

UNITED STATES OF AMERICA  
DISTRICT OF KANSAS,

SS.

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF KANSAS, FIRST  
DIVISION.

The Southwestern Irrigation Company,  
a Corporation,  
Complainant,

vs

No. 6759

The Southwest Kansas Land and Irriga-  
tion Company, Limited, a corporation,  
Defendant.

The Finney County Water Users  
Association, a corporation,  
Complainant,

vs

No. 9013

The United States Irrigation Company,  
et al.,  
Defendants.

D E C R E E

Now on this 9th day of November, A. D. 1914, comes  
The United States Irrigating Company, a defendant in the  
last above entitled cause and as successor in interest to  
the complainant in the first above entitled cause by Wm.  
Easton Hutchison, its attorney, and The Kearny County Farmer's  
Irrigation Association, a defendant in the last above en-  
titled cause and as successor in interest to the defendant  
in the first above entitled cause by E. R. Thorpe, its at-  
torney, and also comes The Finney County Water User's Asso-  
ciation, complainant in the last above entitled cause, by

C. L. Marmon, its attorney, and The Garden City Irrigation Association, another defendant in the last above entitled cause by C. E. Vance, its attorney;

And, thereupon said appearing parties tender and present to the Court their stipulation in writing for the modification of that certain decree heretofore rendered by this Court, on the 8th day of April, 1912;

And, Thereupon this Court being fully advised in the premises and in pursuance of said stipulation doth consent that said decree may be modified in accordance with the terms of said stipulation, And

It is therefore ordered, adjudged and decreed as follows, to-wit:

That the decree of this Court made and entered on the 8th day of April, 1912, in the above entitled cause be modified so as to permit The United States Irrigating Company, the owner of the Great Eastern Ditch and Reservoir No. 5 and recent purchaser of The Garden City Ditch to use a portion of the water allotted to the Garden City Ditch or any part thereof in and through the Great Eastern Canal in lieu and instead of in and through The Garden City Canal whenever said United States Irrigating Company shall indicate its desire so to do. Whenever the said United States Irrigating Company shall indicate its desire to so use a portion of the water allotted to The Garden City Ditch in and through the Great Eastern Canal, then said proportion of the water allotted to The Garden City Canal or any part thereof may be diverted by The United States Irrigating Company into the

Great Eastern Canal, and the waters so diverted from The Garden City Canal shall be chargeable to the proportion of the total waters which said Garden City Canal is entitled to receive.

The provisions of this decree shall extend to and embrace all the waters of The Arkansas River to which the said Garden City Ditch now or hereafter may become entitled;

Save as herein above expressly modified said decree of April 8th, 1912, shall be and remain in all its terms provisions and conditions binding upon the parties hereto and the successors and assigns of each and all of said parties, and each and all of said parties their successors and assigns are enjoined, required and commanded to perform and faithfully keep and abide by the terms and conditions of said decree and to refrain from any act or action which shall constitute a departure from or interference with the effectual performance of the acts and things in said decree of April 8th, 1912, as modified by this permanent decree.

By the Court

Arbas Van Valkenburgh,

Judge.

O. K.

Wm. Easton Hutchison,  
Attorney for The United States  
Irrigating Company.

O. K.

E. R. Thorpe,  
Attorney for The Kearny County  
Farmers Irrigation Association.

O. K.

C. L. Marmon,  
Attorney for Finney County Water  
Users Association.

O. K.

C. E. Vance,  
Attorney for The Garden City  
Irrigation Association.

Endorsed: No. 6759 & 9013 Eq. The Southwestern Irrigation Co.-vs- Southwest Kansas Land & Irrigation Co. and Finney County Water Users Asso. -vs- United States Irrigation Co. Decree. Filed this 9th day of Nov. 1914. Morton Albaugh, Clerk.