

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

CACHE CANAL COMPANY, a corporation,

Plaintiff,

vs,

Lynn Crandall, Watermaster,
District 36 Idaho,

Defendant

DECREE

This cause came on regularly to be heard by the Court his 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 Seven 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 $\frac{1}{4}$), Section Seventeen (17), and the South Half of the Southwest Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$), Section 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 Teton 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

entered; and,

It further appearing that an order was made on the 1st day of April, 1943, 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 Seven 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 $\frac{1}{4}$), Section Seventeen (17), and the South Half of the Southwest Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$), Section 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 Teton 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.

UN-BU and ...

TO ALL CONCERNED, NOTICE IS HEREBY GIVEN:

Witness our hands at Haden, Fremont County, Idaho, this 30th day of
October, 1901.

STATE OF IDAHO, County of Fremont, ss.

David E. Griffiths

Rose E. Davis,
Notary Public.

3041

NOTE: The above certificate may, where there are several claimants, be made and sworn to by one of them.

STATE OF IDAHO, County of Fremont, ss.

David E. Griffiths, being first duly sworn, depose and say that he is of lawful age and one of the claimants of the Water Right mentioned in the foregoing notice and whose name is subscribed thereto. That the statements in said notice are true, and that the original notice, of which the foregoing is a true copy, was posted in a conspicuous place at or near the place of intended diversion (as provided by law) on the 4th day of November 1901, at _____ minutes past 10 o'clock A.M.

David E. Griffiths

Subscribed and sworn to before me this 5th day of November, 1901.

Seal.

Rose E. Davis,
Notary Public.

NOTE: The above certificate may, where there are several claimants, be made and sworn to by one of them.

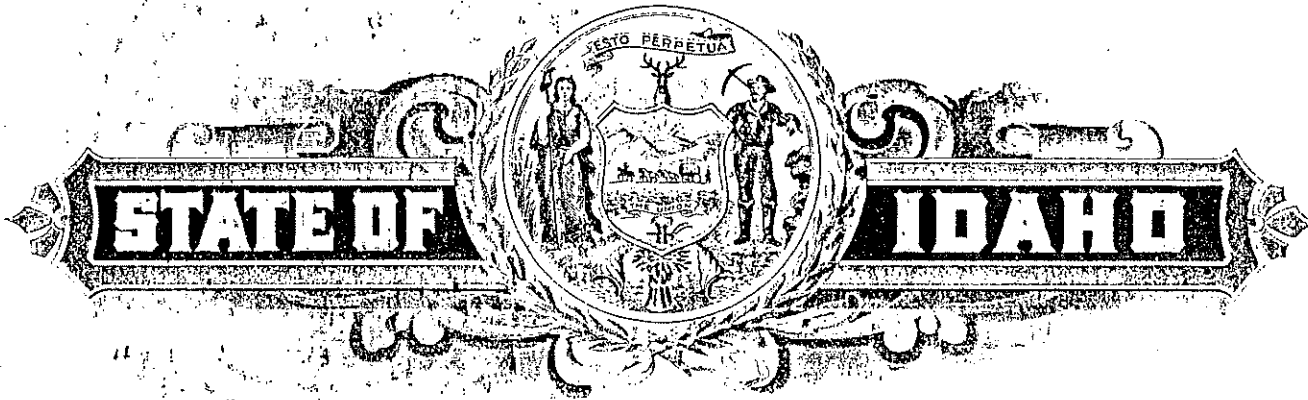
Filed for record this 5th day of November, 1901, at 11:30 o'clock A. M.

.....Deputy.

A. M. Carter, Recorder.

Transcribed from Book B of Water Rights, page 396, Fremont County Records.
Transcribed from Book 58 of Water Rights, page 128, Madison County Records.

CERTIFICATE OF INCORPORATION
DOMESTIC



OFFICE OF THE SECRETARY OF STATE.

