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DEPARTMENT OF
WATER RESOURCES
IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR MADISON COUNTY

O. J. NEELEY and MYRTLE NEELEY, his wife,
Plaintiffs,

vs.

GEORGE BROWNING and PHEBE BROWNING,
his wife, and MORRIS SLAYMAKER and
THELMA SLAYMAKER, his wife,

Defendants.

FILED
AMENDED
COMPLAINT

Plaintiffs complain of the Defendants and for cause of action
allege:

I

That at all times herein mentioned the Plaintiffs were and now
are husband and wife;

II

That at all times herein mentioned the Defendants, George
Browning and Phebe Browning, his wife, were, and now are husband
and wife;

III

That at all times herein mentioned the Defendants, Morris Slay-
maker and Thelma Slaymaker, his wife, were, and now are husband and
wife;

IV

Neeley

That at all times herein mentioned the Plaintiffs were, and
now are the owners and in possession of the East Half (E $\frac{1}{2}$) of Sec-
tion Thirty (30); the Southeast Quarter of the Northwest Quarter
(SE $\frac{1}{4}$ NW $\frac{1}{4}$) and the South Half of the Southwest Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$) of
Section Thirty (30), Township Six (6) North, Range Forty-three (43)
East of the Boise Meridian; also, the Northeast Quarter of the Nor-
theast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Thirty-one (31), Township Six (6)
North, Range Forty-three (43), East of the Boise Meridian, lying,
being, and situate in Madison County, Idaho;

480 acres

V

That for more than five years prior to the commencement of this action the Plaintiffs and their predecessors in interest have owned, used, and enjoyed 435 miners inches of the water of Pony Creek, a tributary to Snake River in Madison County, Idaho, for irrigation and domestic purposes on the above described premises; that during all of the time herein mentioned, said 435 miners inches of the water of said Pony Creek were owned and used by Plaintiffs adverse to all persons and especially the above named Defendants, and Plaintiffs have paid all taxes and assessments levied against said water rights for more than five years last past prior to the commencement of this action;

VI

That the above named Defendants, and each and all of them, claim some right, title, and interest in and to said water or some estate therein adversely to the Plaintiffs, but Plaintiffs allege that none of said Defendants had any right, title or interest, or lend upon said water or any part thereof, and that the claims of the Defendants, if any, are without any right whatsoever.

WHEREFORE, Plaintiffs pray judgment that the Defendants, and each of them, be required to set forth the nature of their several claims of, in or to, or lend upon said 435 miners inches of said water of Pony Creek, as aforesaid, or any part thereof, and that said adverse claims may be determined by this Court; that it be adjudged and decreed that the Plaintiffs are the prior owners of the said water rights and water and in possession thereof, and that none of the Defendants have any right, title, or interest whatsoever therein or thereon superior to the Plaintiffs.

That the title to said water and the use thereof be quieted in the Plaintiffs as against the Defendants, and all persons claiming under them, and that the usual decree foreclosing the Plaintiffs rights as against the Defendants be entered.

Plaintiffs further pray for such other or further or different

relief as to the Honorable Court may seem meet and equitable in the premises, and for cost of this suit.

Dated this 20th day of May, 1954.

A. A. Merrill and
Ray W. Rigby
Attorneys for Plaintiffs

By

Ray W. Rigby

Ray W. Rigby

STATE OF IDAHO,)
) ss.
County of Madison.)

O. J. Nealey, being first duly sworn, deposes and says: That he is one of the Plaintiffs in the above entitled cause, that he has read the above and foregoing Amended Complaint, knows the contents thereof, and the same is true as he verily believes.

Subscribed and sworn to before me this 20th day of May, 1954.

(Seal)

My commission expires:
January 24, 1955.

Notary Public, residing at
Rexburg, Idaho

I hereby acknowledge service of a copy of this Amended Complaint, this 20th day of May, 1954.

Leonard O. Kingsford

Leonard O. Kingsford
Attorney for the Defendants