

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: A29-11813
Date Received: 4/30/1990
Receipt No: E013827
Received By: Kaw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DEMAR H. GILBERT 208-775-3676
Address: P.O. BOX 103
INKOM, ID 83245

OR

Name: HARRIET GILBERT 208-775-3676
Address: P.O. BOX 103
INKOM, ID 83245

2. Date of Priority: JUN 01, 1885

3. Source: RAPID CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	36E	22	SW	NW			BANNOCK

5. Description of diverting works:

DIVERSION DAM INKOM DITCH TO PRIVATE DITCHES FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.480		

7. Total Quantity Appropriated is:

1.480 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 292.5 Acre Feet Per Annum.

9. Non-irrigation uses:

NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07S	36E	20	SW		NE		IRR	14.0
			SE		NE		IRR	6.0
			SE		NW		IRR	8.0
			NE		SW		IRR	6.0
			NE		SE		IRR	32.0
			SW		SE		IRR	15.0
			SE		SE		IRR	1.0
							Section Acres	82.0
		21	NW		SW		IRR	30.0
			SW		SW		IRR	5.0
							Section Acres	35.0
							Total Acres	117.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
A29-11812

14. Remarks:

THIS RIGHT HAS BEEN COMBINED FROM THE FOLLOWING RIGHTS:
29-00286(0.5 CFS)
29-00289 PART (0.10 CFS)
29-00287 PART (0.88 CFS)

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

CHARLES E. STEWART, ET. AL.
Decree Plaintiff

vs

A. J. DAMRON, 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 _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

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

A29-11813

Date Received

4-22-1990

Receipt Number

E013827

Kcw

RECEIVED

NOTICE OF CLAIM
TO A

APR 27 1990

Department of Water Resources
Eastern District Office

WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

APR 26 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Demar H. or Harriet Gilbert

Phone (208) 775-3676

Mailing Address P.O. Box 103 Inkom Idaho

Zip 83245

2. Date of Priority (Only one (1) per claim) 1 June 1885

3. Source of water supply (a) Rapid Creek

which is tributary to (b) Portneuf River

4. a. Location of existing point of diversion is: Township 7S Range 36E Section 22,

1/4 of SW 1/4 of NW 1/4, Govt. Lot, B.M., County of Bannock

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Diversion Dam Inkom Ditch

to private ditcher for flood irrigation

MICROFILMED

NOV 16 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount 1.48 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.48 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 292.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) NONE

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7S	36E	20			14	6				8	6				32	15		1	82
		21										30	5						35

Total number of acres irrigated 117

11. In which county (ies) are lands listed above as place of use located? Bannock

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (4)

14. Remarks:
This right represents a combination of water rights: 29-00286 (0.5 cfs)
29-00287 (Part of 1.0 cfs for 0.88 cfs) 29-00289 (Part of 0.20 cfs for 0.10 cfs for
a total of 74 minew inches or 1.48 cfs

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NOV 16 1992

Last Name Gilbert Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

[illegible]

NOV 16 1992

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree ☒
If applicable provide IDWR Water Right Number 29-00286; Part of [29-00287(088cf)] ; [29-00289(014cf)]
Court 5th Judicial Dist Case Number _____ Decree Date 6-22-1906
Plaintiff vs Defendant Charles E Stewart vs A. J. DAMRON

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 _____ do not ☒
wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s)

Demar H Gilbert
Harriet Gilbert

Date

April 24, 90

Date

April 24, 1990

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

* State of Idaho/or _____)

County of Bannock)

SS.

Subscribed and sworn (or affirmed) before me this

24

day of

April

19 90

SEAL

Notary Public

Janeane Sorensen

Residing at

Bowney Idaho

My Commission Expires

11-17-91

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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NOV 16 1992

Last Name _____

Ident. Number _____

Copies White-State, Yellow-Claimant

86

15 x 55

T
7
S R36E

Inkon
Cem

Creek

50183

22

Point of Diversion

2855

ROAD

UNION

Gravel
Pit

PM
4550

Mine

28

27

3

5088
DEEP

MICROFILMED

NOV 16 1992

inland on
tract

Frankie Stanger
1773 2181

4610
A.O. Hall
73703

NOT TO SCALE

FEB
1989

490

UNRECORDED

NOV 16 1992

Log for claim A29-11813

Spatial Dynamics BTD

9/13/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s36e	20	SWNE	14	12	
07s36e	20	SENE	6	4.6	
07s36e	20	SENW	8	7.5	
07s36e	20	NESW	6	7.4	
07s36e	20	NESE	32	34	
07s36e	20	NWSE	15	17	Wrong tract in database?
07s36e	20	SESE	1	1.9	
07s36e	21	NWSW	30	30	
07s36e	21	SWSW	5	6.4	
Totals:			117	120.8	

