APPENDIX TO THE UNITED STATES MEMORANDUM IN SUPPORT- MOTION FOR SUMMARY JUDGMENT

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Adjudication Bureau

JUNE 27, 1996

Appendix to United States Motion For Summary Judgment

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AFFIDAVIT OF JOAN L. BROWNELL

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United States Department of Agriculture

Counsel for the United States of America

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

IN RE: SRBA	)	
	)	Subcase Nos. See attached list
	)	
CASE NO. 39576	)	
	)	
	)	
	)	

AFFIDAVIT OF JOAN L. BROWNELL

State of Montana)

County of Gallatin)

JOAN L. BROWNELL, being first duly sworn upon oath, deposes and says:

000001

1. I am a consulting historian retained by the United States Department of Justice to assist in conducting historical research relating to claims made by the United States in Snake River Basin Adjudication.

2. As part of my research, I conducted a search of documents relating to the case of *Utah Construction v. Abbott* in the National Archives Pacific Northwest Region in Seattle, Washington. I also reviewed documents from the Salmon-Challis National Forest which were obtained by Timothy Jones.

3. After a review of these files, I was able to ascertain the following facts as set fort in paragraphs 5 through 14 below.

4. In 1919, the Utah Construction Company ("Company") filed a complaint in federal district court seeking to determine the water rights to the use of surface water from the Big Lost River and its tributaries. The complaint was filed in federal district court based on diversity jurisdiction since Utah Construction was a foreign corporation. The case was instituted as *Utah Construction v. B. B. Harger, et. al.*, subsequently recaptioned as *Utah Construction v. Aiken, et. al.*, and finally as *Utah Construction v. John F. Abbott et. al.* All of these cases proceeded in the United States District Court for Idaho under Equity case number 222.

5. The Company based its claim on the right to store water in its Mackay reservoir and use stored water for irrigation of lands under the Carey Act. Defendants were settlers above and below the Mackay reservoir who claimed water rights prior in time to the Company. The United States was not named as defendant in the complaint.

6. Subpoenas were served on all defendants. The United States was not identified on the service list as being served with a subpoena.

7. An amended complaint was filed on May 26, 1920. The United States was not named as defendant, was not on the service list as being served with a subpoena.

8. On March 1, 1920, a hearing on the decree was held in the District Court. During the course of the hearing there was no mention of the United States or any water rights associated with the Federal government.

9. On March 15, 1923, a final decree was entered. The decree allowed for storage and diversion of the Big Lost River when it did not interfere with any prior rights for irrigation and specified beneficial uses as domestic and culinary purposes and watering of livestock.

10. The decree identified all parties whom were bound by the decree. The United States was not identified as a party served with process or bound by the decree.

11. By letter dated August 26, 1924, the Supervisor for the Lemhi National Forest, O. W Mink, requested the water commission blanks to apply for water rights at several guard stations from the State Water Commissioner in Boise, Idaho.

12. On July 2, 1925, O. W. Mink, the Forest Supervisor at the Lemhi National Forest made application for water rights for irrigation use including the Wildhorse Guard Station.

13. In an October 12, 1925 affidavit, Lynn Crandall, Water Commissioner for the Big Lost River, stated he had suggested to Edwin Snow that certain additional water rights be included in the 1923 final decree including the two United States Forest Service water rights. On September 30, 1925, Edwin Snow, the attorney for the Utah Construction

Company, filed a motion requesting that numerous water rights including the two United States Forest Service water rights be included in the 1923 final decree.

14. On October 21, 1925, the District Court entered an Order Correcting Errors and Omissions in the *Utah Construction* Decree. These rights were included under a provision of the final decree that allowed for corrections for clerical errors, inadvertence and omissions.

15. I have attached hereto true and correct copies of the following documents which I had copied at the National Archives:

A. Court Docket

B. Complaint dated June 14, 1919.

C. Amended Complaint dated May 26, 1920.

D. Answer dated August 13, 1919.

E. Amended answer dated March 1, 1920

F. Answer and cross complaint dated October 28, 1920

G. Order correcting errors and omissions dated October, 21, 1925.

H. Affidavit of Lynn Crandall dated October 12, 1925.

I. Notice of Motion and Excerpts from Motion To Correct Errors dated September 30, 1925.

16. Further affiant sayeth naught.

000004

Dated this 24 of June, 1996

Joan L. Brownell

Joan L. Brownell

SUBSCRIBED and SWORN to before me this 24th day of June, 1996

William A. Thomas

NOTARY PUBLIC FOR State of Montana

Residing at: Billings

My Commission Expires: 07/29/99

WILLIAM A. THOMAS
Notarial Seal
State of Montana

List Of Affected Subcases

United States' Motion for Summary Judgment Concerning The *Res Judicata* Effect Of The *Utah Construction* Decree On The United States

34-11447

34-11509

34-11576

34-11580

34-11645

34-11659

34-11661

34-11662

34-11946

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34-11949

34-11950

34-11951

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A. Court Docket

B. Complaint

C. Amended Complaint

D. Answer

E. Amended Answer

F. Answer and Cross Complaint

G. Order Correcting Errors and Omissions

H. Affidavit of Lynn Crandall

I. Notice of Motion and Motion

EXHIBIT A

Court Docket

UNITED STATES CIRCUIT COU

DATE. Month	Day	Year	FILINGS—PROCEEDINGS
June	16	1919	Fil Complaint
"	17	"	Issuing Subpoenas, Rd Reps [illegible]
"		"	206 Duplicates for service
July	21	"	Fil Appearance of Attorneys for Defendants
"		"	Stipulation
"		"	Enter order extending time to plead
Aug	8	"	Notice of withdrawal of counsel for Carlington Lr S. C. & J. S. Cattleman
"	9	"	Motion for order requiring a more definite statement of plff's claim
"	14	"	Answer of certain defendants
Oct	9	"	Stipulation
Nov	1	"	Ent Order appointing Lowell H. Chapman Water Master
Dec	5	"	Account of L. H. Chapman, Master Commissioner
[illegible]			Water Master account for Dec
"		"	Making copy 2
July	6	"	Fil Motion to require certain distributions of water
"		"	Notice of Motion
"		"	Withdrawal of Motion
"	16	"	Answer of defts N. S. Simmons
"	14	"	Ent order setting cause for trial March 1 1920 at 10 AM
"	23	"	Fil Notice of Motion
"		"	Motion to amend answer
Mch	1	"	[illegible]
Feby		"	Issue subpoenas, Rd Reps
"		26	" " " " " " " "
Mch	1	"	Fil Affidavit of service on Notice
"		"	Record of trial
"		"	Swearing witnesses
"		2	Issue subpoena 25 copy
"		"	Record of trial
"		"	Swearing witnesses
"		2	Record of trial
"		"	Swearing witnesses
"	30	"	Fil account of Water Master for month of February 1919
"		"	Record of trial
"		"	Swearing witnesses
"		6	" "
"		"	Record of trial
"		8	" "
"		"	Fil Amendment to complaint
"		"	Swearing witness
"		"	Record of trial
"		"	Swearing witnesses
"		"	Fil Exhibit
"		10	Enter order re: storing of water in reservoirs
"		"	Certified copy of order
Apr	7	"	Fil account of Water Master for March
"	6	"	Report of H. H. Chapman Water Master
"	9	"	Enter order approving Report, Master's Fees & distribution
"		"	" " " re distribution
"		"	Making certified copies of orders
"	29	"	Fil Water Master account for April
May	17	"	Application of Chase A. Clarke & Silon B. Clarke to withdraw as attorneys
"	24	"	Admission " " " " " " " " " " " "
June	7	"	Amended Complaint
"	11	"	Issue subpoena ad rep[illegible]
"	30	"	Fil Motion for leave to do certain work
"		"	Stipulation that amended Comp. be deemed to be done
"		"	Admission of Geo L. Ambrose for certain defts
"		"	Special Resp on release

000008

Utah Construction Company.
a Corporation,
Plaintiff.

vs.

B. F. Harger, et al.
Defendants.

Equity Suit

Howat Moreable
Macmillan & Parker
Salt Lake

Irvin Jones
Boise

O. E. Radbourne
Idaho Falls for
Darlington & C.

E. J. Bockius
[illegible]
Lee & Adams Blackfoot
Chas. A. Clark
Murray
Holden, Hartwell & Hawley
Idaho Falls
[illegible]

DATE	CASH ACCOUNT (PLAINTIFF)			DATE	CASH ACCOUNT—(DEFENDANT)		
			256.10	Aug 13 1919	Holden & Holden		10
Sept 3 1919	Utah Constr. Co	26110		Jany 29 1920	Treasurer [illegible]	105	
" "	Clerks fees			Apl 12 "	" " "	6	
Oct 17 "	[illegible]			July 7 "	" " "	300	
Apl 11 "	Western Union Tel. Co.	10		Sept 28 "	Lee & Adams		10
" 12 "	[illegible]	10		Oct 22 "	Treasurer of [illegible]	40	
" "	Treasurer of [illegible]	800		Nov 3 "	H. J. Lemmon		100
July 7 "	" " "	490		" 19 "	H. J. Lemmon		1400
Oct 22 "	" " "	100		Dec 2 "	Chas A Clark		10
" " "	" " "	795		Jany 28 1921	Treasurer of [illegible]	150	
Jany 28 1921	" " "	250		March 6 "	American Ry Express Co.	20	
Apl 6 "	" " "		2000	" 9 "	H. J. Lemmon	1900	
" "	Edwin Jones	410		Apl 6 "	Treasurer of [illegible]	410	
" 1 1922	Treasurer of [illegible]	10		" 1 "	E. J. Bockius		100
" "	" " "	110		Sept 1 1922	Treasurer of [illegible]	200	
" "	" " "	210		" 5 "	" " "	10	
Aug 5 "	" " "	590		" "	" " "	10	
Aug 10 "	" " "	426		Aug 5 "	" " "	10	
Aug 10 "	" " "			Aug 10 "	" " "	239	
					Carried to page 227		

ABSTRACT OF COSTS

To Whom Issued | Amount

RECEIPTS, REMARKS, ETC.

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J. 140

CIVIL DOCKET.

Docket 222

Utah Construction Co. vs. B. B. Harger. et al

DATE				
				(Amounts to be supplied)
June	30	1920		
"	"	"	Issue Alias subpoena	
July	17	"	Fil appearance of Geo. L. Ambrose &c. for certain defts	
"	"	"	" stipulation for extension of Time	
"	"	"	" " " "	
"	"	"	" allowance & expense charges for June 1920	
"	20	"	" Alias Subpoena ad respondendum on return	
"	28	"	Issue Alias " " "	
"	21	"	Fil & Enter order re: distribution of Water	
Aug	14	"	" Alias subpoena on return	
"	"	"	Issue alias subpoena ad resp	
Sept	"	"	Fil Alias subpoena ad resp. on return	
"	"	"	Issue " " "	
"	15	"	Making record of hearing	
"	"	"	Swearing 2 Witnesses	
"	16	"	Making record of trial continued	
"	"	"	Swearing 1 Witness	
"	"	"	8 "	
43	"	20	" Fil Notice & Affidavit	
44	"	"	" Ent Order	
45	"	"	"	
			Making 2 cert. copies of Order	
	"	17	" Making record of trial con.	
	"	"	" Fil 2 Witnesses	
46	"	21	" Separate Answer of S. O. [illegible]	
47	"	25	" Answer & Cross Complaint of Elizabeth Clark et al	
48	Oct	2	" " " " " Marie E. Allen	
	"	18	Issue Alias subpoena ad resp.	
49	"	"	Fil " " " " on return	
50	"	"	" Amended return on alias subpoena	
51	Nov	2	" Answer & Cross Complaint Chas S. [illegible]	
52	"	"	" " " " " Martin S Carey	
53	"	"	" " " " " Edwin L. Jones, executor	
54	"	"	" " " " " Geo E. Nichols	
55	"	"	" " " " " Wm C. Mann et ux	
56	"	"	" " " " " Algott Johnson	
57	"	"	" " " " " Henry Curtis	
58	"	"	" " " " " Thos M. Curtis	
59	"	"	" " " " " Carwin S. Stuart	
60	"	"	" " " " " Ray Childs et ux	
61	"	"	" " " " " Lester A. Childs et ux	
62	"	8	" " " " " Ernest Zenger	
63	"	13	" Alias Subpoena Ad respondendum on return	
64	"	19	" Answer & Cross Complaint of Ernest Miller	
	"	22	" Issuing Alias Subpoena Ad respondendum	
65	"	24	" Fil Answer & Cross Complaint of J. V. Arguilino, et al.	
66	"	"	" " " " " " " " " Scott Vaught	
67	"	"	" " " " " " " " " Summit Land & Water Co. et al	
68	"	"	" " " " " " " " " J. L. Bloomer, et al.	
69	"	"	" " " " " " " " " Alvin West & Minnie West	
70	"	"	" " " " " " " " " Henry Carter,	
71	"	"	" " " " " " " " " J. C. Cook & Walter Hansen Husband	
72	"	"	" " " " " " " " " J. E. Sadlock, et ux.	
73	"	"	" " " " " " " " " J. E. Vearrow, et ux.	
				Wm. Zuckie

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UNITED STATES CIRCUIT CO

Docket 222

Utah Construction Co. vs. B. B. Harger, et al.

	DATE									
	Month	Day	Year							
76	"	19	1920	Fil.	Answer & Cross-	"	"	"	"	C. E. Mills, et al.
77	"	"	"	"	"	"	"	"	"	J. Paul Gustin et
78	"	"	"	"	"	"	"	"	"	C. D. Seager
79	"	"	"	"	"	"	"	"	"	V. N. Arnold, et al
80	"	"	"	"	"	"	"	"	"	Caroline P. Ottesen
81	Dec.	1	"	"	"	"	"	"	"	J. W. Green et
82	"	"	"	"	"	"	"	"	"	Nancy Brown et
83	"	"	"	"	"	"	"	"	"	Margaret E. Hunt
84	"	"	"	"	"	"	"	"	"	A. W. Carmichael
85	"	"	"	"	"	"	"	"	"	C. A. Young et
86	"	"	"	"	"	"	"	"	"	O. C. Johnson
87	"	"	"	"	"	"	"	"	"	Dalvia D. McHenry
88	"	"	"	"	"	"	"	"	"	Hiram S. Johnson
89	"	"	"	"	"	"	"	"	"	J. W. Swaney et
90	"	"	"	"	"	"	"	"	"	W. N. Chesney
91	"	3	"	"	Copy report of Matta Master					
92	"	9	"	"	Stipulation					
93	"	13	"	"	Answer & Cross complaint of The Security State Bank					
94	January	19	1921	"	Stipulation for time to answer					
95	Feb.	17	"	"	Answer and cross complaint of A. M. Johnson					
96	March	2	"	"	Notice & Motion					
97	"	9	"	"	Answer & cross complaint of Mrs. M. E. & Jas. A. Jones					
98	"	10	"	"	Subpoena duces tecum for H. B. Swendsen & return					
99	"	11	"	"	Answer of Jerome K. Bartlett					
100	"	12	"	"	Stipulation					
101	"	"	"	"	"				"	Hilda Richardson
102	"	"	"	"	"				"	Martin S. Perry et
103	"	"	"	"	"		(W. R. Beasley)		"	Nellie Shores et
104	"	"	"	"	"		Hawley & Hawley		"	Julia B. Hamilton et
105	"	"	"	"	"		(W. R. Beasley)		"	Tony Chio
106	"	"	"	"	"		"		"	"
107	"	"	"	"	"		(C. C. Dunn)		"	Wm. Mc
108	"	"	"	"	"		Chas. A. Clark		"	Utah Const. Co. et al
109	"	"	"	"	"		"		"	W. W. Riggle et al
110	"	"	"	"	"		(Geo. F. Cox)		"	Estate of Wm. Green
111	"	"	"	"	"		"		"	J. A. Williamson et
112	"	"	"	"	"		Lee & Lee		"	Elizabeth S. Clark
113	"	"	"	"	"		(W. R. Beasley)		"	C. E. Mills et al
114	"	"	"	"	"		Hawley & Hawley		"	Utah Const. Co. et al
	"	11	"		Record of hearing before Judge Farrer					
	"	"	"		Enter order appointing Special Examiner & take deposit					
115	"	17	"		Fil & Enter order for further investigation etc. by Matta M.					
116	"	24	"		Longe Deposition of E. W. Young					
117	"	28	"		Fil Master report of Matta distribution & investiga					
118	Apr	5	"		Expense account of Matta Master					
119	June	1	"		Answer & Cross-complaint of Hon. Herma. Hooker					
	Aug	24	"		Issue subpoena and ret.					
120	Oct	26	"		Fil & Stipulation for extension of time to plead					
121	Feb	12	"		Mind. Subpoena and return					
122	Nov	3	"		Withdrawal of Hawley & Hawley as attorneys for Corinne Polimeros					
123	Oct	18	"		Affidavit for order of publication					
124	"	"	"		Motion for order					
125	Dec	29	"		Order for publication of summons					
126	"	"	"		& Entered					

000011

CIVIL DOCKET.

Docket 222

The Utah Construction Co vs. C. Nelson et al

DATE Month	Day	Year	Amounts brought forward
	6	1922	Fil Warning order [illegible]
	7	"	Entered order appointing N. S. McMaster to serve [illegible]
	9	"	Report of Water Commissioner [illegible]
	14	"	Making 3 Cert copies of Order
	"	"	" " " " " " Affs N. S. McMaster
	20	"	Fil Affidavit [illegible]
	25	"	Marshal's return of service on Chas. A. Hinckley
Mar	3	"	Answer and Cross-Complaint of Louis T. Miller Ernest Miller & M. E. T.
	13	"	" " " " " " Jno. J. Hay, Geo. Runyan & Frank H. Gee
	15	"	" " " " " " Ida M. Stem, Ella M. Burton & Olga C.
	27	"	" " " " " " Mary [illegible]
	29	"	" " " " " " Annie Stenner [illegible]
	"	"	Stipulation [illegible]
			[illegible]
Apl	6	"	Affidavit [illegible]
		"	Order for service [illegible]
			Marshal's return [illegible]
		"	Order for service [illegible]
		"	Affidavit [illegible]
	22	"	
		"	Copy of Order and return of Marshal of Nebraska
	25	"	Entered [illegible]
May	15	"	Summary of financial [illegible]
	31	"	Stipulation Re: Drs. Season 1922
		"	" " " "
		"	Court Order Re: Drs. Season 1922
Oct	10	"	Answer & Cross Complaint of Darlington L. & I. Co.
June	26	1923	Entered Default & entered [illegible]
		"	Report of Water Master
July	7	"	Entered Default & entered [illegible]
	9	"	Stipulation [illegible]
	10	"	" " " " (E. J. Dockery, Atty.)
Mch	7	"	" " " " (Geo L. Ambrose)
			" " " " (W. A. Broadbent)
			" " " " (Chas A. Clark)
			" " " " (W. J. Lamme)
			" " " " (Jno G. Martin)
			" " " " (N. S. Mac Master)
	15	"	Entered order re: New parties in interest
		"	admission of rights by Pfff
		"	Stipulation (Geo L. Ambrose)
			(Hawley & Hawley, Peterson & Coffin, Chas A. Clark, Geo L. Ambrose, Hawley & Hawley, W. J. Lamme, D. E. Rathbun, W. A. Broadbent, E. J. Dockery)
			179. " " " Dr. Edgar P. Hill
			" Agreement - Pfff & Pacific Am. Mtg Co
			" & Eq. Sav. & Loan Co

000012

Docket 222

The Utah Construction Co vs. A. Aiken, et al

DATE				Amounts brought forward	
Mch	15	1913	Fil	Agreement	Pltff & C. W. Freeley, & Oregon Mtg Co.
"	"	"	"	Stipulation -	& clerk ? Osburn & Coffey, Sols.
"	"	"	"	Agreement	Geo L Ann..., Atty
"	"	"	"	"	"
"	"	"	"	"	"
"	"	"	"	"	"
"	"	"	"	"	"
"	"	"	"	Stipulation	Hanley & Hanley,
"	"	"	"	"	"
"	"	"	"	Disclaimer	Fred L. Bannard.
"	"	"	"	"	W. W. Brashear
"	"	"	"	"	Joseph Dillon
"	"	"	"	"	Anna Nun...
"	"	"	"	"	Martin S. Pen...
"	"	"	"	"	H. Schiebel
"	"	"	"	"	Esther L. Adair
"	"	"	"	Agreement	A. Aiken.
"	"	"	"	"	"
"	"	"	"	"	Francis C Anderson.
"	"	"	"	"	Hyrum Anderson.
"	"	"	"	"	Josephine Anderson
"	"	"	"	"	Nels C.
"	"	"	"	"	Louis Anderson
"	"	"	"	"	C. C. Lowrette Co
"	"	"	"	"	Geo Samuel C.
"	"	"	"	"	Lola E. Billings
"	"	"	"	"	B. Bjornson
"	"	"	"	"	Blackfoot City Nat'l Bk.
"	"	"	"	"	Henry Blattner.
"	"	"	"	"	Lula E. Bliss.
"	"	"	"	"	Philip P. Bliss.
"	"	"	"	"	J. H. Boyer
"	"	"	"	"	T. F. Braithwaite
"	"	"	"	"	C. Lurlin Brown.
"	"	"	"	"	Butte County Bank
"	"	"	"	"	Frederick H. Carter.
"	"	"	"	"	E. Christensen
"	"	"	"	"	J. C. Clark
"	"	"	"	"	Josephine J. Cra...
"	"	"	"	"	Wilzina J. Cra... Ladd
"	"	"	"	"	Mrs. E. S. Jr... ford
"	"	"	"	"	Della Delaney Curran.
"	"	"	"	"	Dale Day
"	"	"	"	"	E. N. Day
"	"	"	"	"	Marshall Day
"	"	"	"	"	Nellie J. Day
"	"	"	"	"	H. B. McCord
"	"	"	"	"	Equitable Savings & Loan C
"	"	"	"	"	Equitable Savings & Loan
"	"	"	"	"	A. E. Fahrney
"	"	"	"	"	Lorenzo Fancher
"	"	"	"	"	A. B. Fitzgerald.
"	"	"	"	"	Elodia M. Long Fi... Ass'n
"	"	"	"	"	Mrs. A. Grace, Treasurer Flood,
"	"	"	"	"	"

000013

UNITED STATES CIRCUIT COURT

Docket [illegible]

The Utah Construction Co. vs. A. Aiken et al.

DATE. Mch.	Day.	Year.		
				Account brot. from [illegible]
15		1913	Agreement	Sherman F. Furse
			"	Sherman F. Furse
			"	Joe Gardner
			"	Christina E. George
			"	Jno. S. George
			"	Samuel E. George
			"	Pat Gilboy
			"	J. P. Goodwin
			"	W. G. Greenwood
			"	B. Silas Grizzle
			"	Naomi Grizzle
			"	M. J. Hamblett
			"	John Hanni
			"	Christina Hansen
			"	Ephraim Hansen
			"	L. M. Hardy
			"	Lonnie Wm. Hardy
			"	Park Harford
			"	William Harper
			"	George W. Hice
			"	Otto P. Hoebel
			"	Alvin J. Hollinger
			"	Ferdinand J. Hollinger
			"	Lewis E Hoobler
			"	John Hurst & Jos. A. Baillie
			"	Ida. State Life Insurance Co.
			"	Dick Irvin
			"	L. F. Irvin
			"	Albert & Pearl James
			"	Chas. D. Johnson
			"	J. A. Johnson
			"	Mary B. Johnson
			"	Robt. F. Johnson
			"	D. P. Kline
			"	Ephraim Kidman
			"	Harriet M. Kidman
			"	Andrew F. King
			"	James King
			"	Marion King
			"	Hiram Kinney
			"	George L. Ambrose
			"	Gustave Kunze
			"	Allen B. Lambson
			"	Alfred B. Lambson
			"	Bird M. Lambson
			"	Mark Jenkins & Albert Lara
			"	Joseph B. Leach & Revella Leach
			"	H. E. Liscombe
			"	P. T. Longhurst
			"	A. M. Lobsee
			"	Florence B. Loveless
			"	Charles G. Martin
			"	Wm. L. Meinzer
			"	M. B. Moleb
			"	Byron F. Morrison
			"	Lavina Moses

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Docket 227

The Utah Construction Co. vs. A. Aiken, et al

	DATE				
	Month	Day	Year		
	Mch	15	1913		
1	"	"	"	Agreement	C. E. Mott
2	"	"	"	"	Dan Muir
3	"	"	"	"	Elizabeth Marshall
4	"	"	"	"	J. C. Murray
5	"	"	"	"	John Murphy
6	"	"	"	"	Lydia Toomba Mc Lee
7	"	"	"	"	D. W. Nichols
8	"	"	"	"	Nielsen Bros.
9	"	"	"	"	Edw. Nielsen et. al.
10	"	"	"	"	Pearl M. Nielsen
11	"	"	"	"	W. L. Nielsen
12	"	"	"	"	W. J. Nielsen
13	"	"	"	"	Charles G. Ohman
14	"	"	"	"	Alvin E. Olin
15	"	"	"	"	Lewis A. Olsen,
16	"	"	"	"	O. J. Olsen
17	"	"	"	"	Robt. Pack & J. E. Woolstenhulme
18	"	"	"	"	Oscar S. Paisley
19	"	"	"	"	Hugh Pelton
20	"	"	"	"	H. M. Phillippi
21	"	"	"	"	C. E. Draper
22	"	"	"	"	D. R. Pingree & Vervene F.
23	"	"	"	"	J. S. Pope
24	"	"	"	"	A. L. Quint
25	"	"	"	"	Wm. Reynolds
26	"	"	"	"	George R. Richards
27	"	"	"	"	J. W. Scott
28	"	"	"	"	Merle D. Shanafelt
29	"	"	"	"	H. H. Sorensen
30	"	"	"	"	George W. Stewart
31	"	"	"	"	William W. Stoddard
32	"	"	"	"	Annie Swensen
33	"	"	"	"	Oscar Terry
34	"	"	"	"	M. B. Tew
35	"	"	"	"	M. Bird Tew
36	"	"	"	"	M. Bird Tew
37	"	"	"	"	Warren S. Tew
38	"	"	"	"	Wm. T. Tew, Jr.
39	"	"	"	"	Wm. T. Tew, Jr.
40	"	"	"	"	Paul Thomas
41	"	"	"	"	Talitha E. Thomas
42	"	"	"	"	L. L. Thompson
43	"	"	"	"	E. L. Thornton
44	"	"	"	"	Daniel M. Threemit
45	"	"	"	"	H. Y. Tuckett
46	"	"	"	"	Village of Mackay, Custer Co.
47	"	"	"	"	Ezra W. Dodds
48	"	"	"	"	Otto H. Waite
49	"	"	"	"	L. G. Walburn
50	"	"	"	"	W. R. Watkins
51	"	"	"	"	W. H. Weedop
52	"	"	"	"	Joseph E. Wilcox
53	"	"	"	"	Aaron Williams
54	"	"	"	"	T. C. Young & Pitzer Lee Young
55	"	"	"	File & Entitle Deeds	
				Docket & Index	

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UNITED STATES CIRCUIT COU

Docket [illegible]

The Utah Co[illegible] Co vs. A. Aiken et al

DATE Month	Day	Year	
Nov	6	1923	File petition for amendment to decree (Amounts struck for[illegible])
			" Entered decree for
			" Apportioning distributing waters for 1923
Feb	2	1924	" Entered decree for withdrawal of exhibits
Feb	19	1926	" Water distribution for Big East River 1924
AUG	26	1925	" Motion for correction in decree
OCT	[illegible]	1925	" Petition in Re: Right No. 256
	"		" " " " No. 363
OCT	12	1926	" Motion to correct errors in decree & Notice
"	19	"	" affidavit of Service
	21		" Order Correcting errors omissions in decree
DEC	17	1925	Lodge Deposition of Ed Milligan
	19		File Notice of further hearing
	21		" Stipulation for taking depositions
	"		Lodge Depositions of: Wm. Ellis, J.S. Sullivan, Scott Young & Geo. B. Sanderson
DEC	28	1925	File Memo Decision re: correction decree re: Water rights
DEC	30	1925	" Order correcting errors in decree
FEB	8	1926	" Water distribution of East River, 1925
MAR	3	1926	" Order extending time
MAR	16	1926	" Stipulation
	"		" "
	"		" Order re: right No. 1845
DEC	[illegible]	1926	" Supplemental Complaint & Mackay Light & Power Co
DEC	16	1926	" Motion & Stipulation to dismiss & Summons
	"		" Answer Wm. Clark et al
	"		Record of hearing on application for injunction
	"		File Order to show cause
	"		" Letter
	"		" Bond on injunction
	"		" Entered Injunction order
	"		" Precipe for issue of subpoenas and ref.
	"		" Order appointing Alex Belmont to serve subp
Jan	16	1927	" affidavit & Service & Subp. & resp. on Wm. Clark, et al
FEB	2	1927	" Stipulation extending time to answer
FEB	21	1927	" Answer Mission Co. Warren, Corp & Supp. Comp. (Slaughter
APR	8	1927	" Report & water distribution for [illegible]
APR	16	1927	" Entered order approving estimate of injunction & apd 10-19
			" Petition & Water Commissioners
			" Interim Order re: "
APR	19	1927	" Appointment to Serve process (Davis Master)
APR	19	1927	" Letter order
	20	1927	" Petition & Complaint & Corp. Etc.
	20	1927	" Affidavit & Service
	"		" Supplemental Affidavit
	"		" Acknowledgments & Service
	"		" Subpoena & return
	16	"	" Answer of Mackay Light & Power Co.
	"	"	Record of hearing
[illegible]	[illegible]	1927	File & Enter order dismissing petition & complaint of Clark
Oct	24	1927	Record of submission Mackay L & P Co. vs Clark
[illegible]	[illegible]	1927	[illegible]
NOV	2	1927	" Memo Decision
			" Enter order & Leading order dec 16-2-6
Jan	31	1928	" Report of Water Master
SEP	29	1928	" " " "

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Utah Construction Co. vs. A. Aiken, et al.

Dec 10	File Report of Water Master
Oct 3 1930	Pet. of Lyon Crandall Water Comm. for appointment
Feb 22 1930	Petition M. W. Jones et al. et al. (Allen B. Clark)
Jan 11 1930	Order to show cause - set - Mch 12-30
	Motion of Ray C. Pearson, Stat. to dismiss (Andrus)
	" " Utah Construction Co. " " (Brown)
March 3 1930	Enter order sustaining motion and dismissing the petition
	File Amended petition for modification
	Order to show cause
Jan 21 1930	" accepting resignation of Lyon Crandall and appointing Ray C. Thompson, water commissioner
Jan 22 1930	" Motion to dismiss Petition
27 1930	" Estimate of Expenditures — Approved
Jan 1930	" Motion of N. Am. Mtg. Co. to dismiss petition
	" Notice of non-service
March 31	Enter order sustaining motion to dismiss
1 1931	File Report of Water Commissioner
Dec 11 2 1932	" " "
Feb 8 1933	File Report of Water Commissioner for Year 1932
	File Order Reducing Salary of Water Commissioner
Jan 11 1933	" Estimate of Expenditures by Water Commissioner - Approved
Feb 1934	File Order Fixing Salary & Expenses of Water Commissioner
Jan 15 1934	File Report of Water Commissioner
March 19	File [redacted] - Order Approving Estimate for Season 1934
March 31 1934	File Order Fixing salary of Water Master
28	File Estimate of Expenditures - Approved
April 5	File Report of Water Co. - Approved
Jan 25 1936	File Order Fixing Salary of Ray W. Thompson
Jan 7 1936	File estimate of expenses approved
Jan 7 1936	File appt. Roy W. Thompson, Commissioner
Oct 27 1936	File order discharging water commissioner
Feb 29 1937	File petition of Wilbur A. Nielson for damages
1937	File order - Mar. 22 to show cause
Feb 1937	File affidavit of service & returns of Wilbur A. Nielson and order
Mar 1937	File answer to petition of W. A. Nielson
Feb 10 1937	Feb Pleas: Jesse Shelp for pltf. S. Allerman Homer Emit, A. L. Emit
Mar 22	Farrell Wing, Bygrove Sharman
Mar 23 1937	File praecipe Jesse Shelp for petitioner W. A. Nielson, Paul Carlyle, Ephraim Hedmann, Burt Morris, Joshua Young
Mar 24 1937	File Amended Answer
	" Reply to Amended Answer
	Record of Hearing on Petition of Nielson
Mar 27 1937	File Subpoena — Bygrove Sharman, served
Mar	File amendment to Answer of Utah Construction Co.
Mar 1937	Record of Hearing on petitions of Wilbur A. Nielson
Mar	Record of Hearing - Continuance to April 30, 1937.
April 18 1937	Jesse Shelp, J. T. Emit, Aaron L. Emit, Troy D. Low
April 30 1937	Record of Hearing on Nielson petition
May 1937	Record of Hearing on Nielson petition
July 1937	File opinion
9 1937	File order of injunction
6 1937	File Return on Order - Walter A. Jensen, Ray Pearson and N. W. Farrell, Receivers
Aug 13 1937	File petition of V. B. Nielson and Sharp Ditch Co
4 1937	File order modifying order of July 9, 1937.

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UNITED STATES CIRCUIT CO

Docket 222

Utah Cashmere Wool Co. vs. A. Abbott et al

DATE			
Month	Day	Year	
Aug	20	1937	File Stipulation for Order Continuing Hearing. Animals brought forward
Aug	20	1937	File Order Continuing Hearing on Petition of Sharp Ditch Co. + U. S.
"	"	"	" + Enlarging Order of Aug. 13, 1937
Sept	"	"	File Cert. & Nelson's petition & Nelson et al.
Oct	25	1937	Issued Subp. for Atty. - A.L. Amer, Ray W. Bridge and Ray McClure
"	"	"	" " " = Fullmer McNeil
"	30	"	Record of Hearing on Petition of Wales A Nelson
Nov	1	"	File [illegible] = William Rockwell
"	"	"	Record of Submission
Nov	9	1937	File Subpoena - William Rockwell, served.
Dec	6	1937	File memorandum of Petitioner Wales A Nelson
Jan	11	1938	File opinion
"	20	1938	File petition for rehearing by Utah Const Co.
"	21	1938	File amended petition in Equity [illegible]
Jan	31	1938	File Motion to Dismiss Amended Petition of Nielson, etc.
Feb	7	1938	File notice & withdrawal of attorneys
Mar	10	1938	File withdrawal & petition for rehearing
"	10	1938	File order denying petition + dissolving injunction.
Mar	14	1938	Record of submission of Motion to Dismiss Amended Petition
May	3	1938	File opinion
"	3	1938	File order sustaining motion & Ut. Const. to dismiss + strike. and dism petition & Wales Nielson
May	10	1938	File Motion to Tax Costs
May	10	1938	File Memorandum of Costs + Disbursements
May	24	1938	File motion to strike
May	27	1938	File order enlarging time for Bill & Exceptions
June	23	1938	File order granting Petitioner to August 1, 1938 to serve Bill & Exceptions
"	20	1938	File motion to make specific findings + to amend judgment
"	25	1938	File motion to dismiss cost Bill
"	28	1938	Record of hearing for motions
"	28	1938	Entry denying motions to strike cost bill, judgment and motion to strike cost
"	28	1938	File objections to cost bill.
"	28	1938	File Clerks memo on taxing costs.
"	28	1938	File notice of appeal
"	28	1938	Record submission of motions to retax costs.
July	13	1938	File opinion - re costs
"	13	1938	File order - re costs
"	18	1938	File order - re [illegible]
Aug	2	1938	File petition for appeal
"	2	1938	File Order allowing appeal
"	2	1938	File Assignment of Errors
"	2	1938	File Citation on appeal
"	2	1938	File Bond on Appeal
"	3	1938	File Praecipe for Transcript on Appeal
"	4	1938	File Certificate - Court on Statement on Appeal
Aug	22	1938	Certifying Transcript on appeal
July	7	1939	File Mandate U.S.C.C.A. - (affirming)
July	13	1939	File Petition for Supplementary Order for Enforcement
"	"	"	[illegible] of Decree and Appointing Special Master [illegible]
"	"	"	Order to Show Cause
July	13	1939	File Stipulation for Hearing on Order to Show Cause at Provo, Utah.
July	20	1939	File Return on Service of Order & Petition
July	21	1939	File Stipulation to Extend time to Show cause to July 21, 19
"	"	"	Affidavit of Construction Prepared & Served.
"	22	1939	Record of Hearing
"	"	"	File Order Extending Powers Order

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Utah Construction Co. vs. A Aiken, et al

Continued From page 151

DATE Month	Day	Year	
Aug	3	55	File Supplementary Petition.
"	"	"	File Order to Show Cause.
Aug	11	1955	File Order - Victor Johnson & Scott Smith served August 4, 1955,
"	"	"	Swip — Swipsum served August 4, 1955.
Aug	15	1955	File Defendants motion to Quash & Dismiss
Aug	16	1955	Record of hearing on order to Show Cause & motion to Quash & dismiss.
Aug	17	1955	Denied. J. H. Pearson appointed water master to carry out terms of decree.
[illegible]	[illegible]	[illegible]	File Objections to proposed Order on Hearing on Order to Show Cause.
Aug.	13	1955	File Order appointing Water Master etc Copies to E. W. Castellin, Hugh Maguire, Robt Kerr, D. A. Skeen, John R. Smeed, J. H. Pearson Lodge Proposed Order of Petitioners
Jan.	8	1958	File Report of Water Commissioner.
Jan.	9,	1958	Filed report of J. H. Pearson, Water Commissioner
May	17,	1958	Filed Petition of Donahue, Johnson, Pence & Smith for Restoration of point of diversion, etc.
May	26,	1958	Filed return on Order — served May 22, 1958
June	4,	1958	Filed reply of Harry Pearson to petition on order to show cause
"	"	"	Filed reply of Big Last River Irrigation District, etal
"	"	"	Record of hearing on order to show cause — no citations for contempt, Big Last River to remove silt; water users to construct control devices (Form F)
June	16,	1958	Filed order — Big Last River to remove silt by 7/20/58; water users to construct control devices; no citations for contempt (Form F)

EXHIBIT B

Complaint dated June 14, 1919

IN THE UNITED STATES DISTRICT COURT, IN AND FOR THE DISTRICT OF IDAHO, EASTERN DIVISION.

THE UTAH CONSTRUCTION COMPANY, a corporation,

Plaintiff,

-vs-

R. B. HARGER, JOE CROTTO, AGUSTA PATSCH, CHRIS NEILSEN, K. McKENZIE, CHARLES LaFEVER, ALEXANDER BURNETT, S.BOYCOCK, JOHN DOE POWERS, A. D. STREETER, C. D. SIMPSON, JOSEPH RABIDO, MARGARET WELLS, FRANK ANTHONY, FLOYD SWAUGER, FRANK P. SWAUGER, JOHN W. SWAUGER, A. W. LAMBSON, C. H. RAMPTON, GEORGE BENNETT, M. S. VAUGHT, LEWIS GIRAUD, RICHARD ROE KINTZE, HAROLD BEST, ALLEN STODDARD, WILLIAM HANNAH, EVAN HARRIS, P. M. HARRIS, JOHN GARDNER, WILLIAM LAMPTON, R. M. EWING, F. WALKER, EDWARD SORENSEN, WILLIAM TEW, WARREN TEW, C. BEAL, C. L. DUTTON, ALEXANDER BURNETT, JR., JOHN McAFFEE, LEWIS EVANS, U. EVANS, WILLIAM BECK, WILLIAM FULLMER, ELMER MECHAM, WILLIAM JENSEN, LEE BELL, WALLACE ANGELO, M. PETERSON, O. J. WELLS, D. W. LEWON, STEVE SMITH, WILLIAM CUTTER, E. SMITH, JOHN DOE JOHNSON, A. B. LAMBSON, JOSEPH H. MADDOCK, JOHN STEWART, WILLIAM PHILLIPS, RICHARD ROE EDWARDS, ALLEN LAMBSON, BYRD LAMBSON, ARTHUR LAMBSON, JOHN DOE BROWN, FRANK MILES, JOSEPH DICKIE, S. ERVING-TON, J. F. ESPITALLIER, S. M. MILLER, RICHARD ROE PETERSON, JOHN DOE KING, GEORGE KENT, THOMAS PRITCHETT, PETER DONAHUE, WILLIAM FRICKIE, HERBERT GRAY, C.T.JEN-SEN, OWEN WEAVER, ANDREW ERICKSON, RICHARD ROE ALSON, JOHN DOE YOUNG, DARLINGTON LAND & IRRIGATION COMPANY, a corporation, D. E. RATHBUN, RICHARD ROE NEILSON, AL. NORMAN, ALBERT WOCHNER, FRED ZUMBRUM, JOHN DOE ASAY and RICHARD ROE ASAY, W. T. THORNTON, J. P. RUSSELL, ROY CHILD, PAUL TERRY, JOSEPH GARDNER, H.N.MICHELSON, T.T. WILLIAMS, J. T. WELCH, L. A. LAFFERTY, N.A.ANDERSON, ALBERT SMITH, MARK HURST, W.H.SORENSON, F.M.GATES, ROY WADDOUPS, D. BOYOCK, A. AIKEN, J. W. ANDERSON, D. R. KERR, ERNEST L. RICHARDSON, WILLIAM REYNOLDS, JOHN E. HARRIS, C. R. JENSEN, A. R. BURKE, ADAM BURKE, WILLIAM HUNTER, SHERMAN VANCE, B. BJORENSEN, ROY C. PEARSON, OLE BILLS, N. M. LAMONT, WILLIAM HARPER, FRY TAYLOR, OLE OLSON, MRS. CLARA HOOPER, J. P. HANEY, JAMES CHRIS-TENSEN, GEORGE WILSON, A. GUSTAFSON, JOHN DOE FARMER, RICHARD ROE POLK, ARDELIA HUTCHINSON, JANE DOE MOSES, W. H. WEEDOP, U. M. SAVARIA, N. N. LEWIN, MOSES A. JEN-SEN, JOSEPH E. JENSEN, RAY JENSEN, C. R. JENSEN, NORMAN BILLS, A.L.GILMOUR, JAMES KING, ORVIN SPIKINS, DANIEL KING, A. R. BABCOCK, O.B.MORRIS, J.D.MORRIS, S.G.SHERMAN, WILLIAM HANNAH, FLORA SAMWORTH, LESLIE BATES, GEORGE WAIT, C.D.JOHNSON, MARK JENKINS, W.C.KING, J.H.PEARSON, GEORGE E. WALKER, R.W.FERRIS, B. A. PIERSON and WARREN G. SWENDSON, Commissioner of Reclamation of the State of Idaho,

Defendants.

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COMPLAINT.

The plaintiff alleges as cause of action against said defendants:

1. That plaintiff is and for more than twenty years last past has been a corporation organized and existing under the laws of the State of Utah, and is now and during all of said time has been a citizen and resident of said state; that the plaintiff has complied with all of the laws of the State of Idaho authorizing foreign corporations to do business in Idaho, and at all of the dates and times hereinafter mentioned was doing business in Idaho by virtue of the full compliance with the laws thereof relating to foreign corporations.

2. That defendant, the Darlington Land & Irrigation Company, is a corporation organized and existing under the laws of the State of Idaho, and a resident and citizen of said state, and that each of the remaining defendants are citizens of the State of Idaho. And further upon information and belief that there are about one hundred and fifty other persons, each a citizen of Idaho, who makes the same claims and threats as the defendants, other than said defendant Swendson, as hereinafter alleged, and claims the right to take the hereinafter alleged storage water of the plaintiff through the same ditches as said defendants and whose interest is in common with said defendants, but whose claims are without right and groundless, and that because of their number it is impracticable to join them as parties hereto, and this suit is maintained against said defendants individually and as representatives of said class.

3. That defendants John Doe Powers, Richard Roe Hintze, John Doe Johnson, Richard Roe Edwards, John Doe Brown, Richard Roe Peterson, John Doe King, Richard Roe Alson, John Doe Young, Richard Roe Nielsen, John Doe Asay, Richard Roe Asay, John Doe Farmer, Richard Roe Polk, and Jane Doe Moser are sued herein by

fictitious names and their other and true names are unknown to the plaintiff, and the plaintiff asks that when the same are discovered that said true names be inserted herein.

4. That the matter in dispute herein is of a value exceeding three thousand dollars, exclusive of interest and costs.

5. That the plaintiff is and for many years last past has been the owner, in possession and entitled to the possession of a certain reservoir for the storage of water, situated on sections 1, 2, 3, 4, 5, 6, 11 and 12 of township 7 north, and on sections 31, 32 and 33 of township 8 north, all in range 25 east of Boise Base and Meridian, lying in Custer County, in the State of Idaho, and of the land on which the same is situated, and is also the owner, in possession and entitled to the possession of a system of ditches, flumes and the diversion dam leading from said storage reservoir and constructed and used for the diversion and conducting of water therefrom to land irrigated and to be irrigated with said water as hereinafter alleged.

6. That the plaintiff is also the owner of and by virtue of appropriation entitled to the use of all of the waters flowing or to flow in Big Lost River, a stream in Custer and Butte Counties, Idaho, during the non-irrigating season, towit, from September fifteenth to May first of each year, and also of such flood and surplus water flowing therein during the irrigating season in excess of the rights thereto or use thereof by existing appropriators diverting the same below the plaintiff's said storage reservoir.

That the object of said appropriation of water by the plaintiff and of the construction of said reservoir, dam and ditches and the use made thereof by the plaintiff, was and is to furnish water for the irrigation of a large tract of land in Butte County, Idaho, which land was duly selected by the State of

Idaho under the Act of Congress known as the Carey Act, was desert in character, and for which the said state entered into a contract with the United States, whereby title thereto will eventually pass to the state and the settler thereon, in accordance with the terms of said Act; and the said plaintiff duly entered into a contract with the State of Idaho by which it bound itself to construct and complete the construction of said storage reservoir and system of canals and irrigation works for the reclamation and irrigation of said lands and to use the water so appropriated for that purpose.

7. That there are a large number of settlers on said land, with whom the plaintiff has entered into contracts to furnish water from said storage reservoir and through said ditches for the irrigation of the land so settled on, and at this date the plaintiff is and has been during the irrigation season of 1919, in accordance with said water contracts with the users, furnishing water from said reservoir for the irrigation of 5,286 acres of said land, all settled on and occupied by persons under the said Carey Act aforesaid and that all of the water now stored in said reservoir as hereinafter stated, is needed for said purpose, and all of the water appropriated by plaintiff and that can be stored therein is necessary for the irrigation of said tract of land so selected by the State of Idaho under said Act.

8. That said land is desert in character and will not produce a crop without irrigation, but by the use of water thereon is very productive, and that the land for the irrigation of which the plaintiff has been furnishing water during the year 1919 is cultivated and planted to crops, which if deprived of water will be entirely destroyed.

9. That pursuant to its appropriation and right to use the water so appropriated, the plaintiff during the non-irrigation season

of the years 1918-1919, stored in said reservoir a large quantity of water and that there is now stored therein about eighteen thousand acre feet of water, all of which is needed for the irrigation of said 5,286 acres of land; that all of said defendants, except said Warren G. Swendson, Commissioner of Reclamation of the State of Idaho, claim some interest in the water so stored and in the right to use and store the waters flowing in said stream during the non-irrigation season and also the flood and surface waters before described, adverse to the said plaintiff; but the claim of said defendants is without right or validity and in truth said defendants and none of them have any legal claim or right thereto.

10. That said Warren G. Swendson is the Commissioner of Reclamation of the State of Idaho and as such claims the right to so regulate the flow of water from said storage reservoir as to lessen and deplete the quantity of storage water therein and to divert the same to the other defendants and generally to exercise control over said storage water and the use thereof, adverse to the plaintiff's said right to store and use said water; that the claim of said Swendson is unfounded and without validity. That the defendants, other than said Swendson, threaten to and will, unless restrained by the injunction of this court, forcibly take the said stored water from said reservoir and turn it into the river and so deprive the plaintiff thereof, and forcibly and without right interfere with and prevent the plaintiff in and from the exercise of its right to store and use said water in accordance with its said appropriation and thereby will inflict an irreparable loss and damage on said plaintiff and for which it will have no adequate remedy at law and will subject the plaintiff to a multiplicity of suits in behalf of numerous settlers on said land occupied under said Carey Act and with whom the plaintiff has entered into a contract for the furnishing of said water, and

will totally destroy the growing crops of said settlers which would otherwise be of great value.

11. That in pursuance of said wrongful adverse claim, the said defendants, other than said Swendson, have instituted a suit in the District Court of the Sixth Judicial District of the State of Idaho in and for Butte County, against the defendant Swendson as Commissioner of Reclamation of the State of Idaho, the only defendant thereto, and have obtained an interlocutory mandatory injunction without notice to said Swendson commanding him to take from said reservoir and turn into the bed of the stream a large amount of said stored water for their use and to which they have no right or title, and to which suit the plaintiff herein is not made a party, and the said Swendson threatens to and will unless restrained by the injunction of this court obey said mandatory injunction and the command thereof to the irreparable damage of the plaintiff. That said injunctional order is void and beyond the jurisdiction of the court issuing the same.

WHEREFORE, plaintiff prays that a subpoena issue to said defendants and that its title and right to the use of said water stored in said reservoir to the extent of its appropriation aforesaid and to store said water in said reservoir and use the stored water for the irrigation of said land, be quieted and confirmed against any and all adverse claims of said defendants or any of them; that defendants be required to set up any adverse claim they may have thereto and that the same may be declared to be groundless and without validity; that until the final hearing of this cause the defendants, their agents, servants and employees be enjoined and restrained from interfering in any way with plaintiff's storing of water so appropriated or with said storage reservoir and the waters there stored or plaintiff's use thereof, and that on final hearing said injunction be made permanent, and defendants further enjoined from asserting any adverse

claim to the plaintiff's said right and property, and for such other and further relief as to the court may seem equitable, and for costs of suit.

Howard Marshall Macmillan & Rooker

Edwin Brown

Attorneys for plaintiff.

STATE OF UTAH)
: ss
County of Weber)

Warren L. Watters being first duly sworn, on his oath states: That he is an officer of THE UTAH CONSTRUCTION COMPANY, plaintiff herein, and makes this verification for and in its behalf; that he has read the foregoing complaint, knows the contents thereof and the same is true of his own knowledge, except as to matters therein stated on information and belief, and as to those matters he believes it to be true.

Warren L. Watters

Subscribed and sworn to before me this 11th day of June, 1919.

[illegible]

Notary Public

My Commission Expires

MY COMMISSION EXPIRES
JULY 22 1921.

EXHIBIT C

Amended Complaint dated May 26, 1920

IN THE UNITED STATES DISTRICT COURT IN AND FOR THE DISTRICT OF IDAHO, EASTERN DIVISION

The Utah Construction Company, a corporation,

Plaintiff.

vs.

Amended Complaint.

