

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A21-00008
Date Received: 3-8-89
Receipt No: MO02925
Received By: FB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ARCADIA RESERVOIR & CANAL CO. LTD. 208-652-3731
Address: C/O GEORGE NEDROW
P. O. BOX 248
ASHTON, ID 83420

2. Date of Priority: MAY 15, 1890

3. Source: UPPER SAND CREEK Trib. to: SINK'S (SEE REMARKS
PINE CREEK SAND CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09N	41E	2	NW	NW	NW		FREMONT
			NE	NE	SW		FREMONT
			NW	NE	SW		FREMONT
			SW	NE	SW		FREMONT
		14	SE	NW	SE		FREMONT
	42E	32	NW	SW	NW		FREMONT

5. Description of diverting works:
2-DAMS, 6 MILES DITCH, CEMENT HEADGATES, PUMPS FORM DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	6.700		
IRRIGATION STORAGE	01/01	12/31			1212.00
IRRIGATION FROM STORAGE	04/01	11/01			1212.00

7. Total Quantity Appropriated is:
6.700 C.F.S. (and/or) 1212.00 A.F.A.

8. Total consumptive use is 5267.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A21-00008

Page 1

Date: 03/08/89

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OCT 20 1992

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10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
09N	41E	2	NW		NE		IRR S	
			SW		NE		IRR S	
			NE		NW		IRR S	
			NW		NW		IRR S	
			SE		NW		IRR S	
			NE		SW		IRR S	
		13	NE		SW		IRR	40.0
			NW		SW		IRR	20.0
			SW		SW		IRR	20.0
			SE		SW		IRR	40.0
			SW		SE		IRR	5.0
			Section Acres					125.0
		23	NE		NE		IRR	40.0
			Section Acres					40.0
		24	NE		NE		IRR	14.0
			NW		NE		IRR	20.0
			SE		NE		IRR	19.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			Section Acres					133.0
		25	NE		NW		IRR	5.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	7.0
			NE		SW		IRR	3.0
			NW		SW		IRR	10.0
			Section Acres					105.0
	42E	19	SW		NE		IRR	9.0
			SE		NE		IRR	0.5
			NE		NW		IRR	0.3
			SE		NW		IRR	7.0
			NE		SW		IRR	36.4
			NE		SE		IRR	36.4
			NW		SE		IRR	36.4
			SW		SE		IRR	28.0
			SE		SE		IRR	34.0
			Section Acres					188.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	42E	20	NE	SW		IRR	27.0
			NW	SW		IRR	30.0
			SW	SW		IRR	17.0
			SE	SW		IRR	25.0
			NE	SE		IRR	24.0
			NW	SE		IRR	21.0
			SW	SE		IRR	38.0
			SE	SE		IRR	32.0
						Section Acres	214.0
		21	NE	SW		IRR	4.0
			NW	SW		IRR	26.0
			SW	SW		IRR	27.0
			SE	SW		IRR	21.0
			NW	SE		IRR	6.0
			SW	SE		IRR	17.0
						Section Acres	101.0
		28	NW	NE		IRR	38.0
			NE	NW		IRR	37.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	36.0
			SE	SW		IRR	18.0
						Section Acres	289.0
		29	NE	NE		IRR	37.0
			NW	NE		IRR	35.0
			SW	NE		IRR	13.0
			SE	NE		IRR	26.0
			NE	NW		IRR	25.0
			NW	NW		IRR	18.0
			SW	NW		IRR	32.0
			SE	NW		IRR	7.0
			NE	SW		IRR	22.0
			NW	SW		IRR	38.0
			SW	SW		IRR	39.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres	
09N	42E	29	NW	SE		IRR	40.0	
			SW	SE		IRR	28.0	
			SE	SE		IRR	40.0	
						Section Acres	480.0	
		30	NE	NE		IRR	37.0	
			NW	NE		IRR	36.0	
			SW	NE		IRR	32.0	
			SE	NE		IRR	37.0	
			NE	NW		IRR	18.0	
			SE	NW		IRR	20.0	
NE	SE			IRR	37.0			
NW	SE			IRR	36.0			
SE	SE			IRR	22.0			
				Section Acres	275.0			
31	NE	NE		IRR	12.0			
					Section Acres	12.0		
32	NW	NW		IRR	27.0			
					Section Acres	27.0		
10N	41E	34	SE	NE		IRR S		
			NE	SE		IRR S		
			SE	SE		IRR S		
		35	SW	NW		IRR S		
			NW	SW		IRR S		
			SW	SW		IRR S		
			NW	SE		IRR S		
			SW	SE		IRR S		
							Total Acres	1989.0

11. Place of use in counties: FREMONT

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:
ORIGINALLY UPPER SAND CREEK FLOWED SW, IN TO SINKS. DEVELOPMENT

14. Remarks: Continued

OF UPPER ARCADIA RESEVIOR IN 1896 BROUGHT THE STREAM INTO THE PIN E CREEK DRAINAGE, WHICH HOLDS THE LOWER ARCADIA RESEVIOR, ALSO BUILT IN 1896. THIS RESULTED IN DIVERSION OF THE NATURAL WATERS OF SAND CREEK IN TO THE HENRY'S FORK SNAKE RIVER.

|
SEE ATTACHED COPY OF LETTER FROM SCS ENGINEER REPORT ON THE ARCADIA CANAL CO. DAMS FOR COMLPETE DESCRIPTION AND EVIDENCE OF AGE OF DAMS, IE TURN OF THE CENTURY CONSTRUCTION AND USE. ALSO SEE ARTICLES OF INCORPORATION FOR THE ARCADIA RESERVOIR, IRRIGATION AND CANAL CO. ATTACHED, FORMED APRIL 14, 1896.

|
DIVERSION:

|
DIVERTED IN UPPER SAND CREEK FROM LOWER ARCADIA RESERVOIR; SW, NE SW SEC. 2 9N, 41E.

