

# HILLSIDE DECREE

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF INYO

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HILLSIDE WATER COMPANY, a corporation,  
Plaintiff,

vs.

THE CITY OF LOS ANGELES, a municipal  
corporation, et al.,  
Defendants.

*Intervenor*

No. 3073

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BISHOP UNION GRAMMAR SCHOOL DISTRICT,  
a municipal corporation, and  
BISHOP UNION HIGH SCHOOL DISTRICT,  
a municipal corporation,  
Interveners.

ROSETTA A. McLAREN,  
Plaintiff,

vs.

THE CITY OF LOS ANGELES, a municipal  
corporation, et al.,  
Defendants.

No. 3180

L. C. McLAREN,  
Plaintiff,

vs.

THE CITY OF LOS ANGELES, a municipal  
corporation, et al.,  
Defendants.

No. 3185

1 LULU A. COX,

2 Plaintiff,

3 vs.

No. 3200

4 THE CITY OF LOS ANGELES, a municipal  
5 corporation, et al.,

6 Defendants.

7  
8 EDWIN S. MATLICK,

9 Plaintiff,

10 vs.

No. 3202

11 THE CITY OF LOS ANGELES, a municipal  
12 corporation, et al.,

13 Defendants.

14  
15 WEST M. AMON and MABEL K. AMON,

16 Plaintiffs,

17 vs.

No. 3207

18 THE CITY OF LOS ANGELES, a municipal  
19 corporation, et al.,

20 Defendants.

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22 CHARLES F. MATLICK,

23 Plaintiff,

24 vs.

No. 3208

25 THE CITY OF LOS ANGELES, a municipal  
26 corporation, et al.,

27 Defendants.

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1 JOHN F. BROCKMAN,

2 Plaintiff,

3 vs.

No. 3186

4 THE CITY OF LOS ANGELES, a municipal  
corporation, et al.,

5 Defendants.  
6

7 ELMA RAE CROSBY,

8 Plaintiff,

9 vs.

No. 3191

10 THE CITY OF LOS ANGELES, a municipal  
11 corporation, et al.,

12 Defendants.  
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14 ALLEN MATLICK,

15 Plaintiff,

16 vs.

No. 3192

17 THE CITY OF LOS ANGELES, a municipal  
18 corporation, et al.,

19 Defendants.  
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21 DORA C. COATS,

22 Plaintiff,

23 vs.

No. 3193

24 THE CITY OF LOS ANGELES, a municipal  
corporation, et al.,

25 Defendants.  
26

27 ZELMA L. NELLIGAN,

28 Plaintiff,

29 vs.

No. 3199

30 THE CITY OF LOS ANGELES, a municipal  
corporation, et al.,

31 Defendants.  
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ANDREW GAUGLER,  
  
Plaintiff,  
  
vs.  
  
THE CITY OF LOS ANGELES, a municipal  
corporation, et al.,  
  
Defendants.

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No. 3217

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STELLA M. SHEPARD,  
  
Plaintiff,  
  
vs.  
  
THE CITY OF LOS ANGELES, a municipal  
corporation, et al.,  
  
Defendants.

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No. 3218

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LUNSFORD P. YANDELL,  
  
Plaintiff,  
  
vs.  
  
THE CITY OF LOS ANGELES, a municipal  
corporation, et al.,  
  
Defendants.

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No. 3230

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LEON ORCIER,  
  
Plaintiff,  
  
vs.  
  
THE CITY OF LOS ANGELES, a municipal  
corporation, et al.,  
  
Defendants.

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No. 3264

J U D G M E N T

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3 By stipulation of the parties, the above-entitled  
4 consolidated causes came on regularly for hearing in this  
5 court before the Honorable Wm. D. Dehy, Judge Presiding, on  
6 the 5<sup>th</sup> day of ~~August~~, 1940, on the defendants'  
7 Motion to Vacate Order Denying Motions to Dismiss and for  
8 Reconsideration of said Motions (hereinafter referred to as  
9 the "Motion to Vacate and for Reconsideration"), and for trial  
10 of said consolidated causes.