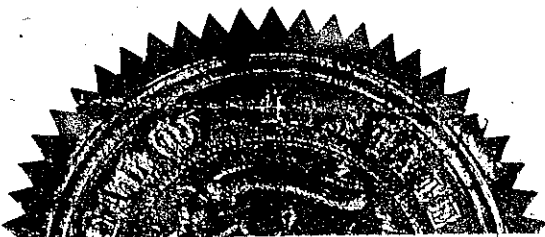
I, WILL H. GIBSON, Secretary of State, of the State of Idaho, do hereby certify that a certified copy of the Articles of Incorporation of

CACHE CANAL COMPANY

duly certified by the Recorder of Fremont County, to be a true copy of the original Articles, was filed in this office on the 5th day of May A. D. One Thousand Nine Hundred and six, and is duly recorded in Book "S" of Domestic Corporations, Records of the State of Idaho, which Articles contain the statement of facts required by law, to-wit:

FIRST, The name of the Corporation as aforesaid; SECOND, The purpose for which it was framed; THIRD, The place where its principal business is to be transacted; FOURTH, The term for which it is to exist; FIFTH, The number of its directors, or its trustees, and the names, residences and term of office of those who are appointed for the first year; SIXTH, The amount of its capital stock and the number of shares into which it is divided; SEVENTH, The amount of its capital stock actually subscribed and by whom.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal. Done at Boise City, the Capital of Idaho, this 5th day of May in the year of our Lord One Thousand Nine Hun-

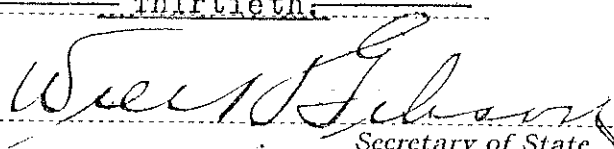


is duly certified by the Recorder of Fremont County, to be a true copy of the original Articles, was filed in this office on the 5th day of May A. D. One Thousand Nine Hundred and six, and is duly recorded in Book "S" of Domestic Corporations, Records of the State of Idaho, which Articles contain the statement of facts required by law, to-wit:

FIRST, The name of the Corporation as aforesaid; SECOND, The purpose for which it was formed; THIRD, The place where its principal business is to be transacted; FOURTH, The term for which it is to exist; FIFTH, The number of its directors, or its trustees, and the names, residences and term of office of those who are appointed for the first year; SIXTH, The amount of its capital stock and the number of shares into which it is divided; SEVENTH, The amount of its capital stock actually subscribed and by whom.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal. Done at Boise City, the Capital of Idaho, this 5th day of May in the year of our Lord One Thousand Nine Hundred six and of the Independence of the United States of America the One Hundred and

Thirtieth.

 Secretary of State.

WATERUSERS- AMOUNTS- WHERE APPLIED

REED MICKELSEN: 128 miner's inches used upon: NW $\frac{1}{4}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 7, Twp 5 N., R. 45.

Robert Meikle: 76 miner's inches used upon: S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 9, Twp. 5, R. 45.

John Anderson: 200 miner's inches used upon: N $\frac{1}{2}$ N $\frac{1}{2}$, and SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 7-5-45.

Joseph Moffat: 108 miner's inches used upon: S $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 7-5-45.

Talmage Mickelsen: 100 miner's inches used upon: S $\frac{1}{2}$, Sec. 8-5-45.

C. O. Douglass: 52 miner's inches used upon: N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 17-5-45.

Ralph Moffat: 84 miner's inches used upon: E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 8-5-45.

Vernon Christofferson: 200 miner's inches used upon: NE $\frac{1}{4}$, Sec. 8, and NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16-5-45.

Henry Wallace: 60 miner's inches used upon: NW $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 21-5-45.

D. P. Letham: 16 miner's inches used upon: NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17-5-45.

John Christofferson: 60 miner's inches used upon: W $\frac{1}{2}$ W $\frac{1}{2}$, Sec. 8-5-45.

Angus Letham: 84 miner's inches used upon: SW $\frac{1}{4}$, Sec. 17-5-45.

1368

DECREED WATER

Reed's: June 1, 1895, 20 inches to Andrew Moffat
 June 1, 1897, 140 inches to " - pages 18 and 78 of decree 1

Ralph Moffat & John Christofferson: Decreed to S. A. Gordon, page 67 & 11
 160 inches June 1, 1893.

