

1940's

STIPULATION

We, the undersigned, hereby agree upon the following division of the natural flow of North (Cheney) Creek at a point located N. 715 Ft. W 1122 Ft. from the SE corner Sec. 7, T13N, R5E, SLB&M which is the only point of diversion from North (Cheney) creek on SE 1/4 Sec. 7, T 13 N, R 5 E. SLB&M. This agreement becomes effective when the minimum flow of North (Cheney) Creek at this point reaches 4 Sec. Ft.

1. For the period from the time when the flow at the above point ranges from a maximum of 4 Sec. Ft. to the time when the flow reaches 1.5 Sec. Ft. the following division is made:

- 1/3 int Ellsworth Johnson
- 1/3 int J. N. Cook
- 1/3 int Ethel M. Cook

It is further agreed that a dry dam be placed across the natural channel of North (Cheney) Creek at the point of diversion during this period and that all the waters of Little Cheney Spring Stream to and including a flow of 0.5 Sec. Ft. be allowed to enter the ditch transmitting the North Creek flow and be diverted again from said ditch with no allowance made for loss be seepage or evaporation.

It is further agreed that the present location of the ditch where it crosses the property of J. N. Cook cannot be changed without permission of J. N. Cook, his heirs and successors in interest, and that all cost of upkeep of said ditch be borne by the three parties, their heirs and successors in interest, aforementioned, the portion to be decided by the parties involved.

It is further agreed that at no time during this period shall any individual turn of water exceed 72 hours in duration.

2. For the period from the time when the flow at the above point ranges from a maximum of 1.5 Sec. Ft. to the time when the surface flow fails to reach the point of division the following division is made.

- 1/2 int J. N. Cook
- 1/2 int Ethel M. Cook

It is further agreed that a dry dam be placed across the natural channel of North (Cheney) Creek at the point of diversion during this period and that all the waters of Little Cheney Spring Stream to and including 0.5 Sec. Ft. be allowed to enter the ditch transmitting this flow and be diverted again from said ditch with no allowance made for loss be seepage or evaporation.

It is further agreed that the above agreements supercede data filed on Water Users Claims filed in the Bear River, Rich County adjudication.

<u>J. N. Cook</u>	<u>Julia A. Cook</u>	<u>Ole Mattson Este</u>	<u>Stanley Mattson</u>
<u>Ethel M. Cook</u>	<u>Cora F. Johnson</u>	<u>Mrs. Ole</u>	<u>Mattson</u>
<u>Ellsworth Johnson</u>	<u>Louise P. Mattson</u>	_____	_____
<u>Stanley Mattson</u>	_____	_____	_____

Subscribed and sworn to before me this _____ day of _____, 194_____

My Commission expires _____ Notary Public _____

Claim number 823 is on page 308

Claim number 889 is on page 309

Claim number 880 is on page 310

Claim number 832 is on page 311

Weston claims above

Claim number is on page 295 claim 824

claim number 855 is on page 296

Claim number 856 is on page 296

Claim No. 824 page 296

Claim 863 page 298

Claim 868 page 299

Claim 871 page 300

Claim 825 page 300

Cook claims above mentioned by Westons

Little Cheney Spring

Claim number 745 page 305 of May I, to Oct. I each year

Claim number 900 page 306 of May I, to Oct. I of each year

Built Resivor fall of 1952