AJ5809NP
No. A29-11813

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 336

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HARRIET GILBERT	06/01/1885	IRRIGATION	03-15 11-15	1.480 CFS	
C	DEMAR H GILBERT					
	PO BOX 103					
	INKOM ID 83245			TOTAL DIVERSION:	1.480 CFS	
	(208) 775-3676			CONSUMPTIVE USE:		292.50 AFA

Water Source: RAPID CREEK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion: T07S R36E S22

SWNW

BANNOCK County

Place of Use Legal Description for: IRRIGATION

				NE				NW				SW				SE																
				NENE	NWNE	SWNE	SENE					NENW	NWNW	SWNW	SENW					NESW	NWSW	SWSW	SESW					NESE	NWSE	SWSE	SESE	
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
07S	36E	20	:				14		06	:					08	:	06									32			15		01	: 82.0
07S	36E	21	:							:						:		30		05	:											: 35.0
																												TOTAL ACRES	117.0			

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: A29-11812

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

29-00288B 29-00288D 29-11835 A29-00288A A29-00288B A29-00288D A29-00288E A29-00290D A29-11545 A29-11835

Other Water Rights Listing Overlapping Place(s) of Use:

A29-00286 A29-00287 A29-00289 A29-00603A A29-02207 A29-04497 A29-07694 A29-10522 A29-11812

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 29F.

Remarks: GEN THIS RIGHT HAS BEEN COMBINED FROM THE FOLLOWING RIGHTS:

29-00286 (.50 CFS)
29-00289 PART (0.10 CFS)
29-00287 PART (0.88 CFS)

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 29F Field Inspection Flag:
Presumption Flag:

Audit: 04/30/90 WILSON 03/29/95 POST-STD 01/05/96 ENORQUES

4-30-90
EO 13827

25 April 1990

Demar H. or Harriet Gilbert
P.O. Box 103
Inkom, Idaho 83245

RE: Filing fees for adjudication claims

Dear Mr. Gilbert:

Enclosed are the three adjudication claims that were received by this office on 25 April 1990. The claims are not receiptable because the \$242.00 filing fee was not included (\$167.00 + \$50.00 + \$25.00 = \$242.00).

A29-11813
A29-11812
A29-11755
Please return the adjudication claims and the \$242.00 filing fee on or before 1 May 1990, to avoid the late filing fee penalty.

Sincerely,

Keith C. Wilson
Senior Resource Agent

MICROFILMED
NOV 16 1992

No. 12095.

ABSTRACT OF TITLE TO

3211,74

The Southwest quarter of Northeast
quarter, Northwest quarter of Southeast
quarter and Northeast quarter of South-
west quarter of Section 20, Township 7
South, Range 36 East, Boise Meridian
in Idaho.

Prepared for
Theo. J. Turner,
Pocatello, Idaho.

