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FORTNEUF RIVER in BANNOCK COUNTY, IDAHO

UNION GRAIN AND ELEVATOR CO.

A Corporation, Plaintiff,
VS.

No. 2203

MCCAMMON DITCH CO, et al.,

Defendants.

AMENDED DECREE

RECEIVED

MAY 15 1996

✓
86. NIPPER, THOMAS J.
29 0107 1902 June 17 (noon)
2.5 c.f.s.

Trans # 1036
Trans # 2402

✓
87. PURVIS & WILLIAM F.
29 0108 1902 June 17 (noon)
3.5 c.f.s.
29-0596 1902 June 17 (noon) ✓
up to July 1 each
year. 1.4 c.f.s.

✓
88. ELDREDGE, J. A.
29 0109 1902 June 17 (noon) 2.0 c.f.s.

✓
89. PURVIS, JOSEPH
29 0110 & William F.
1886 June 1.
up to July 1 of each
irrigation season 4.2 c.f.s.

quarter of the Southeast quarter, Section 23; 16 acres in the suthwest quarter of the Southwest quarter, Section 14; 2.6 acres in the North half of the Northeast quarter, the Suthwest quarter of the Northeast quarter, the Northeast quarter of the Northwest quarter, Section 24; all in Township 7 South, Range 38 East, 135.16 acres in Lot 4, the Southwest quarter of the Sutheast quarter the Southeast quarter of the Southeast quarter, Section 18; Lots 1 and 2, the Northwest quarter of the Northest quarter, the Northeast quarter of the Northeast quarter, Section 19, Township 7 South, Range 39 East.

Said water to be diverted through Gooch Ditch, which diverts from Toponce Creek in the Northwest quarter of the Southeast quarter, Section 34, Township 6 South, Range 38 East. From the South quarter corner of Section 34, the point of diversion bears North, 14 degrees and 45 minutes East, 2137 feet for the irrigation of 170 acres of land described as follows: 29 acres in Lot 2; 40 acres in the Southwest quarter of the Northeast quarter; 28 acres in Lot 3; 40 acres in the Northwest quarter of the Southeast quarter; 33 acres in the Northeast quarter of the Southeast quarter, Section 18, Township 7 South, Range 39 East.

Said water to be diverted through the said Gooch Ditch, last above described, for the irrigation of 245 acres of land in the Suth-east quarter, and part of the Southeast quarter of the Northeast quarter, Section 7; and part of the East half of the Northeast quarter, Section 18, Township 7 South, Range 39 East.

Said water to be diverted through the said Gooch Ditch, last above described, for the irrigation of 50 acres of land (tracts K & L), Lots 3 and 4, Section 7; 50 acres in part of Lots 1 and 2, and tract in the Southwest quarter of the Northeast quarter, Section 7, Township 7 South, Range 39 East.

TOPONCE CREEK, SOUTH FORK, A DAM. The point of diversion is located in the Southwest quarter of the Northwest quarter, Section 8, Township 7 South, Range 39 East. From the Northeast corner of Section 17, Township 7 South, Range 39 East, said dam bears south 1920 feet, for the irrigation of 210 acres of land in the legal subdivisions described as follows:
A tract in the Southeast quarter of the Notheast quarter, Section 7; the West half of the Southwest quarter, the Suthwest quarter of the Northwest quarter, Section 8; a tract in the Northwest quarter, Section 17,

RECORDED

MAY 1 -

more than 30 cubic feet per second, automatic measuring and registering devices shall be installed and shall at all times be subject to the inspection of any party to this action, or to any public officials or water masters having jurisdiction over the distribution and diversion of water, and no dam or other obstruction to the natural flow of the stream shall be maintained so as to divert water from the channel of the stream, except through ditches, canals or other works, provided with such headgates, control works and measuring devices, except as in this judgment provided; and each of the parties hereto shall be perpetually enjoined from diverting from the channel of the said Portneuf River, or its tributaries or source any water through any ditch, conduit, or other devices not provided with such headgates, control works and measuring device; provided, that in case of diversions through pipes for power purposes or otherwise, measuring devices may be dispensed with where the quantity of water diverted may be otherwise determined by other means of calculation.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the persons and corporations herein mentioned to whom rights are decreed, are the persons and corporations owning and having such rights as of date of the original decree herein, to-wit: of the 29th day of June, 1921, and that any assignees, grantees, heirs, devisees, and successors in interest of such parties, shall be deemed to have been substituted as parties to this action, and this decree shall establish the rights of such assignees, grantees, heirs, devisees and successors in interest the same as if they were named herein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED: That this Court retain jurisdiction of this cause for one year from the date of the signing of this decree for the following purposes:

1. To make corrections for clerical errors, inadvertances and omissions in the rights decreed.
2. To review and amend the provisions of this judgment fixing, if necessary, the limits of the irrigation season, and further reducing the amount of water which may be shown during actual operation of the River, its tributaries and sources, to be in excess of the amount actually necessary for the successful production of crops.

Done in open District Court, this, the 6th day of August, 1932.

John C. Rice
DISTRICT JUDGE.

FILED
Grace L. Hall
Clerk, Auditor & Recorder
Bannock County, Idaho
Anna Keefe, Dep
Aug 8 1932 3 45 PM
Book 11 of Judgments, page 202.

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