A. Aiken,
Richard Roe Alson,
J. W. Anderson,
N. A. Anderson,
Wallace Angelo,
Frank Anthony,
Ernest W. Asay,
Eleazer Asay,
R. Babcock,
Leslie Bates,
C. Beal
William Beck,
Lee Bell,
George Bennett,
Harold Best,
Norman Bills,
Ole Bills,
B. Bjornsen,
D. Boycock,
S. Boycock,
John D. Brown,
Adam Burke,
A. R. Burke,
Alexander Burnett,
Alexander Burnett, Jr.,
Roy Child,
James Christensen,
Joe Cresto,
Darlington Land & Irrigation Company, a corporation,
Joseph Dickie,
Peter Donahue,
C. L. Dutton,
Richard Roe Edwards,
S. Edrington,
Andrew Erickson,
J. L. Espitallier,
Lewis Evans,
U. Evans,
R. H. Ewing,
Lorenzo L. Farmer,
R. W. Farris,
William Frickie,
William Fullmer,
F. W. Gates,
John Gardner,
Joseph Gardner,
A. L. Gilmour,

Lewis Giraud,
Herbert Gray,
A. Gustafsen,
J. P. Hancy,
William Hannah,
B. B. Harger,
William Harper,
Evan Harris,
John L. Harris,
P. H. Harris,
William Harris,
Richard Roe Hintze,
Mrs. Clara Hooper,
William Hunter,
Mark Hurst,
Ardelia Hutchinson,
Mark Jenkins,
C. R. Jensen,
Joseph L. Jensen,
Moses A. Jensen,
Ray Jensen,
William Jensen,
S. T. Jensen,
C. D. Johnson,
Martin Johnson,
George Kent,
D. R. Kerr,
Daniel King,
James King,
Andrew King,

W. C. King,
Charles La Lever,
L. A. Lafferty,
A. B. Lambson,
A. W. Lambson,
Allen Lambson,
Arthur Lambson,
Byrd Lambson,
H. M. Lamont,
William Lampton,
D. A. Lemon,
H. M. Levin,
Joseph H. Madrock,
John Mcafee,
K. McKenzie,
Elmer Meehem,
H. H. Michelson,
Frank Miles,
C. M. Miller,
J. L. Morris,
O. B. Morris,
Jane Doe Moses,
Chris Nielson,
Wyman Nielson,
Al. Norman,
Ole Olson,
Augusta Pactch,
J. H. Pearson,
Ray C. Pearson,
H. Peterson,

Andrew P. Peterson,
William Phillips,
E. A. Pierson,
Richard Doe Polk,
John Doe Powers,
Thomas Pritchett,
Joseph Rabido,
C. H. Rampton,
D. E. Rathbun,
William Reynolds,
Ernest L. Richardson,
J. P. Russell,
Flora Samworth,
U. M. Savaria,
S. G. Sherman,
C. D. Simpson,
Albert Smith,
E. Smith,
Steve Smith,
Edward Sorensen,
W. H. Sorensen,
Orvin Spikins,
John Stewart,
Allen Stoddard,
A. D. Streeter,
William Sutter,
Floyd Swauger,
Frank P. Swauger,
John W. Swauger,

Warren S. Swenson,
Ivy Taylor,
Paul Terry,
Warren Tew,
William Tew,
W. T. Thornton,
Sherman Vance,
M. S. Vaught,
Roy Waddoups,
George Walt,
F. Walker,
George W. Walker,
Owen Weaver,
W. H. Weedop,
J. T. Welch,
Margaret Wells,
O. J. Wells,
T. T. Williams,
George Wilson,
Albert Wochner,
John Doe Young,
Fred Zumbrum,
Calvin S. Allen,
P. C. Anderson,
Niels K. Anderson,
Gladys Allen,
A. P. Adair,
John F. Abbott,
Frank A. Allen,

000029

L. C. Allen,
James L. Anderson,
Emma M. Ashton,
James P. Anderson,
J. L. Anderson,
H. W. Angelo,
Ivan J. Atwood,
S. W. Anderson,
J. H. Augustine,
Andreas Aikele,
Francis G. Anderson,
Eugene A. Ahern,
William Adams,
George L. Ambrose,
Gus Anderson,
Lewis Andreson,
W. W. Anderson,
Charles B. Anderson,
Hyrum Anderson
F. G. Anderson
Marie L. Anthony,
J. Wesley Anderson,
Jas. Earl Anderson,
Josephine Anderson,
H. W. Anderson,
Margaretta S. Askew,
Annie Atha,
H. C. Brake,
Henry Blattner,
Peter Bidegain,
A. Rowley Babcock,

Mrs. Albern Babcock,
David H. Boycock, Jr.,
Ralph Bate,
Clara M. Bate,
Joseph M. Bate,
J. M. Bate,
Gus Bertsch,
Rachel Boone,
Wm. A. Boone,
Alexander Beverland,
Mrs. Geo. Beverland,
Adam Burt,
B. Bjornson,
John L. Bills,
H. Bassett,
A. R. Burt,
John L. Blasser,
A. F. Bischoff,
Elbert C. Brown,
A. W. Bell,
John H. Burnett,
Elizabeth Bills,
Mary E. Boyd,
William Babcock,
Agnes Best,
George Bywater,
J. M. Bryson,
J. L. Bell,
Aron Beal,
Pete Basick,
D. M. Burnett,

000030

George Buehler,
George Bennetts,
Martin L. Brown,
Edna Brown,
William T. Braithwaite,
Robert Braithwaite,
Francis Braithwaite,
Jacob F. Baird,
Josie Bardsley,
John L. Bardsley,
J. K. Bartlett,
E. J. Bates,
A. H. Bascom,
L. W. Bascom,
Eldon E. Beck,
James Beverland,
Joana Beverland,
George Beverland,
John C. Bell,
James Bennetts,
F. S. Bernard,
Henry Bews,
Charles H. Black,
Mary E. Black,
Lulu E. Bliss,
Rhoda Boling,
William T. Bodine,
Arthur L. Bodine,
Oscar Bodine,
John J. Bodine,
David S. Boyack,

Sylvanus Boyack,
John [illegible]shaw,
George [illegible]radshaw,
Pearl Bradshaw,
Elizabeth Bradshaw,
Wm. Bradshaw,
Martin Brown,
H. T. Bregman,
William H. Brashear,
R. F. Braithwaite,
X John Doe Britton, -
Zina Britton
O. Buchman,
Wilfrid Burgman,
Fred Burton,
William J. Burke,
Frank Burke,
J. V. Caldwell
T. M. Carlisle,
Francis Cammack,
F. H. Carter,
David F. Coon,
James W. Coon,
Thomas Chamberlain,
Christina A. Chamberlain,
Josephine Combe,
John V. Carlson,
J. E. Christenson,
E. A. Crampton,
Dean Cook,
F. T. Carlson,

000031

_. C. Cobbley,	Lee Clark,
J. C. Clark,	J. L. Cleadenin,
Hyrum Coleman,	James T. Cloward,
Earnest Crampton,	Geo. L. Cloward,
W. A. Criswell,	Lee Cloward,
Mrs. Thomas Crocker,	Daniel J. Cobbs,
John J. Carlson,	Bert W. Cobbs,
Frank Cook,	Ernest A. Cramton,
Robert Curran,	Alzina T. Crandall,
Mark A. Cherry,	Celia Curran,
E. S. Crawford,	Louisa Cummings,
Henry W. Curtis,	Henry Danielson,
William Clark,	Albert Duncan,
Elizabeth Clark,	Alice R. Dickey,
A. W. Canaday,	Joseph Dalton,
Lucy Coats,	Laura B. Dalton,
Bert Coats,	Maude L. Davis,
Jas. J. Cearley,	W. G. Davis,
Ed Chaney,	H. L. Decorria,
John Doe Chapman,	Susie J. Diers,
Clara Cherry,	Frank Dobson,
E. A. Child,	E. Donahue,
Lester A. Child,	Thos. J. Donahue,
Elwood Christensen,	W. S. Dunham,
W. A. Criswell,	Mamie Dupuis,
Chase A. Clark,	Maude D. Dysert,
Solon D. Clark,	E. H. Ehrudd,
Ethel D. Clark,	Lucy M. Ehrudd,
Daniel Clark,	David H. Evans,
Joe Clark,	Mrs. Mary Evans,

000032

Sarah Evans,
Urban Evans,
Richard Roe Ericson,
D. W. Ellenson,
Erick Erickson,
Lewis H. Evans,
S. A. Edrington,
A. V. Erickson,
Augusta Erickson,
John N. Etherington,
G. L. Ferris,
R. T. Ferris,
Jennie L. Ferris,
A. D. Foster,
Viola S. Fox,
Lorenzo Fallert,
J. C. Fox,
Milford P. Freckleton,
Taylor Fry,
Dorothy Fox,
W. P. Fullmer,
V. Fahrney,
William P. Fullmer, Jr.,
Sherman Furey,
Agnes Fleischer,
Richard Roe Ferlin,
Isadore Fallert,
Carlo Fallini,
Reuben C. Ferguson,
Otto Fleischer,
Julia Ferguson

Geo. Fowers,
James W. Fullmer,
Mrs. J. W. Fullmer,
Frank Fulton,
Georgia Fulton,
A. Grace Furey,
H. E. Gilbert,
Christina George,
H. L. George,
Mabel L. Gilmore,
John A. Gardner,
Bert M. Gray,
Lulu Goodman,
H. G. Greenwood,
George---- Georgetta,
Frank Goodman,
Robert Gibbs,
Ira W. George,
John Doe Gilboy,
Jas. Genesy,
Richart T. Gibbs,
Minnie J. Gill,
Yee H. Gim
Fawn Gim
Helen Gim
William Martin Godman,
Gaylord Wilson Greene,
Silas Grizzle,
Alex B. Groth,
Joseph A. Horne,
E. H. Harris,

000033

Samuel Hill,
Nina Hurst,
Lewis Hohn,
Walter Haney,
Christina Hansen,
Olive S. Haney,
Frank B. Harger,
Harriett M. Harger,
William Hanna,
Adelia N. Hutchinson,
Richard Roe Hunter,
Lewis M. Hardy,
W. L. Harris,
Mrs. John Hooper,
William S. Hunter,
C. Harper,
George Herbst,
G. A. Hodges,
Francis Hadden,
Nora M. Hintze,
George A. Hyde,
John Hanni,
J. S. Harper,
H. S. Harcourt,
W. B. Hill,
L. A. Hartert,
Louisa Hardy,
C. V. Hansen,
J. B.Hunter,

Frank F. Hegedorn,
John Doe Halverson,
Abram S. Hall,
Francis Halverson,
Marion Jefferson Hamblet,
Lillie C. Hammerly,
Marion J. Hamblet,
Eddie Hammerly,
J. N. Hanrahan,
Jas. A. Harned,
Henry Harger,
Frank L. Harger,
Chas. R. Harkness,
Jack L. Harkness,
Allen L. Harmon, Sr.
Allen L. Harmon,
Park Harper,
Mary Ann Heys,
Andrew J. Higgins,
John Howell,
Thos. L. Howell,
Chas. J. Howell,
Alice C. Hunter,
W. C. Hunter,
John Hurst,
H. E. Ingram,
Evan Ivie,
Dick Ivie,
L. F. Ivie,
Parl Ivie,

000034

J. P. Jeppesen,
H. S. Johnson,
Hyrum Jensen,
Heber G. Johnson,
Albert James,
Pearl James,
John A. Johnson,
Algott Johnson,
Ole Johnson,
Leo Johnson,
Edward R. Johnson,
Edward D. Johnson,
Walter I. Jones,
H. L. Jensen,
Daniel P. Jeppesen,
Anna M. Jensen,
Soren Jensen,
C. R. Jeppesen,
J. A. Jensen,
Joseph L. Jeppesen,
Annie M. Jeppesen,
Harold G. Jensen,
S. L. Jensen,
H. C. Jensen,
William H. Jones,
Charles E. Judd,
Mary F. Johnson,
Walter A. Jensen,
+ John Doe Jenkins,
H. B. Jarvis,
Jos. E. Jensen,

Katie C. Jensen,
Niels K. Jeppesen,
Mary A. Jeppesen,
Lemual K. Jeppesen,
Charles John,
Thos. Johns,
Mrs. Lillie Johnson,
Samuel B. Johnston,
Otto A. Johnson,
S. D. Johnson,
James A. Jones,
J. J. Kay,
Gustav Kunze,
Harriet M. Kidman,
Edward King,
J. J. Kyne,
W. R. Knowlton,
Ida M. Korn,
David A. King,
Lottie King,
James Knighton,
John J. Knudson,
George W. Kent,
James L. King,
James King, Jr.,
J. F. Keale,
Edwin M. Kennedy,
Robert Kent,
David K. Kerr,
D. L. Killian,
C. E. Lafever,

000035

John J. Lemmon,
D. W. Lemmon,
Aug. M. Loske,
Otis W. Lake,
John W. Loveless,
Nathan Lamont,
Eloda Long,
J.C.Lee,
N.N.Levin,
Gotlob Laubenstein,
John Doe Larsen,
William Lindburg,
August Lindsman,
C. T. Longhurst,
Lydia M. Latham,
Lydia S. Latham,
A. W. Latham,
A. M. Lambson,
Burd M. Lambson,
Thomas Longson,
Charles B. Lemon,
Charles Lemon,
Wilford Longson,
H. E. Lisonbee,
Okie Lee,
Ovid Lawson,
Ira C. Lambert,
Ralph V. Larter,
Claud Larter,
Ella C. Larter,
Henry Larter,

Rudolph Lehman,
John Doe Lehman,
Richard Roe Lehman,
John Lehman,
Carl Lehman,
Thos. Lemon,
Mary L. Lemmon,
George Liang,
Lester Lindenfeldter,
Murray Longhurst,
Florence Loveless,
R. C. Lyon,
Louis A. Miller,
John Doe Miller
Richard Roe Miller,
W. C. Mann,
Chas. A. Matthews,
Mary H. Matthews,
John Doe Mason,
Richard Roe Mason,
Oscar D. Morris,
Lavina Moses,
W. L. Meinzer,
E. L. Montgomery,
Ben Muir,
R. Y. Magee,
Elmer Morgan,
W. P. Matthews,
E. F. Miles,
Mart Martenson,
Alfred A. Martenson,

000036

James Milloneg,
Elizabeth Mullhall,
John Doc Murphy,
Charles Mann,
Steve Murgie,
Charles H. McFarland,
Elija J. McFarland,
F. L. Maynerd,
Ed Melzer,
W. B. McShane,
George A. Miller,
Florence L. Miller,
Richard Roe McKean,
S. C. Miller,
M. L. Molen,
Mrs. L. Molen,
William Mutz,
H. V. McClellan,
Lennington McCann,
Melissa McClellan,
John A. McGue,
John McHenry,
Thos. McKenny,
John McKelvey,
Charles McKelvey,
Annie McKelvey,
Edward McKelvey,
Elizabeth A. McKay,
Jos. H. Maddocks,
Chaney J. Martin,
J. Melton,

L. J. Melton,
Harrie J. Melton,
Henry H. Nicholson,
A. Michael,
Sarah A. Michael,
Jacob Millong,
John C. Miller,
Josephine Miller,
Sanford Miller,
Samuel C. Miller,
Emery Mitten,
Ronald Molen,
F. P. Morrison,
Lottie Muir,
Edward Mulligan,
John Murphy,
J. C. Murray,
Mary Naef,
Chris Nelson,
Martie Nelson,
A. R. Noble,
Anna Niver,
William Nero,
John A. Nations,
Arthur R. Nielsen,
J. A. Nesbit,
Fred R. Neal,
Victor D. Nelson,
A. W. Nichols,
D. W. Nichols,
E. C. Neilson,

000037

Pearl L. Nielson,
Soven R. Nielsin,
Chris Nielson,
Alva Norman,
C. J. Olsen,
Charles G. Ohman,
O. V. Olsen,
Olive M. Oliver,
C. H. Olson,
Louis A. Olson,
Charles I. O'Kelly,
J. M. Peterson,
Charles R. Potts,
Paul M. Paulson,
B. A. Pearson,
Roy C. Pearson,
William O. Putman,
I. S. Pope,
Martin S. Perry,
William H. Patten,
Henry Peterson,
W. C. Purdy,
A. R. Pearson,
A. B. Pearson,
Thomas J. Pritchett,
Mrs. Augusta Paetsche,
John Poe Parr,
D. L. Price,
Milton Peterson,
Mrs. Milton Peterson,
William Price,

[illegible],
[illegible],
[illegible],
W. L. Phillippi,
S. J. Paris,
M. [illegible] Peart,
Oscar W. Paisley,
F. G. Perkinson,
Robert Parsons,
Thos. L. Pence,
Lee Pence,
Grace M. Perkins,
H. C. Peterson,
D. M. Pingree,
Vervene Pingree,
Frank J. Pinkham,
Thomas M. Porter,
A. L. Quist,
Harris [illegible]. Reynolds,
Serena G. Russum,
Hugh Rutledge,
Lee E. Ried,
Vera Ried,
R. W. Runyon,
T. G. Richeson,
E. L. Richeson,
C. J. Randall,
Edward L. Rowe,
R. W. Rothwell,
J. A. Rothwell,
Mike Rukivana,

000038

Charles J. Ryberg,
Henry Rehfuss,
A. L. Reynolds,
Charles Rampton,
Alma Revoir,
A. C. Richardson,
John G. Richardson,
George P. Richardson,
D. H. Rathbun,
Anthony Raey,
Geo. A. Reay,
A. C. Reay,
Alex Reay,
Abraham Reed,
James Reid,
Hugh Reid,
Helen Richardson,
Geo. Richards,
John C. Rodgers,
E. H. Rudd, Jr.,
Lucy H. Rudd,
Bessie Russell,
Bert Straley,
Chris Schmohl,
Emma A. Schade,
Orvin Spiking,
James B. Smith,
Leonard J. Smith.
E. A. Sorensen,
Martha J. Stoddard,

L. P. Severin,
[illegible],
[illegible],
[illegible],
Oliver [illegible],
Alisha G. Smith,
H. J. [illegible],
Calvin [illegible],
George Stewart,
J. H. Stewart,
L. A. Stevenson,
W. H. Stoddard,
Mrs. Nancy M. Spencer,
Mamie Spencer,
Jac. [illegible],
Julia [illegible],
Ursula [illegible],
Oliver P. Anderson,
John H. Scott,
H. Scheibler,
S. [illegible],
Emil [illegible],
[illegible],
Merle Shoemaker,
John Shull,
[illegible],
Louis F. Smith,
[illegible],
Josile [illegible],
T. A. Stacy,

000039

Rosie B. [illegible],
Jesse W. Steele,
Jos. L. Steele,
George Stinson,
Chas. B. Stinson,
Corwin S. Stout,
R. D. Swesey,
Edgar B. Thayne,
D. O. Tweedie,
Paul Thomas,
S. M. Threewit,
John S. Taylor,
W. T. Tew,
M. Bird Tew,
Warren S. Tew,
William T. Tew, Jr.,
John Doe Thomson,
John E. Tadlock,
F. G. Twede,
Bryan Tew,
N. F. Thomson,
O. L. Terry,
John Doe Terry,
Richard Roe Terry,
W. F. Taylor,
Amos Taylor
Bryan Taylor
Anna B. Turner,
Francis E. Turner,
Edith I. Thornton,
Walter W. Talboy,

Howard Taylor
[illegible],
Jennie Thalman,
Alvin C. Thompson,
L. L. Thompson,
Paul Thomas,
Helen M. Tileman,
Lydia Toombs,
Joseph Vetsch,
Clay Vance,
Priscilla Vance,
Scott Vaught,
Joseph Vorner,
H. Valpert
Gustav Venz, Jr.,
Mabel Patton Vance,
Raven Williams,
J. S. Whitehead,
F. V. Wolf,
A. C. Walburn,
A. Wanstram,
Ezra Waddoups,
Chas. F. Wagner,
L. E. Wasson,
L. B. Whiting,
Pearl Whiting,
E. J. Woodhams,
Emma C. White,
ERastus West,
Thos. Waddoups,
Thos. A. Waddoups,

000040

C. C. Wright,

John Doe Watson,

J. E. Wells,

Emily A. White,

Wm. H. Wells,

John Doe West,

Richard Roe West,

Willis Whitney,

Levi Warren,

John Doe Weiler,

Margaret A. Wells,

T. C. Waddoups,

Josie Waddoups,

William H. Warren,

Edith C. Warren,

Thornton C. Woodbridge,

Russell Werry,

Franklin Walker,

Albert Wachner,

Royal Waddoups,

Chas. Warren,

Geo. L. Warren,

D. P. Wells,

Mamie West,

Charles H. West,

Alvin West,

Orlando White,

Joseph White,

John Doe Wiggins,

Mabel Wilson

David A. Williams,

Chas. D. Williams,

George Willis,

Wade H. Young,

T. C. Young,

Alex Younie,

Lemual C. Young,

Ernest Zesiger,

Jennette Zesiger,

A. A. Zeigler,

Fred Zimbrum,

Ferdinand Zollinger,

Alvin J. Zollinger,

Marian King, as executor of the estate of James Beverland, deceased,

James Beverland, as executor of the estate of Charles Beverland, deceased,

Hilda Charlotte Jones Harper, executri of the estate of Edwin L. Jones, decea

Grace E. Perkins, as executrix of the estate of Maggie J. Melton, deceased,

Bank of Nyssa, a corporation,

First State Bank of Challis, a corporation,

Burnett Land and Water Company, Limite a corporation,

Idaho State Life Insurance Company, a corporation,

Industrial Savings Bank, a corporation

Mackay Market Company, Limited, a corporation,

New World Life Insurance Company, a corporation,

Thousand Springs Land and Irrigation Company, Limited, a corporation,

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A. T. Shane, John Doe, Richard Roe, [illegible] Doe and William Roe, as statutory trustees of the Thousand Springs Land and Irrigation Company, Limited,

T. Bore, as Receiver of the Idaho Loan and Loan Company, a corporation,

Beck Land and Livestock Company, a corporation,

J. W. Beck, John Doe and Richard Roe as statutory trustees of the Beck Land and Livestock Company, a corporation,

George Ferguson & Sons, a corporation,

John Doe, Richard Roe and William Doe as statutory trustees of George Ferguson & Sons, a corporation,

Defendants.

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Now comes said plaintiff and by leave of the court first had and obtained files this its amended complaint herein, and for cause of action alleges:

1. That plaintiff is, and for more than twenty years last past was a corporation organized and existing under the laws of the State of Utah, and is now and during all of said time has been a citizen and resident of said state; that the plaintiff has complied with all of the laws of the State of Idaho authorizing foreign corporations to do business in Idaho, and at all of the dates and times hereinafter mentioned was doing business in Idaho by virtue of the full compliance with the laws thereof relating to foreign corporations.

2. That the right of the plaintiff to divert, store and use the waters of Big Lost River, as herein claimed, and which is the matter in dispute herein, is of a value exceeding three thousand dollars ($3,000.00) exclusive of interest and costs.

3. That the plaintiff is and for many years last past has been the owner, in possession and entitled to the possession of a certain reservoir for the storage of water, situated on sections 1, 2, 3, 4, 5, 6, 11 and 12 of township 7 north, and on sections 31, 32 and 33 of township 8 north, all in range 23 East of Boise Base and Meridian, lying in Custer County, in the State of Idaho, and of the land on which the same is situated, and is also the owner, in possession and entitled to the possession of a system of ditches, flumes and the diversion dam connected with said storage reservoir by the channel of Big Lost River, and constructed and used for the diversion and conducting of water from said storage reservoir to land irrigated and to be irrigated with said water as hereinafter alleged.

That the plaintiff is also the owner of and by virtue of appropriation entitled to the use of all of the waters flowing or to flow in Big Lost River, a stream in Custer and Butte Counties, Idaho, during the non-irrigating season, from September 15th to May 1st of each year, and also of the water flowing therein and in Antelope Creek, one of its tributaries, during the irrigating season, in the aggregate, however, not exceeding the number of second feet stated in the permits hereinafter alleged.

4. That on or about May 23, 1905, one T. W. Thomas, a predecessor in interest of the plaintiff, made application to the State Engineer of Idaho to appropriate 1000 second feet of the natural flow and flood waters of Big Lost River and its tributaries; that said application was on August 25, 1905, duly approved by said State Engineer and water permit No. 1507 for said amount of water for irrigation purposes was granted by said State Engineer to said T. W. Thomas; that according to the terms of said permit one-fifth of the work specified in said permit to be constructed was to be completed on or before February 25, 1906, and the whole of said construction work was to be completed on or before August 25, 1910; that thereafter, to-wit, on or about June 1, 1908, the Big Lost River Land & Irrigation Company, Limited, a corporation organized under the laws of the State of Idaho, which had theretofore succeeded to the rights of the said T. W. Thomas under said permit, made application to the State Engineer of Idaho for an amended permit, amending said permit No. 1507 for the appropriation of the water of Big Lost River in an amount equivalent to a continuous flow of 1000 cubic feet per second, including Big Lost River and its tributaries, the normal, flood, winter and underground flow thereof; that thereafter, to-wit, on or about August 29, 1908,

the said State Engineer duly approved said application for amended permit, and thereupon issued to said applicant water permit No. 4061 in accordance with the terms of said application for amended permit; that under the terms of said amended permit one-fifth of the work necessary in the diversion of the waters appropriated thereunder was to be completed on or before August 25, 1910, and the whole of said work was to be completed on or before August 25, 1910.

That on or about October 2, 1905, one I. F. Shaffner, a predecessor in interest of this plaintiff, made application to the State Engineer of Idaho to appropriate of the waters of Big Lost River an amount equivalent to a continuous flow of 200 cubic feet per second of the waters thereof; that on or about December 30, 1905, said State Engineer approved said application, and thereupon issued to said applicant his water permit No. 1748 for the amount of water of Big Lost River specified in said application; that under the terms of said permit No. 1748 one-fifth of the work necessary for the construction of the diversion works specified in said permit was to be completed on or before June 1, 1908, and the whole of said construction work was to be completed on or before December 30, 1910; that on June 1, 1908, the Big Lost River Land & Irrigation Company, Limited, which had succeeded to the interest of said Shaffner, in and to said permit, made application to the State Engineer of Idaho for a permit amendatory of said permit No. 1748 for the appropriation of the waters of Big Lost River in an amount equivalent to a continuous flow of 200 cubic feet per second, including the normal, flood, winter and underground flow of said Big Lost River and its tributaries; that on or about September 19, 1908, said State Engineer approved said application for said amendatory permit, and thereupon issued to said applicant water

permit No. 4063 for the amount of waters of Big Lost River and its tributaries specified in said application for exchange permit; that under the terms of said permit No. 4063, one-fifth of the construction work upon the works of diversion specified in said permit was to be completed on or before December 10, 1910, and the whole of said construction work was to be completed on or before December 10, 1910.

That on or about February 7, 1916, this plaintiff in the name of D. E. Rhivers, its trustee and agent, made application to the State Engineer of Idaho to appropriate 110,140 acre feet storage and 1000 cubic feet per second normal flow of waters of Big Lost River; that thereupon on or about February 7, 1916, the said State Engineer approved said application for permit and thereupon issued to this plaintiff permit No. 11934 for the amount of the waters of Big Lost River specified in said application; that under the terms of said permit, one-fifth of the construction work upon works of diversion specified in said permit was to be completed on or before August 7, 1918, and the whole of said construction work was to be completed on or before February 7, 1921.

That on or about the 31st day of July, 1905, one T. W. Thomas, a predecessor in interest of the plaintiff, made application to the State Engineer of Idaho to appropriate 100 second feet of the natural flow and flood waters of Antelope Creek, said Antelope Creek being one of the tributaries of said Big Lost River; that said application was on September 5, 1905, duly approved by said State Engineer and water permit No. 1513 for said amount of water for irrigation purposes was granted by said State Engineer to said T. W. Thomas; that according to the terms of said permit, one-fifth of the work specified in said permit to be constructed was to be completed on or before March 5, 1908, and the whole of the constructi

work specified in said permit was to be completed on or before September 5, 1910; that thereafter, to-wit, on or about June 1, 1908, the Big Lost River Land and Irrigation Company, Limited, a corporation organized under the laws of the State of Idaho, which had theretofore succeeded to the rights of the said T. E. Thomas under said permit, made application to the State Engineer of Idaho for an amended permit, amending said permit No. 1505 for the appropriation of the waters of said Antelope Creek in an amount equivalent to a continuous flow of 100 cubic feet per second, including the normal flood, winter and underground flow thereof; that thereafter, to-wit, on or about September 19, 1908, the said State Engineer duly approved said application for amended permit and thereupon issued to said applicant water permit No. 4062, in accordance with the terms of said application for amended permit; that under the terms of said amended permit No. 4062, one-fifth of the work necessary in the diversion of the waters appropriated thereunder was to be completed on or before September 5, 1910, and the whole of said construction work was to be completed on or before September 5, 1910.

That this plaintiff has, by various mesne conveyances, become the owner of each of said permits hereinbefore specified, that is to say, said permits Nos. 1507, 4061, 1748, 4063, 1513, 4062 and 11934 and of all rights thereunder, and is now and for a long time has been the owner of said rights; that this plaintiff and its several predecessors in interest in said permits and each of them have in proper time and manner duly complied with all the terms, conditions and limitations specified in said several permits, and each of them, except a certain condition specified in said permits Nos. 1507, 1748 4061, 4063, 1513 and 4062, requiring proof

of beneficial use of water appropriated under each of said several permits within four years of the time specified in said respective permits for the completion of the works of diversion; and that with respect to said condition as to beneficial use in each of said permits, plaintiff alleges that the time for beneficial use and the proof thereof has been extended by operation of law.

Plaintiff further alleges that in the case of the permits above mentioned there was filed in the office of said State Engineer a good and sufficient bond all as required by law and in accordance with the condition specified in said permits respectively. Plaintiff further alleges that in the case of said permits Nos. 4061, 4062 and 4063, and each of them, the successive holders thereof being plaintiff's said predecessors in interest, performed within one-half the time limited in each permit respectively for full completion of the construction work mentioned and required therein, more than one-fifth of such construction work; and that with respect to permit No. 11934 said plaintiff performed within one-half the time limited in such permit for full completion of the construction work mentioned and required therein, more than one-fifth of such construction work.

That the construction work specified in each and all of said permits and done under and in fulfillment of the conditions therein all related to one general plan or scheme to irrigate the lands specifically described in Exhibit "A" hereto attached as a part hereof; that the canals and laterals so specified and so constructed are all capable of being used in the distribution of water stored in plaintiff's said reservoir and in the irrigation of Carey Act land described in said Exhibit "A", and said water was so appropriated and said permits so obtained for that purpose.

Plaintiff further alleges that on or about the 16th day of February, 1911, the State Engineer of Idaho duly issued his certificate of full completion of work under said permit No. 1507 as amended by said permit No. 4061, and likewise issued his certificate of full completion of work under said permit No. 1748 as amended by said permit No. 4065, and likewise issued his certificate of full completion of work under said permit No. 1513 as amended by said permit No. 4062; that the said work was fully completed and proof thereof duly made within the time specified in said amended permits.

That under the permits above specified plaintiff claims and owns a right to divert and use for beneficial purposes the waters of Big Lost River and its tributaries in an amount equivalent to a continuous flow of 1000 second feet, including the winter and flood waters, normal flow and underground waters with date of priority May 23, 1905; also 200 second feet of the waters of Big Lost River and its tributaries, including the winter and flood waters, normal flow and underground waters, with date of priority October 2, 1905; also the right to divert and use 100 second feet of the waters of Antelope Creek, one of the tributaries of Big Lost River, including the winter and flood waters, normal flow and underground waters, with date of priority July 31, 1905; also a right to divert and use 110,140 acre feet storage and 1000 cubic feet per second normal flow of the waters of Big Lost River with date of priority February 7, 1916.

That the object of each of said appropriations of said water and of the construction of said reservoir, dam and ditches, and the use made thereof by the plaintiff was and is to furnish water for the irrigation of a large tract of land in Butte County, Idaho, a particular description of which is set out in Exhibit "A" hereto attached, which land was

duly selected by the State of Idaho under the Act of Congress, known as the Carey Act, was desert in character, and for which the said state entered into a contract with the United States whereby title thereto will eventually pass to the state, and from the state to the settler thereon, in accordance with the terms of said act; and the said plaintiff duly entered into a contract with the State of Idaho by which it bound itself to construct and complete the construction of said storage reservoir and system of canals and irrigation works for the reclamation and irrigation of said lands, and to use the water so appropriated for that purpose.

5. That there are a large number of settlers on said land with whom the plaintiff has entered into contracts to furnish water from said storage reservoir and through said ditches for the irrigation of the land so settled on, and at this date the plaintiff is and has been during the irrigation season of 1919, in accordance with said water contracts with the users, furnishing water from said reservoir for the irrigation of 5286 acres of said land, all settled on and occupied by persons under the said Carey Act aforesaid; and that during the year 1918 the plaintiff stored in said reservoir of the waters of said river sufficient water to irrigate 3000 acres of said land, and used it for that purpose, and during the winter of 1918-1919 and the year 1919 the plaintiff stored in said reservoir of said waters 25000 acre feet, and, except as interfered with by the wrongful acts of some of the defendants herein, as hereinafter stated, used the same for the purpose of irrigating said 5286 acres of said land as above stated; that said reservoir has a capacity for the storage of 35,900 acre feet of water, and all of it is needed for the irrigation of said land so far as now settled on and

said Carey Act, and to fulfill the contracts heretofore made by said plaintiff with said settlers; and all of the water so appropriated by plaintiff and its predecessors in interest will be necessary for the irrigation of said tract of land so selected by the State of Idaho under the said Act.

6. That said land described in Exhibit "A" is desert in character, and will not produce a crop without irrigation, but by the use of water thereon is very productive, and that the land for the irrigation of which the plaintiff furnished water during the year 1919 was cultivated and planted to crops, which crops if entirely deprived of water from said reservoir would have been entirely destroyed, and which were in fact in a large measure destroyed by reason of the wrongful acts of some of the defendants herein stated.

7. That pursuant to its appropriation and right to use the water so appropriated, the plaintiff during the non-irrigation season of the years 1918-1919 stored in said reservoir a large quantity of water, amounting to about 18,000 acre feet of water, at the date of the institution of this suit, all of which was and is needed for the irrigation of said 5286 acres of land; that all of said defendants, except said Warren G. Swendsen, Commissioner of Reclamation of the State of Idaho, claimed and now claim some interest in the water so stored and in the right to use, divert and store the waters flowing in said stream, adverse to the said plaintiff; but the claim of said defendants and of each of them is without right or validity and in truth and in fact none of said defendants have any legal claim or right thereto.

8. That said defendant Thousand Springs Land and Irrigation Company, Limited, has constructed a storage reservoir in which it stores the water of Big Lost River and Thousand Springs Creek, a tributary of Big Lost River, flowing into

said river above the plaintiff's said reservoir, and for that purpose diverts the waters thereof; that the water so diverted and stored diverts the water flowing in said Big Lost River and prevents the plaintiff from storing in its reservoir and using the full quantity of water it is so entitled to store therein and use therefrom; that any right or appropriation that the said Thousand Springs Land and Irrigation Company, Limited, may have in and to said water is subsequent, subordinate and inferior to plaintiff's right thereto, as hereinbefore alleged; that said defendant Thousand Springs Land and Irrigation Company, Limited, threatens to continue to divert and store said water from said stream to plaintiff's great damage, and plaintiff alleges, on information and belief, will do so unless restrained by the injunction of this court.

9. That said Warren G. Swendsen is the Commissioner of Reclamation of the State of Idaho, and as such claims the right to so regulate the flow of water from said storage reservoir and the diversion of water into plaintiff's said canals as to lessen and deplete the quantity of storage water in said reservoir and to deprive plaintiff of the water it is rightfully entitled to divert and use, and to divert the same to the other defendants and generally to exercise control over the waters of plaintiff and the use thereof, adverse to the plaintiff's said right to store and use said water; that the claim of said Swendsen is unfounded and without validity. That the defendants originally made parties defendant herein, other than said Swendsen, threaten to and will, unless restrained by the injunction of this court, forcibly take the said stored water from said reservoir and turn it into the river and so deprive the plaintiff thereof, and forcibly and without right interfere with and prevent the plaintiff in and from the exercise of its right to store and to divert and use said water in accordance

with its appropriations and thereby will inflict an irreparable loss and damage on said plaintiff and for which it will have no adequate remedy at law and will subject the plaintiff to a multiplicity of suits in behalf of numerous settlers on said land occupied under said Carey Act and with whom the plaintiff has entered into a contract for the furnishing of said water, and will totally destroy the growing crops of said settlers, which would otherwise be of great value.

10. That in pursuance of said wrongful adverse claim, the said original defendants, other than said Swendsen, instituted a suit in the District Court of the Sixth Judicial District of the State of Idaho in and for Butte County, against the defendant Swendsen, as Commissioner of Reclamation of the State of Idaho, the only defendant thereto, and obtained an interlocutory mandatory injunction without notice to said Swendsen commanding him to take from said reservoir and turn into the bed of the stream a large amount of said stored water for their use and to which they had no right or title, and to which suit the plaintiff herein was not made a party; that the said Swendsen obeyed said mandatory injunction and the command thereof to the irreparable damage of the plaintiff. That said injunctional order was void and beyond the jurisdiction of the court issuing the same; that after obtaining said stored water, the said plaintiffs therein voluntarily dismissed said action without the trial thereof.

11. Big Lost River is a stream arising in the mountains of Custer County, Idaho, made up of various tributaries and flowing in a generally northeasterly direction to the vicinity of Chilly, in Custer County, Idaho, and thence flowing in a generally southwesterly direction; that the tributaries of Big Lost River, the waters of which tributaries, by their confluence with said river, make up the waters of Big Lost River

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in the lower course thereof are, Antelope Creek, James Creek, Alder Creek, Sage Creek, Pass Creek, Lower Pass Creek, Upper Cedar Creek, Lower Cedar Creek, Condon Springs Creek and Condon Springs, Crystal Creek, Boone Creek, Corral Creek, Pinto Creek, Beda Creek, Warm Springs Creek, Hamilton Creek, White Knob Creek, and other small springs and creeks, the names of which are unknown to this plaintiff; that each of the said defendants, except said Warren G. Swendsen, Commissioner of Reclamation of the State of Idaho, claims some right to the use of the waters of said Big Lost River or its various tributaries adverse to this plaintiff; that the claim of said defendants, and of each of them, if any, is subsequent and inferior to plaintiff's said claim.

12. That the defendant, Marian King, is the duly appointed, qualified and acting executor of the estate of James Beverland, deceased; that the defendant James Beverland is the duly appointed, qualified and acting executor of the estate of Charles Beverland, deceased; that the defendant Hilda Charlotte Jones Harper, is the duly appointed, qualified and acting executrix of the estate of Edwin L. Jones, deceased; that the defendant, Grace E. Perkins is the duly appointed, qualified and acting executrix of the estate of Maggie J. Melton, deceased; that the Idaho Bond and Loan Company is a corporation, organized and existing under the laws of the State of Idaho, and that the defendant, T. Bore, is the duly appointed qualified and acting Receiver of said corporation.

13. That the defendants, First State Bank of Challis, Burnett Land and Water Company, Limited; Idaho State Life Insurance Company, Mackay Market Company, and each of them, is a corporation, organized and existing under the laws of the State of Idaho, and a resident and citizen of said State.

14. That the defendant, Bank of [illegible], is a banking corporation organized and existing under the laws of the State of Oregon, and a resident and citizen of said State; that the defendant, Industrial Savings Bank, is a corporation organized and existing under the laws of the State of Michigan and a resident and citizen of said State; that the defendant, New World Life Insurance Company, is a corporation organized and existing under the laws of the State of Washington, and a resident and citizen of said State; and on information and belief plaintiff alleges that each of the remaining defendants other than those in this paragraph mentioned, are residents and citizens of the State of Idaho.

15. That up to and for a long time prior to about December 1st, 1919, the defendant Thousand Springs Land and Irrigation Company Limited, was a corporation organized and existing under and by virtue of the laws of the State of Idaho; that on said last mentioned date said corporation forfeited its charter for failure to comply with the laws of the State of Idaho, and ever since said time has been and now is a defunct corporation; that at the date of said forfeiture the defendants A. T. Shane, John Doe, Richard Roe, Charles Doe and William Roe were the directors and managers in office of the affairs of said corporation and ever since have been and now are the statutory trustees thereof for the purpose of settling up the affairs of said corporation.

16. That up to and for a long time prior to about December 1st, 1915, the defendant Beck Land and Livestock Company was a corporation organized and existing under and by virtue of the laws of the State of Idaho; that on or about said last mentioned date said corporation forfeited its charter for failure to comply with the laws of the State of Idaho, and ever since said time has been and now is a defunct corporation; that at the date of said forfeiture J. W. Beck, John Doe and Richard Roe were the directors and man-

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agers in office of the affairs of said corporation, and ever since have been and now are the trustees thereof for the purpose of settling up the affairs of said corporation.

17. That up to and for a long time prior to the 1st day of December 1st, 1915, the defendant George Ferguson & Sons was a corporation organized and existing under and by virtue of the laws of the State of Idaho; that on or about said last mentioned date said corporation forfeited its charter for failure to comply with the laws of the State of Idaho, and ever since said time has been and now is a defunct corporation; that at the date of said forfeiture, John Doe, Richard Roe and William Doe were the directors and managers in office of the affairs of said corporation, and ever since have been and now are the trustees thereof for the purpose of settling up the affairs of said corporation.

18. That the true names of the defendants Richard Roe Wilson, Richard Roe Edwards, Richard Roe Hintze, Jane Doe Jones, Richard Roe Polk, John Doe Powers, John Doe Young, John Doe Britton, John Doe Chapman, Richard Roe Perlin, John Doe Gilboy, Richard Roe Hunter, John Doe Halverson, John Doe Jenkins, John Doe Peterson, John Doe Lehman, Richard Roe Lehman, John Doe Miller, Richard Roe Miller, John Doe Mason, Richard Roe Mason, John Doe Murphy, Richard Roe McKean, John Doe Parr, John Doe Thomson, John Doe Terry, Richard Roe Terry, John Doe Wasson, John Doe West, Richard Roe West, John Doe Weiler, and John Doe Wiggins, and each of them, is unknown to this plaintiff, and therefore said defendants and each of them are sued herein under fictitous names; that the true names of John Doe, Richard Roe, Charles Doe and William Roe, sued herein as statutory trustees of the Thousand Springs Land and Irrigation Company, Limited, a corporation, and each of them, are unknown to this plaintiff, and said defendants and each of them are sued herein under fictitous names; that the true names of John Doe and Richard Roe, sued herei.

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as statutory trustees of the [illegible] corporation, and each of them are unknown to this plaintiff and they are sued herein under fictitious names; that the true names of John Doe, Richard Roe and William Doe, sued herein as statutory trustees of George Ferguson & Sons, a corporation, and each of them, are unknown to this plaintiff and they are sued herein under fictitous names, and plaintiff prays that when the true name of each of said defendants is ascertained such true name may be substituted in these proceedings.

Therefore, plaintiff prays that a subpoena issue to the defendants who have not heretofore appeared herein, requiring them to plead to this bill, and that the plaintiff's title and right to the use of said water diverted from said stream and its tributaries and the water stored in said reservoir to the extent of its appropriations aforesaid, and its right to store water in said reservoir and use the stored water for the irrigation of said land, to the extent of said appropriations, be quieted and confirmed against any and all adverse claims of said defendants or any of them; that defendants be required to set up any adverse claim they may have thereto, and that the same may be adjudged to be without validity; that until the final hearing of this cause the defendants, and each of them, their, and each of their agents, servants and employees, be enjoined and restrained from interferring in any way with plaintiff's storing of water so appropriated or with the said storage reservoir and the waters so stored or plaintiff's use thereof, and that on final hearing said injunction be made permanent, and each of the defendants further enjoined from asserting any adverse claim to the plaintiff's said right and property, and for such other and further relief as to the court may seem equitable, and for costs of suit.

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Harvey Marshall McMillan & Snow

Edwin Snow

Solicitors for Plaintiff.

STATE OF Utah, :
:ss.
County of Weber :

Warren L. Watkins, being first duly sworn on his oath states: That he is an officer of the Utah Construction Company, plaintiff herein, to-wit: its Secretary, and makes this verification for and in behalf of said company; that he has read the foregoing amended complaint, and knows the contents thereof, and that the same is true of his own knowledge, except as to matters therein stated on information and belief, and as to such matters he believes it to be true.

Warren L. Watkins

Subscribed and sworn to before me this 21 day of May, 1920.

Notary Public for Utah

Residence: Ogden Utah

My commission expires: 4/22/1921.

EXHIBIT "A".

LIST OF LANDS SELECTED BY THE STATE OF IDAHO, SERIAL CASE NO. FOR THE BIG LOST RIVER LAND AND IRRIGATION COMPANY, LIMITED.

BAILEY U. S. LAND OFFICE DISTRICT

T. 4 N., R. 25 E. B. M. UNSURVEYED (Plat made)

Sec. 25	Estimated acreage	640	
Sec. 26			
$E\frac{1}{2}$	"	320	
$E\frac{1}{2}$ of $SW\frac{1}{4}$	"	80	
$SW\frac{1}{4}$ of $SW\frac{1}{4}$		40	
Sec. 27			
$SE\frac{1}{4}$ of $SE\frac{1}{4}$	"	40	
Sec. 35		640	
Sec. 34			
$E\frac{1}{2}$ of $NE\frac{1}{4}$		80	
$SW\frac{1}{4}$ of $NE\frac{1}{4}$		40	
$SE\frac{1}{4}$		160	
$SE\frac{1}{4}$ of $SW\frac{1}{4}$		40	2080

T. 3 N., R. 25 E. B. M. SURVEYED (Plat made)

Sec. 1	640.66	
Sec. 2	636	
Sec. 3		
$S\frac{1}{2}$ of $NE\frac{1}{4}$	80	
$SE\frac{1}{4}$	160	
$SW\frac{1}{4}$	160	
$SE\frac{1}{4}$ of $NW\frac{1}{4}$	40	
Lot 1	38.81	
Lot 2	38.85	
Lot 3	38.89	
Sec. 10	640	
Sec. 11	640	
Sec. 12 $S\frac{1}{2}$	320	
		3433.21
		5513.21

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#2

	Acres
Sec. 9	
E½ of SE¼	80
SE¼ of NE¼	40
Sec. 13	
W½	320
S½ of SE¼	80
N½ of NE¼	80
Sec. 14	640
Sec. 15	
NE¼	160
N½ of NW¼	80
E½ of SE¼	80
Sec. 23	
N½ of NE¼	80
N½ of NW¼	80
Sec. 24	
N½ of NE¼	80
NW¼ of NW¼	40
SE¼ of NE¼	40
T. 4 N., R. 26 E. B. M. (UNSURVEYED) (Plat made)	
Sec. 30	
NE¼ of NW¼	40
Lot 1	39.32
Lot 2	39.36
S½	318.84
SE¼ of NE¼	40
Sec. 29	
W½ of SW¼	80
NE¼ of SW¼	40
N½ of SE¼	80
NE¼	160
SE¼ of NW¼	40
	2757.52
	8270.73

#3

	Acres	Total 8370.75
Sec. 28		
$N\frac{1}{2}$	320	
$N\frac{1}{2}$ of $SW\frac{1}{4}$	80	
$N\frac{1}{2}$ of $SE\frac{1}{4}$	80	
Sec. 27		
$N\frac{1}{2}$	320	
$SE\frac{1}{4}$	160	
$N\frac{1}{2}$ of $SW\frac{1}{4}$	80	
$SE\frac{1}{4}$ of $SW\frac{1}{4}$	40	
Sec. 26		
$SW\frac{1}{4}$ of $SW\frac{1}{4}$	40	
Sec. 20		
$E\frac{1}{2}$ of $SE\frac{1}{4}$	80	
$SW\frac{1}{4}$ of $SE\frac{1}{4}$	40	
Sec. 21		
$SW\frac{1}{4}$	160	
$W\frac{1}{2}$ of $SE\frac{1}{4}$	80	
$SE\frac{1}{4}$ of $SE\frac{1}{4}$	40	
Sec. 31	630.91	
T. 3 N., R. 26 E. B. M. (SURVEYED)		(Plat made)
Sec. 6		
Lot 1	40.42	
Lot 2	40.51	
$S\frac{1}{2}$ of $NE\frac{1}{4}$	80	
$S\frac{1}{2}$	318.25	
Sec. 7		
$N\frac{1}{2}$	318.57	
$NE\frac{1}{4}$ of $SW\frac{1}{4}$	40	
$NW\frac{1}{4}$ of $SE\frac{1}{4}$	40	
$E\frac{1}{2}$ of $SE\frac{1}{4}$	80	3116.66
		11387.39

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#4	Acres	Total	11387.39
Sec. 9			
$S\frac{1}{2}$ of $SW\frac{1}{4}$	80		
$SE\frac{1}{4}$	160		
Sec. 10			
$S\frac{1}{2}$	320		
$SE\frac{1}{4}$ of $NE\frac{1}{4}$	40		
Sec. 11	640		
Sec. 13			
$NW\frac{1}{4}$ of $SW\frac{1}{4}$	40		
$S\frac{1}{2}$ of $SW\frac{1}{4}$	80		
$S\frac{1}{2}$ of $SE\frac{1}{4}$	80		
Sec. 14	640		
Sec. 15	640		
Sec. 17			
$W\frac{1}{2}$	320		
$SE\frac{1}{4}$	160		
Sec. 18			
$W\frac{1}{2}$	317.66		
Sec. 19			
$N\frac{1}{2}$	318.98		
Lot 3	39.51		
$NE\frac{1}{4}$ of $SW\frac{1}{4}$	40		
$N\frac{1}{2}$ of $SE\frac{1}{4}$	80		
$SE\frac{1}{4}$ of $SE\frac{1}{4}$	40		
Sec. 20	640		
			4676.15
			16063.54

#5

	Acres	Total 16033.54
Sec. 21		
$N\frac{1}{2}$	320	
$SW\frac{1}{4}$	160	
$N\frac{1}{2}$ of $SE\frac{1}{4}$	80	
Sec. 22		
$N\frac{1}{2}$	320	
$N\frac{1}{2}$ of $SW\frac{1}{4}$	80	
$N\frac{1}{2}$ of $SE\frac{1}{4}$	80	
Sec. 23	640	
Sec. 24	640	
Sec. 25		
$N\frac{1}{2}$	320	
Sec. 26		
$N\frac{1}{2}$ of $NE\frac{1}{4}$	80	
Sec. 28		
$W\frac{1}{2}$ of $NW\frac{1}{4}$	80	
Sec. 29		
$N\frac{1}{2}$ of $NE\frac{1}{4}$	80	
$SE\frac{1}{4}$ of $NE\frac{1}{4}$	40	
$NE\frac{1}{4}$ of $NW\frac{1}{4}$	40	
T. 3 N., R. 27 E. B. M. (SURVEYED) (Plat made)		
Sec. 5		
$E\frac{1}{2}$ of $SE\frac{1}{4}$	80	
$S\frac{1}{2}$ of $NE\frac{1}{4}$	80	
Sec. 4		
Lot 3	36.45	
$SE\frac{1}{4}$ of $NW\frac{1}{4}$	40	
$E\frac{1}{2}$ of $SW\frac{1}{4}$	80	
$SE\frac{1}{4}$	160	
$S\frac{1}{2}$ of $NE\frac{1}{4}$	80	
	3513.45	
	19579.99	

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#6

	Acres	Total 19570.99
Sec. 3		
SW¼	160	
SW¼ of SE¼	40	
Sec. 8		
E½	320	
Sec. 9	640	
Sec. 10		
W½	320	
SE¼	160	
W½ of NE¼	80	
SE¼ of NE¼	40	
Sec. 11		
S½	320	
Sec. 12		
SW¼	160	
Sec. 14		
N½ of NW¼	80	
N½ of NE¼	80	
Sec. 15	640	
Sec. 17		
N½ of NE¼	80	
Sec. 28		
All that portion NW¼ not included in Lower Lost River Reservoir right of way	160	
Sec. 22		
NW¼	160	
W½ of NE¼	80	
NE¼ of NE¼	40	
Sec. 19	637.92	4197.92
		23777.91

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#7 Acres Forward 25777.91

Sec. 20

SW¼	160
SW¼ of NW¼	40
SW¼ of SE¼	40

Sec. 29

N½	320

Sec. 30

NW¼	159.57
Lot 3	39.88

T. 4 N., R. 27 E. B. M. (SURVEYED) (plat made)

Sec. 31

NW¼ of SE¼	40

T. 2 N., R. 28 E. B. M. (UNSURVEYED) (Plat made)

Sec. 1

SE¼ of NE¼	Estimated acreage	40
SE¼	"	160
S½ of SW¼	"	80

Sec. 11

SE¼	"	160
E½ of NE¼	"	80
SW¼ of NE¼	"	40

Sec. 12

W½	"	320
NE¼	"	160
W½ of SE¼	"	80

Sec. 13

NW¼	"	160

Sec. 14

N½ of NE¼	"	80

2159.45

25937.36

#8

T. 3 N., R. 29 E. B. M. (SURVEYED) (Flat Meade)

	Acres	Total 30537.36
Sec. 12		
$SE\frac{1}{4}$	160	
$SE\frac{1}{4}$ of $NE\frac{1}{4}$	40	
Sec. 13		
$E\frac{1}{2}$	320	
$SW\frac{1}{4}$	160	
$E\frac{1}{2}$ of $NW\frac{1}{4}$	80	
$SW\frac{1}{4}$ of $NW\frac{1}{4}$	40	
Sec. 14		
$SE\frac{1}{4}$	160	
$S\frac{1}{2}$ of $SW\frac{1}{4}$	80	
Sec. 22		
$SE\frac{1}{4}$ of $NE\frac{1}{4}$	40	
$SE\frac{1}{4}$	160	
$S\frac{1}{2}$ of $SW\frac{1}{4}$	80	
Sec. 23	640	
Sec. 24	640	
Sec. 25	640	
Sec. 26		
$NE\frac{1}{4}$	160	
$NW\frac{1}{4}$	160	
$W\frac{1}{2}$ of $SW\frac{1}{4}$	80	
Sec. 27	640	
Sec. 28		
$SE\frac{1}{4}$	160	
$E\frac{1}{2}$ of $SW\frac{1}{4}$	80	
$SE\frac{1}{4}$ of $NE\frac{1}{4}$	40	
Sec. 32		
$SE\frac{1}{4}$ of $SE\frac{1}{4}$	40	4600.00
		30537.36

#9

Acres Total 34697.38

T. 3 N., R. 29 E. B. M.
Continued

Sec. 33	640	
Sec. 34	640	
Sec. 35		
E½	320	
SW¼	160	
S½ of NW¼	80	

T. 2 N., R. 29 E. B. M. (UNSURVEYED) (Plat made)

Sec. 1		
E½ estimated acreage	320	
NW¼ "	160	
E½ of SW¼ "	80	
NW¼ of SW¼ "	40	
Sec. 2		
N½ "	320	
N½ of SW¼ "	80	
N½ of SE¼ "	80	
Sec. 3		
N½ "	320	
NW¼ of SW¼ "	40	
NE¼ of SE¼ "	40	
Sec. 4		
N½ "	320	
N½ of SE¼ "	80	
N½ of SW¼ "	80	
Sec. 5		
NE¼ "	160	
N½ of SE¼ "	80	
S½ of NW¼ "	80	
NE¼ of SW¼ "	40	4160.00
		34697.38

000067

#1

Acres Forward 34397.36

Sec. 6

S½ of NE¼	estimated acreage	80	
S½ of NW¼	"	80	
N½ of SW¼	"	80	
SW¼ of SW¼	"	40	
			280.00
			34977.36

R E C A P I T U L A T I O N

UNSURVEYED:

Page 1	estimated acreage	2080	
" 7	"	1360	
" 9	"	2320	
" 10	"	280	Estimated total 6040

SURVEYED:

Page 1	3433.21	
" 2	2757.52	
" 3	3116.66	
" 4	4676.15	
" 5	3516.45	
" 6	4197.92	
" 7	799.45	
" 8	4600	
" 9	1840	
	Total Surveyed	28,937.36

ESTIMATED GRAND TOTAL HAILEY U.S. LAND OFFICE DISTRICT 34,977.36

LIST OF LANDS SELECTED BY THE STATE OF IDAHO UNDER CAREY ACT FOR THE BIG LOST RIVER LAND AND IRRIGATION COMPANY, LIMITED.

BLACKFOOT U. S. LAND OFFICE DISTRICT.

T. 3 N., R. 30 E.B.M. (SURVEYED)	(Plat made)	
Sec. 1	622	
Sec. 2	621.6	
Sec. 3	620.48	
Sec. 4	620.8	
Sec. 5	622.32	
Sec. 6	614.1	
Sec. 7	629.6	
Sec. 8	640.	
Sec. 9	640	
Sec. 10	640	
Sec. 11	640	
Sec. 12	640	
Sec. 13	640	
Sec. 14	640	
Sec. 15	640	
Sec. 17	640	
Sec. 18	627.84	
Sec. 19	627.04	
Sec. 20	640	
Sec. 21	640	
Sec. 22	640	
Sec. 23	640	
Sec. 24	640	
Sec. 25 W½ and NE¼	480	
Sec. 26	640	15,685.78

000069

#2

T. 3 N. R. 30 E. B. M. Continued (SURVEYED)	For'd	15685.76
Sec. 27	640	
Sec. 28	640	
Sec. 29	640	
Sec. 30	629	
Sec. 31	629.92	
Sec. 32	640	
Sec. 33	640	
Sec. 34	640	
Sec. 35		
$W\frac{1}{2}$ and $NE\frac{1}{4}$	480	
T. 2 N. R. 30 E. B. M. (UNSURVEYED) (Plat made)		
Sec. 4 Estimated acreage -	-	
$W\frac{1}{2}$ "	320	
$NE\frac{1}{4}$ "	160	
Sec. 5 "	640	
Sec. 6 "	640	
Sec. 7 "		
$N\frac{1}{2}$ of $NE\frac{1}{4}$	80	
$N\frac{1}{2}$ of $NW\frac{1}{4}$	80	
T. 4 N. R. 30 E. B. M. (UNSURVEYED) (Plat made)		
Sec. 1 Estimated acreage	640	
Sec. 2 "	640	
Sec. 3 "	640	
Sec. 4 "	640	
Sec. 5 "	640	
Sec. 6 "	640	
Sec. 7 "	640	
Sec. 8 "	640	
Sec. 9 "	640	
Sec. 10 "	640	
		13898.92
		29584.70

#3

T. 4 N. R. 30 E. B. M. (Continued) (UNSURVEYED) For'd 29584.70

Sec. 11	Estimated acreage	640	
Sec. 12	"	640	
Sec. 13	"	640	
Sec. 14	"	640	
Sec. 15	"	640	
Sec. 17	"	640	
Sec. 18	"		
$N\frac{1}{2}$		320	
Sec. 19			
$SE\frac{1}{4}$		160	
Sec. 20	"	640	
Sec. 21	"	640	
Sec. 22	"	640	
Sec. 23	"	640	
Sec. 24	"	640	
Sec. 25	"	640	
Sec. 26	"	640	
Sec. 27	"	640	
Sec. 28	"	640	
Sec. 29	"	640	
Sec. 30	"	640	
Sec. 31	"	640	
Sec. 32	"	640	
Sec. 33	"	640	
Sec. 34	"	640	
Sec. 35	"	640	14560.00
			44144.70

000071

R E C A P I T U L A T I O N

UNSURVEYED:

Page 2	Estimated acreage	8320		
Page 3	"	14560	Estimated total	22880

SURVEYED:

Page 1	15685.78		
Page 2	5578.92	Total surveyed	21264.70

ESTIMATED GRAND TOTAL BLACKFOOT U.S. LAND OFFICE DISTRICT 44144.70

LIST OF LANDS TO BE SELECTED BY THE STATE OF IDAHO UNDER [illegible] ACT, FOR THE BIG LOST RIVER IRRIGATION AND [illegible] PROJECT, IN THE BAILEY UNITED STATES LAND OFFICE DISTRICT.

		Acres
T. 2 N. R. 28 E. B. M. Unsurveyed		
Section 1	Estimated acreage	
E½ of NW¼	80	
N½ of SE¼	80	
W½ and NE¼ of NE¼	120	280.00
Section 13	Estimated acreage	
SW¼		160.00
Section 14	"	
S½ of NE¼	80	
SE¼	160	
SE¼ of NW¼	40	
E½ of SW¼	80	360.00
T. 2 N. R. 29 E. B. M. Unsurveyed.		
Section 1	Estimated acreage	
SW¼ of SW¼	"	40.00
Section 2	"	
S½ of SE¼	80	
S½ of SW¼	80	160.00
Section 4	Estimated acreage	
SW¼ of SW¼		40.00
Section 5	"	
S½ of SE¼		80.00
Section 6	"	
SE¼ of SW¼	40	
N½ of NW¼	80	
NW¼ of NE¼	40	160.00
All section 12		640.00
		1920.00

000073

#2

		Acres
T. 3 N. R. 29 E. B. M.		1920.00
Section 1		
Lot 1	35.47	
Lot 2	35.43	
S½ NE¼	80.00	
SE¼	160.00	310.90
Section 12		
W½ and NE¼ of NE¼	120.00	
E½ of NW¼	80.00	200.00
Section 13		
NW¼ of NW¼		40.00
Section 14		
NE¼	160.00	
N½ of SW¼	80.00	
W½ and SE¼ of NW¼	120.00	360.00
Section 15		
E½ SE¼		80.00
Section 22		
SW¼ of NE¼		40.00
NE¼ of NE¼		40.00
N½ of SW¼		80.00
Section 28		
SW¼ of NE¼	40.00	
NE¼ of NE¼	40.00	
SW¼ of SW¼	40.00	120.00
Section 29		
W½ of SE¼	80.00	
E½ of SW¼	80.00	160.00
		3350.90

#3

T. 4 N. R. 29 E. B. M.		3350.90
Section 1		
Lot 1	37.52	
Lot 2	37.55	
S½ of NE¼	80.00	
SE¼	160.00	315.07
Section 12		
NE¼	160.00	
SE¼	160.00	
E½ NW¼	80.00	
E½ SW¼	80.00	480.00
Section 13		
N½ NE¼		80.00
T. 5 N. R. 29 E. B. M.		
All Section 1		648.08
Section 11		
N½	320.00	
SE¼	160.00	480.00
All section 12		640.00
All section 13		640.00
Section 14		
NE¼	160.00	
SE¼	160.00	
SW¼	160.00	
E½ NW¼	80.00	560.00
Section 24		
N½ NE¼	80.00	
N½ NW¼	80.00	160.00
		7354.05

000075

#4

R E C A P I T U L A T I O N.

UNSURVEYED

Page 1 Estimated acreage 1920 Estimated total 1920.00

SURVEYED

Page 2 1430.90

Page 3 4003.15 Total Surveyed 5434.05

ESTIMATED GRAND TOTAL HAILEY U.S. LAND OFFICE DISTRICT 7354.05

LIST OF LANDS TO BE SELECTED BY THE STATE OF IDAHO UNDER THE CAREY ACT, FOR THE BIG LOST RIVER LAND AND IRRIGATION COMPANY, LIMITED. BLACKFOOT UNITED STATES LAND OFFICE DISTRICT.

T. 2 N. R. 30 E. B. M.	Unsurveyed	
Section 4	Estimated acreage	Acres
SE¼		160.00
Section 7		
S½ NE¼	80.00	
S½ NW¼	80.00	
SW¼	160.00	320.00
Section 8		
N½ NE¼	80.00	
N½ NW¼	80.00	160.00
T. 5 N. R. 30 E. B. M.		
All Section 1		638.60
All Section 2		638.00
Section 3		
Lot 4	40.17	
SW¼ NW¼	40.00	
W½ SW¼	80.00	
SE¼ SW¼	40.00	
SE¼	160.00	360.17
All Section 4		644.16
All Section 5		646.36
All Section 6		672.50
All Section 7		667.04
All Section 8		640.00
All Section 9		640.00
		6186.83

000077

#6

		Acres
T. 5 N. R. 30 E. B. M.		8160.00
Section 10		
$NE\frac{1}{4}$	160	
$NW\frac{1}{4}$	160	320.00
All Section 11		640.00
All Section 12		640.00
All Section 13		640.00
All Section 14		640.00
All Section 15		640.00
All Section 17		640.00
All Section 18		668.00
Section 19		
$NE\frac{1}{4}$	160.00	
$E\frac{1}{2}$ $NW\frac{1}{4}$	80.00	
Lot 1	47.21	
$NE\frac{1}{4}$ $SW\frac{1}{4}$	40.00	
$SE\frac{1}{4}$	160.00	487.21
All Section 20		640.00
All Section 22		640.00
All Section 23		640.00
All Section 24		640.00
All Section 25		640.00
All Section 26		640.00
All Section 27		640.00
All Section 28		640.00
All Section 29		640.00
		17,262.04

000078

#7

17,264.04

T. 5 N., R. 30 E. B. M.

Section 30		
NE¼	160.00	
SE¼	160.00	320.00
Section 31		
NE¼	160.00	
SE¼ of NW¼	40.00	
E½ SW¼	80.00	
SE¼	160.00	
Lot 2	46.81	486.81
Section 32 — W½		320.00
All Section 34		640.00
All Section 35		640.00
		19,668.85

R E C A P I T U L A T I O N

UNSURVEYED

Page 5 Estimated acreage 640 Estimated total 640.00

SURVEYED

Page 5	5546.83	
Page 6	11075.21	
Page 7	2726.81	Total surveyed 19,028.85

ESTIMATED TOTAL BLACKFOOT UNITED STATES LAND DISTRICT 19,668.85

GRAND RECAPITULATION

Total Hailey U. S. Land District	7354.05
Total Blackfoot U. S. Land District	19668.85
Grand Total	27022.90

000079

EXHIBIT D

Answer dated August 13, 1919

IN THE UNITED STATES DISTRICT COURT, IN AND FOR THE DISTRICT OF IDAHO, EASTERN DIVISION.

THE UTAH CONSTRUCTION COMPANY, a Corporation,

Plaintiff,

vs.

B. B. HARGER, JOE CRESTO, AGUSTA PAETCH, CHRIS NEILSEN, K. McKENSIE, CHARLES LaFEVER, ALEXANDER BURNETT, S. BOYCOCK, JOHN DOE POWERS, A. D. STREETER, C. D. SIMPSON, JOSEPH RABIDO, MARGARET WELLS, FRANK ANTHONY, FLOYD SWAUGER, FRANK P. SWAUGER, JOHN W. SWAUGER, A. W. LAMBSON, C. H. RAMPTON, GEORGE BENNETT, M. S. VAUGHT, LEWIS GIRAUD, RICHARD ROE HINTZE, HAROLD BEST, ALLEN STODDARD, WILLIAM HARRIS, EVAN HARRIS, P. H. HARRIS, JOHN GARDNER, WILLIAM LAMPTON, R. H. EWING, F. WALKER, EDWARD SORENSEN, WILLIAM TEW, WARREN TEW, C. BEAL, C. L. DUTTON, ALEXANDER BURNETT, Jr., JOHN McAFFEE, LEWIS EVANS, U. EVANS, WILLIAM BEDK, WILLIAM FULLMER, ELMER MECHAM, WILLIAM JENSEN, LEE BELL, WALLACE ANGELO, M. PETERSON, O. J. WELLS, D. W. LEMON, STEVE SMITH, WILLIAM SUTTER, E. SMITH, JOHN DOE JOHNSON A. B. LAMBSON, JOSEPH H. MADDOCK, JOHN STEWART, WILLIAM PHILLIPS, RRICHARD ROE EDWARES, ALLEN LAMBSON, BYRD LAMBSON, ARTHUR LAMBSON, JOHN DOE BROWN, FRANK MILES, JOSEPH DICKIE, S. EDRINGTON, J. S. ESPITALLIER, S. M. MILLER, RICHARD ROE PETERSON, JOHN DOE KING, GEORGE KENT, THOMAS PRITCHETT, PETER DONAHUE, WILLIAM FRICKIE, HERBERT GRAY, S. T. JENSEN, OWEN WEAVER, ANDREW

A N S W E R.

ERICKSON, RICHARD ROE ALSON, JOHN DOE YOUNG, DARLINGTON LAND & IRRIGATION COMPANY, a Corporation, D. E. RATHBUN, RICHARD ROE NEILSON, AL NORMAN, ALBERT WOCHNER, FRED ZUMBRUM, JOHN DOE ASAY and RICHARD ROE ASAY, W. T. THORNTON, J. P. RUSSELL, ROY CHILD, PAUL TERRY, JOSEPH GARDNER, H. N. MICHELSON, T. T. WILLIAMS, J. T. WELCH, LA A. LAFFERTY, N. A. ANDERSON, ALBERT SMITH, MARK HURST, W. H. SORENSON, F. W. GATES, ROY WADDOUPS, D. BOYCOCK, A. AIKEN, J. W. ANDERSON, D. R. KERR, ERNEST L. RICHARDSON, WILLIAM REYNOLDS, JOHN E. HARRIS, C. R. JENSEN, A. R. BURKE, ADAM BURKE, WILLIAM HUNTER, SHERMAN VANCE, B. BJORENSEN, ROY C. PEARSON, OLE BILLS, N. M. LAMONT, WILLIAM HARPER, FRY TAYLOR, OLE OLSON, MRS. CIARA HOOPER, J. P. HANEY, JAMES CHRISTENSEN, GEORGE WILSON, A. GUSTAFSON, JOHN DOE FARMER, RICHARD ROE POLK, ARDELIA HUTCHINSON, JANE DOE MOSES, W. H. WEEDOP, U. M. SAVARIA, N. M. LEVIN, MOSES A. JENSEN, JOSEPH E. JENSEN, RAY JENSEN, C. R. JENSEN, NORMAN BILLS, A. L. GILMOUR, JAMES KING, ORVIN SPIKINS, DANIEL KING, R. BABCOCK, O. B. MORRIS, J. D. MORRIS, S. G. SHERMAN, WILLIAM HANNAH, FLORA SAMWORTH, LESLIE BATES, GEORGE WAIT, C. D. JOHNSON, MARK JENKINS, W. C. KING, J. H. PEARSON, GEORGE E. WALKER, R. W. FARRIS, B. A. PIERSON and WARREN G. SWENDSEN, Commissioner of Reclamation of the State of Idaho,

Defendants.

Now come the above named defendants, excepting Warren G. Swendsen, D. E. Rathbun and The Darlington Land & Irrigation Company, without waiving their motion heretofore filed herein, to require the plaintiff to make a further and better statement of the nature of its alleged claim against them, but wholly relying thereon, for joint and several answer to the bill of complaint filed herein, admit, deny and allege as follows:

1. Admit paragraph numbered one of the bill of complaint.

2. Admit that defendant, the Darlington Land & Irrigation Company, is a corporation organized and existing under the laws of the State of Idaho, and a resident and citizen of said State and that each of the remaining defendants are citizens of the State of Idaho. Admit that there are about one hundred and fifty other persons, each a citizen of the State of Idaho, who make the same claim to the waters of Big Lost River, so far as the alleged claim of the plaintiff is concerned, made by these defendants, but deny that these defendants, or such other persons, have made the threats, or any threats, charged in the bill of complaint. Admit and allege that these defendants, and such other persons, claim the right to use the waters of Big Lost River for irrigation, live stock, domestic and other beneficial purposes, adverse to the plaintiff, and allege that the right of these defendants, and such other persons, to so use the waters of Big Lost River, is prior in time and superior in right to any alleged claim of title or claim of interest or alleged right of the plaintiff to either divert, store or use such waters, and admit that the interest of such other persons is in common with that of the defendants to this suit, but deny that the claims of these defendants, or such other persons, are without right or groundless, and deny that it is impracticable to join as parties to this suit, the various users and appropriators of the waters of Big Lost River, and admit that plaintiff prosecutes its suit against the defendants named in the bill of complaint, individually and as representatives of a class of users and appropriators of the waters of Big Lost River possessing a common interest in the waters of said stream adverse to the plaintiff, although the claims of these answering defendants and their co-defendants,

and such other persons, in and to the right to beneficially use the waters of Big Lost River, as between themselves, are not joint, but several.

3. Admit paragraph numbered three of the bill of complaint.

4. Deny paragraph numbered four of the bill of complaint.

5. Admit that the plaintiff is the owner, in possession, and entitled to the possession of that certain alleged reservoir for the storage of water, situated on Sections 1, 2, 3, 4, 5, 6, 11 and 12, of Township 7 North, and on Sections 31, 32 and 33 of Township 8, North, all in Range 23, East of Boise base and meridian, lying in Custer County, and the State of Idaho, and of the land on which said alleged reservoir is situated, and that plaintiff is also the owner, in possession and entitled to the possession of a system of ditches, flumes and alleged diversion dam leading from said alleged storage reservoir and constructed and used for the diversion and conducting of water from said alleged reservoir to land irrigated and which plaintiff intends shall be irrigated with said water, in the event its alleged right is established and confirmed by this court, and defendants allege that they have no knowledge as to the number of years plaintiff has owned said alleged reservoir or irrigation system and, therefore, demands strict proof of such alleged ownership.

6. Deny that plaintiff is the owner or entitled to store or use all or any of the waters flowing or to flow in Big Lost River, either by alleged appropriation or otherwise or at all, during the non-irrigating season, or at any time, or at all, and deny that plaintiff is the owner or entitled to store or use, either by alleged appropriation or otherwise or at all,

any alleged flood or alleged surplus waters alleged by plaintiff to be flowing in said stream during the irrigating season of each year, and defendants deny that there is an excess of so-called flood or surplus water flowing in Big Lost River during irrigation.

Admit that the object of the alleged appropriation of water by the plaintiff and of the alleged construction of said alleged reservoir, dam and ditches and the alleged use thereof by the plaintiff, was and is to furnish water for the irrigation of a large tract of land in Butte County, Idaho, which land was duly selected by the State of Idaho under the Act of Congress known as the Carey Act, was desert in character and for which the said State entered into a contract with the United States, whereby title thereto will eventually pass to the State and from the State to the settler thereon, in accordance with the terms of said Act; and that plaintiff duly entered into a contract with the State of Idaho by which it bound itself to construct and complete the construction of said alleged storage reservoir and system of canals and irrigation works for the reclamation and irrigation of said lands and to use the water which the plaintiff alleges it has appropriated, for such purpose.

7. Admit that there are a large number of settlers on said land, with whom the plaintiff has entered into contracts to furnish water from said alleged storage reservoir and through said ditches for the irrigation of the lands so settled on, and allege that at the date of the filing of the bill of complaint, plaintiff was and has been, without right, but pursuant to said water contracts with such users, furnishing water from said alleged reservoir for the irrigation of approximately 5,286 acres of said lands, settled on and occupied by persons under the said Carey Act, and

defendants further allege that they have no knowledge as to whether all of the water which plaintiff alleges it stored in said alleged reservoir, was or is needed for the irrigation of said 5,286 acres of land and, therefore demand strict proof thereof, and defendants also allege that they have no knowledge as to the amount of water that can be stored in said alleged reservoir ar as to whether all of the water which plaintiff claims to have appropriated is necessary for the irrigation of the tract of land which plaintiff alleges was selected by the State of Idaho under said Carey Act, and, therefore, demand strict proof thereof.

8. Defendants allege that they have no knowledge as to whether said land is desert in character and will not produce a crop without irrigation or as to whether the use of water on such land will make the same very productive or as to whether such lands were or are cultivated and planted to crops or as to whether such crops, if deprived of water, will be entirely destroyed and, therefore, demand strict proof thereof.

9. Admit that plaintiff stored in said alleged reservoir a large quantity of water, that is to say, approximately 20,000 acre feet, but allege that such storage, as to these defendants, was without right, and defendants allege that they have no knowledge as to whether all of the water so stored was stored during the non-irrigating season of the years 1918-1919, but defendants believe that some of the water so stored by plaintiff was stored during the irrigating season of the years 1918-1919, and defendants admit that at the time of the commencement of this suit there were approximately 18,000 acre feet of water stored in said alleged reservoir, but deny that all of said water was or is needed for the irrigation of said 5,286 acres of land; admit and allege that these defendants claim an interest in and the right to use for irrigation, live-stock, domestic and other beneficial purposes,

the waters of said Big Lost River, including the so-called flood waters of said stream, adverse to the plaintiff, and allege that these defendantsclaim an interest in and the right to use the waters of Big Lost River during the winter months of each year for live stock, domestic and other beneficial purposes, adverse to the plaintiff, and defendants allege that the right of these defendants to use the waters of Big Lost River for said purposes, is prior in time and superior in right to any claim of title or claim of right or claim of interest of the plaintiff in or to the waters of said stream, and defendants deny that their claim to the right to the use of the waters of Big Lost River is without right or validity and these defendants deny that they have no legal claim or right to use the waters of said stream. Defendants deny that the alleged appropriation of the plaintiff is either prior in time or superior in right to the right of these defendants to use the waters of Big Lost River for irrigation, domestic, live-stock and other beneficial purposes, but allege that they are unable to answer that part of paragraph numbered nine of the bill of complaint wherein plaintiff alleges that it stored certain of the waters of Big Lost River in said alleged reservoir pursuant to its alleged appropriation, because these defendants have no knowledge as to the truth of said allegation and, therefore, do not admit or deny the same, but leave said complainant to make proof thereof as it may be advised.

10. Defendants admit that Warren G. Swendsen is the Commissioner of Reclamation of the State of Idaho and upon information and belief allege that such Commissioner claims the right to so regulate the flow of the waters of said Big Lost River and the waters from said alleged storage reservoir as to deliver to defendants the amount of water claimed by

them for irrigation and other beneficial purposes, and upon information and belief defendants say that such Commissioner claims such right under the belief that the right of these defendants to said waters is prior in time and superior in right to any claim of the plaintiff in or to said waters and upon information defendants allege that such Commissioner claims the right to control the distribution and delivery of water from said alleged reservoir and the waters of said Big Lost River, under the belief that such duty is imposed upon him by law of the State of Idaho and defendants believe that such duty is imposed upon such Commissioner by law of the State of Idaho, and defendants deny that the claim of such Commissioner of the right to regulate the distribution and delivery of the waters of said alleged reservoir and of said Big Lost River is unfounded or without validity, and defendants admit that the claim of such Commissioner is adverse to the alleged claim of the plaintiff of the right to store and use and distribute the said waters of Big Lost River. Deny that these defendants threaten to or will unless restrained by the injunction of this court, forcibly take said stored waters from said reservoir or turn the same into the river and in that manner deprive the plaintiff thereof and defendants deny that they threaten to and will, unless restrained by the injunction of this court, forcibly interfere with or prevent plaintiff in or from the exercise of its alleged right to store and use said water in accordance with its alleged appropriation, and defendants allege that they are unable to answer that part of paragraph numbered ten of the bill of complaint wherein plaintiff alleges that the forcible taking of the waters stored in said alleged reservoir would inflict an irreparable loss and damage on it and for which plaintiff alleges it would have no adequate remedy at law and which plaintiff

alleges would subject it to a multiplicity of suits in behalf of numerous settlers on said land occupied under said Carey Act, with whom plaintiff alleges it has entered into contracts for the furnishing of said water, and wherein plaintiff also alleges that the forcible taking of such alleged storage water would result in totally destroying the growing crops of said settlers, which, plaintiff alleges, would otherwise be of great value, because these defendants say and allege that they have no knowledge as to the truth of such allegations, and, therefore, demand strict proof thereof.

11. Admit that defendants, other than said Swendsen, have instituted a suit in the District Court of the Sixth Judicial District of the State of Idaho, in and for Butte County, against defendant Swendsen, as Commissioner of Reclamation of the State of Idaho, the only defendant thereto, and have obtained an interlocutory mandatory injunction without notice to said Swendsen, commanding him to take from said alleged reservoir and turn into the bed of said stream, a large amount of said alleged stored water for the use of these defendants and their co-defendants, and to which suit the plaintiff herein is not made a party and that said Swendsen threatens to and will, unless restrained by the injunction of this court, obey said mandatory injunction and the command thereof, but defendants deny that they have no right to use said water or no title or claim thereto, and deny that if said Swendsen obeys said mandatory injunction and the command thereof, that obedience to such mandatory injunction on the part of said Swendsen, will result in irreparable or any damage to the plaintiff and defendants deny that said injunctional order is void and beyond the jurisdiction of the court issuing the same, and defendants deny that they instituted said suit in said State court in pursuance of any wrongful adverse claim, but in pursuance of a lawful adverse claim.

12. Defendants deny all and all manner of unlawful threats

or acts whatsoever, whereof it is in any wise by the said bill of complaint charged against these answering defendants, or their co-defendants, and all other matters contained in said bill of complaint, necessary for these defendants to answer and not herein already answered, denied, confessed or avoided.

For a further answer and defense to the bill of complaint filed herein, these answering defendants jointly and severally allege as follows:

1. That these defendants are settlers along and under a certain stream, commonly known as Big Lost River, flowing in Custer and Butte Counties, in the State of Idaho, and individually own and possess lands under said stream, and that these defendants, individually, have acquired the right to appropriate and use water from said stream as the common source of their water supply for the irrigation of their respective lands; that these defendants, for many years prior to the commencement of this suit, by means of suitable dams and ditches appropriated, diverted and used the waters of said stream for ~~this~~ irrigation, domestic, live stock and other beneficial purposes; that these defendants, before the construction of the reservoir mentioned in the bill of complaint was commenced and before the alleged appropriation of the plaintiff was initiated and before any claim of the plaintiff to either store, appropriate, divert or use the waters of said river was asserted or claimed, had appropriated and acquired the right to appropriate, divert and use the waters of said stream for the irrigation of their respective lands and for live stock, domestic and other beneficial purposes; that these defendant have a common right and interest in having the waters of said stream flow therein to the head of their respective ditches diverting

water therefrom, for the use of these defendants in the irrigation of their respective lands and for live-stock, domestic and other beneficial purposes as against any adverse claim of the plaintiff asserted against such right of these answering defendants; that these answering defendants, by appropriation, diversion and use of the waters of said river for the irrigation of their respective lands and by the appropriation, diversion and use of the waters of said stream for live stock, domestic and other beneficial purposes, have acquired the right to so use the waters of said stream and to have the waters of such stream flow therein to the head of the respective ditches of these defendants, prior to any alleged appropriation or alleged right of the plaintiff to either store, divert or use the waters of said river; that plaintiff claims some estate or interest in or to the use of the waters of said river and the right to store, divert and use such waters, adverse to the said rights of these defendants, but, these defendants allege, that any right the plaintiff may have in or to the waters of said stream is inferior both in point of time and of right, and subject to the said rights of these defendants in and to the waters of said Big Lost River.

2. That said river rises in the mountains and flows from its source, except when prevented from so doing by the unlawful acts of the plaintiff, to a few miles below Arco in the County of Butte, State of Idaho, a distance of approximately seventy-five miles, where, during the summer or dry season of the year, the waters remaining and flowing in said stream finally sink, but rise and flow out through a point commonly called the "Narrows"; that these defendants divert and use, as aforesaid, the waters of said stream, below the point

where said reservoir is located on said river and above the point where said river sinks, as aforesaid; that said river, for many miles in its course, flows through gravel deposits of unascertainable depth; that the flood waters of said stream, except when prevented by the unlawful acts of the plaintiff, flow down said river, fill the various gravel reservoirs and subterranean channels existing along and under the channel of said stream and flow into the various gravel deposits through which said river flows and that after the flood waters have ceased to flow in said stream, the waters from said gravel or underground reservoirs and from said subterranean channels and from said gravel deposits return to said stream, causing said river to flow a continuous surface stream to the point where the said river sinks, as aforesaid, in sufficient volume, to supply the rights of these defendants, and defendants allege upon information and belief, the rights of their co-defendants and other appropriators of the waters of said stream; that plaintiff claims the right and threatens to and will unless restrained by the injunction of this court, store a large amount of the waters of said river in its reservoir located on said stream above the points at which these defendants divert water, as aforesaid, and that plaintiff claims the right and threatens to and will, unless restrained by the injunction of this court, at the close of the irrigating season of each year, and during the flood season of each year, store the waters of said stream in its said reservoir, and thus prevent the waters of said stream from flowing down said river below the point where said reservoir is located, and filling said underground and gravel reservoirs, subterranean channels, and flowing into the various gravel deposits through which said river flows, and these defendants allege that if

plaintiff is permitted to do this, that they and their co-defendants and other appropriators of the waters of said stream will be prevented from receiving the waters of said river to which they are respectively entitled, as aforesaid.

3. These defendants allege, upon information and belief, that all of the waters of said river had been appropriated, diverted and used for beneficial purposes, by these defendants and their co-defendants and other appropriators, before the work of constructing said reservoir was commenced and before any claim of the plaintiff to either store, divert or use the waters of said river, had been asserted and before any alleged right of the plaintiff to either store, divert or use the waters of said stream had been initiated.

4. That said Big Lost River is a natural stream and water course which flows, except when prevented by the unlawful acts of the plaintiff, and from time immemorial has flowed, to, over, upon, and through the lands owned and possessed by these defendants, which said lands include the banks, bed, and stream of said river; that these defendants and their grantors and predecessors in interest, and their co-defendants and their grantors and predecessors in interest, and other appropriators of the waters of said stream and their grantors and predecessors in interest, first appropriated and diverted the full flow of the waters of said river, excepting in years of unusual and extraordinary snow and rain fall, and had carried the same to and upon the lands owned and possessed by said persons respectively, and used the same for the irrigation thereof, and for live-stock, domestic and other beneficial purposes, under a claim of right so to do; all of which matters and things these defendants are ready and willing to aver, maintain and prove, as this Honorable Court shall direct.

WHEREFORE, defendants pray:

That, upon the final hearing of this cause, plaintiff be perpetually enjoined and restrained from storing, diverting or using the waters of Big Lost River, and from in any manner interfering with or obstructing the flow of the waters of said stream, in the natural channel thereof; that it be adjudged and decreed that the rights of these defendants to the waters of Big Lost River claimed by them for irrigation, live stock, domestic and other beneficial purposes, are prior in time and superior in right to any alleged claim or alleged right of the plaintiff in or to the waters of said stream; for costs and for such further and other relief in the premises as may be just and equitable.

Edward A. Lelaik
Attorney for these answering Defendants, Residing at Mackay, Idaho.

W. H. McClain

E. M. McClain
Attorneys for these Answering Defendants, Residing at Idaho Falls, Idaho.

STATE OF IDAHO,)
: SS.
COUNTY OF Custer)

Alex Burnett, Being first duly sworn, deposes and says as follows: That he is one of the defendants in the above entitled action; that he makes this verification for and in his own behalf and for and in behalf of his answering co-defendants; that he has read the foregoing and hereto attached answer and further answer and defense and knows the contents thereof and that the said answer and further answer and defense are true, except as to the matters therein stated on information and belief, and that as to those matters he believes the same to be ture.

Alex Burnett

Subscribed and sworn to before me this 13th day of August, 1919.

Harry Todd
Notary Public,
Residing at Mackay
Idaho.

(S E A L)

My Commission Expires,
May 10 1920.

EXHIBIT E

Amended answer dated March 1, 1920

IN THE UNITED STATES DISTRICT COURT, IN AND FOR THE DISTRICT OF IDAHO, EASTERN DIVISION.

THE UTAH CONSTRUCTION COMPANY, a Corporation,

Plaintiff,

vs.

B. B. HARGER, JOE CRESTO, AGUSTA PAETCH, CHRIS NEILSEN, K. McKENSIE, CHARLES LaFEVER, ALEXANDER BURNETT, S. BOYCOCK, JOHN DOE POWERS, A. D. STREETER, C. D. SIMPSON, JOSEPH RABIDO, MARGARET WELLS, FRANK ANTHONY, FLOYD SWAUGER, FRANK P. SWAUGER, JOHN W. SWAUGER, A. W. LAMBSON, C. H. RAMPTON, GEORGE BENNETT, M. S. VAUGHT, LEWIS GIRAUD, RICHARD ROE HINTZE, HAROLD BEST, ALLEN STODDARD, WILLIAM HARRIS, EVAN HARRIS, P. H. HARRIS, JOHN GARDNER, WILLIAM LAMPTON, R. H. EWING, F. WALKER, EDWARD SORENSEN, WILLIAM TEW, WARREN TEW, C. BEAL, C. L. DUTTON, ALEXANDER BURNETT, Jr., JOHN McAFFEE, LEWIS EVANS, U. EVANS, WILLIAM BECK, WILLIAM FULLMER, ELMER MECHAM, WILLIAM JENSEN, LEE BELL, WALLACE ANGELO, M. PETERSON, O. J. WELLS, D. W. LEMON, STEVE SMITH, WILLIAM SUTTER, E. SMITH, JOHN DOE JOHNSON A. B. LAMBSON, JOSEPH H. MADDOCK, JOHN STEWART, WILLIAM PHILLIPS, RICHARD ROE EDWARDS, ALLEN LAMBSON, BYRD LAMBSON, ARTHUR LAMBSON, JOHN DOE BROWN, FRANK MILES, JOSEPH DICKIE, S. EDRINGTON, J. S. ESPITALLIER, S. M. MILLER, RICHARD ROE PETERSON, JOHN DOE KING, GEORGE KENT, THOMAS PRITCHETT, PETER DONAHUE, WILLIAM FRICKIE, HERBERT GRAY, S. T. JENSEN, OWEN WEAVER, ANDREW

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amended
ANSWER.

ERICKSON, RICHARD ROE ALSON, JOHN DOE YOUNG, DARLINGTON LAND & IRRIGATION COMPANY, a Corporation, D. E. RATHBUN, RICHARD ROE NEILSON, AL NORMAN, ALBERT WOCHNER, FRED ZUMBRUM, JOHN DOE ASAY and RICHARD ROE ASAY, W. T. THORNTON, J. P. RUSSELL, ROY CHILD, PAUL TERRY, JOSEPH GARDNER, H. N. MICHELSON, T. T. WILLIAMS, J. T. WELCH, L. A. LAFFERTY, N. A. ANDERSON, ALBERT SMITH, MARK HURST, W. H. SORENSON, F. W. GATES, ROY WADDOUPS, D. BOYCOCK, A. AIKIN, J. W. ANDERSON, D. R. KERR, ERNEST L. RICHARDSON, WILLIAM REYNOLDS, JOHN E. HARRIS, C. R. JENSEN, A. R. BURKE, ADAM BURKE, WILLIAM HUNTER, SHERMAN VANCE, B. BJORENSEN, ROY C. PEARSON, OLE BILLS, N. M. LAMONT, WILLIAM HARPER, FRY TAYLOR, OLE OLSON, MRS. CIARA HOOPER, J. P. HANEK, JAMES CHRISTENSEN, GEORGE WILSON, A. GUSTAFSON, JOHN DOE FARMER, RICHARD ROE POLK, ARDELIA HUTCHINSON, JANE DOE MOSES, W. H. WEEDOP, U. M. SAVARIA, N. M. LEVIN, MOSES A. JENSEN, JOSEPH E. JENSEN, RAY JENSEN, C. R. JENSEN, NORMAN BILLS, A. L. GILMOUR, JAMES KING, ORVIN SPIKINS, DANIEL KING, R. BABCOCK, O. B. MORRIS, J. D. MORRIS, S. G. SHERMAN, WILLIAM HANNAH, FLORA SAMWORTH, LESLIE BATES, GEORGE WAIT, C. D. JOHNSON, MARK JENKINS, W. C. KING, J. H. PEARSON, GEORGE E. WALKER, R. W. FARRIS, B. A. PIERSON and WARREN G. SWENDSEN, Commissioner of Reclamation of the State of Idaho,

Defendants.

Now come the above named defendants, excepting Warren G. Swendsen, D. E. Rathbun and The Darlington Land & Irrigation Company, without waiving their motion heretofore filed herein, to require the plaintiff to make a further and better statement of the nature of its alleged claim against them, but wholly relying thereon, for joint and several answer to the bill of com-

plaint filed herein, admit, deny and allege as follows:

I.

Admit paragraph numbered one of the bill of complaint.

II.

Admit that defendant, the Darlington Land & Irrigation Company, is a corporation organized and existing under the laws of the State of Idaho, and a resident and citizen of said State and that each of the remaining defendants are citizens of the State of Idaho. Admit that there are about one hundred and fifty other persons, each a citizen of the State of Idaho, who make the same claim to the waters of Big Lost River, so far as the alleged claim of the plaintiff is concerned, made by these defendants, but deny that these defendants, or such other persons, have made the threats, or any threats, charged in the bill of complaint. Admit and allege that these defendants, and such other persons, claim the right to use the waters of Big Lost River for irrigation, live stock, domestic and other beneficial purposes, adverse to the plaintiff, and allege that the right of these defendants, and such other persons, to so use the waters of Big Lost River, is prior in time and superior in right to any alleged claim of title or claim of interest or alleged right of the plaintiff to either divert, store or use such waters, and admit that the interest of such other persons is in common with that of the defendants to this suit, but deny that the claims of these defendant, or such other persons, are without right or groundless, and deny that it is impracticable to join as parties to this suit, the various users and appropriators of the watersof Big Lost River, and admit that plaintiff prosecutes its suit against the defendants named in the

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bill of complaint, individually and as representatives of a class of users and appropriators of the waters of Big Lost River possessing a common interest in the waters of said stream adverse to the plaintiff, although the claims of these answering defendants and their co-defendants, and such other persons, in and to the right to beneficially use the waters of Big Lost River, as between themselves, are not joint, but several.

III.

Admit paragraph numbered three of the bill of complaint.

IV.

Deny paragraph numbered four of the bill of complaint.

V.

Admit that the plaintiff is the owner, in possession, and entitled to the possession of that certain alleged reservoir for the storage of water, situated on Sections 1, 2, 3, 4, 5, 6, 11 and 12, of Township 7 North, and on Sections 31, 32 and 33 of Township 8, North, all in Range 23, East of the Boise base and Meridian, lying in Custer County, and the State of Idaho, and of the land on which said alleged reservoir is situated, and that plaintiff is also the owner, in possession and entitled to the possession of a system of ditches, flumes and alleged diversion dam leading from said alleged storage reservoir and constructed and used for the diversion and conducting of water from said alleged reservoir to land irrigated and which plaintiff intends shall be irrigated with said water, in the event its alleged right is established and confirmed by this court, and defendants allege that they have no knowledge as to the number of years plaintiff has owned said alleged reservoir or irrigation system and, therefore, demands strict proof of such

alleged ownership.

VI.

Deny that plaintiff is the owner or entitled to store or use all or any of the waters flowing or to flow in Big Lost River, either by alleged appropriation or otherwise or at all, during the non-irrigating season, or at any time, or at all, and deny that plaintiff is the owner or entitled to store or use, either by alleged appropriation or otherwise or at all, any alleged flood or alleged surplus waters alleged by plaintiff to be flowing in said stream during the irrigating season of each year, and defendants deny that there is an excess of so-called flood or surplus water flowing in Big Lost River during irrigation.

Admit that the object of the alleged appropriationsof water by the plaintiff and of the alleged construction of said alleged reservoir, dam and ditches and the alleged use thereof by the plaintiff, was and is to furnish water for the irrigation of a large tract of land in Butte County, Idaho, which land was duly selected by the State of Idaho under the Act of Congress known as the Carey Act, was desert in character and for which the said State entered into a contract with the United States, whereby title thereto will eventually pass to the State and from the State to the settler thereon, in accordance with the terms of said Act; and that plaintiff duly entered into a contract with the State of Idaho by which it bound itself to construct and complete the construction of said alleged storage reservoir and system of canals and irrigation works for the reclamation and irrigation of said lands and to use the water which the plaintiff alleges it has appropriated, for such purpose.

VII.

Admit that there are a large number of settlers on said land, with whom the plaintiff has entered into contracts to fur-

nish water from said alleged storage reservoir and through said ditches for the irrigation of the lands so settled on, and allege that at the date of the filing of the bill of complaint, plaintiff was and has been, without right, but pursuant to said water contracts with such users, furnishing water from said alleged reservoir for the irrigation of approximately 5,286 acres of said lands, settled on and occupied by persons under the said Carey Act, and defendants further allege that they have no knowledge as to whether all of the water which plaintiff alleges it stored in said alleged reservoir, was or is needed for the irrigation of said 5,286 acres of land and, therefore demand strict proof thereof, and defendants also allege that they have no knowledge as to the amount of water that can be stored in said alleged reservoir or as to whether all of the water which plaintiff claims to have appropriated is necessary for the irrigation of the tract of land which plaintiff alleges was selected by the State of Idaho under said Carey Act, and, therefore, demand strict proof thereof.

VIII.

Defendants allege that they have no knowledge as to whether said land is desert in character and will not produce a crop without irrigation or as to whether the use of water on such land will make the same very productive or as to whether such lands were or are cultivated and planted to crops or as to whether such crops, if deprived of water, will be entirely destroyed and, therefore, demand strict proof thereof.

IX.

Admit that plaintiff stored in said alleged reservoir a large quantity of water, that is to say, approximately 20,000 acre feet, but allege that such storage, as to these defendants, was without right, and defendants allege that they have no knowledge as to whether all of the water so stored was stored during

the non-irrigating season of the years 1918-1919, but defendants believe that some of the water so stored by plaintiff was stored during the irrigating season of the years 1918-1919, and defendants admit that at the time of the commencement of this suit there were approximately 18,000 acre feet of water stored in said alleged reservoir, but deny that all of said water was or is needed for the irrigation of said 5,286 acres of land; admit and allege that these defendants claim an interest in and the right to use for irrigation, live-stock, domestic and other beneficial purposes, the waters of said Big Lost River, including the so-called flood waters of said stream, adverse to the plaintiff, and allege that these defendants claim an interest in and the right to use the waters of Big Lost River during the winter months of each year for live-stock, domestic and other beneficial purposes, adverse to the plaintiff, and defendants allege that the right of these defendants to use the waters of Big Lost River for said purposes, is prior in time and superior in right to any claim of title or claim of right or claim of interest of the plaintiff in or to the waters of said stream, and defendants deny that their claim to the right to the use of the waters of Big Lost River is without right or validity and these defendants deny that they have no legal claim or right to use the waters of said stream. Defendants deny that the alleged appropriation of the plaintiff is either prior in time or superior in right to the right of these defendants to use the waters of Big Lost River for irrigation, domestic, live-stock and other beneficial purposes, but allege that they are unable to answer that part of paragraph numbered nine of the bill of complaint wherein plaintiff alleges that it stored certain of the waters of Big Lost River in said alleged reservoir pursuant to its alleged appropriation, because these defendants

have no knowledge as to the truth of said allegation and, therefore, do not admit or deny the same, but leave said complainant to make proof thereof as it may be advised.

X.

Defendants admit that Warren G. Swendsen is the Commissioner of Reclamation of the State of Idaho and upon information and belief allege that such Commissioner claims the right to so regulate the flow of the waters of said Big Lost River and the waters from said alleged storage reservoir as to deliver to defendants the amount of water claimed by them for irrigation and other beneficial purposes, and upon information and belief defendants say that such Commissioner ~~of~~ claims such right under the belief that the right of these defendants to said waters is prior in time and superior in right to any claim of the plaintiff in or to said waters and upon information defendants allege that such Commissioner claims the right to control the distribution and delivery of water from said alleged reservoir and the waters of said Big Lost River, under the belief that such duty is imposed upon him by law of the State of Idaho and defendants believe that such duty is imposed upon such Commissioner by law of the State of Idaho, and defendants deny that the claim of such Commissioner of the right to regulate the distribution and delivery of the waters of said alleged reservoir and of said Big Lost River is unfounded or without validity, and defendants admit that the claim of such Commissioner is adverse to the alleged claim of the plaintiff of the right to store and use and distribute the said waters of Big Lost River. Deny that these defendants threaten to or will unless restrained by the injunction of this court, forcibly take said stored waters from said reservoir or turn the same into the river and in that manner deprive the plaintiff there of and defendants deny that they threaten to and will, unless

restrained by the injunction of this court, forcibly interfere with or prevent plaintiff in or from the exercise of its alleged right to store and use said water in accordance with its alleged appropriation, and defendants allege that they are unable to answer that part of paragraph numbered ten of the bill of complaint wherein plaintiff alleges that the forcible taking of the waters stored in said alleged reservoir would inflict an irreparable loss and damage on it and for which plaintiff alleges it would have no adequate remedy at law and which plaintiff alleges would subject it to a multiplicity of suits in behalf of numerous settlers on said land occupied under said Carey Act, with whom plaintiff alleges it has entered into contracts for the furnishing of said water, and wherein plaintiff also alleges that the forcible taking of such alleged storage water would result in totally destroying the growing crops of said settlers, which, plaintiff alleges, would otherwise be of great value, because these defendants say and allege that they have no knowledge as to the truth of such allegations, and, therefore, demand strict proof thereof.

XI.

Admit that defendants, other than said Swendsen, have instituted a suit in the District Court of the Sixth Judicial District of the State of Idaho, in and for Butte County, against defendant Swendsen, as Commissioner of Reclamation of the State of Idaho, the only defendant thereto, and have obtained an interlocutory mandatory injunction without notice to said Swendsen, commanding him to take from said alleged reservoir and turn into the bed of said stream, a large amount of said alleged stored water for the use of these defendants and their co-defendants, and to which suit the plaintiff herein is not made a party and that said Swendsen threatens to and will, unless restrained by the injunction of this court, obey said mandatory injunction and the

command thereof, but defendants deny that they have no right to use said water or no title or claim thereto, and deny that if said Swendsen obeys said mandatory injunction and the command thereof, that obedience to such mandatory injunction on the part of said Swendsen, will result in irreparable or any damage to the plaintiff and defendants deny that said injunctional order is void and beyond the jurisdiction of the court issuing the same, and defendants deny that they instituted said suit in said State court in pursuance of any wrongful adverse claim, but in pursuance of a lawful adverse claim.

XII.

Defendants deny all and all manner of unlawful threats or acts whatsoever, whereof it is in any wise by the said bill of complaint charged against these answering defendants, or their co-defendants, and all other matters contained in said bill of complaint, necessary for these defendants to answer and not herein already answered, denied, confessed or avoided.

And now come the above-named answering defendants, by leave of the court first had and obtained, file this their Amended Further Answer and Defense to the bill of complaint filed herein, and for a Further Answer and Defense to such bill of complaint, jointly and severally allege:

I.

That these defendants are settlers along and under a certain stream, commonly known as Big Lost River, flowing in Custer and Butte Counties, in the State of Idaho, and individually own and possess lands under said stream, and that these defendants, individually, have acquired the right to appropriate and use water from said stream as the common source of their water supply for the irrigation of their respective

lands; that these defendants, for many years prior to the commencement of this suit, by means of suitable dams and ditches appropriated, diverted and used the waters of said stream for irrigation, domestic, live stock and other beneficial purposes; that these defendants, before the construction of the reservoir mentioned in the bill of complaint was commenced and before the alleged appropriation of the plaintiff was initiated and before any claim of the plaintiff to either store, appropriate, divert or use the waters of said river was asserted or claimed, had appropriated and acquired the right to appropriate, divert and use the waters of said stream for the irrigation of their respective lands and for live stock, domestic and other beneficial purposes; that these defendants have a common right and interest in having the waters of said stream flow therein to the head of their respective ditches diverting water therefrom, for the use of these defendants in the irrigation of their respective lands and for live-stock, domestic and other beneficial purposes as against any adverse claim of the plaintiff asserted against such right of these answering defendants; that these answering defendants, by appropriation, diversion and use of the waters of said river for the irrigation of their respective lands and by the appropriation, diversion and use of the waters of said stream for live-stock, domestic and other beneficial purposes, have acquired the right to so use the waters of said stream and to have the waters of such stream flow therein to the head of the respective ditches of these defendants, prior to any alleged appropriation or alleged right of the plaintiff to either store, divert or use the waters of said river; that plaintiff claims some estate or interest in or to the use of the waters of said river and the right to store, divert and use such waters, adverse to the said rights of these defendants, but, these defendantsallege, that any right the plaintiff may have in or to the waters of said stream

is inferior both in point of time and of right, and subject to the said rights of these defendants in and to the waters of said Big Lost River.

II.

That said river rises in the mountains and flows from its source, except when prevented from so doing by the unlawful acts of the plaintiff, to a few miles below Arco in the County of Butte, State of Idaho, a distance of approximately seventy-five miles, where, during the summer or dry season of the year, the waters remaining and flowing in said stream finally sink; ~~but rise and flow out through a point commonly called the "Narrows",~~ that these defendants divert and use, as aforesaid, the waters of said stream, below the point where said reservoir is located on said river and above the point where said river sinks, as aforesaid; that said river, for many miles in its course, flows through gravel deposits of unascertainable depth; that the flood waters of said stream, except when prevented by the unlawful acts of the plaintiff, flow down said river, fill the various gravel reservoirs and subterranean channels existing along and under the channel of said stream and flow into the various gravel deposits through which said river flows and that after the flood waters have ceased to flow in said stream, the waters from said gravel or underground reservoirs and from said subterranean channels and from said gravel deposits return to said stream, causing said river to flow [redacted] to the point where the said river sinks, as aforesaid, in sufficient volume, to supply the rights of these defendants, and defendants allege upon information and belief, the rights of their co-defendants and other appropriators of the water of said

stream; that plaintiff claims the right and threatens to and will unless restrained by the injunction of this court, store a large amount of the waters of said river in its reservoir located on said stream above the points at which these defendants divert water, as aforesaid, and that plaintiff claims the right and threatens to and will, unless restrained by the injunction of this court, at the close of the irrigating season of each year, and during the flood season of each year, store the waters of said stream in its said reservoir, and thus prevent the waters of said stream from flowing down said river below the point where said reservoir is located, and filling said underground and gravel reservoirs, subterranean channels, and flowing into the various gravel deposits through which said river flows, and these defendants allege that if plaintiff is permitted to do this, that they and their co-defendants and other appropriators of the waters of said stream will be prevented from receiving the waters of said river to which they are respectively entitled, as aforesaid.

III.

These defendants allege, upon information and belief, that all of the waters of said river had been appropriated, diverted and used for beneficial purposes, by these defendants and their co-defendants and other appropriators, before the work of constructing said reservoir was commenced and before any claim of the plaintiff to either store, divert or use the waters of said river, had been asserted and before any alleged right of the plaintiff to either store, divert or use the waters of said stream had been initiated.

IV.

That said Big Lost River is a natural stream and water course which flows, except when prevented by the unlawful acts of the plaintiff, and from time immemorial has flowed, to, over, upon, and through the lands owned andpossessed

by these defendants, which said lands include the banks, bed, and stream of said river; that these defendants and their grantors and predecessors in interest, and their co-defendants and their grantors and predecessors in interest, and other appropriators of the waters of said stream and their grantors and predecessors in interest, first appropriated and diverted the full flow of the waters of said river, excepting in years of unusual and extraordinary snow and rainfall, and had carried the same to and upon the lands owned and possessed by said persons respectively, and used the same for the irrigation thereof, and for live-stock, domestic and other beneficial purposes, under a claim of right so to do; all of which matters and things these defendants are ready and willing to aver, maintain and prove, as this Honorable Court shall direct.

V.

That the lands owned and possessed by these defendants, and other appropriators of the waters of said stream, were and are arid agricultural lands and required, and require, the artificial application of water thereto before crops can be profitably or successfully grown thereon, and that the only available water supply for the irrigation of said lands is from said stream.

VI.

That the full flow of the waters of said stream was and is necessary for the successful irrigation of the lands of these defendants, and the other said appropriators of the waters of said stream, and that the full flow of the waters of said stream, for many years immediately preceding the commencement of this suit, was and has been, excepting in years of unusual and extraordinary snow and rainfall

used by these defendants, and the other said appropriators of the waters of said stream, in the irrigation of their respective lands, during the irrigation season of each and every year.

VII.

That the lands embraced within said alleged reservoir as well as the alleged dam constructed for the purpose of capturing and holding water within said alleged reservoir, are pervious to water and that large amounts of the waters of Big Lost River, which are caused to flow therein escape therefrom and are lost for irrigation and other beneficial purposes.

VIII.

That in a certain water suit tried in what was then the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Custer, now the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Custer, wherein S. T. Mosa, William Matthews, T. M. Ferguson, B. A. Pearson, Catherine Puckett, Alexander Noble, T. J. Ravenor, Alexander Mavor, T. B. Long, William Hanna, Antone Voso, Margaret Voso, Ed M. James Flora A Samworth, James Haney, Eliza Collett, Alice Wright, George E Walker, Elizabeth Lowe, Henry A Bricker, Frank V Lamb, were plaintiffs and Henry Harger, Oliver Long, Mark Hurst, George E Farris, R. W. Ferris, Edward Ferris, Jennie Ferris, Arco Trading Company, Charles McLaughlin, M.M. Moore, John F Long, Peter Anderson, O B Fleischer, Lydia Ann Wyatt, T Saffell, Louis Cardiol, Louis Sevy, George Hahn, Elmer Pershall, Isaac Johnson, Newman Bulkley, E.A. Barnes, M D West, Joseph F Gallagher, B F McCowin, Thomas Porter, Daniel L Jones, David P Brown, Andrew C Porter, Paul Thomas, Josephine Coombe, M M Mardis, Ira L. George, B. B. Harger, George E Bell,

Archie Pershall, Walter Pershall, M Doyle, Charles D LaFever, W. P. Matthews, W H. Bahr, I. N. Sullivan, James Boyle Orirville Long, A N Cummings, Charles Lowe, W I Cummings Nicholas Swanson A T Stout, Samuel Mulville, J W Powell, James H Beery, James D Martin, J N Hennessy, Frank Stinson, George Stinson, James McCrumb, Herbert Jones, Rhoda Jones, Thomas James, James Beverland, Sr., James King, WilliamTrinnaman, A Wanman, Forest E. Gamet, Charles McGuire, James K Watts, George Watts, Alexander Beveraldn, Alvin Henderson, Elias Adams, William E Darnley, Irene Darnley, Heber C. Pearson, G M Moore, George R Waters, Julia A Waters, James Hooper, Marion J Hamblet, E Burstedt, C C Ohman, J V Carlson, Benjamin Hooper, Presley Moore, J D McGee, J. P. Haney Gilbery Gamet, Charles Anderson, (C B Anderson), Archie Beverland, Henry McCrumb, Willis Whitney, James Beverland, Jr., W. H. Murray, Clarissa L Gamet, Clarissa L Gamet Administratrix of the estate of W H. Gamet , deceased, Taylor Fry, J. L. Swanson, C O Berry, E P. Suiter, Ulysses M Savaria, Peter M Jensen, Albert Savaria, A N Anderson, Julia Anderson, Algott Johnson, Rienzi Walrath, Anna Walrath, Peter Burstedt, Otto Swanson, B A Hommstead, Charles Beverland, D. G Taylor, Charles Haney, W C Purdy, Charles R Holst, Edward Haney, Delia Beers, Anna Beers, William Beers, Talitha Carlson, Isaac Carlson, Daniel Burnett, Alexander Burnett, H. M. Evans, Joseph Rabido, George McGowan, Isadore Fallert, Charles H Furey, Andrew Mulligan, C. W Stickney, Frank Harger, John Cunningham, Otto F Johnson, Wayne Darlington, Elizabeth Darlington, Sephie Nicholson, James N Hanrahan, Sidney H Kent, Daniel Woods, William Leadford, Charles Henman, Lena Watson, Agusta Rogers, Chris Rogers, Joseph Vanous, Sanford Hall, John D Daniels, Jenkin N Harris, George Miller, Samuel Miller, D E McCallum, Frank Ferguson, William Boone,

John Easley, N N Miller, J H Greene, Joseph Christo, A D Streeter, N J Sharp, Joseph Blaes by R N Hull, Admr. of the estate of Jos Blaes, Deceased, Maggie Taylor, Frank Anthony, Frank Gregerson, Daniel Daughherty, James McKelvey, David P Wells, J J Fitzpatrick, A B Lambson, Thomas Keogh, Levi Warren, Martin Dewitt, Scott Vaught, William Brown, William Harris, William E Harris, John Swauger, Evan Harris, Jr., Evan Harris Sr., Rube H. Ewing, John Franklin, John Gallagher, Charles Herrick, J M Wornek, Charles Dyer, Edward Morrissey, Benjamin Muir, Lottie Muir, Miles Knapp, Texas Angel, Edward McKelvey, Thomas Donahoe, Peter Donahoe, O J Wells, John Schad, Patrick J Hamilton, J H Baxter, Administrator of the estate of Caroline Mihler, Decd., Jackson Moore, Charles Curtis, Sherman Russum, Abraham Harris, Thomas Crocker, Judith Wells, Thomas Fullmer, John Johnson, William House, Edward Jamesson, Burt Gray, Herbert Gray, Levi Staples, Jerome Bartlett, L J Phelan, John Howell, Frank Uehren, Daniel Richardson, Alexander Trevor, Benjamin Swenson, William Bradshaw, Clay Vance, Sarah E Vance, Valentine Bowers, Minne Gill, Jessie Morrissey, Valentine Bowers, Admr. of the estate of Jos. Skelton, Decd., David McCullooh, Robert Davidson, Abraham Reed, Carl Schoonover, Stephen Navarre, Robert Parsons, John Lavison, George Nowaski, Charles Anderson, Charles C Davidson, Thomas Bradshaw, James Pence, Lee Pence, Frank Cook, George Rosenkranc, J. W. Adamson, John Haney, Joseph Christo, Ernest Paetch, Henry Farnsworth, Orin Clark, Birg Clark, Henry Larter, Claud Larter, Soren Neilson, J C Fullmer, J S Fullmer, E Curtis, Jr., David Purdy, Leo Childs, W F Miles, J B Curtis, W B Curtis, E Curtis, Sr., Thomas Chaward, L L Miles, W. E. Curtis, Robert Wilson, J L Baldwin,

Dagbert Young, John Baker, T J Black, Ruhe Ferguson, John Lehman, William Hamilton, Lew Grant, Charles Akin, Ray J Baker, J H Basoom, Joseph Dickey, Minnie Nowacki, C C Judd, James Kinney, Harvey Warren, H V McClellan, J E McClellan, Jack Hood, George Richardson, Charles D LaFever, Wiley Jones, Charles Sydell, B. F. Morrison, Samuel Thompson, Rachel Boone, Arthur McGowan, J. H. Baxter, Dwight Peck, W P Basoom, Howard Taylor, Thomas Jenkins, C E Judd, George Richardson, William Goodman, Charles Merritt, David Latham, W H Cherry, Frank Stoddard, J W Gue, Emma H Gue, Frank T Collins, Charles Iven, J J Mitchell, H E Gilbert, Frank Deardon, Peter Stroup, R O Moore, Sarah O Haney, Margaret M Taylor, John E Gardnier, Thomas Oldham, Joseph Clark, Charles H Farnsworth, Deseret L Wilson, Annie S Hunter, D M Smith, (G S Corser, B F Brown, A E Fox, Mrs. A C Titus, J E Smith, E F Ferris, J H Greene Otto B Fleischer, partners under the firm name of Arco Townsite Company). Isaac R. Johnson, Thomas Porter, Emille Singer, Frank F Brown, A T Stout, Talitha LaFever, John G Richardson, Sarah E Singer, were defendants, the said District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Custer, decreed to these defendants, and their predecessors in interest, and to the said other appropriators of the waters of said Big Lost River, and their predecessors in interest, on or about the 3rd day of January, 1903, approximately 54,223 miners' inches of the waters of said stream for the irrigation of the lands of these defendants, and their predecessors in interest, and for the irrigation of the lands of the said other appropriators of the waters of said stream and their

predecessors in interest.

