

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: **A43-00161**
Date Received: 6/21/1989
Receipt No: S008322
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: SYLVIA P KNIGHT
Address: 115 SOUTH MAIN
MANTUA UT

435-734-9909

84324-4381

2. Date of Priority: MAY 30, 1882

3. Source: RAFT RIVER

Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
15S	25E	32	SW	SW	SW		CASSIA

5. Description of diverting works:
HEADGATES AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	01/01	06/05	1.200		
IRRIGATION	06/05	07/15	0.600		
IRRIGATION	07/15	12/31	0.300		

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

A.F.A.

8. Total consumptive use is 480.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
15S	25E	32	NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	25E	32	NW	SE		IRR	40.0

Section Acres 160.0

Total Acres 160.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ALBION-IDAHO LAND CO.
Decree Plaintiff

JOBE ADAMS ET AL AMENDED
vs Decree Defendant

A43-00161

RECEIVED

DEC 05 1997

Department of Water Resources

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

1. Water Right No(s).:

A43-00161 - A43-00383 A43-00384 - A43-00385
A43-10543 - A43-10545 A43-10548 A43-10542

Adjudication Claim No(s).:

Same as above - ✓ = modified records
12-8-97.

2. The following REQUIRED information must be submitted with this form:

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant

W. Floyd Knight (deceased)

4. New Owner/Claimant(s)

Sylvia P. Knight (wife)

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

115 South Main

City, State and ZIP Code

Mantua, Utah 84324-4381

New Telephone Number

(435) 734-9909

new area code

(from her envelope)

5. Date you acquired the property

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate 360

1-2 R2Et River

Number and type of stock

under lease to
Sylvia W. Woodbury

Diversion rate in CFS 2.8 Alma Creek

Number of homes

one

Other uses

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s)

Sylvia P. Knight

3 Nov. 1997

(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

All other information stays the same as it was for
William Floyd Knight

RECEIVED

JAN 20 1998

Department of Water Resources

Sylvia P. Knight

115 South Main

Mazatz, Utah 84324

435-734-9909

State of Idaho Water Resources:

Attn - Sally Sherman:

So appreciated the information you sent to me before the holidays.

I have tried to find "Heniz maps" on these two parcels of ground. No luck on that so far.

I did find the original of the enclosed "Contract of Sale" copies in our "Bank Deposit Box", concerning our "Junction Range" of 85 acres, and our Almo "Green Place" (as we call it). I hope maybe this will help you with our records in your office.

Sorry I am so slow getting back to this project.

Thanks lots.

Most Sincerely,
Sylvia P. Knight
15 January 1998

A43-10548

43-00161
-00383
-00384
-00385
-10542
-10543
-10545
-10548

STATE OF UTAH - DEPARTMENT OF HEALTH
CERTIFICATE OF DEATHAccess to information on
this form is limited under
the Vital Statistics Act
and Rules.

