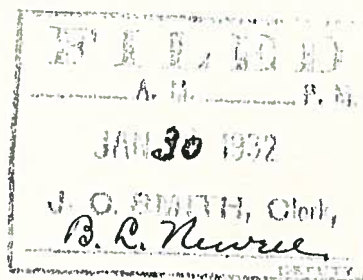


63-7

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

PIONEER IRRIGATION DISTRICT,
Plaintiff,
v.
AMERICAN DITCH COMPANY et al.,
Defendants,
and
UNITED STATES OF AMERICA,
Intervener.

ORDER
FOR DISTRIBUTION OF WATERS OF
BOISE RIVER
FOR 1932.



On this 30th day of January, 1932, counsel for all parties being present in court, on motion of the plaintiff and no one objecting thereto, the court hereby enters the following order:

IT IS HEREBY ORDERED that from and after the date hereof, all waters of the Boise River involved in this suit, shall be distributed during the year 1932 to the following named parties, in accordance with the following priorities, and in the amounts shown after each respectively, subject, however, to the sliding scale hereinafter set forth:

- 63-0297 — Farmers Union Ditch Co., Ltd., 54.46 second feet, with date of priority, July 2, 1894;
- 63-0372 — New York Irrigation District and Boise Kuna Irrigation District, successors to New York Canal Co., 58.86 second feet, with date of priority March 23, 1900;
- 63-0301 — United States of America, 1354.58 second feet, with date of priority, December 14, 1903;
- 63-0294 — Pioneer Irrigation District, 306.56 second feet, with date of priority, April 1, 1905;
- 63-0296 — Farmers Co-Operative Ditch Co., 154.45 second feet with date of priority, April 1, 1905;

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- 63-0298 - South Boise Mutual Ditch Co., 5.4 second feet,
with date of priority, April 1, 1905;
- 63-0295 - Pioneer Irrigation District, 54.5 second feet,
with date of priority, April 1, 1908;
- 63-0373 - United States of America, 292.5 second feet,
with date of priority, April 1, 1909;
- 63-0302 - United States of America, 634 second feet,
with date of priority, June 16, 1909;
- 63-0299 - Riverside Irrigation District, 63.78 second feet,
with date of priority, April 1, 1910;
- 63-0303 - United States of America, 8000 second feet,
with date of priority January 13, 1911 for storage
in Arrow Rock Reservoir, provided that the Arrow Rock
Reservoir, of the United States under date of priority
of January 13, 1911, shall not be subject to cut until
the flow of Boise River is insufficient to supply the
said right and all rights prior thereto, and that
after the flow of Boise River becomes insufficient to
supply the said right, and all rights prior thereto,
then the said Arrow Rock right shall be cut in its
entirety before any right prior thereto shall be cut.
- 63-0300 - Riverside Irrigation District, 17.7 second feet,
with date of priority, April 1, 1914.

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IT IF FURTHER ORDERED, That the said respective parties shall receive 100 per cent of the above amount until the natural flow of the waters of Boise River shall decrease so that all the rights cannot receive 100 per cent, at which time the various rights shall first be cut to 75 per cent of the said amounts, as the natural flow of the river decreases, beginning with the latest rights and preceding to the earliest rights in the order of their said priorities, and after all of the said rights shall have been reduced to a 75 per cent of the said amounts, should the natural flow of the waters of the river decrease below the amount necessary to supply said 75 per cent of the said rights, then the various rights, beginning with the latest and preceding to the earliest, as aforesaid, shall be reduced to 60 per cent of the said specified amounts. Sixty per cent of the said specified amounts is hereby fixed and determined as the highest duty of water for the year 1932.

IT IS FURTHER ORDERED, That the waters of Boise River shall be diverted for beneficial use and not wasted, and in case any user is diverting water over and above the amount that he is actually putting to beneficial use, the amount diverted by him shall be reduced to the amount actually put to a beneficial use.

This order is made without prejudice to the contentions of any party hereto and without prejudice to the determination by the court of the ultimate rights of the parties hereto.

Dated at Caldwell, Idaho, this 30th day of January, 1932.

A. D. Sutter

Judge

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