

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR BINGHAM COUNTY.

Fred S. Stevens, et al.)
Plaintiffs,)
-vs-)
Eastern Idaho Water Co. et al.,)
Defendants.)

24-0 10/10/1977
Transfers
Noted

This cause having been heretofore tried
by the Court, without a jury, and the Court having made its
findings of fact and conclusions of law:

It is now ordered, Adjudged and Decreed, that the
following parties are entitled to divert from the Blackfoot
River, the amount of water herein indicated, and the right
of each party dates from the time hereinafter stated and
set opposite each name, to-wit:-

12 Fred S. Stevens	July 6, A. D. 1869	138 Inches	
Henry Dunn	July 1, A. D. 1870	300 Inches	
H. A. Just and)			
:)	August 1, A. D. 1871	200 Inches	
John Just)			
16 Leon Misslen	July 1st, A. D. 1873	200 Inches	100-190-221
17 John Misslen	July 1st, A. D. 1874	120 Inches	100-190-221
H. R. Lewis	March 1st, A. D. 1875	100 Inches	
Resto Burrell	March 1st, A. D. 1876	100 Inches	
William Kirkpatrick	May 1st, A. D. 1878	100 Inches	
F. M. Shoemaker	April 1st, A. D. 1879	90 Inches	
Eastern Idaho Water Co.	March 25, A. D. 1880	1800 Inches	
D. B. Fox Jr.)			
:)			
William Howard)			
A. Whitten)			

19.

The East $\frac{1}{2}$ of South-west $\frac{1}{4}$ and the North $\frac{1}{2}$ of South-east and the South-east $\frac{1}{4}$ of South-west $\frac{1}{4}$ of section 34 in township 2 South of Range 36 East Boise Meridian, and in Bingham County, Idaho, and containing 160 acres.

James Millen:

That in the year 1884 defendant James Millen, sued as James Mackie, was and since that time has been and now is the owner, and possessed of the following described lands to-wit:

The East $\frac{1}{2}$ of South-west $\frac{1}{4}$ and the West $\frac{1}{2}$ of South-east $\frac{1}{4}$ of Section 33 in Township 2 South of Range 36 East of Boise Meridian, and in Bingham County, Idaho, and containing 160 acres:

And that on said date the defendant Robert Miller was and since has been and now is the owner and in the possession of and entitled to the possession of the following described lands to-wit:

The West $\frac{1}{2}$ of south-west $\frac{1}{4}$ and the south $\frac{1}{2}$ of North-west $\frac{1}{4}$ of Section 33 in Township No. 2 South of Range 36 East of Boise Meridian in Bingham County, Idaho, and the East $\frac{1}{2}$ of South-west $\frac{1}{4}$ and the West $\frac{1}{2}$ of the South-east $\frac{1}{4}$ of Section 33, Township 2 south of Range 36 East, also in Bingham County, Idaho, the said lands of said defendant being of the area of 320 acres.

Presto Burrill:

That Presto Burrill is and was at all times hereinafter mentioned, a citizen of the United States over the age of twenty one years. That in the year A. D. 1872, in the month of May of said year, and continuously thereafter, said defendant was, and is now, the owner in possession and entitled to the possession of the following described tract of land lying and being in Bingham County, Idaho, Territory, to-wit:

Lot 4 Section 12 and H. E. $\frac{1}{4}$ N. E. $\frac{1}{4}$ and lots 1, 2 and 3 in Section 11, Township 2 South of Range 37 East Boise Meridian, containing 160 acres.

Levi Warren:

That Levi Warren is and was at all times hereinafter mentioned a citizen of the United States over the age of twenty one years.

The North-east quarter of the South-east quarter and the South-east quarter of the North-east quarter of section No. 4, in Township No. 3, South of Range 36 East of Boise Meridian; and also of Lot 2 and south $\frac{1}{2}$ of South-west $\frac{1}{2}$ of section 25 and lots 1, 2, 3, and 4, and north $\frac{1}{2}$ of N. W. $\frac{1}{4}$ and South-west $\frac{1}{4}$ of North-west $\frac{1}{4}$ of section 35, and the North-east $\frac{1}{4}$ of the South-east $\frac{1}{4}$ of section 34, Township 2 South of Range 36 East of Boise Meridian; and also Lots 5 and 6, and North-west $\frac{1}{4}$ of South-west $\frac{1}{4}$ of section 3 and South-east $\frac{1}{4}$ of the South-east $\frac{1}{4}$ of section 4 in Township 3 South of Range 36 East of Boise Meridian; said lands in all being in area, seven hundred and seventy three and 65/100 acres.

Leon Mislen:

That the defendant Leon Mislen is now and has been continuously since the year 1873 the owner and in the possession of and entitled to the possession the following described lands, to-wit:

The lot numbered (1) one of section 34, in township 2 south and the lots numbered 1, 2, and 4, of section 3 in Township 3 South of Range 36 East of Boise Meridian, containing one hundred and sixty-five & 64/100 acres: Also the south-east quarter of section 23, and the North-east quarter of section 25, and Lots 1 and 2 of section 25, and Lot 2 of section 24 in township 2 South of Range 36 East of Boise Meridian, and containing 614 17/100 acres: Also Lot 1 in section 4 and Lot 3 and the South-west quarter of the north-west quarter of section 3, in Township 3 South of Range 36 East of Boise Meridian, and containing 160 acres, more or less; Also the south-west quarter of south-east quarter of section 34 in Township No. 2 South of Range No. 36 East of Boise Meridian, and containing 40 acres; all of said land being situate in Bingham County, Idaho.

John Mislen:

That the defendant John Mislen is and was at all the times hereinafter mentioned a citizen of the United States; that in the year 1873 said defendant was and since has been, and now is, the owner and in the possession of and entitled to the possession of the following described lands: