QUINN CREEK
DECREE

29-B

In the District Court of the Fifth Judicial District of the State of Idaho, in and for Bannock County.

QUINN CREEK

James P. Barron, and A. Cooper,
Plaintiffs,

vs.

Milton Quinn, Sarah J. Quinn,
and Peter Scrog, Defendants

DECREE

This cause having come on regularly for trial on the 28th day of December, 1905, before the court, a jury having been expressly waived by the respective parties, Messrs. Standrod & Terrell appeared on behalf of the plaintiff, and Messrs. Gray & Boyd, appeared on behalf of the defendanat, Milton Quinn and Sarah J. Quinn, no one appearing on behalf of the defendant Peter Scrog;

And it appearing to the court that the defendant Peter Scrog was duly and regularly served with process, and having failed to appear, answer or demur within the time therefor provided by law, and that the time for appearance having elapsed, now on motion of the attorneys for plaintiffs, the default of the said defendant Peter Scrog, was duly and regularly entered according to law;

And the said parties so appearing, having filed in said cause a stipulation agreeing to certain facts, concerning their respective rights, and having further agreed and stipulated in open court, certain other facts, from which their respective rights are fully determined, and from which it is agreed that the defendant, Sarah J. Quinn has no claim or interest in or

to the water rights and matters at issue in said cause;

And the said respective parties, having in open court expressly waived findings of fact and conclusions of law, and the Court being now fully advised in the law and the premises;

29 0257 It is ordered adjudged and decreed, that the defendant, Milton Quinn, do have the right to use, at all times, of the waters of Quinn Creek, Two Mile Creek, a tributary of the Portneuf River, in Bannock County, Idaho, eight tenths (8-10) of one cubic foot per second of time of the flow of said stream, his right to the use thereof to date from the 15th day of April, A. D. 1897, and shall be used for the irrigation of, and for domestic and stock purposes on the following described lands, to-wit: The east half of the southeast quarter of section twenty-six in township eight, south of range thirty six, east of Boise Meridian, Bannock County, State of Idaho.

0.8 cfs
15 April 1897
D/S, Irrig.
E½SE Sec 26
BS 366

29 0258 That the plaintiff, James P. Barron, do have the right to use at all times, of the waters of said Quinn or Two Mile Creek, three cubic feet per second of time of the flow of said stream, his right to the use thereof, to date from the 25th day of June, A. D. 1902, and shall be used for the irrigation of and for domestic and stock purposes on the following described lands, to-wit: The southwest quarter of section twenty five in township eight, south of range thirty six east of Boise meridian, in said Bannock County, State of Idaho;

3.0 cfs
25 June 1902
D/S, Irrig.
SW Sec. 25
BS 366

29 0259 That the defendant A. Cooper, do have of the waste, surplus, flood and high waters of said Quinn or Two Mile Creek, the right to the use at all times, one cubic foot per second of time, of the flow of said stream, his right to the use thereof to date from the 30th day of June, A. D. 1902, and shall be used for the irrigation of, and for domestic purposes on the following described lands, to-wit: Southwest quarter of the southeast quarter of section twenty-three, and the west half of the northesat quarter, and the northwest quarter of the southwest quarter of section twenty-six in township eight, south of range thirty-six east of Boise Meridian in said county and state.

WASTE, FLOOD & HIGH WATER
1.0 cfs
30 June 1902
IRRIG & DOM.
SW SE Sec. 23
W½NE, NW SW Sec. 26
BS 366

It is further ordered, adjudged and decreed that the water as above adjudged to the said Milton Quinn and James P. Barron, when it shall be used through their joint ditch, known as the Quinn ditch, which has its head upon the lands of the said James P. Barron, and used jointly, shall be measured at a point about equal distance from the head of said ditch and the point where said ditch crosses the line dividing the lands of the said Barron and Quinn, and when said water shall be used non-jointly or independently by said parties, it shall be measured at the headgate of said ditch; and when said water so decreed to the parties aforesaid, shall be used through their individual and independent ditches, the same shall be measured as their respective points of diversion upon said stream.

It is further ordered, adjudged and decreed, that each of the parties to this action, their and each of their servants, agents, employees, or others acting in aid or assistance of them or any of them, be and they are hereby forever enjoined and restrained from in anywise using the waters herein decreed or molesting or interfering with such use, or the works provided for the diversion and carrying of said waters except as herein provided.

And it is further ordered, adjudged and decreed that each of the parties hereto, pay the costs incurred by him in this action.

Done in open court this the 28th day of December, 1905.

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

I, E. G. Gallet, Clerk of the District Court, Ex-Officio Auditor and Recorder of Bannock County, Idaho, do hereby certify that the within and foregoing is a full, true and correct copy of the original Judgment as shown by the records of my office.

Witness my hand and official seal this 19th day of January, 1906.

E. G. Gallet,
Clerk District Court, Ex-Officio Auditor and Recorder.

29-257 – NO SRBA CLAIM – Why?

29-258 – QUINN CK LLP

29-259 – SPLIT TO A & B

A – GENE JAMESON

B – QUINN CK LLP

29-02060 – QUINN CK LLP
LICENSED POST QUINN CK DECREE –
PRIORITY 1907 CR