

his own claim, according to testimony.

DIRECT EXAMINATION BY CATTEN.

- Q. Now I desire you answer a question in this action?
 A. Yes sir.
- Q. Yes sir.
- Q. Are you the owner of the land described in your cross-complaint as being the Southeast quarter of the Southwest quarter and other subdivisions of section thirty, township four?
- A. Yes sir.
- Q. How long have you been acquainted with that land, Mr. Bowles?
- A. Ever since 1889.
- Q. Who occupied the land in 1889?
- A. A man by the name of Heneger bought Green put, hekey sold to Green and Green sold to Heneger. In 1889 I bought him out.
- Q. Had you known the land until 1889?
- A. Not until the spring of 1889.
- Q. At the time you bought in the spring of 1889, had the land been irrigated before that?
- A. No sir.
- Q. Had not been irrigated by any one before that?
- A. It was got out that summer, Heneger got the water out in 1889. It was got out that summer, Heneger got the water out in 1889.
- Q. Where was the water taken out from?
- A. Out of Spring Creek—
- Q. That is a tributary of the Teton River?
- A. Tributary of Trail Creek.
- Q. Which is a tributary?
- A. Yes sir.
- Q. How much of the land was covered by this ditch taken from Jones Spring Creek?
- A. All with the exception of part of one forty.
- Q. About how many acres?
- A. Something over 100 acres.
- Q. You may state whether or not the ditch the carrying capacity of that ditch is sufficient to irrigate this 100 acres, or over 100 acres under the ditch?
- A. Yes sir.
- Q. How much of that land has actually been irrigated from that ditch?
- A. Well, there has been a hundred acres or more.
- Q. Is there any water for the balance of that land?
- A. Yes sir.

Q. From what source do you get water for the other sixty acres?
From what source do you get water for the other sixty acres?

A. There is a part of one forty that comes in out of Spring

Creek, another creek called Spring Creek.

Q. Is the land actually irrigated now? A. Yes sir.

Q. How much of it altogether is irrigated, all of it?

A. Yes sir.

A. There is about—it is all irrigated with the exception of
the part across the river. I guess about twenty acres across
the part across the river, I guess about twenty acres across
there, or twenty-five.

Q. Then there is about one hundred and forty acres irrigated at
the present time? A. Yes sir.

Q. You have gradually irrigated that land from 1889 up to the
present time until all of it except twenty acres have now
been irrigated? A. Yes sir.

Q. Is there any one else interested in this ditch? A. No sir.

Q. Just yourself? A. Just myself.

Q. Is there any other water supply outside of these creeks
you have named? Available for use on this land?

A. No sir.

Q. Is that all the land? A. Yes sir.

Q. How much does it require to the acre to successfully irrigate
and maintain it? A. About an inch I should suppose.

Q. About like the rest of the land in the country? A. Yes sir.

Q. You think an inch down there would be enough for it?

A. Yes sir.

Q. That is, a continuous flow—and this ditch is of sufficient
carrying capacity to irrigate all of the land in it?

A. Yes sir, I have had it since and since it was first made, you

know.

Q. Is there any dispute in regard to this, gentlemen?

A. In all of it, no. I want to call your attention to the
fact that Mr. Bowles, I want to call your attention to the
fact that Mr. Bowles, I want to call your attention to the

Sarah Bowles claim now.

Q. Do you know the defendant Sarah Bowles? A. Yes sir.

Do you know the defendant Sarah Bowles? A. Yes sir.