WHEREFORE, defendants pray:

That, upon the final hearing of this cause, plaintiff be perpetually enjoined and restrained from storing, diverting or using the waters of Big Lost River, and from in any manner interfering with or obstructing the flow of the waters of said stream, in the natural channel thereof; that it be adjudged and decreed that the rights of these defendants to the waters of Big Lost River claimed by them for irrigation, live-stock, domestic and other beneficial purposes, are prior in time and superior in right to any alleged claim or alleged right of the plaintiff in or to the waters of said stream; for costs and for such further and other relief in the premises as may be just and equitable.

Lahaus A. Delark
Attorney for these Answering Defendants, Residing at Mackay, Idaho.

W. H. Holden

S. M. Holden
Attorneys for these answering Defendants, Residing at Idaho Falls, Idaho.

Dist
~~STATE~~ OF IDAHO,)
U.S. of America ; ss.
~~COUNTY OF~~ _____,)

Chas. B. Lemmon being first duly sowrn, deposes and says as follows: That he is one of the defendants in the above entitled action; that he makes this verification for and in his own behalf and for and in behalf of his answering co-defendants; that he has read the foregoing and hereto attached answer and Amended Further Answer and Defense and knows the contents thereof and that the said Answer and Amended Further Answer and Defense are true, except as to the matters therein stated on information and belief, and that as to those matters he believes the same to be ture.

Chas B. Lemmon

Subscribed and sworn to before me this 1st day of March, 1920.

W. M. McReynolds
~~Notary Public,~~
Residing at _____
~~Idaho.~~
Clerk U. S. Dist Court

(S E A L)

My commission expires:

_____

EXHIBIT F

Answer and cross complaint dated October 28, 1920

IN THE UNITED STATES DISTRICT COURT, IN AND FOR THE DISTRICT OF IDAHO, EASTERN DIVISION

The Utah Construction Company, a corporation, Plaintiff,	
vs.	ANSWER AND CROSS-COMPLAINT
A. Aiken, et al., Defendant,	

Now comes Charles S. Mott, defendant in the above entitled action, and for answer to the amended bill of complaint filed herein, admits, denies and alleges as follows:

I.

That by written stipulation heretofore filed herein, it is agreed that in all subsequent pleadings and papers, the title of this case shall be, The Utah Construction Company, a corporation, plaintiff, vs. A. Aiken, et al., defendants,

II.

That by written stipulation of the parties to this suit heretofore filed herein, it is further agreed for the purpose of answering the amended bill of complaint in this cause, shall be deemed to be unverified, and a general denial interposed with like effect as though the allegations of the amended bill of complaint were specifically denied, and that the various cross-complaints of the respective defendants represented by attorneys, stipulated thereto, shall be deemed to be specifically

denied by the plaintiffs, without the necessity of interposing a general or specific denial.

III.

That this answering defendant denies each and every allegation set forth and contained in the amended bill of complaint filed herein.

FURTHER ANSWERING the amended bill of complaint of the plaintiff, and by way of a cross bill of complaint thereto this answering defendant alleges:

1.

That this defendant is a settler along and under that certain stream mentioned in the bill of complaint, filed herein, commonly known as Big Lost River, flowing in Custer and Butte Counties in the State of Idaho, and individually owns and possesses lands under said stream as hereinafter alleged, and individually has acquired the right to appropriate and use the waters from said stream as the common source of his water supply for the irrigation of his respective lands as hereinafter more particularly set forth; that said Big Lost River rises in the mountains in CUSTER County, Idaho, and flows from its source in a general northeasterly direction to the vicinity of Chilly, in Custer County, Idaho, and thence flowing in a general southwesterly direction to some miles below the town of Arco, in Butte County, Idaho, a distance of approximately 75 miles, and during the spring or flood water season is a continuous surface stream through its entire course, but during the summer or dry season of the year flows intermittently, in places flowing above the surface and other places where the water is not visible, but flowing beneath the channel of the river, through the gravelly deposits through which the

channel of the river lies, the entire course of the river being through gravel deposits of inestimatable depths; that the flood waters of said stream, except when prevented by the unlawful acts of the plaintiff flow down said river, fill the various gravel reservoirs and subterranean channels, existing along and under the channel of said stream, and flow into the various gravel deposits through which said river flows, thereby raising the water table underlying the channel of Big Lost River, and underlying the lands of Big Lost River Valley, and that when the flood waters have ceased to flow in said stream, the waters from said gravel and subterranean channels, and from said gravel deposits return to said stream, causing said river to flow a continuous surface stream, from the point where what is commonly known as "The Mackay Dam" constructed by the plaintiff herein is located to a point below Aroo, in Butte County, Idaho, in sufficient volume to supply the rights of this defendant hereinafter more particularly set forth, and the rights of other defendants and other appropriators of the waters of said stream; that plaintiff claims the right and threatens to and will, unless restrained by an injunction of this Court store a large amount of the waters of said river in it's reservoir located on said stream above the point at which this defendant diverts water as hereinafter alleged, and that plaintiff claims the right and threatens to and will, unless restrained by the injunction of this Court, at the close of the irrigation season of each year, store the waters of said stream in it's said reservoir, and thus prevent the waters of said stream from flowing down said river below the point where said reservoir is located, thereby preventing the filling up of the under ground gravel deposits and subterranean channels, through which said

river flows, thereby permitting on account of the heavy fall of the valley through which said channel lies, the water table to drain out and become dry so that when the water is released from the reservoir at the commencement of the irrigation season, that it will all sink into the gravelly, porous material underlying said river channel, and become lost to this defendant, and he will be prevented from receiving the waters of said river to which he is entitled as hereinafter particularly set forth.

II.

This defendant alleges that all the waters of said river had been appropriated, diverted and used for beneficial purposes, by this defendant, and his co-defendants, and their co-defendants, and other appropriators before the work of constructing said reservoir was commenced, and before any claim of the plaintiff to either store, divert or use the waters of said river had been asserted and before any alleged right of the plaintiff to either store, divert or use the waters of said stream had been initiated.

III.

That said Big Lost River is a natural stream and water course which flows except when prevented by the unlawful acts of the plaintiff, and from time immemorial has flowed to the heads of the ditches of this defendant and to, over and upon and through the lands of this defendant, and his predecessors in interest, and his co-defendants and their grantors and predecessors in interest, and other appropriators of the waters of said stream and their grantors and predecessors in interest, who appropriated and diverted the full flow of the waters of said river, excepting in years of unusual and extraordinary snow and rain fall, and have used the same to and

upon the lands owned and possessed by said persons respectively and used the same for the irrigation thereof and for live stock and domestic purposes, under a claim of right so to do, all of which matters and things this defendant is ready and willing to aver , maintain and prove as this Honorable Court shall direct.

IV.

That the full flow of the waters of said Big Lost River, and its tributaries was and is necessary for the successful irrigation of the lands of this defendant and the other said appropriators of the waters of said stream, and that the full flow of the waters of said stream for many years immediately preceding the commencement of this suit, was and has been, excepting in years of unusual and extraordinary snow and rainfall so used by this defendant and other appropriators of the waters of said stream in the irrigation of their respective lands during the irrigation season of each and every year.

V.

That the lands embraced within the reservoir as well as the alleged dam constructed for the purpose of capturing and holding water within said alleged reservoir of the plaintiff, are pervious to water, and that large amounts of the waters of Big Lost River, which are caused to flow therein escape therefrom, and are lost to this defendant and other defendants for irrigation and other beneficial purposes.

FURTHER ANSWERING to the amended bill of complaint and by way of cross complaint thereto, this defendant, Charles S. Mott, alleges, in his own behalf, as follows:

1.

That at all times hereinafter mentioned, the

defendant, and cross-complainant, Charles S. Mott, his grantors and predecessors in interest, were, and that said defendant and cross-complainant, now is, the owner, in the possession and entitled to the possession of that certain tract of land located in the County of Butte, State of Idaho, and bounded and more particularly described as follows, to-wit:

> The Northeast Quarter ($NE\frac{1}{4}$); North half of Southeast Quarter ($N\frac{1}{2}SE\frac{1}{4}$); Southwest quarter of Southeast Quarter ($SW\frac{1}{4}SE\frac{1}{4}$) of Section Twenty-two (22); the Southwest Quarter of the Northwest Quarter ($SW\frac{1}{4}NW\frac{1}{4}$); West half of the Southwest Quarter ($W\frac{1}{2}SW\frac{1}{4}$) and the Northwest Quarter of the Northwest Quarter ($NW\frac{1}{4}NW\frac{1}{4}$) of Section Twenty-three (23) Township Four (4) North of Range Twenty-six (26) East of the Boise Meridian.

II.

That at all the times herein mentioned, the above described tract of land was and is agricultural land and requires the artificial application of water thereto before crops can be successfully or profitably grown thereon, and that One (1) inch or One-fiftieth (1/50) cubic foot per second in time of water per acre is necessary for the profitable and successful cultivation thereof.

III.

That on or about the 1st day of May, 1886, this defendant, his grantors and predecessors in interest, appropriated 360 miner's inches or 7-1/5 cubic feet per second in time of the waters of Big Lost River, and be means of dams and ditches of sufficient capacity to convey the same, divert said quantity of water from said river, to and upon the said lands of this defendant for the purpose of irrigating the same, and for live stock and domestic use, and has continued to so appropriate and divert said waters and apply same to his said

lands to said beneficial uses; and continuously during the irrigation season of each and every year, this defendant and cross-complainant, his grantors and predecessors in interest, have used said water, upon said lands for said purpose, and that the use of said water by this defendant and cross-complainant, his grantors and predecessors in interest, since said date as aforesaid, was and is necessary and has been open, exclusive, notorious and adverse to all the world.

IV.

That this defendant and cross-complainant, his grantors and predecessors in interest placed said lands under irrigation and cultivation as fast as their means and ability to do so would permit, and that all of said lands are under cultivation.

V.

That the point where said waters were so diverted from said river into said ditch and conveyed to and upon the land of this defendant is situated near the center of the Southeast Quarter (SE¼) of Section Fifteen (15), in Township Four (4) North of Range Twenty-six (26) East of the Boise Meridian.

VI.

That a certain water suit tried in what was then, the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Custer, and now is, The District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Custer, entitled, S. T. Moe, et al., plaintiffs, vs. Henry Harger, et al., defendants, the said District Court of the Fourth Judicial District of the State

of Idaho, in and for the County of Custer, decreed to this defendant's predecessor in interest, Ed. M. James, 360 miner's inches, of the waters from James Creek, a tributary of Big Lost River, for the irrigation of said lands with date of priority May 1, 1886, which decree was filed by the Court on the 3rd day of January 1903, and entered as of the March 1902 term of said Court, and the water so decreed since the date thereof, as aforesaid, has been used in accordance with said decree openly exclusively, notoriously and adverse to all the world.

WHEREFORE defendant prays the judgment and decree of this Court:

FIRST: That the action of the plaintiff herein, be dismissed, and that the prayer in their complaint be denied, and for defendants costs and disbursements herein incurred.

SECOND: That the plaintiffs and other defendants and each of them be required to set up the nature of their claim to the use of the waters of Big Lost River.

THIRD: That upon the final hearing of this cause, plaintiff be perpetually enjoined and restrained from storing, diverting, or using the waters of Big Lost River, and from in any manner interfering with or obstructing the flow of said stream in the natural channel thereof.

FOURTH: That the defendant, Samuel R. Mott, be awarded a right to the use of 360 inches or 7-1/5 cubic feet per second in time of the waters of said Big Lost River, for the purpose of irrigating his said lands to date from May 1, 1886, and for a further and continued use thereof.

FIFTH: That the decree entered in the District Court of the Fourth Judicial District of the State of Idaho,

in and for the County of Custer, in th- case wherein, S. T. Moe, et al, were plaintiffs, and Henry Harger, et al., were defendants, be adjudged and decreed as binding upon all parties to this suit.

EIGHTH: And defendant prays for such other and further relief in the premises as may be just and equitable.

Attorney for defendant.
Residence: Arco, Idaho.

State of Idaho, } ss.
County of Butte, }

Samuel R. Mott, being first duly sworn, says: I am the agent of the defendant in this action; I have read the foregoing answer and cross-complaint and know the contents thereof, and believe the facts therein stated to be true.

The reason this verification is not made by the defendant is that he is absent from this county and state wherein affiant resides, and that the facts stated in the foregoing answer and cross-complaint are within his personal knowledge.

Samuel R. Mott

Subscribed and sworn to before me this 18 day of October, 1920.

Notary Public
Residence: Arco, Idaho.

EXHIBIT G

Order correcting errors and omissions dated October 21, 1925

IN THE UNITED STATES DISTRICT COURT, IN AND FOR THE DISTRICT OF IDAHO, EASTERN DIVISION.

THE UTAH CONSTRUCTION COMPANY, a corporation,

Plaintiff,

v.

JOHN P. ABBOTT, et al,

Defendants.

ORDER CORRECTING ERRORS AND OMISSIONS IN DECREE.

The decree made and entered herein on March 15, 1923 having provided that jurisdiction is retained over this cause up to January 1, 1926 to make corrections for clerical errors inadvertences and omissions in the rights decreed, and certain of such errors, inadvertences and omissions having been brought to the attention of the Court,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that said decree be, and it hereby is, amended in the following particulars:

I.

Those certain rights hereinafter numbered and enumerated are corrected to read as follows:

William Bradshaw

(a) 1891 - June 1 2.0 c.f.s.
1894 - June 1 1.2 c.f.s.

To be diverted from Big Lost River through the Chilly Ditch having its point of diversion in the Southwest quarter of Section 1, Township 8 North, Range 21 East B. M. for the irrigation of the following described land, to-wit:

The East half of the Northeast quarter of Section 30; South half of the Southeast quarter of Section 19, Township 9 North, Range 22 East B. M.

(b) 1903 - February 17, 3.0 c.f.s.

To be diverted from Bradshaw Springs a private ditch having its point of diversion on the land constituting the place of use of said water, for the irrigation of the following described land, to-wit:

The North half of Section 30; South half of the Southeast quarter of Section 19, Township 9 North, Range 22 East B. M.

The right herein decreed from Bradshaw Springs shall not exceed one-third the flow of said springs.

No. 62.

Daniel Clark

(a) 1897 - June 30 2.4 c.f.s.
1905 - May 1 2.4 c.f.s.
1910 - May 1 1.6 c.f.s.

To be diverted from Big Lost River through the Clark ditches having the points of diversion in the Southwest quarter of Section 2 and the Northwest quarter of Section 11, Township 8 North, Range 22 East B. M., for the irrigation of the following described land, to-wit:

Southeast quarter and the East half of the Southwest quarter of Section 11, East half of the Northeast quarter of Section 14; Southwest quarter of the Northwest quarter and the Northwest quarter of the Southwest quarter of Section 13; Northeast quarter of the Northwest quarter and the Northwest quarter of the Northeast quarter of Section 14 in Township 8 North, Range 22 East

(b) 1895 - May 1 3.2 c.f.s.

To be diverted from Big Lost River either the Nielsen Ditch having its point of diversion in the Northwest quarter of Section 15, Township 8 North, Range 22 East B.M. or the Davidson Ditch having its point of diversion in the Northwest quarter of Section 12, Township 8 North, Range 22 East B. M., or in part in both of said ditches, for the irrigation of the land last above described.

No. 89.

R. H. Ewing.

(a)	1895 - June 1	2.4 c.f.s.	To be diverted from Big Lost River through the Upper Burnett ditch having its point of diversion in the Northwest quarter of Section 34, Township 7 North, Range 24 East B.M. for the irrigation of the following described land, to-wit:
(	1889 - June 1	2.7 c.f.s.	
(b)	1886 - June 1	0.8 c.f.s.	To be diverted from Congdon Springs creek through a private ditch having its point of diversion on the land constituting the place of use of said water, for the irrigation of the land last above described.

The west half of the Northeast quarter, Southeast quarter of the Northeast Quarter, Northeast quarter of the Southeast quarter, East half of the Northwest quarter and Lots 1 and 2, all in Section 31, Township 7 North, Range 26 East B. M., and

No. 135.

J. B. Hunter

/(a) 1902 - March 1 2.4 c.f.s. To be diverted from Big Lost River through the Chilly Ditch having its point of diversion in the Southwest quarter of Section 1, Township 8 No: Range 21 East B. M., for the irrigat of the following described land, to-

Northeast quarter of the Southeast quarter of Section 20 and the West ½ of the Southwest quarter of Section Township 9 North, Range 22 East B. M

/(b) 1902 - March 1 1.6 c.f.s. To be diverted from Big Lost River through the Chilly Ditch having it point of diversion in the Southwest quarter of Section 1, Township 8 No: Range 21 East B. M., for the irriga of the following described land, to

South half of the Northwest quarter Section 29, Township 9 North, Range East, B. M., and

/ (c) 1902 - March 1 0.8 c.f.s. To be diverted from Big Lost River through the Chilly Ditch having its point of diversion in the Southwest of Section 1, Township 8 North, Ran 21 East B.M., for the irrigation of 40 acres of land in the following d cribed legal sub-divisions, to-wit;

East half of the Northwest quarter Section 19 and the East half of the Southwest quarter of Section 18, To ship 9 North, Range 22 East B.M., a

/ (d) 1909 - July 27 12.8 c.f.s. To be diverted from Upper Cedar Cre through the Hunter ditch having its point of diversion 2384 feet North degrees East from the Southeast cor of Section 24, Township 8 North, Ra 23 East B.M., for the irrigation of the following described land, to-wi

Northeast quarter of Section 35; We half of the Southwest quarter, West of the Northeast quarter, Northeast ter of the Southwest quarter, and t Northwest quarter of the Southeast ter and the Northwest quarter of Se 25; South half of the Southeast qua Section 26, all in Township 8 North 23 East B.M.

No. 216.

Mary F. Johnson		To be diverted from Big Lost Riv through the Arco canal having it of diversion in the Northwest quarte
1885 - May 1	1.42 c.f.s.	Section 26, Township 4 North, Range East B.M., for the irrigation of the following described land, to-wit:
No. 246.		The South half of the Southwest quar of Section 25, Township 4 North, Ran 26 East B.M. except 4 acres in the Southwest quarter thereof.
James A. Jones		To be diverted from Antelope Creek through the Hanrahan Ditch having it
(a) 1902 - May 15	2.86 c.f.s.	point of diversion in the Northeast quarter of Section 21, Township 5 No Range 25 East B.M., for the irrigati of the following described land, to-
		Lots 1 and 2 and the Southeast quart of the Northeast quarter of Section Township 5 North, Range 25 East B.M.
(b) 1896 - June 1	0.02 c.f.s.	To be diverted from Big Lost River t the Moore Canal having its point of sion in the Southeast quarter of Sec 4, Township 5 North Range 26 East B. for the irrigation of the following cribed land, to-wit:
No. 253.		Lots 5 and 6 of Block 5 of the Moore Townsite.
James L. King		To be diverted from Antelope Creek through private ditches having their points of diversion in Section 2, To
1884 - June 1	2.6 c.f.s.	ship 4 North, Range 24 East B.M. for
1886 - May 1	3.2 c.f.s.	irrigation of the following describe land, to-wit:
No. 268.		Lot 3 except 10 acres owned by Wadd Lot 4, Southwest quarter of the Nort quarter of Section 1; South half of Northeast quarter, Northwest quarter the Southeast quarter of Section 2, ship 4 North, Range 24 East B. M., a the East half of the Southwest quart of Section 36, Township 5 North, Ran 24 East B. M.,

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Marian King as Administratrix of the Estate of James Beverland, Deceased

(a) 1894 - June 1 1.2 c.f.s.

To be diverted from Lost River thr the Burstedt-Johnson Ditch having it point of diversion in the Northwest quarter of Section 32, Township 6 N Range 26 East B.M., for the irrigat of the following described land, to-

West half of the Southeast quarter Section 4, Township 5 North, Range 26 East B. M. and

(b) 1912 - February 10 0.4 c.f.s.

To be diverted from Big Lost River through the Darnley Ditch, having i point of diversion in the southeast quarter of Section 4, Township 5 No Range 26 East B.M. for the irrigati the following described land, to-w

East half of the southwest quarter Section 14, Township 5 North, Range East B. M.

No. 269.

C. D. LaFever

(a) 1884 - September 1 7.2 c.f.s.

To be diverted from Dry Fork of Ant Creek through private ditches havin points of diversion in Section 4 ship 3 North, Range 24 East B.M., a the land constituting the place of the water for the irrigation of the following described land, to-wit:

West half of the Southwest quarter Section 28; West half of the Northw quarter, Southwest quarter, Southwe quarter of the Southeast quarter o Section 33, Township 4 North, Range East B. M. and

(b) 1904 - June 1 3.2 c.f.s.

To be diverted from Antelope Creek a private ditch having its point o sion in Section 13, Township 4 Nor Range 23 East, B.M., for the irrig the following described land, to-w

Northeast quarter of the Southeast and the East half of the Northeast of Section 20; Northwest quarter o Northwest quarter of Section 21, a Township 4 North, Range 24 East B.

No. 277.

Claud M. Larter		To be diverted from Big Lost Ri the Chilly Ditch having its poi sion in the Southwest quarter of Se Township 8 North, Range 21 East B.M the irrigation of the following des land, to-wit:
(a) 1902 - March 1	3.2 c.f.s.	Southwest quarter of the Southwest of Section 27; Southeast quarter of southeast quarter, Southwest quarter Southeast quarter, Southeast quarte Southwest quarter of Section 28; No quarter of the Northeast quarter of tion 33; Northwest quarter of the N quarter of section 34; all in Towns North, Range 22 East B. M., and
(b) 1903-February 24,	1.6 c.f.s.	To be diverted from Big Lost River the Ingram Ditch, having its point version in the Northwest quarter of 6, Township 8 North, Range 21 East for the irrigation of the land last described.
No. 286.		
H. E. Lisonbee		To be diverted from Big Lost River the Lower McGowan ditch, otherwise as the Gray Ditch, having its p version in the Southeast quarte Southwest quarter of Section 13, T 6 North, Range 25 East B.M., for th gation of the following described l to-wit:
1889 & June 1	2.0 c.f.s.	The South half of the Northeast qua the Southeast quarter of the Northw quarter of Section 19, Township 6 N Range 26 East B. M.
No. 303.		

John McAffee		To be diverted from Pass Creek thr a private ditch having its point o version in the southwest quarter o tion 35, Township 7 North, Range 2 B.M. for the irrigation of the foll described land, to-wit:
1903 -February 3	2.5 c.f.s.	
1907 -May 8	1.5 c.f.s.	
		The Northeast quarter of the southw quarter, South half of the Northwes quarter, Southwest quarter of the N east quarter, Northwest quarter of Southeast quarter of Section 2, Tow
No. 354.		6 North, Range 25 East B.M.
O. V. Olsen		This right is cancelled and annulle was awarded through an inadvertence it is a duplicate of right 465 (a) decreed herein to M. Bird Tew.
No. 552.		
D. R. Pingree and Vervene Pingree		To be diverted from Big Lost River the M. M. Moore ditch having its po diversion in the Northwest quarter tion 1, Township 3 North, Range 26
1896 - August 1	2.0 c.f.s.	B.M., for the irrigation of the fol described land, to-wit:
		Lots 1 and 2 and the East half of t Northwest quarter of section 18, To
No. 407.		3 North, Range 27 East B. M.
George Richards		To be diverted from Big Lost River the Ferris Slough having its point version in the Northwest quarter o tion 36, Township 4 North, Range 2
1901 - November 2	1.36 c.f.s.	B. M. for the irrigation of the fo described land, to-wit:
		All of Block 1, Lot 4 of Block 2, L 3 and 4 of Block 3, and all of Blo Stouts Addition to Arco, Butte Cou Idaho, containing 68 acres in the W of the Southeast quarter of Sectio
No. 422.		Township 4 North, Range 26 East B.M

000131

229

Utah Construction vs Abbott

34-0

W. L. Mattis

To be diverted from Big Lost Rive
through private ditches having their
points of diversion on the lands cons
tuting the place of use of said wate
the irrigation of the following descr
land, to-wit:

* — 810 (a) 1888 - June 1 3.2 c.f.s.
* — 811 - 1891 - June 30, 1.6 c.f.s.
→ 812 1896 - April 7, 3.2 c.f.s.
→ 813 1896 - March 30, 3.2 c.f.s.
* — 814 1896 - June 1 3.2 c.f.s.
→ 815 1897 - April 20, 3.3 c.f.s.
→ 816 1901 - July 31, 2.8 c.f.s.
→ * — 817 1902 - March 1, 3.2 c.f.s.
* — 818 1890 - June 30, 3.2 c.f.s.
* — 819 1896 - June 1, 3.2 c.f.s.

Southeast quarter of the Northeast q
ter, Southeast quarter, East half of
Southwest quarter of Section 33; Sou
quarter of Section 33, Township 8 Nor
Range 23 East B.M.; Northeast quarte
East half of the Northwest quarter,
east quarter of the Southwest quarte
west quarter of the Southeast quarte
tion 5; North half, North half South
Section 6; West half of the Northwes
quarter, Southeast quarter of the Nor
west quarter, North half of the South
quarter, North half of the Southeast
ter and the Southeast quarter of the
east quarter Section 5; South half o
Southwest quarter, Southwest quarter
the Southeast quarter of Section 5;
half of Section 11; West half of the
Northwest quarter; Southeast quarter
the Northwest quarter, and the North
quarter of the Southwest quarter of
Section 12, all in Township 7 Nor
Range 23 East B. M., and

34-0820
(b) 1879 - April 1 0.6 c.f.s.
1904 - December
34-0821 22 1.6 c.f.s.

To be diverted from Navarre Creek th
ditches having their points of diver
in the Southwest quarter of Section
Township 7 North, Range 23 East B.M.
the irrigation of the land last abov
described, and

34-0963 34-0863

(c) 1907 - June 19 [illegible] c.f.s.

To be diverted from Warm Springs Cre
through a ditch having its point of
version in the Southeast quarter of
Northeast quarter of Section 31, Tow
8 North, Range 23 East B.M. for the
irrigation of not to exceed 110 acre
the land last above described which
acres lies above the existing ditche
whereby water is conveyed from Big L
River to irrigate said land of W. L.
Mattis.

- No. 804.

Roberta; I used the correct right # for this one.
34-0863 is already assigned to another right.
The 0863 was place here by Steve McCormick
& I was not sure where he got that.

W. W. Jones
Engineer

Lavon Williams.

(a) 1894 - June 1 2.0 c.f.s. To be diverted from Big Lost River through the Williams Ditch having point of diversion in the Southeast quarter of Section 12, Township 3 North, Range 26 East B.M. for the irrigation of the following described land, to

The North half of the Southeast quarter of Section 12, Township 3 North, Range 26 East B.M., and the North half of Southwest quarter of Section 7, Township 3 North, Range 27 East B.M., and

(b) 1894 - June 1 1.2 c.f.s. To be diverted from Big Lost River through the Munsey Ditch, having its point of diversion in the Southeast quarter of Section 26, Township 4 North, Range 26 East B. M., for the irrigation of the last above described.

No. 520.

000133

II.

Certain valid rights having by inadvertence been omitted from said decree, they are hereby granted and awarde as hereinafter set forth, notwithstanding any provision of said decree adjudging some of the persons to whom said rights are hereby awarded to have had no rights in the wate: of said Big Lost River and its tributaries, viz;

Sam Babott

1899 - June 1 0.08 c.f.s.

No. 567

To be diverted from Big Lost Rive through the West Side Ditch, having point of diversion in the Southeast ter of Section 4, Township 5 North, 26 East B. M., for the irrigation o following described land, to-wit:

Lots 1 - 2 of block 3 and fraction lot 1 of block 4 of Johnston additi Village of Moore.

Mrs. C. C. Beery

1896 - June 1 0.08 c.f.s.

No. 568

To be diverted from Big Lost River the Moore Canal, having its point o sion in the Southeast quarter of Se Township 5 North, Range 26 East B.M the irrigation of the following des land, to-wit:

Lots 7-10 of Block 6 of the origina townsite of Moore.

Alex. Beverland

1897 - May 1 0.02 c.f.s.

No. 569

To be diverted from Big Lost River through the West Side Canal, having point of diversion in the Southeast ter of Section 4, Township 5 North, Range 26 East B.M. for the irrigati the following described land, to-wi

One acre in the Pearson addition to village of Moore, shown on the Butt ty records as Tax number 733 of Sec 28, Township 5 North, Range 26 East

Ernest A. Cramton.

1884- April 22 0.20 c.f.s.

0.2 - Trans. 703

No. 570

To be diverted from Big Lost River the Sharp Ditch having its point of sion in the Southeast quarter of Se 12, Township 7 North, Range 23 East for the irrigation of the following cribed tract of land, to-wit:

Commencing at a point 80 feet in a direction from the corner of Artmes Avenue and Custer Street, of the to Mackay, in a direct line with the s side of Custer Street; running then a westerly direction 825 feet, in a line with the said south side of Cu Street; thence at right angles 528 thence at right angles 825 feet; th right angles along the western boun line of Artemesia Avenue to the pla beginning, containing 10 acres of l

Alice Felkner

1884 - April 22 ✓ 0.44 c.f.s.
34 0315
1901 - July 1 ✓ 0.40 c.f.s.
34 0317

No. 571

To be diverted from Big Lost River through the Darlington Ditch, havin point of diversion in the Northeast quarter of Section 33, Township 7 N Range 24 East B.M. for the irrigati of the following described land, t

That portion of the Northeast quart Section 11, and the Southwest quart of the Southeast quarter of Sectior Township 6 North, Range 24 East, B.I between the Darlington and Rodgers

William Gale

1896 - June 1 ✓ 0.04 c.f.s.
34 0318

NO. 572

To be diverted from Big Lost River the Moore Canal, having its point version in the Southeast Quarter o tion 4, Township 5 North, Range 26 B. M. for the irrigation of the fo ing described land, to-wit:

Lots 5, 6, 9, 10, 11, 12, 13, 14, 18 of Block 4 of the original town of Moore.

W. E. Hammond

1896 - June 1 ✓ 0.02 c.f.s.
34 0319

NO. 573

To be diverted from Big Lost River the Moore Canal, having its point version in the Southeast quarter c Section 4, Township 5 North, Range East B.M. for the irrigation of th following described land, to-wit:

Lots 5-8, Block 27, of the origina townsite of Moore.

000136

Margaret Hooper

1896 - June 1 0.04 c.f.s.

34 0020

NO. 574

To be diverted from Big Lost River through the Moore Canal having its s of diversion in the Southeast quart Section 4, Township 5 North, Range East B.M. for the irrigation of the following described land, to-wit:

Lot 2, Block 2, and Tax number 24 c Pearson addition to the Village of

J. P. Jeppesen

1896 - June 1 0.02 c.f.s.

34 0021

No. 575

To be diverted from Big Lost River through the Moore Canal, having its of diversion in the Southeast quart Section 4, Township 5 North, Range East B.M., for the irrigation of t following described land, to-wit:

Lots 7,8, 19 and 20, block 4 of t original townsite of Moore.

Peter G. Johnston

1899 - June 1 0.55 c.f.s.

34 0022

NO. 576

To be diverted from Big Lost River the West Side Ditch, having its po diversion in the Southeast quarter ion 4, Township 5 North, Range 26 for the irrigation of the followin cribed land, to-wit:

Johnston Addition to the village o excepting such portions therefrom fore sold to other parties and lis this decree.

Lenoa King

1896 - June 1 0.02 c.f.s.

34 0023

NO. 578

To be diverted from Big Lost River the Moore Canal, having its point sion in the Southeast quarter of S 4, Township 5 North, Range 26 East for the irrigation of the followin cribed land, to-wit:

Lots 13-20, Block 6 of the origina site of Moore.

Mrs. N. Kingsland

1884 - April 22 0.02 c.f.s.

34 C006

NO. 579

To be diverted from Big Lost River the Sharp Ditch having its point of sion in the southeast quarter of Se 12, Township 7 North, Range 23 East for the irrigation of the following described tract of land, to-wit:

Commencing at a point which is Sou 75 degrees 15 minutes West 3.65 cha from the Section Corner of Sections 20-21-28-29, Township 7 North, Rang East B.M. thence North 46 degrees W 4.91 chains to place of beginning; thence North 46 degrees 30 minutes 1.23 chains; thence North 44 degree 8.11 chains; thence South 46 degree minutes East 1.23 chains; thence So 44 degrees West, 8.11 chains to pla beginning, containing one acre.

Maud Lafever

1896 - June 1 0.04 c.f.s.

34 0024

NO. 580

To be diverted from Big Lost River through the Moore Canal, having its of diversion in the Southeast qu Section 4, Township 5 North, Ra East B.M. for the irrigation of t following described land, to-wit:

Block 18 of the original townsite o Moore.

N.M. Lamont

1893 - February 1, 0.9 c.f.s.

34 0025

NO. 581

To be diverted from Big Lost River the Moore Canal, having its point c version in the Southeast quarter of tion 4, Township 5 North, Range 26 B. M. for the irrigation of the fol described lands, to-wit:

East half of the Northeast quarter Section 7; Northwest quarter of the Northwest quarter of Section 8, Tow 4 North, Range 26 East B. M.

A. W. Latham

1896 - June 1 0.02 c.f.s.

34 0926

NO. 582

To be diverted from Big Lost Rive through the West Side Canal, havi point of diversion in the Southea quarter of Section 4, Township 5 Range 26 East B.M., for the irri of the following described land,

East half Lot 1, Block 9, and ta number 75 of the Johnston additi the Village of Moore.

T. G. Latham

1896 - June 1 0.01 c.f.s.

34 0927

NO. 583

To be diverted from Big Lost Riv through the Moore Canal, having of diversion in the Southeast qu of Section 4, Township 5 North, 26 East B.M., for the irrigation following described land, to-wit

Lots 15-16 of Block 4 of the Ori townsite of Moore.

Mackay Light & Power Co.,

a corporation.

1910 - March 1,20.0 c.f.s.

34 0928

NO. 584

(Lower)

To be diverted from Cedar Creek a pipe line having its point of sion in unsurveyed Section 35, T North, Range 24 East B.M., thenc conducted to power plant situate the Southwest quarter of Sectio Township 7 North, Range 24 East which point the water is return Cedar Creek.

R. L. Marcroft

1914 - June 1 ✓ 3.1 c.f.s.

34 0929 ✓

NO. 585

To be diverted from Antelope Creek through private ditches having their points of diversion in Sections 33 and 34, Township 4 North, Range 23 East B.M. for the irrigation of the following described land, to-wit:

Homestead Entry Survey No. 503, consisting of 155.53 acres, and being of unsurveyed sections 26, 27 and Township 4 North, Range 23 East B.

J. D. Martin

1896 - June 1 ✓ 0.01 c.f.s.

34 0930 ✓

NO. 586

To be diverted from Big Lost River the Moore Canal, having its point diversion in the Southeast quarter Section 4, Township 5 North, range East B. M. for the irrigation of t following described land, to-wit:

Lots 13-14, Block 1 of the origina townsite of Moore.

E. S. McGuire

1896 - June 1 ✓ 0.02 c.f.s.

34 0931 ✓

NO. 587

To be diverted from Big Lost River the Moore Canal, having its point diversion in the Southeast quarter Section 4, Township 5 North, Range East B.M., for the irrigation of t following described land, to-wit:

Lots 16-20, Block 3 of the origina townsite of Moore.

000140

William N. Miller

1884 - March 1 ✓ (3.1) c.f.s.

Trans #622 - 3.1 cfs

34 0932

NO. 588

To be diverted from Antelope Creek through private ditches having their points of diversion on the land constituting the place of use of the water through a ditch used jointly with the U.S.Forest Service, having its point diversion in Section 23, unsurveyed, ship 4 North, Range 23 East B.M. for irrigation of the following describe land, to-wit:

H. E. Survey No. 170, embracing a p of Township 4 North, Range 23 East more particularly described as foll

Beginning at Corner No. 1 identical corner to Sections 13 and 24 in Tow 4 North, Range 23 East B. M. and Se 18 and 19 in Township 4 North, Rang East B.M.; Thence South, 6 minutes 14.62 chains; thence south 49 degre 48 minutes west 18.75 chains; thenc south 71 degrees 29 minutes West 27 chains; thence North 1 degree 26 mi East 15.44 chains; Thence North 89 degrees 33 minutes West 5.02 chains thence North 40 minutes East 12.89 chains; thence North 43 degrees 3 minutes East 16.83 chains; thence N 72 degrees 51 minutes east 35.16 ch thence South 6 minutes East 15.54 c to place of beginning, containing 153.90 acres.

Moore School District

1896 - June 1 ✓ 0.12 c.f.s.

34 0932

NO. 589

To be diverted from Big Lost River the Moore Canal, having its point o diversion in the Southeast quarter Section 4, Township 5 North, Range East B.M., for the irrigation of th following described land, to-wit:

Tax Numbers 17 and 52, of Section Township 5 North, Range 26 East B.M. as shown on the Butte County Record

000141

J. G. Pate

1899 - June 1 0.20 c.f.s.

34 0931

No. 590

To be diverted from Big Lost R through the West Side Ditch, havi point of diversion in the Southea quarter of Section 4, Township 5 Range 26 East B. M. for the irrig of the following described land,

Lots 3-4 of Block 6 of the Johnst addition to the Village of Moore.

Gather Perkins

1684 - April 22 0.10 c.f.s.

Trans. 1951 - 0.1

34 0935

NO. 591

To be diverted from Big Lost Rive the Sharp Ditch having its point sion in the Southeast quarter of 12, Township 7 North, Range 23 Ea for the irrigation of the followi described land, to-wit:

Beginning at a point North 15 de 9.55 chains from the Section corn to Sections 20-21-28-29, Township Range 24 East B.M.; thence North 30 minutes West 6.14 chains; then 44 degrees East, 8.14 chains; the 46 degrees 30 minutes East 6.14 c thence South 44 degrees West place of beginning, containing

E. C. Richardson

1896 - June 1 0.01 c.f.s.

34 0936

NO. 592

To be diverted from Big Lost Rive the Moore Canal, having its point sion in the Southeast quarter of 4, Township 5 North, Range 26 Eas for the irrigation of the followi cribed land, to-wit:

Lots 11-15, Block 21 of the origi townsite of Moore.

000142

Helen Richardson

1899 - June 1 ✓ 0.05 c.f.s.

34 [illegible] ✓

NO. 593

To be diverted from Big Lost River through the West Side Canal having it point of diversion in the Southeast quarter of Section 4, Township 5 Nor t Range 26 East B.M. for the irrigation of the following described land, towi

Lots 1 and 2, block 5, Johnson additi to the Village of Moore.

Vernon Swenson

1896 - June 1 ✓ 0.01 c.f.s.

34 [illegible] ✓

NO. 594

To be diverted from Big Lost River through the Moore Canal, having its p of diversion in the Southeast quarter Section 4, Township 5 North, Range 2 East, B. M. for the irrigation of the following described land, to-wit:

Lots 11-12, Block 1 of the original townsite of Moore.

Dollie Taylor

1899 - June 1 ✓ 0.02 c.f.s.

34 [illegible] ✓

No. 595

To be diverted from Big Lost River th the West Side Canal, having its point diversion in the Southeast quarter o: Section 4, Township 5 North, Range 2 East B.M. for the irrigation of the following described land, to-wit:

Lot 2, Block 9 of the Johnston addit to the Village of Moore.

United States Forest Service.

1884- May 1 ✓4.0 c.f.s.

34 [illegible] ✓

No. 596

To be diverted from Antelope Creek through a private ditch, having its point of diversion in Section 23, unsurveyed, Township 4 North, Range 23 East B.M. for the irrigation of the following described land, to-wi

West half of the Southwest quarter the Southwest quarter of the South east quarter, Southeast quarter of the Southwest quarter, East half of the Southwest quarter of the Southwest quarter of Section 13; Northeast quarter of the Northeast quart of the Northeast quarter of the Nor west quarter, West half of the Nort east quarter of the Northwest quart West half of the East half of the Northeast quarter of the Northwest quarter, East half of the Northwest quarter of the Northwest quarter, Southeast quarter of the Northwest quarter, East half of the Southwest quarter of the Northwest quarter, N half of the Northeast quarter of th Southwest quarter, Northeast qua the Northwest quarter of the So quarter of Section 24, all in Tow North, Range 23 East B.M., and cons ing of 207.50 acres.

United States Forest Service.

1902 February 1 ✓3.2 c.f.s.

34 [illegible] ✓

No. 597

To be diverted from Wildhorse Cree through a private ditch having its of diversion approximately in unsu Section 4, Township 6 North, Range East B.M. for the irrigation of th following described land, to-wit:

Commencing at a Forest Service Mon at the Forks of the first Spring C and Wildhorse Creek about one mile above the mouth of Wildhorse Creek South 85 degrees west, 19.5 chains South 5 degrees East 80 chains; th North 85 degrees East, 20 chains; North 5 degrees West, 80 chains; t South 85 degrees West, 95 chains t place of beginning, containing 160

Valley Trading Co.

1896 - June 1 0.02 c.f.s.

34 [illegible]

NO. 598

To be diverted from Big Lost River through the Moore Canal, having its point of diversion in the Southeast quarter of Section 4, Township 5 North Range 26 East B.M. for the irrigation of the following described land, to-wi

Lots 7-10, Block 1 of the original townsite of Moore.

Willis E. Whitney

1884 - April 22 0.14 c.f.s.

34 [illegible]

Trans 1047 111

NO. 599

To be diverted from Big Lost River through the Sharp Ditch having its point of diversion in the Southeast quarter of Section 12, Township 7 North, Range 23 East B.M. for the irrigation of the following described tract of land, to-wit:

Commencing at a point 7.55 chains west of the Northeast corner of Section 29, Township 7 North, Range 24 East, thence south 46 degrees west 9.06 chains, thence North 44 degrees West, 6.80 chains; thence North 46 degrees East 2.60 chains to intersection of section line between sections 20 and 29, thence North 46 degrees east 7.71 chains; thence South 44 degrees East 6.80 chains; thence South 46 degrees West 1.25 chains; to place of beginning, containing 7 acres.

T. C. Woodbridge

1899 - June 1 0.04 c.f.s.

34 [illegible]

NO. 600

To be diverted from Big Lost River through the West Side Canal, having its point of diversion in the Southwest quarter of Section 4, Township 5 North, Range 26 East, B.M. for the irrigation of the following described land, to-wit:

Lots 1-2 of Block 12, Johnston additio to the Village of Moore.

000145

Done in open Court this 21st day of October, 1925.

(SIGNED) FRANK S. DIETRICH
United States District Judge.

Endorsed, Filed March 15, 1923
W. D. McReynolds, Clerk
By Theo. J. Turner, Deputy

UNITED STATES OF AMERICA,)
District of Idaho,) ss.

I, W. D. McREYNOLDS, Clerk of the United States District Court for the District of Idaho, do hereby certify that the foregoing copy of the Final Decree and Amendments in the case of Utah Construction Company vs. J. F. Abbott, et al, No. 222, Eastern Division, has been by me compared with the original, and that it is a correct transcript therefrom and of the whole of such originals as the same appear of record and on file at my office and in my custody.

In testimony whereof, I have set my hand and affixed the seal of said Court in said District this 23rd day of April, 1927.

W. D. McReynolds
Clerk.

EXHIBIT H

Affidavit of Lynn Crandall dated October 12, 1925

IN THE UNITED STATES DISTRICT COURT, IN AND FOR THE DISTRICT OF IDAHO, EASTERN DIVISION.

THE UTAH CONSTRUCTION COMPANY, a corporation,

Plaintiff,

v.

John F. Abbott, et al,

Defendants.

AFFIDAVIT.

State of Idaho,)
) ss.
County of Custer.)

LYNN CRANDALL, being first duly sworn, deposes and says: That he is and long has been the duly appointed and acting Water Commissioner of the above entitled Court, under the decree rendered herein on March 15, 1923; that in the course of his duties as such Commissioner and in the administration of the waters of Big Lost River and its tributaries, he has found certain errors, inadvertences and omissions in said decree with respect to certain long established rights to the use of such waters, which errors, inadvertences and omissions should properly be corrected; that he has heretofore furnished to Edwin Snow, Attorney for Plaintiff, data for such correction with the suggestion that steps be taken to obtain the correctio of said decree in those respects.

That he has carefully checked the rights sought to be corrected under plaintiff's motion to that effect dated September 30, 1925; that the corrections and additions therein

sought are those suggested by affiant and are proper, fair and just corrections.

[illegible]

Subscribed and sworn to before me this 24

day of October, 1925.

H D Nelson

Notary Public for Idaho,
Residence: _____

Residence and P. O. Address, Mackay, Idaho
My Commission Expires May 10, 1928.

FBJ-2

EXHIBIT I

Notice of Motion and Excerpts from Motion To Correct Eroors dated September 30, 1925

IN THE UNITED STATES DISTRICT COURT, IN AND FOR THE DISTRICT OF IDAHO, EASTERN DIVISION.

THE UTAH CONSTRUCTION COMPANY, a corporation,

Plaintiff,

v.

JOHN F. ABBOTT, et al,

Defendants.

NOTICE OF MOTION.

TO THE DEFENDANTS HEREIN AND TO THEIR RESPECTIVE ATTORNEYS OF RECORD, CHASE A. CLARK, W. A. BRODHEAD, D. A. RATHBUN, E. J. DOCKERY, W. J. LAMME, PETERSON & COFFIN, GEORGE L. AMBROSE, HAWLEY & HAWLEY, WHITCOMB, COWAN & CLARK, McDOUGALL, McDOUGALL & McDOUGALL, JONES & JONES, JO G. MARTIN and JAMES STEVENS:

YOU WILL PLEASE TAKE NOTICE that on Wednesday, October 21, 1925, at 1:30 P. M., or as soon thereafter as counsel can be heard, at the Courtroom of the above entitled Court, Federal Building, Pocatello, Idaho, plaintiff will move the Court to correct the decree heretofore made and entered in the above entitled cause with respect to certain clerical errors, inadvertences and omissions that have been discovered therein.

Copy of said motion setting out the proposed corrections and additions and copy of the affidavit of Lynn Crandall, Water Commissioner, upon which said motion is based is attached hereto and made a part hereof.

Edwin Snow

Attorney for Plaintiff,
Residence: Boise, Idaho.

FBJ-1

IN THE UNITED STATES DISTRICT COURT, IN AND FOR THE DISTRICT OF IDAHO, EASTERN DIVISION.

THE UTAH CONSTRUCTION COMPANY, a corporation,

Plaintiff,

v.

John F. Abbott, et al,

Defendants.

MOTION.

COMES NOW the plaintiff herein and moves the Court:

(1) That certain clerical errors and inadvertences with respect to the rights hereinafter numbered and described be corrected, and that with respect to such rights the decree heretofore entered herein be amended to read as follows:

000150

(2) That there be added to the schedule of rights awarded in said decree the following valid rights omitted therefrom by inadvertence:

United States Forest Service

1884 - May 1 4.0 c.f.s.

To be diverted from Antelope Cree
through a private ditch, having i
point of diversion in Section 23.
unsurveyed, Township 4 North, Ran
23 East, B.M. for the irrigation
the following described land, to-

West half of the Southwest quarte
the Southwest quarter of the Sout
east quarter, Southeast quarter o
the Southwest quarter, East half
the Southwest quarter of the Sout
west quarter of Section 13; North
east quarter of the Northeast qua
ter of the Northeast quarter of t
Northwest quarter, West half of t
Northeast quarter of the Northwes
quarter, West half of the East ha
of the Northeast quarter of the
Northwest quarter, East half of t
Northwest quarter of the Northwes
quarter, Southeast quarter of the
Northwest quarter, East half of t
Southwest quarter of the Northwes
quarter, North half of the North-
east quarter of the Southwest qua
ter, Northeast quarter of the
west quarter of the Southwest
ter of Section 24, all in Townsh
4 North, Range 23 East, B.M., an
consisting of 207.50 acres.

No._____

United States Forest Service

1902 - February 1 3.2 c.f.s.

To be diverted from Wildhorse Creek through a private ditch having its point of diversion approximately in unsurveyed Section 4, Township 6 North, Range 20 East, B.M. for the irrigation of the following described land, to-wit;-

Commencing at a Forest Service Monument at the forks of the first Spring Creek and Wild-horse Creek about one mile above the mouth of Wildhorse Creek; thence South 85 degrees West, 19.5 chains; thence South 5 degrees East, 80 chains; thence North 85 degrees East, 20 chains; thence North 5 degrees West, 80 chains; thence South 85 degrees West, 95 chains to place of beginning, containing 160 acres.

No._____

(3) This motion is based on the records and files of the case and upon the affidavit of Lynn Crandall, Water Commissioner appointed by the Court, copy of which is hereto attached.

Edwin Snow

Attorney for Plaintiff,
Residence: Boise, Idaho.

Dated September 30, 1925.

AFFIDAVIT OF TIMOTHY J. JONES

Attorney's Names and Addresses

LOIS J. SCHIFFER
Assistant Attorney General Environment and Natural Resources Division

BRUCE D. BERNARD
Attorney, General Litigation Section
Environment and Natural Resources Division
U.S. Department of Justice
999 18th Street, Suite 945
Denver, Colorado 80202
(303) 312-7319

RANDALL J. BRAMER
Special Assistant United States Attorney
Office of the General Counsel
United States Department of Agriculture

Counsel for the United States of America

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

IN RE: SRBA	)	
	)	Subcase Nos. see attached list
	)	
CASE NO. 39576	)	
	)	
	)	
	)	

AFFIDAVIT OF TIMOTHY J. JONES

State of Idaho)
County of Lemhi)

TIMOTHY J. JONES, being first duly sworn upon oath, deposes and says:

1. I am a lands specialist for the United States Department of Agriculture, Forest Service, Salmon-Challis National Forest ("Forest Service").

2. As part of my responsibilities, I am familiar with the historical records relating to Forest Service lands within the Salmon-Challis National Forest. These lands include lands for which the Forest Service filed state law based consumptive use claims in Basin 34 or Reporting Area 1 in the Snake River Basin Adjudication.

3. As part of my responsibilities, I was asked to research Forest records relating to two Forest Service administrative sites, Antelope Creek and Wildhorse Guard Stations. Specifically, I was asked to locate any documents relating to the filing of water rights on these two administrative sites.

4. In conducting this research, I located a letter dated August 26, 1924 from O. W. Mink , Lemhi Forest Supervisor, to the State Water Commissioner in Boise, Idaho. I also located a letter dated July 2, 1925 from O. W. Mink, Lemhi Forest Supervisor requesting application for diversion of 160 inches of water at Wildhorse Ranger Station. After a search of the relevant files, I was unable to locate a similar letter requesting a water right for Antelope Creek Guard Station.

