

Water rights

SD-0607-2 Basin: 29 Startin_ Water Right: 00349

STATE

S	Water	Name	O	W	Priority	STG/	Source	Use
L	Right No.	Last, First	N	Date	STS			Code Desc
—	29-00349 ✓	HUNT, LIBERTY	1.20	C	08/01/1865	D/	MARSH CREEK	01 IRR
—	29-00350 ✓	HUNT, FRANK	1.20	C	08/01/1865	D/	MARSH CREEK	01 IRR
—	29-00351 ✓	PRATT, SAMUEL	.80	C	08/01/1865	D/	MARSH CREEK	01 IRR
—	29-00352 ✓	HILLMAN, JR., I. K.	.80	C	08/01/1865	D/	MARSH CREEK	01 IRR
—	29-00353	THORNTON, CHARLES	.80	C	09/02/1879	D/	MARSH CREEK	01 IRR
—	29-00354	THORNTON, CHARLES	.80	C	09/09/1879	D/	MARSH CREEK	01 IRR
—	29-00355	STODDARD, ISRAEL	.30	C	09/03/1879	D/	MARSH CREEK	01 IRR
—	29-00356	PRATT, GEORGE C.	.20	C	09/04/1879	D/	MARSH CREEK	01 IRR
—	29-00357 ✓	RIDER, D. H.	.30	C	09/05/1879	D/	MARSH CREEK	01 IRR
—	29-00358	LARSON, JAMES	.20	C	09/06/1879	D/	MARSH CREEK	01 IRR
—	29-00359	LARSON, GEORGE	.16	C	09/07/1879	D/	MARSH CREEK	01 IRR
—	29-00360	LARSON, GEORGE	.08	C	09/03/1879	D/	MARSH CREEK	01 IRR
—	29-00361	LARSON, EDWARD	.20	C	09/08/1879	D/	MARSH CREEK	01 IRR
—	29-00362	GARDEN CREEK IRRIGAT		C	06/01/1877	D/	GARDEN CREEK	01 IRR
—								43 DOMEST
—								04 STOCK

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

AD's

SD-0607-2 Prefix: **A** Basin: **29** Starting Water Right: **00349** **STATE**

Water Right No.	Name Last, First	O W N	Priority Date	Stg/ Sts	Source	Use Code Desc
A29-00349	EVANS, JOHN M	C	08/01/1865	D/	MARSH CREEK	01 IRR
A29-00350	KAY, MAX	C	08/01/1865	D/	MARSH CREEK	01 IRR
	KAY, ALLEN	C				
A29-00351	PRATT BROTHERS, LEON O	C	08/01/1865	D/	MARSH CREEK	01 IRR
A29-00352	KAY, ALLEN	C	08/01/1865	D/	MARSH CREEK	01 IRR
	KAY, MAX	C				
A29-00357	EVANS, JOHN M	C	09/05/1879	D/	MARSH CREEK	01 IRR
A29-00362	GARDEN CREEK IRRIGATIO	C	06/01/1877	D/	GARDEN CREEK	01 IRR
						04 STOCK
A29-00363	MEADOWBROOK RANCH,	C	05/01/1886	D/	GARDEN CREEK	01 IRR
A29-00364	COMBINED RIGHT,	C	05/01/1904	/Z	GARDEN CREEK	
					COMBINED RIGHT	
A29-00365	MARLEY, J WENDELL	C	05/01/1886	D/	GARDEN CREEK	01 IRR
A29-00366	MARLEY, J WENDELL	C	05/01/1904	D/	GARDEN CREEK	01 IRR
A29-00367	SPLIT RIGHT,	C	05/01/1890	/Z	GARDEN CREEK	01 IRR
					SPLIT RIGHT	

(Enter=Continue)

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29-14

24 Cases
Dist. of Idaho

FIRST DIVISION.

EDWARD J. TURNER, *Commissioner.*

COVE, IDAHO.

1903.

DECREED WATER RIGHTS,
Marsh Creek, Bannock County.

DECREE.

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

Liberty Hunt, Frank Hunt, Samuel Pratt and I. K. Hill-
man, Jr., Plaintiffs,

vs.

