



March 22, 2006

FLOYD THORNTON
310 12TH AVE WEST
GOODING, IDAHO 83330

To Whom It May Concern:

I FLOYD THORNTON VERIFY THAT THE PARCEL OF LAND OUTLINED ON
THE MAP 37-4363-T05SR14ES11 WAS IRRIGATED WITH WASTE WATER
FROM DOG CREEK IN THE YEAR 1940.

SINCERELY,

Floyd Thornton

FLOYD THORNTON

witnessed by

Judi Lethlean 3/22/06

JUDI LETHLEAN.

Entry No. 21

In the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Gooding.

W. D. Hodgson, Julius Schmitt
and Erle Whipkey, Plaintiffs

DECREET. #1419
Dated September 23, 1919
Filed, October 16, 1919 and recorded
in Book 3 Judgments Page 285

-vs-

James Devaney, as water master of
Water District number 7A, in the
State of Idaho, W. E. Barkley and
Mrs. Edna M. Barkley, husband and
wife, et al, Defendants.

This cause came on for hearing in the above Court sitting in regular session at Gooding, Idaho, this September 23, 1919, the plaintiff appearing in person and by their counsel A. F. James esq. and the defendants appearing not at all. It appeared also that the defendants and each of them had been duly served with process and that all had failed to appear, and that the time allowed by law for appearing having expired, the default of said defendants and each of them was duly entered according to law.

Whereupon evidenced was duly admitted on behalf of the plaintiffs in support of the allegations of their complaint, and the Court having considered same and being fully advised in the premises:

Now therefore it is hereby ordered, adjudged and decreed that plaintiffs are the owner in fee of the exclusive and prior right to the use of one cubic foot per second of time of the waste water flowing from the lands of the defendants W. E. Barkley and Mrs. Edna M. Barkley, husband and wife, et al; that the description of the lands respectively belonging to said defendants, the waste water from which plaintiff are hereby given the exclusive and prior right to use is as follows:

"W. E. Barkley and Mrs. Edna M. Barkley, husband and wife owning the North Half (N $\frac{1}{2}$) of the South East Quarter (SE $\frac{1}{4}$) of Section Eleven (11), and the North Half (N $\frac{1}{2}$) of the South West Quarter (SW $\frac{1}{4}$) of Section Twelve (12), all in Township Five (5) South of Range Fourteen (14) East B.M., in Gooding County, Idaho.

(and other parties from other lands)

That the right to use said waste water is hereby adjudged to be and is perpetually dedicated and made appurtenant to the South Half (S $\frac{1}{2}$) of the South West Quarter (SW $\frac{1}{4}$) of Section Twelve (12) in Township Five (5) South of Range Fourteen (14) East B.M., in Gooding County, Idaho, being the property owned by plaintiffs upon which said waste water has been and now is being used for irrigation and other purposes; that the right of the plaintiffs and their successors in interest to the last above described land to use the water flowing from the lands of said defendants, as above described is hereby adjudged to be prior and superior to the right of all other persons whatsoever.

It is further adjudged and decreed that the right of the defendants Joseph Thompson and Mrs. Joseph Thompson, husband and wife and of their successors in interest to the North East Quarter (NE $\frac{1}{4}$) of Section Fourteen (14) in Township Five (5) South of Range Fourteen (14) East B.M. in Gooding County, to use the waste water flowing from above lands