5. To the best of my knowledge, the letters attached hereto are true and accurate copies.

6. Further affiant sayeth naught.

Dated this 26th day of June, 1996

Timothy J. Jones

SUBSCRIBED and SWORN to before me this 26th day of June, 1996

NOTARY PUBLIC FOR Idaho
Residing at: Salmon
My Commission Expires: 6/14/98

Index to Appendices

Exhibit A	Letter dated August 26, 1924 from O.W. Mink to State Water Commissioner, Boise Idaho
Exhibit B	Letter dated July 2, 1925 from C. W. Mink, Forest Supervisor to Lynn Crandall, Water Commissioner

EXHIBIT A

Letter dated August 26, 1924 from O.W.Mink to State Water Commissioner, Boise, Idaho

L
Stations
Lemhi

August 26,1924

State Water Commissioner
Department of Agriculture
Boise,Idaho

Dear Sir:

Will you kindly furnish us with several state water commission blanks upon which to make application for the adjudication of water at several of our ranger stations?

Very truly yours,

M//R

O.W.MINK, Forest Supervisor.

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EXHIBIT B

Letter dated July 2, 1925 from O.W.Mink to Lynn Crandell, Water Commissioner

July 2, 1925.

L
Stations - Lemhi
Wildhorse Ranger Station

Mr. Lynn Crandall,
Water Commissioner,
Mackay, Idaho.

Dear Mr. Crandall:

In behalf of the U. S. Forest Service in the capacity of Supervisor of the Lemhi Forest, I desire to make application to you for the diversion of 160 inches of water at the Wildhorse Ranger Station to be used for irrigation of meadow and pasture land by the local ranger in charge.

The Wildhorse Ranger Station site was the original squatters claim of E. M. Bailey, dating back to 1902. I have by reference the history of the administrative site in our files which shows that on December 30, 1907 this claim was relinquished to the Forest Service by Mr. E. M. Bailey. He claimed the privilege of the use of 80 inches of water. The claim was withdrawn on March 14, 1908, as an administrative site of the Forest Service and the Forest Service paid E. M. Bailey $500 for the improvements on the claim and filed their administrative site with the Interior Department. Since that time the Ranger Station site has

AFFIDAVIT OF WILLIAM E. TYDEMAN

Attorney's Names and Addresses

LOIS J. SCHIFFER
Assistant Attorney General Environment and Natural Resources Division

BRUCE D. BERNARD
Attorney, General Litigation Section
Environment and Natural Resources Division
U.S. Department of Justice
999 18th Street, Suite 945
Denver, Colorado 80202
(303) 312-7319

RANDALL J. BRAMER
Special Assistant United States Attorney
Office of the General Counsel
United States Department of Agriculture

Counsel for the United States of America

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

IN RE: SRBA	)	
	)	Subcase Nos. See attached list
	)	
CASE NO. 39576	)	
	)	
	)	
	)	

AFFIDAVIT OF WILLIAM E. TYDEMAN

State of Idaho)

County of Ada)

WILLIAM E. TYDEMAN, being first duly sworn upon oath, deposes and says:

1. I am a professional historian for the United States Department of Interior, Bureau of Land Management.

2. My duties include assisting the United States Department of Justice in researching and analyzing historical data relating to consumptive use claims file in the Snake River Basin Adjudication ("SRBA").

3. As part of my responsibilities I reviewed certain pleadings and orders relating to the *Utah Construction* v. *Abbott*, Equity No. 222 (D.E. 1923). These included materials obtained from the National Archives, Pacific Northwest Region; materials obtained from the Idaho Department of Water Resources and Materials obtained from the Salmon-Challis National Forest.

4. I reviewed several subpoenas and proof of services for the *Utah Construction* litigation identified by Equity No. 222 in the United States District Court for the Eastern District of Idaho. A list of these documents is attached as Exhibit B.

5. Based on my review, I was unable to locate any evidence of service on the United States in any of these pleadings.

6. I also reviewed the transcript of the proceedings held on March 1, 1920, before the District Court in Idaho. There was no reference to the United States in that transcript.

7. I reviewed the final decree dated March 15, 1923, signed by E. S. Farrington, Judge Pro Tempore. There was no reference to any claims filed by the United States. Based on my review of the records, orders and pleadings in the Utah Construction adjudication, it is my

opinion that the United States did not participate in the *Utah Construction* adjudication prior to the filing of the final decree on March 15, 1923.

8. I have reviewed the copy of the certified copy of the *Utah Construction* decree submitted in subcase no. 34-10167. The copy of the decree attached hereto is a true and accurate copy of that document.

9. The decree on page 9, identifies those sections of the decree which identify the parties "duly and regularly served with subpoena herein according to law" (¶'s 2, 6) and those who have "appeared herein" (¶ 1). I have reviewed each of those identified sections. The United States is not identified in any of those sections. I have also reviewed the Order Correcting Errors And Omissions dated October 21, 1925.

10. Further affiant sayeth naught

Dated this 26th day of June, 1996

William E. Tydeman

SUBSCRIBED and SWORN to before me this 26th day of June, 1996

Elizabeth L. Dippi
NOTARY PUBLIC FOR
Residing at: Boise, Idaho
My Commission Expires: Jan. 11, 2001

ELIZABETH L. DIPPI
NOTARY
PUBLIC
STATE OF IDAHO

List Of Affected Subcases

United States' Motion for Summary Judgment Concerning The *Res Judicata* Effect Of The *Utah Construction* Decree On The United States

34-11447

34-11509

34-11576

34-11580

34-11645

34-11659

34-11661

34-11662

34-11946

34-11947

34-11948

34-11949

34-11950

34-11951

EXHIBIT A

Utah Construction v. Abbott, et al. Final Decree dated March 15, 1923

4-B

The foregoing is a true and certified copy of the document on file at the Department of Water Resources.

Signed this 13 day of July, 1992

David B. Shaw
Adjudication Bureau Chief

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STATE EXHIBIT

The foregoing is a true and certified copy of the document on file at the department of Water Resources.

Signed this 13 day of July, 1992

David B. Shaw
Adjudication Bureau Chief

IN EQUITY NO. 222

DECREE

IN THE UNITED STATES DISTRICT COURT, IN

AND FOR THE DISTRICT OF IDAHO, EASTERN

DIVISION

THE UTAH CONSTRUCTION COMPANY, a corporation, Plaintiff,

vs.

John F. Abbott, William Adams, A. P. Adair, Esther L. Adair (successor in interest of A. P. Adair, Eugene A. Ahern, Andreas Aikele (or A. Aiken), Calvin S. Allen Frank A. Alleh, Gladys Allen, L. C. Allen, Richard Roe Alson, George L. Ambros Charles B. Anderson, Francis G. Anderson (or Francis C. Anderson, F. Gus Ander son (or F. G. Anderson or Gus Anderson,) H. W. Anderson, Hyrum Anderson, James E. Anderson, Jas. Earl Anderson, J. L. Anderson, James P. Anderson, Josephine Anderson, J. Wesley Anderson, Jos. W. Anderson (or J. W. Anderson), N. A. Ande son, Niels R. Anderson, Peter C. Anderson (or P. C. Anderson), S. W. Anderson, W. W. Anderson, Louis Andreason (or Lewis Andreson), H. W. Angelo (or Wallace Angelo), Frank Anthony, Marie L. Anthony, Arco Townsite Company, an unincorpor ated Association; Eleazer Asay, Ernest W. Asay, Emma M. Ashton, Margaretta S. Askew, Anna Atha (or Annie Atha), Ivan J. Atwood, J. H. Augustine.

Mrs. Hannah Babcock (or Mrs. Albern Babcock, A. Rowley Babcock (or R. Babcock), William Babcock (now deceased), Jaacob F. Baird, Bank of Nyssa, an Oregon Bank ing corporation; John L. Bardsley, Josie Bardsley, Jerome K. Bartlett (or J. K Bartlett), A. H. Bascom, E. W. Bascom, Pete Basick, Harlow Bassett (Or H. Bassett), Clara M. Bate, J. M. Bate (or Joseph M. Bate), Ralph Bate, E. J. Bates, Leslie Bates, Erin Beal (or Aron Beal) or C. Beal, Eldon E. Beck, J. W. Beck and John Doe (Or John Pingree) and Richard Roe (or F. S. Lack,) as statutory trustees of Beck Land/Livestock Company, a defunct Idaho Corporati on; William Beck, Beck Land and Livestock Company, an Idaho corporation; A. W. Bell Lee Bell, John C. Bell, J. L. Bell, George Bennett (or George Bennetts), James Bennetts, F. S. Bernard, John Bernard (successor in part to New World Life Insurance Company); Gus Bertsch, Agnes T. Best (or Agnes Best), Harold C. Best (or Harold Best), Alexander Beverland, Francis Beverland (successor in interes of James Beverland), George Beverland, Effie Beverland (or Mrs. George Beverlan James Beverland, as executor of the estate of Charles Beverland, deceased; Jame Beverland, Joana Beverland, Henry Bews (or Harry Bews), Peter Bidegain, Lota C. Billings, Elizabeth Bills, John L. Bills, Norman Bills, Ole Bills, Albert F. Bi choff (or A. F. Bischoff), Lewis A. Bitton (or John Doe Britton), Zina Bitton (Zina Britton), B. Bjornson (or B. Bjornsen), Blackfoot City National Bank, an Idaho Banking corporation (successor in interest to Heber G. Johnson); Charles H. Black, Mary E. Black, Nils S. Bladh (successor in interest of Ole Bills), J L. Blosser (or John L. Blasser), Henry Blattner, Lulu E. Bliss, Phillip R. Blis Arthur L. Bodine, John J. Bodine, Oscar Bodine, William T. Bodine, Joseph A. Boillin, Rhoda Boling, Rachael Boone, Wm. A. Boone, David S. Boyack (or D. Boycock or David D. Boycock, Jr.), Sylvanus Boyack (or S. Boycock), Mary E. Boyd, Robert G. Boyd (successor in interest of Charles H. Rampton), I. W. Boyer, Elis beth Bradshaw (now deceased), George Bradshaw, John Bradshaw, Pearl Bradshaw, William Bradshaw, William Bradshaw, as administrator of the estate of Elizab Bradshaw, deceased (substituted for Elizabeth Bradshaw deceased); Francis B waite, R. F. Braithwaite (or Robert Braithwaite), William F. Braithwaite, H. rake, William H. Brashear, H. T. Brengman, Charles Brown, Edna Brown, Edna E. own, as executrix of the estate of Martin W. Brown, deceased (substituted for

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The foregoing is a true and certified copy of the document on file at the department of Water Resources.

Signed this 13 day of July 1992

David B. Shaw
Adjudication Bureau Chief

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IN EQUITY NO. 222

DECREE

IN THE UNITED STATES DISTRICT COURT, IN AND FOR THE DISTRICT OF IDAHO, EASTERN DIVISION

THE UTAH CONSTRUCTION COMPANY, a corporation, Plaintiff,

vs.

John F. Abbott, William Adams, A. P. Adair, Esther L. Adair (successor in interest of A. P. Adair, Eugene A. Ahern, Andreas Aikele (or A. Aiken), Calvin S. Allen, Frank A. Alleh, Gladys Allen, L. C. Allen, Richard Roe Alson, George L. Ambrose, Charles B. Anderson, Francis G. Anderson (or Francis C. Anderson, F. Gus Anderson (or F. G. Anderson or Gus Anderson,) H. W. Anderson, Hyrum Anderson, James E. Anderson, Jas. Earl Anderson, J. L. Anderson, James P. Anderson, Josephine Anderson, J. Wesley Anderson, Jos. W. Anderson (or J. W. Anderson), N. A. Anderson, Niels R. Anderson, Peter C. Anderson (or P. C. Anderson), S. W. Anderson, W. W. Anderson, Louis Andreason (or Lewis Andreson), H. W. Angelo (or Wallace Angelo), Frank Anthony, Marie L. Anthony, Arco Townsite Company, an unincorporated Association; Eleazer Asay, Ernest W. Asay, Emma M. Ashton, Margaretta S. Askew, Anna Atha (or Annie Atha), Ivan J. Atwood, J. H. Augustine.

Mrs. Hannah Babcock (or Mrs. Albern Babcock, A. Rowley Babcock (or R. Babcock), William Babcock (now deceased), Jaacob F. Baird, Bank of Nyssa, an Oregon Banking corporation; John L. Bardsley, Josie Bardsley, Jerome K. Bartlett (or J. K. Bartlett), A. H. Bascom, E. W. Bascom, Pete Basick, Harlow Bassett (Or H. Bassett), Clara M. Bate, J. M. Bate (or Joseph M. Bate), Ralph Bate, E. J. Bates, Leslie Bates, Erin Beal (or Aron Beal)or C. Beal, Eldon E. Beck; J. W. Beck and John Doe (Or John Pingree) and Richard Roe (or F. S. Lack,) as statutory trustees of Beck Land/Livestock Company, a defunct Idaho Corporation; William Beck, Beck Land and Livestock Company, an Idaho corporation; A. W. Bell, Lee Bell, John C. Bell, J. L. Bell, George Bennett (or George Bennetts), James Bennetts, F. S. Bernard, John Bernard (successor in part to New World Life Insurance Company); Gus Bertsch, Agnes T. Best (or Agnes Bost), Harold C. Best (or Harold Best), Alexander Beverland, Francis Beverland (successor in interest of James Beverland), George Beverland, Effie Beverland (or Mrs. George Beverland James Beverland, as executor of the estate of Charles Beverland, deceased; James Beverland, Joana Beverland, Henry Bews (or Harry Bews), Peter Bidegain, Lota C. Billings, Elizabeth Bills, John L. Bills, Norman Bills, Ole Bills, Albert F. Bischoff (or A. F. Bischoff), Lewis A. Bitton (or John Doe Britton), Zina Bitton (or Zina Britton), B. Bjornson (or B. Bjornsen), Blackfoot City National Bank, an Idaho Banking corporation (successor in interest to Heber G. Johnson); Charles H. Black, Mary E. Black, Nils S. Bladh (successor in interest of Ole Bills), John L. Blosser (or John L. Blasser), Henry Blattner, Lulu E. Bliss, Phillip R. Bliss, Arthur L. Bodine, John J. Bodine, Oscar Bodine, William T. Bodine, Joseph A. Boillin, Rhoda Boling, Rachael Boone, Wm. A. Boone, David S. Boyack (or D. Boycock or David D. Boycock, Jr.), Sylvanus Boyack (or S. Boycock), Mary E. Boyd, Robert G. Boyd (successor in interest of Charles H. Rampton), I. W. Boyer, Elizabeth Bradshaw (now deceased), George Bradshaw, John Bradshaw, Pearl Bradshaw, William Bradshaw, William Bradshaw, as administrator of the estate of Elizabeth Bradshaw, deceased (substituted for Elizabeth Bradshaw deceased); Francis Braithwaite, R. F. Braithwaite (or Robert Braithwaite), William F. Braithwaite, H. C. Brake, William H. Brashear, H. T. Brengman, Charles Brown, Edna Brown, Edna E. Brown, as executrix of the estate of Martin W. Brown, deceased (substituted for

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Martin W. Brown, deceased); Elbert C. Brown, John D. Brown, Martin W. Brown (or Martin Brown)now deceased); J. M. Bryson, O. Buchanan, George Buehler, Wilfrid Burgman, Frank Burke, William J. Burke, Alexander Burnett, Alexander Burnett, Jr., D. M. Burnett, John H. Burnett, Burnett Land and Water Company, Ltd., an Idaho corporation; A. R. Burt (or A. R. Burke), Adam Burt (or Adam Burke), Fred Burton, Butte County Bank, an Idaho Banking corporation,(successor in interest of Norman Bills), George Bywater.

J. V. Caldwell, Francis Cammack, A. W. Canaday, T. M. Carlisle, F. T. Carlson, John J. Carlson, John V. Carlson, O. H. Carlson (successor in interest of F. T. Carlson), Frederick H. Carter (or F. H. Carter), Jas. J. Cearley, Thomas Chamberlain, Christina A. Chamberlain, Ed. Chaney, F. H. Chapin (or John Doe Chapman), Clara Cherry, Mark K. Cherry, W. H. Cherry, E. A. Child, Lester A. Child, Roy Child, Inger B. Childs, as administrator of the estate of Leo Childs, deceased; Elwood Christensen, James Christensen, J. E. Christensen, Chase A. Clark, Daniel Clark, Elizabeth S. Clark (or Elizabeth Clark), Ethel S. Clark, Joseph Clark (or Joe Clark), J. C. Clark, Lee Clark, William Clark, Solon B. Clark, J. W. Clendenin, Emeline Cloward, George L. Cloward, James T. Cloward, Lee Cloward, Sarah Cloward, Bert Coates (or Bert Coats), Lucy Coats, E. C. Cobbley, Bert W. Cobbs, Danield J. Cobbs, Hyrum Coleman, Columbia Trust Company, a corporation, as administrator of the estate of John Foster Davidson, deceased; Continental Life Insurance Company, a corporation(successor in interest of Charles A. Peterson); Dean Cook, Edwin C. Cook (successor in part to William Sutter, deceased), Frank Cook, David F. Coon, James Willard Coon (or James W. Coon), Josephine Combe, Ernest A. Crampton (or Ernest Crampton or E. A. Crampton), Alzina F. Crandall (or Alzina T. Crandall), Mrs. E. S. Crawford (successor in interest of E. S. Crawford, deceased), E. S. Crawford (now deceased), Joseph Cresto (or Joe Cresto), W. A. Criswell, Mrs. Thomas Crock Louisa Cummings, Della Schaaf Curran (or Delia Curran), Robert Curran, Henr W. Curtis.

Henry Danielson, Maude L. Davis, W. G. Davis, Darlington Land and Irrigation Company, an Idaho corporation, Dale Day, E. N. Day, Luther Day, Marshall Day, Nellie J. Day, H. B. DeCorria, Joseph Detton, Susie J. Diers(now deceased), Alice R. Dickey, Joseph Dickie, Frank Dobson; John Doe, Richard Roe and William Doe, as statutory trustees of George Ferguson and Sons, a defunct corporation; Emmett Donahue (or E. Donahue), Peter Donahue (successor in interest of Henry Bews or Harry Bews), Thos. J. Donahue, T. Dore as receiver of the Idaho Bond and Loan Company, a corporation; Albert Duncan, W. S. Dunham, Mamie Dupuis, C. L. Dutton, Lura B. Dutton (or Laura B. Dutton), Maude D. Daggert (or Maude D. Dysert).

Richard Roe Edwards, Edgerton-Fabrick Company, a corporation (successor in interest of L. D. Savaria), S. A. Edrington (or S. Edrington), D. W. Ellenson, Equitable Savings and Loan Association, a corporation; A. T. Erickson, Andrew Ericksen, Augusta Erickson, Erick Erickson (now deceased), J. C. Erickson, as administrator of the estate of Erick Ericson, deceased (substituted in lieu of Erick Erickson), M. G. Ericson (or Richard Roe Ericson), J. S. Espitallier, John N. Etherington, David H. Evans, Louis H. Evans (or Lewis Evans or Lewis H. Evans), Mrs. Mary Evans, Urban Evans (or U. Evans), Sarah Evans, R. H. Ewing

A. E. Fahrney (successor in interest of V. Fahrney), V. Fahrney, Isadore Fallert, Lorenzo Fallert, Carlo Fallini, Lorenzo B. Farmer, Louis Felt, Julia Ferguson (successor in interest of Reuben C. Ferguson), Reuben C. Ferguson (now deceased Richard Roe Ferlin, G. L. Ferris, Jennie L. Ferris, R. W. Ferris (or R. W. Farris, First National Bank of Challis (formerly First State Bank of Challi A. B. Fitzgerald, Agnes Fleischer, Otto Fleischer, A. D. Foster, Geo.Fowers.

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Dorothy Fox, J. C. Fox, Viola S. Fox, Eloda Long Fryar (formerly Eloda Long), William P. Freckleton (or Wilford P. Freckleton), William Frickie, Taylor Frye (or Taylor Fry or Fry Taylor), James E. Fullmer, Mrs. James S. Fullmer (or Mrs. J. S. Fullmer), William P. Fullmer, JR.(or William Fullmer or W. P. Fullmer), Frank Fulton, Georgia Fulton, Sherman Furey.

John Gardner, John A. Gardner, Joseph Gardner, Frank W. Gates, (or F. W. Gates), George Ferguson & Sons, an Idaho corporation; Christina George, H. M. George, Ira S. George (in part as successor in interest of Lewis M. Hardy), Samuel E. George (in part as successor in interest of Lewis M. Hardy and Christina Hansen), George Georgetta, Jas. Genesy, Richard T. Gibbs, Robert Gibbs, H. E. Gilbert, Pat Gilboy (or John Doe Gilboy), Minnie J. Gill, A. L. Gilmour, Mabel L. Gilmore, Fawn Gim, Helen Gim, Yee H. Gim, Louis Giraud (or Lewis Giraud), Frank Goodman, Lulu Goodman, William Goodman (or William Martin Godman), J. R. Gooden, Bert M. Gray, Herbert M. Gray (or Herbert Gray), Gaylord Wilson Greene, J. H. Greene (Mortgagee), H. G. Greenwood, Silas Grizzle, Naomi Grizzle, Alex B. Groth, A. Gustafassen (or Gustafsen)m Annie Florence Guthrie.

Francis Hadden, Frank F. Hagedorn, Abram S. Hall, Francis Halverson (otherwise named herein as Francis T. Halverson and Lewis A. Bitton as co-partners and as John Doe Halverson); Marion J. Hamblett (or Marion Jefferson Hamblett), Eddie Hammerly, Lillie C. Hammerly (now deceased); Ella M. Haney, Burton C. Haney and Eliza Haney, minors, by Ida M. Kern their duty appointed, qualified and acting guardian; J. P. Haney, Olive S. Haney, Walter Haney, William Hanna (or William Hannah), John Hanni, sr., John Hanni, J. H. Hanrahan, Ephraim Hansen (successor in interest of J. J. Carlson), C. V. Hansen, Christina Hansen, H. S. Harcourt, Lewis M. Hardy, Louisa Hardy (or Louisa Hardy), Burton B. Harger (or B. B. Harger), Emma A. Harger (in part successor to B. B. Harger), Frank E. Harger (or Frank B. Harger), Harriett M. Harger, Henry Harger (now deceased), Chas. R. Harkness, Jack K. Harkness, Allen I. Harmon, Sr., Allen I. Harmon, Jr., J. A. Harned (or Jas. A. Harned), Chester Harper (or C. Harper), Hilda Charlotte Jones Harper, as executrix of the estate of Edwin L. Jones, deceased; John S. Harper (or J. S. Harper), Park Harper, William Harper, Evan Harris, E. H. Harris, John E. Harris, P. H. Harris, William J. Harris (or William Harris, W. L. Harris, L. A. Hartert, Mary Ann Hays, Benjamin F. Haynes (successor in interes of Owen S. Weaver), George Herbst, Mrs. R. J. Hess(formerly A. Grace Furey), Andrew J. Higgins, Doyle Hill, George H. Hill, W. B. Hill, Samuel Hile (or Samuel Hill), F. F. Hintze (or Richard Roe Hintze), Nora M. Hintze, G. A. Hodges, Otto P. Hoebel, as administrator of the estate of J. P. Jeppesen, deceased (substituted for J. P. Jeppesen); Thomas Hodges (successor in interest of John L. Bardsley and Joice Bardsley); Louis Hohn (or Lewis Hohn), Mrs. Clarissa L. Hooper (or Mrs. Clara Hooper or Mrs. John Hooper); Joseph A. Horne, E. W. Hovey, as administrator of the estate of William Babcock, deceased (substitute for William Babcock)deceased); Chas. J. Howell, John Howell, Thomas L. Howell, Alice C. Hunter, Annie S. Hunter (in part successor to the interests of J. B. Hunter); J. B. Hunter, Richard Roe Hunter, W. C. Hunter, William S. Hunter (or William Hunter), Fred Hurst (successor in interest to Mark Hurst), John Hurst, Mark Hurst (now deceased), Nina Hurst, Walter Hurst, Ardelia Hutchinson (or Adelia N. Hutchinson), George A. Hyde.

Idaho State Life Insurance Company, an Idaho corporation, Industrial Savings Bank, a corporation, H. E. Ingram, International Mortgage Bank, a banking corporatio Dick Ivie, Evan Ivie, L. F. Ivie, Pearl Ivie (or Parl Ivie),

Albert James, Pearl James, H. B. Jarvis, Mark Jenkins (or John Doe Jenkins), Anna M Jensen, C. R. Jensen, Harold G. Jensen, Hyrum Jensen, H. L. Jensen, Katie C. Jensen, Joseph E. Jensen (or Jos. Jensen), Moses A. Jensen, J. A. Jensen, N. C Jensen, Ray Jensen, S. E. Jensen, S. T. Jensen, Soren Jensen, Walter A. Jensen William Jensen, Annie H. Jeppesen, C. R. Jeppesen, as administrator of the

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estate of Joseph L. Jeppesen, deceased (substituted for Joseph L. Jeppesen, deceased); Joseph L. Jeppesen (now deceased), Daniel P. Jeppesen, J. P. Jeppesen, Lemuel R. Jeppesen, Mary A. Jeppesen, Niels R. Jeppesen, Charles John, Thos. Johns, Algott Johnson, C. D. Johnson, Edward D. Johnson (now deceased), Edward R. Johnson, Heber G. Johnson, Hyrum S. Johnson,(or H. S. Johnson), John A. Johnson, J. L. Johnson, Leo Johnson, Mrs. Lillie Johnson, Martin Johnson, Mary B. Johnson, as administratrix of the estate of E. D. Johnson, deceased (substituted for Edward D. Johnson, deceased); Mary F. Johnson, Ole Johnson, Otto A. Johnson, Robert Johnson, S. D. Johnson (or Samuel D. Johnson), C. C. Jones, Harvey D. Jones, Martha A. Jones (formerly Martha Jones Stoddard), James A. Jones, W. A. Jones, Walter I. Jones, William H. Jones, Charles E. Judd.

J. J. Kay, Joseph F. Keele (or J. F. Keele), Edwin M. Kennedy, George Kent (or George F. Kent), Robert Kent, Ida M. Kern, D. R. Kerr (or David R. Kerr), Ephraim Kidman(successor in interest of Mary L. Lemmon), Harriett M. Kidman, D. L. Killian, Andrew F. King, (or Andrew King), David R. King, Daniel King, Edward King, James King (now deceased), James L. King (or James King, Jr.), Lottie King, Marian King, as administratrix (or executrix) of the estate of James Beverland, deceased; Wm. C. King (or W. C. King), Hiram Kinney, Chloe M.Knapp (successor in interest of George Bywater), James Knighton, F. R. Knowlton, John J. Knudson, Gustav Kunze, J. J. Kyne.

Chas. LaFever, C. D. LaFever, L. A. Lafferty (now deceased), Otis W. Lake, Laker Land and Loans, a corporation (successor in interest of Francis Hadden); Ira C. Lambert, Allen B. Lambson (or Allen Lambson), Alfred B. Lambson (or A. B. Lambson), A. W. Lambson (or Arthur Lambson), A. M. Lambson, Bird M. Lambson (or Byrd Lambson or Burd M. Lambson), William Lambson (or William Lampton), N. M. Lamont (or Nathan Lamont), Claud M. Larter (or Claud Larter), Ella C. Larter, Henry Larter, Ralph V. Larter, Albert M. Larsen (or John Doe Larsen, A. W. Latham, Lydia M. Latham, Lydia S. Latham, Gotlob Laubenstein, Ovid Lawson, Joseph R. Leaden, Revella Leaden, J. C. Lee, Carl Lehman (or Richard Roe Lehman), John E. Lehman (or John Lehman)or John Doe Lehman), Rudolph Lehman, Charles B. Lemon (or Charles Lemon), D. W. Lemon (or D. W. Lemmon), John J. Lemmon, Mary L. Lemmon, Thos. Lemon (now deceased), N. M. Levin (or N. M. Levin), George Laing (or George Liang), August Linderman, William A. Lindberg (or William Lindburg), Lester Lingenfelter (or Lester Lingenfeldter), H. E. Lisonbee, C. T. Longhurst, Murray Longhurst, Ruth Berg.Longhurst, Thomas Longson, Wilfred Longson (or Wilford Longson), Aug. M. Loske, Lost River Commercial Company, a corporation (successor in interest of John E. Gardner, Alice R. Dickey and Joseph H. Maddock); Florence B. Loveless (or Florence Loveless), John W. Loveless, R. C. Lyon.

Mackay Market Company, Ltd., a corporation; Mackay Market Company, a co-partnership (substituted for Alva Horman, Albert Wachner and J. M. Wornek); Joseph H. Maddock (or Jos. H. Maddocks), R. Y. Magee, Charles H. Mann (or Charles Mann), Wm. C. Mann (or W. C. Mann), Alfred A. Martensen, Hart Martensen, Chaney J. Martin, Charles G. Martin (successor in interest of Thomas Chamberlain and Christiana A. Chamberlain, as execution purchaser); Charles A. Matthews, Mary A. Matthews (or Mary M. Matthews), William P. Matthews (or W. P. Matthews), R. T. Mason (or John Doe Mason), R. T. Mason (or Richard Roe Mason), F. M. Maynerd, Elmer Mecha W. L. Meinzer, J. Melton, Maggie J. Melton (or M. J. Melton, now deceased), Ed Melzer, A. Michael, Sarah A. Michael (now deceased), Henry H. Mickelson (or H. H. Michelson), W. F. Miles (or Frank Miles, Eric Miller (successor in interest of T. M. Carlisle), Florence L. Miller, George R. Miller, John C. Miller, Ernes Miller (or John Doe Miller,) Josephine Miller, Lewis T. Miller (or Louis T. Mi ler), M. S. Miller (or Richard Roe Miller), S. C. Miller, Samuel G. Miller, S. Miller, Sanford Miller, W. C. Miller, Jacob Millong, James Milloneg, Emery T Mitten (or Emery Mitten), Mrs. L. Molen, M. W. Molen, Ronald Molen, E. L.

Montgomery, Elmer Morgan, J. D. Morris, O. B. Morris (or Oscar B. Morris), Byron F. Morrison, Frank F. Morrison (or F. P. Morrison, see Morrison & Harned, co-partners); Lavina Moses (or Jane Doe Moses); C. S. Mott (successor in interest of the Industrial Savings Bank, a corporation); Ben Muir, Dan Muir (successor in interest of G. G. Wright), Lottie Muir (now deceased), Elizabath Mullhall, Edward Mulligan, Steve Murgic (or Steve Murgie, J. C. Murray, John Murphy (or John Doe Murphy), John Murphy, William Mutz.

John McAffe(or John McAfee), Lennington McCann, H. V. McClellan, Melissa McClellan, B. W. McDaniel (successor in interest of Lottie King), Charles H. McFarland, Eliza J. McFarland, Lydia Toombs McGee (formerly Lydia Toombs), John A. McGue, John D. McHenry (or John McHenry), Elizabeth A. Mackey (or Elizabeth A. McKay), Richard Roe McKean, Annie McKelvey (now deceased), Charles McKelvey, John McKelvey, Thos. McKenny, K. McKenzie, W. B. McShane.

Molly Nanson (or Milly Nanson (successor in part of Thornton C. Woodbridge); Ernest Naef, Mary V. Naef (or Mary Naef), John W. Nations, Fred R. Neal, Martie Nelso Victor D. Nelson, William Nero, J. W. Nesbit, New World Life Insurance Company A Washington corporation; A. W. Nichols, D. W. Nichols, Arthur R. Neilsen (see Nielsen Bros.); Chris Nelson, Chris Nielsen, Edward Chris Nielsen and Alice Nielsen (successor interest of J. A. Jensen); Pearl Nielsen, Soren C. Nielsen (or Soren C. Nielson) also T. C. Nielsen); S. R. Nielsen (or Soven R. Nielse Wyman Nielsen (or W. I. Nielsen, see Nielson Bros.), Anna Niver, A. R. Noble, Alva Norman (or Al Norman, see Mackay Market Company, a co-partnership); North American Mortgage Company, a corporation (successor in part to the interests Paul Terry).

Charles G. Ohman, Charles L. O'Kelly, C. H. Olson, Lewis A. Olson (or Louis A. Olso Ole Olson, O. J. Olsen, O. V. Olson, Olive E. Oliver, Ralph O'Neal, Oregon Mortgage Company, Ltd., a corporation (successor in interest of John Stewart).

Robert Pack (successor in interest to W. H. Perkins, et al.), Augusta Paetch (or M Augusta Patsche, see Mrs. Augusta Smith); Oscar C. Paisley, S. F. Palmer (successor in interest of J. M. Bryson), F. C. Parkinson, S. J. Paris, John Doe P Robert Parsons, William H. Patton, Paul M. Paulsen (or Paul M. Paulsen), A. R Pearson, B. A. Pearson (or A. B. Pearson or B. A. Pierson), J. H. Pearson, Ro Pearson (or Ray C. Pearson), M. W. Peart, Hugh Pelton, Thos. L. Pence (or Lee Pence), Grace E. Perkins, Grace E. Perkins, as executrix of the estate of Mag J. Melton, deceased; W. H. Perkins, Martin S. Perry, Andrew P. Peterson, Char A. Peterson, Henry Peterson, H. C. Peterson, J. M. Peterson, Milton Peterson M. Peterson), Mrs. Milton Peterson, W. H. Phillippi (or W. M. Phillips), C. E Pieper, Daniel Pitman (successor in interest of J. A. Jensen), D. R. Pingree, Vervene Pingree, Frank J. Pinkham, Richard Roe Polk, I. S. Pope, Thomas S. Po ter, Charles R. Potts, Charles S. Powers (or John Doe Powers), D. L. Price, J W. Price (or William Price), Mary Pritchett, Thomas J. Pritchett (or Thomas Pritchett), W. C. Purdy, William O. Putnam (or William O. Putman.).

A. L. Quist.

Joseph Rabido, C. H. Rampton (or Charles Rampton), Oliver J. Randall (or C. J. Ran dall), D. E. Rathbun (or D. H. Rathbun), A. C. Reay (or Anthony Raey), Alex Reay, George E. Reay, Abraham Reed, Hugh Reid, James Reid, Lee E. Reid (or Le E. Ried), Vera Reid (or Vera Ried), Henry Rehfuss, Alma Revoir, Albert L. Rey nolds (or A. L. Reynolds), Harris Q. Reynolds, William Reynolds, Geo. Richard E. C. Richardson, Ernest L. Richardson, George F. Richardson, John C. Richard son, E. L. Richeson, T. C. Richeson, John C. Rodgers, Peter R. Routh, Rowe Ro gers (successor in interest of John C. Rodgers), George Rosenkranc, A. J. Rothwell (or J. A. Rothwell), R. W. Rothwell, Edward M. Rowe, E. H. Rudd, Jr. (or E. H. Ehrudd), Lucy R. Rudd (or Lucy R. Ehrudd), Mike Rukivana, George

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Runyon (or R. R. Runyon), Bessie Russell, J. P. Russell, Serena C. Russum, Hugh Rutledge, Charles J. Ryberg.

Oliver Sanderson, Oliver G. Sanderson, Jules Sarrott, Uranie Sarrett, L. D. Savaria, U. M. Saravia, Jacib M. Sax (or Jac. M. Sax), Emma A. Schade, H. C. Schade, H. Scheibler, Chris Schmohl, Charles A. Schultz, John H. Scott, Security State Bank, a corporation (successor in interest to A. A. Zeigler,) Calvin Seddon, Merle Shanafelt; A. T. Shane, John Doe, Richard Roe, Charles Doe and William Roe, as statutory trustees of the Thousand Springs Land & Irrigation Company, Ltd., a defunct corporation; Henry J. Sheppard, Flora A. Sherman (formerly Flora Samworth), S. G. Sherman, John Shull, Frank A. Silene, C. D. Simpson, H. J. Simpson, Albert Smith, Augusta Smith (formerly Augusta Poetch), Elisha G. Smith, E. Smith, James S. Smith (or James B. Smith), Leonard J. Smith, Louis F. Smith, Steve Smith, Edward Sorensen, E. A. Sorensen, S. E. Sorensen, W. H. Sorensen, Emil Soulon, James B. Speer, Mrs. Nancy M. Spencer (or Nannie Spencer), W. V. Sperry, Orvin Spiking (or Orvin Spikins), William Spiking (or W. V. Spiking), F. A. Stacy, Josie Stacy (or Josile M. Stacy or Rosie M. Stacy); Jesse W. Steele, Jos. W. Steele, L. A. Stevenson, George H. Stewart (or George Stewart), J. H. Stewart, Charles H. Stinson, George Stinson, Allen E. Stoddard (or Allen Stoddard), William H. Stoddard (or W. H. Stoddard), Corwin S. Stout, Bert Straley, A. D. Streeter, William Sutter (now deceased), Alice M. Sutter, as administratrix of the estate of William Sutter, deceased (substituted for William Sutter, now deceased), R. D. Swasey, Celia Swauger (substituted for Floyd Swauger and Frank P. Swauger), John W. Swauger, Warren G. Swendsen, Anni L. Swensen.

John E. Tadlock, Walter E. Talboy, Amos Taylor, Bryan Taylor, Howard Taylor, John S Taylor, W. P. Taylor (or W. F. Taylor), Paul Terry, Oscar Terry (or O. L. Terr John Doe Terry, Richard Roe Terry, M. Bird Tew, Bryan Tew, Warren S. Tew, (or Warren Tew), William T. Tew,Jr. (or W. T. Tew also William Tew), Jennie Th Robert Thalman (successor in interest of Uranie Sarrett and Jules Sarrett), gar H. Thayne (or Edgar Thayne), Paul Thomas, Talitha E. Thomas, Alvor C. Thom son (or Alvin C. Thompson), L. L. Thompson, J. K. Thompson(or John Doe Thomso N. K. Thomson, Edith L. Thornton, E. L. Thornton, W. T. Thornton, Thousand Spr Land & Irrigation Company, Ltd., an Idaho corporation; S. M. Threewit, Helen A Tiedeman (or Helen A. Tideman), Anna B. Turner, Francis D. Turner, F. G. Twede D. C. Tweedie.

N. Valpert, Sherman Vance, Mabel Paxton Vance, Clay Vance, Priscilla Vance, Joseph Vann, M. S. Vaught (or Scott Vaught), Gustav Venz (or Gustaz Venz, Jr.), Villa of Mackay, Custer County, Idaho, a municipal corporation, Joseph Vogner.

Albert Wachner (or Wochner) (see Mackay Market Company, a co-partnership); Ezra Wad doups, Josie Waddoups, Royal Waddoups (or Roy Waddoups), T. C. Waddoups, Thos Waddoups, Thos. A. Waddoups, Chas. F. Wagner, Geo. Waite (or Geo. Wait), A. E. Walburn, L. G. Walburn (successor in interest of A. E. Walburn), Geo. E. Walk Franklin Walker (or F. Walker), A. Wanman (successor in interest of J. E. Christensen), Antone Wanstrom (or A. Wanstram), Chas. Warren, Edith C. Warren, Geo. L. Warren, Levi Warren, William H. Warren, L. E. Wasson (or John Doe Wass W. L. Wattis, Chas. E. Watson (successor in interest of J. W. Nations), Owan Weaver, W. H. Weedop, H. W. Weiler (or John Doe Weiler), J. T. Welch, D. P. W (now deceased), J. E. Wells, Margaret A. Wells (or Margaret Wells), O. J. Wel Wm. R. Wells, Dora Werry (successor in interest to Russell Werry), Russell We Alvin West, Charles H. West, Erastus West, John Doe West (now deceased), Rich Roe West, Mamie West, Emily A. White, Emma C. White, Orlando White, Joseph Wh J. W. Whitehead, Pearl Whiting, L. B. Whiting, Willis Whitney, John Doe Wiggi Joseph E. Wilcox (successor in interest of S. G. Sherman), George Wilie, Chas Williams, David M. Williams, Henry Williams, Lavon Williams, T. T. Williams, Ge Wilson, Thornton C. Woodbridge, E. J. Woodhams, T. E. Woolstenhulme(success

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interest of W. H. Perkins, et al.), F. V. Wolf, C. C. Wright.

Hyrum Young (successor in interest of William H. Brashear), Joseph Young (successor in interest of Charles John), L. M. Young (or Lemual C. Young), John Doe Young, Wade H. Young, T. C. Young, Okie Lee Young (formerly Okie Lee), Alex Younie.

A. A. Ziegler, Ernest Zesiger, Jennette Zesiger, Alvin J. Zollinger, Ferdinand Zollinger, Fred Zumbrum (Fred Zimbrum).

C. R. Clute, as receiver of the Idaho Bond & Loan Company, a corporation (substituted for T. Dore, formerly receiver of said corporation.)

C. R. Jeppesen, Helen Richardson, John Stewart, Edward McKelvey. Idaho Metals Company, a corporation; Scottish American Mortgage Company Ltd., a corporation; Doctor, Edgar P. Hill, O. N. Friendly, Ellen Bennetts,

Defendants.

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This cause came on to be further heard on the 15th day of March, A. D. 1923, before the Honorable E. S. Farrington, Judge pro tempore of the above entitled Court and said cause having been further argued by counsel and thereafter submitted for decision upon the evidence introduced at the trial and upon the stipulations filed herein and it appearing to the satisfaction of said Court and the Judge thereof as aforesaid:

1. That all of the defendants respectively named in sub-division"A" of the Schedule of rights set forth in part 2 hereof, by their respective counsel of record thereunto duly authorized, or, by individual stipulation duly executed by them in person, have appeared herein and agreed with plaintiff that decree may be entered as hereinafter set forth.

2. That all of the defendants respectively named in sub-division "B" of the Schedule of Rights as set forth in part 2 hereof, and each of them, have been duly and regularly served with subpoena herein according to law and that none of them have answered or otherwise appeared herein within the time provided by law and that decree pro confesso has been regularly taken against them, and that they have failed to appear or procure a vacation thereof, and that said defendants are respectively entitled to the water rights decreed to them in said subdivision "B" of the Schedule of Rights herein, and none other.

3. That the respective persons named in subdivision "C" of the Schedule of Rights as set forth in part 2 hereof are entitled to the water rights decreed to them in said subdivision "C" of said Schedule of Rights herein.

4. That the respective defendants hereinafter named do not have or clai to have any interest in the waters of Big Lost River or its tributaries or any par thereof and that this action has heretofore upon motion of plaintiff, been dismissed as against such defendants, to-wit: Serena G. Russum, Frank J. Pinkham, Joseph Vann, Frank Burke, Mrs. Lillie Johnson, M. W. Peart, Henry J. Shepperd.

5. That the following parties, to-wit: William Babcock, Elizabeth Brad shaw, Martin W. Brown, E. S. Crawford, Erick Erickson, Mark Hurst, L. A. Lafferty, William Sutter, Lillie C. Hammerly, Joseph L. Jeppesen, Edward D. Johnson, Thomas Lemon, Maggie J. Melton, Sarah A. Michael, Lottie Muir, Annie McKelvey, D. P. Well John Doe West, Reuben C. Ferguson, J. N. Hanrahan, Henry Harger, Susie J. Diers, having died prior to the date of the decree herein, the rights respectively vested in such deceased persons, prior to their death are herein decreed to the respecti assigns, successors in interest, or legal representatives of such deceased persons who have regularly appeared herein in lieu of such deceased persons.

6. That the respective defendants named in paragraph 1 of part 3 hereof have been duly and regularly served with subpoena in this cause according to law and that they and each of them have failed to answer or otherwise appear herein within the time provided by law and that a decree pro confesso has been duly and regularly entered herein against the said defendants and each of them according t law and the practice of this court, and that they have failed to appear or procur a vacation thereof.

7. That the respective defendants named in paragraph 3 part 3 hereof have regularly appeared herein by answer, stipulation or other pleading, but have failed to submit proof in support of their claims, and it appearing to the satisfaction of the Court, that such defendants do not have any rights in or to the wa ters of Big Lost River and its tributaries.

Now, Therefore, upon motion of counsel for plaintiff, it is ORDERED,

ADJUDGED AND DECREED as follows, viz:

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D E C R E E

Part I

1. That Big Lost River is a stream with a large number of tributaries, having its entire water shed within the counties of Butte and Custer, State of Idaho, said river rising in the Lemhi National Forest in Custer County, Idaho and flowing in a general southeasterly direction through Custer county and Butte County, Idaho and having its terminus in the Lost River Sinks situated in Townships 4 and 5 North of Range 30 East of the Boise Base and Meridian.

That there is hereby drawn within the jurisdiction of this Court for distribution for beneficial uses, under and pursuant to the terms of this decree, all of Big Lost River and its tributaries as above described, and with the exceptions hereinafter provided, are hereby decreed to constitute a single interdependent river system to be administered under the terms of this decree,

2. Subject to such prior rights as are herein decreed in the order of their respective priorities, that is to say such rights as are prior by virtue of this decree, said plaintiff, Utah Construction Company, has the right to divert at its points of diversion hereafter stated and to impound at its reservoir (known as the Mackay reservoir) or in part to divert and in part to impound at said reservoir all the waters of Big Lost River and its tributaries to the extent of Two Thousand Three Hundred (2300) cubic feet per second of time according to the dates of priority hereafter set forth, the water stored in said reservoir to be thereafter released from said reservoir at plaintiff's pleasure through the gates of the Mackay Reservoir Dam and thence down the natural channel of Big Lost River for use at the following points of diversion, to-wit:

(a) In the Northwest quarter of the Northeast quarter of Section 14, Township 6 North, Range 25 East, B. M., at the head of what is known as the Blaine Canal, which said Blaine Canal belongs to and is a part of plaintiff's irrigation system.

(b) In the Northwest quarter of the Northwest quarter of Section 26, Township 4 North, Range 26 East, B. M., at the head of what is known as the Arc

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Canal which belongs to and is a part of plaintiff's said irrigation system.

(c) Or at any other point or points of diversion which may be established by the plaintiff for irrigation, power or other beneficial purposes recognized by law to which plaintiff may devote or dedicate said released stored water by its sale, rental or otherwise.

In its exercise of the rights herein defined the plaintiff may to the extent of its various appropriations as hereinafter decreed, impound in storage and divert the waters of Big Lost River at all times and at all seasons of the year when by so doing it does not interfere with the exercise of any prior rights fixed by this decree and the water released by it from storage may be conveyed through the natural channel of the River and shall be protected under the provisions of this decree for the distribution designated by plaintiff as though kept and conveyed within an artificial channel.

In administering the rights of plaintiff as herein decreed and mentioned the following considerations shall be observed and recognized: It is hereby adjudged and decreed that the natural flow and increment to Big Lost River between what are known as the "A" line gauging stations at the upper end of plaintiff's reservoir and what is known as the 2-B gauge below said reservoir, and located in the Northeast quarter of Section 18, Township 7 North, Range 24 East, B. M., is thirty-four (34) cubic feet per second and in determining what constitutes the natural flow of Big Lost River, with reference to the storing of water by plaintiff in its reservoir and the release of waters therefrom, the water flowing in said Big Lost River as measured by the "A" line gauging stations at the upper end of said reservoir, plus thirty-four (34) cubic feet per second measured at the 2-B gauge aforesaid, shall be deemed the natural flow of said stream at said 2-B gauge, and any amount in excess of such natural flow shall be deemed released stored waters. The return flow of water to the river or the natural increment of the river below said 2-B gauge shall not be deemed released stored waters. In case the gauges constituting said "A" line gauging stations shall be removed from their present location, the Court reserves jurisdiction upon application of any party hereto to determine the gain or loss of the stream between the present location of said "A" line

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gauging stations and the points to which they shall be removed, and upon that basis to readjust the relation between the natural flow of the river at the gauging stations above plaintiff's reservoir and the said 2-B gauge.

In the delivery to plaintiff at the Blaine Canal Diversion of stored waters released during the month of May there shall be deducted to cover channel losses in transit an amount equivalent to an average of 15% of such waters as measured at said 2-B gauge; and of the storage waters released during each month thereafter there shall be deducted to cover such losses, an amount equivalent to 5% of such waters measured at said 2-B gauge.

Between October 1 and October 15 of each calendar year no waters shall be stored by plaintiff in its said reservoir unless the Commissioner or other official charged with the administration of this decree shall in his discretion determine that by reason of weather conditions or other determining factors all the water flowing in Big Lost River is not reasonably necessary to satisfy the prior rights herein decreed. Beginning October 15 of each calendar year and continuing to November 1, plaintiff shall have the right to store in its reservoir such of the waters of Big Lost River at said point as said Commissioner or other official charged with the administration of this decree shall, in his discretion, deem to be not reasonably necessary to satisfy prior rights for irrigation, stock and domestic purposes; up to November 1st of each calendar year said Commissioner or other official shall supply to all the ditches of defendants who are herein decreed right prior to plaintiff water reasonably required for stock and domestic purposes except in the case of any ditch where such supply would in the opinion of such Commissioner or other official result in unreasonable waste of water.

From and After November 1st, of each calendar year to the beginning of the subsequent irrigation season, to-wit, May 1st, (or such earlier date as said Commissioner or other official may determine water to be necessary for irrigation purposes but in no event earlier than April 20th), said plaintiff shall have the right to store in its said reservoir all the waters flowing at that point in Big Lost River Provided, however, that plaintiff shall at no time by closing its gates for storage purposes at said reservoir, reduce the amount of water flowing in Big Lost River

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a quantity less than fifty (50) cubic feet per second of time measured at said 2-B gauge. And the plaintiff's right so to store said water for said period to the extent herein defined is hereby adjudged and decreed to be superior to the rights of any defendant during said period, and such storage and the subsequent use of said stored water by sale, rental or otherwise by said plaintiff will in no way infringe upon any prior right of any of said defendants thereto.

Plaintiff shall not divert at the head of its Blaine Canal any of the natural flow of said Big Lost River between November 1st and the beginning of the subsequent irrigation season.

3. Irrigation rights include the right to divert and use water for irrigation, domestic and culinary purposes and the watering of livestock throughout the irrigation season of each year which is defined as ordinarily that portion of the calendar year which commences on the first day of May and closes on the fifteenth day of October; subject however to certain regulatory powers herein given to the Commissioner or other official charged with the administration of this decree in connection with the storing of water in plaintiff's reservoir, such discretionary power to be exercised in seasons of unusual characteristics during the period from April 20th to May 1st, and during the month of October as set forth in paragraph 2 part 1 hereof.

Each irrigation right herein decreed shall include and imply as a part thereof (subject to plaintiff's right of storage to the extent and during the period herein prescribed), the right to the use of water for domestic and culinary purposes and the watering of livestock during the non-irrigation season.

All rights herein decreed to the plaintiff and the several defendants are decreed for the beneficial uses specified, and none of the parties hereto, or their successors in interest, whether heirs, executors, administrators, successors or assigns, shall have the right to divert any of the waters of said Big Lost River, or any of its tributaries, except for beneficial use, and whenever such use has ceased such party or parties shall cease to divert, and shall have no right to divert, the said waters, or any part thereof, and each and every of the parties hereto, their servants, attorneys, employes and successors in interest, as aforesaid, are hereby

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enjoined and restrained from any and all interference with or diversion or use of the said waters, except in the manner, and to the extent, and for the purposes, provided in this decree, whenever such interference, diversion or use would in any manner interfere with the diversion or use of the water awarded by this decree to any of the other parties to this action.

4. The Court hereby expressly reserves jurisdiction to supervise and enforce the administration of this decree hereafter and from time to time as occasion may require.

In the first instance the administration of this decree shall be left with Lynn Crandall, who is hereby appointed Commissioner for that purpose, and any successor who may be hereafter appointed by the Court. The salary of said Commissioner is hereby fixed at the sum of Three Hundred Twenty-five ($325.00) Dollars per calendar month, together with his actual and necessary expenses incurred in the discharge of his duties. Said Commissioner is authorized to employ such assistants or water masters as may be necessary. Nothing herein contained shall prevent said Commissioner, if he so desires, from employing water masters elected or appointed for the several water districts of Big Lost River and its tributaries according to the manner prescribed by the statutes of Idaho for the election and appointment of Water Masters; and in case said Commissioner shall appoint said Water Masters as his assistants they shall receive their compensation in the manner provided by the statutes of Idaho with reference to such matters; but nothing herein contained shall require said Commissioner to appoint as his assistants such Water Masters so elected or appointed under the statutes of Idaho, unless, in his opinion, such appointment shall be conducive to the proper administration of this decree and unless so appointed by said Commissioner as his assistants said Water Masters shall have no authority to distribute the waters of Big Lost River or its tributaries while the distribution of the waters thereof shall be under the control of said Commissioner.

The salary and necessary expenses of said Commissioner and his assistants in the administration of this decree shall be borne as follows:

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(a) During the period from November 1st to May 1st, plaintiff shall bear one-half of the expense of administration during said period, and those defendants to whom rights in the waters of Big Lost River are herein decreed and whose points of diversion are below plaintiff's reservoir shall bear the remaining one-half of such expense, said remaining one-half to be apportioned among such defendants in proportion to their respective rights as herein decreed.

(b) During the period from May 1st to November 1st the parties hereto and each of them shall bear the expense of administration incurred during such period pro rata according to the amount of water distributed to each during such period of the preceding year.

Said Commissioner shall, on or before May 1st of each year, prepare a budget covering the estimated expenditure for the ensuing year. After approval of this budget by the Court, said Commissioner shall distribute said estimated expenditures among the various users according to the method above set forth, basing his estimated costs for the months of May to October inclusive, and the amount payable by each water user, upon the amount of water used by each during the same period of the year preceding. Said Commissioner shall notify the parties to whom rights are herein decreed or their successors of the amount charged to each respectively, and shall also notify such parties of the time within which their respective shares or the installments thereof shall be paid to such Commissioner.

The Commissioner shall have authority to refuse to deliver water to any user until such time as such user's share of the expenses as herein provided for is paid.

Subject to the power and duty of this Court to supervise and enforce the administration of this decree from time to time as occasion may require, and to th end to appoint anew its Commissioner for that purpose for which jurisdicti on is hereby expressly reserved, the administration of this decree shall at any time the Court deems it proper to discharge said Commissioner, be left with the officials of the State of Idaho charged with the duty of supervising the distribution of the public waters within said state, the costs and expenses of such administration to

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be defrayed as provided by the statutes of Idaho. Any party hereto may apply at any time for directions to the Water Master or for the appointment of a Commissioner if necessary to enforce any provision of this decree.

