



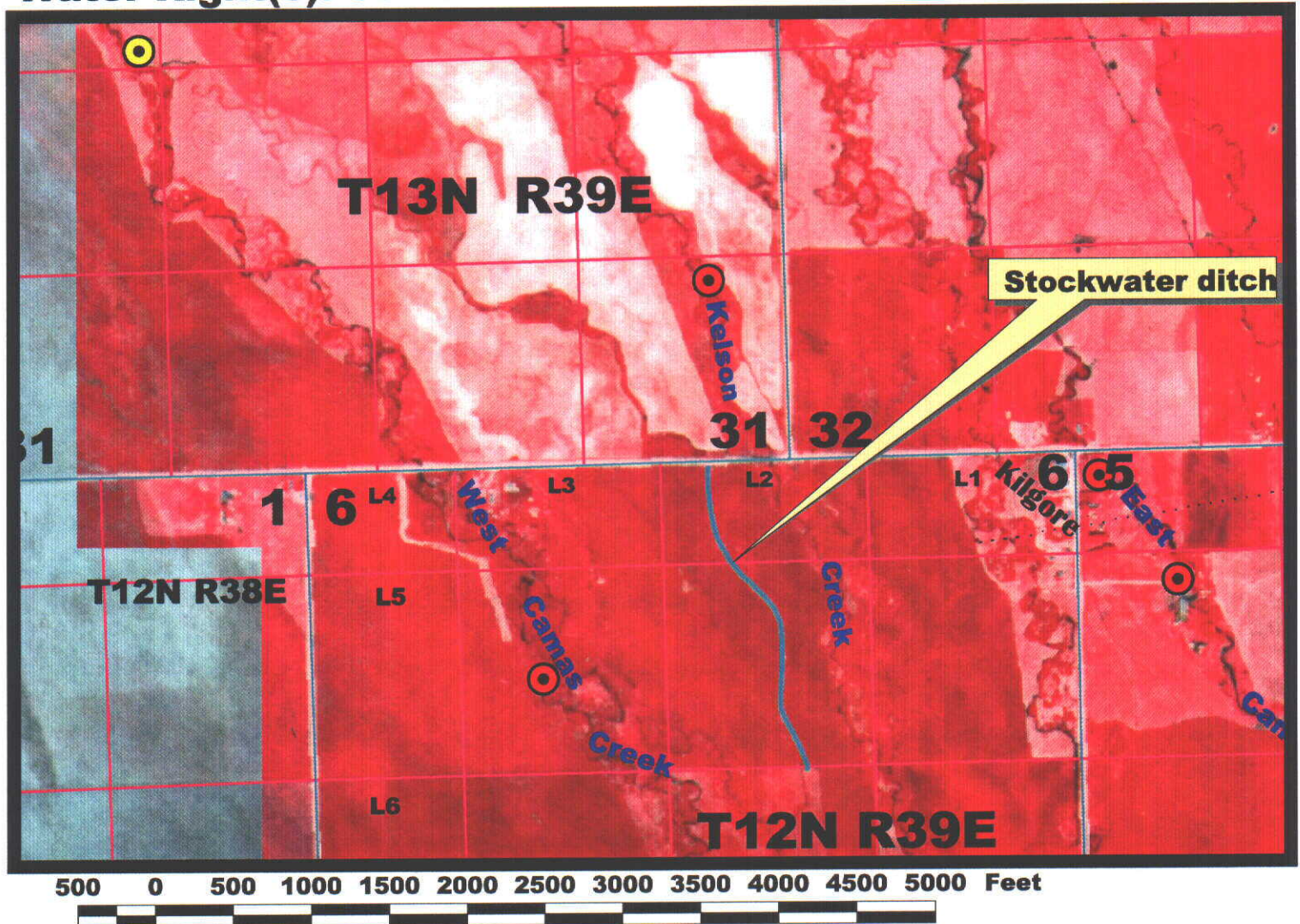
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: Frederiksen Ranches

Water Right(s): 31-10745



LEGEND



Point of Diversion

SESE

Place of Use



Section Line

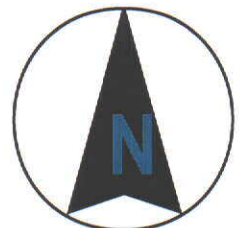


Quarter-section line

**Legal Description: T.12N., R.39E.
Sec. 6 LOT 2 (NWNE), SWNE**

**Point(s) of Diversion: T.13N., R.39E.
Sec. 31 SENWNE**

**Note: This claim is NOT instream
Stockwater. Service is by ditch.**



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: May 2000



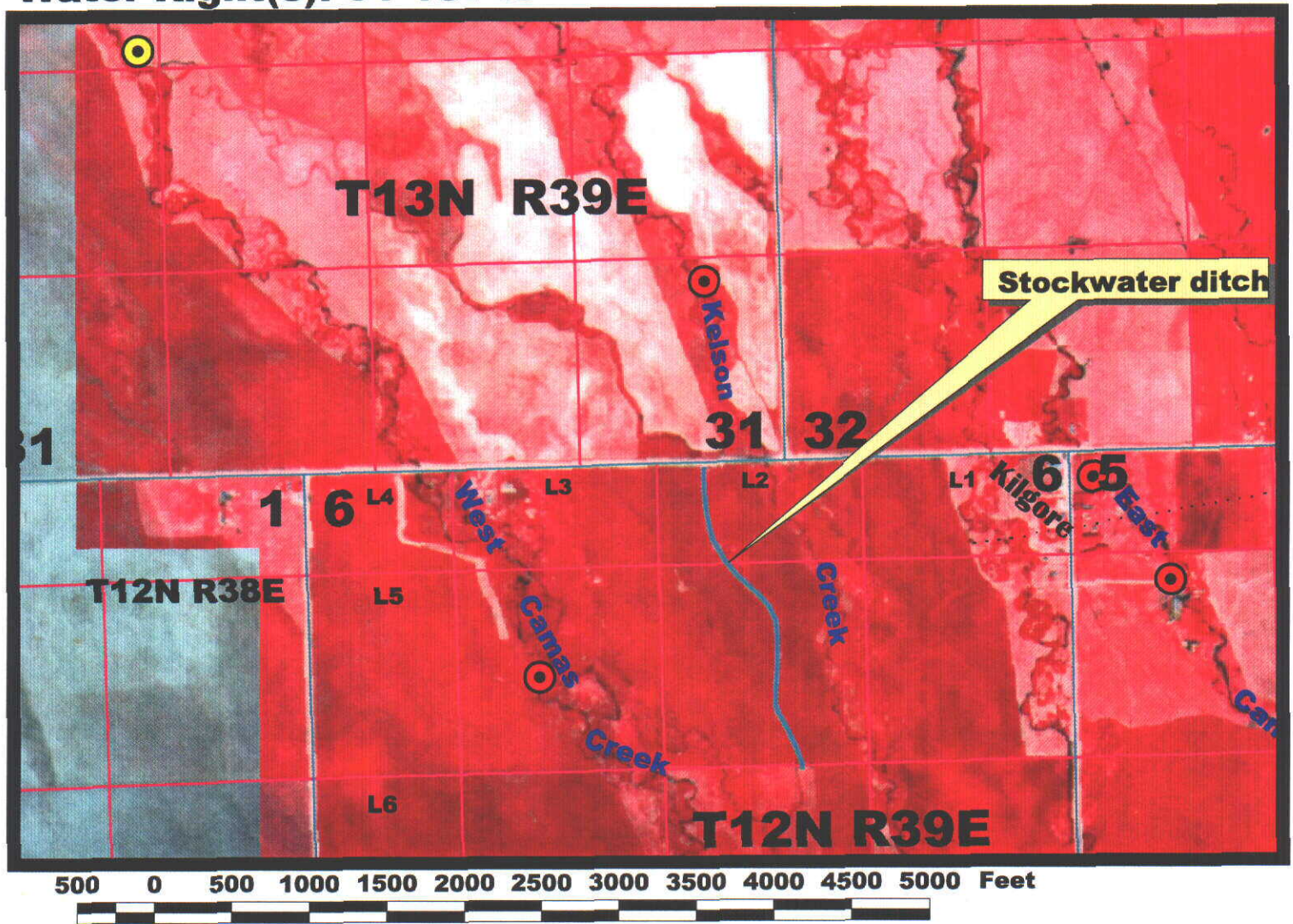
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: Frederiksen Ranches

Water Right(s): 31-10745



LEGEND



Point of Diversion

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Place of Use



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Quarter-section line

Legal Description: T.12N., R.39E.
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Point(s) of Diversion: T.13N., R.39E.
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**Note: This claim is NOT instream
Stockwater. Service is by ditch.**



GIS Place of Use Illustration
1987/1988 NAIP photography
Prepared by: A. Ruberry
Date: May 2000

Robertson

31-00131

31-0020200116

214C

T13N R39E

Kelson

31

32

1

6

L4

L3

L2

L1

Kilgore

6

5

East

T12N R38E

L5

West

Camas

Stockwater ditch

Creek

Creek

L6

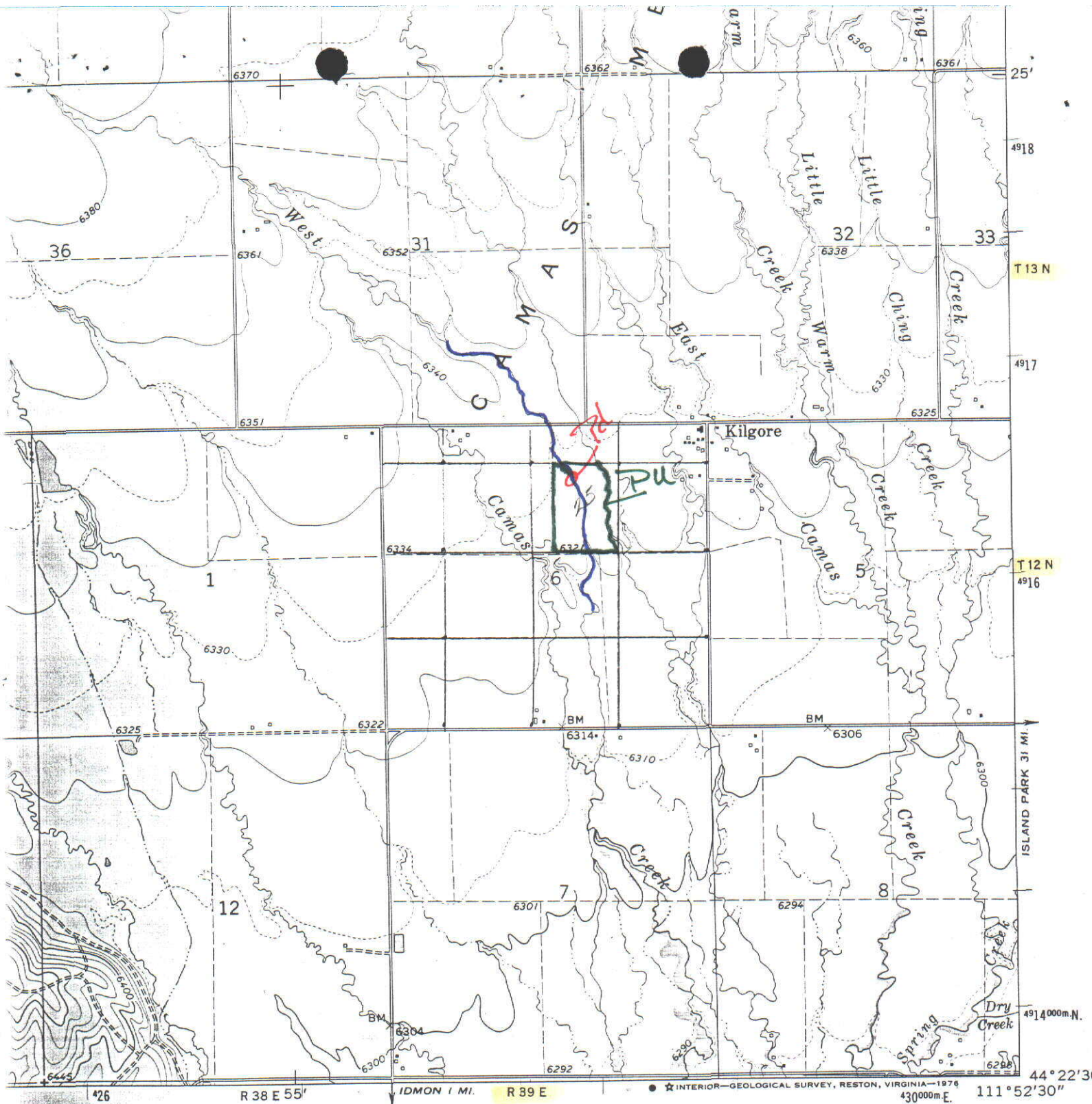
T12N R39E

L7

K. Siepert

Kelson

Fi



ROAD CLASSIFICATION

Primary highway, hard surface _____ Light-duty road, hard or improved surface _____
 Secondary highway, hard surface _____ Unimproved road _____
 Interstate Route U.S. Route State Route

MICROFILMED

KILGORE, IDAHO

N4422.5-W11152.5/1.5

1972

AMS 3672 IV NW-SERIES V893

FEET
 0 5000 6000 7000
 1 KILOMETRE

P ACCURACY STANDARDS
 ADO 80225, OR RESTON, VIRGINIA 22092
 MBOLS IS AVAILABLE ON REQUEST



QUADRANGLE LOCATION

SOURCE: W. Camas Cr TRIB: Camas Cr

REVIEWED BY: ABR DATE: 6-16-2k

SYSTEM DESCRIPTION:



Photo 1. Taken from Co. Road West of Kelson Cr. crossing. Culvert conveys waters of West Camas Cr (from 13N39E Sbc. 31 near S8SWNW) PDD claimed w/1 Sbc. 6 12N39E is nothing more than a pile of rocks in the drainage channel. There is no irrigation use. Therefore, there is no beneficial use.