LOCAL FILE NUMBER 02-217

STATE FILE NUMBER

DECEDENT	1. NAME OF DECEDENT FIRST MIDDLE LAST William Floyd KNIGHT			2. SEX Male	3a. DATE OF DEATH (Mo, Day, Yr) December 29, 1993	3b. TIME OF DEATH (24 hr clock) 1600
	4. DATE OF BIRTH (Mo, Day, Yr.) Jul 4, 1904			5. AGE (Last Birthday) 89 Yrs	6. BIRTHPLACE (City & State or Foreign Country) Slaterville, UT	
	7. SOCIAL SECURITY NUMBER 528-24-7328			8a. NAME OF HOSPITAL NURSING HOME OR OTHER FACILITY (If outside a facility, give street address of location) 115 South Main		
	8b. COUNTY OF DEATH Box Elder			9. SURVIVING SPOUSE (If wife, give maiden name) Sylvia P. Pulsipher		
DISPOSITION	10. WAS DECEDENT EVER IN U.S. ARMED FORCES? ☐ Yes ☒ No			11. MARITAL STATUS ☐ Never Married ☒ Married ☐ Divorced ☐ Widowed		
	12a. DECEDENT'S USUAL OCCUPATION (Give kind of work done during most of working life. Do NOT use retired) Farmer/Rancher			12b. KIND OF BUSINESS OR INDUSTRY Agriculture		
	13a. RESIDENCE - STREET AND NUMBER 115 South Main			13b. CITY, TOWN, OR COMMUNITY Mantua	13c. COUNTY Box Elder	13d. STATE UT
	14. WAS DECEDENT OF HISPANIC ORIGIN? (If yes, specify) ☒ Yes ☐ No			15. RACE - Black, White, Am. Indian (Tribe may be entered) Japanese, etc. (Specify) White		
PARENTS	17. FATHER'S NAME (First, Middle, Last) John Hyrum Knight			18. MOTHER'S NAME (First, Middle, Last) Eliza Hannah Bradshaw		
	19. NAME, RELATIONSHIP AND MAILING ADDRESS OF INFORMANT Sylvia P. Knight (Wife) 115 South Main Mantua, UT 84324					
	20. METHOD OF DISPOSITION ☐ Entombment ☐ Donation ☐ Other			21a. DATE OF DISPOSITION Jan 3, 1994		
	21b. PLACE OF DISPOSITION (Name of cemetery, crematory, or other place) Ogden City Cemetery			21c. LOCATION - City or town, State Ogden, Utah		
CERTIFIER	22. SIGNATURE OF FUNERAL SERVICE LICENSEE <i>[Signature]</i>			23. LICENSEE NUMBER 53308064		
	24. FUNERAL HOME (Name, address and license number) Olsen-Myers Mortuary			25. DATE DECEASED WAS LAST ATTENDED BY CERTIFYING PHYSICIAN 12-28-93		
	26. If not certified by medical examiner, was death reported to M.E.? ☐ Yes ☒ No If yes, enter the date and hour reported: M.E. Case No.			27. DATE SIGNED (Mo, Day, Yr.) 1-6-94		
	27a. CERTIFIER ☒ CERTIFYING PHYSICIAN To the best of my knowledge, death occurred at the time, date, and place, and due to the cause(s) and manner as stated. ☐ MEDICAL EXAMINER/PLA ENFORCEMENT OFFICIAL On the basis of examination and/or investigation, in my opinion, death occurred at the time, date, place, and due to the cause(s) and manner as stated.			27b. SIGNATURE AND TITLE OF CERTIFIER <i>[Signature]</i>		
REGISTRAR	28. NAME AND ADDRESS OF PERSON WHO CERTIFIED THE CAUSE OF DEATH (ITEM 31) (Type/print) Dean L. Bunderson, MD, 47 N. 100 E. Brigham City UT 84302			29. REGISTRAR'S SIGNATURE <i>[Signature]</i>		
	30. DATE FILED (Month, Day, Year) Held: Dec 30, 1993 Rec: Jan 11, 1994					
	31. PART 1. ENTER THE DISEASES, INJURIES, OR COMPLICATIONS THAT CAUSED THE DEATH. DO NOT ENTER THE MODE OF DYING, SUCH AS CARDIAC OR RESPIRATORY ARREST, SHOCK, OR HEART FAILURE. LIST ONLY THE CAUSE ON EACH LINE. IMMEDIATE CAUSE (Final disease or condition resulting in death) <i>Cardiac Arrest</i>			32. IN YOUR OPINION, TOBACCO USE BY THE DECEDENT: ☐ Probably contributed to the cause of death ☐ Was the underlying cause of death ☐ Did not contribute to the cause of death ☒ Is unknown in relation to the cause of death		
	33a. WAS AN AUTOPSY PERFORMED? ☐ Yes ☒ No			33b. WERE AUTOPSY FINDINGS AVAILABLE PRIOR TO COMPLETION OF CAUSE OF DEATH? ☐ Yes ☒ No		
CAUSE OF DEATH	34. MANNER OF DEATH ☒ Natural ☐ Accident ☐ Suicide ☐ Homicide ☐ Undetermined ☐ Pending Investigation			35a. DATE OF INJURY (Month, Day, Year)		
	35b. TIME OF INJURY (24 Hour Clock)			35c. INJURY AT WORK? ☐ Yes ☒ No		
	35d. LOCATION (Street or rural route number, city or town, county and state)			35e. PLACE OF INJURY - At home, farm, street, factory, office, building, etc. (Specify)		
	35f. DESCRIBE HOW OCCURRED (enter sequence of events which resulted in injury. NATURE OF INJURY SHOULD BE ENTERED IN ITEM 31) <i>Vessel Thrombosis</i>					