11 Upon request of plaintiffs' attorneys, the follow-  
12 ing substitutions of parties plaintiff are hereby ordered:

13 Stella M. Shepard, Zelma L. Nelligan, L. C. McLaren,  
14 and Lulu A. Cox are substituted in the place of Rosetta A.  
15 McLaren (the original plaintiff in Case No. 3180), now deceased;

16 Mabel Rowan, Charles F. Matlick, Edwin S. Matlick,  
17 and Alvin G. Matlick are substituted in the place of Allen  
18 Matlick (the original plaintiff in Case No. 3192), now deceased;

19 Mabel K. Amon is substituted in the place of West M.  
20 Amon (one of the original plaintiffs in Case No. 3207), now de-  
21 ceased;

22 Criss Carrasco, administrator of the Estate of Andrew  
23 Gaugler, deceased, is substituted in the place of said Andrew  
24 Gaugler (the original plaintiff in Case No. 3217), now deceased;

25 John F. Brockman and Cora A. Brockman are substituted  
26 as co-plaintiffs in lieu of John F. Brockman (the original  
27 plaintiff in case No. 3186).

28 The following-named interveners, to wit,  
29 Bishop Union Grammar School District and  
30 Bishop Union High School District,  
31 Interveners in Case No. 3073,  
32

1 and the following-named plaintiffs, to wit:

2 Stella M. Shepard, Zelma L. Nelligan,

3 L. G. McLaren, and Lulu A. Cox, sub-

4 stituted plaintiffs in Case No. 3180

5 L. G. McLaren, plaintiff in Case No. 3185

6 John F. Brockman and Cora A. Brockman,

7 plaintiffs in Case No. 3186

8 Elma Rae Crosby, plaintiff in Case No 3191

9 Mabel Rowan, Charles F. Matlick, Edwin S.

10 Matlick, and Alvin G. Matlick, substituted

11 plaintiffs in Case No. 3192

12 Dora C. Coats, plaintiff in Case No. 3193

13 Zelma L. Nelligan, plaintiff in Case No. 3199

14 Lulu A. Cox, plaintiff in Case No. 3200

15 Edwin S. Matlick, plaintiff in Case No. 3202

16 Mabel K. Amon, in her personal capacity as

17 one of the original plaintiffs, and sub-

18 stituted for West M. Amon, in Case No. 3207

19 Charles F. Matlick, plaintiff in Case No. 3208

20 Cris Carrasco, administrator of the Estate

21 of Andrew Gaugler, deceased, substituted

22 plaintiff in Case No. 3217

23 Stella M. Shepard, plaintiff in Case No. 3218

24 Lunsford P. Yandell, plaintiff in Case No. 3230

25 Leon Orcier, plaintiff in Case No. 3264

26 appeared in person and by their attorneys, Preston & Braucht,

27 Thos. C. Boone, Glenn E. Tinder and John W. Preston.

28 The defendants, The City of Los Angeles, and the  
29 Department of Water and Power of The City of Los Angeles, ap-

30 peared by their attorneys Ray L. Chesebro, City Attorney,

31 S. B. Robinson, Chief Assistant City Attorney for Water and

32 Power, Mark A. Hall, Assistant City Attorney, Cecil A. Borden,

1 Assistant City Attorney, Rex B. Goodcell, Jr., Deputy City  
2 Attorney, and Hugh E. Brierly, of Counsel.

3 It appeared, and the court hereby finds, that all  
4 other plaintiffs, interveners, and defendants (aside from  
5 those hereinabove named) in said consolidated causes, have  
6 been eliminated from said causes by dismissal or otherwise,  
7 and that the above-named plaintiffs, interveners, and defend-  
8 ants, are now the only parties to said consolidated causes.

9 All of said parties, by their respective attorneys,  
10 announced that they were ready to proceed with said hearing  
11 and trial.

12 It was stipulated by all of said parties that the  
13 said Motion to Vacate and for Reconsideration may be granted,  
14 and that the defendants' Motions to Dismiss, heretofore filed  
15 herein, may be reconsidered and may be granted.

16 It was further stipulated by all parties hereto.  
17 that all issues duly made by the pleadings in said consolidated  
18 causes may be considered by the court and may be now regular-  
19 ly heard and tried; that all of the records and files in each  
20 and all of said causes may likewise be considered by the  
21 court; that all evidence adduced at the former trial of said  
22 causes in this court may be deemed admitted as evidence at  
23 this present hearing and trial, and may be likewise considered  
24 by the court; and that the court may, upon said issues, re-  
25 cords, files, and evidence, and upon the defendants' offer  
26 to do equity, heretofore made and now renewed in open court,  
27 and without further evidence, render its judgment herein as  
28 to the respective rights and equities of the parties.

