

Extra cts from "decision of Court" in W. G. Baker et-al  
vs A. M. Lyman et al.

The court finds that the defendants in said case, towit, Mason Lyman, Chris. Moosman, Haskin Lyman, Amassa Lyman, Fred Simons, John Safely, J. S. Liston, -----Sheffield, Chas. Nazer, Vern Lyman have appropriated and used and have acquired the right and title to the use of 9/16 of the East Fork of Boulder Creek; that the plaintiffs herein, towit, Henry Baker, Frank Hawes, W. G. Baker Jr., John R. Baker, J. C. Peters, Victor Bean, W. G. Baker Sr. (the estate of), and Walter Baker have used and appropriated and are entitled to the use of and have acquired the right, title to the use of 7/16 of said creek, to-wit, the East Fork of Boulder Creek

The Court finds that the defendants Fred Simons, John Safley, J. S. Liston, -----Sheffield, have acquired title by prior appropriation to 8/18 or 4/9 of the waters of the East Fork of Boulder Creek, towit, 4/9 of the 9/16 above awarded to defendants herein, and that the respective amounts to which each of said defendants is entitled and to which they have acquired title by prior appropriation is as follows:-

Fred Simons 2/18 or 1/9  
John Safely 2/18 or 1/9  
J. S. Liston, 2/18 or 1/9  
----- Sheffield 2/18 or 1/9

These four defendants having heretofore diverted the water used by them from the Lyman Ditch at one and the same point, will continue to divert their entire stream of water, towit, 4/9 of 9/16 awarded the Lyman ditch at the same point that they have heretofore been diverting it, and they and each of them will be prohibited from changing the point of diversion of the amount to which he is entitled and above awarded, without the written consent of the defendants last above mentioned.

The other defendants viz. Mason Lyman, Chris. Moosman, Haskin Lyman, Amassa Lyman Sr., Charles Nazier, Vern Lyman have by prior appropriation acquired title to the remainder of the waters awarded to the Lyman Ditch, to wit, 5/9 of all the waters awarded to the defendants, and the respective individual rights thereto are as follows:-

Mason Lyman, 5/36 of the waters awarded to the defendants  
Chris. Moosman, 6/36 or 1/6 of the same  
Haskin Lyman & Amassa Lyman, 6/36 or 1/6 of the same  
Charles Nazier and Vern Lyman, 3/36 or 1/12 of the same.  
Haskin Lyman and Amassa Lyman shall be entitled to use of 6/36 or 1/6 of the stream awarded the defendants as follows:  
Haskin Lyman shall be entitled to use said stream one day or 24 hours and Amassa Lyman at the termination of said day shall be entitled to use the entire stream awarded them 5 days or 120 hrs. and so on during the irrigation season.

Charles Nazier and Vern Lyman shall use the stream awarded them alternately for such lengths of time as they may agree upon and neither of the parties last above mentioned shall be permitted to change the point or place of diversion without the written consent of the other.

RECAPITULATION.

RECAPITULATION

Plaintiffs Rights:-

Henry Baker 4/32

Frank Haws 6/32

W. G. Baker Jr., 6/32

John R. Baker, 2/32

J. C. Peters)

Victor E. Bean)

Estate of ) - 13/32

W. G. Baker, Sr. )

Walter Baker ) 1/32 of the waters awarded to plaintiffs.

Defendants rights:-

Fred Simons 4/36

John Safely 4/36

J. S. Liston 4/36

---Sheffield 4/36

Mason Lyman 5/36

Chris. Moosman 6/36

Haskin Lyman and ) -6/36

Amassa Lyman, Sr. )

Charles Nazer and ) -3/36

Vern Lyman ) of the water awarded to defendants.

The court further finds from evidence that a second foot of water will irrigate from 25 to 40 acres of the lands owned by the plaintiffs; and that a second foot of water will irrigate from 40 to 60 acres of land of the character owned and irrigated by the defendants, and in normal seasons there are 24 second feet of water in Boulder Creek and 16 second feet of it is furnished by the East Fork.

Decision Dated December 20th, 1901

W. H. McCarty, District Judge.