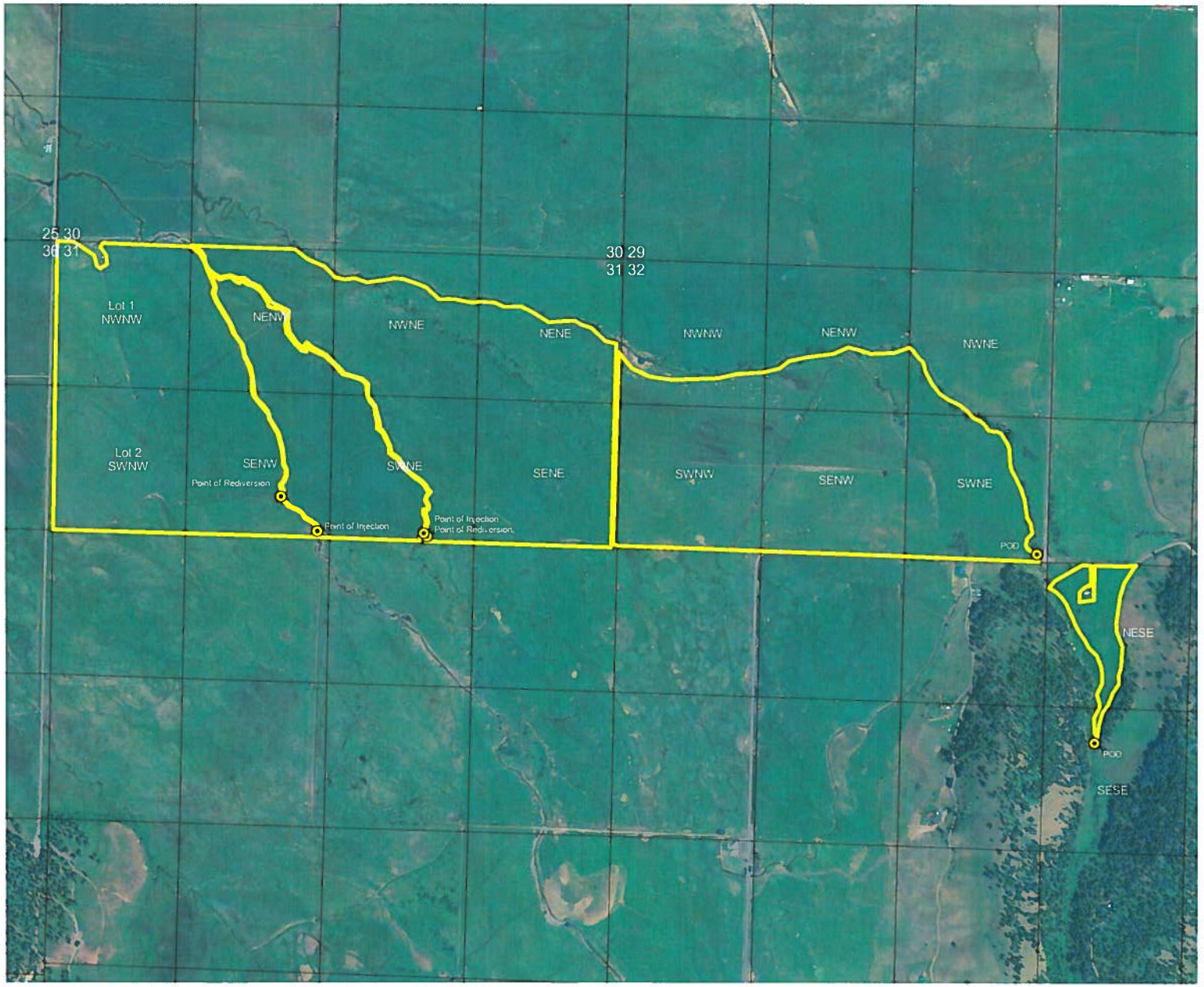
78-10173



T19N R02E
S31 & S32

N
W E
S

1000 0 1000 2000 3000 4000 5000 Feet

Map prepared by: Carter Fritschle
Date prepared: 01/25/06
2004 NAIP Photography
Idaho Department of Water Resources

12/29/2006

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 78-10173

NAME AND ADDRESS: ED RANEY
PO BOX E
NEW MEADOWS ID 83654

SOURCE: LITTLE CREEK TRIBUTARY: LITTLE SALMON RIVER

Points of injection into and points of rediversion from Big Creek.