After the discharge of the Commissioner appointed by the Court the Water Master, Commissioner, or other official charged with the distribution of the waters of Big Lost River and its tributaries subject to this decree need not in the first instance, by reason of the decree, undertake the detailed administration of the waters of the entire portion of the river and tributaries placed under the decree, but only of such section of the main river and such tributaries as he shall be specifically directed to administer. Such administration may be extended upon the application of any party, from time to time, as the irrigation season advances and necessit therefor arises. However, such Water Master, Commissioner or other official shall, after his appointment, have general supervision of the entire river and of the tributary waters, and if called upon to administer the water of any particular tributary may utilize any agency for the distribution of the waters of such tributary locally selected or agreed upon by the water users from such tributary, and if necessar may appoint assistants to administer any section of the main river, or any tributa thereof, provided always that any party hereto may invoke the powers of such Water Master, Commissioner or other official to personally direct and supervise the admin istration of the waters of any section of the river, or of any tributary or tributa in strict conformity to the provisions of this decree, both during the irrigation season, and the non-irrigating or winter season, so far as may be necessary to sec to the several parties their rights hereunder, and failing to obtain proper action such Water Master, Commissioner or other official may apply to the Court for direc in the premises.

5. The parties hereto and their successors in interest shall install an maintain suitable and efficient headgates, controlling works and measuring devices their respective points of diversion, and all water herein allotted and decreed sh be measured at said points of diversion. Said works and devices shall be built an stalled in accordance with plans and specifications to be approved by the official charged with the duty of supervising the distribution of water, (subject to re

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this Court). All such devices shall be of such design as to accurately register the amount of water diverted, and in the case of ditches diverting fifty or more cubic feet per second, automatic measuring and registering devices shall be installed and maintained. All such headgates, control works and measuring devices and gauges shall at all times be subject to the inspection of either party, and to public officials or water masters having jurisdiction over the distribution and diversion of water and no dam or other obstruction to the natural flow of the stres shall be maintained so as to divert water from the channel of the stream, except through ditches, canals or other works provided with such headgates, control works and measuring devices, and each of the parties hereto shall be perpetually enjoined from diverting from the channel of the stream or its tributaries any water through any ditch, conduit or other devices not provided with such headgates, control works and measuring devices.

In case any user shall fail to install any headgates and measuring or controlling devices as in this decree prescribed within 30 days after the Commissioner or other official in charge of the administration of this decree has notified him to do, the said Commissioner or other official may install such headgates or measuring devices and charge the expense thereof to such user and said user shall not thereafter be entitled to the use of his water as herein decreed until he has repaid to said Commissioner or other official, the expense of installing said works.

6. During that portion of each irrigation season from the time when on the rising stage of Big Lost River the flow of said river, measured at what is known as the Howell Gauging Station (located in Section 30, Township 8 North, Range 21 East, B. M.), shall reach 750 second feet, until the time when on the falling stage of the river it shall recede to a flow of 300 second feet, measured at the same point, all of the waters of Big Lost River and its tributaries shall be administered as one connected stream, and the respective quantities of water and priorities to the right of the use thereof as herein decreed shall be strictly observed. But at all other times that portion of the waters of Big Lost River and its tributaries rights to which are herein decreed and which is diverted at points above what are known as the "A" line gauging stations above the Mackay Reservoir, shall be admi

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istered as a separate district and while the provisions of this decree shall govern and determine as between themselves the rights and priorities of those persons diverting waters (other than water for storage purposes) above said "A" line Gauging Stations, the rights of such parties during the period when said section of the stream shall be separately administered shall not be affected by the rights and priorities of any other parties, as herein decreed. Provided, however, that the above provisions fixing the period when said section of upper Big Lost River shall be separately administered are fixed and determined with reference to measurements of said river at said Howell Gauging Station under existing conditions as to diversions from the river and its tributaries above said point, and in case hereafter any additional water shall be diverted above said Howell Gauging Station, then in determining the period during which the section of the river above specified shall be separately administered any such additional diversions above said Howell Gauging Station shall be considered as part of the flow of Big Lost River, measured at said point. (Provided further, that the above provisions regarding the separate administration of said section of the river and its tributaries at certain periods shall apply only to such rights herein decreed, having their points of diversion above said "A" line Gauging Station as are wholly natural flow rights and shall apply in no respect to storage rights. As between all storage rights the priorities and quantities of water as herein decreed shall at all times be strictly observed, it being hereby decreed that with respect to such storage rights Big Lost River is and shall at all times and season be administered as a connected stream.

7. In the distribution of water under the terms of this decree, that portion of Big Lost River above the Mackay Reservoir commonly known as the "Black Channel" having its point of diversion from the main channel in the Northeast quarter of the Northeast quarter of Section 5, Township 8 North, Range 22 East, B. M. shall be considered as a part of the natural channel of the river, but the total amount of water which shall be permitted to flow into said "Black Channel" shall not as long as the river discharge at the Howell Rating Station is less than [illegible] second feet, exceed 150 second feet but shall be kept as near said last named a-

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as is practicable in the judgment of the Commissioner or other official charged with the administration of this decree. When the discharge at the Howell Rating Station exceeds 1400 second feet the diversion into said "Black Channel" shall be kept as near as practicable at 200 second feet, but shall not exceed that amount except when there is a surplus above all rights on Big Lost River as herein decree

PROVIDED, HOWEVER, That nothing in the foregoing provisions regarding said "Black Channel" shall be construed to modify or enlarge the amount of water to which the users diverting water into said "Black Channel" shall be entitled as set forth in this decree.

PROVIDED FURTHER That the users of water, whose points of diversion are by the provisions of this decree fixed on said "Black Channel", and their respecti successors in interest, shall at their own expense under the direction of the Commissioner or other official charged with the administration of this decree provide and maintain a suitable dam and controling works for the regulation of the flow of the waters in said "Back Channel" as herein provided. Such expense to be pro-rate among said persons according to the respective amount of waters herein decreed to each.

8. In the administration of this decree Rock Springs Creek, Rock Creek, Beda Creek, Corral Creek, Sage Creek, Upper Cedar Creek, Lower Cedar Creek, Dry Creek, sometimes called Cedar Creek, Pete Creek, Willow Creek, Pinto Creek, Lehma Creek, Vance Creek, Grant Creek, and Hamilton Creek shall not be regarded as tributaries of Big Lost River, and while the provisions of this decree shall govern and determine as between themselves the rights and priorities of those persons diverting waters from said respective creeks, the rights of the parties on said separate respective creeks shall not be affected by the rights and priorities of any other parties as herein decreed.

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PART II

(SCHEDULE OF RIGHTS)

C.F.S. is used throughout this schedule to designate a flow of one cubic foot of water per second of time.

Note: The left hand column of this schedule of rights headed "Date of Priority", shows the name of the owner of the water right or water rights decreed; the date or dates of priority, and for convenience the water right or water rights of each individual are given a number, which number appears at the lower left hand corner of the paragraph defining the water right or water rights decreed to each individual. The center column shows the amount of water in c. f. s. under each date of priority. The right hand column gives the point of diversion and describes the land constituting the place of use.

Subdivision "A"

The Plaintiff, Utah Construction Company, is entitled to divert from the flow of Big Lost River and Antelope Creek, for storage, power and irrigation and domestic purposes the following amounts:

Date of Priority	Amount in Second Feet	Point of diversion and place of use
UTAH CONSTRUCTION COMPANY		To be diverted from Big Lost River or stored in Mackay Reservoir for distribution at the points of diversion as herein specified.
(a) 1905-May 23	1000 c. f. s. 34 0010	
/1905-October 2	200 c. f. s. 34 0011	
/1916-February 7	1000 c. f. s. 34 0012	
(b) 1905-July 31	100 c. f. s. 34 0013	To be diverted from Antelope Creek at the following points of diversion or either of them: (a) South 59°East 1643 Feet from the corner common to Sections 25,26,35 and 36, Township 6 North, Range 25 East, B. M. (b) South 73°35'East 1770 feet from the northwest corner of Section 6, Township 5 North, Range 26 East B. M.

Plaintiff's water rights aforesaid shall be appurtenant to the following lands, together with such other lands as plaintiff or its successors may hereafter by sale, rental or distribution, dedicate thereto the use of such waters for i gation:

000189

T. 3 N., R. 25 E.

Section 1	All
Section 2	All
Section 3	Lot 1
	Lot 2
	SW¼ NE¼
	SE¼ NE¼
	NE¼ SE¼
	NW¼ SE¼
	SW¼ SE¼
	SE¼ SE¼
Section 10	NE¼ NE¼
	SE¼ SE¼
Section 11	N½
	NW¼ SW¼
	SW¼ SW¼
	E½ SW¼
	SE¼
Section 12	All
Section 13	All
Section 14	NE¼
	E½ NW¼
	NW¼ NW¼
	SW¼ NW¼
	SW¼ SW¼
	E½ SW¼
	SE¼
Section 23	N½ NE¼
	NE¼ NW¼
	NW¼ NW¼
Section 24	N½ NE¼
	N½ NW¼

T. 4 N., R. 25 E.

Section 25	SE¼ NE¼
	SE¼ SW¼
	NW¼ SE¼
	NE¼ SE¼
	S½ SE¼
Section 34	SE¼ SE¼
Section 35	SE¼ NE¼
	NE¼ SW¼
	SW¼ SW¼
	SE¼ SW¼
	NW¼ SE¼
	NE¼ SE¼
	S½ SE¼
Section 36	E½
	NE¼ NW¼
	NW¼ NW¼
	SW¼ NW¼
	SE¼ NW¼
	SW¼

000190

T. 3 N., R. 26 E.

Section 2	SE¼ SW¼ SW¼ SE¼ SE¼ SE¼
Section 5	SW¼ NW¼ NW¼ SW¼
Section 6	All
Section 7	All
Section 8	SE¼ NW¼ W½ NW¼ SW¼ SE¼
Section 9	SE¼ NE¼ N½ SW¼ S½ SW¼ SE¼
Section 10	SE¼ NE¼ S½
Section 11	All
Section 12	NW¼ SW¼
Section 13	W½ SW¼ SE¼ SW¼ S½ SE¼
Section 14	All
Section 15	All
Section 16	All
Section 17	All
Section 18	All
Section 19	NE¼ E½ NW¼ Lot 1 Lot 2 NE¼ SW¼ N½ SE¼ SE¼ SE¼
Section 20	All
Section 21	N½ S½ SW¼ N½ SE¼
Section 22	N½ N½ SW¼ SW¼ SW¼ NE¼ SE¼ NW¼ SE¼
Section 23	All

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T. 3 N., R. 26 E. (Continued)

Section 24	N½ NE¼ SW¼ NE¼ W½ SW¼ SE¼ NW¼ SE¼
Section 25	NW¼ NE¼ N½ NW¼ SW¼ NW¼
Section 26	N½ NE¼ SW¼ NE¼
Section 28	N½ NW¼ SW¼ NW¼
Section 29	N½ E½ SE¼
Section 30	NE¼ NE¼

T. 4 N., R. 26 E.

Section 7	E½ NE¼
Section 18	E½ NE¼ E½ SE¼ SW¼ SE¼
Section 19	NW¼ NE¼
Section 20	E½ NE¼ NW¼ NE¼
Section 29	NW¼ SW¼
Section 30	E½ E½ NW¼ Lot 1 Lot 2 Lot 3 Lot 4 E½ SW¼
Section 31	NE¼ NE¼ SE¼ NE¼ W½ NE¼ E½ NW¼ Lot 1 Lot 2 Lot 3 Lot 4 E½ SW¼ SE¼

T. 5 N., R. 26 E.

Section 16	W½ NE¼ W½ W½ SE¼

000192

T. 5 N., R. 26 E., (Continued)

Section 20	W½ SE¼
Section 32	SE¼ NE¼ NE¼ SE¼

T. 3 N., R. 27 E.

Section 3	NW¼ SW¼ S½ SW¼
Section 4	W½ SW¼ NE¼ SW¼ SE¼ SW¼ NW¼ SE¼ SW¼ SE¼ NE¼ SE¼ SE¼ SE¼
Section 5	NE¼ SE¼ SE¼ SE¼ W½ SE¼ SE¼ SW¼
Section 8	NE¼ NE¼ W½ NE¼ SE¼ NE¼ SE¼
Section 9	NE¼ E½ NW¼ NW¼ NW¼ SW¼ NW¼ NW¼ SW¼ SW¼ SW¼ NE¼ SW¼ N½ SE¼
Section 10	SW¼ NE¼ NW¼ N½ SW¼ SE¼ SW¼ W½ SE¼ SE¼ SE¼ NE¼ SE¼
Section 11	SW¼ SW¼
Section 14	NW¼ NW¼
Section 15	NE¼ NE¼
Section 17	NW¼ NE¼ NE¼ NE¼

No. 1

000193

The respective defendants herein named are entitled to divert from Big Lost River and its tributaries as hereinafter indicated for irrigation and domestic purposes the following amounts.

Date of Priority	Amount in SECOND FEET	Point of Diversion and Place of Use
JOHN F. ABBOTT		
1893-March 23	1.6 c.f.s.	To be diverted from Big Lost River through the Harger-Sullivan Ditch having its point of diversion in the Southeast quarter of Section 4, Township 5 North, Range 26 East, B. M., for the irrigation of the following described land, to-wit: South half of the Southwest quarter of Section 33, Township 5 North, Range 26 East, B. M.
NO. 2		
ESTHER L. ADAIR (Successor in interest of A.P.Adair)		To be diverted from Big Lost River through the Three-In-One Ditch having its point of diversion in the Southeast quarter of Section 14, Township 6 North, Range 25 East B.M., for the irrigation of the following described land, to-wit: Southeast quarter Section 8, Township 5 North, Range 26 East, B. M.
1895-June 10	3.2 c.f.s.	
NO. 3		
EUGENE A. AHERN		
1907-December 16	8.8 c.f.s.	To be diverted from Pass Creek throug the Diers Ditch having its point of d version in Section 26, Township 7 Nor Range 25 East, B.M., for the irrigati of the following described land, to-wi East half, Southwest quarter of the Southwest quarter and the East half o the Southwest quarter Section 35, Tow ship 7 North, Range 25 East, B. M.
NO. 4		
ANDREAS AIKELE		
1884-May 20	5.33 c.f.s.	To be diverted from Big Lost River through the Harger-Sullivan Ditch hav ing its point of diversion in the Sou west quarter of the Southeast quarter Section 4, Township 5 North, Range 26 B.M., for the irrigation of the follo described land, to-wit: Southwest qua West half of the Southeast quarter; S east quarter of the Southeast quarter Section 17; East half of the Southwes quarter; Southwest quarter of the Sou quarter of Section 16, [redacted] in Townshi North, Range 26 East, B. M.
4.26 Trans 1971 1.704 Re " 822 1.704 " from 822 by 832		
NO. 5		

000194

FRANK A. ALLEN

✓(a) 1887-June 1 — 1.2 c.f.s.
✓(b) 1913-June 23 — 1.8 c.f.s.

To be diverted from Big Lost River through Upper Burnett Ditch having its point of di- version in the Northwest quarter of Sectio 34, Township 7 North, Range 24 East, B.M., for the irrigation of the following descri land, to-wit:

Southwest quarter of the Southwest quarter tion 8, West half of the Northwest quarter Northwest quarter of the Southwest quarter Section 17, except that portion of the Sou west quarter of the Northwest quarter Sect 17, described as, commencing at the Southw corner of the Northwest quarter Secti on 17 thence East along the South line of said q ter Section 21 rods to point of beginning, thence East 30 rods, thence North 16 rods, thence West 30 rods, thence South 16 rods beginning, containing three acres. All in Township 6 North, Range 26 East, B. M.

No. 6

L. C. ALLEN

1889-June 1 — 2.8 c.f.s.

To be diverted from Big Lost River as foll 1.2 c.f.s. through the McGowan Ditch havin point of diversion in the Northwest quarte Section 14, Township 6 North, Range 25 Eas M., and 1.6 c.f.s. through the Upper Burne Ditch having its point of diversion in Northwest quarter of Section 34, Townsl North, Range 24 East, B. M., for the irrig of the following described land, to-wit:

North half of the Southwest quarter of Sec 12, Township 6 North, Range 25 East, B.M., the Southwest quarter of the Southwest qua of Section 17; South half of the Southeast quarter of Section 18, Township 6 North, R 26 East, B. M.

No. 7

GEORGE L. AMBROSE

✓1905-May 1 — 2.0 c.f.s.
✓1912-October 14 — 4.4 c.f.s.

To be diverted from Big Lost River through Nielsen Ditch having its point of diversion the Northwest quarter of Section 15, Townsh 8 North, Range 21 East, B.M., for the irrig tion of the following described land, to-wit

The South half of the Southwest quarter of tion 14; Northwest quarter and South half o the Northeast quarter of Section 23, Townsh 8 North, Range 22 East, B. M.

NO. 8

FRANCIS C. ANDERSON

(Described in Plaintiff's amended complaint as Francis G. Anderson)
1885-May 1 — 0.4 c.f.s.

To be diverted from Big Lost River through Arco Canal having its point of diversion in Northwest quarter of Section 25, Township 4 North, Range 26 East, B. M., for the irriga of the following described land, to-wit: Commencing 534 feet South of the Northwest- ner of the Southwest quarter of Section Township 4 North, Range 26 East, B.M. th South 413 feet, thence East 2256 feet, mo. less, to the public highway, thence northwe along said highway 530 feet, thence West 20 to the place of beginning, containing 20 ac

No. 9

000195

F. GUS ANDERSON
(Being the same person as F. G. Anderson and Gus Anderson as named in plaintiff's amended complaint herein.)

1888-April 1 1.6 c.f.s. 34.0024
1902-June 1 0.3 c.f.s. 34.0025
1916-June 1 2.9 c.f.s. 34.0026
No. 10

To be diverted from Big Lost River through the Anderson ditches having their points of diversion in the Southwest quarter and the Southeast quarter of Section 16, Township 8 North, Range 21 East, B. M., for the irrigation of the follow described land, to-wit:

The Southeast quarter; Southeast quarter of the Northeast quarter of Section 16, and the Northwest quarter of the Southwest quarter o Section I5, all in Township 8 North, Range 2 East, B. M.

HYRUM ANDERSON

1907-May 27 2.0 c.f.s. 34 0027
No. 11

To be diverted from the Dry Fork of Antelope Creek through the Nichols ditch having its point of diversion at a point North 18° 45' West 2500 feet from the Southeast corner of Section 31, Township 3 North, Range 24 East, B. M. (unsurveyed), for the irrigation of 100 acres of land in the following described legal subdivisions, to-wit:

Northeast quarter of the Northwest quarter and the North half of the Northeast quarter of Section 30 and the Northwest quarter of the Northwest quarter of Section 29, Townshi 3 North, Range 25 East, B. M.

JAMES EARL ANDERSON and J. WESLEY ANDERSON

(a) 1884 August 31 3.04 c.f.s. 34.0028
(b) 1894-May 31 0.2 c.f.s. 34.0029
No. 11

1.54 c.f.s. with priority of August 31,1884 to be diverted from Big Lost River through the island ditch having its point of diversion in the Southeast quarter of Section 4, Township 5 North, Range 26 East, B. M., for the irrigation of the following described land, to-wit:

The Southeast quarter of the Northeast quarter; Northeast quarter of the Southeast quarter of Section 33 and the Southwest quarter of the Northwest quarter; Northwest quarter of the Southwest quarter of Section 34 and beginning at the Southeast corner of the Northwest quarter of the Southeast quarter of Section 33, thence North 20 rods, west 80 rods South 20 rods, east 80 rods to point of beginning, all in Township 5 North, Range 26 East

1.5 c.f.s. with priority of August 31, 1884 and 0.2 c.f.s. with priority of May 31, 189 to be diverted from Big Lost River through West Side ditch having its point of diversi in the Southeast quarter of Section 4, Town 5 North, Range 26 East, B. M., for the irri of the land last above described.

0.44 - 8-31-84 Trans. 597
0.8 " " 598
0.5 " " 648
0.5 " " 622
0.8 " " 927
All of 8-31-84 Right Transferred

000196

No. 12

J. L. ANDERSON AND JAMES P. ANDERSON

1894-March 10 2.6 34.0030
2.6 Trans. 516

To be diverted from Big Lost River through t
Sutter ditch having its point of diversion i
The Southeast quarter of Section 6, Township
6 North, Range 25 East, B. M., for the irrig
tion of the following described land, to-wit

The South half of the Southwest quarter of S
tion 4; the Southeast quarter of the Southea
quarter of Section 5; Northeast quarter of t
Northwest quarter of Section 9, Township 6 N
Range 25 East, B. M.

No. 13

JOSEPHINE ANDERSON

1885-October 2 0.8 34.0031
0.8 Trans. 831

To be diverted from Big Lost River through t
Ferris Slough having its point of diversion
the Northwest quarter of Section 36, Townshi
4 North, Range 26 East, B. M., for the irrig
tion of the following described land, to-wit

The South half of the Northwest quarter of t
Southwest quarter and the South half of the
Northeast quarter of the Southwest quarter o
Section 8, Township 3 North, Range 27 East, B

No. 14

JOSEPH W. ANDERSON
(Or J. W. Anderson)
1884-May 20 5.6 34.0032
EXCHANGE #3026

To be diverted from Big Lost River through t
Harger and Sullivan ditch having its point o
diversion in the Southeast quarter of Sect
4, Township 5 North, Range 26 East, B. M
the irrigation of the following describe
to-wit:

The Northwest quarter; West half of the Nort
east quarter; Southeast quarter of the North
east quarter of Section 17, Township 4 Nort
Range 26 East, B. M.

No. 15

NIELS R. ANDERSON

(a) 1885-October 2 0.8 c 34.0033

To be diverted from Big Lost River through t
McLaughlin ditch having its point of diversi
in the Southeast quarter of Section 12, Towr
3 North, Range 26 East, B. M., for the irrig
of the following described land, to-wit:

The Northwest quarter of the Southeast quart
and the Southeast quarter of the Southwest q
ter of Section 18, Township 3 North, Range 2
East, B. M.

(b) 1900-September 24 0.5 c 34.0034

To be diverted from Big Lost River through t
Muncy ditch having its point of diversion in
the Southeast quarter of Section 26, Townshi
4 North, Range 26 East, B. M., for the irrig
tion of the land last above described.

No. 16

000197

PETER C. ANDERSON
(Successor in interest of Corwin S. Stout)

1900-September 24 0.5 c.34.0035

To be diverted from Big Lost River through the Muncy ditch having its point of diversion in the Southeast quarter of Section 26, Township 4 North, Range 26 East, B. M. for the irrigation of the following described land, to-wit:

The Southwest quarter of the Southwest quarter of Section 10, Township 3 North, Range 27 East, B. M.

No. 17

S. W. ANDERSON

1902-June 1 3.2 c.34.0036

To be diverted from Big Lost River through private ditch having its point of diversion in the Southeast quarter of Section 13, Township 8 North, Range 22 East, B. M., for the irrigation of the following described land, to-wit:

Lot 3 of Section 19, Township 8 North, Range 23 East, B. M., and the Northeast quarter of the Southeast quarter; East half of the Northeast quarter of Section 24, Township 8 North, Range 22 East, B. M.

No. 18

LOUIS ANDREASON
(Named in plaintiff's amended complaint herein as Lewis Andreson.)

1887-July 1 0.06 34-0037

To be diverted from Big Lost River through Arco canal having its point of diversion Northwest quarter of Section 26, Township North, Range 26 East, B. M., for the irrigation of the following described land, to-wit:

Beginning at a point 20 rods South of the east corner of the Southwest quarter of Section 25, Township 4 North, Range 26 East, B. M. thence South 52 rods to Oregon Short Line road right-of-way, thence Northwesterly along the boundary line of said right-of-way 41 thence Northeasterly 54½ rods on direct line point of beginning.

NO. 19

H. W. ANGELO
(Or Wallace Angelo)

1884-October 12 1.0 c.34.0038
1885-June 1 0.6 c.34.0039
1891-June 30 2.0 c.34.0040
1898-June 1 1.2 c.34-0041

To be diverted from Big Lost River through Angelo ditch having its point of diversion the Southwest quarter of Section 10, Township North, Range 25 East, B. M., for the irrigation of the following described land, to-wit:

The South half of the Southwest quarter and Southwest quarter of the Southeast quarter Section 12 and the North half of the Northeast quarter and the Northwest quarter of the Northeast quarter of Section 13, Township 6 North, Range 25 East, B. M.

NO. 20

000198

MARIE L. ANTHONY

1884-April 22 (2.8) c. 34 0042

1.0 Trans 684 Retrans. 950 1.0
1.8 " 688
All Trans for

TO BE DIVERTED from Big Lost River through Swauger ditch having its point of diversio the Southwest quarter of Section 20, Towns 7 North, Range 24 East, B. M., for the irri tion of the following described land, to-w

The Northeast quarter of the Northeast qua of Section 33 and the North half of the No west quarter of Section 34 and beginning a Southwest corner of Section 27, Township 7 Range 24 East, B. M., thence easterly 19.5 chains to corner stake on public road; the northwesterly along said public road 21.71 to corner stake on west boundary line of s Section 27, thence along said boundary lin a southerly direction 15.645 chains to pla beginning containing 20.22 acres; all in T 7 North, Range 24 East, B. M.

No. 21

ARCO TOWNSITE COMPANY

1901-July 22 1.6 c. 34. 0043

To be diverted from Big Lost River through Arco canal having its point of diversion i Northwest quarter of Section 26, Township North, Range 26 East, B. M., for the irrig of the following described land, to-wit:

The Northeast quarter of Section 36, Towns North, Range 26 East, B. M.

No. 22

ELEAZER ASAY and
ERNEST W. ASAY

T. 2415
(a) 1884-June 1 0.8 c. 34 0044
1902-June 1 0.4 c. 34 0045
T. 2416

To be diverted from Jensen springs through vate ditch having its point of diversion i Northeast quarter of Section 28, Township Range 25 East, B. M., for the irrigation o following described land, to-wit:

The South half of the Southwest quarter an West half of the Southeast quarter of Sect Township 7 North, Range 25 East, B. M.

(b) 1889-June 1 2.0 c. 34. 0046
D.R Trans 795
2417

To be diverted from Big Lost River through Upper Burnett ditch having its point of di in the Northwest quarter of Section 34, To 7 North, Range 24 East, B. M., for the irr of the land last above described.

NO. 23

ANNA ATHA

1905-May 1 0.8 c.f.s 34 0047
1912-August 30 2.0 c.f. 34 0048

To be diverted from Big Lost River through Nielsen ditch having its point of diversio the Northwest quarter of Section 15, Towns 8 North, Range 21 East, B. M., for the irr of 140 acres of land in the following desc legal subdivisions, to-wit:

The South half of the Northeast quarter an North half of the Southeast quarter of Sec 17, Township 8 North, Range 22 East, B. M.

No. 24

000199

IVAN J. ATWOOD

1889-June 1 — 2.4 c34s.0049

2.4 Trans. 434'
1.2 Retrans. 847
0.4 " 1346y850

No. 25.

To be diverted from Big Lost River throug
lower McGowan or Gray ditch having its po
of diversion in the Southwest quarter of
tion 13, Township 6 North, Range 25 East
M., for the irrigation of the following d
scribed land, to-wit: —

The North half of the Southeast quarter a
Northeast quarter of the Southwest quarte
Section 19, Township 6 North, Range 26 Ea

MRS. HANNAH BABCOCK
(Described in plaintiff's amended complaint herein as Mrs. Albern Babcock)

(a) 1894-June 1 — 3.0 c34s.0050
0.2 - Trans 957

(b) 1899-June 1 — 0.03 c34s.0051

To be diverted from Big Lost River throug
West Side ditch having its point of diver
the Southeast quarter of Section 4, Towns
North, Range 26 East, B. M., for the irri
of the following described land, to-wit:

The Southwest quarter of Section 3, Towns
North, Range 26 East, B. M.

To be diverted from Big Lost River throug
West Side ditch having its point of diver
in the Southeast quarter of Section 4, To
5 North, Range 26 East, B. M., for the ir
of the following described land, to-wit:

Lot 1, Block 10 of Johnstons Addition to
village of Moore, Butte County, Idaho

No. 26

A. ROWLEY BABCOCK
(Or R. Babcock)

1885-May 15 — 3.2 c34s.0052

1.6 c.f.s. to be diverted from Big Lost
through the Island ditch and 1.6 c.f.s.
diverted from Big Lost River through th
side ditch both of which ditches have th
points of diversion in the Southeast qua
of Section 4, Township 5 North, Range 26
B. M., for the irrigation of the followi
scribed land, to-wit:

The Northwest quarter of Section 3, Town
North, Range 26 East, B. M.

No. 27

000200

JEROME K. BARTLET

(Named in plaintiff's amendod complaint herein as J. K. Bartlett)

(a) 1880-May 1	1.6 c. 34.0053	To be diverted from the North Fork of B. Lost River through a private ditch having its point of diversion on the land constituting the place of use of said water, for the irrigation of the following described land, to-wit: Beginning at corner No. 1 from which U.S. location monument No. 1 bears North 60° and 0 minutes East 8.72 chains, thence South 65 degrees and 0 minutes West 10 chains to corner No. 2, thence North 25 degrees 0 minutes West 35 chains to corner No. 3, thence South 65 degrees 0 minutes West 5 chains to corner No. 4, thence North 13 degrees 30 mimutes West 30.66 chains to corner No. 5, thence North 65 degrees 0 minutes East 15 chains to corner No. 6, thence South 13 degrees 30 minutes East 30.66 chains to corner No. 7, thence South 25 degrees 0 minutes East 35 chains to corner No. 1, the place of beginning in Sections 26 and 35, Township 7 North, Range 19 East, B. M.
(b) 1899-October 1	1.7 c. 34.0054	To be diverted from Big Lost River through the Bartlett and Bitten ditch having its point of diversion in the Northwest quarter of Section 20, Township 8 North, Range 21 East, B. M., for the irrigation of 125 acres of land in the following described legal divisions, to-wit: The South half of the Southwest quarter, Northeast quarter of the Southwest quarter, Northwest quarter of the Southeast quarter, and the Northwest quarter of the Northeast quarter of Section 15 and the Southwest quarter of the Southeast quarter of Section 10, all in Township 8 North, Range 21 East B. M.
1916-February 12	0.8 c. 34.0055	
(c) 1899-June 1	1.2 c. 34.0056	To be diverted from Fox Creek, otherwise known as Bartlett Springs through a private ditch having its point of diversion on the land constituting the place of use of said water, for the irrigation of the land last above described under paragraph (B).

No. 28

000201

E. W. BASCOM

1887-June 1 — 2.4 c — TRANS.# 3224 — 34.0057

1910-October 27 — 3.2 c — 34.0058 — TRANS# 3224

To be diverted from Willow and Rock Cr through a private ditch having its poi of diversion at the point of diversion tained on Willow Creek at the date of Moe-Harger decree being at the junctio Willow and Rock Creeks and an additions amount sufficient to make up the amount herein decreed to be diverted from Rock Creek at the point where the weir in Ro Creek is now located, for the irrigati 280 acres of land in the following legs divisions, to-wit:

Lot 6 and 7; the Northeast quarter of Southwest quarter, Northwest quarter o Southeast quarter and the South half o Northeast quarter of Section 6 and the half of the Northwest quarter of Secti all in Township 9 North, Range 22 East also the Southeast quarter of the Sout quarter and the North half of the Sout quarter of Section 1, Township 9 North 21 East, B. M.

No. 29

HARLOW BASSETT
(Named in Plaintiff's amended complaint as H. Bassett)

1885-May 12 — 0.8 c.f.s. — 34 0059

To be diverted from Big Lost River thr the Island Ditch having its point of d sion in the Southeast quarter of Secti Township 5 North, Range 26 East, B. M. the irrigation of the following descri land, to-wit:

Northwest quarter of the Southeast qua of Section 22, Township 5 North, Range East, B. M.

No. 30

CLARA M. BATE

1883-August 10 — 1.5 c. — 34 0060
1.5 Trans. No. 422

To be diverted from Big Lost River thr the Island Ditch having its point of d sion in the Southeast quarter of Secti Township 5 North, Range 26 East, B. M. the irrigation of the following descri land, to-wit:

East half of the Southwest quarter of S 10, Township 4 North, Range 26 East, B. except 5 acres along the East side the

No. 31

J. M. BATE
(Or Joseph M. Bate)

1883-August 10 — 1.7 c. — 34.0061
1.7 Trans. 422
.85 " 455

To be diverted from Big Lost River thr the Island Ditch having its point of d sion in the Southeast quarter of Secti Township 5 North, Range 26 East, B.M., the irrigation of the following descri land, to-wit:

West half of the Southeast quarter of S tion 10, Township 4 North, Range 26 Eas B. M. and five acres on the East side o the Southwest quarter of Section 10, To ship 4 North, Range 26 East, B. M.

000202

No. 32

Conflict in Land Description

347(b) & 349

277(a) & 340

291 & 409C

~~504~~ & 531 - SW¼NW¼ Sec 5 T7N-23E

504 & 532 - W½SW¼ 32-8N-23E

Similar but different water

109 & 539 SESW 7 - 7N-24E

006

ERIN BEAL
(Named in Plaintiff's amended complaint as Aron Beal)

1884-July 31 — 1.6 c. 34.0062
0.8 Trans. 691

No. 33

To be diverted from Big Lost River through the West Side Ditch having its point of diversion in the Southeast quarter of Section 4, Township 5 North, Range 26 East, B. M., for the irrigation of the following described land, to-wit:

West half of the Southwest quarter of Section 9, Township 4 North, Range 26 East, B.M.

BECK LAND AND LIVE STOCK COMPANY, a corporation

(a) 1885-June 30 — 2.4 c. 34.0063

To be diverted from Lower Pass Creek through a private ditch having its point of diversion on the land constituting the place of use of said water, for the irrigation of 630 acres of land in the following described legal subdivisions, to-wit:

The South half of the Northwest quarter, North half of the Southwest quarter, Southeast quarter of the Southwest quarter and the Southwest quarter of the Southeast quarter of Section 28; West half of the Southeast quarter, East half of the Southwest quarter, West half of the Northeast quarter, East half of the Northwest quarter of Section 33, all in Township 6 North, Range 26 East, B. M. and Lots 1 and 2 of Section 4, Township 5 North Range 26 East, B. M., except 15 acres sold W. C. King in the Southwest part of the Southeast quarter of the Southwest quarter of Section 33, Township 6 North, Range 26 East, B M.

T. 2323

(b) 1887-August 31 — 3.2 c. 34.0064

To be diverted from Big Lost River through Beck Ditch having its point of diversion in the Northwest quarter of Section 14, Township 6 North, Range 25 East, B. M., for the irrigation of the land last above described.

1887-August 1 — 8.8 c. 34.0065
0.8 Trans. 716-732

No. 34

A. W. BELL

1884-May 20 — 0.8 c. 34.0066

To be diverted from Big Lost River through Moore Canal having its point of diversion in the Southeast quarter of Section 4, Township North, Range 26 East, B. M., for the irrigation of the following described land, to-wit:

1895-June 1 — 0.3 c. 34.0067

1897-June 15 — 0.64 c. 34.0068

The South half of the Northeast quarter and Northwest quarter of the Southeast quarter Section 21, Township 5 North, Range 26 East M., excepting therefrom 10 acres of land as scribed in deed from Charles B. Anderson and Margaretta Anderson to Erika Enkvist record in Book 3 of Deeds, page 522, Butte County records.

No. 35

000204

A. W. BELL

Trans. 6/8 1883–May 30 2.6 c.34 0069

1908–May 15 0.6 c.34 0070

To be diverted from Antelope Creek through the Hanrahan Ditch having its point of diversion in the Northeast quarter of Section 21, Township 5 North, Range 25 East, B. M., for the irrigation of the following describe land, to-wit:

Southeast quarter of Section 11, Township 5 North, Range 25 East, B. M.

No. 36

J. E. BELL
(Described in plaintiff's amended complaint herein as John C. Bell)

1911–May 22 0.62 c.34 0071

To be diverted from Antelope Creek through private ditches having their points of diversion in the Southwest quarter of Section 14, Township 5 North, Range 25 East, B.M., and on the land constituting the place of use of said water, for the irrigation of the following described land, to-wit:

31 acres in the West half of the Northeast quarter of Section 14, Township 5 North, Range 25 East, B. M.

No. 37

ELLEN BENNETTS, Successor in interest of James Bennetts.

1913–July 18 0.8 c.34 0072

0.8 Trans. 896
0.8 " 969 back to

To be diverted from Big Lost River through the Naef Ditch having its point of diversion in the Northeast quarter of the Northwest quarter of Section 12, Township 8 North, Range 21 East, B. M., for the irrigation of 40 acres of land in the following described legal subdivisions, to-wit:

The South half of the Northeast quarter; Northeast quarter of the Northeast quarter of Section 8 and the Southwest quarter of the Northwest quarter of Section 9, Township 8 North, Range 22 East, B. M.

No. 38

GEORGE BENNETT
(Or George Bennetts)

1884–October 12 1.0 c.34 0073

0.95 - Trans 787
0.25 - " 741

To be diverted from Big Lost River through the Swauger Ditch having its point of diversion in the Southwest quarter of Section 20, Township 7 North, Range 24 East, B. M., for the irrigation of the following describe land, to-wit:

Southwest quarter of the Northwest quarter and the south 10 acres of the Northwest quarter of the Northwest quarter of Section 35, Township 7 North, Range 24 East, B. M.

No. 39

JOHN BERNARD
(Successor in part to interests of New World Life Ins. Co.)

1904–June 30 2.4 c.f34 0074

To be diverted from Big Lost River through the Harris & Vaught Ditch having its point o Diversion in the Northwest quarter of Sectio 34, Township 7 North, Range 24 East, B. M., for the irrigation of the following describe land, to-wit:

The Southeast quarter of the Northwest quarter of Section 5 and Lots 3 and 4 of Section 5, Township 6 North, Range 25 East, B. M

000205

No. 40

GUS BERNSCH

1901-July 22 — 0.04 — 34-0075

To be diverted from Big Lost River through the Arco Canal having its point of diversi in the Northwest quarter of Section 26, Township 4 North, Range 26 East, B. M., fo the irrigation of the following described land, to-wit:

Tax Lot no. 806, described as follows: Com mencing at the Northwest corner of the Sou west quarter of the Southeast quarter of S tion 25, Township 4 North, Range 26 East, M., thence North 39 degrees 46 minutes Eas 115 feet to a point which is the place of ginning, thence North 13 degrees 56 minute East 201.3 feet, thence South 44 degrees 1 minutes East 395.6 feet, thence South 89 d grees 29 minutes West 242.65 feet, thence North 42 degrees 4 minutes West 122 feet t place of beginning, containing two acres.

No. 41

AGNES T. BEST and
HAROLD C. BEST

1894-March 10 — 3.2 — 34-0076

To be diverted from Big Lost River through the Upper Burnett ditch having its point d diversion in the Northwest quarter of Sect 34, Township 7 North, Range 24 East, B. M. For the irrigation of the following descri land, to-wit:

Lots 1 and 2 and the South half of the Nor east quarter of Section 3, Township 6 North Range 25 East, B. M.

No. 42

FRANCIS BEVERLAND
(Successor in interest of
James Beverland)

1888-June 1 — 3.04 — 34-0077

To be diverted from Big Lost River through the Streeter ditch having its point of div sion in the Southeast quarter of Section 1 Township 7 North, Range 24 East, B. M., fo the Irrigation of 152 acres of land in the following described legal subdivisions, to Wit:

Southwest quarter of the Southeast quarter Section 20 except a plat of ground heretof conveyed to D. E. McCallum and William Bar containing 8 acres and the Northwest quart of the Southeast quarter, Northeast quarte the Southwest quarter and the Southwest qu of the Northeast quarter, all in Section 2 Township 7 North, Range 24 East, B. M.

No. 43

000206

FRANCIS BEVERLAND and the BURNETT LAND & WATER COMPANY, LTD., a corporation as their respective interests may appear.		To be diverted from Big Lost River thro. Sharp Ditch having its point of diversion i the Southeast quarter of Sect on 12, Townsh 7 North, Range 23 East, B. M., for the irri tion of the following described land, to-wi
1884-April 22 0.64 Trans. 815	0.64 c.34 0078	Beginning at a point North 58 degrees 30 mi utes west 968 feet of the section corner co mon to sections 28, 29, 20 and 21, Township North, Range 24 East, B. M., thence North 4 degrees West 711.5 feet to corner stake, th North 1456 feet to corner stake, thence Sou 46 degrees East 1698 feet to corner stake, t South 44 degrees West 1072 feet to place of ginning containing 31.94 acres.
No. 44		
EFFIE BEVERLAND (Described in plaintiff's amended complaint as Mrs. Geo. Beverland)		To be diverted from Big Lost River through Darnley ditch having its point of diversion the Southeast quarter of Section 4, Townshi North, Range 26 East, B. M., for the irriga
1896-June 1	1.6 c.34. 0079	of 160 acres of land in the following descr
1906-October 1	0.6 c.34 0080	legal subdivisions, to-wit:
		West half of the Southwest quarter of Secti 14, and the East half of the Northwest quar of Section 23, all in Township 5 North, Rang 26 East, B. M.
No. 45		
LOTA C. BILLINGS		To be diverted from Navarre Creek through state ditch having its point of diversio
1919-October 28	6.2 c.34 0081	the land constituting the place of use o water, for the irrigation of the following d scribed land, to-wit:
		The Southeast quarter of the Southwest quar and the Southwest quarter of the Southeast q ter of Section 5 and the West half of the No east quarter, North half of the Southeast qu ter and the Southeast quarter of the Southea quarter of Section 8 and the Northeast quar of the Northeast quarter of Section 17, all Township 7 North, Range 23 East, B. M.
No. 46		
JOHN L. BILLS		To be diverted from Big Lost River through Island ditch having its point of diversion i
1895-June 1 0.9 Trans 676	1.6 c.34 c0082	the Southeast quarter of Section 4, Townshi North, Range 26 East, B. M., for the irrigat of the following described land, to-wit:
No. 47		The South half of the Northwest quarter of S tion 22, Township 5 North, Range 26 East, B.

000207

ALBERT F. BISCHOFF
(Or A. F. Bishoff)

1885-May 31 — 1.6 c.f.s. — 34 0083

To be diverted from Big Lost River through the West Side ditch having its point of diversion in the Southeast quarter of Section 3, Township 5 North, Range 26 East, B. M., for the irrigation of the following describe land, to-wit:

South half of the Southeast quarter of Section 33, Township 5 North, Range 26 East, B.M

No. 48

LEWIS A. BITTON and
ZINA BITTON
(Described in Plaintiff's amended complaint as John Doe Britton and Zina Britton)

1914-January 3 — 3.2 c.f.s. — 34. 0084

To be diverted from Big Lost River through the Bartlett and Bitton ditch having its point of diversion in the Northwest quarter of Section 20, Township 8 North, Range 21 East, B.M., for the irrigation of the follow ing described land, to-wit:

The Southeast quarter of the Southeast quarter of Section 17 and the Northeast quarter of the Northwest quarter and the North half of the Northeast quarter of Section 20, all in Township 8 North, Range 21 East, B. M.

No. 49

B. Bjornson
(Or B. Bjornsen)

1896-June 1 — 0.90 c.f.s. — 34.0085

1895-June 1 — 0.14 c.f.s. — 34. 0086

To be diverted from Big Lost River through the Moore Canal, having its point of diversion in the Southeast quarter of Section 4, Township 5 North, Range 26 East, B. M., for the irrigation of the following described land, to-wit:

Commencing at the Southeast corner of the Southwest quarter of Section 21, Township 5 North, Range 26 East, B. M., and running thence North 136 rods and 11½ feet; thence West 87 rods, more or less, to the Railroad right-of-way; thence Southeasterly along sa right-of-way to the South line of the Southwest quarter of said Section 21; thence Eas 29½ rods, more or less, to the place of beginning, containing 49 acres, more or less.

Also commencing one rod North from the Soutl west corner of the Northwest quarter of the Southeast quarter of Section 21, Township 5 North, Range 26 East, B. M., and running th North 17½ rods; thence Easterly 80 rods mor less, to a point 15½ rods due North from th center of the Southeast quarter of said Sec 21; thence South 2½ rods; thence East 15 ro thence Southwesterly to a point 89½ rods ea of the point of beginning; thence West 89½ to the point of beginning, containing 11 ac more or less.

NO. 50

000208

BLACKFOOT CITY BANK,
a corporation.

1891-June 1 1.2 c.f. 34 0087

To be diverted from Big Lost River through Ferris Slough having its point of diversion the Northwest quarter of Section 36, Townsh 4 North, Range 26 East, B. M., for the irri tion of the following described land, to-wi

The West half of the Northeast quarter of S tion 1, Township 3 North, Range 26 East, B.

No. 51

NILS S. BLADH, successor in interest of Ole Bills

1896-June 1 1.17 c. 34.0088
1.17 Trans. No. 427

To be diverted from Big Lost River through Moore canal having its point of diversion i The Southeast quarter of Section 4, Townshi North, Range 26 East, B. M., for the irrige of the following described land, to-wit:

West half of the Northeast quarter of Secti 29, Township 5 North, Range 26 East, B. M.

No. 52

HENRY BLATTNER

1898-September 1 3.2 c. 34 0089

To be diverted from Big Lost River through Arco canal having its point of diversion i the Northwest quarter of Section 26, Towns 4 North, Range 26 East, B. M., for the irr tion of the following described land, to-w

Lot 4 and the Southwest quarter of the Nor west quarter and the West half of the Sout west quarter of Section 5, Township 3 Nort Range 27 East, B. M.

No. 53

Lulu E. Bliss

1907-May 27 2.5 c. 34. 0090 0099

To be diverted from the Dry Fork of Ante Creek through the Nichols ditch having its point of diversion at a point North 18 deg 45 minutes west 2500 feet from the Southea corner of Section 31, Township 3 North, Ra 24 East, B. M. (unsurveyed), for the irrig of 125 acres of land in the following desc legal subdivisions, to-wit:

The North half of the Northwest quarter of tion 27, the Northeast quarter and the Eas half of the Southeast quarter of Section 2 all in Township 3 North, Range 25 East, B.

No. 54

PHILLIP R. BLISS

1907-May 27 1.5 c. 34. 0091 0081

To be diverted from the Dry Fork of Antelo Creek through the Nichols ditch having its point of diversion at a point North 18 deg 45 minutes west 2500 feet from the Southea corner of Section 31, Township 3 North, Ra 24 East, B. M. (unsurveyed), for the irri of 75 acres of land in the following desc legal subdivision, to-wit:

The Southeast quarter of Section 21, Towns 3 North, Range 25 East, B. M.

No. 55

000209

JOHN L. BLOSSER
(Described in Plaintiff's amended complaint herein as John L. Blasser)

1884-May 20 — 1.04 c.34 0092 1.3215

No. 56

To be diverted from Big Lost River through the Moore Canal having its point of diversi in the Southeast quarter of Section 4, Town ship 5 North, Range 26 East, B. M., for th irrigation of the following described land, to-wit:

The West half of the Southeast quarter and the Northeast quarter of the Southeast quar ter of Section 29, Township 5 North, Range East, B. M.

DAVID S. BOYACK and
SYLVANUS BOYACK
(Also described in Plaintiff's amended complaint herein as David D. Boycock, Jr. or D. Boycock and S. Boycock)

Exchange #1354

1884-May 20 — 1.6 c.34 0093

No. 57

To be diverted from Big Lost River through the Harger-Sullivan Ditch having its point of diversion in the Southeast quarter of Se tion 4, Township 5 North, Range 26 East, B. M., for the irrigation of the following described land, to-wit:

The West half of the Southeast quarter of Section 9, Township 4 North, Range 26 East, B. M.

MARY E. BOYD
(Successor in interest of Charles H. Rampton)

1884-October 12 — 6.4 c.34 0094
0.8 Trans. 443
1.28 " 1097

No. 58

To be diverted from Big Lost River through the Swauger Ditch having its point of diver sion in the Southwest quarter of Section 20 Township 7 North, Range 24 East, B. M., for irrigation of the following described land, to-wit:

The West half of the Southwest quarter and Northeast quarter of the Southwest quarter, the Northwest quarter of the Southeast quar ter, and the Northwest quarter, all in Secti 36, Township 7 North, Range 24 East, B. M.

I. W. BOYER

1887-June 30 — 0.8 c.34 0095

1888-June 30 — 1.6 c.34 0096

No. 59

To be diverted from Big Lost River through Upper Burnett ditch having its point of div sion in the Northwest quarter of Section 34 Township 7 North, Range 24 East, B. M., for the irrigation of the following described land, to-wit:

Lot 4 and the Southeast quarter of the Sout west quarter and the Southwest quarter of t Southeast quarter of Section 7, Township 6 North, Range 26 East, B. M.

GEORGE BRADSHAW

1902-July 1 — 1.7 c.34 0097

1916-July 1 — 1.3 c.34 0098

No. 60

To be diverted from Big Lost River through Bradshaw ditch having its point of diversio in the Northeast quarter of Section 19, Town ship 8 North, Range 21 East, B. M., for the irrigation of 150 acres of land in the foll ing described legal subdivisions, to-wit: Southwest quarter of the Northeast quarter, South half of the Northwest quarter and the Northwest quarter of the Southwest quarter Section 2, Township 8 North, Range 21 East,

000210

JOHN BRADSHAW

(a) 1902-January 3 2.6 c.34 0099

1916-July 1 3.8 c34.0100

To be diverted from Big Lost River through Bradshaw ditch having its point of diversi the Northeast quarter of Section 19, Towns North, Range 21 East, B. M., for the irrig of the following described land, to-wit:

The Northeast quarter of the Southwest qua North half of the Southeast quarter and th Southeast quarter of the Southeast quarter Section 2; Northeast quarter of Section 11 Township 8 North, Range 21 East, B. M.

(b) 1899-August 13 1.6 c.34. 0101

To be diverted from Cedar Creek otherwise as Dry Creek through a private ditch havin point of diversion on the land constitutin place of use of said water, for the irriga of the following described land, to-wit:

The Northwest quarter of the Southwest qua and the Southwest quarter of the Northwest ter of Section 17, Township 9 North, Range East, B. M.

No. 61

WILLIAM BRADSHAW

(a) 1891-June 1 2.0 34.0102

1894-June 1 1.2 34.0103

To be diverted from Big Lost River through Chilly ditch having its point of diversion the Southwest quarter of Section 1, Towns North, Range 21 East, B. M., for the irrig of the following described land, to-wit:

The East half of the Northeast quarter tion 30; South half of the Southeast quar Section 19, Township 9 North, Range 22 Eas

(b) 1903-February 17 3.0 34.0104

Not over ½ of flow of springs

To be diverted from Bradshaw Springs throu private ditch having its point of diversi the land constituting the place of use of water, for the irrigation of the followi scribed land, to-wit:

The Southwest quarter of the Northwest qu the West half of the Southwest quarter of tion 1, Northeast quarter of the Southwes ter, North half of the Southeast quarter, east quarter of the Southeast quarter; So half of the Northwest quarter and the Sou quarter of the Northeast quarter of Secti and the Southeast quarter of the Northeas ter of Section 3, all in Township 9 North 21 East, B. M.

The right herein decreed from Bradshaw Sp shall not exceed one-third the flow of sa Springs.

NO. 62 (See Amendment) Page 222

000211

WILLIAM BRADSHAW, as Administrator of the estate of Elizabsth Bradshaw, deceased.

1891-August 1 — 3.2 — 34.0105

To be diverted from Big Lost River through Chilly Ditch having its point of diversion the Southwest quarter of Section 1, Townsh North, Range 21 East, B. M., for the irrig of 160 acres of land in the following desc legal subdivisions, to-wit:

The Northwest quarter and the West half of Northeast quarter of Section 30, Township North, Range 22 East, B. M.

NO. 63

FRANCIS BRAITHWAITE

1887-June 1 — 0.22 — 34s0106

To be diverted from Big Lost River through Arco Canal having its point of diversion i Northwest quarter of Section 26, Township North, Range 26 East, B. M., for the irrig of the following described land, to-wit:

Commencing at the Northeast corner of the east quarter of Section 26, Township 4 Nor Range 26 East, B. M., thence 11 rods South thence 160 rods West; thence 11 rods due N to the Northwest corner of the Southeast q of said Section 26, thence 160 rods due Ea the place of beginning, contain 11 acres, or less.

No. 64

R. F. BRAITHWAITE
(Or Robert Braithwaite)

1885-May 1 — 0.26 — 34r.0107

To be diverted from Big Lost River through Arco Canal having its point of diversion i Northwest quarter of Section 26, Township North, Range 26 East, B. M., for the irrig of the following described land, to-wit:

10 acres in the North half of the Southwes quarter of Section 25, Township 4 North, R 26 East, B. M., described as follows: Com ing 200 feet South of the Northwest corner the Southwest quarter of Section 25, and r thence South 244 feet, thence East 1884 fe the public highway paralleling the Railroa right-of-way, thence northwesterly 319 fee along the public highway to a point due Ea the point of beginning, thence West 1678 f the place of beginning.

No. 65

WM. F. BRAITHWAITE

1887-July 1 — 1.6 — 34.0108

1888-August 1 — 0.46 — 34r.0109

To be diverted from Big Lost River through Arco canal having its point of diversion i Northwest quarter of Section 26, Township North, Range 26 East, B. M., for the irrig of 103 acres of land in the following desc legal subdivisions, to-wit:

South half of the Northwest quarter of Sec 25 and the South half of the Northeast qua of Section 26, Township 4 North, Range 26 B. M.

No. 66

000212

H. C. BRAKE

1891-June 1 — 1.45 c. 34 0110

To be diverted from Big Lost River through Ferris Slough having its point of diversion the Northwest quarter of Section 36, Townsh North, Range 26 East, B. M., for the irri tion of the following described land, to-wi

Lot 1 and the Southeast quarter of the Nort east quarter of Section 1, Township 3 North Range 26 East, B. M.

No. 67

EDNA BROWN

1908-December 22 — 0.20 c. 34 0111

1909-August 15 — 1.20 c. 34 0112

1910-October 1 — 1.20 c. 34 0113

(After June 15 of each year all of the above rights to have a priority as of May 1, 1905)

To be diverted from Antelope Creek through Hanrahan Ditch having its point of diversio the Northeast quarter of Section 21, Townsh 5 North, Range 25 East, B. M., for the irri ion of the following described land, to-wi

ast half of the Southwest quarter of Secti and the East half of the Northwest quart of Section 11, Township 5 North, Range 25 E B. M.