- Q. Who is your wife's name? A. Yes sir.
She is your wife is she? A. Yes sir.
- Q. Do you know the tract of land described in your cross-complaint
and being the Southeast quarter of the Northeast quarter
of Section 32, and other lands therein described? A. Yes sir.
A. Yes sir.
- Q. That land belongs to her? A. Yes sir.
That land belongs to her? A. Yes sir.
- Q. How long has she been the owner of that land?
How long has she been the owner of that land?
- A. I could not say until I had the papers—
I could not say until I had the papers—
- Q. You may look at the papers? A. First of August, 1900, is it not?
You may look at the papers? 31st of August, 1900, is it not?
- Q. Fourteenth of August that is? A. Yes sir.
Fourteenth of August that is? Yes sir.
- Q. It is located under the desert act? A. Yes sir.
It is located under the desert act? Yes sir.
- Q. Where did she procure water for use on the land?
Where did she procure water for use on the land?
- A. Called Spring Creek.
Called Spring Creek.
- Q. When did she first put the water on the land?
When did she first put the water on the land?
- A. The next spring after this.
The next spring after this.
- Q. That is August, 1900? A. Yes sir, the next spring.
That is August, 1900? Yes sir, the next spring.
- Q. Spring of 1901? A. Yes sir.
Spring of 1901? A. Yes sir.
- Q. What time in the spring? A. About May.
What time in the spring? About May.
- Q. About the first of May? A. Yes sir, not the first, either,
About the first of May? Yes sir, not the first, either,
about about the last.
- Q. How much of that land of hers was covered by the ditch you
took out there? A. One forty.
How much of that land of hers was covered by the ditch you
took out there? A. One forty.
- Q. Only one forty that could be irrigated from it or been
irrigated since? A. I don't know what was irrigated,
irrigated since? A. I don't know what was irrigated.
- Q. I want to know how much could have been irrigated from
that canal that you took out in 1901?
I want to know how much could have been irrigated from
that canal that you took out in 1901?
- A. There could have been close on to two fortys.
There could have been close on to two fortys.
- Q. Did that ditch have a sufficient carrying capacity to
irrigate the two forties? A. Yes sir.
Did that ditch have a sufficient carrying capacity to
irrigate the two forties? A. Yes sir.
- Q. Any water taken out on the land since then from other sources?
Any water taken out on the land since then from other sources?
- A. No sir.
No sir.
- Q. About eighty acres can be irrigated? A. All can be.
About eighty acres can be irrigated? All can be.
- Q. From these ditches? A. Yes sir, from these ditches, it all
has been irrigated.
From these ditches? Yes sir, from these ditches, it all
has been irrigated.
- Q. Please pay attention—I asked you specifically how much of
Please pay attention—I asked you specifically how much of

- 13
- Q. That land could be irrigated from these ditches?
that land could be irrigated from these ditches?
- A. I thought you meant the first spring.
thought you meant the first spring.
- Q. Can all of it be irrigated? A. Yes sir.
Can all of it be irrigated? Yes sir.
- Q. How much of it? A. All but a very little. Just maybe ten or
How much of it? A. All but a very little. Just maybe ten or
fifteen acres ten or fifteen.
- Q. All of it can be? A. Yes sir.
All of it can be? Yes sir.
- Q. The first season how many forty or fifty acres irrigated?
The first season the was forty or fifty acres irrigated?
- A. Yes sir.
Yes sir.
- Q. How much water to the acre does that land require?
How much water to the acre does that land require?
- A. I should judge about an inch.
I should judge about an inch.
- Q. About an inch? A. Yes sir.
About an inch? Yes sir.
- Q. That is all--any questions, you please--any disputes
that is all--any questions, you please--any disputes
- ON THIS OATH. All Mr. Fred J. Drake.

FRED J. DRAKE, being first duly sworn, testified as
follows:-

FINED EXAMINATION BY HAWLEY.

- Q. I will first ask you Mr. Drake a question in regard to Mr.
Dewley's land. Do you know when the water was first taken
on the claim owned by Mr. Dewley? A. I don't know positively,
but I know that he was in there and at his place in the year
1880.
- Q. Is that all? A. Yes sir.
- Q. Do you know how much--whether the land had been cultivated
prior to that time?
- A. I don't know, what was the first year I was in there?
- Q. You say he did have the place at that time?
- A. I know he had watered it ever since.
- Q. It is all practically under irrigation now? A. Yes sir.
- Q. I will now ask you in regard to the claim of Fred J. Drake.
How much of the land is in this section? A. Yes sir.
- Q. And how much of that land is in the hands of the defendant?

quarter of section seven, and other pieces of land?

