

INSTRUMENT NO. 511655

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

LAWSON L. McMANUS and EDITH L.
McMANUS, husband and wife, and
ALICE TEATER, a widow,

Plaintiffs,

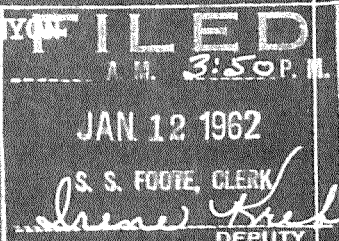
VS.

EDWIN B. KARN, Water Master,

Defendant.

CIVIL NO. 15390

JUDGMENT



The above matter came on regularly to be heard in this Court without a jury on the 12th day of January, 1962, upon the plaintiffs' complaint, the plaintiffs appearing by their attorney, Wm. F. Gigray, Jr., of the firm of Gigray & Boyd, and the defendant, Edwin B. Karn, having been regularly served with process according to law and having appeared in person, and refusing to plead further in this cause, and waiving any further notice that may be required by law and consenting that default be entered against him, and the default of the defendant having been entered, witnesses were sworn and examined on behalf of the plaintiffs, and oral and documentary evidence having been introduced, the Court being fully advised in the premises and having duly considered the same, and the Court having arrived at his conclusions and having made and filed Findings of Fact and Conclusions of Law from which it appears that the plaintiffs are entitled to Judgment as prayed for in their complaint;

NOW, THEREFORE, It is ORDERED, ADJUDGED and DECREED, and this does ORDER, ADJUDGE and DECREE, that the plaintiffs, Lawson L. McManus and Edith L. McManus, husband and wife, are the owners of the following described real estate situated in Canyon County, Idaho, containing approximately 85 acres of land, to-wit:

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Commencing at a point on the Range line between Range 3 W. and Range 4 W.B.M. in Township 4, 880 feet North of the Section corner common to Sections 7 and 18, Township 4 North, Range 3 W. and Sections 12 and 13, Township 4 North, Range 4 W.B.M., thence North on said Range line 1721 feet; thence due West 604.39 feet to a point of beginning: Thence South 26° 40' W. 705.49 feet; thence South 53° 10' East 53.25 feet; thence South 45° 05' East 525 feet; thence South 31° 20' East 465 feet; thence South 36° 00' East 250 feet; thence South 49° 40' East 150 feet; thence South 46° 00' East 335 feet; thence South 48° 15' East 405 feet; thence South 70° 30' East 230 feet; thence South 79° 50' East 415 feet; thence North 78° 10' East 110 feet to the East boundary line of Lot 3 of Section 7, Township 4 North, Range 3 W.B.M.; thence North along said boundary line 2116.4 feet; thence South 86° 45' West 350 feet; thence due West 425 feet; thence North 75° 00' West 210 feet; thence North 54° 45' West 375 feet; thence North 27° 95' West 605 feet; thence North 4° 10' West 101.86 feet; thence South 26° 40' W. 716.46 feet to the point of beginning; Excepting therefrom a strip of land 99 feet in width extending along the Easterly side thereof, comprising approximately 5 acres, and also excepting therefrom a strip of land 20 feet in width extending along the Southernly and Southwesterly boundary line of said premises.

Together with all water, water rights, and rights of way for ditches, used in connection with the irrigation of said premises.

and that the plaintiff Alice Teater, a widow, is the owner of the following described real estate situated in Canyon County, Idaho, and adjoining the above described lands of the plaintiffs, Lawson L. McManus and Edith L. McManus, husband and wife, containing approximately 83 acres of land, to-wit:

Commencing at the Southeast corner of Section 12, Township 4 North, Range 4 West of the Boise Meridian, in Canyon County, State of Idaho; thence North on the section line a distance of 880 feet to a point; thence North 49° 40' West 150 feet; thence North 36° 0' West 250 feet; thence North 31° 20' West 465 feet; thence North 45° 5' West 525 feet; thence North 53° 10' West 53.25 feet to the real point of beginning; thence North 26° 40' East 1421.95 feet; thence North 4° 10' West 323.14 feet; thence North 18° 15' West 500 feet; thence North 54° 20' West 465 feet; thence South 83° 35' West 485 feet; thence South 74° 35' West 436 feet; thence South 59° 30' West 770 feet; thence South 71° 45' West 330 feet;