PAGE NUMBER 1

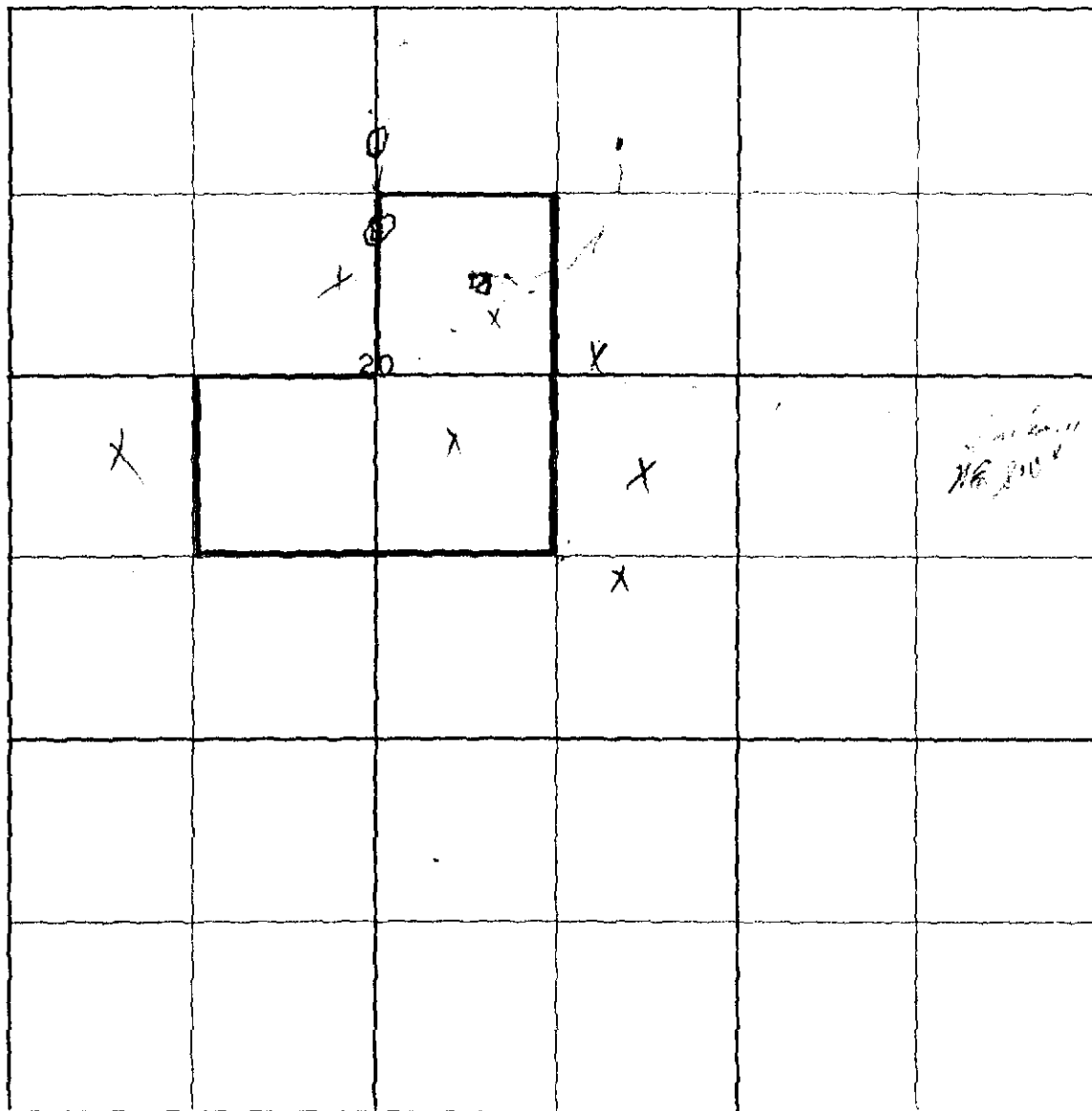
MADE IN U.S.A.

BANNOCK TITLE-ABSTRACT COMPANY

PLAT OF THE PROPERTY DESCRIBED IN THE FOREGOING CAPTION

Township seven South, Range thirty-six East Boise Meridian

NORTH



SOUTH

BANNOCK TITLE-ABSTRACT COMPANY

SCALE

FEET TO THE INCH

PAGE NUMBER

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

Charles E. Stewart, Norscea
Sorrell, Annie Sorrell, Norscea
Sorrell, the natural guardian
of Edwin Sorrell, a minor, George
Jackson, Bill Jackson, Ya-ha-gwan-ah
Jackson, and George A. Whitworth,
Plaintiffs

DECREE

Dated: June 22, 1906
Filed: June 22, 1906
Recorded: Book 2 Judgment
Book page 280

vs

A. J. Damron, Philip Ferguson, Sam
Hargraves, John Richardson, William
Damron, E. M. Webb, Thos. Hargraves,
Richard Hoffine, George North, Richard
Douglas, James Crum, Bertha Shortz,
Blanche Von Stein, and Fred M. Kelsey,
Defendants.