A. Yes sir.

Q. That is your land is it? A. Yes sir. Section 7 and 8 my land is

7. 408 000 000 000

A. It varies from ten to three foot long

Q. What is that? A. Yes sir.

4. In this case, conditions of employment appear to be fairly good.

9. This is known as the "Common Belief". A. T. W. B. R. H. P. G. S. L. H.

9. ~~THIS~~ ~~AND~~ ~~THE~~ ~~OTHER~~ ~~YOU~~ ~~HAVE~~ ~~INCURRED~~ ~~TO~~ ~~A~~ ~~MOVING~~ ~~FROM~~ ~~CHARGED~~
BY ~~THE~~ ~~REPUBLICAN~~ ~~P.~~ ~~COMPANY~~.

4. Should it carry our instant water for the irrigation of your land and the others nearby inland to the coast? A. I think so.

4. When did you last find this ditch constructed after taking this water in front of A. It was started, the construction was completed before that date and was reported as being of 100% - 120%.

7. THE FOLLOWING STATE A, IT HAS PLANNED TO COLLECT WITHIN TWO YEARS.

Q. You want the man to ally himself with you?

6. How much of your land is now owned by Mr. Plattner and how
owned by the State? A. 100 acres, but about fifty acres
are in cultivation.

2. What is higher motivation? a. You are

9. But if all can be cultivated? A. The only

C. And it was your intention to bring it all up?

1. 20th 12th

Q. That is Dr. Williams's intention now, is it
in it not? A. Yes sir.

1. Is there any other water supply for the

Q. About how much per acre is needed?

Howdy--That's all. Well, Mr. [redacted]
Call Mr. [redacted]

Caroline Withrich

SAM KOONTZ, being first duly sworn, on behalf of the above claim, testified as follows:-

Direct examination by Hawley

Q. What is your name? A. John Korman.

What is your name sir? A. Sam Koontz.

Q. Do you know the land described in the cross-complaint of the
Do you know the land described in the cross-complaint of the

Do you know the land described in the pres-complaint of the

[illegible]

5. Tell me, what do you think about the following statement: "The only way to get a good education is to go to a good school." Do you agree or disagree? Why?

How long have you known this land?

For thousands of years

4. What was the last one it when you first knew it?
Who was settled on it when you first knew it?

A. Mrs. W. H. Smith,
Mrs. Winch

Exactly what year was it when she went on there?

A. She was 18 then ten years ago. Only 11001 BAYVIEW, YORKS REG

Only filed seven years ago.

2. When did she go on, settle on that land? 10 points each.

Q. 1895? A. Yes sir, 1895.
1895? A. Yes sir, 1895.

She afterwards identified herself with the government title

in the land, did she not? Yes -

Q. Now, did he enter the room? A. Under the circumstances, not

Q. And is now holding it under the homestead act? A. Yes sir.

3. Did you continue to live in the home after the foreclosure?

Did she continue to live there after taking possession
 11/10/77 11/10/77 11/10/77 11/10/77 11/10/77

Q. What, if anything, did she do to remove the medicine water? A. I don't know.

What, if anything, did she do towards procuring water, and
telling on that I and Mr. Gentry

A. In connection with Mr. Nathan and I. J. Wilson being

In connection with Mr. George Walton, and J. J. Miller helped
with a car.

2. In what country

10. In what creek?

Known as Paradise or Anderson Spring.
100 ft. high, 100 ft. wide, 100 ft. deep.

is now about eighteen feet high.

Is it a creek that you spoke of as Paradise Springs?

It is a spring that comes out of the hill on the J. J. Miller

homestead
homestead

How much water is furnished by these springs?

Well, they have got a headgate 25 by 16 inches and under four.

From observation it seems the water is never more than 30 inches thick in the tanks; the water is never more than 6 inches

deep and twenty-six inches wide.

Q Now, what of this water was owned by Mrs. Withrich?