This claim is Disallowed based upon this agreement. No BU found for irig.

P 3 Remarks
Cond Code

Robertson

31-00131

31-0020200116

214C

T13N R39E

Kelson

31

32

1

6

L4

L3

L2

L1

Kilgore

6

5

T12N R38E

L5

Stockwater ditch

Camas

Creek

Creek

L6

T12N R39E

L7

K. Siepert

Kelson

Fi

ders
5,
1

T13N R39E

Kelson

L1

6 5

Photo 1

NO
irrigation

Creek

31-10745

31-10744

Frederiksen Ranches

T12N R39E

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

09/05/2000

RIGHT NUMBER: 31-10745

NAME AND ADDRESS: FREDERIKSEN RANCHS
KILGORE ROUTE
DUBOIS, ID 83423

SOURCE: WEST CAMAS CREEK TRIBUTARY: Camas Creek

QUANTITY: 0.05 CFS

PRIORITY DATE: 11/02/1930

POINT OF DIVERSION: T13N R39E S31 SESWNW Within CLARK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	05-01 10-31	0.05 CFS

PLACE OF USE:

STOCKWATER Within CLARK County
T12N R39E S6 SWNE T12N R39E S6 LOT 2 NWNE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

NO BENEFICIAL USE FOUND FOR IRRIGATION: This is included for a claim based on beneficial use that is PROPOSED to be disallowed because beneficial use of water was not confirmed by IDWR's field examination or by other evidence submitted by the claimant.

STOCKWATER, 200 CATTLE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

ADDL NO 5 & NO 8

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: **A31-10745**
Date Received: 2/26/1991
Receipt No: E015727
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: FREDERIKSEN RANCHES 208-778-5332
Address: KILGORE ROUTE
DUBOIS ID 83423

2. Date of Priority: NOV 2, 1930

3. Source: WEST CAMAS CREEK Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	39E	31	SE	NW	NE		CLARK

5. Description of diverting works:
DITCH THROUGH FIELD

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	05/01	10/31	0.050		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12N	39E	6	NW	NE	2	STOCK	
			SW	NE		STOCK	

11. Place of use in counties: CLARK

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

13. Other Water Rights Used:

14. Remarks:

KILGORE PHONE, 778-5332
STOCKWATER, 200 CATTLE

15. Basis of Claim: BENEFICIAL USE

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 Organizations:

I do solemnly swear or affirm that I am PARTNER of
Title
FREDERIKSEN RANCHES, that I have signed the foregoing
Organization

document in the space below as PARTNER of
Title

FREDERIKSEN RANCHES and that the statements contained in the
Organization

foregoing document are true and correct.

Horace J. Indenkaun
Signature of Authorized Agent

PARTNER, FREDERIKSEN RANCHES
Title and Organization

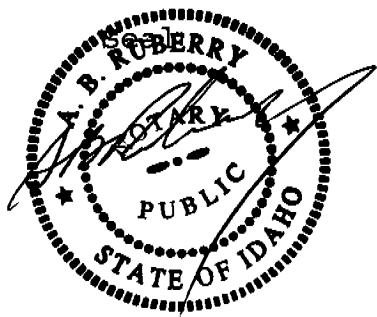
6/21/2000
Date

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 21st day

of June 20 00

Aaron B. Ruben
Notary Public



Residing at Camden Ave Co

My Commission Expires 09/23/03

Robertson 31-00131

31-0020100116 00055A

214C

T13N R39E

1
T12N R38E

6
5
Kilgore East

K. Simpson

Fi

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: A31-10745
Date Received: 2/26/1991
Receipt No: EO15727
Received By: BMD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FREDERIKSEN RANCHS 208-778-5332
Address: KILGORE ROUTE
DUBOIS, ID 83423

2. Date of Priority: NOV 2, 1930

3. Source: WEST CAMAS CREEK Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12N	39E	6	NW	SW	NE		CLARK

5. Description of diverting works:
DAM, HEADGATE AND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.500		
STOCKWATER	06/01	11/01	0.050		

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

8. Total consumptive use is 62.5 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 180 RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12N	39E	6	SW	NE		IRR	25.0
			SW	NE		STOCK	

A310745

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	25.0
					Total Acres	25.0

11. Place of use in counties: CLARK

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

13. Other Water Rights Used:
NONE

14. Remarks:
KILGORE PHONE, 374-5373

15. Basis of Claim: BENEFICIAL USE

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): Frederick Ranch Date: Feb 25, 1991
Laurel E. Frederick Date: " " "

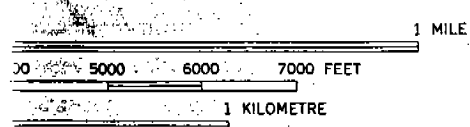
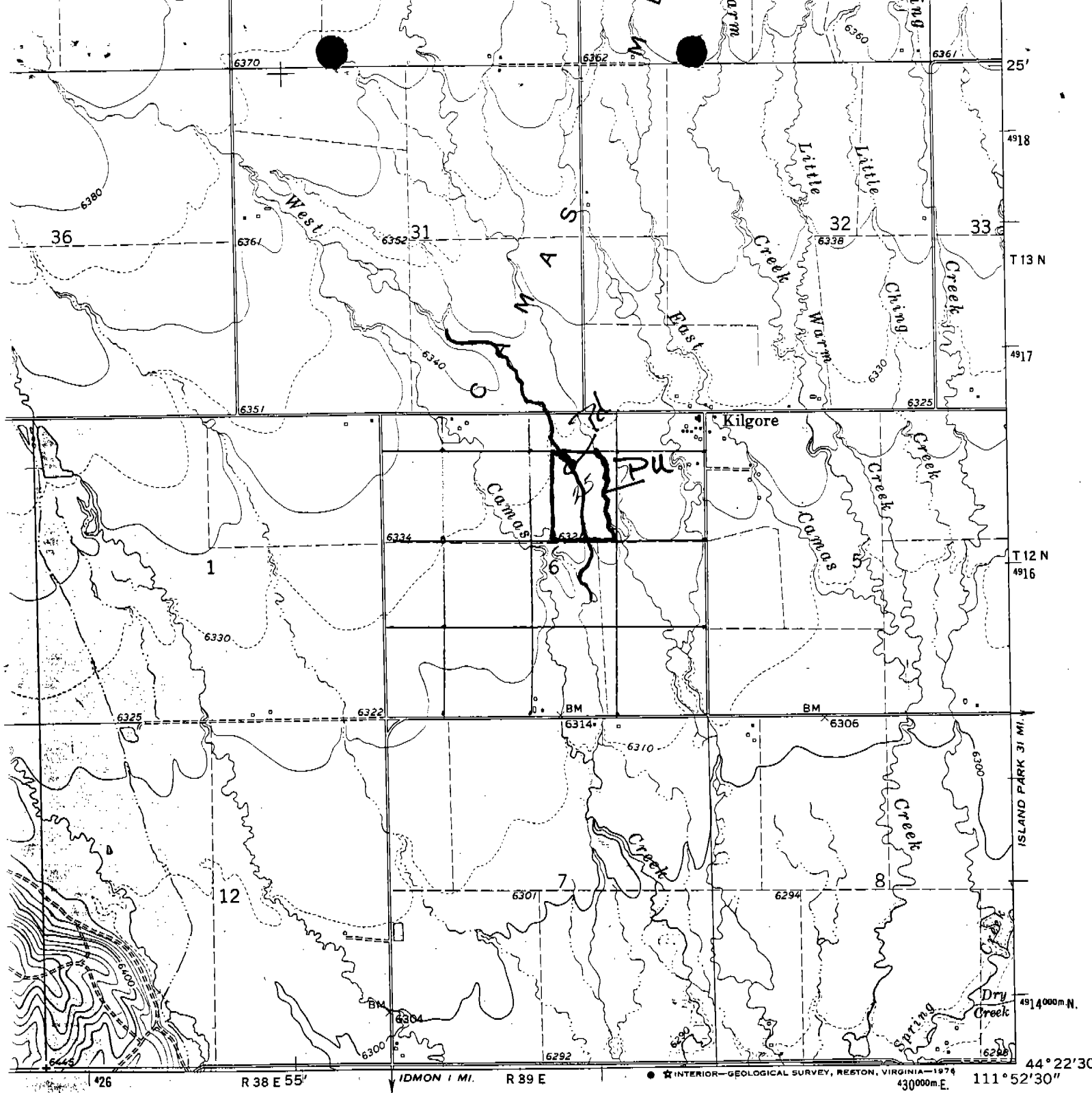
State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 26 day
of Feb 19 91

Betty J. Thompson
Notary Public

Seal

Residing at DEVELOPMENTAL PUBLIC
RESIDING AT DEVELOPMENTAL PUBLIC
My Commission Expires NOV 18 1994



FEET
NOT TO SCALE
DATE OF 1929

P ACCURACY STANDARDS
ADO 80225, OR RESTON, VIRGINIA 22092
MBOLS IS AVAILABLE ON REQUEST



QUADRANGLE LOCATION

ROAD CLASSIFICATION

- Primary highway, hard surface _____
- Secondary highway, hard surface _____
- Light-duty road, hard or improved surface _____
- Unimproved road _____
- Interstate Route (circle with dot)
- U. S. Route (circle with cross)
- State Route (circle with dot)

MICROFILMED

KILGORE, IDAHO
N4422.5-W1152.5-7-3

1972

AMS 3672 IV NW-SERIES V893



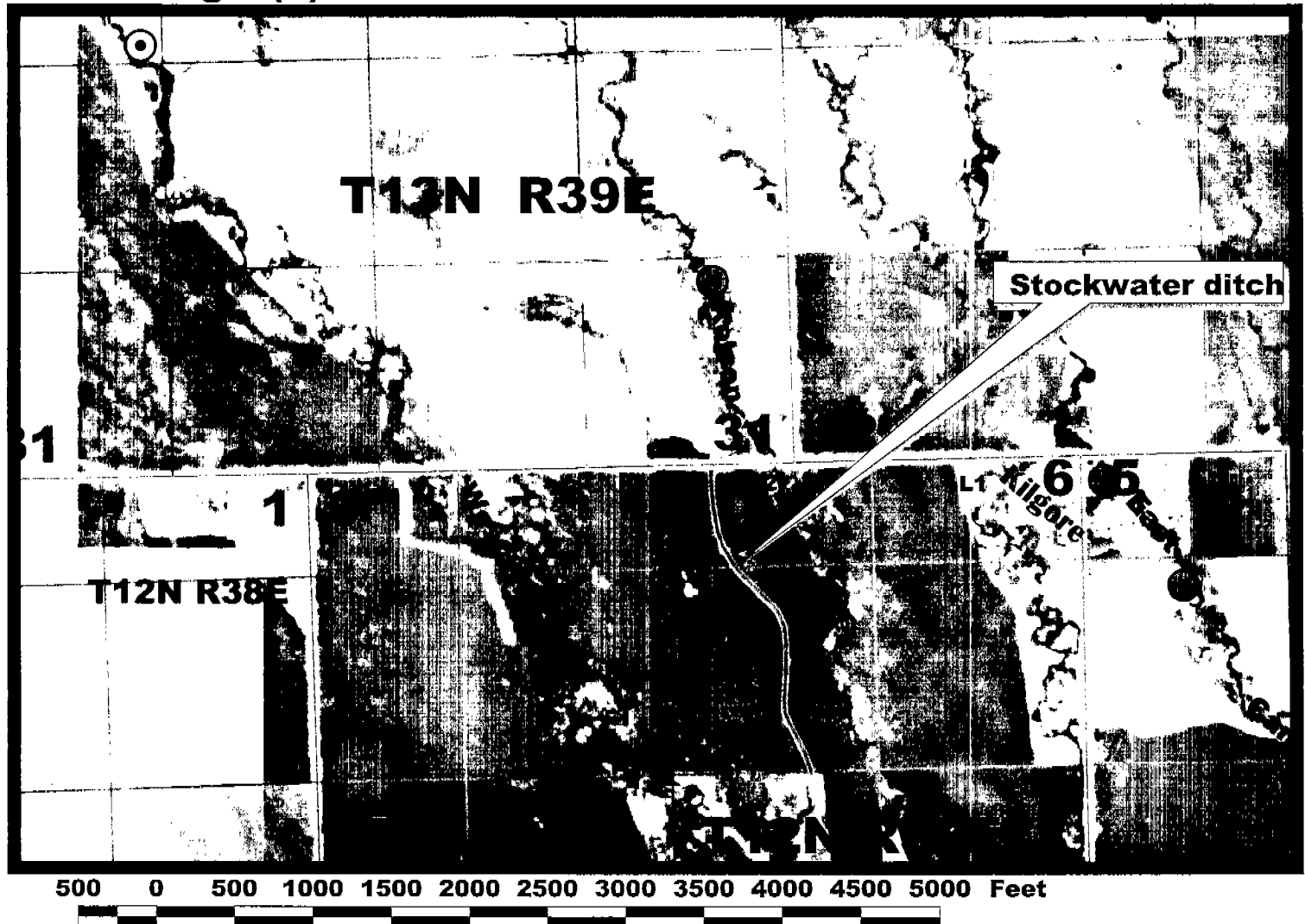
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: Frederiksen Ranches