Chas. Thornton, D. H. Rider, Geo. C. Pratt, A. L. Barger,
Joseph Stoddard, Israel Stoddard, Thos. Larson,
George Larson, Edward Larson, H. E. Byington,
Geo. E. Hellowell, James Burrope, John Burrope,
Wm. Burrope, Mary A. Hellowell and Geo. E.
Hellowell, Administrator of the Estate of Jeanette
Cobabe, Deceased, Defendants.

This cause having brought on for hearing at Chambers
before Hon. D. W. Stanrod, Judge of said District Court,
at Pocatello, Bannock County, State of Idaho, on the 2nd
day of September, 1895, upon a stipulation by all the
parties, signed and filed herein, Messrs. Reeves and Terrel
appearing as counsel for the plaintiffs, and H. V. A. Fer-
guson and S. C. Winters appearing for the defendants;
and the said District Judge having made his findings of
fact and conclusions of law and the same having been
heretofore filed on the 6th day of September, 1895.

It is therefore ordered, adjudged and decreed, that the
following parties are entitled to divert from Marsh Creek

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of the waters there flowing, in amounts herein indicated to date from the dates hereinafter stated, to wit:

- 349 Liberty Hunt, 60 inches of water, measured under a four-inch pressure, to date from August, 1865.
- 350 Frank Hunt, 60 inches of water, measured under a four-inch pressure, to date from August, 1865.
- 351 Samuel Pratt, 40 inches of water, measured under a four-inch pressure, to date from August, 1865.
- 352 I. K. Hillman, Jr., 40 inches of water measured under a four-inch pressure to date from August, 1865.

It is further ordered, adjudged and decreed, that the defendants, H. E. Byington, James Burrope, William Burrope, John Burrope, Mary A. Hellowell and Geo. E. Hellowell, administrator of the estate of Jeanette Cobabe, are entitled to the waters of the left fork of said Marsh Creek in a sufficient quantity to fill the headgate of the ditch through which they take said water known as the Burrope and Byington ditch, under a four-inch pressure, the right to the use of said water to date from the fall of 1879, said rights being inferior and subordinate to the rights of the plaintiffs heretofore named; the said defendants at all times to be entitled to a sufficient water for domestic and culinary purposes but they shall have no right to divert water for irrigating purposes at any time when plaintiffs can not have their full complement of water decreed to them as aforesaid.

And it is further ordered, adjudged and decreed, that the following named defendants, as between themselves, shall have the right to use and divert water in the following amounts, to wit:

- 353 1 Charles Thornton, the first right as among said defendants, 40 inches of water, to be measured under a four-inch pressure, and the eighth in right as among said defendants, to an additional 40 inches of water, to be measured under a four-inch pressure.

Israel Stoddard, the second in right as among said defendants, is entitled to the use of fifteen inches of water, measured under a four-inch pressure.

George C. Pratt, the third in right as among said defendants, is entitled to ten inches of water, to be measured under a four-inch pressure.

D. H. Rider, the fourth in right as among said defend-

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House

ants, is entitled to fifteen inches of water, to be measured under a four-inch pressure.

James Larson, the fifth in right as among said defendants is entitled to ten inches of such water, measured under a four-inch pressure.

Geo. Larson, the sixth in right as among said defendants, is entitled to eight inches of such water, to be measured under a four-inch pressure; and second in right equal to the right of Israel Stoddard, is entitled to an additional four inches of such water, to be measured under a four-inch pressure.

Edward Larson, the seventh in right as among said defendants, is entitled to ten inches of such water, to be measured under a four-inch pressure.

That all rights of the last above named defendants are inferior and subordinate to the rights of the plaintiffs aforesaid, and the defendants before mentioned.

It is further adjudged that the method of measuring the water herein decreed to each of the parties aforesaid, shall be by means of a box, constructed of strong and substantial lumber, and placed upon a solid foundation, not less than eight and one-third feet in length, and with a fall of one-half inch to the rod, the water to flow in said box not more than six inches in depth and without any material pressure above the head of said box; the water shall be measured at the head of the box.

It is further adjudged and decreed that each and every of the parties hereto, both plaintiffs and defendants, their agents, servants and employees shall, and they are hereby, forever and perpetually enjoined from in any manner using the waters of said Marsh Creek or its tributaries, in any other quantity or in any other manner than is herein set out and decreed, each and all parties respecting the superior rights of others.