CEMENT HEADGATE IN LOWER SAND CREEK AT SE, NW, SE SECT. 14 9N, 41E, IN TO DITCH.

DIVERTED IN TO SNOW CREEK FROM DITCH AT NE, NW, SEC. 29 9N, 42E.

|
DIVERSIONS TO POU'S BETWEEN SE, NW, SE SECT. 14, 9N, 41E, AND NW, SW, NW SECT. 32, 9N, 42E.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

ARCADIA RES. IRR. & CANAL CO.,
Decree Plaintiff

vs

ROSEBOROUGH, ET AL
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do X do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 16

For Organizations:

I do solemnly swear or affirm that I am Sec. & Treasurer of
Title
Acadia Canal & Reservoir Co., that I have signed the foregoing
Organization
document in the space below as Sec. & Treasurer of
Title
Acadia Canal & Reservoir Co. and that the statements contained in the
Organization
foregoing document are true and correct.

George Hedlund
Signature of Authorized Agent

Sec. & Treasurer
Title and Organization

3/8/89
Date

State of Idaho)
County of Tremont) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of March 19 89
Anna Baumbach
Notary Public

Seal

Residing at Bowen Idan
My Commission Expires 12-7-1994

R41E

28

26

A21-60008

UPPER ARCADIA RESV. 48.6 acres
(291.6 ac-ft) av. d. 6' deep

Lower ARCADIA RESV. 76.7 acres
(902.4 ac-ft) av. d. 12' deep.

TOTAL ACRE FEET STORAGE = 1212 af.

POD: DAMS.

