

Nellie Fagan, Administrator of the  
Estate of Charles E. Fagan, Deceased  
Plaintiff,  
  
vs.  
  
Michael O. Nash, George Nash, Joseph  
P. Atwood, and Hugh Karren,  
Defendants.  
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DECREE.

This cause having been brought on to be heard on the 18th day of September, 1916, upon the complaint of the plaintiff and the answer thereto of the defendants, Michael O. Nash, George Nash and Hugh Karren, the defendant Joseph P. Atwood having filed his disclaimer to any right, title or interest in any of the waters described in the pleadings herein; and all of said parties plaintiff and defendant being represented by counsel and in open court consenting, stipulating and agreeing to the decree hereinafter made, and requesting in open court that the same be made as hereinafter set forth, agreeing and saying that the same is in accord with their several and respective rights in and to the waters of the Lybbert Gulch, and having further in open court waived finding and filing of Findings of Fact and Conclusions of law herein, and and the Court being fully advised in the premises and having considered the records and files in said cause; now upon motion of Wallace Calder, attorney for plaintiff herein, Nellie Fagan, Administrator of the Estate of Charles E. Fagan, deceased, and Thos. W. O'Donnell, attorney for Michael O. Nash, George Nash, and Hugh Karren.

It is now therefore ordered, adjudged and decreed:

1. That the plaintiff herein is the duly appointed, qualified and acting administrator of the estate of Charles E. Fagan, deceased.
2. That the Lybbert Gulch is a natural and original source of water supply, flowing in an easterly direction down to and including sections 35 and 36, in Township 4 South, Range 21 East, of the Salt Lake Meridian, and Sections 31 and 32, in Township 4 South of Range 22 East of the Salt Lake Meridian.
3. That the defendant, Hugh Karren, is the owner and entitled to the use of all of the waters arising and flowing in the said Lybbert Gulch above that certain point of diversion described in defendant's answer herein, and situate about fifty rods west and 20 rods North from the South-east corner of the North-west quarter of the North-east quarter of Section 36, Township 4 South of Range 21 East of the Salt Lake Meridian, during each and every year, and is entitled to have the same flow uninterruptedly unto and through his irrigation ditch having its point of diversion