This is to certify that this is a true copy of the certificate on file in this office. This certified copy is issued under authority of section 26-2-22 of the Utah Code Annotated, 1953 As Amended.

Date Issued:

JAN 12 1994

County

BEAR RIVER HEALTH DEPT.

Registrar

JOHN C. BAILEY, M.D.

John E. Brockert

DIRECTOR OF VITAL STATISTICS

By

[Signature]

LL 781223



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: A43-00161
Date Received: 6/21/1989
Receipt No: S008322
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: W. FLOYD KNIGHT 801-743-9909
Address: 115 SOUTH MAIN
MANTUA, UT 84324

2. Date of Priority: MAY 30, 1882

3. Source: RAFT RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15S	25E	32	SW	SW	SW		CASSIA

5. Description of diverting works:
HEADGATES AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	01/01	06/05	1.200		
IRRIGATION	06/05	07/15	0.600		
IRRIGATION	07/15	12/31	0.300		

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

8. Total consumptive use is 480.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	25E	32	✓ NE	SW		IRR	40.0
			✓ NW	SW		IRR	40.0

A43-00161

Page 1

Date: 06/21/89

MICROFILMED
MAR 02 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	25E	32	✓ SW	SW		IRR	40.0
			NW	SE		IRR	40.0
Section Acres							160.0
Total Acres							160.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

ALBION-IDAHO LAND CO.
Decree Plaintiff

vs

JOBE ADAMS ET AL AMENDED
Decree Defendant

MICROFILMED
MAR 02 1993

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: _____

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): *W. Lloyd Thright* Date: June 9-89
Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 21st day
of June 19 89 *Steve Callahan*
Notary Public

Seal

Residing at Twin Falls
My Commission Expires Dec 7, 1994

24E.

155.

25E.

36

31

B.M. 5172

Borrow Pits

5197

B.M. 5134

5

Well

B.M. 5137

P

PE

R

R

A

F

R

V

E

R

9

ISALT LAKE

CALIFORNIA

Geog

TRAIL

5176

165.

RECEIVED
MAR 12 1993

V

A

L

L

E

Y

1943-00161

1966

30 29

31 32

E 102
1-3

43-161 ASCS 1964

E	8.4	ac
F	6.4	
G	3.7	
H	6.2	
I	2.7	
J	13.3	
K	2.3	
		43 ac

P.U.

R.D. RAFT RIVER

MICROFILMED
MAR 02 1993

A43-00161

05/10/2001

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 15, 2001

Water right number: 43-161

SYLVIA P KNIGHT
115 SOUTH MAIN
MANTUA UT 84324

Telephone Number: (435) 734-9909

RECEIVED

JUN 07 2001

Department of Water Resources
Southern Region

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

 I AGREE with this proposed recommendation: no changes need to be made.