29 And all of the matters now involved herein having  
30 been submitted to the court, and the court being fully ad-  
31 vised in the premises, and the making of separate findings of  
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1 fact and conclusions of law, other than those contained in  
2 this judgment, having been waived by all of the parties to  
3 said causes,

4 NOW, THEREFORE, THE COURT FINDS, ORDERS, ADJUDGES,  
5 AND DECREES as follows:

6 I

7 That on or about August 24, 1934, following the  
8 former trial of said consolidated causes, certain Findings of  
9 Fact (hereinafter referred to as "former Findings") were made  
10 and filed herein; that portions, hereinafter referred to, of  
11 said former Findings are hereby by reference made a part here-  
12 of as fully as if the said portions were restated and set  
13 forth at length herein; but that nothing herein contained shall  
14 operate or be construed to revive said former Findings as a  
15 whole, or to embody herein any part thereof except such por-  
16 tions as are herein specifically referred to.

17 II

18 (a) That the Intervener Bishop Union Grammar School  
19 District was, at the time of the filing of its Complaint in  
20 Intervention in said Case No. 3073, and now is, the owner of  
21 the land described in Paragraph VII of said former Findings.

22 (b) That the Intervener Bishop Union High School  
23 District was, at the time of the filing of its Complaint in  
24 Intervention in said Case No. 3073, and now is, the owner of  
25 the land described in Paragraph VIII of said former Findings.

26 (c) That Rosetta A. McLaren, the original plain-  
27 tiff in Case No. 3180, was, at the time of the filing of her  
28 Complaint in said case, the owner of the land described in  
29 subdivision 11 of Paragraph IV of said former Findings; and  
30 that her successors in interest, Stella M. Shepard, Zelma L.  
31 Nelligan, L. C. McLaren, and Lulu A. Cox, now substituted as  
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1 plaintiffs in said case, are now the owners of said land.

2 (d) That L. C. McLaren, the plaintiff in Case No.  
3 3185, was, at the time of the commencement of said case, and  
4 ever since has been, and now is, the owner of the land des-  
5 cribed in subdivision 10 of Paragraph IV of said former Find-  
6 ings.

7 (e) That John F. Brockman, the original plaintiff  
8 in case No. 3186, was, at the time of the commencement of  
9 said case, and ever since has been, and now is, the owner of  
10 the land described in subdivision 2 of Paragraph IV of said  
11 former Findings; and that John F. Brockman and Cora A.  
12 Brockman, the present plaintiffs in said Case No. 3186, were,  
13 at the time of the commencement of said case, and ever since  
14 have been, and now are, the owners of the land described in  
15 subdivision 3 of Paragraph IV of said former Findings.

16 (f) That Elma Rae Crosby, the plaintiff in Case  
17 No. 3191, was, at the time of the commencement of said case,  
18 and ever since has been, and now is, the owner of the land  
19 described in subdivision 6 of Paragraph IV of said former  
20 Findings.

21 (g) That Allen Matlick, the original plaintiff in  
22 Case No. 3192, was, at the time of the filing of his Complaint  
23 in said case, the owner of the land described in subdivision  
24 7 of Paragraph IV of said former Findings; and that his suc-  
25 cessors in interest Mabel Rowan, Charles F. Matlick, Edwin  
26 S. Matlick, and Alvin G. Matlick, now substituted as plain-  
27 tiffs in said case, are now the owners of said land.

28 (h) That Dora C. Coats, the plaintiff in Case No.  
29 3193, was, at the time of the commencement of said case, and  
30 ever since has been, and now is, the owner of the land des-  
31 cribed in subdivision 4 of Paragraph IV of said former Find-  
32 ings.

1 (i) That Zelma L. Nelligan, the plaintiff in  
2 Case No. 3199, was, at the time of the commencement of said  
3 case, and ever since has been, and now is, the owner of the  
4 land described in subdivision 12 of Paragraph IV of said  
5 former Findings.

6 (j) That Lulu A. Cox, the plaintiff in Case No.  
7 3200, was, at the time of the commencement of said case, and  
8 ever since has been, and now is, the owner of the land des-  
9 cribed in subdivision 5 of Paragraph IV of said former Find-  
10 ings.