QUANTITY: 4.000 CFS

PRIORITY DATE: 09/26/1922

POINT OF DIVERSION:

T19N R02E S31 SWNE Rediversion Within ADAMS County

T19N R02E S31 SWNE Injection Within ADAMS County

T19N R02E S31 SENW Injection Within ADAMS County

T19N R02E S31 SENW Rediversion Within ADAMS County

T19N R02E S32 SWNE Within ADAMS County

T19N R02E S32 SESE Within ADAMS County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	4.000 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T19N R02E S31	NENE	22.00	T19N R02E S31	NWNE	30.00
T19N R02E S31	SWNE	39.00	T19N R02E S31	SENE	39.00
T19N R02E S31	NENW	37.00	T19N R02E S31 Lot 1	NWNW	36.00
T19N R02E S31 Lot 2	SWNW	37.00	T19N R02E S31	SENW	39.00
T19N R02E S32	NWNE	3.50	T19N R02E S32	SWNE	31.00
T19N R02E S32	NENW	15.00	T19N R02E S32	NWNW	8.50
T19N R02E S32	SWNW	39.00	T19N R02E S32	SENW	39.00
T19N R02E S32	NESE	9.70	T19N R02E S32	SESE	0.30

425 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 717 acres in a single irrigation season.
Combined Right Nos.: 78-125, 78-126, 78-127, 78-216C, 78-217C, 78-225, 78-226, 78-227, 78-10172A, 78-10173, 78-10174 and 78-10204

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Raney Combined POU Acre Limit

Total Combined Acre Limit for:

78-125, 78-126, 78-127, 78-216C, 78-217C, 78-225, 78-226, 78-227, 78-10172, 78-10173, 78-10174 and 78-10204

78-216D, 78-217D and 78-10172B = 28 acres

78-10172A = 325 acres

78-10173 = 425 acres, which includes 34 acres in 78-10172A

78-10174 includes 1 acre not included with 78-10172A and 78-10173

Therefore, 325 acres + 425 acres – 34 acres + 1 acre = 717 acres for the total combined acre limit of all the Raney water rights from Goose Creek, Little Creek, Big Creek, wastewater and unnamed drains.

Right Nos. 78-216C, 78-217C, 78-225, 78-226 and 78-227 are limited to the irrigation of a combined total of 159 acres in a single irrigation season.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A78-10173**
Date Received: 5/25/1988 5-31-88
Receipt No: M000041 CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ED RANEY 208-347-2228
   Address: P.O. BOX E
   NEW MEADOWS, ID 83654

2. Date of Priority: MAY 01, 1900

3. Source: LITTLE CREEK Trib. to: LITTLE SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4	of 1/4	of 1/4	Lot	County
19N	02E	31	SE	SW	NE	I	ADAMS
			SE	SW	NE	R	ADAMS
			SE	SE	NW	I	ADAMS
			SE	SE	NW	R	ADAMS
		32	SE	SW	NE		ADAMS
			NW	SE	SE		ADAMS

5. Description of diverting works:
   3 CONCRETE STRUCTURES W/ HEADGATES, 1 WOOD STRUCTURE W/ HEADGATE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	8.820		

7. Total Quantity Appropriated is:
   8.820 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 882.0 Acre Feet Per Annum.

9. Non-irrigation uses:

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OCT 05 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
19N	02E	31	NE	NE		IRR	25.0
			NW	NE		IRR	29.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	38.0
			NW	NW	1	IRR	38.0
			SW	NW	2	IRR	38.0
			SE	NW		IRR	40.0
					Section Acres		288.0
		32	NW	NE		IRR	5.0
			SW	NE		IRR	33.0
			NE	NW		IRR	17.0
			NW	NW		IRR	8.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SE		IRR	10.0
					Section Acres		153.0
					Total Acres		441.0

11. Place of use in counties: ADAMS

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
BRUNDAGE RES. 78-0225, 78-0226, 78-0227, 78-10172, 78-10174

14. Remarks:
OTHER WATER RIGHTS: 78-10204
THE LANDS DESCRIBED IN THIS CLAIM WERE INCLUDED IN THE COMPLAINT OF RICHARD BALBACH VS. I.M. MOORE ET. AL. FILED JUNE 7, 1960 IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN THE COUNTY OF ADAMS.

15. Basis of Claim: BENEFICIAL USE
Water Right Number:

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OCT 05 1992

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ____ do not ✓ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: -2-

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Ed Raney Date: 5-31-88

_____ Date: _____

State of Idaho)
) SS.
County of Adams)

Subscribed and sworn (or affirmed) before me this 31st day of May 19 88

Carter Fritschle
Notary Public

Seal

Residing at Eagle, Id

My Commission Expires 3-21-94

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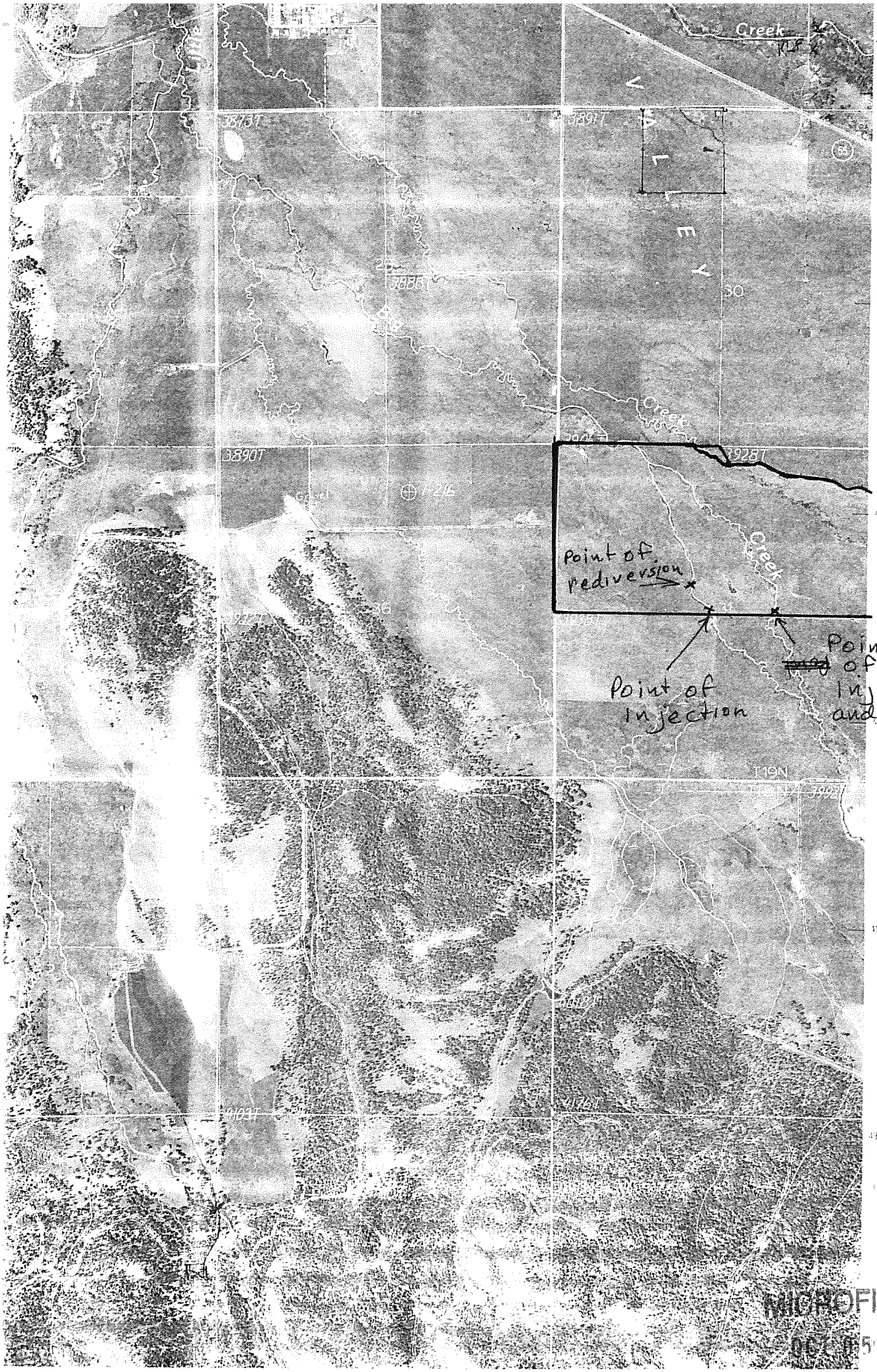
OCT 05 1992