DATE: June 1, 2001 SIGNATURE: Sylvia P. Knight

Please print your name: Sylvia P. Knight

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, (208) 736-3033

10/26/2000

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-161

NAME AND ADDRESS: SYLVIA P KNIGHT
115 SOUTH MAIN
MANTUA, UT 84324

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 1.2 CFS

PRIORITY DATE: 05/30/1882

POINT OF DIVERSION: T15S R25E S32 SWSWS Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	1.20 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T15S R25E S32	NESW	39	T15S R25E S32	NWSW	40
T15S R25E S32	SWSW	31	T15S R25E S32	NWSE	16

126 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 60 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

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

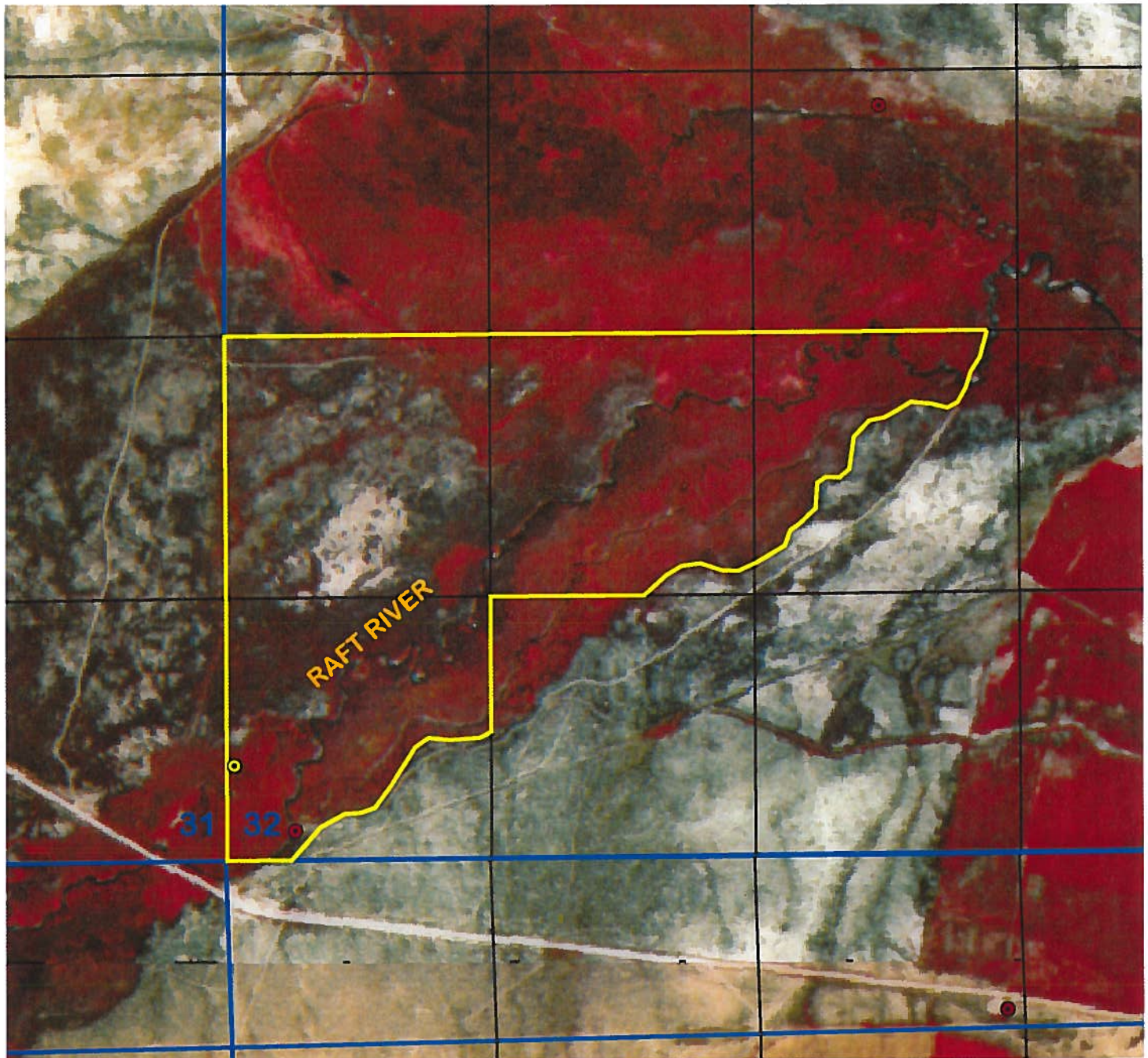
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 43B.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT: 43-161

