township 6 North, Range 25 East, B. M., at the head of what is known as the Blaine Canal, which said Blaine Canal belongs to and is a part of plaintiff's irrigation system.

(b) In the Northwest quarter of the Northwest quarter of Section 26, Township 4 North, Range 26 East, B. M., at the head of what is known as the Arco

Canal which belongs to and is a part of plaintiff's said irrigation system.

(c) Or at any other point or points of diversion which may be established by the plaintiff for irrigation, power or other beneficial purposes recognized by law to which plaintiff may devote or dedicate said released stored water by its sale, rental or otherwise.

In its exercise of the rights herein defined the plaintiff may to the extent of its various appropriations as hereinafter decreed, impound in storage and divert the waters of Big Lost River at all times and at all seasons of the year when by so doing it does not interfere with the exercise of any prior rights fixed by this decree and the water released by it from storage may be conveyed through the natural channel of the River and shall be protected under the provisions of this decree for the distribution designated by plaintiff as though kept and conveyed within an artificial channel.

In administering the rights of plaintiff as herein decreed and mentioned the following considerations shall be observed and recognized: It is hereby adjudged and decreed that the natural flow and increment to Big Lost River between what are known as the "A" line gauging stations at the upper end of plaintiff's reservoir and what is known as the 2-B gauge below said reservoir, and located in the Northeast quarter of Section 18, Township 7 North, Range 24 East, B. M., is thirty-four (34) cubic feet per second and in determining what constitutes the natural flow of Big Lost River, with reference to the storing of water by plaintiff in its reservoir and the release of waters therefrom, the water flowing in said Big Lost River as measured by the "A" line gauging stations at the upper end of said reservoir, plus thirty-four (34) cubic feet per second measured at the 2-B gauge aforesaid, shall be deemed the natural flow of said strea m at said 2-B gauge, and any amount in excess of such natural flow shall be deemed released stored waters. The return flow of water to the river or the natural increment of the river below said 2-B gauge shall not be deemed released stored waters. In case the gauges constituting said "A" line gauging stations shall be removed from their present location, the Court reserves jurisdiction upon application of any party hereto to determine the gain or loss of the stream between the present location of said "A" line

gauging stations and the points to which they shall be removed, and upon that basis to readjust the relation between the natural flow of the river at the gauging stations above plaintiff's reservoir and the said 2-B gauge.

In the delivery to plaintiff at the Blaine Canal Diversion of stored waters released during the month of May there shall be deducted to cover channel losses in transit an amount equivalent to an average of 15% of such waters as measured at said 2-B gauge; and of the storage waters released during each month thereafter there shall be deducted to cover such losses, an amount equivalent to 5% of such waters measured at said 2-B gauge.

Between October 1 and October 15 of each calendar year no waters shall be stored by plaintiff in its said reservoir unless the Commissioner or other official charged with the administration of this decree shall in his discretion determine that by reason of weather conditions or other determining factors all the water flowing in Big Lost River is not reasonably necessary to satisfy the prior rights herein decreed. Beginning October 15 of each calendar year and continuing to November 1, plaintiff shall have the right to store in its reservoir such of the waters of Big Lost River at said point as said Commissioner or other official charged with the administration of this decree shall, in his discretion, deem to be not reasonably necessary to satisfy prior rights for irrigation, stock and domestic purposes; up to November 1st of each calendar year said Commissioner or other official shall supply to all the ditches of defendants who are herein decreed rights prior to plaintiff water reasonably required for stock and domestic purposes except in the case of any ditch where such supply would in the opinion of such Commissioner or other official result in unreasonable waste of water.

From and After November 1st, of each calendar year to the beginning of the subsequent irrigation season, to-wit, May 1st, (or such earlier date as said Commissioner or other official may determine water to be necessary for irrigation purposes, but in no event earlier than April 20th), said plaintiff shall have the right to store in its said reservoir all the waters flowing at that point in Big Lost River. Provided, however, that plaintiff shall at no time by closing its gates for storage purposes at said reservoir, reduce the amount of water flowing in Big Lost River to

a quantity less than fifty (50) cubic feet per second of time measured at said 2-B gauge. And the plaintiff's right so to store said water for said period to the extent herein defined is hereby adjudged and decreed to be superior to the rights of any defendant during said period, and such storage and the subsequent use of said stored water by sale, rental or otherwise by said plaintiff will in no way infringe upon any prior right of any of said defendants thereto.