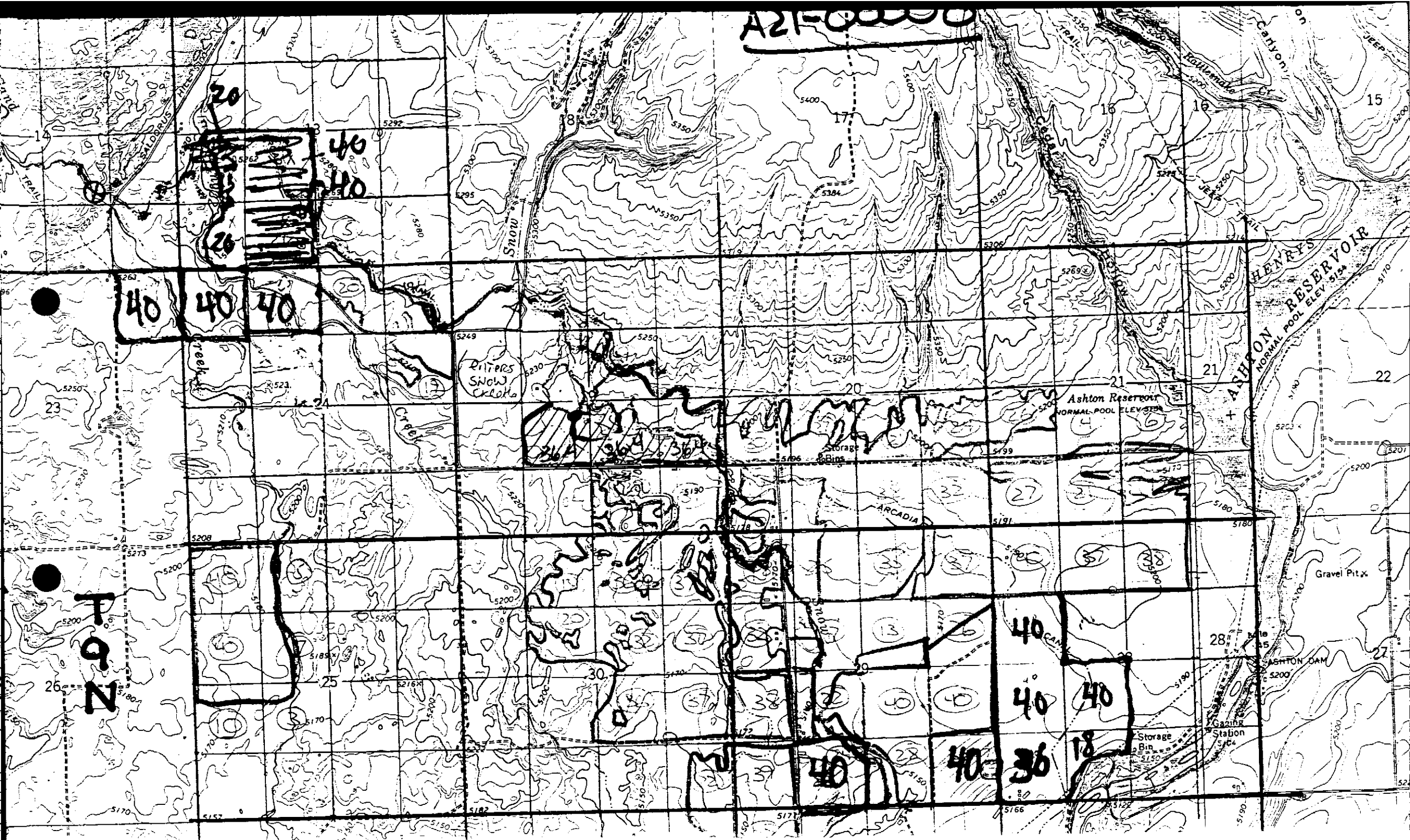
~~LOWER~~ ARCADIA RESV. DAM
Q1N, 41E SEC 2 NW, NE, SW
NE, NE, SW

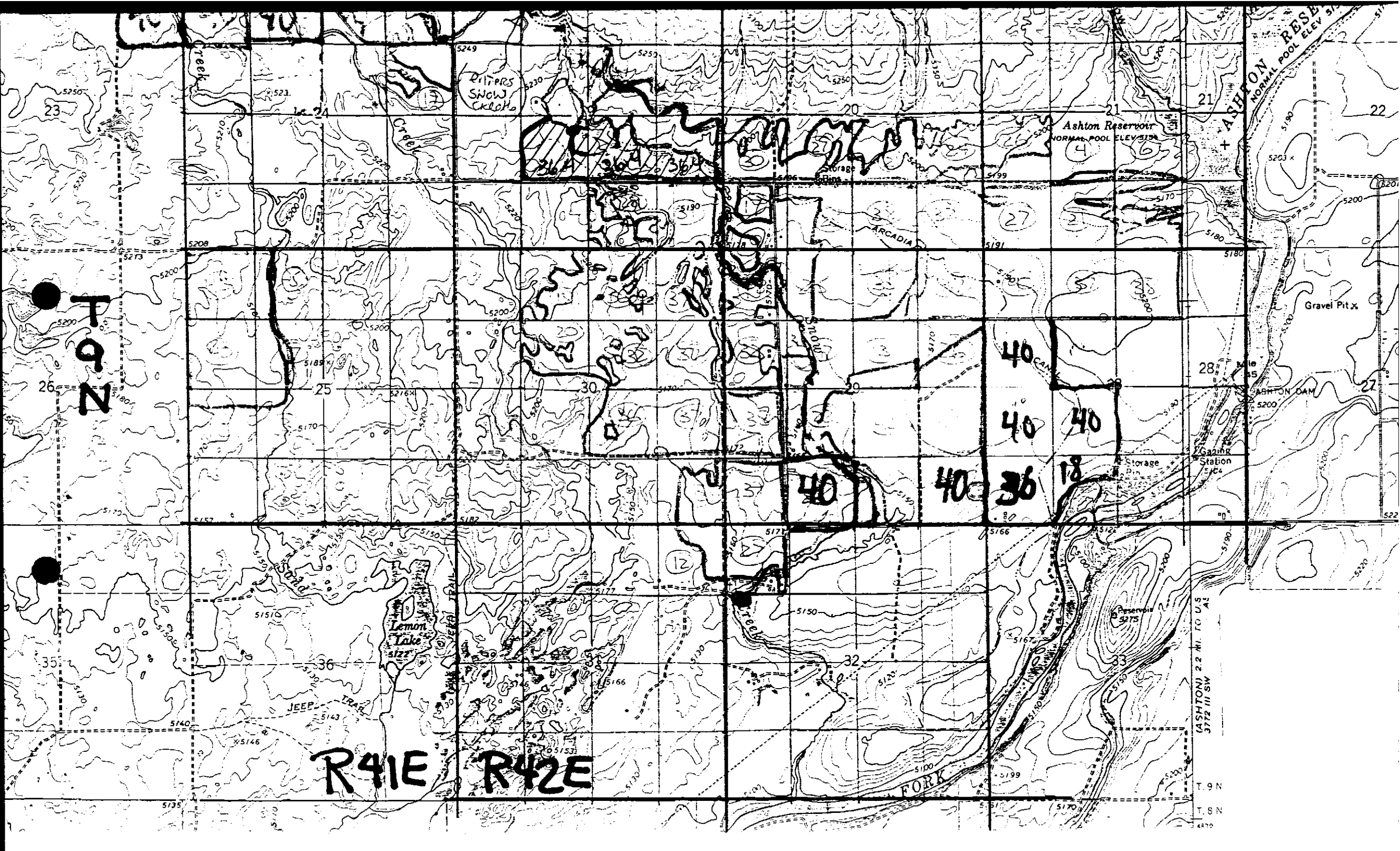
UPPER ARCADIA RESV. DAM
Q1N 41E SEC 2 NW, NW, NW

POD: INTO LOWER SAND
CREEK SW, NE, SW, SEC 2
T4N, R41E.