RECOMMENDED PLACE OF USE
TWP 15S, RNG 25E, Sec 31, 32
Data entry on October 26, 2000



● RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

SECTION LINES

QUARTER/QUARTER LINES



GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY VIKIE HANCOCK

CLAIM NUMBER: A43-00161

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	M FLOYD KNIGHT	05/30/1882	IRRIGATION	01-01 06-05	1.20 CFS	
			IRRIGATION	06-05 07-15	0.60 CFS	
			IRRIGATION	02-15 12-31	0.30 CFS	

TOTAL DIVERSION: 1.20 CFS
CONSUMPTIVE USE: 1.20 CFS

Water Source: RAFT RIVER
Tributary to: SNAKE RIVER
Stage: DECREED

Point(s) of Diversion: T15S R25E S32

CASSIA County

Place of use Legal Description for: IRRIGATION

NE	SE	SW	NE	SE	SW	TOTAL ACRES
T R S : Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	SUM : 160.0
15S 25E 32 :	:	:	:	:	:	40
						160.0

Place of use Legal Description for: IRRIGATION

NE	SE	SW	NE	SE	SW	TOTAL ACRES
T R S : Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	SUM : 160.0
15S 25E 32 :	:	:	:	:	:	40
						160.0

Place of use Legal Description for: IRRIGATION

NE	SE	SW	NE	SE	SW	TOTAL ACRES
T R S : Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	SUM : 160.0
15S 25E 32 :	:	:	:	:	:	40
						160.0

POU County: CASSIA

Other Rights: NONE

Dates: Exam Made Date: 03/12/1985
Verified Date: 03/12/1985

Misc: Water District Number: 43B
Field Inspection Flag: Presumption Flag:

Acres limited by decreed div amt

C 18

Kole 1000

BQ 9 43B

Superior 1000

*Split deced 03
from 181, 181
Superior 1000
divided by
1000*

RECOMMENDATION NOTES

From: Vikie Hancock

VH

10/26/00

Regarding: Claim 43-161

This claim is based upon a right decreed in the 1928 Jobe Adams Decree for 1.2 cfs. There was no specific season of use listed for this right in the Jobe Adams.

This right was previously included in the Lee Kirk v Bartholomew decree of 1893. In that decree, the season of use for this right was broken out into three separate seasons with different diversion rates, as follows: 1/1 to 6/5 - 1.20 cfs; 6/5 to 7/15 - .60 cfs; 7/15 to 12/31 - ~~0.20~~ cfs. Since the Jobe Adams Decree supercedes the Lee Kirk Decree, this right is recommended with 1.2 cfs to be used during the standard irrigation season. *0.3*

