

PHILIP E. BOWLES
505 SANSOME STREET
SUITE 1975
SAN FRANCISCO, CA 94111
(415) 421-4800

RECEIVED
AUG 16 2004
Department of Water Resources

Roxanne Brown
Senior Water Resource Agent
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83707-9815

12 August 2004

re: SBRA request for priority date, WR 73-4021, 73-10030, 73-10031

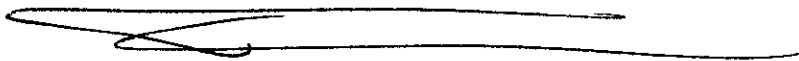
Dear Ms. Brown:

My uncle, George M. Bowles, is the owner of a piece of property in the Pahsimeroi Valley, which he purchased in 1990. I have received your letter dated July 26, 2004, from the IDWR, requesting "Evidence of Priority Date" for the above captioned water rights. Evidently, there is sufficient information on file already to substantiate the other water rights appurtenant to the property. Water right 73-10030 was formerly known as water right 73-4022 (see attached Exhibit "A" to transfer between Ralph G. Bird and the George M. Bowles Trust). Do we need to provide evidence of priority date for water right 73-4002?

I am also enclosing a copy of some records kept by the water-master for the Pahsimeroi River, and a copy of a Decree, dated 12 August, 1924, allocating certain waters of the Pahsimeroi among the then land owners. We have asked a title agent to prepare a report showing the entire chain of title to the present day, but this report is not yet ready. I have engaged Milton A. Slavin, an attorney in Salmon, to prepare a more intelligible recapitulation of these three water rights.

Your associate, Danni Smith, was kind enough to allow us a few extra weeks beyond the August 27 deadline stated in your letter. I am hopeful that the extra time will allow us to submit a package of materials that will allow you to make a determination more easily.

Sincerely,



Philip E. Bowles

cc: Milton A. Slavin

EXHIBIT "A"

RECEIVED

AUG 16 1990

Department of Water Resources

Water Right Numbers to be changed from
RALPH G. BIRD
to
G. M. BOWLES TRUST

73-4021 ✓
73-4022 - 10030
73-0073A } 10018
73-0073B }
73-0086A } 10019
73-0086B }
73-2069 ✓
73-0077A } 10018
73-0077B }
73-0076 ✓
73-10018 ✓
73-10019 ✓
~~73-02069~~
~~73-04021~~
~~73-04022~~
73-10031

October 10, 1990

Dear Mr. Slavin:

Enclosed are copies of Notices that have been changed to the name of
G.M. Bowles Trust. Also enclosed is a printout of Notices changed.

Below is a run-down on the above mentioned water right numbers.

73-10031.....Notice based on beneficial use;
no previous record.
73-04021.....number remains the same.
~~73-04022.....changed to 73-10030~~
73-0073A, 73-00073B, 73-00077A, and 73-00077B...combined into 73-10018.
73-00086A and 73-00086B.....combined into 73-10019.
73-02069.....number remains the same.
73-00076.....Notice filed by Donald Blatz.

If you have any questions, please contact 525-7161 and ask for Ernest Carlsen.

Sincerely,

Jo Thompson

Jo Thompson, Secretary

MICROFILMED

DEC 14 1992

RIVER and TRIBUTARIES

OF ALL DECREES

PAHSIMEROI
RIVER

WATER DIST. 73

JUDICIAL DIST.

DATE OF DECREE

COUNTY

JUDGE

RECORDED

IN BOOK NO.

AT PAGE NO.

FILE NO.

