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Eastern District Office

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT
OF IDAHO, IN AND FOR THE COUNTY OF FREMONT

6-15-48
H.B.

CACHE CANAL COMPANY, a corporation,

Plaintiff,

vs.

Lynn Crandall, Watermaster,
District 36 Idaho,

Defendant.

D E C R E E

This cause came on regularly to be heard by the Court this 28th day of May, 1948, S. H. Atchley, of Driggs, Idaho, appearing as counsel for the plaintiff, and it appearing to the satisfaction of the Court that the defendant was served with a copy of the summons and a copy of the complaint in this action, and that he failed to appear and plead to said complaint, and that the default of the defendant has been entered; and,

It further appearing that an order was made on the 11th day of April, 1948, directing the publication of a Notice, once a week for not less than 3 weeks successively, in the Teton Valley News, a newspaper published weekly at Driggs, Teton county, Idaho, and in the Peak Chronicle, a newspaper published weekly at St. Anthony, Fremont county, Idaho, containing the title of the Court and cause, the name of the stream in the waters of which plaintiff claims an interest, the date of priority claimed by it, as is required, and the date and short title of the decree of this Court heretofore entered, fixing the permanent rights in and to the waters of Snake River and its tributaries; that the said notice was published in accordance with said order and the proof of publication has been filed herein; that no person or persons have appeared to defend against said action;

The plaintiff introduced documentary and oral proof in support of its complaint and the Court, after hearing the evidence and examining the proof submitted, finds as follows:

That the plaintiff is a corporation organized and existing under the laws of the State of Idaho, with its principal place of

business in Teton county, Idaho; that the sole object of its organization is for the benefit of its several stockholders in the diversion and conveyance of agricultural and domestic waters for the irrigation of their lands and domestic purposes, and that the stockholders of the said corporation are entitled to the use of the quantity of water diverted by the said corporation in proportion to the amount of capital stock or acreage of land owned by them.

That the stockholders of the plaintiff are the owners of, and the lands irrigated under the ditch or canal system of the plaintiff, are situate in Teton county, Idaho, described:

Sections Seven⁴⁰ and Eight (7 and 8); Southwest Quarter (SW $\frac{1}{4}$), Section Nine (9); Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$), Section Twenty-one (21); Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$), ⁴⁰Section Seventeen (17), and South Half of the Southwest Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$), ⁴⁰Section Seventeen (17) - all in Township Five (5) North, Range Forty-five (45) E. B. M.

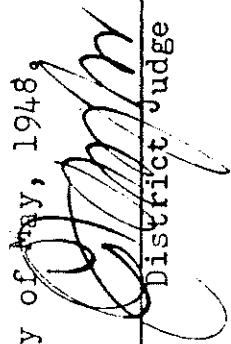
That said lands are arid in character and require artificial application of water by irrigation to produce agricultural crops; that the plaintiff, through its stockholders and predecessors in interest, ever since the 30th day of October, 1901, have diverted 1368 miner's inches of the unappropriated waters of the Swamp in said Teton county; that the diversion works of the plaintiff are located approximately three miles south of the village of Tetonia and about three miles east of Teton River in said Teton county; that ever since the said 30th day of October, 1901, said stockholders have applied said quantity of water during the irrigation seasons, to beneficial use in the irrigation of crops grown upon the aforementioned lands, and which quantity or stream flow has been in addition to any other rights fixed, decreed or in any manner granted to the plaintiff through its stockholders and/ or predecessors in interest.

From the above findings the Court concludes that the plaintiff is entitled to, and,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, That the plaintiff for the use of its stockholders, and for the irrigation of the hereinbefore described lands, is awarded the use of 1368 miner's inches of water, with a priority date of October 30, 1901, of the waters of the Swamp hereinbefore described.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That the rights awarded and decreed in that certain decree commonly known as the "Rexburg or Snake River Decree," made and entered in this Court December 16, 1910, both as to dates of priority and the amounts of the rights awarded, are binding upon the plaintiff in this action.

Done in open Court this 28th day of May, 1948.


District Judge