Water Right(s): 31-10745



LEGEND



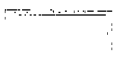
Point of Diversion

SESE

Place of Use



Section Line

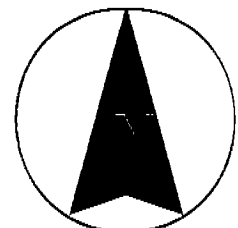


Quarter-section line

**Legal Description: T.12N., R.39E.
Sec. 6 LOT 2 (NWNE), SWNE**

**Point(s) of Diversion: T.13N., R.39E.
Sec. 31 SENWNE**

*Note: This claim is NOT in-stream
Stockwater. Service is by ditch.*



GIS Place of Use illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: May 2000



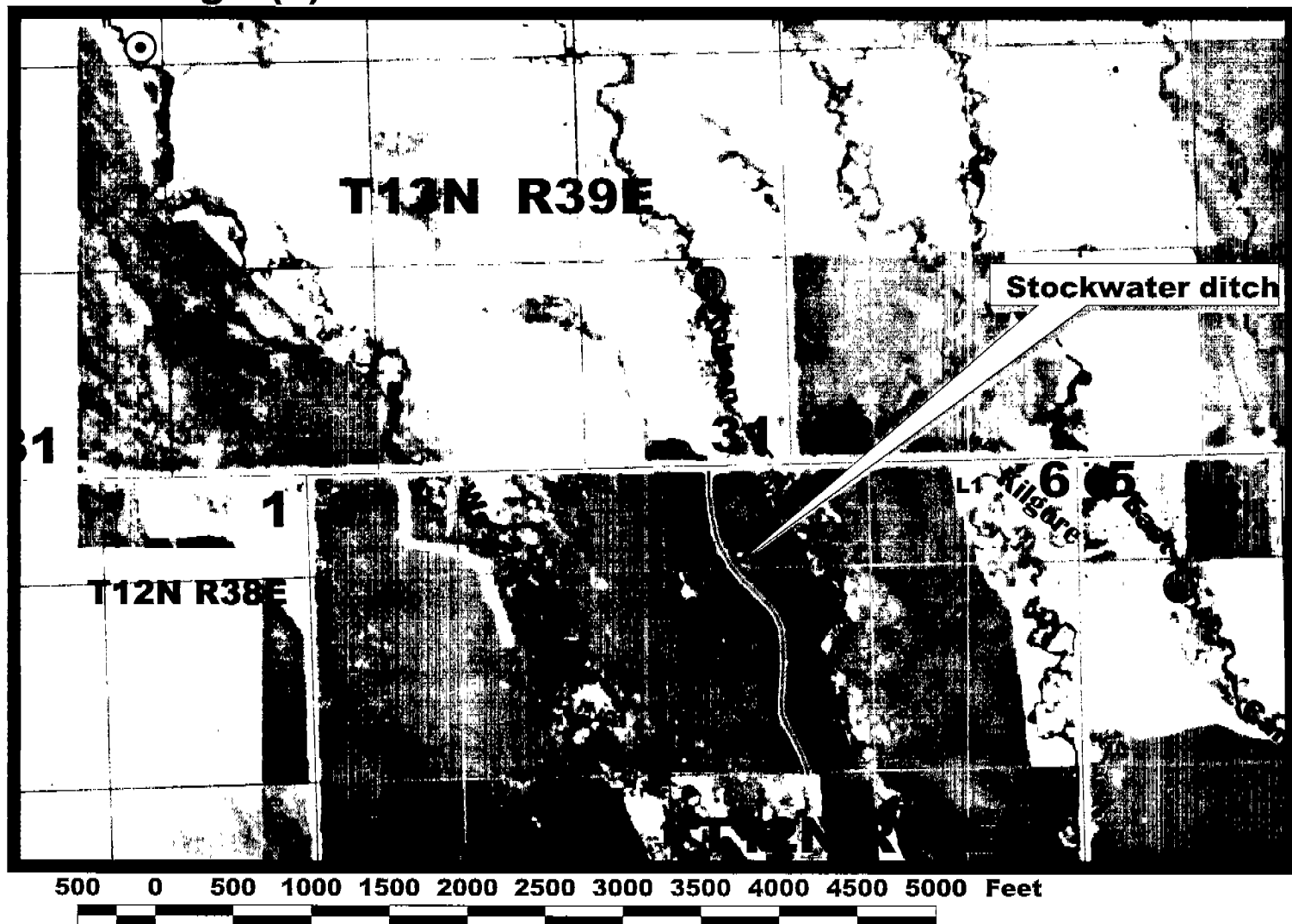
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: Frederiksen Ranches

Water Right(s): 31-10745



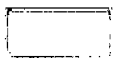
LEGEND



Point of Diversion

SESE

Place of Use



Section Line

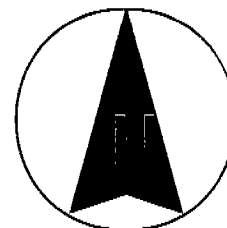


Quarter-section line

**Legal Description: T.12N., R.39E.
Sec. 6 LOT 2 (NWNE), SWNE**

**Point(s) of Diversion: T.13N., R.39E.
Sec. 31 SENWNE**

*Note: This claim is WCU in-stream
Stockwater. Service is by ditch.*



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: May 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:30
03/24/93

PAGE: 1
GENERAL INFORMATION

2115
CLAIM NUMBER: A31-1074

LAST: FREDRIKSEN RANCHS
ADDRESS: KILGORE ROUTE
CITY: DUBOIS
PHONE NUMBER: 208-778-5332

FIRST:
STATE: ID ZIP: 83423

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE
Y

FIELD
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: KILGORE PHONE, 374-5373

FIELD EXAMINATION INFORMATION

CONTACT PERSON:

Ar Kumburay

PHONE NUMBER: () -

DATE OF FIELD EXAM:

6/18/94

APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY:

HOWARD FREDERIKSEN

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT:

OWNER/Partner

DIRECTIONS TO PROPERTY / NOTES:

FIELD EXAM 5/24/94 CAROL SAMPSON & Ar FURBER
MET w/ HOWARD FREDERIKSEN - HE ACKNOWLEDGED NO DIVERSION AND NO
TO BEING USED. HE WAS TOLD THIS CLAIM WOULD BE DISALLOWED - HE
ELUCTED TO ANSWER TO STEADWATER.

PAGE: 2
PRIORITY DATE REVIEW PAGE

2117
CLAIM NUMBER: A31-1074

A. AJ CLAIM: # A31-10745 PRIORITY DATE: 11-02-1930 STAGE: J

B. WR RECORD: NO WATER RIGHT RECORD TO MATCH THIS AJ CLAIM

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N()
IF YES EXPLAIN

NOTES: PRIORITY DATE CLAIMED IS END DAY AFTER THE SAME VS A31-10745
OF NOV 1, 1930. PRIORITY EVIDENCE SUBMITTED DATES TO 4 NOV 1898. S
BY DECEASED AND HANDWRITTEN AFFIDAVIT OF CLAIMANTS. V

RECOMMENDED PRIORITY DATE: AS CLAIMED

REVIEWED BY [Signature]

DATE 2/8/24

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A31-10745	12N	39E	6	NW	SW	NE		CLARK

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: WEST CANAS CREEK

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

THERE IS NO WATER RIGHT RECORD WITH THE SAME CLAIM NUMBER

SOURCE: NO SOURCE FOR RECORD

TRIB: NO TRIBUTARY FOR RECORD

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE
Y
Y

FIELD
EXAMINER

NOTES:

Photo shows CULVERT ACROSS TOWNSHIP ROAD AT NW CORNER TO
T. 12N. R. 39E. 5/24/2K WATER FLOWING THROUGH CULVERT BUT NO
FOUND. NO CONVEYANCE WORKS.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY	DIVERSION NAME
13N	39E	31	SE	SW	NW		Clark	
---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---

~~No POD Found 5/24/2K ABR~~ POD Located.

SOURCE:

W. Camas Cr

TRIB:

Camas Cr

REVIEWED BY:

[Signature]

DATE:

6-16-2k

SYSTEM DESCRIPTION:



PHOTO 1. TAKEN FROM CO. ROAD WEST OF KERSON CR
CROSSING. CULVERT CONVEYS WATERS OF WEST
CAMAS CR (FROM 13N39E SEC. 31 NEAR SRSWANN)

PDD CLAIMED W/ SEC. 6 12N39E IS NOTHING
MORE THAN A PILE OF ROCKS IN THE DRAINAGE
CHANNEL. THERE IS NO IRRIGATION USE.
THEREFORE, THERE IS NO BENEFICIAL USE.

THIS CLAIM IS DISALLOWED BASED UPON
THIS ALIGNMENT. NO BU FOUND FOR IRRIG.

P 3 Remarks
COND CODE

A. ROOT WATER RIGHT NUMBERS: A31-10745

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	NR #/ACRES	LANDSAT DATA	FIELD EXAM.
12N	39E	6	SW	NE		FREDERIKSEN RANCHS	A31-10745 /25.0	-	/	42.0
			SW	NE		SANDERS, RAY	A31-00025 /10.0	-	/	
			SW	NE		SANDERS, RAY	A31-00113 /10.0	-	/	
			SW	NE		FREDERIKSEN RANCHS	A31-10744 / 5.0	-	/	
12N	39E	6	SW	NE		FREDERIKSEN RANCHS	A31-10745 / Stockwater	-	/	42.0
			SW	NE		SANDERS, RAY	A31-00025 /10.0	-	/	
			SW	NE		SANDERS, RAY	A31-00113 /10.0	-	/	
			SW	NE		FREDERIKSEN RANCHS	A31-10744 / 5.0	-	/	
TOTAL ACRES							A31-10745	25.00		84.00

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

POU COUNTY: CLARK

PRESUMPTION FLAG:

NOTES:

NO PRIOR DECREE TO THESE LANDS BUT CLAIMS PERMISSIBLE POU BY
(DECREE RTS) & 10744.

RECOMMENDATIONS:

TOTAL ACRES:

REVIEWED BY:

DATE:

6-16-00

* NO CONVEYANCE WORKS FOUND TO IRRIGATE. NO POU FOR
★ STOCKWATER IS USED FROM CHANNEL THROUGH C.D. (DITCH)

PAGE: 6
PURPOSES REVIEW SHEET

2121
CLAIM NUMBER: A31-1074

A. NJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A31-10745 IRRIGATION	FROM 04-15 TO 10-15	.500 CFS
A31-10745 STOCKWATER	FROM 06-01 TO 11-01	.350 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.500 CFS

B. NR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
----------	-----------	--------------------

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	Y	---
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	Y	---
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	Y	---

D. PERIOD OF USE:

RECOMMEND AS CLAIMED? Y() N()

RECOMMEND TO NR STANDARDS OR OTHER? Y() N() EXPLAIN IN NOTES, BELOW

NOTES:
DEPT. STANDARD FOR ALBERTA IRRIGATION IS MAY 1 to OCT. 31 - No
Stockwater is OK! Same Period of Use.

