

Exhibit 1

IN THE DISTRICT COURT OF THE STATE OF UTAH, SEVENTH JUDICIAL DISTRICT

IN AND FOR CARBON COUNTY

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Peter Francis, Plaintiff, )

vs. )

Robert Powell, William Warren Jr., )  
William Warren Sr., Parley Warren, )

Henry Stewart, Edward Harmon, Frank )  
Algers, John Egan, J. H. Olsen and )  
Frank Olsen. )

Defendants. )

DECREE.

Civil No. 106

And now the Court being fully advised in the premises and having made its findings of fact and conclusions of law, the same being filed herein, and on motion of Counsel, it is hereby ordered adjudged and decreed;

First: That this suit be and the same is hereby dismissed as to Robert Powell and Frank Olsen.

Second: It is ordered adjudged and decreed, that the defendants John Egan, have and that he is the owner and entitled to sufficient water as an original appropriation from Argyle Creek, to irrigate ten acres of land, and this as a first and primary right classed as Class No. 1.

And also that said defendant Egan is entitled to have and is the owner of and entitled to sufficient water from said Argyle Creek, to irrigate five acres of land.

And the said Edward Harmon and Henry Stewart have and they are the owners of and entitled to sufficient water from said Argyle Creek to irrigate fifteen acres of land, the said least mentioned five acres decreed to defendant Egan, and the fifteen acres, decreed to Harmon and Stewart, together with twenty five acres is classed as Class No. 2, and subject to said

**Class No. 1.**

Third: It is ordered, adjudged and decreed, that the plaintiff, Peter Frances, have and that he is the owner and entitled to sufficient water in said Argyle Creek, to irrigate forty-three acres, And that the defendant Egan have and that the owner of and entitled to sufficient water of said Argyle Creek, to irrigate one acre. And that the said Harmon and Stewart have and that they are the owners and entitled to sufficient water of Argyle Creek to irrigate fifteen acres, making in all fifty nine acres, to be classed as Class No. 3. Which said Class No. 3, is subject to said two classed preceding.

Fourth: It is futher ordered, adjudged and decreed that defendant John Egan, have and that he is the owner of and entitled to sufficient water from said Argyle Creek, to irrigate eight acres of land.

And that the defendants Harmon and Stewart have and that they are the owners and entitled to sufficient water from said Argyle Creek to irrigate ten acres of land. Making in all eighteen acres, to be Classes as Class No. 4, and subject to the three preceding classes.

Fifth: It is ordered, adjudged and decreed, that the defendants Harmon and Stewart, have and that they are the owners and entitled to sufficient water from said Argyle Creed to irrigate ten acres of land. Which is classed as Class No. 5, and is subject to the four preceding Classes.

Sixth: It is ordered and adjudged and decreed that the defendant John Egan, have and that he is the owner and entitled to sufficient of the waters of said Argyle Creek, to irrigate twelve acres of land to be classed as Class No. 6, subject to the five preceding classes.

Seventh: It is ordered, adjudged and decreed, that plaintiff Peter Frances, have and that he is the owner of and entitled to sufficient of the waters of said Argyle Creek to irrigate 48 acres, classed as Class No. 7,

subject to the six preceding classes.

Eighth: It is ordered, adjudged and decreed, that defendant William Warren Jr. have and that he is the owner of and entitled to sufficient water of said Argyle Creek to irrigate twenty acres of land, classed as Class No. 8, subject to the seven preceding classes.

Ninth: It is ordered, adjudged and decreed, that defendant Frank Algernon have, and that he is the owner and entitled to sufficient of the waters of said Argyle Creek, to irrigate thirteen acres of land.

That William Warren Jr., have and that he is the owner of and entitled to sufficient of the waters of said Argyle Creek to irrigate thirty acres of land, and that William Warren Sr., and Parley Warren have and that they are the owners of and entitled to sufficient water from said Argyle Creek to irrigate twenty acres of land. And that these rights making in all sixty three acres be and the same are classed as Class No. 9, subject to the eight preceding classes.

Tenth: It is ordered, adjudged and decreed that plaintiff Peter Frances have and that he is the owner of and entitled to sufficient water from said Argyle Creek to irrigate seven acres of land.

That the defendant Frank Algernon have and that he is the owner of and entitled to sufficient of the waters of said Argyle Creek to irrigate two acres of land, and that defendants Harmon and Stewart have and that they are the owners of and entitled to sufficient water from said Argyle Creek to irrigate forty five acres of land.

And that William Warren Jr. have and that he is the owner of and entitled to sufficient of the waters of said Argyle Creek to irrigate ten acres of land.

And that William Warren Sr., and Parley Warren have and that they are the owners of and entitled to sufficient of the waters of said Argyle Creek

to irrigate thirty acres of land.

And that defendant J. H. Olsen have and that he is the owner of and entitled to sufficient of the waters of the said Argyle Creek to irrigate twenty acres of land making a total of One Hundred and fourteen acres, all to be classed as Class No. 10, and subject to the nine preceding classes.

Eleventh: It is ordered adjudged and decreed, that defendants Harmon and Stewart have and that they are entitled to and the owners of sufficient of the waters of said Argyle Creek to irrigate eight acres of land. And that J. H. Olsen, have and that he is the owner of and entitled to sufficient of the waters of said Argyle Creek to irrigate five acres of land a total of thirteen acres, to be classed as Class No. 11, and subject to ten preceding classes.

Twelfth: It is ordered, adjudged and decreed that defendants William Warren Sr. and Parley Warren, have and that they are the owners of and entitled to sufficient of the waters of said Argyle Creek, to irrigate four acres of land and J. H. Olsen, defendant, have and that he is the owner of and entitled to sufficient of the waters of the said Argyle Creek to irrigate seventeen acres of land making in all twenty one acres classed as class No. 12, and subject to the eleven preceding classes.

Thirteenth: It is further ordered, adjudged and decreed, that the rights as above decreed are rights acquired by prior appropriations, and they are deemed to be and are prior and superior as rights in the waters of said Argyle Creek in the order and classes as above set out and decreed, And that no junior class of said appropriation is entitled to any water until all senior classes as herein expressed shall have been fully supplied, to the extent herein indicated.

Fourteenth: It is further ordered, adjudged and decreed that when-

water has been appropriated, as above set forth, and it becomes necessary, to divide the waters of said Creek, each of the parties hereto and to whom the right to water has been decreed, shall be entitled to and have water divided and given to them upon the basis of "one second foot to a hundred acres of land".

Fifteenth: It is further ordered, adjudged and decreed that the respective parties hereto shall provide suitable and proper headgates at the heads of their respective ditches where said water is diverted from the channel of said creek, for the purpose of making accurate and proper measurements of the quantity of water, to flow through their respective ditches, this to be done at the expense of the respective owners of said ditches.

Sixteenth: It is further ordered, adjudged and decreed that the rights of the parties hereto the waters of said Argyle Creek, and their title to the appropriation as herein deferred is and the same is hereby quieted as against and among all the parties to this cause of action. And that the respective parties to this action are hereby restrained and enjoined from in any manner interfering with the rights of each other or the use of any of the waters of said creek, other than as hereinbefore stated.

Seventeenth: The appropriations of water herein mentioned shall include the right to the use of said waters by the respective parties for domestic and culinary purposes.

Eighteenth: It is further ordered, adjudged and decreed that in view of the uncertainty as to the most economical method, of the use of the waters of said Creek by the owners thereof, the Court reserves the right, if necessities may require it to prescribe to limit the use of said water with reference to time limit as to the parties hereto.

Thirteenth: It is further ordered, adjudged and decreed that neither of the parties heretofore shall make any claim for witness fees, but each party pay their own witnesses. That as to the other costs, viz:- Court Costs, and service of summons, taxed at thirteen dollars, the cost of temporary water commissioner taxed at \$56.60 and the cost of extending the notes by stenographer including the preparation of Findings and Decree, taxed at \$7.00 making a total of \$76.60 to the plaintiff Peter Frances shall pay, and judgment is rendered against him for one third of that amount.

That the defendants, other than Frank Olsen, and Robert Powell shall pay and judgment is rendered against them for the remaining two thirds, to be apportioned between them in proportion to the acreage of the water rights decreed them herein.

Dated November 15th, 1900.

Jacob Johnson.  
Judge.

Exhibit 1-4

**AROYLE CREEK - CARBON COUNTY**  
**DECREE - 1900**  
**JUDGE JOHNSON**

OWNER	ACREAGE		CLASS of RIGHT
	Decreed	By Class	
John Egan	10	10	1
John Egan	5		2
Edward Harmon	15	20	2
Henry Stewart			
Peter Francis	43		3
John Egan	1		3
Edward Harmon	15	59	3
Henry Stewart			
John Egan	8		4
Edward Harmon	10	18	4
Henry Stewart			
Edward Harmon			
Henry Stewart	10	10	5
John Egan			
John Egan	12	12	6
Peter Francis	48	48	7
William Warren, Jr	20	20	8
Frank Alger	13		9
William Warren, Jr	30		9
William Warren, Sr	20	63	9
Parley Warren			
Peter Francis	7	-	10
Frank Alger	2	-	10
Edward Harmon	45	-	10
Henry Stewart			
William Warren, Jr	10	-	10
William Warren, Sr	30	-	10
Parley Warren			
<u>J. H. Olson</u>	20	114	10
Edward Harmon			
Henry Stewart	8		11
<u>J. H. Olson</u>	5	13	11
William Warren Sr			
Parley Warren	4	-	12
<u>J. H. Olson</u>	17	21	12

*1 See  
100 acres*

**NOTE: Paragraph 14 Decree - When necessary to divide the water of said creek, each party entitled to have water divided upon a basis of 1 sec. ft. to a hundred acres**