Page 2

ME	PRESENT OWNER	AMT. INCHES SEC. FRT.	PRIORITY	DIVERSION SUBDIV. SEC. TWR RG.	REMARKS, LAND TO BE IRRIGATED, ETC.	C.T.
SW 1/4 HAYES	2.0	100 #12	4-16-00	Short Ditch	SE 1/4, Sec. 27-15N-21E	
ser Sim	1.6	80 #13	5-1-00 (5/1/00)	Ellis Ditch	N 1/4 NE 1/4, SE 1/4 NE 1/4, Sec. 20-15N-21E	
SM Downton					E 1/4 NW 1/4, E 1/4 SW 1/4, W 1/4 SE 1/4, SE 1/4 SE 1/4, Sec. 17-15N-21E	
SM Downton		360 #13	5-1-00	FLY DITCH McDonald Ditch	" " " " " "	
" Sim	7.2	90* #15	5-10-01	Ellis Ditch	NW 1/4 NW 1/4, S 1/4 NW 1/4, W 1/4 SW 1/4, Sec. 21-15N-21E	
9 73 096	1.4	70 #	" "	Murphy	" " " " " "	
Downton Springs		25	no date	Private Ditch	SE 1/4 NW 1/4, W 1/4 SE 1/4, Sec. 7; NW 1/4 NE 1/4, Sec. 18, 14N-22E-	
Bob Whitworth		150 #14	5-1-00	Lower part of James Hooper ranch	See Right 4-14-85	
no Moch	2.9	145 #2	6-11-01	Murphy Ditch	Lot 2, S 1/4 NE 1/4, N 1/4 SE 1/4, Sec. 6; SW 1/4 NW 1/4, NW 1/4 SW 1/4, Sec. 5-12N-24E	
idney Downton Jr.					SE 1/4 NW 1/4, SW 1/4 NE 1/4, W 1/4 SE 1/4, E 1/4 SW 1/4, Sec. 29; NE 1/4 NW 1/4, NW 1/4 NW 1/4, Sec. 32 - 11N-24E	
9 Ralph Blessinger		280 #5	3-15-02	Alger Headgate	SW 1/4 NE 1/4, SE 1/4 NW 1/4, W 1/4 NW 1/4, Sec. 22-12N-24E	
Wood Livestock Co.		(0)			W 1/4 NE 1/4, W 1/4 SE 1/4, Sec. 8-12N-24E	
Bert Hatch		320	11-19-03		E 1/4 NE 1/4, NE 1/4 NW 1/4, Sec. 21; NW 1/4 NW 1/4, Sec. 22-12N-24E	
Trans. 777*					From Pahsimeroi and Big Spring Creek	
VIDEN WDP					W 1/4 NE 1/4, S 1/4 NW 1/4, Sec. 27-15N-21E	
D. M. Fife	3.2	160 #4	1-4-04	upper pahsimeroi SWSW 32 12N 24E	S 1/4 SE 1/4, NW 1/4 SE 1/4, SE 1/4 SW 1/4, Lot 7, Sec. 6-15N-21E	
J. Ne-bitt		160 #15	1-4-04	" " " "	" " " " " "	
DATE FENCE					" " " " " "	
Wm. Keller	3.2	160 #16	1-4-04	" " " "	" " " " " "	
Hier LARRY					" " " " " "	
Stanley Hull	3.2	160 #16	1-4-04	" " " "	" " " " " "	
HAYES	2.1	105 V	4-30-04	Johnson Ditch	" " " " " "	
us stock					" " " " " "	
NATURAL BOWLES		200	5-4-04	SE 1/4, Sec 8; NE 1/4 NE 1/4, W 1/4 SW 1/4, Sec. 9-15N-21E	" " " " " "	
Gregory					" " " " " "	
springs		all	nodate		" " " " " "	
or the 2011 NEGR.		#18			" " " " " "	
Prille Pe		40 1.6	3-21-05	Reed & Bartlett Ditch	NW 1/4 NE 1/4, NE 1/4 NW 1/4, Sec. 3-11N-21E	
Crude " 1"		40		Mulusia Ditch	" " " " " "	
NOT listed?		160	5-22-05	NENE 1/4 11 10N 23E	S 1/4 SE 1/4, Sec. 32-11N-24E; Lot 1, 2, Sec. 5-10N-24E	
r (see Trans)		48.65	7-1-97	Pahsimeroi River	W 1/4 SW 1/4, Sec. 27; NW 1/4, S 1/4, Sec. 28, NE 1/4, N 1/4 NW 1/4, Sec. 33-13N-23E (balance of water released to Pahsimeroi R.)	
		174.5	8-7-05	Stanley Hull Ditch	S 1/4 NW 1/4, NE 1/4 NW 1/4, Sec. 34-13N-23E	
		199.0	11-19-03	SW 1/4 32 12N 24E		

g or O'Neill Creek - Continued

SOURCE Pahsimeroi River & Tributaries

WATER DIST. 73

JUDICIAL DIST.

DATE OF DEGREE

COUNTY

JUDGE

RECORDED

IN BOOK NO.

AT PAGE NO.

FILE NO.