No. 68

ELBERT C. BROWN

1899-May 18 — 1.4 c. 34.0114

Trans 379 [illegible]

To be diverted from Big Lost River through Upper Burnett Ditch having its point of div sion in the Northwest quarter of Section 34 Township 7 North, Range 24 East, B. M., for the irrigation of the following described l to-wit:

Southeast quarter of the Northeast qua the Northeast quarter of the Southeast quar of Section 7, Township 6 North, Range 26 Ea

No. 69

CHARLES BROWN
(Successor to Henry J. Sheppard)

1896-June 1 — 1.6 c. 34. 0115

To be diverted from Big Lost River through Harger-Sullivan Ditch having its point of d sion in the Southeast quarter of Section 4, ship 5 North, Range 26 East, B. M., for the gation of the following described land, to-

The North half of the Northwest quarter of 33, Township 5 North, Range 26 East, B. M.

No. 70

EDNA E. BROWN, as executrix of the estate of Martin V. Brown, deceased.

1909-May 15 — 2.6 c. 34 0116

Trans 752-1.005

(After June 15 of each year the priority of above water to be as of May 1, 1905)

To be diverted from Antelope Creek through Hanrahan ditch having its point of diversio the Northeast quarter of Section 21, Townsh 5 North, Range 25 East, B. M., for the irri tion of the following described land, to-wi

Lot 4 and the Southwest quarter of the Nort west quarter of Section 2, Township 5 North Range 25 East, B. M., and the South half of Southwest quarter of Section 35, Township 6 North, Range 25 East, B. M.

No. 71

000213

JOHN H. BURNETT

1884-June 1 — 1.20 c. — 34-0117

1901-September 1 — 0.50 c. — 34-0118

0.4-6-1-84 Trans. 601
.16-9-1-01 " "
.8 6-1-84 " 733
.368-6-1-84 R " " 740
.332 9-1-01 Trans. 741
No. 72

BURNETT LAND & WATER COMPANY, LTD., a corporation.

1384-April 22 — 6.0 c. — 34-0119

2.0 Trans. No. 418
2.0 " " 426 Retrans. 553
2.0 " " 605

To be diverted from Big Lost River through the Lower Burnett Ditch having its point of diversion in the Northeast quarter of Section 24, Township 6 North, Range 25 East, B. M., for the irrigation of the following described land, to-wit:

Southwest quarter of the Northwest quarter and the Northwest quarter of the Southwest quarter of Section 33 and the Northwest quarter of the Northeast quarter of Section 32, Township 6 north, Range 26 East, B. M.

To be diverted from Big Lost River through the Sharp Ditch having its point of diversion in the Southeast quarter of Section 12 Township 7 North, Range 23 East, B. M., for the irrigation of 268 acres of land in the following described tracts, to-wit:

Beginning at the Northwest corner of the Southeast quarter of the Southeast quarter of Section 20, Township 7 North, Range 24 East, B. M., thence North 1160 feet thence South 46° 30' East 1780 feet, thence South 43° 30' West 1070 feet; thence North 46°30' West 700 feet; thence North 338 feet to place of beginning, containing 30.20 acres, also

Beginning at the Northwest corner of the Northeast quarter of the Northeast quarter of Section 29, Township 7 North, Range 24 East, B. M. thence South 46° 30' East 150' feet, thence North 43° 30' 645 feet thence North 46° 30' West 770 feet, thence South 880 feet to the place of beginning, also

Beginning at the Northwest corner of the Northeast quarter of the Northeast quarter of Section 29, Township 7 North, Range 24 East, B. M., thence South 46°30' East, 150 feet, thence North 43° 30' East, 645 feet, thence South 46° 30' East 450 feet, thence South 43° 30' West 630 feet, thence South 46° 30' East, 515', thence North 43° 30' East 680 feet, thence South 46°30' East 305 feet, thence South 43° 30' West 680' thence South 46° 30' East 290 feet; thence South 43° 30' West 345 feet; thence South 46° 30' East 780 feet, thence South 43°30' West 275 feet, thence North 46°30' West 1220 feet, thence South 43°30' West 660' thence North 1360 feet to the place of beginning, also

Beginning at a point 350 feet East of the Northwest corner of the Southeast quarter of the Southeast quarter of Section 29, Township 7 North, Range 24 East, B. M., thence North 44° 15' East 1100 feet, thence South 15' East 800 feet, thence West 780 feet, to the place of beginning, also

000214

(Continued)

Beginning at a point 230 ft. East of th Northwest corner of the Northwest quart of the Southwest quarter of Section 28, Township 7 North, Range 24 East, B. M., thence North 44° 15' East 60 ft., thenc South 59° 24' East 190 ft., thence Sout 71° 00' East 265 ft., thence South 49°0 West 970'; thence North 44° 15' East 67 to the place of beginning, also

Beginning at a point 550 ft. East of th Northwest corner of the Southwest quart of the Southwest quarter of Section 28, Township 7 North, Range 24 East, B. M., thence North 44° 15' E. 3350 ft., thenc South 46° 30' East 3960 ft., thence Wes 400 ft., thence South 90 ft., thence We 710 ft., thence South 935 ft., thence W 600 ft., thence North 1320 ft., thence West 3410 ft., to the place of beginnin also

(Provided, however, that there is excepted from the land above described that certain tract hereinbefore described in the decree to Francis Beverland and Burnett Land and Water Company, Ltd., a corporation as their interests may appear)

Beginning at the Northeast corner of th Southwest quarter of the Southwest quar of Section 27, Township 7 North, Range East, B. M., thence North 1020 ft. then North 64° 47' West 2390 ft., thence 25° 13' West 50 ft., thence North 6 West 700 ft., thence South 43° 30' Wes 475 ft., thence South 46° 30' East 3170 thence North 76° East 160 ft., thence S 88° East 560 ft., thence North 82° East ft., thence N. 190 ft. to the place of ginning, also

No. 73

West half of the Northeast quarter and West half of the Southeast quarter, Sou east quarter of the Southeast quarter o Section 29, Township 7 North, Range 24 B. M.

A. R. BURT
(Also described in Plaintiff's amended Complaint herein as A. R. Burke)

To be diverted from Big Lost River thro the Moore Canal having its point of div sion in the Southeast quarter of Sectio Township 5 North, Range 26 East, B. M., the irrigation of the following describ land, to-wit:

18960June 1

1.57 c.34 01.20

The East half of the Northeast quarter Section 29, Township 5 North, Range 26 B. M.

No. 74

000215

ADAM BURT (Also described in plaintiff's amended complaint herein as Adam Burke)		To be diverted from Big Lost River through t Moore Canal having its point of diversion in Southeast quarter of Section 4, Township 5 N Range 26 East, B. M., for the irrigation of acres in the following described legal subdi sions, to-wit:
1896-June 1 ✓	2.0 c.f.s.	The South half of the Southeast quarter, Sou half of the Northwest quarter of the Southea quarter and the South half of the Southwest quarter of Section 20, Township 5 North, Ran 26 East, B. M.
No. 75		
BUTTE COUNTY BANK, an Idaho Banking Corporation. Successor in interest of Norman Bills		To be diverted from Big Lost River through t Island Ditch having its point of diversion i the Southeast quarter of Section 4, Township North, Range 26 East, B. M., for the Irrigat of the following described land, to-wit:
1895-June 1 ✓	0.4 c.f.s.	The North half of the Northwest quarter of t Southwest quarter of Section 27, Township 5 North, Range 26 East, B. M.
No. 76		
J. V. CALDWELL		To be diverted from Warm Springs Creek throu
(a) 1905-May 1 ✓	1.4 c.f.s.	private ditch having its point of diversion the Southwest quarter of Section 26, Townshi
1908-June 1 ✓	0.2 c.f.s.	North, Range 22 East, B. M., for the irrigat of the following described land, to-wit:
		The Southwest quarter of the Northwest quart and the Northwest quarter of the Southwest q ter of Section 25 and the East half of the S east quarter of Section 26, all in Township North, Range 22 East, B. M.
(b) 1914-June 1 ✓	1.6 c.f.s.	To be diverted from Big Lost River through t Nielsen ditch having its point of diversion the Northwest quarter of Section 15, Townshi 8 North, Range 21 East, B. M., for the irrig tion of the land last above described.
No. 87		
FRANCIS CARRACK		To be diverted from Big Lost River through t Lower McGowan or Gray ditch having its point diversion in the Southwest quarter of Secti 13, Township 6 North, Range 25 East, B. M., the irrigation of the following described la to-wit:
1904-May 1 ✓	1.68 c.f.s.	
1908-March 13 ✓	1.52 c.f.s.	
		Lots 1 and 2 of Section 19, Township 6 North Range 26 East, B. M., and the East half of t Northeast quarter of Section 24, Township 6 North, Range 25 East, B. M.
No. 78		
A. W. CANADAY		To be diverted from Bradshaw Springs through private ditches having their points of diver on the land constituting the place of use, f the irrigation of the following described la to-wit: The East half of the Southeast qu ter of Section 13, Township 9 North, Range 2 East, B. M. Lots 3 and 4 of Section 18, Lot 2 and 3 and the Northeast quarter of the Sou west quarter of Section 19, all in Township North, Range 22 East, B.M. The right herein creed in Bradshaw Springs shall not exceed t thirds the flow of said springs.
1903-February 17 ✓	6.0 c.f.s.	
No. 79		

000216

JOHN V. CARLSON

1899-January 1 ✓ — 0.8 c.f.s. 0129 Trans. #2140

To be diverted from Big Lost River through t Island ditch having its point of diversion i the Southeast quarter of Section 4, Township 5 North, Range 26 East, B. M., for the irrig tion of the following described land, to-wit:

The Southwest quarter of the Southeast quarter of Section 15, Township 5 North, Range 2 East, B. M.

No. 80

O. H. CARLSON, Successor in interest of F. T. Carlson

1885-June 1 ✓ — 1.6 c.f.s. 0130
1888-June 1 ✓ — 1.3 c.f.s. 0131
1897-May 10 ✓ — 2.1 c.f.s. 0132

To be diverted from Big Lost River through t Three-in-One ditch having its point of diver sion in the Southeast quarter of Section 14, Township 6 North, Range 25 East, B. M., for the irrigation of the following described la to-wit:

All that portion of the Southeast quarter of Section 25, Township 6 North, Range 25 East, B. M., lying South and West of the O.S.L. rig of-way being 145 acres and the South half of the Northeast quarter of Section 36, and tha portion of the North half of the Southeast quarter of Section 36 lying North and East o the Blaine Canal containing 25 acres, all in Township 6 North, Range 25 East, B. M.

No. 81

FREDERICK H. CARTER

1900-September 24 ✓ — 1.1 c.f.s. 0133

To be diverted from Big Lost River thro McLaughlin ditch having its point of div in the Southeast quarter of Section 12, Town ship 3 North, Range 26 East, B. M., for the Irrigation of the following described land, wit:

South half of the Southeast quarter of Secti 18, Township 3 North, Range 27 East, B. M.

No. 82.

MARK K. CHERRY

(a) 1902-May 15 ✓ — 3.0 c.f.s. 0134

To be diverted from Big Springs Creek throug private ditch having its point of diversion the land constituting the place of use of sa water for the irrigation of 150 acres of lan the following described tract, to-wit:

Part of Section 23, Township 4 North, Range East, B. M. (unsurveyed), described as comme ing at the section corner common to Sections 24, 18 and 19; Township 4 North, Range 23 Ea B.M. and 24 East, B.M. thence South 20 chains West 40 chains to corner of Miller's field n hay corrals, thence South 40 degrees 30 minu West 24.20 chains, thence South 77 degrees 3 West 24.15 chains, thence North 24° West 3.95 chains to corner No. 1 of this survey a quar zite stone marked M/1 extending thence North East in Custer County, State of Idaho, and

000217

(Continued)

(b) 1912-April 29 ✓ 3.2 c.f.s. To be diverted from Antelope Creek through a private ditch having its point of diversion 34-0135 Section 13, Township 4 North, Range 23 East, B. M., for the irrigation of the following described land, to-wit:

The North half of the Southwest quarter of S tion 17 and the East half of the Southeast quarter of Section 18, all in Township 4 Nor Range 24 East, B. M.

No. 83

W. H. CHERRY

1897-May 10 ✓ 2.0 c.f.s. To be diverted from Big Lost River through t Three-on-One Ditch having its point of diver 34-0136 sion in the Southeast quarter of Section 14, Township 6 North, Range 25 East, B.M., for th irrigation of the following described land, t wit:

Southeast quarter of the Northwest quarter, Northeast quarter of the Southwest quarter, West half of the Southwest quarter and the Southwest quarter of the Northwest quarter o Section 24, Township 6 North, Range 25 East,

No. 84

LESTER A. CHILD ✓

1886-May 1 0.8 c.f.s. To be diverted from James Creek through the 34-0137 ditch having its point of diversion in the S quarter of Section 15, Township 4 North Range 26 East, B. M., for the irrigation of following described land, to-wit:

Southeast quarter of the Northwest quarter o Section 23, Township 4 North, Range 26 East,

No. 85

Roy Child ✓

1896-September 28 1.56 c.f.s. To be diverted from Big Lost River through t 34-0138 Muncy Ditch having its point of diversion in Southeast quarter of Section 26, Township 4 Range 26 East, B. M., for the irrigation of following described land, to-wit:

The South half of the Northeast quarter and acres in the Northeast quarter of the Northe quarter, all in Section 2, Township 3 North, 26 East, B.M.

No. 86

INGER B. CHILDS, Administrator of the estate of Leo Childs, deceased

1902-March 1 ✓ 0.9 c.f.s. To be diverted from Big Lost River through t Nielsen ditch having its point of diversion the Northwest quarter of Section 15, Townshi North, Range 21 East, B. M., for the irrigat of the following described land, to-wit:

1916-May 1 ✓ 0.7 c.f.d. The North half of the Southeast quarter of tion 14, Township 8 North, Range 22 East, B

No. 87

000218 ELWOOD CHRISTENSEN

1886-May 1 ✓ 1.6 c.f.s. To be diverted from James Creek through the ditch having its point of diversion in the S east quarter of Section 15, Township 4 North 26 East, B. M., for the irrigation of the fo ing described land, to-wit:

88

East half of the Southwest quarter of Sectio Township 4 North, Range 26 East, B. M.

DANIEL CLARK

(a) 1897-June 30 — 2.4 c.f.s. 34.0142

1905-May 1 — 2.4 c.f.s. 34.0143

1910-May 1 — 0.8 c.f.s. 34.0144

To be diverted from Big Lost River ... the Clark ditches having their points of dive sion in the Southwest quarter of Section 2 a the Northwest quarter of Section 11, Townsh North, Range 22 East, B. M., for the irrigati of the following described land, to-wit:

Southeast quarter of Section 11; East half c Northeast quarter of Section 14; Southwest q ter of the Northwest quarter and the Northwes quarter of the Southwest quarter of Section 1 Northeast quarter of the Southwest quarter a the Southeast quarter of the Southwest quarte Section 11; Northeast quarter of the Southwes quarter and the Northwest quarter of the South east quarter of Section 14, all in Township 8 North, Range 22 East, B. M.

(b) 1895-May 1 — 3.2 c.f.s. 34.0145

To be diverted from Big Lost River through th either the Nielsen ditch having its point of version in the Northwest quarter of Section 1 Township 8 North, Range 21 East, B. M., or th Davidson Ditch having its point of diversion the Northwest quarter of Section 12, Township North, Range 21 East, B. M., or in part in bo of said ditches, for the irrigation of the la last above described.

No. 89 (See Amendment Page 223)

Elizabeth S. Clark

1908-August 22 — 4.8 c.f.s. 34.0146

To be diverted from Lower Cedar Creek thro Lower Cedar Creek Canal having its point version in the Northwest quarter of the Sou west quarter of Section 2, Township 7 North, Range 24 East, B. M., for the irrigation of following Described land, to-wit:

Northeast quarter, North half of the Southea quarter and the Southeast quarter of the Sou east quarter of Section 7, Township 7 North, Range 24 East, B. M.

No. 90

JOSEPH CLARK
(Joe Clark)

1913-February 5 — 0.85 c.f.s. 34.0147

1902-March 1 — 2.35 c.f.s. 34.0148

To be diverted from Big Lost River through th Chilly ditch having its point of diversion i the Southwest quarter of Section 1, Township 8 North, Range 21 East, B. M., for the irriga tion of the following described land, to-wit:

The Southeast quarter of Section 30, Townshi North, Range 22 East, B. M.

No. 91

J. C. CLARK

1882-September 30 — 2.28 c.f.s. 34.0149
Trans. 124 - 2.28cfs

1896-June 30 — 0.40 c.f.s. 34.0150

To be diverted from Alder Creek through a pri vate ditch having its point of diversion in Southwest quarter of the Southeast quarter of Section 14, Township 6 North, Range 24 East, B. M., for the irrigation of the following desc land, to-wit:

The Northwest quarter of the Southeast quarte East half of the Southeast quarter, South hal of the South half of the Northeast quarte the South half of the South half of the l west quarter, all in Section 11, Township Range 24 East, B. M.

000219

No. 92

LEE CLARK

1905-May 1 — 0.4 c. 34 0151

1917-May 3 — 0.4 c. 34 0152

To be diverted from Big Lost River through t Ingram ditch having its point of diversion i the Northwest quarter of Section 6, Township 8 North, Range 22 East, B. M., for the irrigation of the following described land, to-wi

The Southeast quarter of the Northwest quarter of Section 33, Township 9 North, Range 2 East, B. M.

No. 93

WILLIAM CLARK

1910-June 16 — 1.2 c. 34 0153

To be diverted from Lower Cedar Creek throug the Lower Cedar Creek Canal having its point of diversion in the Northwest quarter of the Southwest quarter of Section 2, Township 7 North, Range 24 East, B. M., for the irrigation of the following described land, to-wit

The Southwest quarter of the Southeast quarter of Section 7, and the Northeast quarter the Northeast quarter of Section 18, Townshi 7 North, Range 24 East, B. M.

No. 94

EMELINE CLOWARD

1902-May 1 — 1.6 c. 34 0154

1912-May 1 — 0.8 c. 34 0155

1916-May 1 — 2.4 c. 34 0156

To be diverted from Big Lost River through t Chilly Ditch having its point of diversion i the Southwest quarter of Section 1, Township 8 North, Range 21 East, B. M., for the irrig tion of the following described land, to-wit

The Southwest quarter of the Northwest quart and the Northwest quarter of the Southwest quarter of Section 28, the South half of the Southeast quarter of Section 29 and the Nort half of the Northeast quarter of Section 32, all in Township 9 North, Range 22 East, B. M

No. 95

GEORGE L. CLOWARD

1905-May 1 — 0.8 c. 34 0157

1916-May 1 — 0.8 c. 34 0158

To be diverted from Big Lost River through t Cloward ditch having its point of diversion the Southwest quarter of the Northwest quarter of Section 6, Township 8 North, Range 22 East, B. M., for the irrigation of the follo ing described land, to-wit:

The North half of the Northeast quarter of S tion 31, Township 9 North, Range 22 East, B.

No. 96

SARAH CLOWARD

1905-May 1 — 0.72 c. 34 0159

To be diverted from Big Lost River through t Cloward ditch having its point of diversion the Southwest quarter of the Northwest quart of Section 6, Township 8 North, Range 22 Eas B. M., for the irrigation of the following d scribed land, to-wit:

The South half of the North half of the Nort west quarter of Section 32, Township 9 North Range 22 East, B. M.

No. 97

000220

C. R. CLUTE, as Receiver for the Idaho Bond & Loan Company, a corporation. (Substituted for T. Dore formerly Receiver of said corporation)

1884-April 22 ✓ 1.28 c. 34-0160

To be diverted from Big Lost River through t Huston Ditch having its point of diversion i the Northeast quarter of Section 33, Townshi 7 North, Range 24 East, B. M., for the irrig tion of the following described land, to-wit

The Southwest quarter of Section 2, North h of the Northwest quarter of Section 11, the North half of the South half of the Northwe quarter of Section 11. Also, commencing at Southwest corner of the Southeast quarter of the Northwest quarter of Section 2, Township North, Range 24 East, B. M. running thence W to Southwest corner of the Northwest quarter Section 2, running thence in a direct line t point 40 rods South from the Northwest corne of the Southeast quarter of the Northwest qu ter of said Section 2, thence 60 rods South point of beginning, being that certain tract of land in the Southwest quarter of the Nort west quarter of Section 2, Township 6 North, Range 24 East, B. M., lying on the Southeast side of the road running through said 40 whi runs from main road to Willow Creek, all of said land in Township 6 North, Range 24 East B. M.

No. 98

BERT COATES (Described in plaintiff's amended complaint herein as Bert Coats)

1905-May 1 ✓ 1.15 c. 34-0161 ✓

1915-May 4 ✓ 1.30 c. 34 0162 ✓

To be diverted from Big Lost River through Chilly Ditch having its point of diversi the Southwest quarter of Section 1, Tow 8 North, Range 21 East, for the irrigation the following described land, to-wit:

Lot 2 and the Southeast quarter of the Nort west quarter of Section 31 and the North ha of the North half of the Northwest quarter Section 32, Township 9 North, Range 22 East B. M.

No. 99

E. C. COBBLEY

(a) 1894-June 1 ✓ 1.9 c. 34. 0163 ✓

1896-September 1 ✓ 0.88 c. 34. 0164 ✓

1890-June 1 ✓ 1.62 c. 34. 0165

0.82 - 6-1-90 T. " 0.895

0.88 - 9-1-96 " "

.9 - 6-1-90 " 905

To be diverted from Big Lost River through Three-In-One Ditch having its point of dive sion in the Southeast quarter of Section 14 Township 6 North, Range 25 East, B. M., for the irrigation of the following described l to-wit:

Southwest quarter of the Southwest quarter Section 29; Southeast quarter of Section 30 and that part of the West half of Section 3 lying East and North of the O. S. L. Ry. ri of-way, all in Township 6 North, Range 26 E B. M., and

(b) 1897-May 10 ✓ 0.5 c. 34 0166 ✓

0.5 Trans 905

To be diverted from Big Lost River through Huston Ditch having its point of diversion the Northeast quarter of Section 33, Townsh 7 North, Range 24 East, B. M., for the irri tion of the land last above described.

000221

No. 100

COLUMBIA TRUST COMPANY,
a corporation as Administrator
of the estate of John Foster
Davidson, deceased.

1907-October 24 ✓ 3.2 c.f.s. 34.0157

Trans' 1110

No. 101

To be diverted from Big Lost River through Evans ditch having its point of diversion i the Northwest quarter of Section 24, Townsh 6 North, Range 25 East, B. M., for the irri tion of the following described land, to-wi

The Southeast quarter of Section 24, Townsh 6 North, Range 25 East, B. M.

CONTINENTAL LIFE INSURANCE
COMPANY, a corporation
Successor in interest to Charles A. Peterson

(a) 1883-June 1 ✓ 1.64 c.f.s. 34.0168
.744 Trans. No. 435 all transferred
0.76 " " 511
1.504 Re " " 747
.16 Retran. from 747 by 822
.16 " " 822 by 838

To be diverted from Big Lost River as follo 0.84 c.f.s. through the Rodgers Ditch havin its point of diversion in the Northeast qua ter of Section 33, Township 7 North, Range east, B. M. and 0.8 c.f.s. through the Hust ditch having its point of diversion in the Northeast quarter of Section 33, Township 7 North, Range 24 East, B. M., and

(b) 1884-June 1 ✓ 34-0944 34-0964

All of Cliff Creek otherwise known as White Knob Creek below the pipe line of the Idaho Metals Company on the North Fork of said cr to be diverted from Cliff Creek otherwise known as White-Knob Creek through the Cliff Creek ditch having its point of diversion i the Northwest quarter of Section 3, Townshi 6 North, Range 24 East, B. M., all for the rigation of the following described land, to wit:

The South half of the Northeast quarter, Es half of the Northwest quarter, Northwest qu ter of the Northwest quarter and the Northe quarter of the Southeast quarter of Section and the Southwest quarter of the Northwest quarter of Section 2, save and except 15 ac more or less, lying on the Southeast side o the road which runs from the main road to W low Creek, the said piece of land being in Southwest quarter of the Northwest quarter said Section 2; also Lots 3, 4 and the Sout east quarter of the Northwest quarter of Se tion 2, also Lot 1 of Section 3. All in To ship 6 North, Range 24 East, B. M., contain 425 acres more or less, and there is also e cepted from the above described land, one a more or less, deeded for school purposes in the Southwest quarter of the Northwest quar said Section 2, in said Township and Range.

No. 102

DEAN COOK

1891-June 30 ✓ 2.4 c 34.0169
0.8 Trans. 556

To be diverted from Big Lost River through Upper Burnett ditch having its point of div sion in the Northwest quarter of Section 34 Township 7 North, Range 24 East, B. M., for Irrigation of the following described land, wit:

The North half of the Southeast quarter and Southeast quarter of the Northeast quarter Section 12, Township 6 North, Range 25 East M.

No. 103

000222

DAVID F. COON

1886-May 1 — 1.2 c. 34 0170

To be diverted from Big Lost River throu West Side ditch having its point of diversion in the Southeast quarter of Section 4, Townsh 5 North, Range 26 East, B. M., for the irriga tion of the following described land, to-wit:

Commencing at the Northeast corner of the Nor west quarter of Section 22, Township 4 North, Range 26 East, B. M., thence South 100 rods, thence West 96 rods, thence North 100 rods, thence East 96 rods to place of beginning con taining 60 acres.

No. 104

J. WILLARD COON
(Described in plaintiff's amended complaint herein as James W. Coon)

1886-May 1 — 0.8 c. 34.0171

To be diverted from Big Lost River through th West Side Ditch having its point of diversion in the Southeast quarter of Section 4, Townsh 5 North, Range 26 East, B. M., for the irriga tion of the following described land, to-wit:

Commencing at the Northwest corner of Secti on Township 4 North, Range 26 East, B. M., then South along the West line 100 rods, thence E 64 rods, thence North 100 rods, thence West rods to place of beginning containing 40 acr

No. 105

JOSEPHINE COLBE

1893-August 1 — 0.78 c. 34.0172
Trans #9493 - 0.34 CFS from SW 33

To be diverted from Big Lost River through th Arco canal, having its point of diversion in Northwest quarter of Section 26, Township 4 North, Range 26 East, B. M., for the irrigat of 39 acres of land in the following desc legal subdivision, to-wit:

The South half of the Southeast quarter of S tion 25, Township 4 North, Range 26 East, B.

No. 106

ALZINA F. CRANDALL

1885-October 2 — 1.6 c. 34 0173

To be diverted from Big Lost River through t Ferris Slough having its point of diversion the Northwest quarter of Section 36, Townshi 4 North, Range 26 East, B. M., for the irrig tion of the following described land, to-wit

Tho South half of the Northeast quarter of S tion 7, Township 3 North, Range 27 East, B.

No. 107

MRS. E. S. CRAWFORD
(Successor in interest of E. S. Crawford, deceased)

1880-May 1 — 1.4 c. 34.0174

To be diverted from Antelope Creek through t Richardson ditch having its point of diversi in the Northwest quarter of Section 29, Town 5 North, Range 25 East, B. M., for the irrig tion of the following described land, to-wit

The Northeast quarter of the Southwest quart and the Northwest quarter of the Southeast q ter of Section 21, Township 5 North, Range 2 East, B. M.

No. 108

000223

PH CHESTO

-May 27 ✓ 0.5 c.f.s.

To be diverted from Lower Cedar Creek through the Lower Cedar Creek Canal having its point of diversion in the Northwest quarter of the Southwest quarter of Section 2, Township 7 North, Range 24 East, B. M., for the irrigation of the following described land, to-wit:

The Southeast quarter of the Southwest quarter of Section 7 and the Northeast quarter of the Northwest quarter of Section 18, Township 7 North, Range 24 East, B. M. ✓

109

THOMAS CROCKER

-April 22 ✓ 0.1 c.f.s.

To be diverted from Big Lost River through the Sharp Ditch having its point of diversion in the Southeast quarter of Section 12, Township 7 North, Range 23 East, B. M., for the irrigation of 5 acres of land described as follows, to-wit:

Mackay Not on plat

Commencing at a point 290.21 feet in a westerly direction from the Southeast corner of Artemisia Avenue and College street of the town of Mackay in a direct line with the South line of College street running thence in a westerly direction 320.7 feet in a direct line with the South line of College street, running thence at right angles 679.14 feet, thence at a right angle 320.7 feet, thence at right angles 679.14 feet to the point of beginning, all in Township 7 North, Range 24 East, B. M.

110

. SCHAAF CURRAN
)elia Curran)

-June 1 ✓ 1.4 c.f.s.

To be diverted from Antelope Creek through the Green ditch having its point of diversion in the Northeast quarter of Section 21, Township 5 North, Range 25 East, B. M., for the irrigation of the following described land, to-wit:

Southeast quarter of the Northeast quarter and the Northeast quarter of the Southeast quarter of Section 15, Township 5 North, Range 25 East, B.M. ✓

111

. W. CURTIS

-May 1 ✓ 0.63 c.f.s.
-July 1 ✓ 1.30 c.f.s.

To be diverted from Big Lost River through the Arco canal having its point of diversion in the Northwest quarter of Section 23, Township 4 North, Range 26 East, B. M., for the irrigation of the following described land, to-wit:

The North half of the Northeast quarter of Section 26 and a fraction of the North half of the Southwest quarter of Section 25 described as follows, to-wit:

Commencing at a point 937 feet South of the Northwest corner of the Southwest quarter of Section 25, thence South 383 feet to the South line of said Section 25, thence East 2528 feet more or less to the public highway which parallels the railroad right-of-way, thence Northwesterly along said public highway 600 feet more

000224

(Continued)

or less to a point due East of the place beginning, thence West 2256 feet more or less to the point of beginning containing 21.56 acres more or less, all of the above being in Township 4 North, Range 26 East, B. M., also fraction of said North half of the Southwest quarter of said Section 25 described as foll:

Commencing at the Southeast corner of the Nor west quarter of said Section 25 the place of ginning, thence South 20 rods, thence 580 fee in a Southwesterly direction more or less to intersection of the O.S.L.railroad, thence 80 feet in a Northwesterly direction along the of way of the O. S. L. railroad right-of-way, thence 61 feet North, thence East 968 feet to place of beginning, all in Township 4 North, Range 26 East, B. M.

No. 112

MAUD D. DAGGERT,
(Named in plaintiff's amended complaint herein as Maud D. Dysert)

1918-June 4 ✓ 4.0 c.f.s. 1180 ✓
Trans. 496 - 0.8 cfs

To be diverted from Antelope Creek through a vate ditch having its point of diversion in Northwest quarter of the Southeast quarter of Section 18, Township 4 North, Range 24 East, for the irrigation of 200 acres of land in th following described legal subdivisions,-wit:

No. 113

The Darlington Land and Irrigation Company, Ltd., a corporation.

1896-July 21 ✓ 2.4 c.f.s. 1196 ✓

The Northeast quarter and the South half of t Northwest quarter of Section 17, Township 4 North, Range 24 East, B. M.

To be diverted from Big Lost River throu Upper Burnett Ditch having its point of di in the Northwest quarter of Section 34, Towns 7 North, Range 24 East, B. M., for the irriga of the following described land, to-wit:

No. 114

THE DARLINGTON LAND AND IRRIGATION COMPANY, LTD., a corporation and J. H. Greene, mortgagee, as their interests may appear.

1883-June 1 ✓ 1.6 c.f.s. 1192 ✓
1897-May 10 ✓ 1.0 c.f.s. 1193 ✓
#366 - 1.6 of 6-1-83

The North half of the Southeast quarter and t Northeast quarter of the Southwest quarter of Section 3, Township 6 North, Range 25 East,

To be diverted from Big Lost River through th Huston Ditch having its point of diversion in the Northeast quarter of Section 35, Township North, Range 24 East, B. M., for the irrigati of the following described land, to-wit:

No. 115

The South half of the Northeast quarter and L 1 and 2 of Section 1, Township 5 North, Range 25 East, B. M.

000225

DARLINGTON LAND & IRRIGATION COMPANY, a corporation organized and existing under the laws of the State of Idaho.

34-0184

1-(a) 1879-September 30 (3.04) c.f.s. To-wit:
1893-October 15 1.40 c. 34 0185
1883-November 15 0.90 c.f.s.
Trans #550 - 9-30-79 - 1.04cfs
" 551 - " - 2.00 cfs

34-0186

The West half of Section 36 and that part o the East half of Section 36 lying South of Blaine Canal, all in Township 6 North, Rang 25 East, B. M., and that part of the South half of the South half of Section 31, lying West of the O. S. L. Railroad right-of-way Township 6 North, Range 26 East, B. M.

(b) 1897-May 10 (4.0) c.f.s.
4.0 Trans. 573
- Retrans. 765 - 30% loss

34-0187

To be diverted from Big Lost River through Huston ditch having its point of diversion the Northeast quarter of Section 33, Townsh 7 North, Range 24 East, B. M., for the irri tion of the land last above described.

2- 1897-May 10 2.4 c.f.s.
2.4 Trans. 571
2.4 Retrans 765 - 30% loss

34 0188

To be diverted from Big Lost River through Huston ditch having its point of diversion the Northeast quarter of Section 33, Townsh 7 North, Range 24 East, B. M., for the irri tion of the following described land, to-wi

The East half of the Northeast quarter and East half of the Southeast quarter of Secti 28, the Southeast quarter of the Southwest quarter of Section 27 and the Northeast qua ter of the Northwest quarter of Section 34, all in Township 6 North, Range 25 East, B.

3- 1897-May 10 1.6 c.f.s.

34-0189

To be diverted from Big Lost River through Huston ditch having its point of diversion the Northeast quarter of Section 33, Townsh 7 North, Range 24 East, B. M., for the irri tion of the following described land, to-wi

The Northeast quarter of Section 34, Townsh 6 North, Range 25 East, B. M.

34-0190

4- 1890-June 1 1.36 c.f.s.
1897-May 10 0.24 c.f.s.

34-0191

To be diverted from Big Lost River through Three-In-One ditch having its point of div sion in the Southeast quarter of Section 1 Township 6 North, Range 25 East, B.M., for the irrigation of the following described to-wit:

The North half of the Northeast quarter of tion 36, Township 6 North, Range 25 East, B.

34-0192

5- 1895-October 15 1.6 c.f.s.
1883-November 15 1.6 c.f.s.
Trans. 453 = 0.8 11-15-83
0.8 10-15-95

34-0193

To be diverted from Antelope Creek through Hanrahan ditch having its point of diversi the Northeast quarter of Section 21, Townsh Range 25 East, B. M., for the irrigation o following described land, to-wit:

The North half of the Southwest quarter and South half of the Southeast quarter of Sec 35, Township 6 North, Range 25 East, B. M.

(Continued)

000226

6- 1897-May 10 2.4 c.f.s. To be diverted from Big Lost River thro
Huston ditch having its point of diversio
the Northeast quarter of Section 33, Townshi
7 North, Range 24 East, B. M., for the irrig
tion of the following described land, to-wit

The North half of the Northeast quarter of S
tion 31 and the North half of the Northwest
quarter of Section 32, Township 6 North, Rang
26 East, B. M.

34-0195

7- (a) 1888-June 1 1.72 c.f.s. To be diverted from Big Lost River through t
1896-September 1 0.72 c.f.s. Three-In-One ditch having its point of diver
1897-May 10 0.70 c.f.s. tion in the Southeast quarter of Section 14,
Township 6 North, Range 25 East, B.M. for th
irrigation of the following described land, t
wit:

34-0196

34-0197

1.62 - 6-1-88
.64 - 9-1-96
.62 - 5-10-97
} Trans. #765 30% loss

The Southwest quarter of Section 30, Townshi
North, Range 26 East, B. M., and that part o
the Southeast quarter of Section 25, Townshi
North, Range 25 East, B. M., lying North and
East of the O. S. L. Railroad right-of-way.

8- 1897-May 10 6.24 c.f.s. To be diverted from Big Lost River through t
Huston Ditch having its point of diversion i
the Northeast quarter of Section 33, Townshi
7 North, Range 24 East, B. M., for the irrig
tion of 312 acres of land in the following d
scribed legal subdivisions, to-wit:

34.0198

The Southeast quarter of Section 1, Towns
North, Range 25 East, B. M., the West half o
Section 5 and the Northwest quarter of the S
east quarter of Section 5, Township 5 North,
Range 26 East, B. M., all of Section 6 excep
Northwest quarter of the Northwest quarter o
tion 6 and the North half of the Northeast q
ter of Section 7, Township 5 North, Range 26
B. M., the Northwest quarter and the West ha
the Northeast quarter of Section 8, Townshi
North, Range 26 East, B. M., the North half
Southwest quarter and the Southwest quarter
Southwest quarter of Section 27, Township 6
Range 25 East, B. M., the East half and the
west quarter of Section 34, and the East hal
the East half of Section 28, Township 6 Nor
Range 25 East, B. M.

9- 1885-May 30 Trans. #1140 0.8 c.f.s. To be diverted from Big Lost River through t
1886-July 21 Trans. #1910 1.6 c.f.s. Cutter Ditch having its point of diversion i
Southeast quarter of Section 6, Township 6 N
Range 25 East, B. M., for the irrigation of
following described land, to-wit:

34.0199

34-0200

East half of the Northeast quarter of Secti
and the Southeast quarter of the Southeast q
of Section 3, all in Township 6 North, Range
East, B. M.

(Continued)

000227

10- 1897-May 10 1.6 c.f.s. To be diverted from Big Lost River through t
Ruston ditch having its point of diversion i
the Northeast quarter of Section 33, Townshi
7 North, Range 24 East, B. M., for the irrig
tion of the following described land, to-wit

1.6 cfs Trans. 572
1.6 Re trans. 765 - 30% loss
34 0201

The South half of the Northeast quarter and
North half of the Southeast quarter and all
portion of the Southwest quarter of the Sout
east quarter lying East of the right-of-way
the O. S. L. Railroad all in Section 31 and
Northwest quarter of the Southwest quarter a
the Southwest quarter of the Northwest quart
of Section 32, all in Township 6 North, Rang
East, B. M., containing 268 acres more or le

No. 116

DALE DAY

1901-June 1 2.4 34s-0202 To be diverted from Twin Bridges Creek throu
private ditch having its point of diversion
the land constituting the place of use of sa
ater, for the irrigation of the following d
scribed land, to-wit:

The West half of the Northeast quarter and
Northwest quarter of the Southeast quarter
Section 17, Township 7 North, Range 20 East,
M.

No. 117

E. N. DAY

1914-June 1 2.4 34s-0203 To be diverted from Twin Bridges Creek thro
private ditch having its point of diversion
e land constituting the place of use of s
water, for the irrigation of the following
scribed land, to-wit:

The Southwest quarter of the Southwest qua
of Section 32, Township 8 North, Range 20 E
B. M., and the West half of the Northwest q
ter of Section 5, Township 7 North, Range 2
East, B. M.

No. 118

LUTHER DAY

1914-June 1 2.4 34s-0204 To be diverted from Twin Bridges Creek thro
private ditch having its point of diversion
the land constituting the place of use of s
ater, for the irrigation of the following
scribed land, to-wit:

The Northwest quarter of the Southwest quar
and the Southeast quarter of the Southwest
ter of Section 5 and the Northwest quarter
the Northeast quarter of Section 8, Townshi
North, Range 20 East, B. M.

No. 119

MARSHALL DAY

1914-June 1 2.4 34s-0205 To be diverted from Twin Bridges Creek thro
private ditch having its point of diversion
e land constituting the place of use of s
water, for the irrigation of the following
scribed land, to-wit:

The Southeast quarter of the Northeast quar
of Section 31, The Southwest quarter of the
Northwest quarter and the Northwest quarter
the Southwest quarter of Section 32, Townsh
8 North, Range 20 East, B. M.

No. 120

000228

NELLIE J. DAY

1901-June 1 — 5.6 c.f.s. — To be diverted from Twin Bridges Creek throu a private ditch having its point of diversio on the land constituting the place of use of said water, for the irrigation of the follow ing described land, to-wit:

The South half of the Northeast quarter and East half of the Southeast quarter of Sectio the West half of the Southwest quarter and t Southwest quarter of the Northwest quarter o Section 9, all in Township 7 North, Range 20 East, B. M.

No. 121

H. B. DeCORIA

1885-May 1 — 0.14 c.f.s. — To be diverted from Big Lost River through t Arco Canal having its point of diversion in Northwest quarter of Section 26, Township 4 North, Range 26 East, B. M., for the irrigat of the following described land, to-wit:

Beginning at the Northwest corner of the Sou west quarter of Section 25, Township 4 North Range 26 East, B. M., running thence South 2 thence East 788 feet, thence North 144 feet, thence East 758 feet, more or less, to the p lic highway, thence in a Northwesterly direc tion along the public highway 180 feet, more less, to where said line intersects the quar section line between the Northwest quarte- the Southwest quarter of said Section 25 West along the quarter section line 1459 . the place of beginning, containing 7.5 acres more or loss.

No. 122

FRANK DOBSON

1902-March 1 — 7.25 c.f.s. — To be diverted from Big Lost River through t Chilly Ditch having its point of diversion i the Southwest quarter of Section 1, Township North, Range 21 East, B. M., for the irrigat of the following described land, to-wit:

Southwest quarter of the Northwest quarter, west quarter of the Southeast quarter, South of the Southeast quarter and the Southwest q ter of Section 20; Northwest quarter of the west quarter; North half of the Northeast qu and the Northeast quarter of the Northwest q of Section 29; Northwest quarter of the Nort quarter of Section 28, all in Township 9 Nor Range 22 East, B. M.

No. 123

000229

PETER DONAHUE
(Successor to Henry Bews)

1885-June 1 ✓ 2.6 c.f.s. ✓

To be diverted from Big Lost River through t
Rodgers Ditch having its point of diversion
the Northeast quarter of Section 33, Townshi
7 North, Range 24 East, B. M., for the irrig
of the following described land, to-wit:

Southeast quarter of the Southeast quarter o
Section 1, Township 6 North, Range 24 East, B
M. All of Lot 7 and the Southeast quarter o
the Southwest quarter of Section 6 and the
Northeast quarter of the Northwest quarter o
Section 7, Township 6 North, Range 25; also
the Northeast quarter of the Northwest quart
of the Northwest quarter of Section 7, Towns
6 North, Range 25, that is to say; beginning
the Northwest corner of the Northwest quarte
of Section 7 and running thence in a Southea
erly direction in a straight line to the Sou
east corner of said quarter section being 20
acres lying East and North of said line in t
Northwest quarter of the Northwest quarter o
Section 7, reserving, however, from the ope
tion of this description 20 acres of land l
in a triangle heretofore conveyed to Henry F
Harris, which said land contains about 22 a
and lies in the Southeast corner of said la
above described. Also beginning at the Nort
east corner of Section 12, Township 6 North,
Range 24 East, B. M., thence West 13.333 ch
thence South 15 chains, thence 12.62 chains
12°28' Southeast, thence 15.94 chains 16° So
east, thence 8.07 chains 20° Northeast, the
24.90 chains 48° West of North to the point
beginning.

No. 124

EMMETT DONAHUE
(Or E. Donahue)

1902-June 1 ✓ 0.5 c.f.s. ✓
1916-June 1 ✓ 2.7 c.f.s. ✓

To be diverted from Big Lost River through a
private ditch having its point of diversion
the Southeast quarter of Section 13, Townsh
North, Range 22 East, B. M., for the irriga
of the following described land, to-wit:

Southwest quarter of the Northwest quarter,
west quarter of the Southeast quarter, Sout
quarter of the Northwest quarter and the No
quarter of the Southwest quarter of Section
Township 8 North, Range 23 E. B. M.

No. 125

MAMIE DUFUIS

LOUISA CUMMINGS

MARY ASKEW (Or Margaretta S. Askew)

1886-August 20 ✓ 2.4 c.f.s. ✓
No. 125

To be diverted from Antelope Creek through
Green Ditch having its point of diversion i
Northeast quarter of Section 21, Township 5
Range 25 East, B. M., for the irrigation of
following described land, to-wit:

Northwest quarter of Section 14, Township 5
Range, 25 East, B. M.

000230

LURA B. DUTTON
(Described in Plaintiff's amended complaint herein as Laura B. Dutton.

(a) 1887-March 13 — 2.8 c.f.s.

1901-September 1 — 1.2 c.f.s.

2.0 - 3-13-87 Trans 617
1.2 9-1-01 " 617

(b) 1904-June 1 — 0.8 c.f.s.

To be diverted from Big Lost River thro Upper Burnett Ditch having its point of ...ve sion in the Northwest quarter of Section 34, Township 7 North, Range 24 East, B. M., for irrigation of the following described land, wit:

Southeast quarter of the Northwest quarter, East half of the Southwest quarter and the Southeast quarter of Section 17; Northeast quarter of the Northeast quarter of Section all in Township 6 North, Range 25 East, B.] and

To be diverted from Jagles Springs through private ditch having its point of diversion the land constituting the place of use of s water, for the irrigation of the land last above described.

No. 127

Edgerton-Fabrick Co., a corporation
(Successor in interest to L. D. Savaria)

1897-May 15 — 3.2 c.f.s.
3.2 Trans. 445

To be diverted from Big Lost River through Three-In-One Ditch having its point of dive sion in the Southeast quarter of Section 14 Township 6 North, Range 25 East, B. M., for irrigation of the following described land, wit:

East half of the Northeast quarter of Secti and the West half of the Northwest quarter Section 9, Township 5 North, Range 26 E

No. 128

S. A. EDRINGTON

1904-June 1 — 1.6 34.0217

Trans - 2470

To be diverted from Big Lost River throu Harris & Vaught Ditch having its point of d version in the Northwest quarter of Section Township 7 North, Range 24 East, B. M., for irrigation of the following described land, wit:

South half of the Southwest quarter of Sect 5 and the Northwest quarter of the Northwes quarter of Section 8, Township 6 North, Ran 25 East, B. M.

No. 129

J. C. ERICKSON, as Administrator of the estate of Erick Erickson, deceased.

1893-March 23 — 1.6 c... 34.0218

To be diverted from Big Lost River as follo 1.3 c.f.s. through the Harger-Sullivan Ditc and 0.3 c.f.s. through the Moore Canal, eac having their point of diversion in the Sout east quarter of Section 4, Township 5 North Range 26 East, B. M., for the irrigation o the following described land, to-wit:

Southwest quarter of the Northwest quarter the Northwest quarter of the Southwest quar of Section 33, Township 5 North, Range 26 E B. M.

No. 130

000231

M. G. ERICSON,
(Described in Plaintiff's amended complaint herein as Richard Roe Ericson)

1894-March 10 — 1.8 c.f.s.

To be diverted from Big Lost River through th Upper Burnett Ditch having its point of diver sion in the Northwest quarter of Section 34, Township 7 North, Range 24 East, B. M., for t irrigation of the following described land, t wit:

Northwest quarter of the Southwest quarter an the Southwest quarter of the Northwest quarte of Section 3 and all of that portion of Lot 4 in said Section 3 described as follows, to-wi Beginning at the Southwest corner of said Lot thence North along the West line of said Lot 381.4 feet, thence East 1329 feet to the inte section of the East line of said Lot 4, thenc South 353 feet to the Southeast corner of sai Lot 4, thence West 1333 feet to the said Sout west corner of said Lot 4 to the place of beg ning, containing 10.6 acres, more or less, al in Township 6 North, Range 25 East, B. M.

No. 131

DAVID H. EVANS

(a) 1905-May 1 — 1.1 c.f.s.

1906-June 20 — 0.5 c.f.s.

To be diverted from Big Lost River through th Ingram Ditch having its point of diversion in Northwest quarter of Section 6, Township 8 No Range 22 East, B. M., for the irrigation of t following described land, to-wit:

The Southwest quarter of the Northwest quarte Section 3 and the South half of the Northeast quarter and the Southeast quarter of the Nort west quarter of Section 4, all in Township 8 North, Range 22 East, B. M., also the Northea quarter of the Northwest quarter and the Nort west quarter of the Northeast quarter of Sect 33, Township 9 North, Range 22 East, B. M., a

(b) 1908-July 15 — 0.5 c.f.s.

To be diverted from Big Lost River through th Ivie ditch having its point of diversion in t Southeast quarter of Section 32, Township 9 N Range 22 East, B. M., for the irrigation of t land last above described.

No. 132

LOUIS H. EVANS
(Described in Plaintiff's amended complaint herein as Lewis Evans and also as Lewis H. Evans)

1884-June 1 — 1.6 c.f.s. 34.0223
1884-September 14 — 1.6 c.f.s. 34.0224
1894-June 1 — 1.6 c.f.s. 34.0225

1884-April 30 — 0.8 34.0226
1899-June 1 — 3.2 c.f.s. 34.0227
2.0 - 6-1-99 Trans. No. 417
1.2 - 6-1-99 " " 417
0.722 6-1-99 " " 417

To be diverted from Big Lost River through the Beck or Upper Burnett Ditches having their poi of diversion in the Northwest quarter of Secti 14, Township 6 North, Range 25 East, B. M., ar the Northwest quarter of Section 34, Township North, Range 24 East, B. M., respectively, fo the irrigation of the following described land to-wit:

The Southwest quarter and the Southwest quarte the Northwest quarter of Section 21; Southeast quarter, South half of the Northeast quarter o Section 20, all in Township 6 North, Range 26 B. M.

No. 133 0.4 - 9-14-84 Trans. 342

URBAN EVANS
(Or U. Evans)

1884-June 1 — 1.6 c.f.s. 34.0228
1894-June 1 — 1.6 c.f.s.
0.8 - 6-1-84 Trans. 342 34.0229

To be diverted as follows:

.8 c.f.s. with priority of June 1, 1884 to be verted from Big Lost River through the Upper B nett ditch having its point of diversion in th

(Continued)

000232

Northwest quarter of Section 34, Township . N Range 24 East, B. M.; .8 c.f.s.with priority June 1, 1884 and 1.6 c.f.s. with priority of 1, 1894 to be diverted from Big Lost River th the Beck ditch having its point of diversion Northwest quarter of Section 14, Township 6 N Range 25 East, B. M., all for the irrigation the following described land, to-wit:

The Northwest quarter of the Northeast quarte East half of the Northwest quarter, Northeast quarter of the Southwest quarter and the Nor half of the Southeast quarter of the Southwes quarter, all in Section 20, Township 6 North, Range 26 East, B. M.

No. 134

R. H. EVING

(a) 1895-June 1 ✓ 2.4 c.f.s.

1899-June 1 ✓ 2.7 c.f.s.

To be diverted from Big Lost River through th Upper Burnett ditch having its point of diver in the Northwest quarter of Section 34, Towns 7 North, Range 24 East, B. M., for the irriga of the following described land, to-wit:

The West half of the Northeast quarter, South quarter of the Northeast quarter, Northeast q ter of the Southeast quarter, East half of th Northwest quarter and Lots 1 and 2, all in Se tion 31, Township 7 North, Range 25 East, B. and

(b) 1886-June 1 ✓ 0.8 c.f.s.

To be diverted from Congdon Springs creel a private ditch having its point of divers the land constituting the place of use of sai water, for the irrigation of the land last at described.

No. 135 (See Amendment) Page 224

A. E. FAHRNEY
(Successor to V. Fahrney)

1899-May 6 ✓ 1.6 c.f.s. 34. 0233

To be diverted from Big Lost River through th Eberhardt ditch having its point of diversion the Northwest quarter of Section 2, Township North, Range 24 East, B. M., for the irrigati of the following described land, to-wit:

Lot 2 and the Southwest quarter of the Northe quarter of Section 5, Township 6 North, Range East, B. M.

No. 136

LORENZO B. FARMER

1899-March 27 ✓ 0.585 c.f.s. 34. 0234

To be diverted from Big Lost River through th Moore Canal having its point of diversion in Southeast quarter of Section 4, Township 5 N Range 26 East, B. M., for the irrigation of following described land, to-wit:

The Southeast quarter of the Southeast quarte Section 19, Township 4 North, Range 26 East,

No. 137

000233

LOUIS FELT

1893–February 1 — 2.0 c.f.s.

To be diverted from unnamed springs on Lower Creek through the Walter Jensen ditch having point of diversion in the Southeast quarter Section 33, Township 6 North, Range 26 East, for the irrigation of the following describe land, to-wit:

The West half of the Southwest quarter of Se tion 3, the East half of the Southeast quart and the Southeast quarter of the Northeast q ter of Section 4, Township 5 North, Range 2 B. M.

No. 138

JULIA FERGUSON
(Successor to Reuben C. Ferguson)

1892–May 1 — 2.0 c.f.s.
1912–March 27 — 1.2 c.f.s.

To be diverted from Warm Springs Creek throu private ditch having its point of diversion the Northwest quarter of Section 36, Townshi North, Range 22 East, B. M., for the irrigat of the following described land, to-wit:

The Northeast quarter of Section 36, Townshi North, Range 22 East, B. M.

No. 139

G. L. FERRIS

1885–October 2 — 1.6 c.f.s.

To be diverted from Big Lost River through t Ferris slough having its point of diversion the Northwest quarter of Section 36, Townshi 4 North, Range 26 East, B. M., for the irrig of the following described land, to-wit:

The North half of the Southeast quarter of S 7, Township 3 North, Range 27 East, B. M.

No. 140

R. W. FERRIS and
JENNIE L. FERRIS
(Also named in Plaintiff's amended complaint herein as R. W. Farris)

T 2253

(a) 1885–October 2 — 2.9 c.f.s.

To be diverted from Big Lost River through t Ferris Slough having its point of diversion Northwest quarter of Section 36, Township 4 Range 26 East, B. M., for the irrigation of following described land, to-wit:

The Northwest quarter of Section 17, Townshi North, Range 27 East, B. M., and

(b) 1885–October 2 — 1.6 c.f.s.
0.3 Trans. 578 To

To be diverted from Big Lost River through t Ferris slough having its point of diversion Northwest quarter of Section 36, Township 4 Range 26 East, B. M., for the irrigation of following described land, to-wit:

No. 141

South half of the Southeast quarter of Secti Township 3 North, Range 27 East, B. M.