POD: FROM SAND CREEK INTO
(Beginning) DITCH SE, NW, SE SEC 14
T4N R41E.

POD: END: ON SNOW CREEK: NW, SW, NW
SEC 32 T4N, R42E.





T
9
N

R41E R42E

Ashton Reservoir
NORMAL POOL ELEV 5194

Lemon Lake
5122

ARCADIA

JEEP TRAIL

ASHTON RESE
NORMAL POOL ELEV 5194

(ASHTON) 2.2 MI. TO U.S.
372 III SW

40
40
40
36
18

FORK

T. 9 N
T. 8 N

~~Don't know if this is the right one~~

Three men headed this way in the 1880's Thomas McMinn and his 2 brothers were trappers who were looking to settle after the trapping was no longer a paying proposition. The McMinn brothers were surveyors who helped survey many canals in the lower end of the county. S.S. Sadorus was a school teacher in Utah wanting to stake out a homestead where he would be able to develop an irrigation system.

Sime Nedrow was a contractor moving soil, and digging water systems for Cheyenne and Lander Wyoming and observing and hearing where dams were helping and looking for the best land where he and his family could settle down with their cattle and horses. The Nedrows grade building for the railroad ended at Belgrade Montana. They had been hearing about the upper Snake river valley. Canal building was going on all the way down the valley, big demand for teams, scrapers and men who knew dirt moving.

The family came to the Snake River north of Marysville set up camp and started logging and looking around. Sadorus needed some help with his dams on Spring Creek, the 3 got together with their skills, surveying, moving dirt and Sadorus experience with irrigating and filing on water rights and laying out homesteads.

Sime Nedrow had to buy more hay than he had planned so he and his boys went to Blackfoot so the younger children could go to school and Nedrow's hired out to dig the Eagle Rock canal. Sime and Sarah filed on the land that Alwyn Nedrow a grandson now owns, on what he called Hound Creek. He helped Sadorus with his dirt moving and filed for Reservoir rights on the next creek East of Sadorus. He made a nice earth fill but found the next spring that wash gravel was not near so good dam fill as just plain white sand, when it got water soaked it began to slough off and in no time the dam was washed out. Same lesson was learned over again on the Teton Dam.

Thomas McMinn and Nedrow decided to claim and reroute the waters from Pine creek next stream East of Sadorus and filed to turn each drainage to the East that was up to now going out into the desert and sinking. A reservoir was filed on and the dirt moving started. In 1895 2 Kerr brothers from Utah moved in on Jim Nedrow's land claim and Mansfield Andrus moved into Dick Nedrow's homestead house while the boys were away working. H.J. Kerr was a fast worker on jumping claims and filing on water so the mother talked her boys out of taking up guns to move off the claim jumpers. H.J. Kerr was the first name on the reservoir filings and Thomas McMinn was in later years crowded clear off the ditches he surveyed and helped dig to put water on a lot of land. Kerr was up the ditch from Nedrow and after all his work he was beat out of the water from Arcadia Canal Co. The sand dam on pine creek has always been called the lower lake, the upper Arcadia Reservoir was made by a long dyke across two drainages and made storage of water channelled from upper Sand creek streams as Thomas McMinn made filing to do in May 1890 found page 294. The Kerr, Brower, Brown and Simon filing on Pine Creek is found page 36 Book B in Fremont, dated June 1895.

The Arcadia Reservoir and canal co was inc. in 1896. Found in Book A of 1895 of articles of incorporation Fremont County Idaho

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We were told to .

Nov 1, 1987

1. determine priority -ie n was dam, first constructed
- 2 Determine amount of storage for each reservoir.
- 3 Submit adjudication claim before deadline Mar 20
- 4 Research all sources ,personal ,county for documentation to support claim, dates of work done

list of some of the work

1987 rebuilt the lower half of upper dam replaced the old square hand chizzled culvert with a steel culvert at over \$5000 dollars in expense.

1984 built a cement flume according to specifications at a cost of \$300 dollars on lower side of lower lake. Reason was to slow erosion

1978 Rebuilt headgate on the upper Arcadia cleaned both spillways, run new cement around the face of the old hand chissled square flume and put all new scaffold around the penstock. A new heavy steel pipe replaced the old flume on spillway of the upper lake.

1976 there was quite a lot of cement work done on the lower lake spillway

1974 We put all steel extension on the upper side of the old square cement outlet a new head gate and a steel stand pipe for the penstock to work in. We moved enough soil in to more than double the width of the dam and to have the stand pipe completely surrounded by dam. This was first done with smaller lighter pipe in the mid 30 s 1946, by the early 80s some trouble developed as sand kept sifting into water and sinking around stand pipe. The pipes were dug out and the job of connecting the metal to the old square cement flume was redone. Then we got the heavy steel pipe when the other pipe showed sign of collapsing in 1974 this work was all dug out again and it was all put in with steel pipe and sealed good to the old cement outlet. This ended the sink hole trouble which it should have after being dug out the third time. We now had a very wide dam and was 3 or 4 times as safe as it had been.