PAGE 12

Page 12

PRESENT OWNER		AMT. INCHES SEC. FK	PRIORITY	DIVERSION				REMARKS, LAND TO BE IRRIGATED, ETC.	G.T.
				SUBDIV.	SEC.	TWP.	Rd.		
Bruggenkamp	150	3.0	4-25-04	J. D.	Brown	Ditch		Lot 2, SW 1/4 NE 1/4, NE 1/4 SE 1/4, Sec. 1 14N - 21E	
Sam Martiny	100	2.0	8-29-04	NW 1/4 NE 1/4	7	14N	22E	See Little Spring Creek - SE 1/4 SE 1/4, Sec. 1, 14N-21E; SW 1/4 SW 1/4, Sec. 6; NE 1/4 NW 1/4, Sec. 7 - 14N-22E	
Richardson	80	1.6	5-1-06	Mulvania	Ditch			See Pahsimeroi & Mud Springs Cr. SE 1/4 NE 1/4, Sec. 2; SW 1/4 NW 1/4, NW 1/4 SW 1/4, Sec. 1 - 14N-21E	
UGES SCOTT HAYES	80	1.4	8-12-07					No description	
Ed Apple	70	1.4	11-29-07	Mulvania	Ditch			EN 1/4, Sec. 34 - 15N - 21 E.	
ES SCOTT HAYES	70	1.4	11-30-07	"		"		See 5-1-06 right	
Ed Apple	10	2.0	6-20-08	NE 1/4 NE 1/4	7	14N	22E	NE 1/4 NE 1/4, Sec. 12; SE 1/4 SW 1/4, Sec. 1 - 14N-21E Spring Cr. and Duck Spring Cr.	
Richardson	80	1.6	4-1-12	Ellis	Ditch			SE 1/4 NE 1/4, NW 1/4 SE 1/4, NE 1/4 SW 1/4, SE 1/4 NW 1/4, Sec. 7 - 15N-21E Spring Cr. and Duck Spring Cr.	
Steve Hamilton	70	1.4	4-1-12	"	"			NE 1/4 NE 1/4, NW 1/4 SE 1/4, Sec. 35 - 16N - 20E Spring Cr. and Duck Spring Cr.	
Amar	170	3.4	"	"	"			N 1/4 SW 1/4, SE 1/4 NW 1/4, Sec. 35, 16N - 20E Spring Cr. and Duck Spring Cr.	
Amar	80	1.6	"	"	"			SW 1/4 SE 1/4, Sec. 7 - 15N-21E Spring Cr. and Duck Spring Cr.	
Blatz	20	.40	"	"	"			SW 1/4 SW 1/4, W 1/4 SW 1/4, Sec. 8; NE 1/4 SE 1/4, Sec. 7; 15N-21E	
Hamilton	80	1.6	"	"	"			SW 1/4 NW 1/4, Sec. 6 - 14N - 23E	
Antee	40	1.0	7-14-17	Minor	A. Brown	Ditch			
Antee	40	1.0		ELLIS DITCH					

JUDGE

RECORDED

AT PAGE NO.

FILE NO.

GOLDBERG CREEK

OF
CASE

PAHSIMEROI RIVER

JUDICIAL DIST. PAGE 1

DATE OF DECREE

PM.	DN.	DECREED OWNER	NAME	PRESENT OWNER	AMT. INCHES SEC. 10	PRIORITY	DIVERSION				REMARKS, L.
							SUBDIV.	SEC.	TWR	RG.	
			PAHSIMEROI RIVER								
73	192	GRANT D. Robbins Cunningham & Porter	Vern Hamilton F. Cochran	505 6.4 320	#1	8/25/84	(Less the flow of Grouse Creek)				NE 1/4 SW 1/4, SE 1/4 NW 1/4, Sec. 255" from Mu
73	099	See page 15 R. Wilson	Donal Moen Sidney Dowton Jr.	200 4.5 55 1.1	#2	4/14/85	Ellis Ditch Murphy Ditch				NE 1/4 NW 1/4, E 1/4 NE 1/4 SW 1/4, Sec. Springs Cree
73	147	A Wood Livestock Co.	Pines Grazing Assn Felipe Yribar	220	#3	4/25/86					W 1/4 NW 1/4, Sec. N 1/4 SE 1/4, SW 1/4 Sec. 13; E 1/4 NE 1/4
73	152	John F. (Moen) Lorenzo Falls	Donal Moen E. O'Neal	200 4.0 520 6.4	#1	5/1/86					W 1/4 SW 1/4, Sec. NW 1/4 SE 1/4, NE 1/4 S 1/4 SW 1/4, Sec. T 1/4 N, R 22 E;
73	154	DAWAYNE HAMILTON Edward O'Neal	Vern Hamilton & Sons LEE M. O'Neal	360 7.2	#5	5/1/86					SW 1/4 SW 1/4 - 16; S N 1/4 SE 1/4, N 1/4 SW 1/4 Lots 3 & 4, SE 1/4 NW 1/4, NE 1/4
73	157	Joe Scoble Jas. Hooper	Dr. H. Pife Mrs. J. Hooper	220 6.4	#5	5/1/86					Alger headgate
73	146	Goldberg Grazing Wood Livestock Co.	Ralph Blessinger Webb Keppner	300 6.6	#5	5/25/87					Reed & Bartlett Ditch
73	090	Odell D. Bartlett		125 2.5 115 4.5	#5	4/18/88 11/5/89					Murphy Ditch
73	088	Lois P. Reed	W. W. Keppner	80 6.6	#3.9						NE 1/4, E 1/4 SE 1/4, NW 1/4 NE 1/4, S 1/4 NW 1/4, SE 1/4 NW 1/4, Sec. NW 1/4 SE 1/4, Sec. SW 1/4 NW 1/4, Sec. Lot 3, Sec. Sec. 34 - 1
73	148	Pines Grazing Wood Livestock Co.	Felipe Yribar	160 #8	#8	5/1/97					
73	149	Pines Grazing	"	400 #3	#3	5/1/97					
73	159	L. G. Reese	Bert Hatch A. E. Zeigler	200 #7	#7	6/1/97					
73	150	Wood Livestock Co.	Bert Hatch Trans. 777* Grant Baldwin	424.4 (1180)	#7	7/1/97	SENE	18	11N	24E	Lots 3 & 4, S 1/4 NW 1/4, N 1/4 SW 1/4, NE 1/4 NE 1/4, Sec. 33, NE 1/4 NE 1/4, Via Pines
73	151	Pines Grazing Wood Livestock Co.	Felipe Yribar Bert Hatch	200 160	#7	7/1/97					W 1/4 SW 1/4, 27; F W 1/4 SW 1/4, 27; -
		Trans. 777* O. H. Swauger		48.65		7/1/97					
		Baldwin owns part of this (cc)		174.5		8/7/05	Stanley Hull Ditch				
		Bert Hatch	Bert Hatch	199.0		11/19/03	SW 1/4	32	12 N	24 E	S 1/4 NW 1/4, NE 1/4