One Fourth

When was this water put on her bed carpet--

Full, the ditch, the first water and dried up, it could be

relied on the dam—the dam broke open, and it was reasonable

raised in the dam--the dam broke once, and it was reconstructed

1000

again, the first season she used the first water and raised the first crops. In the second season she used the first water and raised the first crops.

Q. What was it about the ditch - a short distance or not so full the
 When it had the ditch was constructed so as to put the
 water back into land? A. Mr. Walton had a ditch there long
 were open the land? Mr. Walton had a ditch there long
 before it came into the Basin. Had not been used by Mrs. Withn
 rich until last season.
 until last season.

Q. That was 1903? A. 1904.
That was 1903? A. 1904.

C. Has it been United any of the land prior to 1904?

A. In the ~~could not~~, the ditch was too low.
No, she could not, the ditch was too low.

• How much of that land of hers is covered by this water?

Q. Of the homestead? Yes sir.

2. I think about 100 acres can be irrigated.

Q. About 100 acres? A. Yes sir.

Is there any other water supply except this water supply

from Paradise Springs? Not from, only from Paradise Springs.

Q. Has Mrs. Withrich another piece of land besides this land
Has Mrs. Withrich another piece of land besides this land

that has been mentioned? A. Yes, not an eighty acre tract

under desert entry.

2. This night scene is in the northeast quarter of the Railroad

~~Quarter and the Northwest quarter of the Northeast quarter.~~

quarter and the Southeast quarter of the Northeast quarter,
section thirty, township four, north of range forty

section thirty, township four, north of range forty five east
 one long 244 and 245 that land? A. A.

Q. How long has she had that land? A. About two years.

Q. We did not locate it first? A. You did.

Q Did she locate it first? A Yes.
Q And where was that? A In the

A. ~~From Paradise Springs.~~

From Paradise Springs,
Q. ~~Verba~~ ~~the~~ ~~more~~ ~~humiliant~~ A. You sir.

From the same springs? A. Yes sir.

Has she a sufficient supply of water to irrigate both
her body and her business?

tracts from these springs?

Weil, last season the water has commenced raising in the ground

and showing up, and I think by a proper use she will have enough.

Q. You think she will? A.

When did she first put it on this last piece of ground?

- Q. Is that the water supply for this piece of land? A. Yes.
- Q. That is the only water supply for this piece of land? A. Yes.
- Q. Is it necessary for the successful cultivation of this land and the other piece? A. Yes sir.
- Q. Are you an old resident here Mr. Koortz?
- A. Been here in the basin ten years.
- Q. Have you noticed the effect of the use of water for irrigation purposes as far as extending the water supply is concerned?
- A. My son Joseph has got a homestead, and he has--if he wants to get any hay at all, he has got to cut it in June for it will flood over on the land in July and August.
- Q. How long has this state of affairs existed?
- A. When we first came to the basin he could cut it nearly every year, and now lately, last year, did not cut but fifteen ton.
- Q. Where is his land situated with reference to the creek?
- A. It is just north and east of Mr. Walton on the Teton River.
- Q. You are satisfied that it is the interference in the use of the water that has caused this increase in the wetness of the land? A. Absolutely.
- Q. Could not be attributed to any other source could it? As a man of experience in irrigation, what is your opinion as to the use of water in Teton Basin, does it interfere with the water supply in the low water season with the people below or increase it?
- A. Increases it. It is your loss, with the loss, for instance, in Mrs. Withrich's land, for instance, in some years, the biggest part of it, say last season is sage brush land, the biggest part of it, and last season there was over a dozen of springs sprung up right in among the sage brush.
- Q. I will ask you--I will ask you in regard to the claim of J. J. Miller--you know him? A. Yes sir.
- Q. You know the land he claims, described in his cross-complaint is that? A. Yes sir.
- Q. When did Mr. Miller settle on that land?
- A. About four years ago.
- Q. Mr. Miller is one of the parties that claims water from Mr. Miller is one of the parties that claims water from

Paradise Springs? A. Yes sir.
Paradise Springs? A. Yes sir.