11 (k) That Edwin S. Matlick, the plaintiff in Case  
12 No. 3202, was, at the time of the commencement of said case,  
13 and ever since has been, and now is, the owner of the land  
14 described in subdivision 9 of Paragraph IV of said former  
15 Findings.

16 (l) That West E. Amon and Mabel K. Amon, the  
17 original plaintiffs in Case No. 3207, were, at the time of  
18 the filing of their Complaint in said case, the owners of the  
19 land described in subdivision 1 of Paragraph IV of said  
20 former Findings; that the said Mabel K. Amon, successor to  
21 West M. Amon and now substituted as sole plaintiff in said  
22 case, is now the owner of said land.

23 (m) That Charles F. Matlick, the plaintiff in Case  
24 No. 3208, was, at the time of the commencement of said case,  
25 and ever since has been, and now is, the owner of the land  
26 described in subdivision 8 of Paragraph IV of said former  
27 Findings.

28 (n) That Andrew Gaugler, the original plaintiff  
29 in Case No. 3217, was, at the time of the filing of his  
30 Complaint in said case, the owner of the land described in  
31 Paragraph V of his said Complaint; that said Andrew Gaugler  
32 has died since the filing of said Complaint; that the title

1 to said land is now vested in his heirs or devisees, subject  
2 to the administration of his said estate, Cris Carrasco be-  
3 ing the duly appointed, qualified, and acting Administrator  
4 of said estate.

5 (o) That Stella M. Shepard, the plaintiff in Case  
6 No. 3218, was, at the time of the commencement of said case,  
7 and ever since has been, and now is, the owner of the land  
8 described in subdivision 14 of Paragraph IV of said former  
9 Findings.

10 (p) That Lunsford P. Yandoll, the plaintiff in  
11 Case No. 3230, was, at the time of the commencement of said  
12 case, and ever since has been, and now is, the owner of the  
13 land described in subdivision 15 of Paragraph IV of said  
14 former Findings.

15 (q) That Leon Orcior, the plaintiff in Case No.  
16 3264, was, at the time of the commencement of said case, and  
17 ever since has been, and now is, the owner of the land des-  
18 cribed in subdivision 13 of Paragraph IV of said former Find-  
19 ings.

### 20 III

21 That the land which is hereinafter sometimes referred  
22 to as the "Bishop Cone Area" is more particularly described as  
23 follows:

24 Commencing at the point where the Owens River inter-  
25 sects the Range line running North and South between Ranges  
26 31 and 32 East, M. D. M., and run thence Easterly along the  
27 course of Owens River to the quarter section corner between  
28 Sections 20 and 21, Township 6 South, Range 33 East M. D. B.  
29 & M.; thence in a southeasterly direction to the section  
30 corner common to Sections 27, 26, 34 and 35, Township 6 South,  
31 Range 33 East, M. D. B. & M.; thence in a southeasterly  
32

1 direction to the quarter section corner between Sections 25,  
2 Township 7 South, Range 33 East M. D. M., and 30, Township  
3 7 South, Range 34 East, M. D. M., said quarter section  
4 corner being on the Range line between said Ranges 33 East  
5 and 34 East; thence Southerly along said Range line between  
6 said Ranges 33 East and 34 East, to the Section corner common  
7 to Sections 24 and 25, Township 8 South, Range 33 East, M. D.  
8 M., and Sections 19 and 30, Township 8 South, Range 34 East,  
9 M. D. M., thence westerly along the Section line running  
10 along the South side of Sections 24, 23, 22, 21 and 20,  
11 Township 8 South, Range 33 East, M. D. B. & M., to the Eastern  
12 base of the Sierra Nevada Mountains at a point 5000 feet above  
13 sea level; thence at said level northerly along the base of  
14 the said Sierra Nevada Mountains to intersect the Range line  
15 running North and South between Ranges 31 East and 32 East,  
16 M. D. M., thence North along said Range line to the point of  
beginning, *alpin elyso County, California.*

