

August 25, 2008
To Craig Saxton,

I hope this gets to you
since I'm not sure of the
address.

Sorry to be such a
nuisance on a Monday
morning.

Thanks for listening.

RECEIVED

AUG 27 2008

DEPARTMENT OF
WATER RESOURCES

D. Cole

Recorded July 29, 1921,
Book 2, Judgments
Pages 111 to 170, incl.

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF WASHINGTON.

John T. Muir and Wm. H. Muir,
partners doing business under
firm name of Muir Brothers, Plaintiffs,

vs.

DECREE

William Allison, S. E. Dare &
Mrs. S. E. Dare, Mattie McKeys,
et al, Defendants.

It is ordered, adjudged and decreed that the waters of the Weiser River and all of its tributaries be and the same are hereby decreed to the plaintiffs herein and to the various defendants and cross-complainants hereinafter named, in the following amounts and from the dates and in the order of priority hereinafter stated each inch of water as hereinafter stated being the equivalent of one fiftieth of a cubic second foot flow, said waters to be diverted from the said Weiser River and its tributaries by the plaintiffs and defendants and cross complainants hereinafter named and through the ditches and from the various tributaries of the said Weiser River hereinafter named:

WATER ALLOTMENTS CONTAINING NAMES OF PARTIES, AMOUNTS ALLOTTED IN
INCHES WITH DATES OF PRIORITY

Names	Amounts in Inches	Dates
Hornet Creek		
S E Dare and Florence G Dare	56½	June 30, 1885
Mattie M Keys	16	Dec. 31, 1891
Hornet Creek (Con)		
Hornet Creek Water Storage Association	1250 1250	May 28, 1909 July 6, 1909

(and other parties, amounts allotted and dates of priority)

The said water allotted and decreed as aforesaid is for use upon the several tracts of land hereinafter set forth following the name of the party to whom such allotment is made:

S E Dare and Florence G Dare: SW¼SE¼ and SE¼SW¼, Sec. 15, (and

other lands not material hereto) all in Twp. 17 N., Range 2 West Boise Meridian.

Mattie M Keys: $W\frac{1}{2}SW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$ and $NW\frac{1}{4}SE\frac{1}{4}$, Sec. 15, Twp. 17 North, Range 2 West Boise Meridian of Adams County in which said County a portion of the real estate affected by this decree is situated, (and other parties and lands, the same not being under search in this abstract)

The waters herein allotted and decreed are to be appurtenant to and for use upon the lands of the plaintiffs and the said defendants and cross complainants which said lands are directly under and served with said water by and from the canals, ditches and tributary streams above mentioned.

It is also ordered in this decree that all persons to whom water are herein decreed shall construct diversion works (irrigating heads to be the equivalent of $\frac{5}{8}$ of a miners' inch to the acre continuous flow) for the purpose of measuring in inches and second feet the water diverted, shall use such water for a beneficial use only, and shall not divert more water than is awarded under this decree unless such diversion does not interfere with the amount of water awarded to any of the other parties to this action.

It is also ordered that the foregoing allotments are made on the basis of $\frac{5}{8}$ of an inch to the acre, and whenever the water flow is insufficient to supply the various allotments on that basis, the latest appropriators in order of time shall be denied the use of said water, so that the supply to the prior users shall be maintained at $\frac{5}{8}$ of a miners' inch per acre.

Also ordered that the costs of trial incurred in this cause, amounting to the sum of \$6647.38 is to be collected from the various parties to this suit on the basis of 22.7¢ per miners' inch or fraction thereof herein allotted and decreed, and that such costs shall be a lien upon the allotments of water acquired hereunder, to be paid within sixty days of the date of this decree; and if not so paid, then the right to the use of water allotted under this decree shall be suspended until the officer in control of the water distribution as herein allotted shall have been notified by the Clerk of said Court that said costs have been paid.

A list of the parties, amount of water allotted to each, and the amount of costs assessed to each party, shows the following:

Names	Inches	Amt.	Pd.	Bal. Due
S E Dare and Florence G Dare	$72\frac{1}{2}$	\$16.56	\$14.60	\$1.96
Mattie M Keys	16	3.62	1.40	2.22

(and other parties and allotments, with amounts due thereon)

It is further ordered, that a copy of this decree, certified under his seal of office be transmitted by the Clerk of this Court to the Clerk of the district court of Adams County in which said County a portion of the real estate affected by this decree is situated.

Dated June 20, 1921.

Ed L Bryan Judge.

Filed and Entered June 21, 1921.

Frank E. Smith

Clerk District Court.

Attached is CERTIFICATE of Frank E. Smith, Clerk of the District Court of the Seventh Judicial District of the State of Idaho, in and for Washington County, that the within and foregoing is a true and complete copy of the record of the Decree rendered in the above entitled court on June 20th, 1921, as the same appears of record in Book "E" of Judgments at pages 301 to 358, records of said Court. Under Official Seal and dated July 27th, 1921.

Abstracter's Note:

The foregoing is an abstracted copy of the amended decree entered in the action of John T. Muir et al vs. Wm. Allison et al, after appeal to the Supreme Court of the State of Idaho from the decree of the District Court for Washington County, Idaho dated May 9, 1918, a certified copy of which said decree last above referred to was recorded June 27, 1918 in the records of Adams County, Idaho on pages 471 to 530 inclusive of Book 1 of Judgments therein.