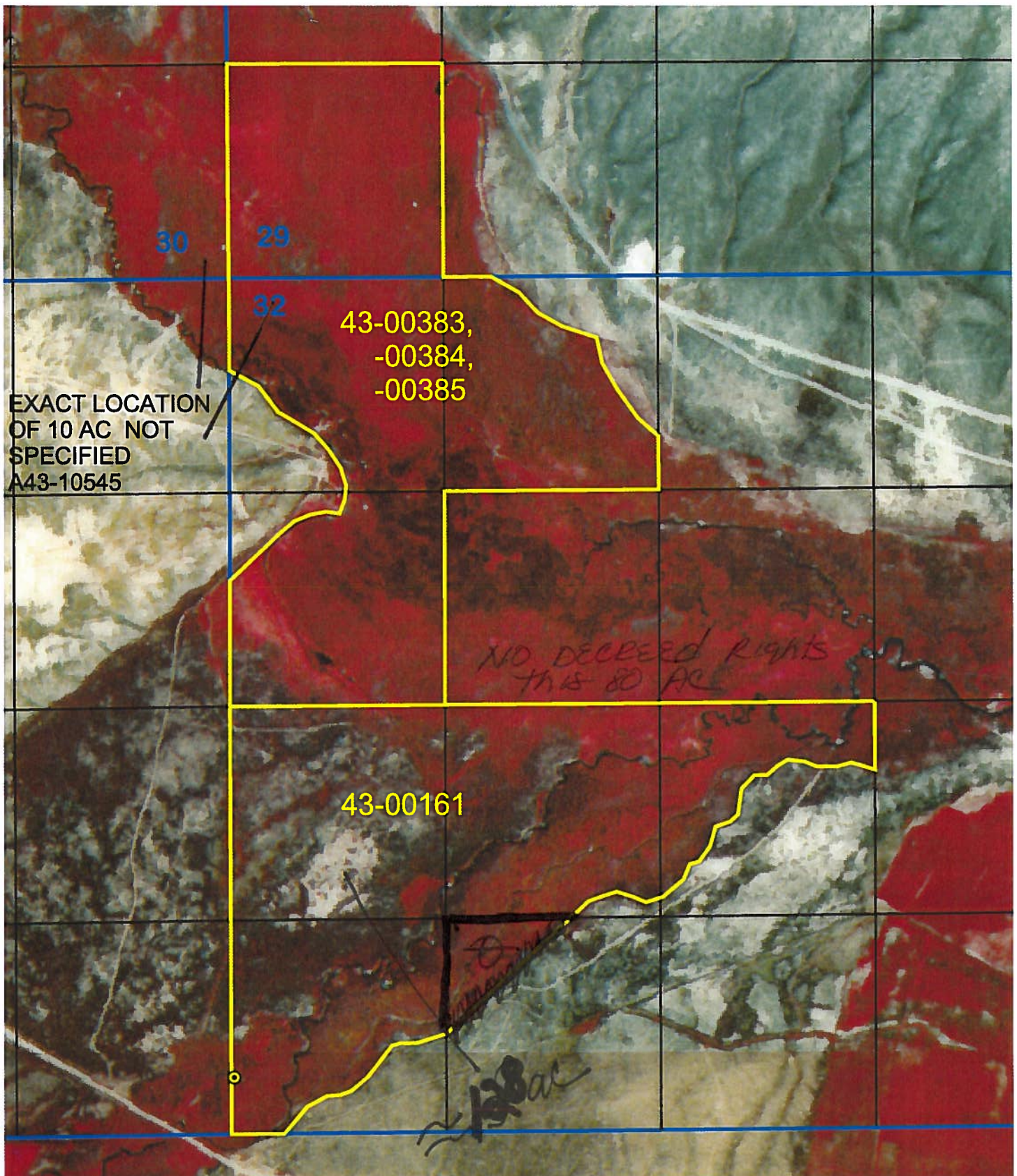
The place of use for this right was identified as four forty acre tracts, but it does not appear in 1987 NAPP photography that the entire 160 acres was irrigated at any time, and the diversion rate indicates that 60 acres were irrigated from Raft River. My recommendation is that this right be limited to the irrigation of 60 acres within the possible place of use identified by GIS.

- ALSO NOTE 1966 ASCS map shows 43 acres irrigated within decreed tracts - *VH*

FIELD NOTES

CLAIM NO(S): A43-00383, A-43-00384,
A43-00385, A43-00161, A43-10545

TWP 15S, RNG 25E,
SEC 29, 30, 32



384
385

1884-Apr. 30 .8 s.f.
1885-Apr. 30 1 s.f.

for the irrigation of
SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec.
32, Tp. 15 S. R. 25 E.B.M.

161

34. Chris Hanson
1882-May 30 1.2 s.f.

To be diverted from Raft River for the
irrigation of NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$
Sec. 32, Tp. 15 S. R. 25 E.B.M.