IV

19 That during the years 1930 and 1931 the defendants  
20 operated, on their own properties in said Bishop Cone area,  
21 certain wells by means of which they pumped and extracted  
22 from the underground water basin underlying said lands, cer-  
23 tain subterranean waters, and thereby pumped and extracted  
24 certain of said waters from beneath the lands of said plain-  
25 tiffs and intervenors; that by reason of the defendants' said  
26 pumping operations, some detriment resulted to the lands of  
27 certain of said plaintiffs and intervenors, the amount of  
28 which detriment has not been determined; that by reason of the  
29 injunctive relief hereinafter granted to plaintiffs and in-  
30 tervenors, it is unnecessary to determine the amount of said  
31 detriment; that if the defendants or either of them were here-  
32

1 after to operate said wells and thereby pump and extract any  
2 of the subterranean waters underlying the lands in said  
3 Bishop Cone area, the detriment, if any, which would thereby  
4 result to the lands of plaintiffs and intervenors, would be  
5 extremely difficult, if not impossible, of determination;  
6 that by reason of the foregoing, and of the defendants'  
7 abandonment of the proceedings in condemnation or reverse  
8 condemnation herein, as hereinafter referred to, the plain-  
9 tiffs and intervenors are entitled to an injunction herein,  
10 enjoining the defendants and each of them from pumping or  
11 extracting, from any wells located in said Bishop Cone area,  
12 any of the subterranean waters lying beneath said area, ex-  
13 cept such waters as may be reasonably necessary for beneficial  
14 use on lands belonging to defendants and located within said  
15 area; and that the injunctive relief hereinafter provided for  
16 shall be, and is, in lieu of any award to plaintiffs and in-  
17 terveners or any of them, for any damages or compensation for  
18 the detriment, if any, resulting to their respective lands by  
19 defendants' pumping operations in 1930 or 1931, or resulting  
20 from any other acts of either of the defendants herein as  
21 complained of or referred to in any of the pleadings in any of  
22 said consolidated causes.

23 V

24 That the defendants have not, as a result of their  
25 said pumping operations in said Bishop Cone area, acquired  
26 any right in or to the waters underlying the lands of plain-  
27 tiffs and intervenors or any of them, nor do they or either  
28 of them have or possess any right to pump or extract the  
29 waters underlying the Bishop Cone area for the purpose of  
30 taking, transporting, or carrying the same outside of the  
31 said Bishop Cone area.

VI

1 That the body of underground water underlying the  
2 lands of the plaintiffs and interveners is the same body of  
3 underground water underlying the lands of the defendants in said  
4 Bishop Cone area; that said plaintiffs and interveners are en-  
5 titled to have the subterranean water underlying each of their  
6 respective parcels of land to and remain in its natural and  
7 normal condition, unaffected in any manner whatsoever by any  
8 acts or operations carried on by the defendants for the purpose  
9 of taking water out of said area; that any rights of said plain-  
10 tiffs and interveners, and each of them, in and to the said  
11 underground waters, and in and to the use thereof upon the  
12 respective lands of the respective plaintiffs and interveners,  
13 are superior and prior to any rights of the defendants, or  
14 either of them, to take said water for use away from the lands  
15 overlying said waters; that the said plaintiffs' and interven-  
16 ers' water rights are wholly unimpaired and in nowise affected  
17 by these proceedings or by any of the defendants' acts complain-  
18 ed of in plaintiffs' and interveners' Complaints on file herein;  
19 and that the water rights of said plaintiffs and interveners  
20 are now in the same status as they were in prior to any of the  
21 defendants' acts so complained of.

VII

23 That no public necessity now exists or ever existed  
24 for the water, or for the taking or extraction of the water, or  
25 for the acquisition by the defendants of the right to pump or  
26 extract, for use outside of the said Bishop Cone area, the under-  
27 ground waters beneath said area; and that the defendants have  
28 heretofore declared that they now have no intention to operate,  
29 at the present time or at any future time, their wells located  
30 in said area, or any other wells, for the purpose of pumping or  
31 extracting subterranean water from beneath the said area for  
32 the purpose of transporting such water outside of said area.

VIII

1  
2 That the defendants have heretofore duly served  
3 upon the plaintiffs and interveners their Notices of Abandon-  
4 ment abandoning all proceedings for condemnation or reverse  
5 condemnation herein, and have heretofore duly served and  
6 filed their Notices of Motions to Dismiss such proceedings,  
7 based on such Notices of Abandonment, and have heretofore  
8 duly made their said Motions to Dismiss; that said Notices of  
9 Abandonment, and said Notices of Motions to Dismiss, and said  
10 Motions to Dismiss, cover the complete abandonment by the  
11 defendants of said condemnation or reverse condemnation pro-  
12 ceedings in their entirety; and that the said Motions to  
13 Dismiss should be granted.