Q. When did he first take the water from Paradise Springs?

When did he first take the water from Paradise Springs upon this land of his? A. This is a season.
Upon this land of his? A. This last season.

Q. 1904? A. Yes sir.

Q. 1904? A. Yes sir.

Q. How did he bring it by the (means) of a ditch?

A. By means of a ditch.

Q. By means of a ditch.

Q. How much of that land of his is covered by this water? How much of that land of his is covered by this water? A. In the neighborhood of 100 acres, I think.

Q. Is there any other water supply on this land? Is there any other water supply except this water from Paradise Springs? A. No sir.

Paradise Springs? A. No sir.

Q. It is necessary to use the water on his land to raise crops? It is necessary to use the water on his land to raise crops on it? A. Yes sir.

on it? A. Yes sir.

Q. How much of it has he actually watered up to this time? How much of it has he actually watered up to this time?

A. About nine acres.

About nine acres.

Q. About nine acres--is it his intention to increase the amount? About nine acres--is it his intention to increase the amount?

A. Yes sir.

Yes sir.

Nowly--He signifies contentment, I believe, on this claim.

Are you particularly informed Mr. Keatts to testify in regard

to the claim of Samuel Keatts, Jeff? You are hardly in a position

to do so--he will have him here in the morning.

Q. Mr. Geo. Walton was one of the owners in the Paradise Springs?

A. Yes sir.

Nowly--That is all Mr. Keatts. Call George Walton.

This is all the claim of George Walton.

GEORGE WALTON, being first duly sworn, on behalf of his George Walton, being first duly sworn, on behalf of his own claim, testified as follows:

DIRECT EXAMINATION BY HADLEY.

Q. You are the defendant mentioned in the cross-complaint here? You are the defendant mentioned in the cross-complaint here?

A. Yes sir.

Yes sir.

Q. Where do you reside? A. Teton Basin, Bates Post Office.

Q. Are you the owner of that certain land described in the cross-complaint being the Northwest quarter of the Northwest quarter complaint being the Southeast quarter of the Southwest quarter and other parts of section twenty-nine and section thirty, and other parts of section twenty-nine and section thirty, township four north of range forty-five east? A. Yes sir.

township four north of range forty-five east? A. Yes sir.

township four north of range forty-five east? A. Yes sir.

