

IN THE SECOND JUDICIAL DISTRICT COURT OF UTAH TERRITORY,
BEAVER COUNTY.

Minersville Irrigating District, a corporation
under the laws of Utah Territory, and the
Minersville Reservoir and Irrigation Company,
a corporation under the laws of Utah Territory,
Plaintiffs,

vs.

The Adamsville Land and Irrigation Company,
L. D. Joseph, John T. Joseph, Simeon Walker,
David Jones, John E. Jones, Hyrum Thomas,
John Reese, Robert Brown, Edwin Price,
Henry Emerson, John R. Williams, Mary Fotheringham,
Elizabeth Fotheringham, Harriet Fotheringham,
Thomas Fotheringham, Margarette M. Griffiths,
John G. Jones, John J. Jones, John J.
Griffiths, Reese Griffiths, John Limb ,
Thomas M. Reese, Watkin Reese, David T. Reese,
Evan E. Jones, William U. Stewart, John E. Cox,
Margaret, Griffiths, Margaret Pierce, John
Elick, James C. Simpkins, Thomas H. Reese,
Ann Gunn, John T. Evans, William H. Joseph,
Joseph H. Joseph, Fred T. Gunn, Evan D. Jones,
John G. Jones, James L. Griffiths, Hyrum S. Walker,
John R. Griffiths, William Edwards, Nephi Lunt,
John Barton, Stephen Barton, Dan Barton, Jackson Barton,
Hans Davidson, Robert Brown, John F. Jones, James R.
McKnight,
Defendants.

This cause coming on regularly for hearing in open court
on this 25th day of November, A.D. 1895, upon the complaint of the
plaintiff and the answer of the defendants, the plaintiffs
appearing by their attorneys, Barlow Ferguson and S. R. Thurman,
Esqs, and defendants by their attorney, Presley Denny, Esq., and
the said parties by their said attorneys, waiving findings of
fact and conclusions of law, and consenting in open court, that
this decree be entered, it is therefore, hereby ordered,
adjudged and decreed as follows, to wit:

1. That the plaintiff, the Minersville Reservoir and Irrigation Company is a corporation duly organized and existing under and by virtue of the laws of Utah Territory,; that the Adamsville Land and Irrigation Company, defendant, is not and never has been a corporation, and has no capacity to sue or be sued, or to hold property; that the said Minersville Reservoir and Irrigation Company, and the defendants, other than said Adamsville Land and Irrigation Company, are the owners in fee of all the waters of the Beaver River, from what is known as Patterson's dam, referred to in the findings herein down to a point west of the town of Minersville, Beaver County, Utah, and have the exclusive right to the use of all the said waters, and the same is owned by the said parties in the following proportion, and shall be distributed among the said parties in the following manner, that is to say:

The Minersville Reservoir and Irrigation Company has built a large Reservoir near what is known as Rocky Ford in Beaver canon, for the purpose of storing large quantities of the waters of the said river during high water season, and what it stores shall belong to it exclusively, and shall not be measured as any part of its portion of said waters.

Said parties have continuously used the said waters upon their lands and for domestic and culinary purposes through the following names ditches and on the following number of acres respectively:

The Minersville Reservoir and Irrigation Company for the benefit and use of its stock holders on 1240 acres.

John F. Johnes, through his ditches below the Minersville Reservoir on 50 acres.

James R. McKnight on his ditches below the said reservoir on 10 acres.

M.L. Shepherd through his ditches below the said reservoir on 30 acres.

William Edwards, Nephi Lunt, S. E. Barton, Abraham Heslington, Ban Barton, Stephen Barton, John Barton, Maria Barton, Edwin Price, through the Barton ditch on 210 acres.

Hans Davidson through the Barton ditch on 70 acres.

William Price and S. E. Barton through the Price ditch 40 acres.

Hyrum Thomas, John Reese through the Hyrum Thomas ditch on

45 acres.

Robert Brown, George Hutchings, Henry Emerson, John E. Cox
Watkin Reese, through the Emerson ditch on 118 acres.

John G. Jones, Evan D. Jones and James L. Griffiths on 45
acres through the Abardare ditch.

John Reese, John R. Williams, Thomas Fotheringham, Robert
Brown, George Hutchings, Mary Fotheringham, Elizabeth Fotheringham,
Harriet Fotheringham, David Jones, Margaret Griffiths, through the
Brown ditch and the Abardare ditch on ~~2~~ 227 acres.

John J. Jones, John J. Griffiths, Reese Griffiths, John Limb,
Elizabeth Reese, Harris Estate, Watkin Reese, Hyrum S. Walker,
John G. Jones, Evan D. Jones, Evan E. Jones, Mary Ann Stewart,
John E. Cox, Margaret ~~Griffiths~~ Griffiths, Margaret Pierce, John M.
Griffiths, James C. Simpkins, Thomas H. Reese, Thomas W. Jones, Ann
H. Gunn, Harriet Fotheringham, John T. Evans, Joseph H. Joseph Sr.,
John T. Joseph, Fred T. Gunn, John G. Jones, L. D. Joseph, Bargaret
M. Griffiths, John E. Jones, Simeon Walker, David Jones, Joseph H.
Joseph, David Pierce, on 490 $\frac{1}{4}$ acres, through the Furnace ditch.