IX

14  
15 That the defendants' said Motion to Vacate and for  
16 Reconsideration is hereby granted; that the order and ruling  
17 of this court, made on or about August 9, 1940, denying said  
18 Motions to Dismiss, is hereby vacated, and the proceedings  
19 on said Motions to Dismiss are hereby reopened, and said  
20 motions are hereby entertained for reconsideration; that said  
21 Motions to Dismiss are hereby granted; and that any and all  
22 condemnation proceedings and reverse condemnation proceedings  
23 involved in any and all of said consolidated causes, are  
24 hereby dismissed, and a judgment of dismissal thereof is here-  
25 by rendered, and the clerk of this court is hereby ordered  
26 to enter this said judgment of dismissal in the appropriate  
27 records of this court.

X

28  
29 That judgment is hereby ordered and directed against  
30 defendants for the sum of Sixteen Thousand Seven Hundred Fifty  
31 Dollars (\$16,750.00) as and for costs, disbursements, expenses,  
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1 and attorneys' fees; that Thos. C. Boone, John W. Preston,  
2 Preston & Braucht, and Glenn E. Tinder, attorneys for plain-  
3 tiffs and interveners, have advanced all of the costs, dis-  
4 bursements, and expenses made or incurred herein on behalf  
5 of said plaintiffs and interveners, and have not been reim-  
6 bursed therefor, and have performed all legal services here-  
7 in on behalf of said plaintiffs and interveners, and have not  
8 received any payment on account of attorneys' fees for said  
9 services; that said attorneys Thos. C. Boone, John W. Preston,  
10 Preston & Braucht, and Glenn E. Tinder, are entitled to re-  
11 ceive from, and to have paid to them by, the defendants, the  
12 said sum of Sixteen Thousand Seven Hundred Fifty Dollars  
13 (\$16,750.00), and defendants are hereby ordered and  
14 directed to pay said sum to said Thos. C. Boone, John W.  
15 Preston, Preston & Braucht, and Glenn E. Tinder personally  
16 and collectively; and that such payment thereof to said at-  
17 torneys shall be and constitute a full satisfaction of all  
18 claims of plaintiffs and interveners and their attorneys for  
19 said costs, disbursements, expenses, and attorneys' fees, as  
20 effectually and to all intents and purposes as if the same  
21 were paid to said plaintiffs and interveners personally and  
22 by them paid to their attorneys.