PRIORITY NUMBER

DN. : DECREE NUMBER

CT. & CUMULATIVE

TITLE
OF
CASE

PAHSIMEROI RIVER and TRIBUTARIES

ABSTRACT OF ALL DECREES

SOURCE Pahsimeroi River & Tributaries

WATER DIST. 73

COUNTY

JUDICIAL DIST.

JUDGE

DATE OF DECREE

RECORDED

IN BOOK NO.

P.N.	D.N.	DECEDED OWNER	NAME	PRESENT OWNER	AMT. INCHES SPECIFIED	PRIORITY	DIVERSION				REMARKS, LAND TO BE IRRIGA
							SUBDIV.	SEC.	TWP.	Rd.	
3	25	Vern Hamilton & Sons	Don Robinson		2.4	#1	#1				
3	25	E. Wells	C. M. Mulkie		120	7-5-05					SE 1/4 SW 1/4, 27; NW 1/4 NE 1/4, NE 1/4 NW 1/4, Se
3	25	WUNSCH/BARNES Grant	Baldwin Trans. 777*		40						S 1/4 SW 1/4, Sec. 28; NE 1/4 NE 1/4, Sec.
3	25	Edith Matley	Bert Hatch		(240)	8-7-05					Sec. 33-T13N-23E
3	107	Tom Richardson	CIRCLE PI 1A.84		60	5-1-06	SE 1/4 NW 1/4	7	11N	22E	See Big Spring & Mud Spring Cr
3	107	Kiopen & Freestone			1.2						S 1/4 NE 1/4, NE 1/4 SE 1/4, Sec. 2; SW 1/4 NW 1/4, 21E
3	107	E. E. McJilton			160	7-27-07	NENE	11	10N	23E	NE 1/4 NW 1/4, W 1/4 NW 1/4, Sec. 29; S 1/4 NE
3	107	Mason Allen			160	8-31-07	NE 1/4 NE 1/4	11	10N	23E	S 1/4 SE 1/4, Sec. 20; SE 1/4 SE 1/4, S c.
3	107	Mark Kilgore			120	2-8-08					11N-24E
3	107	E. J. Michael, Trustee			240	10-8-08					See Big Creek Priority 6-26-
3	179	Joe Soble	Subd. Whitworth		240	10-21-08	minus flow of Donkey Creek				NE 1/4 SE 1/4, Sec. 27; W 1/4 SW 1/4, S c.
3	179	Gora Jones	Subd. Whitworth		320	5-19-09					See Big Creek Priority - 6-1
3	179	Pinas Grazing Assn	Felipe Yribar		156	9-16-09	SESW	20	13N	23E	S 1/4 SW 1/4, 22; NE 1/4 NW 1/4, NE 1/4, Sec. 27
3	179	M. Beach	J. Nesbitt		120	1-20-10					N 1/4 SW 1/4, Sec. 22; N 1/4 SE 1/4, SW 1/4 SE 1/4,
3	179	C. A. Warren			90	1-20-10					N 1/4 NE 1/4, Sec. 28-12N-R-24E
3	179	Jim Bennett			160	2-4-10					NW 1/4 SW 1/4, Sec. 20; NE 1/4 SE 1/4, SE 1/4
3	179	Etta M. Harrington			120	1-20-10					NE 1/4 NW 1/4, NW 1/4 NW 1/4, Sec. 19; S 1/4 SW
3	179	Valentine Maelzer	CIRCLE PI		90	1-20-10					SE 1/4 SW 1/4, W 1/4 SE 1/4, SW 1/4 NE 1/4, Sec. 1f
3	179	S. M. Dowton	Jim		160	2-4-10	Murphy Ditch				SE 1/4 NW 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4, SW 1/4 NE 1/4
3	179	A. McDonald, C. Fraser, M. Robertson			120	6-24-10					SW 1/4 SW 1/4, Sec. 1; E 1/4 NW 1/4, Sec. 1
3	179	Mark Howe	Jim Bennett		180	6-24-10					See 5-1-00 Priority
3	179	Milla Howe	Jim Bennett		200	4-15-11					E 1/4 NW 1/4, W 1/4 NE 1/4, Sec. 13-14N-21E
3	179	Elmer D. Reese	Bert Hatch		80*	4-1-12	Ellis Ditch				N 1/4 SE 1/4, SE 1/4 SE 1/4, Sec. 13-14N-21
3	179	George A. Ellis	F. Amar		50*	4-1-12	"				NE 1/4 SW 1/4, W 1/4 SE 1/4, SE 1/4 SE 1/4, Sec.
3	179	Samuel Atkinson	Ben Hamilton		148.65	7-1-97	Pahsimeroi River				Sec. 3, T 12N-23E
3	179	DEAN STOKES	PARSONS		80*	4-1-12	Ellis Ditch				NE 1/4, NE 1/4 NW 1/4, N 1/4 SE 1/4, Sec. 35-1
3	179	HIGBEE	BIRD		50*	4-1-12	"				From Pahsimeroi River and Mud
3	179	Samuel Atkinson	Ben Hamilton		148.65	7-1-97	Pahsimeroi River				SE 1/4 SW 1/4, W 1/4 SW 1/4, Sec. 8; NE 1/4 SE 1/4,
3	179				148.65	7-1-97	Pahsimeroi River				W 1/4 SW 1/4, Sec 27 NW 1/4 S 1/4, Sec. 28;