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thence South 40° 15' West 245 feet;
 thence South 14° 20' East 5 feet;
 thence South 36° 45' East 150 feet;
 thence South 44° 45' East 330 feet;
 thence South 69° 35' East 415 feet;
 thence South 58° 55' East 575 feet;
 thence South 65° 10' East 392 feet;
 thence South 53° 10' East 206.75 feet to
 the real point of beginning.

Together with all water, water rights, ditches and
 rights of way for ditches appurtenant thereto or in
 anywise appertaining.

That the plaintiffs and their predecessors in interest
 have continually since the 1st day of April, 1910, diverted water
 from the natural flow of the Boise River to irrigate the said land
 of approximately 168 inches measured under a four inch pressure,
 and that the same has been continually applied to the said land
 for the beneficial purpose, that of irrigating the same, annually
 thereafter during the irrigation season; and

It is further ORDERED, ADJUDGED and DECREED, and this
 does ORDER, ADJUDGE and DECREE, that there shall be allowed to
 flow to the said land, diverted from the Boise River and its tribu-
 taries, for the use of the irrigation of the said land for the
 benefit of the plaintiffs and their successors in interest lawfully
 entitled thereto priority of 168 inches of water measured under a
 four inch pressure, dated from the 1st day of April, 1910, provided
 that this decree shall at all times be subject to the terms of the
 original decrees of the Boise River, as follows:

That certain decree entered by the Judge of the District
 Court of the Seventh Judicial District of the State of Idaho in and
 for the County of Canyon in the case of Farmers Co-Operative Ditch
 Company, a corporation vs. Riverside Irrigation District Ltd.,
 dated January 18, 1906, which is commonly referred to and known as
 the "Stewart Decree" of the natural flow of said river or stream;
 and subject also to the terms and conditions of that certain decree
 made and entered in the District Court of the Seventh Judicial
 District of the State of Idaho in and for the County of Canyon in

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the case of the Pioneer Irrigation District vs. American Ditch
 Association, et al., dated February 14, 1929, commonly known as
 the "Bryan Decree;" in which decrees were adjudicated the priori-
 ties of the natural flow of the water and of the flood waters of
 the Boise River; and

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6
7 is hereby further ADJUDICATED and DECREED that the
8 above named defendant as Water Master of the Boise River and his
9 successors in office shall allow to flow to the said lands of the
10 plaintiffs for irrigation purposes and for the benefit of the
11 plaintiffs herein and their successors in interest, who may be law-
12 fully entitled thereto by virtue of the appropriation, in an amount
13 of 168 inches of water per second measured under a four inch
14 pressure, dated from the 1st day of April, 1910, and the said Water
15 Master of the Boise River and his successors in interest shall dis-
16 tribute to them the said water in accordance therewith in the same
17 manner and effect as thereof their said rights had been included
18 in the said decree commonly known as the "Bryan Decree" hereinabove
19 referred to, and with the same priority as if the same had been in-
20 cluded.

21 Done in open Court this 12th day of January, 1962.

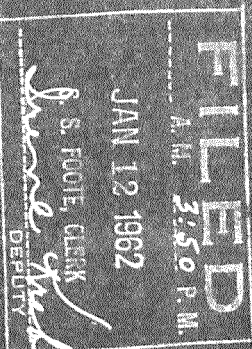
22 Robert B. Dunlap
23 District Judge

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Lawson & McManus
and Laidlaw McManus
at at at at

Kevin B. Ham

Judgment



STATE OF IDAHO

County of Canyon

ss.

I hereby certify that the foregoing instrument is a true and correct photostatic copy of the original as the same appears in this office.
Dated January 29, 1962
S. S. FOOTE, Clerk of the District Court and Ex Officio Recorder
By Bernice Matichka Deputy

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