23  
24 XI

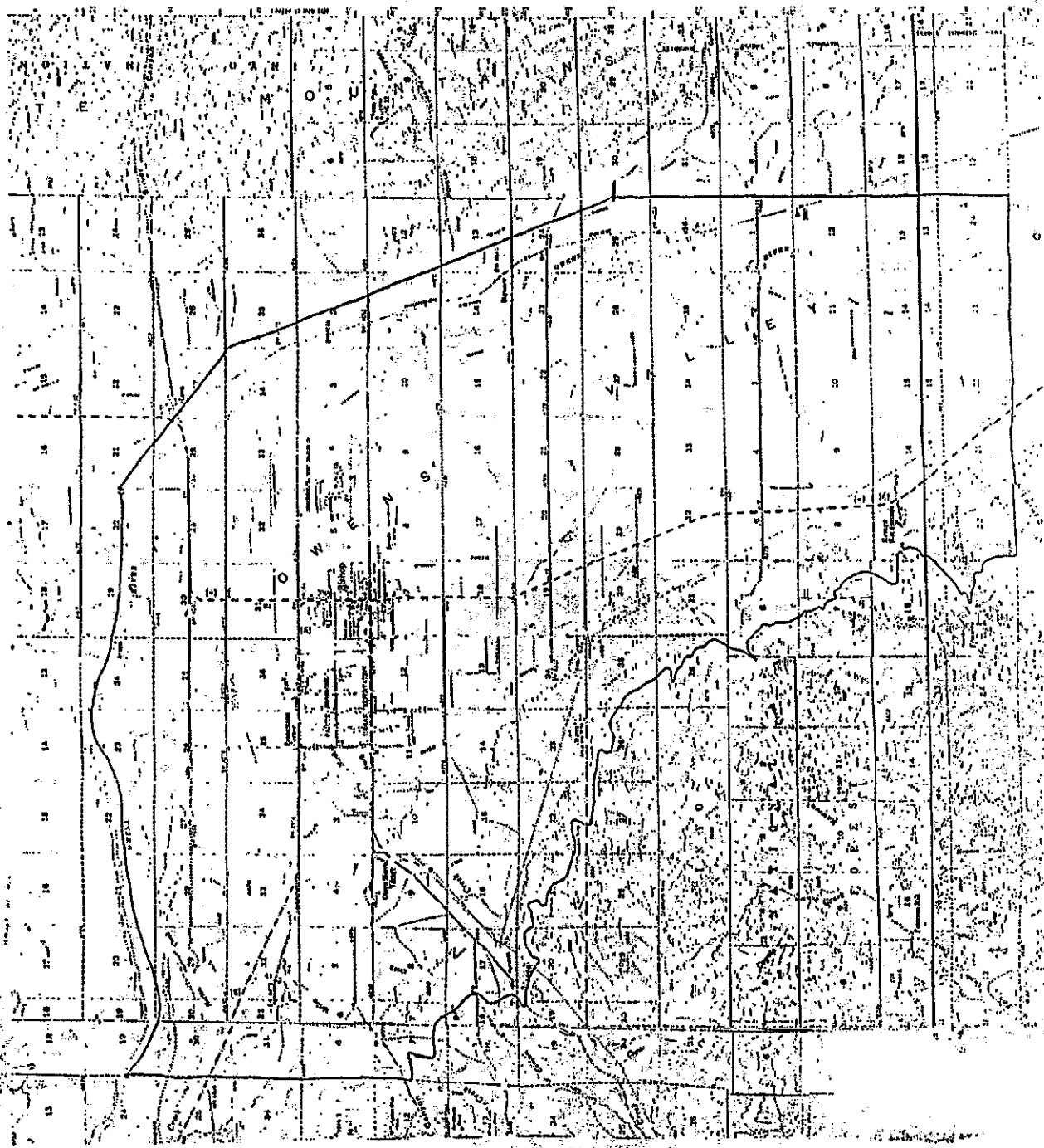
25 That the defendants, their servants, agents, em-  
26 ployees, and assigns, and each of them, be, and they are  
27 hereby, enjoined, prohibited, and restrained from in any  
28 manner whatsoever pumping, extracting, taking, or transport-  
29 ing out of the Bishop Cone area any subterranean waters from  
30 beneath said area: provided, however, that nothing in this  
31 judgment contained shall in any manner enjoin, prohibit, or  
32 restrain the defendants, their servants, agents, employees,  
assigns, or any of them, from maintaining or operating their



1 presently-existing drainage ditches to the full extent of  
2 their present normal capacity, or from taking artesian water  
3 that may rise to the surface of said area outside the casings  
4 of any of defendants' capped wells, or from pumping, extract-  
5 ing, taking, or using any such water as may be reasonably  
6 necessary for beneficial use upon any lands belonging to the  
7 defendants, or either of them, and located within said area,  
8 or from making such reasonable and usual beneficial use of  
9 their lands in said area, or beneficial use, within said area,  
10 of the waters underlying their said lands, as are enjoyed by  
11 other land owners in the said area, including plaintiffs and  
12 intervenors or any of them; and provided, further, that  
13 nothing in this judgment shall constitute, or shall be deemed  
14 or construed as constituting, any injunction, prohibition,  
15 or restraint upon the defendants or either of them from insti-  
16 tuting or prosecuting such condemnation proceedings or other  
17 proceedings for the acquisition of said waters, or for the  
18 acquisition of the right to take and use any thereof outside  
19 of said area, as public necessity may hereafter require or  
20 demand, if at any time in the future it should appear to the  
21 defendants or either of them, or to the successors or assigns  
22 of either of them, that public necessity then requires the  
23 use outside of said area of any of the waters within or be-  
24 neath said area.

25 Done in open court on the ~~date first~~ above mentioned.

26   
27 \_\_\_\_\_  
28 Judge



Bishop "Cone"  
as defined by  
Hillside Decree