Built in the 1890 s of just clay and sand this dam served only as wide as a narrow road for nearly 50 years before being widened. At least twice in the 1930 s there were sink holes appeared in the lower dam when water was allowed to flow through the spillway. That is why the bottom of the spillway had to be cemented as there were cracks down through the sedimentary rock. It could never wash out but caused seepage on the side. E.W. Jenkins watched over the Arcadia reservoirs from 1903 when he homesteaded between them. Merlin and Elden watched them after E.W was no longer there,

Merlin Jenkins
Elden Jenkins

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Ascribed Before me this 8th day
of March 1989 Anna Baunhoff

Anna Baunhoff, Notary Public

Expiring on 12/31/90

Commission Expires December 31, 1990

A C O P Y

Keith Blackburn, Civil Engineer, SCS
Idaho Falls, Idaho

May 24, 1963

Harold Allen, Geologist, SCS,
Boise, Idaho

ENGINEERING - Arcadia Canal Company dams, Yellowstone SCD

The following report summarizes our examination on May 13 of two small irrigation dams belonging to the Arcadia Canal Company and located on Sand Creek roughly 10 miles north and west of Ashton.

LOWER DAM

General Features

This structure occupies the mouth of Pine Canyon, a comparatively narrow and deep tributary drainage of Sand Creek, entering from the north. The existing dam, reported to be something over 50 years old, is, at least from outward appearances, constructed of fine sand. The dam has a crest length of approximately 250 feet, crest height above channel bottom of about 25 feet, and a roughly $1\frac{1}{4}$ to 1 slope on the downstream side. Top width is about 60 feet with a distinct upward slope towards the downstream crest edge. The gated outlet conduit, positioned through the low point of the fill, consists of a concrete box approximately 18" wide by 26" high in a badly deteriorated condition with at least one major crack about 6 feet from the lower end. An emergency spillway with a roughly $\frac{1}{4}$ foot bottom width and a depth of perhaps $2\frac{1}{2}$ to 3 feet in the shaped section has been excavated in rock adjacent to the left end of the dam. An upper section of the spillway has been lined with concrete.

Geology

The left end of the dam is tied to flat-lying jointed siliceous volcanic rocks (welded tuff) forming a steep escarpment rising some 30 feet above normal channel bottom. The right (west) end of the dam is tied to a low hill of dune sand which passes into "sand hill" country flanking the volcanic escarpment along its southwest face. The central portion of the dam apparently is founded in part on volcanics and in part on dune sand. The reservoir area is a steep, rock walled canyon rimmed by siliceous volcanic rocks.

Seepage

A line of seepage on the downstream face of the embankment forms a distinct belt about 6 to 8 feet above channel level to the right of the outlet and also approximately 12 to 15 feet below crest level at the right end of the dam. A strong flow of water also can be seen passing through rock at a

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point to the left of the outlet conduit where a hole exists down through the fill. Strong flows (possibly $\frac{1}{2}$ cfs locally) were noted issuing from points along the rock face adjoining the left end of the dam on the downstream side too. Some of this water obviously comes from leakage along wide spaced, open inter-connected joints exposed in the lower section of the spillway, but much of the water is said to come from a major "sink hole" in volcanic rock about halfway down the reservoir rim off shore from the left abutment.

History

As previously mentioned, the dam is said to be over 50 years old. Merlin Jenkins of the Arcadia Canal Company reports that some additional fill was placed about 12 years ago to repair the top width of the dam and that seepage through the fill has always been bad. Mr. Jenkins also reports that some better (more impervious) materials from the reservoir floor were supposed to have been used in a portion of the dam and that the existing reservoir area was the site of a natural pond prior to dam construction.

Conclusions and Recommendations

In view of the uncontrolled seepage taking place through this structure, it is my opinion that it is not very safe. Loss of life apparently is not involved but monetary losses probably would be high from viewpoint of income lost from lands under irrigation from the structure in case of failure. The fact that the structure has been in for over 50 years is no assurance of its safety. In view of the canal company's desire to get an estimate of the repairs that are needed to assure a safe dependable structure, suggestions for repairs are outlined below:

1. Replace conduit.
2. Install impervious membrane in embankment and extend deep enough in sand portion of foundation to control foundation seepage and excessive uplift.
3. Renovate spillway, particularly in upper end where willows threaten to plug it, and concrete line or grout spillway, at least locally, to prevent excessive leakage that may be a hazard to the safety of the dam.
4. Grout "sink hole" to stop high water losses that apparently are a definite hazard to the dam from water passing through the left abutment.
5. Modify or cut left abutment back to a 1 on 1 slope to provide good bond between rock and fill materials.

The above repairs would require tearing out the existing fill and starting over. It would be desirable to verify foundation conditions for design purposes by means of borings and/or test pits. Such an investigation might cost in the neighborhood of \$2500.00. The foundation treatment that may be needed to control water passing through the left abutment and to plug the sink hole in the reservoir would be expensive and could possibly exceed \$5,000.000.