20
21
22
Branch
Goose
Warm Spring
Meadows
BM 3981
Barker Johns Cabin
BM 3975
BM 4012
MEADOWS
29
28
27
3953
4032
4094
4011
4285
Birch
Meadows Summit
HILL
32 PD
33
34
3976
4019
5035
BM 5091
Spring
PD
South End
Flat
Ecks
5190
4006
Corral
4390
5
4
3
MEADOWS
5305
Cliff
5300
78
77
76
75
74



MICROFILMED
OCT 05 1973

FILED
NOV 21 1960
9:55 A. M. P. M.
CLERK

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

- - - - -

Case #1460
II ~~5~~ 14A

RICHARD BALBACK, Plaintiff, -vs- I. M. MOORE, EUGENE KESKA, GEORGE WILSON, IDA W. WYMAN, ROBERT H. RANEY, EDWARD RANEY, and VIRGIL WADDELL, Defendants.	ANSWER TO CROSS-COMPLAINT of GEORGE WILSON and CROSS-COMPLAINT AGAINST GEORGE WILSON

- - - - -

Come now the defendants I. M. Moore, Robert H. Raney, Edward Raney and Virgil Waddell, and each of them, and answer the Cross-Complai as follows:

I.

These answering defendants admit that Little Creek is one of the public streams of the State of Idaho, lying wholly within Adams County, and is a tributary of the Little Salmon River, but deny ea and every other allegation in said Cross-Complaint;

Further answering said Cross-Complaint and by way of Cross-Complai against the defendant George Wilson these answering defendants allege:

I.

That the defendants, Robert H. Raney and Edward Raney, are now and for many years last past have been the owners of and entitled to th possession of the following described lands situate in the County o Adams, State of Idaho, to-wit:

DONART & DONART
ATTORNEYS AT LAW
WEISER, IDAHO

The Northwest Quarter and the Southwest Quarter of the Northeast Quarter of Section Thirty-two (32), Township Nineteen (19) North of Range Two (2) East of the Boise Meridian.

II.

That Little Creek is one of the public streams of the State of Idaho and is tributary to the Little Salmon River and has its source in approximately Township Eighteen (18) North of Range Two (2) East of the Boise Meridian from whence it flows in a generally Northwesterly direction through and across the Southerly portion c Meadows Valley to its confluence with the Little Salmon Riber in Section Twenty-three (23), Township Nineteen (19) North of Range One (1) East of the Boise Meridian;

III.

That the lands of the defendants Robert H. Raney and Edward Raney above described are arid in character and without the artificial use of water for irrigation thereof cannot be made to produce prof able crops and forage;

IV.

That in order profitably to irrigate said lands it is necessary th during the full and entire irrigation season that at least one (1) miner's inch per acre of continuous flow of the water of Little Creek be used upon the lands of the defendants Robert H. Raney and Edward Raney;

V.

