

at a point near the mouth of Milk Creek Canyon, at edge of timber and about 200 yards above the crossing of a road over said Milk Creek, which by means of dams, main ditches and irrigating ditches constructed by plaintiffs and their predecessors in interest, has been carried to and applied fully to a beneficial use in irrigating the premises described in paragraph II of the above Findings of Fact, for the production of crops and pasture thereon, with said water right dating from, and, therefore, a priority date established of April 23, 1894.

JUDGMENT AND DECREE

By reason of the facts found by the court, and the Conclusions of Law based upon said facts, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. That the plaintiffs are the owners of the following described land situated in Teton County, Idaho, to-wit:

Lot 3 of Section 6, Township 5 North,
Range 44 East, Boise Meridian; Lot 4 of Section
30; and E $\frac{1}{2}$ W $\frac{1}{2}$, and Lot 1 of Section 31, Township
6 North, Range 44 East, Boise Meridian.

Sec. 6 Lot 3
Sec. 30 Lot 4
Sec. 31 E $\frac{1}{2}$ W $\frac{1}{2}$
Lot 1

4x7280

2. That the said described lands are arid in character and require the said 500 inches of the waters of Milk Creek for the successful irrigation and growing of crops and pasture thereon.

3. That commencing with the 23rd day of April, 1894, and at all times thereafter, the plaintiffs and their predecessors in interest have appropriated and beneficially used, from the waters of Milk Creek in Teton Basin, a tributary to the Teton River in Teton County, Idaho, being diverted in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, Township 6 North, Range 43 East, Boise Meridian, at a point near the mouth of Milk Creek Canyon, at edge of timber and about 200 yards above the crossing of a road over said Milk Creek, for the irrigation of the lands hereinbefore described, 500 inches of the waters of said Milk Creek, and the right of the plaintiffs, their heirs and assigns, to the use

of said amount of water upon the aforesaid land with the date of priority herein set forth, is hereby adjudged, decreed and confirmed, and the point of diversion of said water is also established, adjudged, decreed and confirmed as above specified.

4. That the Watermaster of Water District No. 1 of the State of Idaho is, by this decree, ordered to recognize the aforesaid water right herein decreed to the plaintiffs, and distribute said amount of water in connection with the distribution of the waters of Milk Creek in Teton Basin, a tributary of the Teton River.

5. That this Decree is made pursuant to the provisions of Section 42-1405, Idaho Code, and is subject to that certain Decree dated December 16, 1910, entered in the Sixth Judicial District of the State of Idaho, now the Seventh Judicial District of the State of Idaho, in and for the County of Fremont, in a case entitled Rexburg Irrigation Company, etal, plaintiffs, vs. Teton Irrigation Canal Company, etal, defendants, adjudicating waters of the Snake River; and on the 20th day of June, 1913, there was entered a decree in the District Court of the Fourth Judicial District of the State of Idaho, now the Eleventh Judicial District of the State of Idaho, in and for the County of Twin Falls, in the case entitled Twin Falls Canal Company, plaintiff, vs. Charles N. Foster, etal, defendants, which decreed waters of the Snake River, and which decree was amended under date of September 12, 1916; and on the 25th day of June, 1929, in the District Court of the United States for the District of Idaho, Eastern Division, in the case of Woodville Canal Company, plaintiff, vs. Clark and Edwards Canal Company, etal, defendants, there was entered a decree adjudicating waters of the Snake River, and on March 12, 1969, a supplemental decree was made and entered in the case of Aberdeen-Springfield Canal Company, etal,

plaintiff, vs. Henry Eagle, Watermaster, District No. 36, which decree was dated March 12, 1969, and all of which said decrees and amendments adjudicated the waters of Snake River and its tributaries.

Dated this 7th day of June, 1971.

/s/ Willard C. Burton
Willard C. Burton, District Judge.

STATE OF IDAHO

County of Fremont,

I, Bess C. Jenkins, Clerk of the District Court, and ex Officio Auditor and Recorder, do hereby certify that the above and foregoing to be a true and correct copy of the certain Final Judgment & Decree

in the matter of the estate of Henry Eagle as the same appears on file and of record in my office as Instrument

No. _____ in _____

Witness my hand and seal of said office this 7th

day of June 19 71

By Margaret C. Stanford