This cause came regularly on for trial before the Court without a jury, a jury being waived in open Court, Messrs. Standrod & Terrell appearing as attorneys for all of the plaintiffs except George A. Whitworth, S. C. Winters, Esq. appearing for the said plaintiff, George A. Whitworth, Messrs. Dietrich & Clark appearing for the defendants A. J. Damron, Philip Ferguson, Sam Hargraves, William Damron, E. M. Webb, Richard Hoffine, John Richardson, and Fanny Richardson, his wife, and Fred M. Kelsey, Messrs. Holzheimer & Holzheimer appearing as counsel for the defendants Bertha Shortz and Blanche Von Stein, and the Oregon Short Line Railroad Company having been made a party to this action by an order of Court duly appearing by their counsel P. L. Williams, and F. S. Deltrich, Esqrs. and Norscea Sorrell by leave of Court having filed herein his complaint in intervention as administrator of the estate of Ethel Sorrell, deceased, duly appeared by his counsel, Messrs. Standrod & Terrell, and the defendants, Richard Douglas, George North and Thos. Hargraves, having been duly served with summons herein, and having failed to appear and answer in said action within the time allowed by law, or at all, and the time allowed by law for appearance and answer having expired, the defaults of the said defendants George North, Richard Douglas and Thos. Hargraves was duly entered according to law;

And it appearing that the plaintiffs Bill Jackson and Ya-ha-gwah-ha Jackson, have no interests in the matters in controversy, and were made parties to said action under a misapprehension of the facts, on motion of Messrs. Standrod & Terrell, the said complaint so far as it alleges rights for or on behalf of said last two named plaintiffs is dismissed and withdrawn.

And it further appearing that the said Charles E. Stewart, Norscea Sorrell, Annie Sorrell, Norscea Sorrell as the natural guardian for Edwin Sorrell, a minor, Norscea Sorrell as administrator of the estate of Ethel Sorrell, deceased, George Jackson, Tapap Jackson, Joe Jackson, Wegicata Jackson, George A. Whitworth, A. J. Damron, Philip Ferguson, Sam Hargraves John Richardson and his wife, Fanny Richardson, William Damron, E. M. Webb, Richard Hoffine, Bertha Shortz, Blanche Von Stein, Fred M. Kelsey and the Oregon Short Line Railroad Company, being all of the parties to said action who have appeared therein, each and all appeared in person and by their respective attorneys of record, and in open court by their said several attorneys duly authorized, duly made and entered a stipulation by the terms of which the rights and priorities of all of said parties were settled and agreed upon and admitted to be the true relations and rights of the said parties respectively to the matters in controversy, as hereinafter more specifically set forth;

And it further appearing that the said several parties so appearing by their respective counsel, in open Court, duly waived findings of fact and conclusions of law;

And the cause having been finally submitted to the Court upon the stipulation aforesaid, and the Court now being fully advised in the law and the premises;

It is therefore ordered, adjudged and decreed, that the Oregon Short Line Railroad Company, a corporation, is entitled to the use, at all times of fourteen one-hundredths of one cubic foot per second of time of the waters of Rapid Creek, a tributary of Portneuf River, in Bannock County, State of Idaho, to be diverted from the main channel of said Rapid Creek and to be used at the station of said Railroad Company, known as Inkam, in said County and State, for railroad uses and purposes and for no other uses or purposes, the said right to date from the year 1883;

That the defendants, A. J. Damron, Philip Ferguson, Samuel Hargraves E. M. Webb, Fred M. Kelsey, Fanny Richardson and John Richardson, her husband and George A. Whitworth, are entitled to the joint use, at all times of one fifth of one cubic foot per second of time of the waters of said stream, to be used upon the respective tracts of land hereinafter described as belonging to said defendants, their said right to the use of said water to date from the year 1884; said rights being equal and said water shall be used in rotation;

That the said Norscea Sorrell or Norciase Sorrell is entitled to the use at all times of one-half of one cubic foot per second of time of the waters of said stream (25 miners inches) his right to the use thereof to date from the year 1885, and to be used upon and become appurtenant to the following described lands, to-wit: Southwest quarter of Northeast quarter and Northwest quarter of Southeast quarter of Section 20 in Township 7 South of Range 36 East of Boise Meridian, in said County and State.