DATE OF DECREE

P.M.	D.N.	DECEDED OWNER	NAME	PRESENT OWNER	AM. INCHES SEC. 16	PRIORITY	DIVERSION				REMARKS, LAND TO BE IRRIGATED
							SUBDIV.	SEC.	TWP.	R.	
23	1075	Wilson P. Ellis	Depa Stokro	F. Amar	40x	4-1-12	Ellis Ditch				N ¹ / ₂ SW ¹ / ₄ , SE ¹ / ₂ NW ¹ / ₄ , Sec. 35, T. 16
23	073	B. Ben Roscoe Hamilton	BIRD'S BOWLES STEVIE LAWRENCE		40x 80 OFS INCHES	" "	"	"	"	"	SE ¹ / ₂ NE ¹ / ₄ , NW ¹ / ₄ SE ¹ / ₄ , NE ¹ / ₂ SW ¹ / ₄ , SE ¹ / ₂ NW ¹ / ₄ SE ¹ / ₂ SE ¹ / ₄ , Sec. 18; NE ¹ / ₂ NE ¹ / ₄ , Sec.
23	015	Because of fencing out a portion of land only admitted			190' 1"	(100)	180' 1"				SW ¹ / ₂ NE ¹ / ₄ , S ¹ / ₂ SE ¹ / ₄ , Sec. 20-13N-23E
23	12	W. W. Nesbitt	G. Baldwin	W. W. Nesbitt	240	2-25-13					S ¹ / ₂ NE ¹ / ₄ , Sec. 12-11N-21E
23	12	W. W. Nesbitt	G. Baldwin	W. W. Nesbitt	60	4-28-13					
23	12	W. W. Nesbitt	G. Baldwin	W. W. Nesbitt	25	4-5-19	Dowton Springs				
23	12	W. W. Nesbitt	G. Baldwin	W. W. Nesbitt	40	4-5-19	Murphy Ditch				See 5-10-01 priority
*Note: Sidney Dowton Jr Duane Moen											
W. L. Dowton right through Ellis Ditch to be diverted from Pahsimeroi will be emptied into Mud Spring Creek and											
ditch. W. L. Dowton right through Ellis Ditch to be diverted through Short Ditch to Mud Spring Creek. Pahsimeroi											
Creek water to be measured above old McGovern ditch diversion.											
Roscoe Hamilton, George A. Ellis, Wilson P. Ellis and Samuel Atkinson to have prior right to water rising on Pah											
between Short Ditch and Ellis Ditch diversions and in Mud Springs Creek between measuring device near McGovern											
Ditch diversion.											
GOLDBERG CREEK											
23	115	Goldberg Grazing	Wood Livestock Co.	Ralph Blessinger	150 41	4-1-86					NW ¹ / ₂ SE ¹ / ₄ , NE ¹ / ₂ SW ¹ / ₄ , S ¹ / ₂ SE ¹ / ₄ , Sec. 31
23	147	C-Pines Grazing	Wood Livestock Co.	Felipe Yribar	240 42	4-25-86					E ¹ / ₂ SE ¹ / ₄ , S ¹ / ₂ NE ¹ / ₄ , Sec. 11; W ¹ / ₂ NE ¹ / ₄ , N
23	004	Trans 73-004 #1626	Bert Hatch	H. C. Reese	120 43	4-19-05					W ¹ / ₂ NE ¹ / ₄ , Sec. 12; N ¹ / ₂ SE ¹ / ₄ , SW ¹ / ₄ , Sec.
23	193	H. C. Reese	Bert Hatch	H. C. Reese	200 47	4-2-07					S ¹ / ₂ SW ¹ / ₄ , S ¹ / ₂ SE ¹ / ₄ , Sec. 35, T. 13N-
BERARD FRIEHE 2003											
E ¹ / ₂ SE ¹ / ₄ , Sec. 34-13N-23E. Lots											
J2N-23E											

LEGEND

P.M. : PRIORITY NUMBER

D.N. : DECREE NUMBER

GT : CUMULATIVE TOTAL

R and TRIBUTARIES

Pahsimeroi River

WATER DIST.