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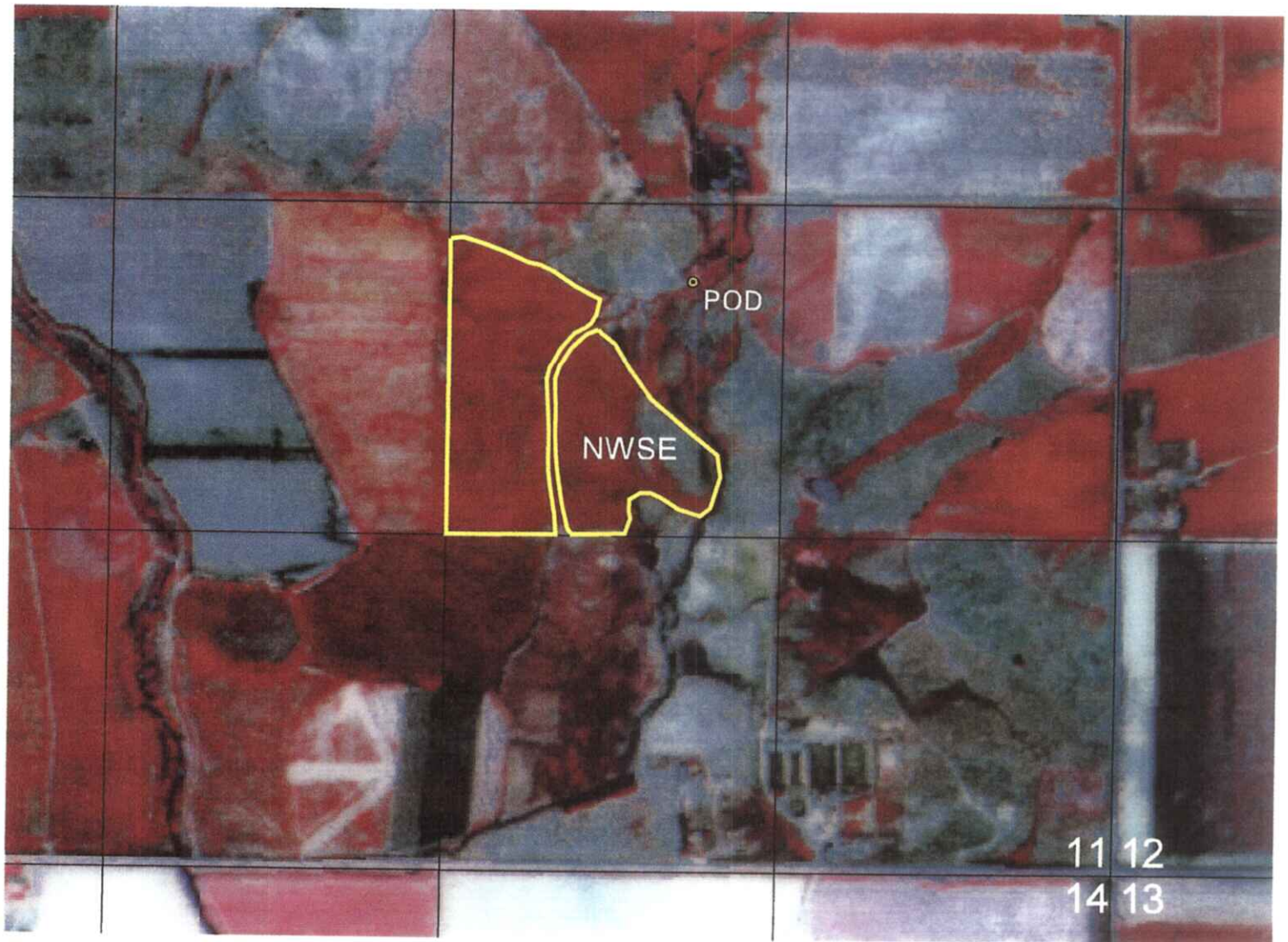
Entry No. 21 cont.

of the other defendants herein, if said defendants have any right to use the same, is subsequent and subordinate to the right of the plaintiffs and their successors in interest to use said waste water, and said defendants Joseph Thompson and Mrs. Joseph Thompson husband and wife are hereby perpetually enjoined and restrained from asserting any right to use said waste water prior to or in preference to the right of the plaintiff or their successors in interest in his property above described.

H. F. Ensign, District Judge.

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37-4363



700 0 700 1400 2100 Feet

T05S R14E S11

Map prepared by: Carter Fritschle
Date prepared: 01/23/03 - Revised 12-17-04
1987-1988 NAPP photography
Idaho Department of Water Resources