- Q. How long have you lived upon that land?
 A. I took possession of it in 1891.
 I took possession of it in 1891.
- Q. When did you get it from Mr. Patton? A. Mr. Hodgins.
 Who did you buy it from Mr. Walton? Mr. Hodgins.
- Q. How long had Mr. Hodgins lived upon that land before you went there? A. I could not say, was not personally acquainted with there? A. I could not say, was not personally acquainted with him.
- Q. Had Mr. Hodgins, when you bought it, any water upon the land?
 Had Mr. Hodgins, when you bought it, any water upon the land?
 A. I purchased his water right and his improvements.
 I purchased his water right and his improvements.
- Q. Where had he taken the water from? A. Paradise Springs.
 Where had he taken the water from? Paradise Springs.
- Q. That is the springs mentioned by Mr. Koontz in giving his testimony? A. Yes sir.
 That is the springs mentioned by Mr. Koontz in giving his testimony? A. Yes sir.
- Q. How much of this 160 was covered by the waters of Paradise Springs? A. About twenty acres.
 How much of this 160 was covered by the waters of Paradise Springs? A. About twenty acres.
- Q. And do you mean to say that had been watered from it or could be? A. Had not been up until 1892. I enlarged the ditch and irrigated about twenty acres in 1892.
 And do you mean to say that had been watered from it or could be? A. Had not been up until 1892. I enlarged the ditch and irrigated about twenty acres in 1892.
- Q. You mean 1902? A. 1892, yes sir, 1892.
 You mean 1902? 1892, yes sir, 1892.
- Q. How long did Mr. Hodgins live upon that land?
 How long did Mr. Hodgins live upon that land?
 A. I could not say, I just got here in the spring and I was working for Mr. Pratt.
 I could not say, I just got here in the spring and I was working for Mr. Pratt.
- Q. Did you buy it by bill of sale or deed or simply take possession? A. I got a deed of the water and of the improvements. But I have not now—they are lost.
 Did you buy it by bill of sale or deed or simply take possession? A. I got a deed of the water and of the improvements. But I have not now—they are lost.
- Q. You have had them? A. I have had them.
 You have had them? A. I have had them.
- Q. Is there any one here that can testify to Mr. Hodgins?
 Is there any one here that can testify to Mr. Hodgins?
 A. Mr. Ray Kimball, I think he is here.
 Mr. Ray Kimball, I think he is here.
- Q. After you sent on you increased the size of the ditch did you? After you went on you increased the size of the ditch did you?
 After you sent on you increased the size of the ditch did you?
 A. Yes sir.
 Yes sir.
- Q. How much—what carrying capacity did you give it?
 How much—what carrying capacity did you give it?
 A. I finished the ditch sufficiently large to irrigate the land I finished the ditch sufficiently large to irrigate the land
 I finished the ditch sufficiently large to irrigate the land
 in 1892 about twenty acres, and the land lies this way and in 1892 about twenty acres, and the land lies this way and
 in 1892 about twenty acres, and the land lies this way and
 this way and the creek comes down, it is very low, consequently this way and the creek comes down, it is very low, consequently
 this way and the creek comes down, it is very low, consequently
 had to build a large dam, to dam it to the south end, and we have not got it completed.
 had to build a large dam, to dam it to the south end, and we have not got it completed.
- Q. How much of that land can be irrigated from that ditch?
 How much of that land can be irrigated from that ditch?
 A. When the ditch is all completed on the place, about 120 acres.
 When the ditch is all completed on the place, about 120 acres.

- Q. These Paradise Springs, how much water flows from it?
these Paradise Springs, how much water flows from it?
- A. I don't know--I don't understand measuring water.
I don't know--I don't understand measuring water.
- Q. Is there enough to irrigate all of the lands you claim, and
is there enough to irrigate all of the lands you claim, and
for the other lands besides? A. I believe there will be water--
there will be sufficient, to irrigate the claims of Miller
and Koontz and myself.
- Q. That is all that claim from it? A. Yes sir.
That is all that claim from it? A. Yes sir.
- Q. You think there is sufficient water there for it?
You think there is sufficient water there for it?
- A. I think there would be, yes.
I think there would be, yes.
- Q. How much water do you need per acre on your land?
How much water do you need per acre on your land?
- A. In an irrigating stream, an inch to the acre would be sufficient.
In an irrigating stream, an inch to the acre would be sufficient.
- Q. It is necessary to have water there for this, and this is the
only available water supply? A. Yes sir.
only available water supply? A. Yes sir.
- Harley--That is all--Is Mr. Ray Kimball here, Mr. Brookingsridge.

S. BROOKINGSRIDGE, being recalled, on behalf of the above
claim, testified as follows:-

- Q. Do you know the Geo. Walton claim? A. No sir.
- Q. When did Hodgins settle up there, what year?
- A. I could not say that, 1888 or 1889, somewhere along there.
He farmed up there, and left.
- Q. You have just rode by there.

THOMAS RATES, being recalled, on behalf of the above
claim, testified as follows:-

DIRECT EXAMINATION BY HARLEY.

- Q. Mr. Bates when did Mr. Hodgins go on this land?
- A. I believe it was about 1881 or 1882.
- Q. 1881? A. Somewhere about that time.

Harley--That is all--that will do. Call Mr. D. O. Walton.

D. O. WALTON, being first duly sworn, on behalf of the
above claim, testified as follows:-

DIRECT EXAMINATION BY HARLEY.

- Harley--First I will ask you Mr. Kimball, when Mr. Hodgins
first settled on the land was owned by George Walton, 1881?
- A. Yes, 1881, the summer of 1881.
- Q. The summer of 1881? A. Yes sir.
- Q. Used the water for the first time in 1881? A. Yes sir.