73

COUNTY

PAGE 3

F ALL DECREES

JUDICIAL DIST.

JUDGE

RECORDED

DATE OF DECREE

IN BOOK NO.

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E	PRESENT OWNER	AMT. INCHES X SEC. ELY	PRIORITY	DIVERSION				REMARKS, LAND TO BE IRRIGATED, ETC.	O.T.
				SUBDIV.	SEC.	TWP.	RG.		
ons. Doug Robinson		2.4	#1	#1-				SE 1/4 SW 1/4, 27; NW 1/4 NE 1/4, NE 1/4 NW 1/4, Sec. 34-14N-22E	
G. M. Mulkie		120	7-5-05					S 1/4 SW 1/4, Sec. 28; NE 1/4 NE 1/4, Sec. 32; N 1/4 NW 1/4, S 1/4 NW 1/4	
aldwin Trans. 777*		40	8-7-05					Sec. 33-T13N-23E	
ert Hatch		(240)						See Big Spring & Mud Spring Creek	
CIRCLE PI 14.84		60	5-1-06	SE 1/4 NW 1/4	7	14N	22E	S 1/4 NE 1/4, NE 1/4 SE 1/4, Sec. 2; SW 1/4 NW 1/4, NW 1/4 SW 1/4, Sec. 1-14N	
		160	7-27-07	NENE	11	10N	23E	21E	
		160	8-31-07	NE 1/4 NE 1/4	11	10N	23E	NE 1/4 NW 1/4, W 1/4 NW 1/4, Sec. 29; S 1/4 NE 1/4, Sec. 30-T11N-24E	
		120	2-8-08					S 1/4 SE 1/4, Sec. 20; SE 1/4 SE 1/4, Sec. 19; NE 1/4 NE 1/4, Sec. 30	
stee?		240	10-8-08					11N-24E	
100 WHITWORTH		240	10-21-08	imus flow of Donkey Creek)				See Big Creek Priority 6-26-13	
100 WHITWORTH		320	5-19-09					NE 1/4 SE 1/4, Sec. 27; W 1/4 SW 1/4, Sec. 26; NW 1/4 NW 1/4, 35-14N-22E	
100 WHITWORTH		156	9-16-09	SESW	20	13N	23E	See Big Creek Priority - 6-1-15	
100 WHITWORTH		120	1-20-10					S 1/4 SW 1/4, 22; NE 1/4 NW 1/4, NE 1/4, Sec. 27; SW 1/4 NW 1/4, Sec. 26-14N	22E
100 WHITWORTH		90	1-20-10					N 1/4 SW 1/4, Sec. 22; N 1/4 SE 1/4, SW 1/4 SE 1/4, Sec. 21; T12N-R24E	
100 WHITWORTH		160	2-4-10	Murphy Ditch			X	N 1/4 NE 1/4, Sec. 28-12N-R-24E	
100 WHITWORTH		120	6-24-10					NW 1/4 SW 1/4, Sec. 20; NE 1/4 SE 1/4, SE 1/4 NE 1/4, SW 1/4 NE 1/4, NW 1/4 NE 1/4	
100 WHITWORTH		180	6-24-10					NE 1/4 NW 1/4, NW 1/4 NW 1/4, Sec. 19; S 1/4 SW 1/4, Sec. 18-13N-23E	
100 WHITWORTH		200	4-15-11					SE 1/4 SW 1/4, W 1/4 SE 1/4, SW 1/4 NE 1/4, Sec. 18-13N-23E	
100 WHITWORTH		80*	4-1-12	Ellis Ditch				SE 1/4 NW 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4, SW 1/4 NE 1/4, Sec. 18-14N-22E	
100 WHITWORTH		50*	4-1-12	"	"			SW 1/4 SW 1/4, Sec. 1; E 1/4 NW 1/4, Sec. 12-14N-21E	
100 WHITWORTH		174.5	7-1-97	Pahsimeroi River				See 5-1-00 Priority	
100 WHITWORTH		174.5	8-7-05	Stanley Hull Ditch				E 1/4 NW 1/4, W 1/4 NE 1/4, Sec. 13-14N-21E	
100 WHITWORTH		199.0	11-19-03	SW 1/4	32	12N	24E	N 1/4 SE 1/4, SE 1/4 SE 1/4, Sec. 13-14N-21E; S 1/4 SW 1/4, SW 1/4 SE 1/4, 18-14N-22E	
(See Trans)		422.15						NE 1/4 SW 1/4, W 1/4 SE 1/4, SE 1/4 SE 1/4, Sec. 13-13N-23E; SE 1/4 NW 1/4, Sec. 3, T 12N-23E	
								NE 1/4, NE 1/4 NW 1/4, N 1/4 SE 1/4, Sec. 35-16N-20E	
								From Pahsimeroi River and Mud Springs Creek	
								SE 1/4 SW 1/4, W 1/4 SW 1/4, Sec. 8; NE 1/4 SE 1/4, Sec. 7-15N-212E	
								W 1/4 SW 1/4, Sec 27 NW 1/4, S 1/4, Sec. 28; NE 1/4, N 1/4 NW 1/4, Sec. 33	
								(Balance of water released to Pahsimeroi River)	
								S 1/4 NW 1/4, NE 1/4 NW 1/4, Sec. 34-13N-23E	

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR COUNTY OF CUSTER.