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 0.500 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: CFS

No Prior Records

*** IF NO OR IF STATUTORY CLAIM OR BENEFICIAL USE THEN FLOW MEASUREMENT REQUIRED. ***
** IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS **
** CLAIMED AND AN EXAM IS NOT REQUIRED, EXPLAIN IN NOTES. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

FIELD
DATABASE EXAMINER
Y

B. FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

*No HSE Found
only Stockwater.*

C. ARE OTHER WATER RIGHTS USED? Y() N() IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	VOL.
A31-10745	WEST CANAS CREEK	FREDERIKSEN RANCHS	0.500	0.020		
A31-00025	WEST CANAS CREEK	SANDERS, RAY	2.000	0.014		
A31-00113	WEST CANAS CREEK	SANDERS, RAY	3.000	0.021		
A31-10744	KELSON CREEK	FREDERIKSEN RANCHS	0.780	0.014		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A31-10745	STOCKWATER	FREDERIKSEN RANCHS	FROM 06-01 TO 11-01	.050 CFS	
A31-00025	STOCKWATER	SANDERS, RAY	FROM 04-15 TO 11-15	.090 CFS	
A31-00113	STOCKWATER	SANDERS, RAY	FROM 04-15 TO 11-15	.090 CFS	

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1A. IRRIGATION RATE

ACRES _____ X 0.02 CFS/ACRE = _____ CFS
(TAKEN FROM P/U REVIEW)

1B. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 52.5 AF/A

ACRES _____ X CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ X DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

NOTES: (INCLUDE LIMITATIONS ON CONSUMPTIVE USE FOR COMBINED RIGHTS.)

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO		REC. DIV RATE CFS		REC. DIV VOL. AF/A		REC. CONS USE	
			DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
<u>irrig</u> <u>Stockwater</u>	<u>5/1</u>	<u>10/31</u>		<u>[Signature]</u> <u>0.05</u>				
				<u>0.05</u>				

TOTAL FOR THIS RIGHT

REVIEWED BY:

DATE:

[Signature] 5/25/21

IRrig Portion
 IS ALLOWED.
 NO BENEFICIAL USE FOUND FOR irrig.
 PØ3 COND REMR

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP	()	()
FORFEIT/ABANDON	()	()
ADDITIONAL DIV. AMOUNT	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 31-10745

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSI RATE
-	A31-10745	0.500	-		-	
TOTAL CFS		0.500				

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW SHEET ATTACHED? (Y/N)

DATABASE
H

FIELD
EXAMINER

NOTES:

No prior DEEDS OR LICENSE. MEASUREMENT REQUIRED, OR WITHIN
No ADD FOUND FOR IRZIG,
Recommend only, Stockwater Portion @ 0.05 cfs is claimed.

AUTHENTICATION:

SIGNATURE:

DATE:

NAME OF FIELD EXAMINER:

TITLE:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:08:30
03/24/93

PAGE: 11
QUICKLOOK INFORMATION

2125
CLAIM NUMBER: A31-1074

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED BY CODE
PRIORITY DATE	Y							
POINT OF DIV	Y							
SOURCE	Y							
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES	Y							
PERIOD OF USE	Y							
BASIS OF CLAIM	Y							
REMARKS	Y							

VERIFIED BY CODES

TOPO MAP/ORTHO-PQ = 1
RSCS MAP = 2
WATERMASTER RECORDS = 3
NAAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

09:19:45
03/26/93
2127

PAGE: 12
PROFILE REPORT

CLAIM NUMBER: A31-1074

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVE VOL
C	FREDERIKSEN RANCHS KILGORE ROUTE DUBOIS ID 83423 (208) 778-5332	11/02/1930	IRRIGATION STOCKWATER	~~06-15-10-13~~ 06-01 11-01	~~0.50 CFS~~ 0.05 CFS <i>OK</i>	
TOTAL DIVERSION: CONSUMPTIVE USE:					0.50 CFS	

WATER SOURCE: WEST CANAS CREEK

TRIBUTARY TO:

STAGE: BENEFIC

POINT(S) OF DIVERSION:

T12N R39E S06

NWSWNE

CLARK COUNTY

PLACE OF USE LEGAL DESCRIPTION FOR: IRRIGATION

				NE				NW				SW				SE			
T	R	S	:	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC
12N	39E	6	:																
				<i>20</i>															
																TOTAL ACRES			

PLACE OF USE LEGAL DESCRIPTION FOR: STOCKWATER

				NE				NW				SW				SE			
T	R	S	:	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC
12N	39E	6	:																
				<i>S</i>															

POU COUNTY: CLARK

NON-IRRIGATION USES: STOCKWATER, 180 RANGE CATTLE

OTHER RIGHTS: NONE

REMARKS: KILGORE PHONE, 374-5373

DATES: EXAM MADE DATE:

VERIFIED DATE:

MISC: WATER DISTRICT NUMBER:

FIELD INSPECTION FLAG:
PRESUMPTION FLAG:

01/16/2001

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: March 9, 2001

Water right number: 31-10745

FREDERIKSEN RANCH
PO BOX 101
DUBOIS, ID 83423

Daytime Telephone Number: (208) 778-5332
Evening Telephone Number:

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

2/9/01

SIGNATURE:

Howard E. Frederiksen

Please print your name:

HOWARD E. FREDERIKSEN

IDWR Regional Office, 900 N Skyline, Idaho Falls, ID 83402, (208) 525-7161

Robertson

31-00131

BOYA MESSING

31-002000116

214C

06055A

T12N R39E

1
12N R38E

6
5
Kilgore

T12N R39E

K. Simpson

Fi

T13N R39E

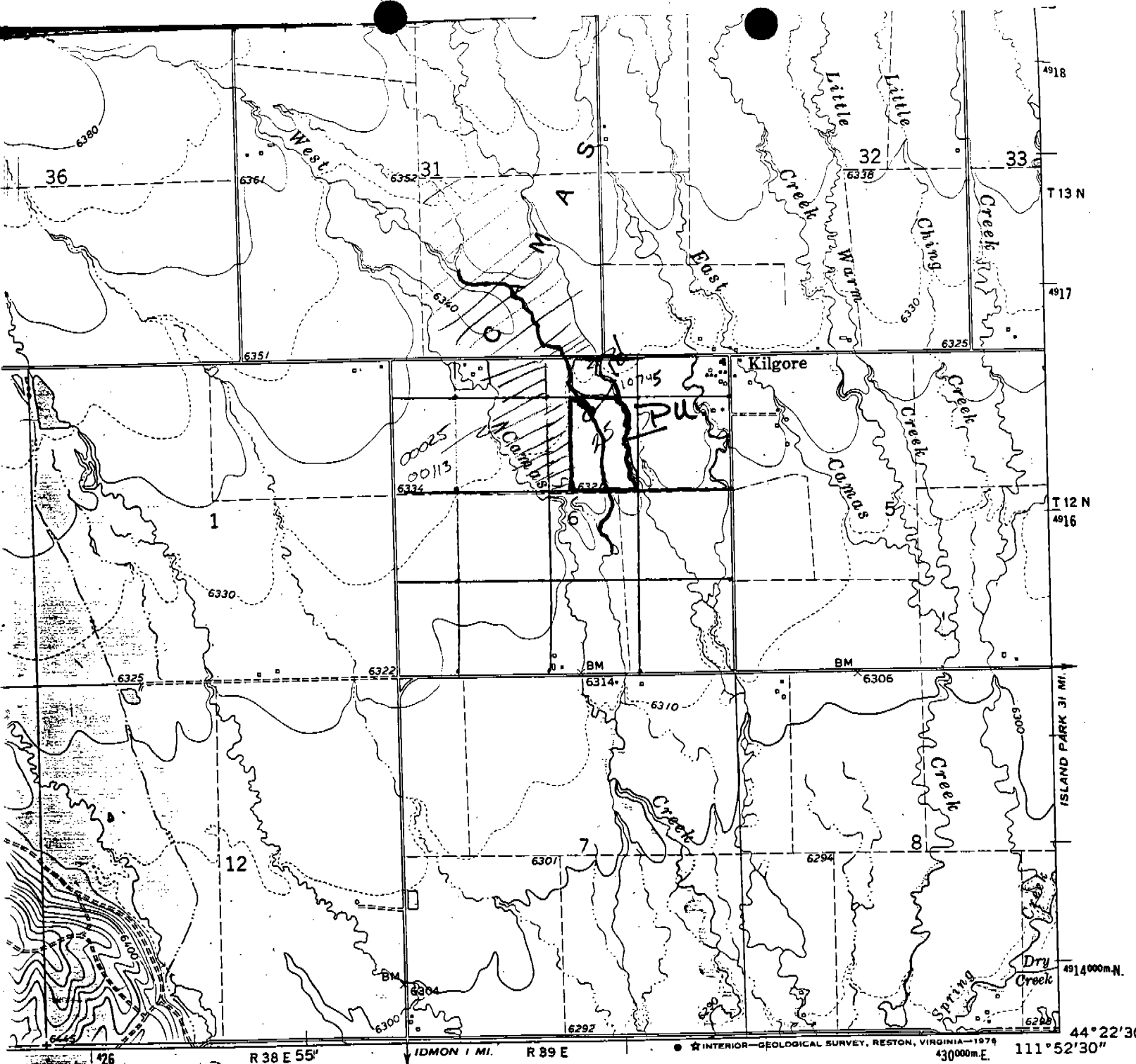
© Kelson

6

5

Frederiksen Ranches:

T12N R39E



ROAD CLASSIFICATION

Primary highway, hard surface _____ Light-duty road, hard or improved surface _____
 Secondary highway, hard surface _____ Unimproved road _____
 Interstate Route U. S. Route State Route

MICROFILMED

KILGORE, IDAHO
 N4422.5-W11152.575

1972

AMS 3672 IV NW-SERIES V893

00113
 00025
 10744
 1 MILE
 0 5000 6000 7000 FEET
 1 KILOMETRE



QUADRANGLE LOCATION

FEET
 OT CONTOURS
 ATUM OF 1929

P ACCURACY STANDARDS
 ADO 80225, OR RESTON, VIRGINIA 22092
 MBOLS IS AVAILABLE ON REQUEST

RAY SANDERS
INC.

279
T43

32

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B

To know to
Division Engineer

POA 10745
10044

REDE

26

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EIGHT REPORT

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27.3

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28.5

FR E

20

CAN BE

deposes and says:

I HAVE LIVED ~~IN~~ THE KILGORE AREA ALL MY LIFE,
SINCE 1924. MY FAMILY OWNED AND FARMED ~~SOME~~ SURROUNDING
FARMS AND I AM WELL AWARE OF THE IRRIGATION
PRACTICES ON THE SUBJECT PROPERTY.

I CAN REMEMBER IRRIGATION OF THIS PROPERTY IN
THE SUMMER OF 1930. TO MY KNOWLEDGE THIS PARCEL
WAS CONTINUALLY IRRIGATED BY THE CURRENT SYSTEM
UP TO 1947 WHEN I MANAGED THE FARM.

I HELPED IRRIGATE THIS LAND WHILE I WAS IN
GRADE SCHOOL AND THROUGH HIGH SCHOOL.

Seward E. Fredericksen
(Signature)

Subscribed and sworn to before me this 24 day of MARCH, 1993.

[Signature]
(Notary Public)

Residing at IDAHO FALLS, ID.
My Commission Expires 22 AUG 1994

MICROFILMED

APR 15 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION
FEBRUARY 9, 1993

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

POOR ORIGINAL

RE: EVIDENCE OF PRIORITY

Dear Claimant(s):

The Notice(s) of Claim identified with the number shown above in the "address" label and at the "end" of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. As the claimant, you are responsible for submitting the necessary proof to support the priority date.

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some examples of Documents Which May Be Evidence of the Priority Date".

EVIDENCE OF PRIORITY
Page - 2 -

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel.

The Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.