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UPPER DAM

This structure is on the upper Pine Creek drainage and is like the lower dam in all respects except that the left abutment is a gentle slope of sand over rock rather than a rock escarpment and the spillway is roughly a 3 foot wide by 5 foot deep channel with about 3 on 1 side slopes cut through silty sands across the left abutment. The reservoir area is somewhat smaller and is said to have also contained a natural pond before dam construction. The right end of the dam is tied to a sand hill. The embankment is perhaps 800 feet long, 20 feet high above channel bottom, 8 to 10 feet wide on top, has roughly 1 on 1 side slopes and is said to have a concrete conduit which could not be readily examined. The chief problem appears to be seepage through the embankment with heavy seepage occurring essentially the full length of the structure.

Just about everything that has been said about the lower dam can be said about this dam except where rock is concerned. Suggested repairs for this structure would include an impervious membrane or similar device extending into the sand foundation to control seepage and uplift, flattened slopes, and work on the spillway. Doubtless the outlet conduit would also need replacing. Work of this nature would require that the existing structure be essentially replaced. It also would be desirable to verify foundation conditions prior to reconstruction or repair. This probably could be done by way of test pits or shallow borings for \$1,500.00 or less.

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February 4, 1964

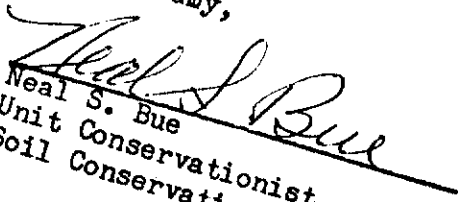
Mr. Merlin Jenkins
Rt. 1
Ashton, Idaho

Dear Merlin:

This is a copy of the report on the
investigations on the dams for the
Arcadia Canal Company.

This is an extra copy so you need not
return it to us.

Yours truly,


Neal S. Bue
Unit Conservationist
Soil Conservation Service

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OCT 20 1992

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF IDAHO, IN AND FOR
FREMONT COUNTY.

Arcadia Reservoir, Irrigation and Canal Co. Ltd., a
Corporation, Plaintiff,.

VS

Edgar Roseborough, et al, Defendants.

DECREE.

This cause was commenced upon the 6th day of August A. D. 1901, and thereafter Sum-
mons was duly issued and service was duly made upon Edgar Roseborough, Logan Roseborough,
Charles Peterson, Byron Markham, Paul Fletcher, Thomas W. Lyons, R. M. Burton, Cullom
Thompson and H. H. Smith, and thereafter by stipulation duly made and entered Lemuel Steele
was substituted Defendant for and in the place of H. H. Smith, Peter Melling was substituted
Defendant for and in place of J. T. Griffith, and E. A. Smith was made a party Defendant to
the suit, service of Summons as to these parties being expressly waived and the Defendant
Cullom Thompson having been allowed by stipulation in Open Court to file his Complaint in
intervention, and the Defendants Edgar Roseborough, Logan Roseborough, Charles Peterson, By-
ron Markham, Paul Fletcher, Thomas W. Lyons, Lemuel Steele, Cullom Thompson, Peter Melling,
and E. A. Smith, by their Attorney, Thomas R. Hauer, Esq., filed their Answer and Cross-
Complaint claiming interest and rights in the waters of Upper Sand Creek and its tributar-
ies, the other defendant, R. M. Burton making no claim thereto.

And it was also stipulated by counsel for all parties that the Defendants might make Answer to the Complaint by a general denial with the same force and effect as if specific denials to all the allegations thereof were made, and that the Complaint should be deemed to be unverified.

And it was further so agreed that all Cross-Complaints should be deemed denied with-
out filing a written answer thereto, with the same force and effect as if verified Answers
thereto were duly filed.

Thereafter on the 3rd day of Dec. 1901, this cause having come regularly on to be
heard and the Court having heard the evidence of the respective parties and the arguments
of counsel, and the matter having been submitted to the Court, and a stipulation having
been made by the counsel for the respective parties that the Judge of the Court might
visit the premises and view the same and find the amount of water in said stream, and that
Decision could be filed out of term time, as though in term time.

And the Court, having on the 16th day of December, A. D. 1902, rendered its Decision
herein in writing and the Findings of Fact and Conclusions of Law having been filed in ac-
cordance with said Decision, in which are found all the facts necessary to support this
Decree, and no fact s having been found inconsistent therewith.

It is therefore ordered, adjudged and decreed that the waters of Upper Sand Creek and its tributaries be and the same are hereby distributed and decreed to the several parties to this suit, for beneficial purposes and uses in the irrigation of the lands described in

02
the Complaint and Cross-Complaints, in amounts and of the dates, with priorities of rights in accordance with said dates, as follows, to-wit;

To the Arcadia Reservoir, Irrigation & Canal Co. Ltd., a corporation 335 inches or six and 7/10 cubic feet per second of time of all the waters of Upper Sand Creek dating from May 15th 1890.

To the Defendant, Logan Roseborough, on the E. A. Smith claim, 80 inches or one and 3/5 cubic feet per second of time of the water from that part of Upper Sand Creek known as Sharp's Springs, dating from May 15th 1888.

To the Defendant, Logan Roseborough, on the Richard D. Smith, Claim, 85 inches or one and 7/10 cubic feet per second of time of the waters of that part of Upper Sand Creek known as Sharp's Springs, dating from May 15th 1888.

To the defendant, Paul Fletcher, 30 inches or 3/5 cubic feet per seconds time of the waters of that part of Upper Sand Creek, known as East Creek, or Griffith's Springs, dating from May 15th 1899.