ROSCOE HAMILTON, et al,)
Plaintiffs :
vs. : D E C R E E
W. G. Swendsen, Commissioner of :
Reclamation, et al. :
Defendants. :

This cause came on regularly for trial before Honorable James H. Anderson, sitting as a Referee, who by consent of all the parties to this action, and by order of the Court, was appointed Referee to try the same, and report his recommendations to the court, and the said Referee, sitting without a jury, on the 15th day of August, 1924, at Challis, Challis, Custer County, State of Idaho and the plaintiffs and defendants appearing by their respective attorneys, and the default of the non-answering defendants having been duly entered and the parties hereto, by stipulation being duly filed with the Court, having agreed upon a decree and the matter having been presented to the Referee for his findings and recommendations thereon and the findings and recommendations of the Referee, and further stipulation having been entered into under date of November, 2, 1925, and filed herein permitting Minnie W. Kerr to file her complaint in intervention and that the decree heretofore reported and recommended by the Referee be amended by adding thereto and including therein the rights said Minnie W. Kerr as claimed in her complaint in intervention, and the same having been fully considered by the Court and the Court being fully

advised in the premises finds that the decree should be entered in accordance with the stipulation on file herein.

WHEREFORE IT IS ORDERED ADJUDGED AND DECREED as follows:

1. That the creeks named and mentioned in the decree herein are all tributaries of the Pahsimeroi River, and said river and its tributaries lie within the boundaries of Custer and Lemhi Counties, State of Idaho.

That this decree is a summary, supplemental adjudication of waters of Pahsimeroi River and its tributaries supplemental the decrees in the actions of Lorenzo Falls and Edward O'Neil, partners, et al., plaintiffs, vs. Uriah Wells, et al., defendants, in the above entitled district Court, and J. B. Morrow, et al., plaintiffs, vs. Joseph Wagoner et al., defendants, in the above entitled District Court; and the rights hereby adjudicated shall be and they are subject to all the terms and conditions of such original decrees, and shall not in any manner affect any right therein established.

2. That each and every of the tracts of land described in the complaint, complaints in intervention, answers and cross-complaints in this action belonging to the several parties plaintiff and defendant herein are arid in character and will not successfully raise any agricultural crops without the application of water thereon for the irrigation thereof, and that all of said lands are susceptible of irrigation from the Pahsimeroi River and its tributaries.

3. That one inch of water Per acre, or its equivalent IN CUBIC FEET PER SECOND Of time is necessary and ample for the proper irrigation of said land.

4. That the dams and diverting works of the several parties to this

action were at the time of the several appropriations and are now of sufficient size and capacity to carry and convey water so appropriated to and upon the several tracts of land of the said several parties for the irrigation thereof, and that each and every of the said several tracts of land are situated in Lemhi and Custer Counties, State of Idaho.

5. That each of the parties to this action plaintiffs and defendants hereinafter named, or their predecessors in interest were at the time of the several appropriations of water, made as hereinafter set forth, the owners respectively of the several tracts of land set forth and described in the complaints, answers and cross-complaints, and that for the irrigation of the same the said parties, or their predecessors in interest, did respectively appropriate the quantities of water hereinafter stated, and on the dates and from the streams respectively hereinafter stated, and set opposite the names of each of said parties, such water being estimated under a four inch pressure, or its equivalent in cubic feet per second of time, and ever since said dates of the said several appropriations said water has been so diverted and used on said lands in the irrigation thereof.

6. That the following named persons parties to this suit are entitled to the uninterrupted use of the flow of the waters of Pahsimeroi River and its tributaries, forks, branches, springs and streams herein named, upon, the lands mentioned and described in the complaints, answers and cross-complaints herein and appertenant to said lands as hereinafter specified in the following amounts and from the following dates, to-wit:

Among others.

SAMUEL ATKINSON, 1.6 cubic feet per second of time of the waters of Spring Creek and Duck Spring, and 1. Cubic foot per second of time

of the flow of the waters of Pahsimeroi River and Mud Spring Creek, with date of priority April 1, 1912, appurtenant to the ~~SW¹/₄~~ ^{SW¹/₄} ~~SW¹/₄~~ ^{SW¹/₄} Section 8, NE¹/₄SE¹/₄ Section 7, T. 15 N., R. 21 E. B. M., said water to be conveyed through the Ellis Ditch.