Plaintiff shall not divert at the head of its Blaine Canal any of the natural flow of said Big Lost River between November 1st and the beginning of the subsequent irrigation season.

3. Irrigation rights include the right to divert and use water for irrigation, domestic and culinary purposes and the watering of livestock throughout the irrigation season of each year which is defined as ordinarily that portion of the calendar year which commences on the first day of May and closes on the fifteenth day of October; subject however to certain regulatory powers herein given to the Commissioner or other official charged with the administration of this decree in connection with the storing of water in plaintiff's reservoir, such discretionary power to be exercised in seasons of unusual characteristics during the period from April 20th to May 1st, and during the month of October as set forth in paragraph 2 part 1 hereof.

Each irrigation right herein decreed shall include and imply as a part thereof (subject to plaintiff's right of storage to the extent and during the period herein prescribed), the right to the use of water for domestic and culinary purposes and the watering of livestock during the non-irrigation season.

All rights herein decreed to the plaintiff and the several defendants are decreed for the beneficial uses specified, and none of the parties hereto, or their successors in interest, whether heirs, executors, administrators, successors or assigns, shall have the right to divert any of the waters of said Big Lost River, or any of its tributaries, except for beneficial use, and whenever such use has ceased, such party or parties shall cease to divert, and shall have no right to divert, the said waters, or any part thereof, and each and every of the parties hereto, their servants, attorneys, employes and successors in interest, as aforesaid, are hereby

enjoined and restrained from any and all interference with or diversion or use of the said waters, except in the manner, and to the extent, and for the purposes, provided in this decree, whenever such interference, diversion or use would in any manner interfere with the diversion or use of the water awarded by this decree to any of the other parties to this action.

4. The Court hereby expressly reserves jurisdiction to supervise and enforce the administration of this decree hereafter and from time to time as occasion may require.

In the first instance the administration of this decree shall be left with Lynn Crandall, who is hereby appointed Commissioner for that purpose, and any successor who may be hereafter appointed by the Court. The salary of said Commissioner is hereby fixed at the sum of Three Hundred Twenty-five ($325.00) Dollars per calendar month, together with his actual and necessary expenses incurred in the discharge of his duties. Said Commissioner is authorized to employ such assistants or water masters as may be necessary. Nothing herein contained shall prevent said Commissioner, if he so desires, from employing water masters elected or appointed for the several water districts of Big Lost River and its tributaries according to the manner prescribed by the statutes of Idaho for the election and appointment of Water Masters; and in case said Commissioner shall appoint said Water Masters as his assistants they shall receive their compensation in the manner provided by the statutes of Idaho with reference to such matters; but nothing herein contained shall require said Commissioner to appoint as his assistants such Water Masters so elected or appointed under the statutes of Idaho, unless, in his opinion, such appointment shall be conducive to the proper administration of this decree and unless so appointed by said Commissioner as his assistants said Water Masters shall have no authority to distribute the waters of Big Lost River or its tributaries while the distribution of the waters thereof shall be under the control of said Commissioner.

The salary and necessary expenses of said Commissioner and his assistants in the administration of this decree shall be borne as follows:

(a) During the period from November 1st to May 1st, plaintiff shall bear one-half of the expense of administration during said period, and those defendants to whom rights in the waters of Big Lost River are herein decreed and whose points of diversion are below plaintiff's reservoir shall bear the remaining one-half of such expense, said remaining one-half to be apportioned among such defendants in proportion to their respective rights as herein decreed.

(b) During the period from May 1st to November 1st the parties hereto and each of them shall bear the expense of administration incurred during such period pro rata according to the amount of water distributed to each during such period of the preceding year.