43-00419

35. Orville Ward
1890-Apr. 1 3.2 s.f.

To be diverted from Raft River for the
irrigation of SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 30, Tp. 15 S. R. 25 E.B.M.

223

36. Oregon Mortgage Co.
1883-Apr. 30 1.3 s.f.

(First description and first award)
To be diverted from Raft River, for the
irrigation of a part of the E $\frac{1}{2}$ NE $\frac{1}{4}$,
NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 36, Twp. 9 S. R. 27 E.B.M.

349

37. Benjamin Willmore
1911-Jan. 17 8.15 s.f.

(Third award on page 39 of said decree)
To be diverted from Clear Creek for the
irrigation of
SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 26, Tp. 16 S. R. 27 E.B.M.

IT IS FURTHER STIPULATED AND AGREED that the proviso contained on page 25
of said decree, defining the water rights of the International Mortgage Bank,
shall be amended to show that the said proviso therein contained shall apply
only to the decree of:

1883-Apr. 29 10.1 s.f.
1886-Apr. 1 3.8 s.f.
1908-Jan. 25 21. s.f.

DATED this 6th day of December, A.D. 1928.

ALBION IDAHO LAND COMPANY

By W. G. Bissell & Branch Bird
Attorneys

ALL DEFENDANTS REPRESENTED BY
LOWE & WOLFE.

By S. T. Lowe
E. M. Wolfe
Attorneys

INTERNATIONAL MORTGAGE BANK

By Parker W. Kimball
Attorney.

NORTH AMERICAN MORTGAGE COMPANY AND
J. P. FABRICK

By Jay L. Downing
Attorney

OREGON MORTGAGE COMPANY

By Sutphen & Sutphen
Attorney

PORTLAND MORTGAGE COMPANY

By Sutphen & Sutphen
Attorney

Filed: April 24, 1890

Recorded: Book A Jdgs., P. 253-283.

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF IDAHO
TERRITORY, IN AND FOR THE COUNTY OF CASSIA

LEE KIRK ET AL

VS.

FINDINGS.

A. BARTHOLOMEW ET AL

Findings of the Court in this action

The above entitled cause having come on regularly for trial at the November term of said court held in and for Cassia County, Idaho Territory in 1889, and having been tried by the Court and after taking the evidence on all the issues in the case and hearing the arguments of the Counsel for the respective parties the Court having taken the same under advisement; and having duly considered said evidence, arguments, and all the case, and being duly advised therein the Court hereby renders its decision and findings as follows, to wit:

Findings of Fact

H. I find that for the Lee Ousley claim it appropriated waters from said Raft River, in May 1882 to be used in irrigating the lands hereinafter described

161
To June 15, in each year 60 inches of water, from June 1 to July 15, 30 inches of water from July 15 to the end of the year, 15 inches of water

That it has used the above amounts during the times mentioned, in each year, down to the date of this decree

That the lands upon which the said waters were so used as aforesaid, are particularly described as follows:

NW $\frac{1}{4}$ SE $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 32, Tp. 15 S.,
R. 25 E.B.M.

CONCLUSION OF LAW

As conclusions of Law, the Court finds as follows:

MICROFILMED

MAR 03 1993

Superseded By 1928 Jobe Adams Decree

over-

W. Floyd & Sylvia Knight
115 South Main
Mantua, UT 84302

For the Lee Ousley Claim it is entitled to the use of 60 inches of water from the waters of Raft River to June 15, in each year; from June 15, to July 15, 30 inches; and from July 15 to the end of the year, 15 inches; for the purpose of irrigating the lands hereinbefore described as constituting said claim.

Said right to commence in the month of May 1882.

That the costs and disbursements of this suit including the expense for commissioner, or water master, are taxed on due proof presented to the Clerk, and paid by each party hereto, in proportion to the amount of water such party is adjudged to receive.

Let judgment be entered accordingly

April 21, 1890

C. H. Berry
Judge Dist. Court

MICROFILMED
MAR 03 1993