The said Annie Sorrell is entitled to the use at all times of one cubic foot per second of time (50 miners inches) of the waters of said stream, her right to the use thereof to date from the year 1885, to be used upon and become appurtenant to the following described lands, to-wit: Northeast quarter of Southeast quarter of Section 20, and Northwest quarter

of Southwest quarter of Section 21 in Township 7 South of Range 36 East of Boise Meridian in said County and State;

That said Edwin Sorrell is entitled to the use at all times of seven tenths of one cubic foot per second of time (35 miners inches) of the waters of said stream, his right to the use thereof to date from the year 1885, to be used upon and become appurtenant to the following described lands, to-wit: Northeast quarter of Southwest quarter and Southwest quarter of Northeast quarter of Section 21, in Township 7 South of Range 36 East of Boise Meridian, in said County and State;

That said Norscea Sorrell, as administrator of the estate of Ethel Sorrell, deceased, is entitled to the use at all times of one fifth of one cubic foot per second of time (10 miners inches) of the waters of said stream, his right as such administrator and the right of said estate to date from the year 1885, and to be used upon and become appurtenant to the following described lands, to-wit: Southeast quarter of Northeast quarter of Section 21 and the Northeast quarter of the Southwest quarter of Section 20 in Township 7 South of Range 36 East of Boise Meridian, in said County and State;

That said Charles E. Stewart is entitled to the use, at all times, of two cubic feet per second of time (100 miners inches) of the waters of said stream, his right to the use thereof to date from the year 1885, to be used upon and become appurtenant to the following described lands, to-wit: West half of Southeast quarter and Southeast quarter of Southeast quarter of Section 21 and Northeast quarter of Northeast quarter of Section 28 in Township 7 South of Range 36 East of Boise Meridian;

That the said George Jackson is entitled to the use, at all times, of three fifth of one cubic foot per second of time (30 miners inches) of the waters of said stream, his right to the use thereof to date from the year 1885, to be used upon and become appurtenant to the following described lands, to-wit: Northeast quarter of Northeast quarter of Section 22 and Northwest quarter of Northwest quarter of Section 23 in Township 7 South of Range 36 East of Boise Meridian in said County and State;

That the said Tapap Jackson, wife of the said George Jackson, is entitled to the use at all times of one fifth of one cubic foot per second of time (10 miners inches) of the waters of said stream, her right to the use thereof to date from the year 1885, to be used upon and become appurtenant to the following described lands, to-wit: Southeast quarter of Northeast quarter of Section 22 and Southwest quarter of Northwest quarter of Section 23 in Township 7 South of Range 36 East of Boise Meridian, in said County and State;

That the said Joe Jackson is entitled to the use, at all times, of one cubic foot per second of time (fifty miners inches) of the waters of said stream, his right to the use thereof to date from the year 1885, and to be used upon and to become appurtenant to the following described lands, to-wit: Southwest quarter of Northeast quarter and Northwest quarter of Southeast quarter of Section 22 in Township 7 South of Range 36 East of Boise Meridian, in said County and State;

That the said Wegecata Jackson, wife of the said Joe Jackson, is en-

titled to the use at all times of four fifths of one cubic foot per second of time (40 miners inches) of the waters of said stream, her right to the use thereof to date from the year 1885, to be used upon and become appurtenant to the following described lands, to-wit: East half of Southeast quarter of Section 22 in Township 7 South of Range 36 East of Boise Meridian in said County and State;

That the said rights of the said Norscea Sorrell, Annie Sorrell, his wife, Edwin Sorrell, Norscea Sorrell, administrator, George Jackson, Tapap Jackson, Joe Jackson, Wegecata Jackson and Charles E. Stewart, above mentioned and defined, shall be of equal dignity in respect to the date of their respective appropriations in the use of said water, said water to be diverted from the main channel of said Rapid Creek;

That the said Fanny Richardson and John Richardson are entitled to the joint use, at all times of 48/100 of one cubic foot per second of time (24 miners inches) of the waters of said stream, their right to the use thereof to date from the 18th day of June, 1902, and to be used upon and become appurtenant to the following described lands, to-wit: Commencing at point 29 rods South of Northeast corner of Southeast quarter of Southwest quarter of Section 2, Township 7 South of Range 36 East of Boise Meridian, running thence in Southwesterly direction in a direct line to a point 11 rods North of Southwest corner of Southeast quarter of Southwest quarter of Section 2, thence South 80 rods; thence in Northeasterly direction in a direct line to a point 29 rods South of Northeast corner of Northeast quarter of Northwest quarter of Section 11 in said Township and Range; thence North 80 rods to the place of beginning, containing 40 acres; lying and being in said County and State;