Please submit the required evidence supporting the priority date by MARCH 9, 1993, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Eric Verner
Senior Water Agent

EV:jt

Enclosure: Brochure on "Evidence of Priority"
Proof Report

Other Water Right Numbers Needing Evidence of Priority

MICROFILMED

APR 15 1994

The President of the United States of America

To W. H. Abbott, Fay Abbott, Mary C. Adels, Allen Almonda, G. B. Allen, Allen & Harn, a co-partnership, consisting of G. B. Allen and H. R. Harn; Wm. A. Andrews, Joseph Andrasen, Anderson Bros. Bank, a corporation; Gerret Auldhouse (sometimes known as Gerret Oldhouse); Clausen Auldhouse (sometimes known as Clausen Oldhouse), William Axline, Ernest Bauerle, Edward C. Barnes, May L. Barnes, Lovisa Barney, Arthur J. Barber, Charles Bartlett, Ambrose J. Beckner, Laura E. Beckner, William Beck, David Bethune, Lloyd Bennett, Gus E. Brauer, Administrator of the Estate of Annie J. Bennett, deceased; A. W. Belnap, C. W. Belnap, The Bennett Investment Company, Limited, a corporation; Gussie Binnard, Burka Binnard, Horace L. Birch, Binnard Ranch Company, a corporation; B. Binnard, Sarah Binnard and E. F. Mobley, Trustees for Binard Ranch Company, a defunct corporation; Charles O. Rickman, as Trustee in Bankruptcy of Binnard Ranch Company, a corporation; Oscar A. Johanneson, as Receiver of Binnard Ranch Company, a corporation; Heber J. Blackburn, W. B. Boucher, Ray Bohney, R. T. Boatman, Mary Nicholas Boyd, Frank Boe, Charles E. Brosic, E. L. Browning, Adna E. Bramwell, Afton Bradshaw, Theresa Brinkmann, Lottie Burcham, G. F. Burcham, Katherine Burggraf, Anna M. Burggraf, John Burks (sometimes known as John Birks); John H. Burnside, Don R. Burnside, Arthur G. Burnside, Robert Burnside, Alexander Burrus, Burnside Bros., a co-partnership, consisting of John H. Burnside and Don R. Burnside; Vienna Carter, Luther V. Capps, Fred C. Carrell, Alice M. Cain, Charles G. Carlson, Albert Calkins, Elizabeth G. Capps, John Campbell, A. E. Carlson, Charles Campbell, Camas Mutual Irrigation District, a public corporation of Clark County, Idaho; Irene M. Cerney, Central Idaho Irrigation District, a public corporation of Jefferson County, Idaho; Chris Christensen, E. L. Chesney, Annie Chesney, Mrs. Margaret Chambers, Louella May Cherry, Oscar R. Christenson, Frank H. Churchill, C. F. Churchill, William P. Chisholm, Allie D. Charles, John Henry Cline, John Doe Clarke, Robert D. Clinton, S. K. Clark, W. R. Clark, Clark County, one of the organized counties of Idaho; Kadiah Cormack, Geo. Councman, Robert A. Counell, Jos. J. Conway, J. Sturlin Cochran, Ross J. Comstock, David Coe, Marguerite Comstock, Cleo Cramer, C. C. Crapo, John E. Criddle, Mary A. Crigler, Crystal Lake Irrigated Lands Company, a corporation; Aggie D. Cutler, Henry W. Curtis, W. W. Curran, William Dalton, Charley E. Davis, E. W. Davis, Lillian J. Woodruff Dahman, John Doe Denning, Denning-Clark Live Stock Company, Limited, a corporation; J. W. Dill, Henry Dieringer, Margaret Donahue, Administratrix of the Estate of Patrick J. Donahue, deceased; Margaret Donahue, H. S. Dudley, Harry Dunn, Dubois Irrigation Company, a co-partnership; Julius E. Edell, J. Orval Elsworth, Jennie Ellis, R. P. Ellis, Emily E. Elsworth, H. A. Englund, Mary L. Englund, Mari Amanda Engquist, Lulu M. Ewing, Robert H. Ewing, Robert P. Fairbanks, John M. Fausett, William Fausett, Farm Credit Corporation, a corporation; Mike Fedezak, W. F. Felhaber, Mrs. W. F. Felhaber, Federal Land Bank of Spokane, a corporation; Henry Fitter, First National Bank of Blackfoot, a corporation; First National Bank of Dubois, a corporation; First National Bank of Los Angeles, a corporation; Frederick Fluekiger, Mattie Forbes, Charles Foe, Hans E. Fredrickson, Fred C. Fredrickson, Fredrick Fredrickson, Christine Fredrickson, John Chas. Fullmer, Jr., La Verne Hoops Gayle, Robert E. Gallagher, Harry P. Gerard, Lester W. McGovern, Administrator of the Estate of Raymond S. Glover, deceased; F. H. Godfrey, Jane Goe, Marietta Green, Geo. Green, Edgbert C. Griffin, Virgil Greene, John Hansen, Nettie Hale, Marie Hartwell, Alice F. Hanny, Nellie M. Harwood, James F. Hart, Charles Harwood, Allen Harwood, Denby Harwood, John W. Hays, Olive M. Hays, Elwyn B. Hardy, Katrina D. Hardy, David V. Hagenbarth, Charles Hart, John W. Hart, John W. Hart, Jr., Sally G. Haines, Newell L. Haines, F. H. Hales, Ernest Halverson, F. J. Hagenbarth, Sidney A. Hanks, Wallace D. Hayes, Martin D. Harmon, John W. Hays, Jr., Martha E. Hanks, The Harwood Brothers Company, Limited, a corporation; Harmon Reservoir Company, Limited, a corporation; Harwood Bros., a co-partnership, consisting of Charles Harwood, Allen Harwood and Denby Harwood; Hamer Canal Company, a corporation; Hamer Land and Irrigation Company, a corporation; The Hamer Feeder Canal Company, a corporation; William C. Holley, David A. Sanders, Mark C. Pratt, J. C. Lang, George R. Larsen, C. Woidemann, Frank P. Whitney, J. S. Truex, Ove Andreasen and F. W. Taylor, as trustees for The Hamer Feeder Canal Company, a defunct corporation; Hamer Artesian Wells Irrigation District, a public corporation of Jefferson County, Idaho; William Rhodes Hervey, as trustee; Edna E. Smith Head, Elvin W. Henninger, Dolly M. Henninger, William N. Herrick, Rolla C. Hix, Walter L. Hicks, Mrs. Caroline Hicks, David Hirchi, Jr., David Hirchi, Sr., John Doe Hirchi, M. Hillman, David Hirchi & Sons, a co-partnership, consisting of David Hirchi, Sr., David Hirchi, Jr., and John Doe Hirchi; Charles A. Hjort, C. E. Howard, Emile Hohler, William S. Horsman, John Howes, William C. Holley, Edith F. Hogan, George Hogg, George A. Hoops, Jonathan N. Hoops, E. V. Hoffman, Henry J. Hoffman, Mary Hoe, Charles G. Hoops, The Holley Water Users Association, a corporation;

Johnson, Charles Johnson, Edw. T. Johnson, Alvina Kearney, Sarah Ann Richardson, George W. Samuel M. Kennell, Neils Kelson, Wm. J. Kirk, Paul A. King, Leon Kirkham, Herman F. Klamt, John P. Klein, Thomas Knotwell, Tony Konda, Nicholas J. Konen, August Kreutzer, Michael Kreutzer, Charles Kroker, Elsbeth Marie Adolphine Kroker, Elsbeth Marie Adolphine Kroker, as Executrix of the Estate of Joseph Kroker, deceased; Peter Kuharski, Geo. Lake, Lynn Lake, William S. Lair, John C. Lang, Geo. R. Larson, James Laird, Joseph Laird, E. W. Laird, Frank N. Lauder, Pete Lawson, Chas. Larson, Polly A. Landon, Samuel Leek, Jr., Peter Lenner, Tony W. Levy, Jesse D. Lewis, James R. Leavitt, Ralph D. Leatherman, Richard E. Lee, Frank Livermore, William G. Liebel, Joseph L. Lorey, John B. Loewin, Earl J. Love, Orin W. Louis, Los Angeles Trust & Savings Bank, a corporation, as trustee; Geo. E. Lufkin, Samuel Lundholm, Cynthia Lundholm, Titus Marshall, Edgar Magill, C. O. Magill, Wm. H. Martin, M. C. Madison, Edward McCauley, Maud R. McGuire, Peter McKeivitt, Frank E. McClain, Mary L. McCann, Orrin H. McClelland, Pete McGary, Sabinus M. McWhorter, William McGovern, Henry McGary, Isabella McGary, Leah McGovern, Lester McGovern, Minnie McNeley, James A. Melton, Rosa Miller, Dudley Milano, Joseph Milano, Wm. A. Miller, Edwin T. Miller, Hugh Mitchell, Alexander Mitchell, Bernice M. Milburn, Mary Mitchell, Adolph Miller, Lee Charles Miller, Albert E. Miller, Bert H. Miller, Ross Miles, Orin D. Morse, Bernard J. Mooney, E. C. Mobley, Ida Muehlfeit, Thomas D. Murphy, Alvin W. Munns, D. T. Murphy, Mud Lake Canal Company, a corporation; Mud Lake Irrigation District, a public corporation of Jefferson County, Idaho; T. W. Naylor Company, a corporation; Anders Neilson, Thomas Newnhan, Louisa Neville, Melvin Neilson, Andrew E. Newbold, Andrew Nelson, Daniel C. Neville, Clyde A. Nickel, Carl F. Nordstrum, North Lake Canal Company, a corporation; John Joe, Richard Koe, Henry Loe, John Moe and Richard Poe, as trustees for North Lake Canal Company; Josephine O'Brien, Bartholomew O'Brien, John J. O'Brien, Henry O'Leary, Geo. A. Olmstead, Mabel E. Orin, August W. Ossman, The Oregon Mortgage Company, Limited, a corporation; Oregon Short Line Railroad Company, a corporation; Charles O'Toole, Bertha I. Owsley, Merritt M. Owsley, Owsley Co-operative Ditch Company, a co-partnership; Owsley Canal Company, a corporation; Erie Palmgren, E. F. Palmer, William A. Patt, Frank Patt, Bert H. Paul, Andrew J. Patt, Gardiner A. Pease, O. E. Peterson, John R. Peterson, Martin Peterson, Marie V. Peterson, Isabel M. Peterson, George D. Peterson, Lloyd G. Peterson, Vier Peterson, Alvelda Peterson, Augustine Pierre, Gustave Pierre, Richard S. Pingree, I. V. Pitner, Frank Plastino, James A. Potter, Joseph P. Potter, Jas. W. Polson, Emry Poulson, Lottie Collins Poulson, Carrie Elizabeth Preston, Prudential Insurance Company of America, a corporation; C. A. Randall, G. M. Rasmussen, Annie Rasmussen, Myers Rasmussen, Agnes Rasmussen, Anna M. Rasmussen, The Rays Lake Irrigating Company, Limited, a corporation; Henry C. Remington, Jas. L. Riley, James H. Richardson, Emma M. Riley, Alvin Richardson, Michael J. Rowan, Luke Rowan, Paul Robinson, Lloyd Roberts, Mrs. Emma Robbins, Gordon W. Rossback, Frank Robinson, Rufus Rush, Geo. R. Rymer, Andreas Sandbeck (sometimes known as Andreas Sandbach); D. A. Sanders, J. L. Sanders, Fred Sanders, Charles Saurey, George S. Samuel, Irwin L. Schnaverly, Carl Schindler, Charles J. Schaller, Benj. C. Scott, William Sellers, Frank Shivers, Alice Shuttleworth, Bert Shoaf, John T. Sidley, Jacob A. Simmons, John W. Simpson, Nellie Sidley, O. O. Skallet, A. Skoda, (sometimes known as A. Scoda); William Sloan, Henry C. Smith, Chet T. Smith, Gustave Spong, Merritt E. Staley, Jr., J. I. Staker, Merritt E. Staley, Sr., State of Idaho, J. B. Stringham, Marlborough Smith, David Stringham, Wilbur Street, P. D. Stoops, Albert C. Swanstrom, Frank Sykes, J. T. Sykes, E. J. Taylor, Cleo Thieman, A. S. Thompson, D. S. Thomas, Ruthven B. Thompson, Chas. Thieman, The Unknown Heirs of Bert Toliver, deceased; The Unknown Devisees of Bert Toliver, deceased; Sadie Turman, James R. Turman, Jr., The Unknown Owners, Users and Appropriators of the waters of Beaver Creek and its tributaries, a stream rising in the northern part of Clark County, Idaho, and flowing in a southerly direction through Clark and Jefferson Counties, Idaho, until its junction with Camas Creek, of which it is a tributary; The Unknown Owners, Users and Appropriators of the waters of Camas Creek and its tributaries, a stream rising in the northeastern part of Clark county and flowing in a southwesterly direction through Clark and Jefferson Counties, Idaho, until it reaches and empties into what is known as Mud Lake (sometimes called Crystal Lake) in Jefferson County, Idaho; The Unknown Owners, Users and Appropriators of the waters of what is known as Mud Lake (sometimes called Crystal Lake) situated in Jefferson County, State of Idaho; The Unknown Owners, Users and Appropriators of the waters of North Lake, Deadline Lake, Rays Lake, Sandhole Lake and various unnamed lakes and sloughs whose waters contribute to the supply of and flow into Mud Lake in Jefferson County, Idaho; Union Central Life Insurance Company, a corporation; George H. Van Houten, Ludger Vadnis, Hannah Vosatka, C. B. Watts, Thos. E. Watts, William B. Wardle, Thomas Wagoner, Catherine A. Walker, William Walker, Robert S. Watson, John H. Walker, Oliver Warmoth, Thos. A. Wagoner, Clara M. Welchman, Geo. Welchman, Earl H. Weaver, Thomas Whorton, Mary J. Wilson, Thomas H. Winder, Logan B. Wilson, M. L. Wilmot, James McKay Winchester, Alice Williams, John L. Wilson, Marie Wiley, H. C. Wood, Perry B. Woodard, John W. Wood, Wood Live Stock Company, a corporation; Will E. Yorty, Clement A. Young, Joseph H. Zink, Katie E. Zink, GREETING:

(SEAL)

Court affixed at Boise, in said District, this.....day of
....., in the year of our Lord One
Thousand Nine Hundred and.....
and of the Independence of the United States the One Hundred
and FIFTY-SECOND.....