Said Commissioner shall, on or before May 1st of each year, prepare a budget covering the estimated expenditure for the ensuing year. After approval of this budget by the Court, said Commissioner shall distribute said estimated expenditures among the various users according to the method above set forth, basing his estimated costs for the months of May to October inclusive, and the amount payable by each water user, upon the amount of water used by each during the same period of the year preceding. Said Commissioner shall notify the parties to whom rights are herein decreed or their successors of the amount charged to each respectively, and shall also notify such parties of the time within which their respective shares or the installments thereof shall be paid to such Commissioner.

The Commissioner shall have authority to refuse to deliver water to any user until such time as such user's share of the expenses as herein provided for is paid.

Subject to the power and duty of this Court to supervise and enforce the administration of this decree from time to time as occasion may require, and to that end to appoint anew its Commissioner for that purpose for which jurisdiction is hereby expressly reserved, the administration of this decree shall at any time the Court deems it proper to discharge said Commissioner, be left with the officials of the State of Idaho charged with the duty of supervising the distribution of the public waters within said state, the costs and expenses of such administration to

be defrayed as provided by the statutes of Idaho. Any party hereto may apply at any time for directions to the Water Master or for the appointment of a Commissioner if necessary to enforce any provision of this decree.

(After the discharge of the Commissioner appointed by the Court the Water Master, Commissioner, or other official charged with the distribution of the waters of Big Lost River and its tributaries subject to this decree need not in the first instance, by reason of the decree, undertake the detailed administration of the waters of the entire portion of the river and tributaries placed under the decree, but only of such section of the main river and such tributaries as he shall be specifically directed to administer. Such administration may be extended upon the application of any party, from time to time, as the irrigation season advances and necessity therefor arises. However, such Water Master, Commissioner or other official shall, after his appointment, have general supervision of the entire river and of the tributary waters;) and if called upon to administer the water of any particular tributary he may utilize any agency for the distribution of the waters of such tributary locally selected or agreed upon by the water users from such tributary, and if necessary he may appoint assistants to administer any section of the main river, or any tributary thereof, provided always that any party hereto may invoke the powers of such Water Master, Commissioner or other official to personally direct and supervise the administration of the waters of any section of the river, or of any tributary or tributaries, in strict conformity to the provisions of this decree, both during the irrigation season, and the non-irrigating or winter season, so far as may be necessary to secure to the several parties their rights hereunder, and failing to obtain proper action by such Water Master, Commissioner or other official may apply to the Court for directions in the premises.

5. The parties hereto and their successors in interest shall install and maintain suitable and efficient headgates, controlling works and measuring devices at their respective points of diversion, and all water herein allotted and decreed shall be measured at said points of diversion. Said works and devices shall be built and installed in accordance with plans and specifications to be approved by the official charged with the duty of supervising the distribution of water, (subject to review by

this Court). All such devices shall be of such design as to accurately register the amount of water diverted, and in the case of ditches diverting fifty or more cubic feet per second, automatic measuring and registering devices shall be installed and maintained. All such headgates, control works and measuring devices and gauges shall at all times be subject to the inspection of either party, and to public officials or water masters having jurisdiction over the distribution and diversion of water and no dam or other obstruction to the natural flow of the stream shall be maintained so as to divert water from the channel of the stream, except through ditches, canals or other works provided with such headgates, control works and measuring devices, and each of the parties hereto shall be perpetually enjoined from diverting from the channel of the stream or its tributaries any water through any ditch, conduit or other devices not provided with such headgates, control works and measuring devices.

In case any user shall fail to install any headgates and measuring or controlling devices as in this decree prescribed within 30 days after the Commissioner or other official in charge of the administration of this decree has notified him so to do, the said Commissioner or other official may install such headgates or measuring devices and charge the expense thereof to such user and said user shall not thereafter be entitled to the use of his water as herein decreed until he has repaid to said Commissioner or other official, the expense of installing said works.