And it is further adjudged that the plaintiff shall pay one-third of the Sheriff's and Clerk's costs; and that the defendants, John Burrope, Wm. Burrope, Jas. Burrope, H. E. Byington, Mary A. Hellowell and Geo. E. Hellowell, administrator of the estate of Jeanette Cobabe, deceased, shall pay one-third of the Sheriff's and Clerk's costs, and that the defendants, Chas. Thornton, Israel Stoddard, Geo. C. Pratt, D. H. Rider, Thos. Larson, Geo. Larson, Edward

Larson, A. L. Barger, Joseph Stoddard, shall pay the remaining one-third of said sheriff's and clerk's costs, for which said several amounts execution is hereby awarded.

Said costs amounting in all to \$88.35.

Done in open District Court, on this the 30th day of March, 1896.

D. W. STANDROD,
Judge of Said District Court.

State of Idaho, Bannock County, ss.

I, E. G. Gallet, Clerk of the District Court in and for said county and State, hereby certify the within and foregoing to be a full, true and correct copy of the original decree as recorded at page 408 of Judgment Record No. 1, records of said county.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, this 11th day of May, 1903.

(Seal.)

E. G. GALLET,
Clerk of Said Court.

By: D. N. CAMPBELL,
Deputy.

<u>Basin Nun Sequer Basis</u>	<u>Status</u>	<u>Priority Date</u>	<u>Divers Source</u>	<u>Water Owner</u>	<u>Lis Version Number</u>	<u>Source To Application</u>
29 349 Decreed	Active	1865-08-01	1.2 MARSH	IRRI	EVANS, JOHN M (Current)	wrAdjudicationClaim
29 350 Decreed	Active	1865-08-01	1.2 MARSH	IRRI	KAY, ALLEN (Current); KAY, MAX (Curri	wrAdjudicationClaim
29 351 Decreed	Active	1865-08-01	0.8 MARSH	IRRI	LEON OR COY PRATT BROTHERS (C	wrAdjudicationClaim
29 352 Decreed	Active	1865-08-01	0.8 MARSH	IRRI	KAY, ALLEN (Current); KAY, MAX (Curri	wrAdjudicationClaim
29 357 Decreed	Active	1879-09-05	0.3 MARSH	IRRI	EVANS, JOHN M (Current)	wrAdjudicationClaim
29 349 Decreed	Active	1865-08-01	1.2 MARSH	IRRI	HUNT, LIBERTY (Current)	wrWaterRight
29 350 Decreed	Active	1865-08-01	1.2 MARSH	IRRI	HUNT, FRANK (Current)	wrWaterRight
29 351 Decreed	Active	1865-08-01	0.8 MARSH	IRRI	PRATT, SAMUEL (Current)	wrWaterRight
29 352 Decreed	Active	1865-08-01	0.8 MARSH	IRRI	HILLMAN JR, I K (Current)	wrWaterRight
29 353 Decreed	Active	1879-09-02	0.8 MARSH	IRRI	THORNTON, CHARLES (Current)	wrWaterRight
29 354 Decreed	Active	1879-09-09	0.8 MARSH	IRRI	THORNTON, CHARLES (Current)	wrWaterRight
29 355 Decreed	Active	1879-09-03	0.3 MARSH	IRRI	STODDARD, ISRAEL (Current)	wrWaterRight
29 356 Decreed	Active	1879-09-04	0.2 MARSH	IRRI	PRATT, GEORGE C (Current)	wrWaterRight
29 357 Decreed	Active	1879-09-05	0.3 MARSH	IRRI	RIDER, D H (Current)	wrWaterRight
29 358 Decreed	Active	1879-09-06	0.2 MARSH	IRRI	LARSON, JAMES (Current)	wrWaterRight
29 359 Decreed	Active	1879-09-07	0.16 MARSH	IRRI	LARSON, GEORGE (Current)	wrWaterRight
29 360 Decreed	Active	1879-09-03	0.08 MARSH	IRRI	LARSON, GEORGE (Current)	wrWaterRight
29 361 Decreed	Active	1879-09-08	0.2 MARSH	IRRI	LARSON, EDWARD (Current)	wrWaterRight

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2 SW) J
3 SE

Hunt

I K Hillman Jr