H. S. MacMARTIN,
Boise, Idaho,
Solicitor for Complainant.

.....
Clerk.

By.....
Deputy Clerk.

MEMORANDUM pursuant to Equity Rule No. 12 of the Supreme Court of the United States:
The Defendant is required to file his answer or other defense in the above-entitled suit in the office of the Clerk of
said Court on or before the twentieth day after service; otherwise the Complainant's Bill therein may be taken pro
confesso.

Good cause appearing therefor, it is ordered that service hereof may be made by.....

Harry P. Gerard
of Territon, Idaho, and this Writ may be returned with his affidavit of service.

Dated this 10th day of May, 1928.

CHARLES C. CAVANAUGH

District Judge.

COPY

XIII.

That plaintiff is the owner and at all times hereinafter mentioned he and his predecessors have been the owners and in possession of the following described land in Jefferson County, Idaho, to-wit:

Northeast quarter (NE¼) of Section 7, Township 6 North, Range 34 East Boise Meridian.

That the above described lands are arid in character and require the use of water in order to produce successful crops thereon. That on the 1st day of April, 1911, the plaintiff's predecessors in interest appropriated and diverted one hundred sixty (160) inches of the waters of Mud Lake in Jefferson County, Idaho, and by means of dams and ditches conveyed said water to the land above described, and immediately thereupon commenced the irrigation and cultivation of said lands and during the irrigation season of each and every year thereafter said predecessors in interest and said plaintiff have used the water thereon. That said amount of water is necessary for the successful cultivation of crops on said land.

That on or about the 24th day of August, 1926, plaintiff made application to the Commissioner of Reclamation of the State of Idaho to appropriate 6.4 cubic feet per second of the waters of Mud Lake for the irrigation of the South half (S½) of Section 22, Township 6 North, Range 34 East Boise Meridian, Jefferson County, Idaho. That said application was on August 28, 1926, duly approved by said Commissioner of Reclamation and water permit No. 16569 for said amount of water for irrigation purposes was granted to plaintiff by said Commissioner of Reclamation. That according to the terms of said permit, one-fifth of the construction work required for the diversion of said water was to be completed on or before February 28, 1928, and the whole of said construction work was to be completed on or before August 28, 1929, and beneficial use of the water in accordance therewith was to be made on or before August 28, 1931.

That plaintiff has in proper time and manner duly complied with all the terms, conditions and limitations specified in said permit; that prior to said 24th day of August, 1926, plaintiff had constructed and caused to be constructed canals sufficient to divert to and upon the land for the irrigation of which said water was appropriated the entire amount of water so appropriated, to-wit: 6.4 cubic feet per second of the waters of Mud Lake. That said works of diversion are and were prior to said 24th day of August, 1926, entirely completed and of the value of upward of \$8000.00, and that said land is now being irrigated through said diversion and application of the waters so appropriated. That under said permit plaintiff claims and owns the right to divert and use for beneficial purposes the waters of Mud Lake and its tributaries in the amount of 6.4 cubic feet per second with date of priority of August 24, 1926. That plaintiff at all times since the 15th day of June, 1926, has been in position to apply to beneficial use in the irrigation of said land all of said water so appropriated unless prevented by the wrongful acts of the defendants as hereinafter set forth.

That the land last above described, for the irrigation of which said water was appropriated and said permit issued is desert in character and will not produce crops without irrigation, but by the use of water thereon is rendered very productive, and plaintiff intends to apply to beneficial use for the irrigation of said land all the water appropriated under said permit and make proof of such beneficial use in the office of the Commissioner of Reclamation, all within the time and in the manner required by law and in accordance with the terms of said permit.

XIV.

That the defendants, and each of them, claim some interest in and right to the use of the waters of Mud Lake and its tributaries, including those adjacent lakes and sloughs herein mentioned which contribute to and make up the water supply of said Mud Lake; but whatever claim, interest or right they or either or any of them may have in or to said waters or any of them is subsequent and inferior to the said appropriation and right of plaintiff, and said defendants and each of them by means of dams and ditches and other works of diversion are diverting said waters and depriving plaintiff of the use thereof, and each of said defendants threaten to and will, unless restrained by the order and decree of this court, continue to divert and use said waters and deprive plaintiff of the use thereof, to which he is rightfully entitled.

WHEREFORE, plaintiff prays: (1) That the appropriations and rights to the use of said waters of Mud Lake and its tributaries be determined and adjudicated and that plaintiff's rights be decreed to be superior in point of time and amount of appropriation to the rights of the defendants herein, and each of them.

(2) That plaintiff be awarded rights as follows: For the irrigation of the Northeast quarter (NE¼) of Section 7, Township 6 North, Range 34 East Boise Meridian, in Jefferson County, Idaho, 3.2 cubic feet per second of the waters of Mud Lake and its tributaries, with a priority of April 1, 1911. For the irrigation of the South Half (S½) of Section 22, Township 6 North, Range 34 East Boise Meridian, in Jefferson County, Idaho, 6.4 cubic feet per second of the waters of Mud Lake and its tributaries, with a priority of August 28, 1926.

(3) That the defendants, and each of them, be restrained and enjoined from interfering with the rights of this plaintiff to the use of the waters of said Mud Lake and its tributaries, and that plaintiff have his costs herein and such other relief as to the Court may seem equitable and just.

HAROLD S. MacMARTIN,
Attorney for Plaintiff,
Residence: Boise, Idaho.

STATE OF IDAHO, } ss.
COUNTY OF ADA, }

HAROLD S. MacMARTIN, being first duly sworn, deposes and says: That he is attorney for Ernest Sauve, the plaintiff herein; that he has read the foregoing amendment to complaint, knows the contents thereof, and that he verily believes the same to be true. That he makes this verification on behalf of said plaintiff for the reason that said plaintiff resides in Iron River, Wisconsin, and is absent from Ada County, Idaho, the county and state in which affiant resides and has his office.

HAROLD S. MacMARTIN.

Subscribed and sworn to before me this 30th day of April, 1927.

(SEAL)

FERN B. JONES,
Notary Public for Idaho.
Residence: Boise, Idaho.