6. During that portion of each irrigation season from the time when on the rising stage of Big Lost River the flow of said river, measured at what is known as the Howell Gauging Station (located in Section 30, Township 8 North, Range 21 East, B. M.), shall reach 750 second feet, until the time when on the falling stage of the river it shall recede to a flow of 300 second feet, measured at the same point, all of the waters of Big Lost River and its tributaries shall be administered as one connected stream, and the respective quantities of water and priorities to the right of the use thereof as herein decreed shall be strictly observed. But at all other times that portion of the waters of Big Lost River and its tributaries, rights to which are herein decreed and which is diverted at points above what are known as the "A" line gauging stations above the Mackay Reservoir, shall be admin-

istered as a separate district and while the provisions of this decree shall govern and determine as between themselves the rights and priorities of those persons diverting waters (other than water for storage purposes) above said "A" line Gauging Stations, the rights of such parties during the period when said section of the stream shall be separately administered shall not be affected by the rights and priorities of any other parties, as herein decreed. Provided, however, that the above provisions fixing the period when said section of upper Big Lost River shall be separately administered are fixed and determined with reference to measurements of said river at said Howell Gauging Station under existing conditions as to diversions from the river and its tributaries above said point, and in case hereafter any additional water shall be diverted above said Howell Gauging Station, then in determining the period during which the section of the river above specified shall be separately administered any such additional diversions above said Howell Gauging Station shall be considered as part of the flow of Big Lost River, measured at said point. Provided further, that the above provisions regarding the separate administration of said section of the river and its tributaries at certain periods shall apply only to such rights herein decreed, having their points of diversion above said "A" line Gauging Station as are wholly natural flow rights and shall apply in no respect to storage rights. As between all storage rights the priorities and quantities of water as herein decreed shall at all times be strictly observed, it being hereby decreed that with respect to such storage rights Big Lost River is and shall at all times and season be administered as a connected stream.

7. In the distribution of water under the terms of this decree, that portion of Big Lost River above the Mackay Reservoir commonly known as the "Black (Book) Channel" having its point of diversion from the main channel in the Northeast quarter of the Northeast quarter of Section 5, Township 8 North, Range 22 East, B. M. shall be considered as a part of the natural channel of the river, but the total amount of water which shall be permitted to flow into said "Black Channel" shall not as long as the river discharge at the Howell Rating Station is less than 1400 second feet, exceed 150 second feet but shall be kept as near said last named amount

as is practicable in the judgment of the Commissioner or other official charged with the administration of this decree. When the discharge at the Howell Rating Station exceeds 1400 second feet the diversion into said "Black Channel" shall be kept as near as practicable at 200 second feet, but shall not exceed that amount except when there is a surplus above all rights on Big Lost River as herein decreed.

PROVIDED, HOWEVER, That nothing in the foregoing provisions regarding said "Black Channel" shall be construed to modify or enlarge the amount of water to which the users diverting water into said "Black Channel" shall be entitled as set forth in this decree.

PROVIDED FURTHER That the users of water, whose points of diversion are by the provisions of this decree fixed on said "Black Channel", and their respective successors in interest, shall at their own expense under the direction of the Commissioner or other official charged with the administration of this decree provide and maintain a suitable dam and controling works for the regulation of the flow of the waters in said "Back Channel" as herein provided. Such expense to be pro-rated among said persons according to the respective amount of waters herein decreed to each.

8. In the administration of this decree Rock Springs Creek, Rock Creek, Beda Creek, Corral Creek, Sage Creek, Upper Cedar Creek, Lower Cedar Creek, Dry Creek, sometimes called Cedar Creek, Pete Creek, Willow Creek, Pinto Creek, Lehman Creek, Vance Creek, Grant Creek, and Hamilton Creek shall not be regarded as tributaries of Big Lost River, and while the provisions of this decree shall govern and determine as between themselves the rights and priorities of those persons diverting waters from said respective creeks, the rights of the parties on said separate respective creeks shall not be affected by the rights and priorities of any other parties as herein decreed.

PART II

(SCHEDULE OF RIGHTS)

C.F.S. is used throughout this schedule to designate a flow of one cubic foot of water per second of time.