Mary Ann Stewart, Joseph H. Joseph, James C. Simpkins,
Reese Griffiths, Fred T. Gunn, David Jones, Ann H. Gunn, William
Bowman, and Evan D. Jones through the Hay ditch on 137 $\frac{1}{4}$ acres.

Harriet Fotheringham, Evan E. Jones, Margaret Pierce, Ann H.
Gunn and Fred T. Gunn, Joseph H. Joseph, John E. Cox, Simeon Walk-
er, William Bowman, and John E. Jones, through the South ditch
on 212 acres.

Margaret Pierce, Joseph H. Joseph, Jr., John J.
Griffiths, Simeon Walker, Elizabeth Reese, John T. Joseph, and
Joseph H. Joseph, Sr., through the Chaffin ditch, and Harris
Estate 115 acres.

Making a total of (1799) seventeen hundred and ninety-nine
acres.

That the said Minersville Reservoir and Irrigation Company,
and the defendants, other than the said Adamsville Land and
Irrigation Company, are entitled to the use of the said waters
of said Beaver river in the proportion that the number of
acres watered by each as aforesaid bear to the total number of
acres watered in all, and shall be used by them from the ditch
through which they have used the said waters as above stated

subject to the right of any party to transfer his portion of the water into any ditch above named with the consent of the owners of such ditch, and the owners of $\frac{1}{4}$ the ditch from which the same is taken.

For the purpose of making a just and equitable distribution of the waters of said reiver, among the persons entitled thereto, as hereinbefore stated, the same shall be measured under the conditions and in the manner following, that is to say:

On the first day of June of each and every year, and as often thereafter as may be requested by any local water master, the quantity of water in said river above the highest point of the back water of the said Minersville reservoir, shall be so measured by the general water master selected by the parties or by the commissioner hereinafter provided for as to accurately determine said quantity from whatever source it may be derived, which quantity, when so determined shall be apportioned by said commissioner among the several ditches hereinbefore named according to their respective rights as hereinbefore stated, provided, that in apportioning said waters as aforesaid, water for one hundred and eighty acres of land, in addition to said distribution, shall be divided pro rata according to the number of acres to the ditches above the said Minersville Reservoir.

The County Surveyor, of Beaver County, or in case of a vacancy in said office, or in case of his absence, refusal or inability to act, then the sheriff of said county is hereby appointed a commissioner of this court to measure the waters of said reiver as herein before stated, and apportion the same among the several ditches entitled thereto in accordance with this decree, and for his services herein, he shall receive such compensation from time to time as may be allowed by this court. The said commissioner shall not measure or distribute said waters unless there is a disagreement among the parties herein as to the measurement or distribution thereof.

The expenses of distributing the said waters to the several ditches above named, shall be paid by the parties hereto in proportion to their interest in said water.

It is further ordered, adjudged, and decreed that each of the parties to this decree, and herein named, be and they, and

their attorneys and agents and all others acting in aid or assistance of them, and each and every of them, are hereby enjoined and restrained from interfering the one with the other in the use of the other in any other manner than as set forth in this decree.

Done in open Court this 2nd day of November A.D. 1895.

G. W. Bartch, Judge.

Attest: W. L. Cook, Clerk.

(Endorsed:) Minersville Irrigating District et al vs. The Adamsville Land and Irrigation District et al. DECREE. Filed November 26, 1895. W. L. Cook, Clerk.

.....

IN THE DISTRICT COURT, SECOND JUDICIAL DISTRICT, TERRITORY OF UTAH, COUNTY OF BEAVER.

.....

James J. Page,)
Plaintiff,	(
vs.)
	(JUDGMENT AND DECREE.
Cyrus Hancock.)
Defendant.	(
)

.....

In this action the defendant, Cyrus Hancock, having been regularly served with process and having failed to answer the complaint filed herein, or any part thereof, and the time agreed upon by the respective parties hereto in which to answer the said complaint having expired and no answer having been filed, the default of the said defendant, Cyrus Hancock, in the premises having been duly entered according to law: Now, on this day on the application of E. E. V. Higgins attorney for the said plaintiff, it is hereby ordered that judgment be entered against the said defendant, Cyrus Hancock, in accordance with the prayer of the said complaint on file herein.

Wherefore by reason of the land and the premises aforesaid, it is ordered, adjudged and decreed that the said James J. Page, the plaintiff herein, do have and recover of and from the said defendant, Cyrus Hancock, on the first cause of action stated in the