Ernest Bauerle, Edward C. Barnes, May L. Barnes, Lovisa Barney, Arthur J. Barber, Charles Bartlett, Ambrose J. Beckner, Laura E. Beckner, William Beck, David Bethune, Lloyd Bennett, Gus E. Brauer, Administrator of the Estate of Annie J. Bennett, deceased; A. W. Belnap, C. W. Belnap, The Bennett Investment Company, Limited, a corporation; Gussie Binnard, Burka Binnard, Horace L. Birch, Binnard Ranch Company, a corporation; B. Binnard, Sarah Binnard and E. F. Mobley, Trustees for Binnard Ranch Company, a defunct corporation; Charles O. Rickman, as Trustee in Bankruptcy of Binnard Ranch Company, a corporation; Oscar A. Johanneson, as Receiver of Binnard Ranch Company, a corporation; Heber J. Blackburn, W. B. Boucher, Ray Bohney, R. T. Boatman, Mary Nicholas Boyd, Frank Boe, Charles E. Brosic, E. L. Browning, Adna E. Bramwell, Afton Bradshaw, Theresa Brinkmann, Lottie Burcham, G. F. Burcham, Katherine Burggraf, Anna M. Burggraf, John Burks (sometimes known as John Birks); John H. Burnside, Don R. Burnside, Arthur G. Burnside, Robert Burnside, Alexander Burrus, Burnside Bros., a co-partnership, consisting of John H. Burnside and Don R. Burnside; Vienna Carter, Luther V. Capps, Fred C. Carrell, Alice M. Cain, Charles G. Carlson, Albert Calkins, Elizabeth G. Capps, John Campbell, A. E. Carlson, Charles Campbell, Camas Mutual Irrigation District, a public corporation of Clark County, Idaho; Irene M. Cerney, Central Idaho Irrigation District, a public corporation of Jefferson County, Idaho; Chris Christensen, E. L. Chesney, Annie Chesney, Mrs. Margaret Chambers, Louella May Cherry, Oscar R. Christenson, Frank H. Churchill, C. F. Churchill, William P. Chisholm, Allie D. Charles, John Henry Cline, John Doe Clarke, Robert D. Clinton, S. K. Clark, W. R. Clark, Clark County, one of the organized counties of Idaho; Kadiah Cormack, Geo. Councman, Robert A. Cunnell, Jos. J. Conway, J. Sturlin Cochran, Ross J. Comstock, David Coe, Marguerite Comstock, Cleo Cramer, C. C. Crapo, John E. Criddle, Mary A. Crigler, Crystal Lake Irrigated Lands Company, a corporation; Aggie D. Cutler, Henry W. Curtis, W. W. Curran, William Dalton, Charley E. Davis, E. W. Davis, Lillian J. Woodruff Dahman, John Doe Denning, Denning-Clark Live Stock Company, Limited, a corporation; J. W. Dill, Henry Dieringer, Margaret Donahue, Administratrix of the Estate of Patrick J. Donahue, deceased; Margaret Donahue, H. S. Dudley, Harry Dunn, Dubois Irrigation Company, a co-partnership; Julius E. Edell, J. Orval Elsworth, Jennie Ellis, R. P. Ellis, Emily E. Elsworth, H. A. Englund, Mary L. Englund, Mari Amanda Engquist, Lulu M. Ewing, Robert H. Ewing, Robert P. Fairbanks, John M. Fausett, William Fausett, Farm Credit Corporation, a corporation; Mike Fedezak, W. F. Felhaber, Mrs. W. F. Felhaber, Federal Land Bank of Spokane, a corporation; Henry Fitter, First National Bank of Blackfoot, a corporation; First National Bank of Dubois, a corporation; First National Bank of Los Angeles, a corporation; Frederick Fluekiger, Mattie Forbes, Charles Foe, Hans E. Fredrickson, Fred C. Fredrickson, Fredrick Fredrickson, Christine Fredrickson, John Chas. Fullmer, Jr., La Verne Hoops Gayle, Robert E. Gallagher, Harry P. Gerard, Lester W. McGovern, Administrator of the Estate of Raymond S. Glover, deceased; F. H. Godfrey, Jane Goe, Marietta Green, Geo. Green, Edgbert C. Griffin, Virgil Greene, John Hansen, Nettie Hale, Marie Hartwell, Alice F. Hanny, Nellie M. Harwood, James F. Hart, Charles Harwood, Allen Harwood, Denby Harwood, John W. Hays, Olive M. Hays, Elwyn B. Hardy, Katrena D. Hardy, David V. Hagenbarth, Charles Hart, John W. Hart, John W. Hart, Jr., Sally G. Haines, Newell L. Haines, F. H. Hales, Ernest Halverson, F. J. Hagenbarth, Sidney A. Hanks, Wallace D. Hayes, Martin D. Harmon, John W. Hays, Jr., Martha E. Hanks, The Harwood Brothers Company, Limited, a corporation; Harmon Reservoir Company, Limited, a corporation; Harwood Bros., a co-partnership, consisting of Charles Harwood, Allen Harwood and Denby Harwood; Hamer Canal Company, a corporation; Hamer Land and Irrigation Company, a corporation; The Hamer Feeder Canal Company, a corporation; William C. Holley, David A. Sanders, Mark C. Pratt, J. C. Lang, George R. Larsen, C. Woldemann, Frank P. Whitney, J. S. Truex, Ove Andreassen and F. W. Taylor, as trustees for The Hamer Feeder Canal Company, a defunct corporation; Hamer Artesian Wells Irrigation District, a public corporation of Jefferson County, Idaho; William Rhodes Hervey, as trustee; Edna E. Smith Head, Elvin W. Henninger, Dolly M. Henninger, William N. Herrick, Rolla C. Hix, Walter L. Hicks, Mrs. Caroline Hicks, David Hirchi, Jr., David Hirchi, Sr., John Doe Hirchi, M. Hillman, David Hirchi & Sons, a co-partnership, consisting of David Hirchi, Sr., David Hirchi, Jr., and John Doe Hirchi; Charles A. Hjort, C. E. Howard, Emile Hohler, William S. Horsman, John Howes, William C. Holley, Edith F. Hogan, George Hogg, George A. Hoops, Jonathan N. Hoops, E. V. Hoffman, Henry J. Hoffman, Mary Hoe, Charles G. Hoops, The Holley Water Users Association, a corporation; John L. Hutton, Guy Hulderbran, William H. Hutchinson, F. A. Hyde, John J. Hyland, Idaho Realty and Investment Company, a corporation; D. H. Janssen, Thos. A. Jackson, Frank S. Jackett, H. R. Jackett, Joseph P. Jacoby, Elizabeth Jacoby, Harry E. Jackson, W. M. Jardine, as Secretary of Agriculture of the United States; Janssen & Englund, a co-partnership, consisting of D. H. Janssen and H. A. Englund; Harry L. Jenkins, Fred G. Jemmett, Administrator of the Estate of William Jemmett, deceased; Alma Jensen, Nina Jensen, The Unknown Heirs of Ellen Jensen, deceased; The Unknown Devises of Ellen Jensen, deceased; Roy Jernberg, Emil Jensen, H. P. Jensen, Halvor Jeldness, Chris P. Jensen, Ezra P. Jensen, Edward Jernberg, Jefferson County, one of the organized counties of Idaho; Jefferson Irrigation District, a public corporation of Jefferson County, Idaho; Jefferson Irrigation Company, Limited, a corporation; Charles Jernberg, Frank E. Jones, Oscar Julius Johnson, John W. Jones, Gregory Jones, Barnard F. Johnson, Roy E. Joslin, Charlotte F. Joslin, John L. Jones, Anna H. Johnson, Charles Johnson, Edw. T. Johnson, Arvilla Kearney, Sarah Ann Kendrick, George H. Keeth, Samuel M. Kennell, Neils Kelson, Wm. J. Kirk, Paul A. King, Leon Kirkham, Herman F. Klamt, John P. Klein, Thomas Knotwell, Tony Konda, Nicholas J. Konen, August Kreutzer, Michael Kreutzer, Charles Kroker, Elsbeth Marie Adolphine Kroker, Elsbeth Marie Adolphine Kroker, as Executrix of the Estate of Joseph Kroker, deceased; Peter Kuharski, Geo. Lake, Lynn Lake, William S. Lair, John C. Lang, Geo. R. Larson, James Laird, Joseph Laird, E. W. Laird, Frank N. Launder, Pete Lawson, Chas. Larson, Polly A. Landon, Samuel Leek, Jr., Peter Lenner, Tony W. Levy, Jesse D. Lewis, James R. Leavitt, Ralph D. Leatherman, Richard E. Lee, Frank Livermore, William G. Liebel, Joseph L. Lorey, John B. Loewin, Earl J. Love, Orin W. Louis, Los Angeles Trust & Savings Bank, a corporation, as trustee; Geo. E. Lufkin, Samuel Lundholm, Cynthia Lundholm, Titus Marshall, Edgar Magill, C. O. Magill, Wm. H. Martin, M. C. Madison, Edward McCauley, Maud R. McGuire, Peter McKevitt, Frank E. McClain, Mary L. McCann, Orrin H. McClelland, Pete McGary, Sabinus M. McWhorter, William McGovern, Henry McGary, Isabella McGary, Leah McGovern, Lester McGovern, Minnie McNeley, James A. Melton, Rosa Miller, Dudley Milano, Joseph Milano, Wm. A. Miller, Edwin T. Miller, Hugh Mitchell, Alexander Mitchell, Bernice M. Milburn, Mary Mitchell, Adolph Miller, Lee Charles Miller, Albert E. Miller, Bert H. Miller, Ross Miles, Orin D. Morse, Bernard J. Mooney, E. C. Mobley, Ida Muehlfeit, Thomas D. Murphy, Alvin W. Munns, D. T. Murphy, Mud Lake Canal Company, a corporation; Mud Lake Irrigation District a public corporation of Jefferson County, Idaho; T. W. Naylor Company, a corporation; Anders Neilson, Thomas Newnhan, Louisa Neville, Melvin Neilson, Andrew E. Newbold, Andrew Nelson, Daniel C. Neville, Clyde A. Nickel, Carl F. Nordstrum, North Lake Canal Company, a corporation; John Joe, Richard Koe, Henry Loe, John Moe and Richard Poe, as trustees for North Lake Canal Company; Josephine O'Brien, Bartholomew O'Brien, John J. O'Brien, Henry O'Leary, Geo. A. Olmstead, Mabel E. Orin, August W. Ossman, The Oregon Mortgage Company, Limited, a corporation; Oregon Short Line Railroad Company, a corporation; Charles O'Toole, Bertha I. Owsley, Merritt M. Owsley, Owsley Co-operative Ditch Company, a co-partnership; Owsley Canal Company, a corporation; Eric Palmgren, E. F. Palmer, William A. Patt, Frank Patt, Bert H. Paul, Andrew J. Patt, Gardiner A. Pease, O. E. Peterson, John R. Peterson, Martin Peterson, Marie V. Peterson, Isabel M. Peterson, George D. Peterson, Lloyd G. Peterson, Vier Peterson, Alvelda Peterson, Augustine Pierre, Gustave Pierre, Richard S. Pingree, I. V. Pitner, Frank Plastino, James A. Potter, Joseph P. Potter, Jas. W. Polson, Emory Poulson, Lottie Collins Poulson, Carrie Elizabeth Preston, Prudential Insurance Company of America, a corporation; C. A. Randall, G. M. Rasmussen, Annie Rasmussen, Myers Rasmussen, Agnes Rasmussen, Anna M. Rasmussen, The Rays Lake Irrigating Company, Limited, a corporation; Henry C. Remington, Jas. L. Riley, James H. Richardson, Emma M. Riley, Alvin Richardson, Michael J. Rowan, Luke Rowan, Paul Robinson, Lloyd Roberts, Mrs. Emma Robbins, Gordon W. Rossback, Frank Robinson, Rufus Rush, Geo. R. Rymer, Andreas Sandbeck (sometimes known as Andreas Sandbach); D. A. Sanders, J. L. Sanders, Fred Sanders, Charles Saurey, George S. Samuel, Irwin L. Schnaverly, Carl Schindler, Charles J. Schaller, Benj. C. Scott, William Sellers, Frank Shivers, Alice Shuttleworth, Bert Shoaf, John T. Sidley, Jacob A. Simmons, John W. Simpson, Nellie Sidley, O. O. Skallet, A. Skoda (sometimes known as A. Scoda); William Sloan, Henry C. Smith, Chet T. Smith, Gustave Spong, Merritt E. Staley, Jr., J. I. Staker, Merritt E. Staley, Sr., State of Idaho, J. B. Stringham, Marlborough Smith, David Stringham, Wilbur Street, P. D. Stoops, Albert C. Swanstrom, Frank Sykes, J. T. Sykes, E. J. Taylor, Cleo Thieman, A. S. Thompson, D. S. Thomas, Ruthven B. Thompson, Chas. Thieman, The Unknown Heirs of Bert Toliver, deceased; The Unknown Devises of Bert Toliver, deceased; Sadie Turman, James R. Turman, Jr., The Unknown Owners, Users and Appropriators of the waters of Beaver Creek and its tributaries, a stream rising in the northern part of Clark County, Idaho, and flowing in a southerly direction through Clark and Jefferson Counties, Idaho, until its junction with Camas Creek, of which it is a tributary; The Unknown Owners, Users and Appropriators of the waters of Camas Creek and its tributaries, a

That the defendant is at the time of the commencement of this action, and at all times for more than thirty years last past has been, a citizen and resident of the State of Wisconsin, residing at Iron River, Bayfield County, Wisconsin.

II.

That the defendants Camas Mutual Irrigation District, Central Idaho Irrigation District, Clark County, Hamer Artesian Wells Irrigation District, Jefferson County, Jefferson Irrigation District and Mud Lake Irrigation District are, and each of them is, and for a long time has been a public corporation organized and existing under the laws of the State of Idaho and a citizen and resident of the State of Idaho.

III.

That the defendants Anderson Bros. Bank, The Bennett Investment Company, Limited, Crystal Lake Irrigated Lands Company, Denning-Clark Live Stock Company, Limited, Farm Credit Corporation, the Harwood Brothers Company, Limited, Harmon Reservoir Company, Limited, Hamer Canal Company, Hamer Land and Irrigation Company, The Holley Water Users' Association, Idaho Realty and Investment Company, Jefferson Irrigation Company, Limited, Mud Lake Canal Company, Owsley Canal Company, The Rays Lake Irrigating Company, Limited, and Wood Live Stock Company are, and each of them is, and for a long time has been a corporation organized and existing under the laws of the State of Idaho, and each of said corporations is a resident and citizen of the State of Idaho.

IV.

That the defendant First National Bank of Blackfoot is a national banking corporation or association organized and existing as such under the laws of the United States, and located at Blackfoot, in the State of Idaho, and is a citizen and inhabitant of the State of Idaho.

That the defendant First National Bank of Dubois is a national banking corporation or association organized and existing as such under the laws of the United States, and located at Dubois, in the State of Idaho, and is a citizen and inhabitant of the State of Idaho.

That the defendant First National Bank of Los Angeles is a national banking corporation or association organized and existing as such under the laws of the United States, and located at Los Angeles, in the State of California, and is a citizen and inhabitant of the State of California.

That the defendant Federal Land Bank of Spokane is a corporation organized and existing under and by virtue of the laws of the United States and located at Spokane, Washington and is a citizen and inhabitant of the State of Washington.

V.

That the defendant Los Angeles Trust & Savings Bank is a corporation organized and existing under and by virtue of the laws of the State of California and is a citizen and inhabitant of said State of California.

That the defendant The Oregon Mortgage Company, Limited, is a corporation organized and existing under and by virtue of the laws of Great Britain, and is a citizen and subject of Great Britain.

That the defendant Oregon Short Line Railroad Company is a corporation organized and existing under and by virtue of the laws of the State of Utah, and is a citizen and inhabitant of said State of Utah.

That the defendant Prudential Insurance Company of America is a corporation organized and existing under and by virtue of the laws of the State of New Jersey, and is a citizen and inhabitant of said State of New Jersey.

That the defendant T. W. Naylor Company is a corporation organized and existing under and by virtue of the State of Utah, and is a citizen and inhabitant of said State of Utah.

That the defendant Union Central Life Insurance Company is a corporation organized and existing under and by virtue of the laws of the State of Ohio, and is a citizen and inhabitant of the said State of Ohio.

VI.

That the defendant Binnard Ranch Company was at all times prior to November 30, 1925, a corporation organized and existing under the laws of the State of Idaho. That said defendant did not file an annual statement and pay its license tax to the State of Idaho for the fiscal year beginning July 1, 1925, and on or about November 30, 1925, the charter of said defendant corporation was forfeited to the State of Idaho according to law. That said corporation has never been reinstated under the laws of Idaho. That at the time of such forfeiture such corporation was governed by a board of directors consisting of three directors, to-wit: the defendants B. Binnard, Sarah Binnard and E. F. Mobley. That on the date of said forfeiture said last named directors were the directors in office of and for said corporation and by reason of said forfeiture became and ever since have been, and now are, the statutory trustees of and for the Binnard Ranch Company, a defunct Idaho corporation, by operation of law; and that each of said trustees is and for a long time has been a citizen and resident of the State of California, residing at Los Angeles, California.

That defendant Charles H. Rickman is the Trustee in Bankruptcy of and for said defendant Binnard Ranch Company and the statutory trustees and stockholders thereof by virtue of his appointment as such by and under bankruptcy proceedings commenced and pending in the District Court of the United States for the District of Idaho, Eastern Division, wherein said Binnard Ranch Company was duly and regularly adjudged a bankrupt, and said defendant Charles H. Rickman, as trustee in bankruptcy, is and for a long time past has been a resident and citizen of the State of Idaho.

That the defendant Oscar A. Johanneson is receiver of said Binnard Ranch Company for all or part of its property by virtue of his appointment as such by the District Court of the Ninth Judicial District of the State of Idaho, in and for Jefferson County, and said Oscar A. Johanneson as receiver as aforesaid is and for a long time past has been a resident and citizen of the State of Idaho.

