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DEPARTMENT OF
WATER RESOURCES

January 4, 2005

Dear Roxanne Brown;

I recently spoke with you on the phone concerning our water rights on Little Morgan Creek in the Pahsimeroi Valley, A73-00127.

On December 6th I met with Roger Warner in Idaho Falls to gather further information on our water right. He was able to pull up the original decree which I have enclosed. I did not have this decree when we met in the summer of 2003. Hopefully this will be of some assistance to you in our recommendation to the court. If I can be of any other assistance, please give me a call at our home in Hailey, 208-788-4413.

Sincerely,

Patrick E. Simpson

Patrick E. Simpson

said creek or stream.

That each of the parties herein to whom a right to the use of the waters of Morgan Creek is herein awarded and decreed, be and is hereby perpetually enjoined from using said water in any manner different, or to any greater extent than herein found, declared and decreed and from in any manner, interfering with any other party or parties hereto in his or their use of the waters herein awarded and decreed, and a disobedience of this decree in this respect is contempt of this Court, and will subject the party so disobeying to punishment as for contempt upon the application of any party injured by such acts.

That this decree is subject to the rights of all other water users as fixed and decreed by the provisions of that certain judgment and decree made and entered by this Court in the case of H. H. Cochran et al. vs. W. J. Hammond, et al. appearing of record in the office of the Clerk of this Court in and for the County of Lemhi, in Judgment Book "A" at page 450.

Dated at Salmon, Idaho, June 15th, 1917.

ROBERT M. TERRELL,
Judge.

Filed June 15th, 1917.

STATE OF IDAHO,
COUNTY OF LEMHI, ss.

I, J. L. Kirtley, Jr., Clerk of the District Court of the Sixth Judicial District of Idaho, in and for the County of Lemhi, hereby certify that the foregoing is a full, true and complete copy of a decree rendered in the case of A. W. Adams vs. Lafe Downey et al. as the same appears of record in Judgment Book B at pages 379-380 also of the material part of a modification of said judgment as the same appears of record in said Judgment Book B at page 382, Records of Lemhi County, Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official Seal this 27th day of June, A. D. 1917.

J. L. KIRTLEY, Jr.,
Clerk of the District Court.

(SEAL)

4.

DECREED WATER RIGHTS

MORGAN CREEK
LEMMI COUNTY, IDAHO

In the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Lemhi.

A. W. Adams, Plaintiff,

vs.

Lafe Downey as Water Master of District No. of the Waters of the Pahsimaroi River and its Tributaries in Lemhi County, Idaho, Defendant,

and

Rollin W. Ellis, Laura M. Lethier, Maud H. Ostrom, Louise Ellis and Marjorie H. Ellis, Minors, by Maud H. Ostrom, their Guardian ad Litem: Fred D. Pratt, Dell E. Grubb, Henry Nichols and John L. Hammond,
Interventors.

DECREE

This cause coming on to be heard the 15th day of June, 1917, before the Court sitting without a jury, L. E. Glennon appearing as counsel for the plaintiff, and E. W. Whitcomb, appearing as counsel for the intervenors, Rollin W. Ellis, Laura M. Lethier, Maud H. Ostrom, Louise Ellis and Marjorie H. Ellis, minors, by Maud H. Ostrom, their guardian ad litem, and Fred D. Pratt, Dell E. Grubb and

Henry Nichols, and W. W. Adamson appearing as counsel for the intervenor, John L. Hammond; and the facts herein being duly stipulated and agreed to and filed in lieu of the evidence and proof herein; and the Court being fully advised in the premises and having made its findings of fact and conclusions of law;

IT IS ORDERED, That judgment be entered according to said stipulation of facts and the findings of fact and conclusions of law herein;

WHEREFORE, By reason of the law and the premises, and the findings of fact filed herein, IT IS ORDERED, ADJUDGED AND DECREED, as follows:

That the plaintiff A. W. Adams, be and he is hereby awarded the use of 3.2 cubic feet per second of time of the flow of the waters of Morgan Creek from the first day of March, 1908, from which time the same shall date, all for the irrigation of a tract of unsurveyed land, situated on Morgan Creek, about six miles in a northerly direction from May, Idaho, particularly described as follows, to-wit:

Commencing at a point about one hundred yard west of the mouth of the south fork of Morgan Creek, running thence in a westerly direction one mile; thence in a southerly direction one-fourth mile; thence in an easterly direction one mile; thence in a northerly direction one-fourth mile to the place of beginning, containing 160 acres.

That the intervenors, Rollin W. Ellis, Laura M. Leather, Maud H. Ostrom, Louise Ellis and Marjorie H. Ellis, minors, by Maud H. Ostrom, be and are hereby awarded the use of 1.6 cubic feet per second of time of the flow of the waters of Morgan Creek, to date from March first, 1898, all for the irrigation of the Southwest Quarter of Northwest Quarter, and Lots numbered 2 and 3 of Section 18, in Township 15 North, Range 22 East, and the Northeast Quarter of the Southeast Quarter of Section 18, in Township 15 North, Range 21 East of the Boise Meridian in Idaho, containing 159.56 acres.

That the intervenor, Fred D. Pratt, be and he is hereby awarded the use of 2 cubic feet per second of time of the flow of the waters of Morgan Creek, to date from the first day of March, 1900, all for the irrigation of the South Half of the Northeast Quarter, the Northeast Quarter of the Northeast Quarter of Section 9, the North half of the Northwest Quarter of Section 9, all in Township 15 North Range 21 East of the Boise Meridian.

*Pat Simpson
P.O. Box 414
Hiley, ID 83333*

That the intervenor, Dell E. Grubb, be and he is hereby awarded the use of 1.6 cubic feet per second of time of the flow of the waters of Morgan Creek, to date from the first day of March, 1900, all for the irrigation of the Southwest Quarter of Section 9, Township 15 North, Range 21 East of the Boise Meridian.

That the intervenor, Henry Nichols, be and he is hereby awarded the use of .4 cubic feet per second of time of the flow of the waters of Morgan Creek, to date from the first day of March, 1900, all for the irrigation of the East Half of the Southwest Quarter, the Southeast Quarter of the Northwest Quarter, the Southwest Quarter of the Northeast Quarter of Section 9, Township 15 North, Range 21 East of the Boise Meridian.

That the intervenor, John L. Hammond, be and he is hereby awarded the use of 1.4 cubic feet per second of time of the flow of the waters of Morgan Creek, to date from the first day of March, 1900, all for the irrigation of the Northwest Quarter of the Northeast Quarter and the Northeast Quarter of the Northwest Quarter of Section 16, Township 15, Range 21 East of Boise Meridian.

That each party hereto shall pay their own costs.

That the costs and expense of maintaining and keeping in proper repair the Cotter ditch, shall be borne and paid for by the respective users of water therefrom up to the point where the water shall first be taken by any of said users in proportion to the amount of water decreed to each of said users, and that each of the users of water from said Cotter ditch at the points where he shall divert water therefrom shall insert or cause to be inserted at his own expense diversion boxes and works meeting the requirements of the law and the requirements of the State Engineer.

That all water decreed to parties receiving water from the so called Cotter ditch shall be measured at the point of diversion where the same is taken from said Cotter ditch, and that all other waters decreed herein shall be measured at the point of diversion where the water is taken from said Morgan Creek and its tributaries.

That each and every claimant, whose right to the use of the waters of said creek, or any of its branches, is herein decreed to be prior in time, shall be supplied with the amount of water herein found to belong to him, before any claimant subsequent in time of appropriation and use shall have the use of any of the waters of