That on or about the year 1900 the predecessor in interest of the defendants Robert H. Raney and Edward Raney and the then owner of the lands hereinbefore described in Paragraph I of this Cross-Com-

plaint placed a dam in Little Creek approximately one hundred (100) feet northwest of the point where Little Creek crosses the East boundary of the said Southwest Quarter of the Northwest Quarter of Section Thirty-two (32) and commenced to appropriate two hundred (200) inches of the waters of Little Creek for beneficial use in th irrigation of the land described in Paragraph I of this Cross-Complaint and diverted said two hundred (200) inches of water through ditch in a general Northerly direction and whence said water so appropriated was spread upon the lands of the defendants Robert H. Raney and Edward Raney and applied the same to a beneficial use in the irrigation of said land; that in and during the year 1900 and during each and every year thereafter the defendants Robert H. Rane and Edward Raney and their predecessors in interest in the ownershi of said land have diverted from Little Creek and conveyed down to and upon their said lands not less than two hundred (200) miner's inches of the continuous flow of the water of Little Creek in and during the entire irrigation season of each and every year thereaft and have beneficially used and applied the same to the irrigation o said lands;

VI.

That the said plaintiff and the said defendants I. M. Moore, Eugene Keska, George Wilson and Virgil Waddell claim some right, title or interest in the use of said waters of Little Creek for the irrigati of their lands but all right, title or interest in said waters and the whole thereof so claimed by the plaintiff and said defendants and each or any of them is inferior in time and subordinate in righ to the right, title and interest of the defendants Robert H. Raney

and Edward Raney in and to said waters and subject to the use of these defendants Robert H. Raney and Edward Raney in and to the fl of the waters of said Little Creek to the extent of two hundred (200) miner's inches thereof, continuous flow during the irrigatio season of each and every year;

VII.

That the defendant I. M. Moore is now and for many years last past has been the owner of and entitled to the possession of the follow ing described lands situate in the County of Adams, State of Idaho, to-wit:

The Southeast Quarter of Section Twenty-five (25) Township Nineteen (19) North of Range One (1) East of the Boise Meridian.

VIII.

That Little Creek is one of the public streams of the State of Idah and is tributary to the Little Salmon Riber and has its source in approximately Township Eighteen (18) North of Range Two (2) East of the Boise Meridian from whence it flows in a generally Northwesterl direction through and across the Southerly portion of Meadows Valle to its confluence with the Little Salmon Riber in Section Twenty-three (23), Township Nineteen (19) North of Range One (1) East of the Boise Meridian;

IX.

That the lands of the defendant I. M. Moore above described are aric in character and without the artificial use of water for irrigation thereof cannot be made to produce profitable crops and forage;

X.

That in order profitably to irrigate said lands it is necessary that during the full and entire irrigation season that at least or (1) miner's inch per acre of continuous flow of the water of Littl Creek be used upon the lands of the defendant I. M. Moore;

XI.

That on or about the year 1904 the predecessor in interest of the defendant I. M. Moore and the then owner of the lands hereinbefore described in Paragraph VII of this Cross-Complaint placed a dam in Little Creek approximately one-eighth (1/8th) mile upstream in Little Creek from the point where said Little Creek crosses the Easterly boundary of the lands described in Paragraph VII of this Cross-Complaint and constructed a ditch from said point to a point on the Northerly portion of the said Southeast Quarter of Section Twenty-five (25), Township Nineteen (19) North of Range One (1) East of the Boise Meridian and diverted water onto said lands; tha in the same year the predecessor in interest of the defendant I. M Moore constructed a dam at the point where Little Creek crosses th Easterly boundary of the lands of the defendant I. M. Moore last above described and constructed a ditch in a Southwesterly directi therefrom across defendant I. M. Moore's said lands and across Big Creek and through both of said ditches the predecessor of the defe dant I. M. Moore thereby spread upon the lands of the defendant I. M. Moore last above described one hundred sixty (160) miner's inches of the continuous flow of Little Creek and applied the same to a beneficial use in the irrigation of said land; that in and during the year 1904 and during each and every year thereafter the

following described lands situate in the County of Adams, State of Idaho, to-wit:

> Approximately seventeen and five/tenths (17.5) acres in the Southwest Quarter of the Southwest Quarter of Section Twenty-four (24), Township Nineteen (19) North of Range One (1) East of the Boise Meridian lying South and East of the railroad right-of-way of the Northern Branch of the Union Pacific Railroad, and ten (10) acres in the Southeas Quarter of the Southeast Quarter in Section Twenty-three (23) Township Nineteen (19) North of Range One (1) East of the Boise Meridian, lying East of the Little Salmon River.