That the said Samuel Hargraves is entitled to the use, at all times, of 96/100 of one cubic foot per second of time (48 miners inches) of the waters of said stream, his right to the use thereof to date from the 18th day of June, 1902, to be used upon and become appurtenant to the following described lands, to-wit: East half of Northwest quarter and Northwest quarter of Northeast quarter of Section 11, in Township 7 South of Range 36 East of Boise Meridian, in said County and State;

That the said George A. Whitworth is entitled to the use, at all times, of one and one-fifth cubic feet per second of time (60 miners inches) of the waters of said stream, his right to the use thereof, to date from the 19th day of June, 1902, to be used upon and become appurtenant to the following described lands, to-wit: West half of Southwest quarter and West half of Northwest quarter of Section 14 in Township 7 South of Range 36 East of Boise Meridian, in said County and State;

That the said Richard Hofhine is entitled to the use, at all times, of one and 4/100 hundreds cubic feet per second of time (52 miners inches) of the waters of the North Fork of said Rapid Creek, his right to the use thereof to date from June 23, 1902 to be used upon and become appurtenant to the following described lands, to-wit: East half of Southwest quarter and West half of Southeast quarter of Section 34 in Township 6 South of Range 36 East of Boise Meridian in said County and State;

That the said William Damron is entitled to the use, at all times of

four fifths of one cubic foot per second of time (40 miners inches) of the waters of Joe Rainey Creek, a tributary of said Rapid Creek, his right to the use thereof to date from the 4th day of March, 1905, to be used upon and become appurtenant to the following described lands, to-wit: Southwest quarter of Northeast quarter and Southeast quarter of Northwest quarter and Northeast quarter of Southwest quarter and Northwest quarter of Southeast quarter of Section 2 in Township 7 South of Range 36 East of Boise Meridian in said County and State;

Provided however, that if the waters flowing in the said North Fork and Joe Rainey Creek, tributaries aforesaid, or either of them, should ever become so low so that the same do not reach the body or channel of said Rapid Creek, then the said streams shall not be regarded as tributaries of said Rapid Creek.

That the said Fred M. Kelsey is entitled to the use at all times of 56/100 of one cubic foot per second of time (28 miners inches) of the waters of Rapid River, a tributary of said Rapid Creek, his right to the use thereof to date from the 23rd day of April, 1904, to be used upon and become appurtenant to the following described lands, to-wit: East half of Southeast quarter of Section 11 in Township 7 South of Range 36 East of Boise Meridian, in said County and State;

That the said E. M. Webb is entitled to the use at all times of four fifths of one cubic foot per second of time (40 miners inches) of the waters of said Rapid Creek, his right to the use thereof to date from the 1st day of June, 1904, to be used upon and become appurtenant to the following described lands, to-wit: Southwest quarter of Southwest quarter of Section 1, and South half of Southeast quarter of Section 2 and Northeast quarter of Northeast quarter of Section 11 in Township 7 South of Range 36 East of Boise Meridian, in said County and State;

That the said A. J. Damron is entitled to the use, at all times of four fifths of one cubic foot per second of time (40 miners inches) of the waters of said Rapid Creek, his right to the use thereof to date from the 1st day of June, 1904, to be used upon and become appurtenant to the following described lands, to-wit: East half of Southeast quarter of Section 15 in Township 7 South of Range 36 East of Boise Meridian in said County and State;

That the said Philip Ferguson is entitled to the use, at all times of one and one-fifth cubic feet per second of time (60 miners inches) of the waters of Rapid River, a tributary of Rapid Creek, his right to the use thereof to date from the 20th day of June, 1902, to be used upon and become appurtenant to the following described lands, to-wit: Southwest quarter of Southeast quarter, East half of Southwest quarter and Southwest quarter of Southwest quarter of Section 11 in Township 7 South of Range 36 East of Boise Meridian in said County and State;

That the said Blanche Von Stein is entitled to the use at all times of 64/100 of one cubic foot per second of time (32 miners inches) of the waters of Rapid River, a tributary of said Rapid Creek, her right to the use thereof to date from the 24th day of October, 1904, to be used upon and become appurtenant to the following described lands, to-wit: East

half of Southwest quarter and Southwest quarter of Southwest quarter and Northwest quarter of Southwest quarter of Section 12 in Township 7 South of Range 36 East of Boise Meridian, in said County and State;