7. That F. D. Kearns and I. R. Wilson have the right to flow water from the upper portion of their ranch into the Hardscrabble ditch, which flows through the same, and again divert the same at four points of diversion on the lower side of said Hardscrabble ditch on their said lands, and the Water Master shall estimate, regulate and determine the amount of water so flowing therein, and being diverted therefrom,

8. That the point of diversion of the Ellis Ditch from Spring Creek is approximately 100 feet north, and 100 feet east of the southwest corner of the southeast quarter of Section 26, Township 15 North, Range E 21 E. B. M.; and from Pahsimeroi River 100 feet north, and 200 feet west of the Southwest of the South east quarter corner of section 26, said township and range, and the point of diversion from Duck Spring is between said two points of diversion.

9. It is further adjudged and decreed that in all cases where the point of diversion of the waters of the streams mentioned herein are not definitely fixed by this decree, the points of diversion and measurements of the waters of said streams to said several parties to this action shall be the point where the water was diverted by said several parties on the 12th day of August, 1924, the time of trial of this action.

10. The Waters of the Pahsimeroi River as herein decreed to I. R. Wilson, and carried through the Ellis ditch, shall be diverted by I. R. Wilson from ~~from~~ said Pahsimeroi River at a point above the diversion of the old McGovern ditch; that is, so the water so diverted from Pahsimeroi River will be carried to and emptied in to Mud Spring Creek above said

McGovern Ditch; W. L. Dorton Pahsimeroi River water decree through the Ellis Ditch shall be diverted through the Short Ditch to Mud Spring Creek, and flowed by Said defendants into Mud Creek, and all their said waters of Pahsimeroi River, and their waters of said Mud Spring Creek that is to be diverted through said Ellis Ditch shall be measured on Mud Spring Creek, through a proper headgate and measuring device to be installed and maintained at the expense of said defendants on Mud Spring Creek at some suitable point not lower than the McGovern ditch point of diversion which is about one-half mile above the point of diversion of the Ellis Ditch from Mud Spring Creek, and shall be measured at said point of diversion and flowed from such point of diversion down said Mud Spring Creek to and through the Ellis Ditch, and said waters, less the losses by transportation, if any, and to be diverted from the Ellis Ditch from two points of Diversion for said I. R. Wilson, and three points of diversion for said W. L. Dorton to and upon their said lands.

11. That the plaintiffs, Roscoe Hamilton, George A. Ellis, Wilson P. Ellis and Samuel Atkinson shall have a prior right to a sufficient quantity of ^{the} waters which raise, both in Pahsimeroi River and Mud Spring Creek, between the point where the Short Ditch Diverts water from Pahsimeroi River, and the point where the Ellis Ditch intersects the Pahsimeroi River, and in Mud Spring Creek between the point where Said measuring device is placed in Mud Spring Creek at or near the McGovern ditch, approximately one-half Mile above the Ellis Ditch, and the point where the Ellis Ditch intersects Mud Spring Creek to supply their said decreed rights herein; in the event there is a surplus of such waters rising as aforesaid over the amount necessary to supply the decreed rights of the above-named plaintiffs in said Ellis Ditch, that then and in such case such surplus water shall be distributed to the parties carrying water in, and diverting water from 64

said Ellis Ditch, pro rata according to their respective rights.

12. That the plaintiffs, Roscoe Hamilton, George A. Ellis, Wilson P. Ellis, Alvin M. Ellis and Samuel Atkinson using water as Hereinbefore decreed through the Ellis Ditch shall each stand the total loss in said canal by seepage, evaporation, or otherwise, to be prorated according to the amount of their respective decrees to points of diversion on said Ellis Ditch.

13. That the waters 1.6 cubic feet per second of time to be flowed to and through said Ellis Ditch by Alexander McDonald, Cathrine Fraser and Mary Robertson, Interveners, shall be measured into said Ellis Ditch by a property measuring device to be constructed and maintained at their expense and be diverted from said Ellis Canal at their point of diversion, less the estimated loss by seepage and evaporation to be made by the water Master thereof.

14. That each and every person hereinbefore decreed water from the Ellis Ditch shall at their own proper expense, install and maintain proper lock headgates and measuring devices at their preselective points of diversion, and there shall be delivered no water after the irrigation season of 1924 until the same are installed and kept in good condition according to the requirements of the water master of said ditch.

15. It is further adjudged and decreed that each of the parties to this action shall pay his or her proportionate share of all the costs of this action.

16. That each and every of the parties to this suit, plaintiff and defendant, their agents, servants, attorneys and employees, and each, every and all persons action in aid of and for any of the parties to this suit are hereby forever restrained and enjoined from in any way or manner inter-

fering with or diverting or using the waters of said streams or their tributaries except in accordance with the terms and provisions of this decree.

Dated this 17th day of February, 1926.

Ralph W. Adair
District Judge.

State of Idaho,)
 : ss.
County of Custer,)

This instrument was filed for record at the request of Judge Ralph W. Adair at 1 o'clock P. M. Feb. 19, 1926.

Emmett Donahue
Ex-Officio Recorder.

By John Boyd
Deputy.

(Recorded Book 3 of Judgments at page 114)