XIV.

That Little Creek is one of the public streams of the State of Idal and is a tributary to the Little Salmon River and has its source ir approximately Township Eighteen (18) North of Range Two (2) East of the Boise Meridian from whence it flows in a generally Northwesterl direction through and across the Southerly portion of Meadows Valle to its confluence with the Little Salmon River in Section Twenty-three (23), Township Nineteen (19) North of Range One (1) East of the Boise Meridian;

XV.

That the lands of the defendant Virgil Waddell above described are arid in character and without the artificial use of water for irrigation thereof cannot be made to produce profitable crops and forag

XVI.

That in order profitably to irrigate said lands it is necessary that during the full and entire irrigation season that at least one (1) miner's inch per acre of continuous flow of the waters of Little Creek be used upon the lands of the defendant Virgil Waddell;

defendant I. M. Moore and his predecessor in interest in the owner ship of said land have diverted from Little Creek and conveyed down to and upon his said lands not less than one hundred sixty (160) miner's inches of the continuous flow of the waters of Littl Creek in and during the entire irrigation season of each and every year thereafter and have beneficially used and applied the same to the irrigation os said lands;

XII.

That the said plaintiff and the defendants Eugene Keska, George Wilson and Virgil Waddell claim some right, title or interest in the use of said waters of Little Creek for the irrigation of their lands but all right, title and interest in said waters and the whole thereof so claimed by the plaintiff and said defendants and each or any of them except the claim of Robert H. Raney and Edward Raney for two hundred (200) miner's inches of the continuous flow of Little Creek for the irrigation of the Northwest Quarter and th Southwest Quarter of the Northeast Quarter of Section Thirty-two (32), Township Nineteen (19) North of Range Two (2) East of the Boise Meridian, is inferior and subordinate in right to the right, title and interest of the defendant I. M. Moore in and to said waters and subject to the use of this defendant I. M. Moore in and to said flow of the waters of said Little Creek to the extent of one hundred sixty (160) miner's inches thereof, continuous flow during the irrigation season of each and every year;

XIII.

That the defendant Virgil Waddell is now and for many years last past has been the owner of and entitled to the possession of the

XVII.

That on June 1, 1946, the defendant Virgil Waddell who was then th owner of the lands hereinbefore described in Paragraph XIII placed a dam in Little Creek at the point where Little Creek intersects tl South boundary of Section Twenty-four (24) Township Nineteen (19) North of Range One (1) East of the Boise Meridian, which is approxi mately one-eighth (1/8th) of a mile upstream from the point where said Little Creek crosses the East boundary of the lands of the defendant Virgil Waddell in said Section Twenty-four (24) hereinbe- fore described in Paragraph XIII and commenced to appropriate twenty-seven and one-half (27½) inches of water of Little Creek for beneficial use in the irrigation of the land described in Paragraph XIII of this Cross-Complaint and diverted said twenty-seven and one half (27½) inches of water through a ditch in a general Northerly direction and whence said water so appropriated was spread upon the lands of the defendant Virgil Waddell and applied the same to be a beneficial use in the irrigation of said land; that in and during the year 1946 and during each and every year thereafter the defen- dant Virgil Waddell has diverted from Little Creek and conveyed dow to and upon his said lands not less than twenty-seven and one-half (27½) miner's inches of the continuous flow of the water of Little Creek in and during the entire irrigation season of each and every year thereafter and has beneficially used and applied the same to the irrigation of said lands;

XVIII.

That the said plaintiff and the defendants Eugene Keska, I. M. Moore and George Wilson claim some right, title or interest in the use of

said waters of Little Creek for the irrigation of their lands but all right, title and interest in said waters and the whole thereof so claimed by the plaintiff and said defendants, and each or any of them except the claim of Robert H. Raney and Edward Raney for two hundred (200) miner's inches of the continuous flow of Little Creek for the irrigation of the Northwest Quarter and the Southwest Quarter of the Northeast Quarter of Section Thirty-two (32) Township Nineteen (19) North of Range Two (2) East of the Boise Meridian, and except the claim of I. M. Moore for one hundred sixty (160) miner's inches of the continuous flow of Little Creek for the irrigation of the Southeast Quarter of Section Twenty-five (25) Township Nineteen (19) North of Range One (1) East of the Boise Meridian, is inferior and subordinate in right to the right, title and interest of the defendants Virgil Waddell in and to said waters and subject to the use of this defendant Virgil Waddell in and to the flow of the waters of said Little Creek to the extent of twenty-seven and one-half (27½) inches thereof continuous flow during the irrigation season of each and every year;

XIX.