Emil & John Anderson: 160 inches decreed to Joseph Gale, pages 11 & 66 of dec

Talmage Mickelsen: 80 inches decredd to 160

Joseph Moffat: 80 inches decreed to Mary Moffat, pages 18 & 78. *Laugh Creek*

CFC

Self-Help Financing for Rural Electric Systems
WASHINGTON, D. C.

Book 59 of Judgements @
Page 556

1368 inches

p. 44

Vol 17 water rights

Articles of Incorporation
12-1906

Page 50 Vol 14

Filing notice only
Oct 30 1901

(344 1/2 lbs)

London, S. 17. June 1, 1893
So. Leigh Creek - p. 12

QUIT CLAIM DEED.

This Indenture, made the 5th day of November in the year of our Lord, One Thousand Nine Hundred and Seven, between ~~David E. Griffiths, Ephraim Griffiths, Joseph E. Griffiths, John W. Barkin, Peter Mickelson, & Henry Mickelson~~ of the County of Fremont, and state of Idaho, the parties of the first part, and The Cache Canal Company, a Corporation,

of the County of Fremont, and State of Idaho, the part y of the second part.

Witnesseth, That the said parties of the first part, for and in consideration of the sum of One and No / 100 DOLLARS lawful money of the United States of America, to them in hand paid by the said part y of the second part, the receipt whereof is hereby acknowledged, do by these presents REMISE, RELEASE, and FOREVER QUIT CLAIM unto the said part y of the second part, and to its heirs and assigns, forever, all that certain lot, piece, or parcel of land situate, lying and being in the County of Fremont and State of Idaho, and bounded and described as follows, to-wit:

all of their right, title, and interest in and to 30 cubic feet per second of the waters of the Spring that rises that rises on A.P. Driggs land in
even basin, Fremont Co., Idaho, and all drainage water above canal, the same
being diverted about 30 rods NE from the SW corner of the SE 1/4 of Sect. 22
Twp. 5 N. R. 45 E. B.M. on homestead of A.P. Driggs and all rights in and to that
canal running about 5 miles in a N. Westerly direction to N 1/2 NW 1/4 S. 5, N 1/2 NE 1/4
S. 6, all of S. 8, S 1/4 SW 1/4 S. 17, N 1/2 NW 1/4 S. 20, NW 1/4 S. 21 Twp. 5 N. R. 45 E. B.M. and ad-
acent lands, as evidenced by Location of Water Right made by parties of
the first part Oct. 30" 1901 and Recorded Nov. 5" 1901 in Book "B" Notice
of Water Rights page 395 of the Records of Fremont County, Idaho.

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances

unto the said part y of the second part, its heirs and assigns forever.

In Witness Whereof, The said parties of the first part have hereunto set their hands and

11 of their right, title, and interest in and to 30 cubic feet per second of the waters of the Spring that rises that rises on A.P. Driggs land in ~~even distribution on Idaho, and all drainage water above canal, the same~~ being diverted about 30 rods NE from the SW corner of the SE $\frac{1}{4}$ of Sect. 22 Twp. 5 N. R. 45 E. B. M. on homestead of A.P. Driggs and all rights in and to that canal running about 5 Miles in a N. Westerly direction to N $\frac{1}{2}$ NW $\frac{1}{4}$ S. 5, N $\frac{1}{2}$ NE $\frac{1}{4}$ S. 6, all of S. 8, S $\frac{1}{2}$ SW $\frac{1}{4}$ S. 17, N $\frac{1}{4}$ NW $\frac{1}{4}$ S. 20, NW $\frac{1}{4}$ S. 21 Twp. 5 N. R. 45 E. B. M. and adjacent lands, as evidenced by Location of Water Right made by parties of a first part Oct. 30" 1901 and Recorded Nov. 5" 1901 in Book "B" Notice Water Rights page 395 of the Records of Fremont County, Idaho.

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anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and
ofits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances

to the said part y of the second part, its heirs and assigns forever.

In Witness Whereof, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Ephraim Griffiths

Joseph C. Griffith [Seal]

Peter Mickelson (Seal

Henry Mickelson Seal