That the defendant Hamer Feeder Canal Company was at all times prior to December 2, 1916, a corporation organized and existing under the laws of the State of Idaho. That said defendant did not file an annual statement and pay its license tax to the State of Idaho for the fiscal year beginning July 1, 1916, and on or about December 2, 1916, the charter of said defendant corporation was forfeited to the State of Idaho according to law. That said corporation has never been reinstated under the laws of Idaho. That at the time of such forfeiture such corporation was governed by a board of directors consisting of ten directors, to-wit: the defendants William C. Holley, David A. Sanders, Mark C. Pratt, J. C. Lang, George R. Larsen, C. Weidemann, Frank P. Whitney, J. S. Truex, Ove Andreasen, and F. W. Taylor. That on the date of said forfeiture said last named directors were the directors in office of and for said corporation and by reason of said forfeiture became and ever since have been, and now are, the statutory trustees of and for the Hamer Feeder Canal Company, a defunct Idaho corporation, by operation of law; and that each of said trustees is and for a long time has been a citizen and resident of the State of Idaho.

That the defendant North Lake Canal Company was at all times prior to December 1, 1922, a corporation organized and existing under the laws of the State of Idaho. That said defendant did not file an annual statement and pay its license tax to the State of Idaho for the fiscal year beginning July 1, 1922, and that on or about December 1, 1922, the charter of said defendant corporation was forfeited to the State of Idaho according to law. That said corporation has never been reinstated under the laws of Idaho. That at the time of such forfeiture such corporation was governed by a board of directors consisting of five directors who are herein made defendants and designated by fictitious names as follows: John Joe, Richard Koe, Henry Loe, John Moe and Richard Poe; that their true names are unknown to plaintiff. That on the date of said forfeiture said last named directors were the directors in office of and for said corporation and by reason of said forfeiture became and ever since have been, and now are, the statutory trustees of and for the North Lake Canal Company, a defunct Idaho corporation, by operation of law; and that each of said trustees is and for a long time has been a citizen and resident of the State of Idaho.

VII.

That the defendant Gus E. Brauer is the duly appointed, qualified and acting administrator of the Estate of Annie J. Bennett, deceased, and is and for a long time has been a citizen and resident of the State of Idaho.

a long time has been, a resident and citizen of the State of Idaho.
That the defendant Burnside Bros. is a co-partnership consisting of John H. Burnside and Don B. Burnside, each of whom is, and for a long time has been, a resident and citizen of the State of Idaho.

That the defendant Dubois Irrigation Company is a co-partnership consisting of William I. Rice, R. R. Best, L. E. Dupree, H. R. Harn and D. T. Murphy, all of said co-partners being residents and citizens of the State of Idaho.

That the defendant Harwood Bros. is a co-partnership consisting of Charles Harwood, Allen Harwood and Denby Harwood, each of whom is and for a long time has been a resident and citizen of the State of Idaho.

That the defendant David Hirchi & Sons is a co-partnership consisting of David Hirchi, Sr., David Hirchi, Jr., and John Doe Hirchi, each of whom is, and for a long time has been, a resident and citizen of the State of Idaho.

That the defendant Janssen & England is a co-partnership consisting of D. H. Janssen and H. A. Englund, each of whom is, and for a long time has been, a resident and citizen of the State of Idaho.

That the defendant Owsley Co-operative Ditch Company is a co-partnership consisting of John Yoe, Richard Zoe and diverse other persons to plaintiff unknown, all of said co-partners being residents and citizens of the State of Idaho. That the said John Yoe and Richard Zoe are fictitious names designating certain co-partners in said co-partnership whose true names are to plaintiff unknown.

That the defendant W. M. Jardine is the duly appointed, qualified and acting Secretary of Agriculture of the United States and is a resident and citizen of the State of Kansas.

IX.

That there are certain persons interested in this controversy who have or claim to have an interest in the property which is the subject of this action and hereinafter described adverse to plaintiff and whose respective names are unknown to plaintiff, his attorneys or agents, or any of them, and who have been made parties defendant in this action under the following names and descriptions, to-wit:

"The Unknown Owners, Users and Appropriators of the waters of Beaver Creek and its tributaries, a stream rising in the northern part of Clark County, Idaho, and flowing in a southerly direction through Clark and Jefferson Counties, Idaho, until its junction with Camas Creek, of which it is a tributary.

"The Unknown Owners, Users and Appropriators of the waters of Camas Creek and its tributaries, a stream rising in the northeastern part of Clark County and flowing in a southwesterly direction through Clark and Jefferson Counties, Idaho, until it reaches and empties into what is known as Mud Lake (sometimes called Crystal Lake) in Jefferson County, Idaho.

"The Unknown Owners, Users and Appropriators of the waters of what is known as Mud Lake (sometimes called Crystal Lake) situated in Jefferson County, State of Idaho.

"The Unknown Owners, Users and Appropriators of the waters of North Lake, Deadline Lake, Rays Lake, Sandhole Lake, and various unnamed lakes and sloughs whose waters contribute to the supply of and flow into Mud Lake in Jefferson County, Idaho.

"The Unknown Heirs of Ellen Jensen, deceased.

"The Unknown Devisees of Ellen Jensen, deceased.

"The Unknown Heirs of Bert Tolliver, deceased.

"The Unknown Devisees of Bert Tolliver, deceased."

That the defendants Frank Boe, David Coe, Charles Foe, Jane Goe and Mary Hoe are each sued herein under fictitious names for the reason that their true names are unknown to plaintiff and plaintiff asks that upon the true names of these and the other defendants herein referred to as being sued by fictitious names becoming known that such true name or names be substituted in these proceedings.

X.

That each of the defendants herein, other than those whose status, residence and citizenship is specifically alleged in paragraphs 2 to 8, inclusive, hereof is a resident and citizen of the State of Idaho.

XI.

That the matter in dispute herein is of a sum of value exceeding \$3000.00 exclusive of interest and costs.

XII.

That Mud Lake is a natural lake situated in Jefferson County, Idaho, the supply of water of which is made up of Camas Creek, a stream flowing into it from the northeast, Beaver Creek which is a tributary of said Camas Creek, North Lake, Rays Lake, Deadline Lake, Sandhole Lake and various unnamed lakes and sloughs, the waters of all of which streams, lakes and sloughs in this paragraph mentioned flow and percolate into the aforesaid Mud Lake (sometimes called Crystal Lake) making and constituting the water supply thereof.

XIII.

That on or about the 24th day of August, 1926, plaintiff made application to the Commissioner of Reclamation of the State of Idaho to appropriate 6.4 cubic feet per second of the waters of Mud Lake for the irrigation of the South half (S½) of Section 22, Township 6 North, Range 84 East Boise Meridian, Jefferson County, Idaho. That said application was on August 28, 1926, duly approved by said Commissioner of Reclamation and water permit No. 16569 for said amount of water for irrigation purposes was granted to plaintiff by said Commissioner of Reclamation. That according to the terms of said permit, one-fifth of the construction work required for the diversion of said water was to be completed on or before February 28, 1928, and the whole of said construction work was to be completed on or before August 28, 1929, and beneficial use of the water in accordance therewith was to be made on or before August 28, 1931. That plaintiff has in proper time and manner duly complied with all the terms, conditions and limitations specified in said permit, and that said land is now being irrigated through the said diversion and application of the waters so appropriated. That under said permit this defendant claims and owns the right to divert and use for beneficial purposes the waters of Mud Lake and its tributaries in the amount of 6.4 cubic feet per second with date of priority of August 28, 1926. That the land above described, for the irrigation of which said water was appropriated, is desert in character and will not produce crops without irrigation, but by the use of water thereon is rendered very productive, and plaintiff intends to apply to beneficial use for the irrigation of said land all the water appropriated under said permit and make proof of such beneficial use in the office of the Commissioner of Reclamation, all within the time and in the manner required by law and in accordance with the terms of said permit.

XIV.

That the defendants, and each of them, claim some interest in and right to the use of the waters of Mud Lake and its tributaries, including those adjacent lakes and sloughs herein mentioned which contribute to and make up the water supply of said Mud Lake; but whatever claim, interest or right they or either or any of them may have in or to said waters or any of them is subsequent and inferior to the said appropriation and right of plaintiff, and said defendants and each of them by means of dams and ditches and other works of diversion are diverting said waters and depriving plaintiff of the use thereof, and each of said defendants threaten to and will, unless restrained by the order and decree of this court, continue to divert and use said waters and deprive plaintiff of the use thereof, to which he is rightfully entitled.

WHEREFORE, plaintiff prays: (1) That the appropriations and rights to the use of said waters of Mud Lake and its tributaries be determined and adjudicated and that plaintiff's rights be decreed to be superior in point of time and amount of appropriation to the rights of the defendants herein, and each of them.

(2) That plaintiff be awarded rights as follows: For the irrigation of the South Half (S½) of Section 22, Township 6 North, Range 84 East Boise Meridian, in Jefferson County, Idaho, 6.4 cubic feet per second of the waters of Mud Lake and its tributaries, with a priority of August 28, 1926.

Subscribed and sworn to before me this 14th day of September, 1926.

(SEAL)

HAROLD S. MacMARTIN.
FERN B. JONES,
Notary Public for Idaho,
Residence: Boise, Idaho.

(Endorsement on original Complaint)
U. S. DISTRICT COURT
DISTRICT OF IDAHO
FILED SEPT. 15, 1926
(SGD.) W. D. McREYNOLDS,
CLERK.

CAPTION NO.

726

POOR ORIGINAL

ABSTRACT OF TITLE

TO THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN CLARK COUNTY, IDAHO

LOTS 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$,
SECTION 6,
NW $\frac{1}{4}$, SECTION 8,
TOWNSHIP 12 NORTH,
RANGE 39 EAST BOISE
MERIDIAN, IDAHO.

APPLICATION NO.	70868
APPLICANT	H. E. Fredericks
STATE	Id

(Refer to following Caption Sheet No. A for exceptions).

CLARK COUNTY ABSTRACT & REALTY CO.

INCORPORATED

H. R. HARN, Mgr. Owner

DUBOIS, CLARK COUNTY, IDAHO

CORPORATE BONDED ABSTRACTORS BONDED BY AMERICAN SURETY COMPANY

*Certified Summary
of the Record in this matter*
MICROFILMED

APR 15 1961

CONTINUATION OF ABSTRACT OF TITLE

No.

CLARK COUNTY ABSTRACT & REALTY CO. DUBOIS, IDAHO

NOTICE OF WATER RIGHT.

POOR ORIGINAL

STATE OF IDAHO)
 : ss.
 County of Fremont)

TO ALL CONCERNED, NOTICE IS HEREBY GIVEN:

1. That Peter A. Mortensen of Kilgore hereby claim the use of the waters of West Canyon Creek (otherwise called Rasmussen Creek) to the extent of three cubic feet per second.

2. It is intended to divert said water at or near the point where a copy of this notice is posted, and more definitely described as follows: At a point 80 rods North of the NW Corner of Township 12 N. Range 39 East. *1/4 mi North.*

Transcribed from Book B. Water Rights, page 127, Fremont County Records.

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

3. The purpose for which said water is intended to be used is for agricultural use.

The place of intended use is S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and Lot 5 of Section 6, Twp. 12 N. Range 39 E.B. M. *S $\frac{1}{2}$ of NW $\frac{1}{4}$*

4. It is intended to divert said water by means of a ditch 2 feet deep and four feet wide.

The general course of the proposed canal is southeast

The length of the proposed canal is about 90 rods.

It is intended to use said water for irrigating the following described land: S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and Lot 5, Sec. 6, Twp. 12 North of Range 39 E.B.M. *S $\frac{1}{2}$ of NW $\frac{1}{4}$*

5. 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 my hand at Kilgore, Fremont County, Idaho, this 29th day of October, 1898.

Peter A. Mortensen, Claimant.

STATE OF IDAHO)
 : ss.
 County of Fremont)

Peter A. Mortensen, of Kilgore, Fremont County, Idaho, being first duly sworn, deposes and says that he is of lawful age and

APR 15 1994

POOR ORIGINAL

CONTINUATION OF ABSTRACT OF TITLE

No. (Continued 1) CLARK COUNTY ABSTRACT & REALTY CO. DUBOIS, IDAHO

is the claimant of the Water Right mentioned in the foregoing notice and whose name is subscribed thereto. That the statements in said notice are true, and that the original notice of which the foregoing is a true copy, was posted in a conspicuous place at or near the place of intended diversion (as provided by law) on the 4th day of November, 1898 at 30 minutes past 10 o'clock A. M.

Peter A. Mortensen

Subscribed and sworn to before me, this 4th day of November, 1898.

Soren Kelson, Justice of the Peace.

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

Filed for record, November 12, 1898 at
8:30 o'clock A. M.
and recorded in Book 1 of Water
Rights Page 67
By Ernest Bramwell, Recorder.

FLB

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