That the defendant I. M. Moore is now and for many years last past has been the owner of and entitled to the possession of the following described lands situate in the County of Adams, State of Idaho, to-wit:

East Half of the West Half of Section Thirty (30) Township Nineteen (19) North of Range Two (2) East of the Boise Meridian.

XX.

That Little Creek is one of the public streams of the State of Idaho

and is tributary to the Little Salmon River and has its source in approximately Township Eighteen (18) North of Range Two (2) East o the Boise Meridian from whence it flows in a generally Northwester direction through and across the Southerly portion of Meadows Vall to its confluence with the Little Salmon River in Section Twenty-three (23), Township Nineteen (19) North of Range One (1) East of the Boise Meridian;

XXI.

That the lands of the defendant I. M. Moore above described are arid in character and without the artificial use of water for irrigation thereof cannot be made to produce profitable crops and forage;

XXII.

That in order profitably to irrigate said lands it is necessary that during the full and entire irrigation season at least one (1) miner's inch per acre of continuous flow of the waters of Little Creek be used upon the lands of the defendant I. M. Moore;

XXIII.

That on or about June 1, 1953, the defendant I. M. Moore was then the owner of the lands hereinbefore described in Paragraph XIX of this Cross-Complaint placed a dam in Little Creek approximately four hundred (400) feet South and slightly East of the East boundary of the said lands of the said defendant I. M. Moore described in Paragraph XIX and commenced to appropriate one hundred sixty (160) inches of the waters of Little Creek for beneficial use in the irrigation of the land described in Paragraph XIX of this Cros

Complaint and diverted said one hundred sixty (160) inches of water through a ditch in a general Northerly direction and whence said water so appropriated was spread upon the lands of the defendant I. M. Moore and applied the same to a beneficial use in the irrigation of said land; that in and during the year 1953 and duri each and every year thereafter the defendant I. M. Moore has diver ed from Little Creek and conveyed down to and upon his said lands not less than one hundred sixty (160) miner's inches of the contin uous flow of the water of Little Creek in and during the entire irrigation season of each and every year thereafter and has beneficially used and applied the same to the irrigation of said lands

XXIV.

That the said plaintiff and the defendants Eugene Keska and Georg Wilson claim some right, title or interest in the use of said wate of Little Creek for the irrigation of their lands but all right, title and interest in said waters and the whole thereof so claimed by the plaintiff and said defendants, and each or any of them except the claim of Robert H. Raney and Edward Raney for two hundred (200) miner's inches of the continuous flow of Little Creek for th irrigation of the Northwest Quarter and the Southwest Quarter of t Northeast Quarter of Section Thirty-two (32), Township Nineteen (19) North of Range Two (2) East of the Boise Meridian, and except the claim of said I.M. Moore for one hundred sixty (160) miner's inches of the continuous flow of Little Creek for the irrigation o the Southeast Quarter of Section Twenty-five (25), Township Nineteen (19) North of Range One (1) East of the Boise Meridian, and except the claim of Virgil Waddell for twenty-seven and one-half

(27½) miner's inches of the continuous flow of Little Creek for th irrigation of approximately seventeen and five-tenths (17.5) acres in the Southwest Quarter of the Southwest Quarter of Section Twenty-four (24), Township Nineteen (19) North of Range One (1) East of the Boise Meridian lying South and East of the railroad right-of-way of the Northern Branch of the Union Pacific Railroad, and ten (10) acres in the Southeast Quarter of the Southeast Quarter in Section Twenty-three (23), Township Nineteen (19) North of Range One (1) East of the Boise Meridian, lying East of the Little Salmon Riber, is inferior and subordinate in right to the right, title and interest of the defendant I. M. Moore in and to said waters and subject to the use of this defendant I. M. Moore i and to the flow of the waters of said Little Creek to the extent o one hundred sixty (160) inches thereof continuous flow during the irrigation season of each and every year;