To the Defendant, Thomas H. Lyons, 30 inches or 3/5 cubic feet per seconds time of the waters of that part of Upper Sand Creek known as East Creek, or Griffith's Springs, dating from May 15th 1899.

To the Defendant, Charles Peterson, 10 inches or 1/5 cubic feet per seconds time of the water of that part of Upper Sand Creek known as Sharp's Springs, dating from May 15th 1897.

To Defendant, Peter Melling, 50 inches or one cubic feet per seconds time of the water of that part of Upper Sand Creek known as Sharp's Springs, dating from May 15th, 1896. Also 10 inches or 1/5 cubic feet per seconds time of the water of that part of Upper Sand Creek, known as Sharp's Springs, dating from May 15th 1896.

To the Defendant, Edgar Roseborough, 25 inches or 1/2 cubic feet per seconds time of the water from that part of Upper Sand Creek known as Griffith's Springs, dating from May 15th, 1900.

To the Defendant Cullom Thompson, 25 inches or 1/2 cubic feet per seconds time of the water of that part of Upper Sand Creek known as Sharp's Springs, dating from July 1st 1896.

That the several amounts of water above decreed be measure and distributed to the said parties at their several points of diversion from the natural channel of said Upper Sand Creek and the said Tributaries thereof, respectively.

That the said waters herein decreed be measured under the weir system, in cubic feet per second of time; fifty inches of water as herein decreed being equal to one cubic foot per second of time, or one second foot.

It is further ordered that each of said parties to this suit construct and maintain at their several points of diversion respectively, substantial and uniform boxes, head gates and weirs for the measurement of their said water.

That each and every of the parties to this suit, their agents, attorneys, as-

signees, and grantees are hereby restrained and perpetually enjoined from in any manner in
terfering with the waters of said Upper Sand Creek and the tributaries thereof herein dec
reed, or exercising any other or greater rights with reference to said waters than as her
ein decreed to the respective parties.

That the costs of this action be paid as follows, to-wit;

That each, the plaintiff and defendants herein pay their own costs. . .

Dated at Montpelier, Idaho, this the 24th day of December, A. D. 1902.

Joseph C. Rich,

Judge of the District Court.

Filed for record Dec. 27th, 1902 at 2-30 P. M. request of J. D. Millsaps.

A. M. Carter, Clerk.

Water Location
of
Thomas Mc Minn } Notice

Notice is hereby given that I, Thomas Mc Minn, do hereby claim, and appropriate Five hundred inches of water for irrigating purposes, from that certain stream known as said Creek, situated near the North Fork of Snake River in Bingham County, Idaho. Commencing at the North Lake and connect it with Middle Lake by means of a ditch, thence connecting the Middle Lake with the South Lake, by means of a ditch, thence the water shall be placed in a natural channel for about three miles, At this point, I intend re-claiming said water by constructing a ditch on both sides of the creek, and are to be each eight feet wide and two feet deep, at the head gate, which is about 160 rods south of the Island Park wagon road, and about one mile south to the place of intended use, And further I claim said water under a four inch pressure and under the laws of the United States and of Idaho Territory, Dated this 15th day of May 1890
Thomas Mc Minn

Territory of Idaho } ss.
County of Bingham }

Thomas Mc Minn being duly sworn says: That the within is a bona fide location for the purpose therein named and that he has placed a copy of this on the ground subscribed and sworn to before me this 21st day of May A. D. 1890

Geo. A. Robethan

Recorder in and for
Bingham Co. Idaho

By P. W. Bogua, Deputy

Recorded at the request of

P. W. Bogua May 27th 1890 at 8 o'clock A.M.

Geo. A. Robethan
Recorder

Water Location Notice.

Notice is hereby given, that we the undersigned citizens of the United States of America conforming to the water right laws thereof and of the State of Idaho, have this twelfth day of May 1894 located and do claim 500 inches, measured under a four inch pressure of the water of the water of West or Second Lake which is in the vicinity of Lower Sand Creek to be diverted at the following described point, viz:

At the lower end of Lake above mentioned which is supposed to be in T^p 9, N^o 41 East B. M. in Fremont Co., in the County of Fremont, State of Idaho, and that said water is for the purpose of irrigating land situated in T^p 9, S^o 28 + 29 N. R. 42 East or for domestic or milling purposes in said County and State; that said water is to be diverted by means of a natural channel for a distance of 400 yds., thence mingle said waters with the waters of east Lake thence we intend diverting the waters thus conveyed by means of a ditch which is to be 6 ft. wide and one ft deep. Said ditch shall run in an easterly direction for about one mile and one half, thence into natural channel of Spring or Horned Creek running down said channel for distance of about two miles, thence diverting said water by means of a ditch 6 ft wide + one ft. deep and running to ranches and farms of localities.

Localities. { M. J. Kerr.
 Lewis P. Swendsen.
 Chas. P. Swendsen.

Recorded at request of M. J. Kerr, May 15. 1894
at 2²² P.M.

E. S. Bramwell.

Recorder.

NOTICE OF WATER RIGHT.