That the said Bertha Shortz is entitled to the use at all times of four fifths of one cubic foot per second of time (40 miners inches) of the waters of Rapid River, a tributary of said Rapid Creek, her right to the use thereof to date from the 23rd day of November, 1905, to be used upon and become appurtenant to the following described lands, to-wit: South half of Northeast quarter and Northwest quarter of Southeast quarter of Section 11 and Southwest quarter of Northwest quarter of Section 12 in Township 7 South of Range 36 East of Boise Meridian, in said County and State;

It is further ordered, adjudged and decreed that subject to all the other rights hereinbefore provided for, the following named persons shall be entitled, at all times to the following amounts of the waters of said Rapid Creek and its tributaries, to be diverted by them at the points respectively, from which they divert the waters hereinbefore decreed to them respectively, and to be used upon and become appurtenant to the several tracts of lands hereinbefore described as belonging to the said persons respectively, to-wit:

A. J. Damron, $1/2$ of one cubic foot per second of time (25 miners inches) Philip Ferguson $3/4$ of one cubic foot per second of time ($37\frac{1}{2}$ inches) Samuel Hargraves $3/5$ of one cubic foot per second of time (30 inches) William Damron $1/2$ one cubic foot per second of time (25 inches) E. M. Webb, $1/2$ of one cubic foot per second of time (25 inches) Richard Hoffine, $65/100$ of one cubic foot per second of time ($32\frac{1}{2}$ inches) Fred M. Kelsey, $35/100$ of a cubic foot per second of time ($17\frac{1}{2}$ inches) Fannie Richardson and John Richardson, her husband, $30/100$ of one cubic foot per second of time (15 miners inches) George A. Whitworth $75/100$ of one cubic foot per second of time ($37\frac{1}{2}$ in.) Blanche Von Stein, $40/100$ of one cubic foot per second of time (20 inches) Bertha Shortz, $50/100$ of one cubic foot per second of time (25 inches).

All of said last named rights are to be of equal dignity, and are subsequent in time and inferior in right to all other rights herein decreed.

It is further ordered, adjudged and decreed that any of the parties to said action who are entitled to the use of any of the waters of said Rapid Creek, or any of its tributaries, under this Decree, may pool or unite the waters so decreed to them, and use the same jointly or alternately or in any manner that will secure the greatest benefits and best results from said water, so that the waters so united or pooled do not exceed the aggregate of the amount so decreed to the parties entering into such arrangements.

It is further adjudged and decreed that each and every of the parties

hereto, both plaintiffs and defendants, and the persons and corporation made parties by order of Court, and the intervenors, and all parties to said action, their agents, servants, employees, attorneys, conselors, heirs, administrators, successors and assigns, and all and every person or persons acting by, under or in assistance of them or any of them, be and they are hereby forever and perpetually restrained and enjoined from in any manner wasting or suffering the waters herein decreed to them respectively to be wasted, and are hereby further perpetually and forever restrained and enjoined from in any manner using the waters of said Rapid Creek or any of its tributaries in any other quantity or in any other manner than as herein set out, defined and decreed, each and all of said parties respecting the superior rights of the others.

And it appearing to the Court that the defendant William F. Crum styled in said action as James Crum, was duly served with summons in said action, and thereafter by his attorneys, Messrs Deitrich & Clark, appeared herein and answered and filed his cross complaint, and the said attorneys in open Court having withdrawn as attorneys for said defendant, and the said defendant, William F. Crum failing to appear further in said action or to attend said trial, or to prosecute his claim, it is ordered, adjudged and decreed that the said cross complaint of the said defendant William F. Crum be dismissed and the same is hereby dismissed absolutely, and that the defendant William F. Crum take nothing by his answer or cross complaint filed herein.

That each of the parties hereto shall pay his own costs for witnesses, Sheriff and Clerk's fees; and the fees of the Court's Stenographer for transcribing the testimony in said cause, taxed at \$80.00 shall be paid by all of the parties to said action to whom rights are herein decreed, share and share alike, and execution may issue against any of said parties failing to pay his proportionate amount of said sum.

Done in open District Court this the 22nd day of June, 1906.

Alfred Budge,
Judge of said District Court.