Note: The left hand column of this schedule of rights headed "Date of Priority", shows the name of the owner of the water right or water rights decreed; the date or dates of priority, and for convenience the water right or water rights of each individual are given a number, which number appears at the lower left hand corner of the paragraph defining the water right or water rights decreed to each individual. The center column shows the amount of water in c. f. s. under each date of priority. The right hand column gives the point of diversion and describes the land constituting the place of use.

Subdivision "A"

The Plaintiff, Utah Construction Company, is entitled to divert from the flow of Big Lost River and Antelope Creek, for storage, power and irrigation and domestic purposes the following amounts:

Date of Priority	Amount in Second Feet	Point of diversion and place of use
UTAH CONSTRUCTION COMPANY		To be diverted from Big Lost River or stored in Mackay Reservoir for distribution at the points of diversion as herein specified.
(a) 1905-May 23	1000 c. f. s. 34 0010	
1905-October 2	200 c. f. s. 34 0011	
1916-February 7	1000 c. f. s. 34 0012	
(b) 1905-July 31	100 c. f. s. 34 0013	To be diverted from Antelope Creek at the following points of diversion or either of them: (a) South 59°East 1643 Feet from the corner common to Sections 25,26,35 and 36, Township 6 North, Range 25 East, B. M. (b) South 73°35'East 1770 feet from the northwest corner of Section 6, Township 5 North, Range 26 East, B. M.

Plaintiff's water rights aforesaid shall be appurtenant to the following lands, together with such other lands as plaintiff or its successors may hereafter by sale, rental or distribution, dedicate thereto the use of such waters for irrigation:

T. 3 N., R. 25 E.

Section 1	All
Section 2	All
Section 3	Lot 1
	Lot 2
	SW¼ NE¼
	SE¼ NE¼
	NE¼ SE¼
	NW¼ SE¼
	SW¼ SE¼
	SE¼ SE¼
Section 10	NE¼ NE¼
	SE¼ SE¼
Section 11	N½
	NW¼ SW¼
	SW¼ SW¼
	E½ SW¼
	SE¼
Section 12	All
Section 13	All
Section 14	NE¼
	E½ NW¼
	NW¼ NW¼
	SW¼ NW¼
	SW¼ SW¼
	E½ SW¼
	SE¼
Section 23	N½ NE¼
	NW¼ NW¼
	NW¼ NW¼
Section 24	N½ NE¼
	N½ NW¼

T. 4 N., R. 25 E.

Section 25	SE¼ NE¼
	SE¼ SW¼
	NW¼ SE¼
	NE¼ SE¼
	S½ SE¼
Section 34	SW¼ SE¼
Section 35	SE¼ NE¼
	NE¼ SW¼
	SW¼ SW¼
	SE¼ SW¼
	NW¼ SE¼
	NE¼ SE¼
	S½ SE¼
Section 36	E½
	NE¼ NW¼
	NW¼ NW¼
	SW¼ NW¼
	SE¼ NW¼
	SW¼

T. 3 N., R. 26 E.

Section 2	SE¼ SW¼
	SW¼ SE¼
	SE¼ SE¼
Section 5	SW¼ NW¼
	NW¼ SW¼
Section 6	All
Section 7	All
Section 8	SE¼ NW¼
	W½ NW¼
	SW¼
	SE¼
Section 9	SE¼ NE¼
	N½ SW¼
	S½ SW¼
	SE¼
Section 10	SE¼ NE¼
	S½
Section 11	All
Section 12	NW¼ SW¼
Section 13	W½ SW¼
	SE¼ SW¼
	S½ SE¼
Section 14	All
Section 15	All
Section 16	All
Section 17	All
Section 18	All
Section 19	NE¼
	E½ NW¼
	Lot 1
	Lot 2
	NE¼ SW¼
	N½ SE¼
	SE¼ SE¼
Section 20	All
Section 21	N½
	S½ SW¼
	N½ SE¼
Section 22	N½
	N½ SW¼
	SW¼ SW¼
	NE¼ SE¼
	NW¼ SE¼
Section 23	All