WHEREFORE, These answering defendants pray Judgment and Decree of this Court:

(a) That the said plaintiff take nothing by reason os his Complain filed herein except subject and subordinate to the right, title and interest of these answering defendants to the amounts and prio ities as hereinbefore set forth;

(b) That the waters of said Little Creek be adjudicated and that t amounts and priorities of the parties to this action be establishe determined and fixed by the Court;

(c) That it be adjudged and decreed that the defendants Robert H. Raney and Edward Raney are owners of and entitled to the use of tw

hundred (200) miner's inches of the waters of Little Creek during the entire irrigation season of each and every year for use upon the following described lands;

> The Northwest Quarter and the Southwest Quarter of the Northeast Quarter of Section Thirty-two (32), Township Nineteen (19) North of Range Two (2) East of the Boise Meridian.

And that it be adjudged and decreed that the defendants Robert H. Raney and Edward Raney's appropriation and right to the use of sai two hundred (200) inches of the waters of said Little Creek is prior in time and superior in right to the title, interest or claims of the plaintiff and the defendants I. M. Moore, Eugene Keska, George Wilson and Virgil Waddell;

That it be adjudged and decreed that the defendant I. M. Moore is the owner of and entitled to the use of one hundred sixty (160) miner's inches of the water os Little Creek during the entire irrigation season of each and every year for use upon the followi described lands:

> The Southeast Quarter of Section Twenty-five (25) Township Nineteen (19) North of Range One (1) East of the Boise Meridian.

And that it be adjudged and decreed that the defendant I. M. Moore appropriation and right to the use of said one hundred sixty (160) inches of the waters of said Little Creek is prior in time and superior in right to the title, interest or claims of the plaintii and the defendants Eugene Keska, George Wilson and Virgil Waddell;

That it be adjudged and decreed that the defendant Virgil Waddell is the owner of and entitled to the use of twenty-seven and one-

half (27½) miner's inches of the waters of Little Creek during th entire irrigation season of each and every year for use upon the following described lands;

> Approximately seventeen and five/tenths (17.5) acres in t Southwest Quarter of the Southwest Quarter os Section Twenty-four (24), Township Nineteen (19) North of Range One (1) East of the Boise Meridian lying South and East of the railroad right-of-way of the Northern Branch of the Union Pacific Railroad, and ten (10) acres in the Southeast Quarter of the Southeast Quarter in Section Twenty-three (23), Township Nineteen (19) North of Range One (1) East of the Boise Meridian, lying East of the Boise Meridian, lying East of the Little Salmon River.

And that it be adjudged and decreed that the defendant Virgil Waddell's appropriation and right to the use of said twenty-seven and one-half (27½) inches of the waters of said Little Creek is prior in time and superior in right to the title, interest or claims of the plaintiff and the defendants Eugene Keska, George Wilson and I. M. Moore insofar as the right to waters for the following lands owned by I. M. Moore, to-wit:

> East Half of the West Half of Section Thirty (30) Township Nineteen (19) North of Range Two (2) East of the Boise Meridian.

And that it be adjudged and decreed that the defendant I. M. Moor appropriation and right to the use of said one hundred sixty (160) inches of the waters of said Little Creek is prior in time and superior in right to the title, interest or claims of the plaintif and the defendants Eugene Keska and George Wilson;

(d) That on final hearing of thissuit a perpetual injunction be issued restraining said plaintiff, his successors and assigns,

agents and employees from interfering with the rights of these answering defendants to the prior use of the waters of Little Creek to the extent and in the priorities hereinbefore set forth;

(e) That these answering defendants have judgemtn for their costs and disbursements herein and such other and further relief as to the Court seems meet and equitable in the premises.

DONART & DONART

By James B. Donart
Attorneys for the Defendants I. M. Moore, Robert H. Raney, Edward Raney and Virgil Waddell.

Residing at Weiser, Idaho