STATE OF IDAHO, } ss.
County of Fremont

TO ALL CONCERNED, NOTICE IS HEREBY GIVEN:

1st. That Marion Kerr, William Kerr, John C. Brower, George C. Brown, Simon McLean & Thomas Gunning of Carilda, Fremont Co. Idaho hereby claim the use of the waters of Upper Sand Creek

to the extent of 50 cubic feet per second.

2d. It is intended to divert said water at or near the point where a copy of this notice is posted, and definitely described as follows: to divert said water at the confluence of Upper Sand and Pine Creeks, plus to utilize whatever known as First, Second & Third Lakes of Upper Sand Creek, lying above the said point of diversion, as reservoirs, to increase the capacity, or water, of said creeks as much as practicable, by the retention and storage of waters.

(In above description give legal subdivision of land or describe the place with reference to some prominent landmark)

3d. The purpose for which said water is intended to be used is for agricultural and domestic purposes

The place of intended use is Carilda, Fremont County, Idaho

4th. It is intended to divert said water by means of natural channels and ditch 5 ft. at the bottom, by 1 1/2 foot deep

The general course of the proposed canal is a southeasterly direction

The length of the proposed ^{natural channel is 3 1/2 miles} canal is about five and one-half miles

It is intended to use said water for irrigating the following described land: Sections 20, 29 and 32 and 33, of Twp. 9 North, of Range 42 East, Boise Meridian.

5th. It is intended to have the works for diversion and use of said water as aforesaid completed within five years. (This must in no case exceed five years.)

WITNESS our hand & at P. Anthony Id
this 22nd day of June 1895

Marion J. Kerr.
John C. Brower.
William Kerr
George C. Brown
Simon McLean
Thomas Gunning

Claim

STATE OF IDAHO, } ss.
County of Fremont

Marion J. Kerr

being first duly sworn, depose & say that he is of lawful age and is the claimant of the Water Right mentioned in the foregoing notice and whose names are subscribed thereto. The statements in said notice are true, and that the original notice, of which the foregoing is a true copy, was put in a conspicuous place at or near the place of intended diversion (as provided by law) on the 22nd day of June 1895, at 15 minutes past 3 o'clock P. M.

Marion J. Kerr.

Subscribed and sworn to before me this 22nd day of June 1895

NOTE.—The above Certificate may, where there are several claimants, be made and sworn to by one of them.

Filed for record this 22nd day of June 1895 at 3³⁰ o'clock P. M.
By Ernest Bramwell Deputy. J. H. Bramwell Record

Articles of Incorporation

Arcadia Reservoir ^{of the} Irrigation and Canal Company, (Limited).

Know all men by these presents:

That we, the undersigned, have this day voluntarily associated ourselves together for the purpose of forming a corporation, under the laws of the State of Idaho.

And we hereby certify:

First: That the name of said corporation is the Arcadia Reservoir Irrigation and Canal Company, Limited.

Second: That the purposes for which it is formed are; to make reservoirs; to construct canals and ditches from said reservoirs; to conduct water to farms some distance below said reservoir for irrigation, domestic and manufacturing; to buy, sell, own and control water; to buy, sell, own and control real estate as may be deemed requisite for the use of said company, to sufficient an amount, at least, to facilitate the general management of said company.

Third: That the capital stock shall be Five thousand Dollars, divided into one hundred shares of Fifty Dollars each.

Fourth: That the place where its principal business is to be transacted shall be, Arcadia, Fremont County, Idaho.

Fifth: That the term for which it is to exist is Fifty years, from and after its incorporation.

Sixth: That the number of the directors shall be Five, and that the names and residences of those who are appointed for the first year are:

W. J. Kerr, President, Arcadia, Fremont County, Idaho.
 John T. Crowe, Vice Pres. " "
 Thomas McMurin, Sec. & Treas. " "
 William Kerr, Director " "
 Simon Nedrow, " "

Seventh: That the amount of capital stock actually subscribed is as follows, to wit:

W. J. Kerr,	\$1,687.50	Thomas McMurin,	562.50
William Kerr,	562.50	Simon Nedrow,	562.50
John T. Crowe,	562.50	James B. Brannon,	562.50

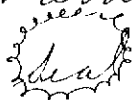
In witness whereof, we have herewith set our hands
and seals this 26th day of March, A.D. 1896,

M. J. Kerr, Seal
John T. Brower, Seal
William Kerr, Seal
Thomas McMin, Seal
Simon ^{his} Vedrow, Seal

State of Idaho } ss.
County of Lemhi }

On this 26 day of March, in the year one
thousand eight hundred and ninety-six, before me,
J. J. Bramwell, Clerk of the District Court in and for said
county, personally appeared M. J. Kerr, John T. Brower,
Thomas McMin, William Kerr, and Simon Vedrow, personally
known to me to be the persons whose names are
subscribed to the foregoing instrument, and they each
duly acknowledged to me that they executed the
same.

In witness whereof, I have herewith set my hand
and affixed my official seal, the day and year
last above written.

 Seal

J. J. Bramwell,
Clerk of the District Court.

Recorded April 14, 1896, at 11³⁰ A.M. at request of M. J. Kerr.

J. J. Bramwell.

Ernest Bramwell, Deputy

Recorder.