000234

FIRST NATIONAL BANK OF CHALLIS, a National Banking corporation
1901-July 1 ✓ 1.6 34-0241

To be diverted from Big Lost River through the Ruston ditch having its point of diversion in the Northeast quarter of Section 33, Township 7 North, Range 24 East, B. M., for the irrigation of the following described land, to-wit:

Beginning at a point 79.2 chains North of the Northeast corner of the Southeast quarter of Section 13, Township 6 North, Range 24 East, B. M., thence South 3 degrees 30 minutes West 23.93 chains; thence North 45.8 chains to Rodgers ditch; thence along Rodgers ditch South 65 degrees 30 minutes East 8.25 chains; thence Sou 59 degrees East 5.14 chains; thence South 57 degrees East 5.92 chains; thence South 74 degrees East 10.88 chains; thence South 60 degrees East 1.2 chains; thence leaving Rodgers ditch going South 26.4 chains to a rock on Alder Creek; the North 50 degrees West 15 chains to place of beginning containing 80 acres, said land being an irregular tract lying and being a part of the East half of the Northeast quarter and the Nort east quarter of the Southeast quarter of Sectio 12, Township 6 North, Range 24 East, B. M., and part of lots 1, 2 and 3 of Section 7, Township North, Range 25 East, B. M.

No. 142

A. B. FITZGERALD

1884-April 22 ✓ 0.024 34-0242

To be diverted from Big Lost River through the Sharp Ditch having its point of diversion i Southeast quarter of Section 12, Township 7 Range 23 East, B. M., for the irrigation of the following described land, to-wit:

The East half of the following described land, t wit:

Commencing at a point 2.77 chains North of corn sections 20, 21, 28 and 29 in Township 7 North, Range 24 East, B. M., thence North 44 degrees, East 3.14 chains; thence South 46 degrees East 2.96 chains; thence South 44 degrees West 4.18 chains; thence North 44 degrees East 2.16 chains thence North 44 degrees West 1.9 chains, thence North 46 degrees West 2.96 chains thence North degrees East 1.26 chains; thence North 44 degrees East 3.84 chains to place of beginning containi 1.2185 acres.

No. 143

A. D. FOSTER

1880-June 1 ✓ 0.2 c 34-0243

1885-October 2 ✓ 3.0 c 34-0244

To be diverted as follows: 0.2 c.f.s. with priority of June 1, 1880 and 2.54 c.f.s. with priority of October 2, 1885, to be diverted from Big Lost River through the Ferris Slough having its point of diversion in the Northwest quarter of Section 36, Township 4 North, Range 26 East, B. M. and 0.46 c.f.s. with priority of Oct. 2, 1885 to be diverted from Big Lost River through the McLaughlin Ditch having its point of diversion in the Southeast quarter of Section 12, Township North, Range 26 East, B. M., all for the irrigation of the following described land, to-wit: Northeast quarter of Section 18, Township 3 No Range 27 East, B. M.

000235

o. 144

WILLIAM P. FRECKLETON, (Named in Plaintiff's amended complaint as Wilford P. Freckleton)		To be diverted from Big Lost River through Three-In-One ditch having its point of diversion in the Southeast quarter of Section 14 Township 6 North, Range 25 East, B. M., for the irrigation of the following described l to-wit:
1895-June 10	2.4 c.f.s.	
No. 145		The Southwest quarter of Section 8, Townshi North, Range 26 East, B. M.
WILLIAM FRICKIE		To be diverted from Big Lost River through Rodgers ditch having its point of diversion the Northeast quarter of Section 33, Townsh 7 North, Range 24 East, B. M., for the irri
(a) 1885-June 1	2.6 c.f.s.	
1904-June 1	0.6 c.f.s.	tion of the following described land, to-wi
		The South half of the Southeast quarter of tion 6; the North half of the Northeast qua ter of Section 7 all in Township 6 North, Ra 25 East, B. M.; also 16.75 acres in the Nor east quarter of the Northwest quarter of Se tion 7, Township 6 North, Range 25 East, B. adjoining the Northwest quarter of the Nort east quarter of said Section 7, being 27 ro on the North end, 80 rods on the east side 40 rods on the South end; also 4.91 acres o the Southeast corner of the Southeast quart of the Southwest quarter of Section 6, Tow 6 North, Range 25 East, B. M., being 27 rod the Southeast end and coming to a point 58 6 links from the half mile stake between Se tions 6 and 7, Township aforesaid containin 21.66 acres; also that said tract of land b ginning at a point 24.90 chains 48 degrees of South of the Northeast corner of Section Township 6 North, Range 24 East, B.M., then 9.70 chains 20 degrees Southwest, thence 4. chains 31 degrees Southeast thence 10.62 ch 50 degrees South of East, thence 20.5 chain South 45 degrees East, thence 29.5 chains N thence 20 chains West, thence 4.47 chains 4 degrees West of North of the point of begin and
(b) 1904-June 1	0.8 c.f.s.	To be diverted from an unnamed spring throu private ditch having its point of diversion the Southwest quarter of Section 6, Townshi North, Range 25 East, B. M., for the irriga of the land last above described.
No. 146		

000236

TAYLOR FRYE
(Also described in Plaintiff's amended compalint herein as Taylor Fry and as Fry Taylor)

1896-June 1 — 1.2 c.f.s. 34.0349
1.2 Trans 518

1897-June 15 — 0.8 c.f.s. 34.0350
0.4 Trans 518

No. 147

To be diverted from Big Lost River through Moore Canal having its point of diversion Southeast quarter of Section 4, Township 5 Range 26 East, B. M., for the irrigation of following described land, to-wit:

The North half of the Northeast quarter and Northeast quarter of the Northwest quarter Section 21, Township 5 North, Range 26 Eas

MRS. JAMES S. FULLMER

(a) 1906 May 1 — 0.4 c.f.s. 34.0351
See amending decree in this file

To be diverted from Warm Spring Creek thr private ditch having its point of diversi the Northwest quarter of Section 27, Town North, Range 22 East, B. M., for the irri of the following described land, to-wit:

The Southeast quarter of the Northeast qu Section 27, Township 6 North, Range 22 Ea and

(b) 1913-February 20 — 0.4 c.f.s. 34.0352

To be diverted from Big Lost River throug Nielsen ditch having its point of diversi Northwest quarter of Section 15, Townshi Range 21 East, B. M., for the irrigation land last above described.

No. 148

WILLIAM P. FULLMER, JR.

1886-September 14 — 3.2 c.f.s. 34.0353

To be diverted from Big Lost River as ...

1.6 c.f.s. through the Angelo ditch ha... point of diversion in the Southwest quart Section 10, Township 6 North, Range 25 E M., and 1.6 c.f.s. through the McGowan d ing its point of diversion in the Northw ter of Section 14, Township 6 North, Ran B. M., for the irrigation of the followi scribed land, to-wit:

The Southeast quarter of the Northwest q Northeast quarter of the Southwest quart North half of the Southeast quarter of S Township 6 North, Range 26 East, B. M.

No. 149

MRS. R. J. MESS
(Formerly A. Grace Furey)

1903-February 3 — 2.5 c.f.s. 34.0354

1908-May 1 — 1.36 c.f.s. 34.0355

To be diverted from Pass Creek through a Ditch having its point of diversion in S Township 7 North, Range 25 East, B. M., irrigation of the following described la

Lots 4 and 5 Section 5 and the East half Northwest quarter of Section 8, Township Range 26 East, B. M.

No. 150

Trans 424 - 2-3-03 2.5 c.f.s.

000237

We hereby consent and agree that the foregoing decree may be entered herein.

_____,

_____,
Attorneys for Plaintiff.

_____,
Attorney for certain defendants.

(Signed) W. A. BRODHEAD ,
Attorney for certain defendants.

_____,
Attorney for certain defendants.

_____,
Attorney for certain defendants.

_____,
Attorney for certain defendants.

_____,
Attorney for certain defendants.

_____,
Attorney for certain defendants.

_____,
Attorney for certain defendants.

SHERMAN FUREY

34 0007 (a) 1903—February 3 3.24 c.f.s. To be diverted from Pass Creek through a p
vate ditch having its point of diversion i
Section 26, Township 7 North, Range 25 Eas
B. M., for the irrigation of the following
described land, to-wit:

1907—May 8 34 0008 3.24 c.f.s.

1908—February 3 0.30 c.f.s. 34 0008

Trans 479 - 2-3-03 - 2.76 c.f.s.
" - 5-8-07 - 1.04 "
" - 2-3-08 - 0.25 "

(b) 1889—June 1 1.6 c.f.s. 0256 To be diverted from Big Lost River through
Upper Burnett Ditch having its point of di
sion in the Northwest quarter of Section 3
Township 7 North, Range 24 East, B. M., fo
irrigation of the following described land
wit:

1.6-8%=1.472 Trans. 444
1.6 " 528

No. 151

JOSEPH GARDNER

East half of the Southwest quarter of Sect
Township 6 North, Range 25 East, B. M.

34 0257

1885—May 1 0.1 c.f.s. Trans. No. 410 To be diverted from Big Lost River through
Muncy Ditch having its point of divers
the Southeast quarter of Section 26, T
4 North, Range 26 East, B. M., for the ...

1888—August 1 0.4 c.f.s. 0258 tion of the following described land, to-w

No. 152

FRANK W. GATES
J. J. KAY and
GEORGE RUDYON

Southwest quarter of the Northwest quarter
Section 12, Township 3 North, Range 26 Eas

1884—May 20 3.2 c.f.s. 0259 To be diverted from Big Lost River as foll
1.6 c.f.s. through the Moore canal having
point of diversion in the Southeast quarte
Section 4, Township 5 North, Range 26 East
M., and 1.6 c.f.s. to be diverted through
Harger-Sullivan Ditch having the same poin
diversion, for the irrigation of the follo
described land, to-wit:

0.8 Trans. 451
0.8 " 467

East half of the Southeast quarter of Sect
West half of the Southwest quarter and the
Southwest quarter of the Northwest quarter
Section 2, all in Township 4 North, Range
East, B. M.

No. 153

000239

CHRISTINA GEORGE

1886-September 1 — 0.2 c.f.s.

To be diverted from Big Lost River through t Ira George Ditch having its point of diversi in the Northwest quarter of Section 26, Town 4 North, Range 26 East, B. M., for the irrig tion of the following described land, to-wit:

The North 10 acres of the Southeast quarter the Southwest quarter of Section 26, Townshi 4 North, Range 26 East, B. M.

No. 154

H. M. GEORGE

1886-September 1 — 0.6 c.f.s.
1890-June 1 — 0.6 c.f.s.
Trans. # 1103 .5658
2029

To be diverted from Big Lost River through t Ira George Ditch having its point of diversi in the Northwest quarter of Section 26, Town ship 4 North, Range 26 East, B. M., for the rigation of the following described land, to wit:

30 acres in the Southeast quarter of the Sou west quarter of Section 26 and the East half the Northwest quarter of Section 35, Townshi 4 North, Range 26 East, B. M.

No. 155

IRA S. GEORGE

1885-May 1 — 0.05 c.f.s.

To be diverted from Big Lost River through t Arco Canal having its point of diversion in Northwest quarter of Section 26, Township 4 North, Range 26 East, B. M., for the irriga- tion of the following described land, to-wit

Starting at the Southeast corner of the Sout west quarter of Section 25, Township 4 North Range 26 East, B. M., and running thence Wes among the Section line 634.7 feet, thence ru ning North 25 feet to the place of beginning thence running West 87.1 feet, thence runnin North 250 feet, thence running East 87.1 fee thence running South 250 feet to the place o beginning, containing one-half acre, more or less, also a tract commencing 547.6 feet Wes and 25 feet North of the Southeast corner of the Southwest quarter of said section 25, th North 250 feet, thence West 348.4 feet, then South 250 feet, thence East 348.4 feet to th point of beginning, all in Township 4 North, Range 26 East, B. M.

No. 156

IRA S. GEORGE
(Successor in interest to
Lewis M. Hardy)
1886-September 1 — 2.2 34-0264

To be diverted from Big Lost River through t Ira George Ditch having its point of diversi in the Northwest quarter of Section 26, Town 4 North, Range 26 East, B. M., for the irrig tion of the following described land, to-wit

North half of the Northwest quarter, North h of the Southwest quarter and the Southeast q ter of the Northwest quarter of Section 26, Township 4 North, Range 26 East, B. M.

No. 157

000240

SAMUEL E. GEORGE

1886-September 1 — 0.34 c.f.s.

To be diverted from Big Lost River through Ira George Ditch having its point of diver in the Northwest quarter of Section 26, To ship 4 North, Range 26 East, B. M., for the rigation of the following described 17 acre to-wit:

Southwest quarter of the Northwest quarter Section 26, and the following tract, to-wit

Commencing at the Northeast corner of the S west quarter of the Southwest quarter of se Section 26, thence South 27 rods, thence We 12 rods, thence North 27 rods, thence East rods to the place of beginning, containing acres, more or less; also the East half of Northeast quarter and the northeast quarte the Southeast quarter of Section 27, all i Township 4 North, Range 25 East, B. M.

No.158

ROBERT GIBBS

1907-July 1 — 3.2 c.f.s.

To be diverted from Antelope Creek through Hanrahan ditch having its point of diversi the Northeast quarter of Section 21, Towns 5 North, Range 25 East, B. M., for the irri tion of the following described land, to-w

Northeast quarter of Section 11, Township North, Range 25 East, B. M.

No. 159

PAT GILBOY
(Named in Plaintiff's amended complaint as John Doe Gilboy)

1884-April 22 — 0.024 c.f.s.

To be diverted from Big Lost River thro Sharp Ditch having its point of diversion Southeast quarter of Section 12, Township North, Range 23 East, B. M., for the irrig of the west half of the following tract, t

Commencing at a point 2.77 chains North of ner Sections 20, 21, 28 and 29, Township 7 Range 24 East, B. M., thence North 44° Eas 3.14 chains, thence S. 46° East 2.95 chain thence South 44° West 4.18 chains; thence 44° E. 2.16 chains; thence South 44° W. 1. chains; thence 46° West 2.95 chains; thenc North 44° East 1.26 chains; thence North 4 East 3.84 chains to place of beginning, co taining 1.2135 acres.

No.160

MINNIE J. GILL

1907-May 1 — 2.4 c.f.s.

To be diverted from Big Lost River through private ditch having its point of diversio the Southwest quarter of Section 1, Townsh North, Range 22 East, B. M., for the irri tion of the following described land, to-w

The Southeast quarter of the Southwest qua of Section 12 and the North half of the No west quarter of Section 13, Township 8 Nor Range 22 East, B. M.

No. 161

000241

MINNIE J. GILL

1897-June 30 — 0.6 c.f.s. — 34 0269

To be diverted from Big Lost River through th Streeter Ditch having its point of diversion the Southeast quarter of Section 18, Townshi 7 North, Range 24 East, B. M., for the irriga tion of the following described land, to-wit:

No. 162

Southeast quarter of the Northwest quarter of Section 20, Township 7 North, Range 24 East, B

MABEL L. GILMORE

1900-June 1 — 0.9 c.f.s. — 34 0270

To be diverted from Big Lost River through th Island Ditch having its point of diversion in the Southeast quarter of Section 4, Township North, Range 26 East, B. M., for the irrigati of the following described land, to-wit:

53.5 acres, more or less, lying between the O S. L. right-of-way in the South half of the Southeast quarter of Section 29, and the cent of Island ditch in the Southwest quarter of t Southwest quarter of Section 27, all in Towns 5 North, Range 26 East, B. M.

No. 163

YEE H. GIM

1905-May 1 — 1.0 c.f.s. 34.0271
1908-April 1 — 1.0 c.f.s. 34.0272
1918-May 24 — 2.8 c.f.s. 34.0273

To be diverted from Big Lost River through th Ivie Ditch having its point of diversion in t Southwest quarter of the Southeast quarter of Section 32, Township 9 North, Range 22 East, M., for the irrigation of the following descr land, towit:

Lots 1 and 2 of Section 4; Lot 4 of Section 3 Township 8 North, Range 22 and the Northwest quarter of the Southeast quarter, South half the Southeast quarter of Section 33, Township 9 North, Range 22 East, B. M.

No. 164

LOUIS GIRAUD and CHASE A. CLARK

1884-April 1 — 1.0 c.f.s. 34.0274
1895-January 1 — 1.6 c.f.s.

To be diverted from Big Lost River through th Harris & Vaught Ditch having its point of div sion in the Northwest quarter of Section 34, Township 7 North, Range 24 East, B. M., for t irrigation of the following described land, to wit:

Lots 1 and 2 of Section 2, Township 6 North, Range 24 East, B. M., and the South half of t Southeast quarter of Section 35, Township 7 North, Range 24 East, B. M.

No. 165

LULU GOODMAN

1904-June 1 — 1.0 c.f.s.

To be diverted from Antelope Creek through a private ditch having its point of diversion i the Southeast quarter of Section 30, Township 5 North, Range 25 East, B. M., for the irriga- tion of the following described land, towit:

East 50 acres of the North half of the South- west quarter of Section 29, Township 5 North, Range 25 East, B. M.

No. 166

000242

WILLIAM GOODMAN

1902-May 1 — 0.2 c.f.s.

To be diverted from Antelope Creek through a p
vate ditch having its point of diversion in th
Southeast quarter of Section 30, Township 5 No
Range 25 East, B. M., for the irrigation of th
following described land, to-wit:

East 10 acres of the Southwest quarter of the
Northwest quarter of Section 29, Township 5 No
Range 25 East, B. M.

No. 167

WILLIAM GOODMAN and
LULU GOODMAN
(William Goodman being
described in plaintiff's
amended complaint herein
as William Martin Godman)

(a) 1879-September 30 — 1.8 c.f.s.
1904-May 1 — 1.4 c.f.s.
Trans #543 - 1.8 cfs - 9-30-79

To be diverted from Antelope Creek through a p
vate ditch having its point of diversion in th
Southeast quarter of Section 30, Township 5 No
Range 25 East, B. M., for the irrigation of th
following described land, to-wit:

The Southeast quarter of the Northwest quarter
the South half of the Northeast quarter of Sec
29; Southwest quarter of the Northwest quarter
in Section 28, Township 5 North, Range 25, East

(b) 1884-April 22 — 0.18 c.f.s.
0.18 Trans 569

To be diverted from Big Lost River through the
Sharp ditch having its point of diversion in
Southeast quarter of Section 12, Township 7 No
Range 23 East, B. M., for the irrigation of th
following described land, to-wit:

Beginning at a point South 75° West 3.65 chai
section corner common to Sections 20, 21, 28
of Township 7 North, Range 24 East, B. M., th
North 46° 30' West 4.92 chains; thence North
East 8.11 chains; thence South 46° 30' East 4
chains; thence South 44° West 8.11 chains to
of beginning, containing 4 acres; also beginn
at a point North 15° West 6.3 chains; thence
44° East 6.15 chains; thence South 44° West 8
chains; thence North 46° 30' West of 6.15 cha
place of beginning, containing 5 acres.

No. 168

J. R. GOODEN

1902-January 15 — 3.2 c.f.s.

To be diverted from Big Lost River through th
Muncy Ditch having its point of diversion in
Southeast quarter of Southeast quarter of Sec
26, Township 4 North, Range 26 East, B. M., f
the irrigation of the following described lan
wit:

South half of the Southwest quarter of Sectio
and the North half of the Northwest quarter o
Section 13, all in Township 3 North, Range 26
B. M.

No. 169

000243

HERT M. GRAY

1897-June 1 ✓ 3.2 c.f.s. 31 0382

To be diverted from Big Lost River through the Lower Burnett Ditch having its point if diversion in the Northeast quarter of Section 24, Township 6 North, Range 25 East, B. M., or the Bert Gray Ditch having its point of diversion in the Northwest quarter of Section 24, Township 6 North, Range 25 East, B. M., or both, for the irrigation of the following described land, to-wit:

North half of the Northeast quarter, Northeast quarter of the Northwest quarter Section 25; Southeast quarter of the Southwest quarter of Section 24, Township 6 North, Range 25, Southeast quarter of the Southwest quarter, South half of the Southeast quarter of Section 19 and the Southwest quarter of the Southwest quarter of Section 20, Township 6 North, Range 26 East, B. M.

No. 170

HERBERT M. GRAY

1886-July 17 ✓ 3.0 c.f.s. 31 0382

To be diverted from Big Lost River through the Vanous Ditch having its point of diversion in the Southwest quarter of Section 1, Township 6 North, Range 24 East, B. M., for the irrigation of the following described land, to-wit:

South half of the Northeast quarter, Southeast quarter of the Northwest quarter and the North quarter of the Southwest quarter of Section 8, Township 6 North, Range 25 East, B. M.

No. 171

H. G. GREENWOOD

1884-October 12 ✓ 0.05 c.f.s. ✓ 31 0382

To be diverted from Big Lost River as follows

0.01 c.f.s. through the Sharp ditch having its point of diversion in the Southeast quarter of Section 12, Township 7 North, Range 23 East, B. M. and 0.04 c.f.s. through the Swauger ditch having its point of diversion in the Southwest quarter of Section 20, Township 7 North, Range 23 East, B. M., for the irrigation of the following described land, to-wit:

Beginning at a point 1033.31 feet in a westerly direction from the Southeast corner of Artemesia Avenue and College street running thence 90.7 feet in a westerly direction; thence in a southerly direction 679.14 feet in an easterly direction 320.7 feet, thence in a Northerly direction 194.14 feet; thence in a westerly direction 28[illegible] feet; thence North 366 feet to the place of beginning. All in Township 7 North, Range 24 East,

No. 172

SILAS GRIZZLE

000244

1907-May 27 ✓ 2.0 c.f.s. [illegible]

To be diverted from the Dry Fork of Antelope Creek through the Nichols ditch having its point of diversion North 18° 45' West 2500 feet from the Southeast corner of Section 31, Township 3 North, Range 24 East, B.M.(Unsurveyed) for the irrigation of the following described land, to-wit:

Northeast quarter of Section 15, Township 3 North, Range 25 East, B. M.

No. 173

NAOMI GRIZZLE

1907-July 15 ✓ 1.0 c.f.s.

To be diverted from the Dry Fork of Antelope C through the Nichols ditch having its point of d ersion North 18° 45' West 2500 feet from the Southeast corner of Section 31, Township 3 Nor Range 24 East, B. M., (unsurveyed) for the irr tion of the following described land, to-wit:

North half of the Northwest quarter of Section Township 3 North, Range 25 East, B. M.

No. 174

ALEX B. GROTH

1914-June 12 ✓ 2.5 c.f.s.

To be diverted from Bear Creek a tributary of Antelope Creek, through the Groth Ditch having point of diversion in Section 14, Township 4 N Range 23 East, B. M., for the irrigation of th following described land, to-wit:

133.15 acres within the Lemhi National Forest unsurveyed Sections 14 and 23, Township 4 Nort Range 23 East, B. M. embraced in M.E.S.No. 26 List No. 4-1196 described by metes and bounds follows: Beginning at Corner No. 1 from whenc the corners common to Sections 13, 18, 19 and Township 4 North, Range 23 and 24 East, B. M. bears North 84° 46' East 97121 chains distant thence North 44° 38' West 59.19 chains to cor No. 2; thence South 67° 3' West 10.15 chains corner No. 3; thence South 25°26' East 41.17 chains to corner No. 4; thence South 2°24' 30.13 chains to corner No. 5; thence Nor East 43.77 chains to corner No. 1 the place ginning.

No. 175

A. GUSTAFASSON

1896-June 1 ✓ 0.46 c.f.s.
0.46 Trans. 891

To be diverted from Big Lost River through th Moore Canal having its point of diversion in Southeast quarter of Section 4, Township 5 No Range 26 East, B. M., for the irrigation of t following described land, to-wit:

Commencing at the Southeast corner of the Sou east quarter of the Northeast quarter of Sect 20, Township 5 North, Range 26 East, B. M., r ning thence North 40 rods; thence West 100 r thence South 40 rods; thence East 100 rods t place of beginning.

No. 176

ANNIE FLORENCE GUTHRIE

1894-March 10 ✓ 3.2 c.f.s.

To be diverted from Big Lost River through t East Side ditch having its point of diversio the Northeast quarter of Section 2, Township North, Range 24 East, B. M., for the irrigati of the following described land, to-wit:

The South half of the Southeast quarter of S tion 33, Township 7 North, Range 25 East, B. and Lots 1 and 2 of Section 4, Township 6 No Range 25 East, B. M.

No. 177

000245

FRANCIS HALVERSON

1891-May 31 2.0 c.f.s. 34.0290
1905-May 1 0.7 34.0291
1906-May 1 0.3 34.0292

To be diverted from Big Lost River through the Howell Ditch having its point of diversion in t Southwest quarter of Section 30, Township 8 Nor Range 21 East, B. M., for the irrigation of the following described land, to-wit:

The Southwest quarter of the Northeast quarter, Northwest quarter of the Southeast quarter, Sou east quarter of the Northwest quarter and the No east quarter of the Southwest quarter of Sectio Township 8 North, Range 21 East, B. M.

No. 178

FRANCIS T. HALVERSON and LEWIS A. BITTON, co-partners

1905-May 1 1.8 34.0293
1907-July 11 2.2 34.0294

To be diverted from Big Lost River through the Bartlet-Bitten ditch having its point of divers in the Northwest quarter of Section 20, Townshi North, Range 21 East, B. M., for the irrigation the following described land, to-wit:

The West half of the Northeast quarter, North h of the Northwest quarter and the Southeast quar of the Northwest quarter of Section 21, Townsh North, Range 21 East, B. M.

No. 179

MARION J. HAMBLET

1896-June 1 0.0316 c.f.s. 34.0295
1899-June 1 0.0340 c.f.s. 34.0296

To be diverted from Big Lost River through the Side ditch having its point of diversion in the Southeast quarter of Section 4, Township 5 Nor Range 26 East, B. M. for the irrigation of the following described land, to-wit:

All of Lot 1, Block 1, Johnstons addition to M also commencing at the Southwest corner of the west quarter of Section 28, Township 5 North, 26 East, B. M., thence North on the quarter Se line to the South bank of the Harger-Sullivan thence following bank of said ditch easterly t L. right-of-way, thence following said right-o in a southerly direction to the south line of Northeast quarter of Section 28, thence follow the South line of said quarter section west to of beginning, containing 2 acres more or less lots 20, 21, 22, 23 and 24 of block 1 Pearson tion to the Townsite of Moore.

No. 180

EDDIE HAMMERLY

1895-June 1 1.0 c.f.s. 34.0297
1914-June 1 2.2 c.f.s. 34.0298

To be diverted from Big Lost River through a ditch having its point of diversion in the Sou quarter of Section 16, Township 8 North, Rang East, B. M., for the irrigation of the follow scribed land, to-wit:

The Southwest quarter of the Northeast quarte East half of the Northwest quarter and the Sou west quarter of the Northwest quarter of Sect 15, Township 8 North, Range 21 East, B. M.

No. 181

000246

OLIVE S. HANEY

1896-June 1 — 2.4 c.f.s. 34 [illegible]

To be diverted from Big Lost River through th West side ditch having its point of diversion in the Southeast quarter of Section 4, Townsh 5 North, Range 26 East, B. M., for the irriga of the following described land, to-wit:

Lots 3 and 4 and the Southwest quarter of the west quarter of Section 4, Township 4 North, 26 East, B. M.

No. 182

WALTER HANEY

1885-June 1 — 5.9 c.f.s. 34 0309

To be diverted from Antelope Creek through pr ditches having their points of diversion on t land constituting the place of use of said wa for the irrigation of the following described to-wit:

The East half of the Northeast quarter and th east quarter of the Southeast quarter of Sect the North half of the North half and the Sout quarter of the Northeast quarter of Section 1 Township 4 North, Range 24 East, B. M.

No. 183

WILLIAM HANNA

T. 2380

1885-May 1 — 4.0 c.f.s. [illegible]

1889-April 22 — 3.2 c.f.s. 0312

I.D. - 5-1-85 Trans 897

To be diverted from Big Lost River through th land ditch having its point of diversion in t Southeast quarter of Section 4, Township 5 No Range 26 East, B. M., for the irrigation of t following described land, to-wit:

The Northeast quarter of the Northwest qu Northwest quarter ofthe Northwest quarter, So west quarter of the Northwest quarter and the Southeast quarter of the Northwest quarter of tion 14, and the East half of Section 15, all Township 4 North, Range 26 East, B. M.

No. 184

JOHN HANNI, SR.

1896-June 1 — 0.07 c.f.s. [illegible]

To be diverted from Big Lost River through th Moore canal having its point of diversion in Southeast quarter of Section 4, Township 5 No Range 26 East, B. M., for the irrigation of following described land, to-wit:

Beginning at a point 353.6 feet south of the west corner of the Northwest quarter of Secti Township 5 North, Range 26 East, B.M., thence 641. 6 feet, thence East 300 feet, thence No 641.6 feet, thence West 300 feet to point of ning, containing 4.3 acres more or less.

No. 185

EPHRAIM HANSEN, (Substituted for J. J. CARLSON)

1887-October 22 — 3.2 c.f.s. 34 0304

To be diverted from Big Lost River through t land ditch having its point of diversion in Southeast quarter of Section 4, Township 5 N Range 26 East, B. M., for the irrigation of following described land, to-wit:

The East half of the Northeast quarter of Se and the West half of the Northwest quarter o tion 11, all in Township 4 North, Range 26 E

000247

No. 186

CHRISTINA HANSEN

1900-September 24 — 1.0 c. 34. 0305

To be diverted from Big Lost River thro the McLaughlin ditch having its point o diversion in the Southeast quarter of S tion 12, Township 3 North, Range 26 Eas B. M., for the irrigation of the follow described land, to-wit:

The West half of the Southwest quarter Section 17, Township 3 North, Range 27 East, B. M.

No. 187

LOUISE HARDY, (described in plaintiff's amended complaint as Louisa Hardy)

1885-May 1 — 0.01 c. 34. 0306

To be diverted from Big Lost River thro the Arco canal having its point of dive sion in the Northwest quarter of Sectio 26, Township 4 North, Range 26 East, B. for the Irrigation of the following de- scribed land, to-wit:

1/2 acre in the Southeast quarter of th Southwest quarter of Section 25, Towns 4 North, Range 26 East, B. M.

No. 188

BURTON B. HARGER (Described in plaintiff's amended complaint as B. B. Harger)

1884-May 20 — 3.2 c. 34 0307

To be diverted from Big Lost River thro the West Side and Harger-Sullivan Ditch each having its point of diversion in t Southeast quarter of Section 4, Townshi 5 North, Range 26 East, B. M., for the irrigation of the following described to-wit:

The West half of the Southeast quarter the East half of the Southwest quarter Section 19, Township 4 North, Range 26 B. M.

No. 189

EMMA A. HARGER (Successor in part to B. B. Harger)

1884-May 20 — 0.8 c. 34 0308

0.9 Trans. 627 " 1018

To be diverted from Big Lost River thr the West side and Harger-Sullivan Ditc each having their points of diversion the Southeast quarter of Section 4, Tow 5 North, Range 26 East, B. M., for the rigation of the following described la to-wit:

The Southwest quarter of the Northeast quarter of Section 19, Township 4 Nort Range 26 East, B. M.

No. 190

FRANK E. HARGER

1884-May 20 — 2.4 c. 34 0309

To be diverted from Big Lost River thr the Harger-Sullivan ditch having its p of diversion in the Southeast quarter Section 4, Township 5 North, Range 26 B. M., for the irrigation of the follo described land, to-wit:

000248

The East half of the Southwest quarte Section 8 and the Northeast quarter of Northeast quarter of Section 17, all Township 4 North, Range 26 East, B. M.

No. 191

HARRIET M. HARGER

1884-May 20 — 1.6 c.f.s. 84 0310

1884-July 15 — 1.6 c.f.s. 84 0311
0.8 - 7-15-84 Trans. 462

To be diverted from Big Lost River thro the Harger-Sullivan ditch having its po of diversion in the Southeast quarter o Section 4, Township 5 North, Range 26 E B. M., for the irrigation of the follow described land, to-wit:

The East half of the Southeast quarter the South half of the Northeast quarte Section 8, Township 4 North, Range 26 E B. M.

No. 192

CHESTER HARPER

1894-May 31 — 0.8 c.f.s. 84 0312

To be diverted from Big Lost River thr the West Side ditch having its point o version in the Southeast quarter of Se 4, Township 5 North, Range 26 East, B. for the irrigation of the Following de land, to-wit:

The Northeast quarter of the Southwest ter of Section 33, Township 5 North, R 26 East, B. M.

No. 193

HILDA CHARLOTTE JONES HARPER, as Executrix of the estate of Edwin L. Jones, deceased.

1899-May 1 — 2.7 c.f.s. 84 0313

To be diverted from Big Lost River thr the Jones and Lake ditch having its po diversion in the Northwest quarter of 36, Township 4 North, Range 26 East, for the irrigation of 135 acres of la the following described legal subd to-wit:

The East half of the Southwest quarte Lots 3 and 4 of Section 31, Township Range 27 East, B. M.

No. 194

JOHN S. HARPER

1898-May 31 — 2.5 c.f.s. 84 0314

To be diverted from Big Lost River th the Lower Burnett ditch having its po diversion in the Northeast quarter of 24, Township 6 North, Range 25 East, for the irrigation of the following d land, to-wit:

The Northeast quarter of Section 30, 6 North, Range 26 East, B. M.

No. 195

PAUL HARPER
(Successor in interest to Ardelia Hutchinson, also named in plaintiff's amended complaint as Adelia N. Hutchinson)

1899-March 27 — 0.505 c.f.s. 84 0315

To be diverted from Big Lost River t the Harger-Sullivan ditch having its of diversion in the Southeast quarte Section 4, Township 5 North, Range 2 B. M., for the irrigation of the fo described land, to-wit:

The Northeast quarter of the Souther ter of Section 19, Township 4 North 26 East, B. M.

No. 196

000249

WILLIAM HARPER

1899-March 27 — 0.6 c.f.s. 21 0316

To be diverted from Big Lost River throu the Moore Canal having its point of dive sion in the Southeast quarter of Section Township 5 North, Range 26 East, B. M., the irrigation of the following describe land, to-wit:

The Southeast quarter of the Northeast q ter of Section 19, Township 4 North, Ran 26 East, B. M.

No. 197

Evan Harris

1885-February 18 — 3.3 c.f.s. 24 0317

1.65 Trans. No 414
1.65 " No. 415 [illegible] 791

To be diverted from Big Lost River throu the Harris & Vaught ditch having its poi of diversion in the Northwest quarter of Section 34, Township 7 North, Range 24 E B. M., for the irrigation of the followi described land, to-wit:

Lots 1 and 2, the Southwest quarter of t Northeast quarter and the Northwest quar of the Southeast quarter of Section 6, T ship 6 North, Range 25 East, B. M.

No. 198

JOHN E. HARRIS

1894-June 1 — 0.20 c.f.s. 23 0318

1896-June 1 — 2.29 c.f.s. 24 0319

0.6 - 6-1-96 Trans. 891

To be diverted from Big Lost River throu the Moore canal having its point of dive sion in the Southeast quarter of Section Township 5 North, Range 26 East, B. M., for the irrigation of the following desc land, to-wit:

The South half of the Northwest quarter Section 21, Township 5 North, Range 26 E B. M., and all that portion of the South of the Northeast quarter of Section 20, ship 5 North, Range 26 East, B. M., desc as starting at the Northeast corner of th Southeast quarter of the Northeast quart of said Section 20, thence West along th North line 160 rods, thence running Sout along the West line 80 rods, thence runn East along the South line 60 rods, thenc running North along the East line 40 rod thence running East along the South line rods, thence running North along the Eas line 40 rods to place of beginning conta ing 55 acres more or less; also that por of the North half of the Southwest quart Section 21, Township 5 North, Range 26 E B. M., described as staring at the North corner of the Southwest quarter of Secti thence South 23 rods 5 feet, thence West rods more or less to where said line int sects the east line of the right-of-way the O. S. L. Railroad, thence Northwest said boundary line to the North line of Southwest quarter of said section 21, th East 93½ rods to point of beginning, sai tract containing 13 acres more or less.

000250

No. 199

MARY ANN HAYS

1894-September 26
1.69 - Trans. 744

1.69 cfs. 34.0320

To be diverted from Big Lost River throu the Three-in-One ditch having its point diversion in the Southeast quarter of Se tion 14, Township 6 North, Range 25 East ..., for the irrigation of the followi described land, to-wit:

All that part of the Northeast quarter c Section 17, Township 5 North, Range 26 E B. M. lying East of the C.S.L.R.R. right of-way containing 108.3 acres.

No. 200

BENJAMIN F. HAYNES
(Successor in interest to Owen S. Weaver)

1896-July 3

2.0 cfs. 34.0321

To be diverted from Big Lost River throu the Rodgers Ditch having its point of di version in the Northeast quarter of Sect 33, Township 7 North, Range 24 East, B. for the irrigation of the following des land, to-wit:

West half of the Southeast quarter of t Northwest quarter and the Southwest qua of the Northwest quarter of Section 17, theNortheast quarter of the Northeast q of Section 18, all in Township 6 North, 25 East, B. M.

No. 201

GEORGE HERBST

1886-July 21
1889-June 1

0.8 cfs. 34.0322
0.8 cfs. 34.0323

To be diverted from Big Lost River thro the Upper Burnet ditch having its pr diversion in the Northwest quarter ... tion 34, Township 7 North, Range 24 Eas ... for the irrigation of the following scribed land, to-wit:

The West half of the Northwest quarter Section 12, Township 6 North, Range 25 B. M.

No. 202

ANDREW J. HIGGINS

1905-May 1
1912-October 14

0.8 cfs. 34.0324
5.6 cfs. 34.0325

To be diverted from Big Lost River thro the Beale Ditch having its point of div in the Northwest quarter of Section 6, ...ip 8 North, Range 22 East, B. M., for ...rrigation of the following described l to-wit:

The South half of Section 23, Township North, Range 22 East, B. M.

No. 203

DOYLE HILL

1898-June 1

1.6 cfs. 34.0326

To be diverted from Big Lost River thro the Upper Burnett ditch having its poin ...version in the Northwest quarter of S tion 34, Township 7 North, Range 24 Eas B. M., for the irrigation of the follo described land, to-wit:

The South half of the Southeast quarte Section 1, Township 6 North, Range 25 B. M.

000251

No. 204

GEORGE H. HILL

1897-June 1 ✓ 0.07 c.f.s. 34.0327

To be diverted from Big Lost River thro the West Side ditch having its point of version in the Southeast quarter of Sec 4, Township 5 North, Range 26 East, B. for the irrigation of the following de- scribed land, to-wit:

Lots 2 and 3 of Block 11 of Johnston's dition to the town of Moore, Butte Coun Idaho.

No. 205

SAMUEL HILL (Described in plaintiff's amended complaint as Samuel Hill).

1905-June 1 ✓ 0.8 c.f.s. 34.0328

To be diverted from an unnamed spring t a private ditch having its point of div in the Northwest quarter of the Northea quarter of Section 18, Township 7 North 24 East, B. M., for the irrigation of t llowing described land, to-wit:

The Northeast quarter of the Southeast of Section 18, Township 7 North, Range B. M.

No. 206

OTTO P. HOEBEL, as Administrator of the Estate of J. P. Jeppesen, Deceased

1913-January 24 ✓ 0.8 c.f.s. 34.0329

To be diverted from Big Lost River thro Moore Canal having its point of diversi the Southeast quarter of Section 4, Tow Range 26 East, B. M., for the irrigatio the following described land, to-wit:

Southeast quarter of the Northeast qua Section 32, Township 5 North, Range 26 B. M.

No. 207

Louis Hohn (Described in Plaintiff's amended complaint as Lewis Hohn

1898-September 1 ✓ 2.8 c.f.s. 34.0330

To be diverted from Big Lost River thr Arco canal, having its point of divers the Northwest quarter of Section 26, T 4 North, Range 26 East, B. M., for the tion of the following described land,

SEE CORRESPONDENCE FILE - Rt split, see shelf file

South half of the Southeast quarter of 31, Township 4 North, Range 27 East, B and the East half of the Northeast qua Section 6, Township 3 North, Range 27

No. 208

MRS. CLARISSA L. HOOPER

1885-May 31 ✓ 3.2 c.f.s. 34.0331

32 Trans. 820

To be diverted from Big Lost River as 0.8 c.f.s. through the West Side Canal c.f.s. through the Moore Canal, 1.6 c. through the Island Ditch, all having point of diversion in the Southeast q Section 4, Township 5 North, Range 26 M., for the irrigation of the followi scribed land, to-wit:

East half of the Southeast quarter of 16 and the West half of the Southwest of Section 15, Township 5 North, Rang B. M.

No. 209

000252

E. W. HOVEY, as Administrator of the Estate of Wm. Babcock, Deceased

(a) 1901-July 1 — 0.9 c.f.s. — To be diverted from Big Lost River throug the Huston Ditch having its point of dive sion in the Northeast quarterof Section 3 Township 7 North, Range 24 East, B. M., f the irrigation of the following described land, to-wit:

Southwest quarter of the Northwest quarte Northwest quarter of the Southwest quarte and the Northwest quarter of the Northwes quarter of Section 12, Township 6 North, Range 24 East, B. M., save and except 9.7 acres lying North of the Rodgers Ditch an described as: Commencing at the Northwes corner of the Northwest quarter of the No west quarter; thence East 1320 feet; then South 384 feet; thence North 85° West to West line of Section 12; thence North 262 feet to the place of beginning, all in To ship 6 North, Range 24 East, B. M. a/s.

(b) 1896-June 30 — 1.3 c.f.s. — To be diverted from Alder Creek through a private ditch having its point of diversi in the Southwest quarter of the Southeast quarter of Section 14, Township 6 North, R 24 East, B. M., for the irrigation of the land above described.

No. 210

CHARLES J. HOWELL

(a) 1885-May 20 — 4.8 c.f.s. — To be diverted from Corral Creek thro private ditch having its point of divers on the land constituting the place of use said water.

(b) 1886-June 1 — 3.2 c.f.s. — To be diverted from Sage Creek through a

1918-October 26 — 1.6 c.f.s. — gate ditch having its point of diversion the land constituting the place of use of water, for the irrigation of the followin scribed land, to-wit:

Southeast quarter of the Northwest quarte Southwest quarter of the Northeast quarte Northeast quarter of the Southwest quarte Northwest quarter of the Southeast quarte and Lots 2 and 3 of Section 3, Township 9 North, Range 21 East, B. M.

(c) 1917-June 1 — 3.2 c.f.s. — To be diverted from an unnamed spring thr a private ditch having its point of diver on the land constituting the place of use said water, for the irrigation of the fol ing described land, to-wit:

000253

North half of the Northeast quarter and t Northwest quarter of Section 31; North ha of the Northwest quarter of Section 32; S east quarter of the Southeast quarter of tion 30 and the Southwest quarter of the west quarter of Section 29, all in Tow North, Range 21 East, B. M.

No. 211

JOHN HOWELL

(a) 1888-June 1 — 1.6 c.f.s.

1902-May 1 — 0.62 c.f.s.

1905-September 5 — 2.58 c.f.s.

To be diverted from Big Lost River thro the Howell Ditch having its point of di sion in the Southwest quarter of Sectic Township 8 North, Range 21 East, B.M., the irrigation of the following describe land, to-wit:

Northwest quarter of the Northeast quar and the Northeast quarter of the North quarter of Section 30; Southwest quarte the Northeast quarter, West half of the Southeast quarter, Southeast quarter of Southwest quarter of Section 19, all ir Township 8 North, Range 21 East, B. M.,

(b) 1888-June 1 — All of Pinto Creek

Trans 919 - 1.2 cfs

To be diverted from Pinto Creek through private ditch having its point of diver sion on the land constituting the place use of said water, for the irrigation o the land last above described.

No. 212

Thomas L. Howell

1914-May 1 — 0.64 c.f.s.

1916-May 5 — 2.56 c.f.s.

all in Trans. 896 & Trans 909 [illegible]

To be diverted from Big Lost River thro the Naef Ditch having its point of dive in the Northwest quarter of Section 12, ship 8 North, Range 21 East, B. M., for irrigation of the following described to-wit:

Lots 10 and 11 and the West half of the east quarter of Section 6, Township 8 N Range 22 East, B. M.

No. 213

Alice C. Hunter

(a) 1905-May 1 — 1.0 c.f.s.

(b) 1915-March 12 — 2.2 c.f.s.

To be diverted from Big Lost River as 0.8 c.f.s. of (a) through the Thalman- Ditch having its point of diversion in Southwest quarter of Section 16, Towns North, Range 21 East, B. M., all of (b and 0.2 c.f.s. of (a) through the Niel Ditch having its point of diversion in Northwest quarter of Section 15, Towns North, Range 21 East, B. M., for the i tion of the following described land,

Southeast quarter of the Southeast qua Section 10; Southwest quarter of the S quarter and the Northwest quarter of t west quarter of Sec. 11; Northwest qua the Northwest quarter of Section 14, a Township 8 North, Range 21 East, B. M.

No. 214

000254

Annie S. Hunter

1900-November 1 — 6.4 c.f.s. 0346 — To be diverted from Big Lost River throu the Chilly Ditch having its point of div sion in the Southwest quarter of Section Township 8 North, Range 21 East, B. M., the irrigation of the following describe land, to-wit:

South half of the Northeast quarter, Nor half of the Southeast quarter and the So west quarter of Section 29, Township 9 E Range 22 East, B. M.

No. 215

J. B. Hunter

(a) 1902-March 1 — 2.4 c.f.s. 0347 — To be diverted from Big Lost River throu the Chilly Ditch having its point of div sion in the Southwest quarter of Section Township 8 North, Range 21 East, B. M., the irrigation of the following describe land, to-wit:

2.4 - Trans. 520

Northeast quarter of the Southeast quar of Section 20 and the West half of the S west quarter of Section 21, Township 9 N Range 22 East, B. M., and,

(b) 1902-March 1 — 1.6 c.f.s. 0348 — To be diverted from Big Lost River throu the Chilly Ditch having its point of div sion in the Southwest quarter of Sec... Township 8 North, Range 21 East, B. the irrigation of the following desc... land, to-wit:

South half of the Northwest quarter of tion 29, Township 9 North, Range 22 Eas B. M., and

(c) 1902-March 1 — 0.8 c.f.s. 0349 — To be diverted from Big Lost River thro the Chilly Ditch having its point of div sion in the Southwest quarter of Sectio Township 8 North, Range 21 East, B. M., the irrigation of 40 acres of land in t following described legal subdivisions, wit:

0.8 Trans. 520

East half of the Northwest quarter of S tion 19 and the East half of the South quarter of Section 18, Township 9 North Range 22 East, B. M., and,

(d) 1909-July 27 — 12.8 c.f.s. 0350 — To be diverted from Upper Cedar Creek t the Hunter Ditch having its point of di sion 2384 feet North 20° East of South corner of Section 24, Township 8 North 23 East, B. M., for the irrigation of following described land, to-wit:

000255

(Continued)

Northeast quarter of Section 35; West half of the Southwest quarter, West half of the Northeast quarter, Northeast quarter of the Southwest quarter and the Northwest quarter of the Southeast quarter and the Northwest quarter of Section 25; South half of the Southeast quarter of Section 36, all in Township 8 North, Range 23 East, B. M.

No. 216 (See Amendment Page 225)

~~W. C. HUNTER~~
W. C. HUNTER

(a) 1888-August 1 — 2.4 c.f.s. 34.0351

To be diverted from Big Lost River through the Thalman-Hunter Ditch having its point of diversion in the Southwest quarter of Section 16, Township 8 North, Range 21 East, B. M., for the irrigation of the following described land, to-wit:

Southeast quarter of the Southwest quarter, Southwest quarter of the Southeast quarter of Section 1 Northeast quarter of the Northwest quarter and the Northwest quarter of the Northeast quarter of Section 14, all in township 8 North, Range 21 East, B. M., and,

(b) 1888-August 1 — 0.8 c.f.s. 34.0352

To be diverted from Rock Springs Creek through a private ditch having its point of diversion on the land constituting the place of use of said water, for the irrigation of the land last above described and

(c) 1902-June 1 — 2.65 c.f.s. 34.0353

To be diverted from Warm Springs Creek through private ditches having their points of diversion in the Southeast quarter of Section 34, Township 8 North, Range 22 East, B. M., for the irrigation of the following described land, to-wit:

Northeast quarter of the Southeast quarter and the East half of the Northeast quarter of Section 34; Northwest quarter of the Southwest quarter of Section 35, Township 8 North, Range 22 East, B. M.

No. 217

Wm. S. Hunter

1896-March 27 — 1.6 c.f.s. 34.0354

To be diverted from Big Lost River through the Moon Canal having its point of diversion in the Southeast quarter of Section 4, Township 5 North, Range 26 East, B. M., for the irrigation of the following described land, to-wit:

Southeast quarter of the Southeast quarter of Section 29 and the Northeast quarter of the Northeast quarter of Section 32, Township 5 North, Range 26 East, B. M.

No. 218

000256

Fred Hurst
(Successor in interest of Mark Hurst)

1896-September 28	4.4 c.f.s.	To be diverted from Big Lost River as fol 0.6 s.f.s.of priority September 28, 1896 be diverted through the Hurst Ditch havir point of diversion in the Southwest quart Section 36, Township 4 North, Range 26 Ea B. M., the balance to be diverted through Muncy ditch having its point of diversior the Southeast quarter of Section 26, Tow 4 North, Range 26 East, B. M., for the i tion of the following described land, to-
1911-May 17	0.9 c.f.s.	
1912-April 15	2.5 c.f.s.	

South half of the Northwest quarter, West of the Northeast quarter, Northwest quart the Southeast quarter, Northeast quarter the Southeast quarter and the Southeast ter of the Northeast quarter of Section Township 3 North, Range 26 East, B. M. a 3 and the Northeast quarter of the South quarter of Section 18, Township 3 North, 27 East, B. M.

No. 219

Jno.Hurst and Jos. A. Boillin

1896-August 1	1.61 c.f.s.	To be diverted from Big Lost River throu Jno. Hurst Ditch having its point of div in the Southeast quarter of Section 26, ship 4 North, Range 26 East, B. M., for irrigation of the following described la wit:

3400003

No. 220

Nina Hurst

1887-June 1	2.8 c.f.s.	North half of the Southwest quarter east quarter of the Southwest quarte tion 36, Township 4 North, Range 26 East To be diverted from Big Lost River throu Hurst Ditch having its point of diversio the Southwest quarter of Section 36, Tow 4 North, Range 26 East, B. M., for the i tion of the following described land, to

West half of the Southwest quarter, Sout quarter of the Northwest quarter and Lot Section 1, Township 3 North, Range 26 Ea

No. 221

Geo. A. Hyde

1899-May 6	0.8 c.f.s.	To be diverted from Big Lost Riger throu Harris & Vaught Ditch having its point o version in the Northwest quarter of Sect Township 7 North, Range 24 East,B.M., fo irrigation of the following described la wit:

Northwest quarter of the Southwest quart Section 5, Township 6 North, Range 25 Ea

No. 222

000257

Geo. A. Hyde Wilford Longson and Thomas Longson, Jointly 1887-June 1 Trans #1001 + 100 -1669 No. 223	3.2 cfs. 34.0380	To be diverted from Big Lost River throu the Harris & Vaught Ditch having its poi of diversion in the Northwest quarter of tion 34, Township 7 North, Range 24 East for the irrigation of the following desc land, to-wit: t half of the Southwest quarter and t West half of the Southeast quarter of Se 31, Township 7 North, Range 25 East, B.
Idaho Metals Company, a corporation. 1884-June 1	34 0962	All of the waters of Cliff Creek or Whit Knob Creek and tributaries above the pip of the Idaho Metals Company, formerly th White Knob Copper Company; To be diverted from Cliff Creek or White Creek through a private ditch having its of diversion on the North Fork of said c at the intake of the present pipeline of Idaho Metals Company for mining and dome purposes on the following described land wit: In and about the mining property and the ing claims owned and operated by the Ida Metals Company, a corporation at and nea White Knob, Custer County, Idaho.
No. 224 Idaho State Life Insurance Company, an Idaho Insurance corporation 1900-June 1 Trans 938 - 0.65 cfs	2.4 cfs. 0361	To be diverted from Big Lost River throu Eberhardt Ditch having its point of dive in the Northwest quarter of Section 2, To 6 North, Range 24 East, B. M., for the i gation of the following described land, t Southeast quarter of the Southeast quart Section 4 and the Northeast quarter of S 9, all in Township 6 North, Range 25 Eas
No. 225 Dick Ivie 1882-September 30	0.96 cfs. 0362	To be diverted from Alder Creek through vate ditch having its point of diversion the Southwest quarter of the Southeast q of Section 14, Township 6 North, Range 2 B. M., for the irrigation of the follow scribed land, to-wit: Southwest quarter of the Southwest quart Section 12 and the Northwest quarter of Northwest quarter of Section 13, Townshi North, Range 24 East, B. M.
No. 226 Evan Ivie 1905-May 1 1908-April 1	0.9 cfs. 0363 2.1 cfs. 0364	To be diverted from Big Lost River throu the Ivie Ditch having its point of dive in the Southwest quarter of the Southea quarter of Section 32, Township 9 North, 22 East, B. M., for the irrigation of t following described land, to-wit: South half of the Southwest quarter of tion 33, Township 9 North, Range 22 Eas and Lots 3 and 4 of Section 4, Townshi North, Range 22 East, B. M.
No. 227		

000258

L. F. Ivie

1882-September 30 — 0.96 c.f.s. — To be diverted from Alder Creek through private ditch having its point of diver in the Southwest quarter of the Southe quarter of Section 14, Township 6 Nort Range 24 East, B. M., for the irrigatio of the following described land, to-wit

Northwest quarter of the Southwest qua and the Southwest quarter of the North quarter of Section 13, Township 6 North Range 24 East, B. M.

No. 228

Parl Ivie

1884-April 22 — 0.62 c.f.s. — To be diverted from Big Lost River thr the Sharp Ditch having its point of di sion in the Southeast quarter of Secti Township 7 North, Range 23 East, B. M. the irrigation of 31 acres of land in following described legal subdivisions wit:

0.62 Trans. 541
0.62 Retrans-616

Northeast quarter of the Southwest qua and the West half of the Southeast qua all in Section 17, Township 7 North, R 24, East, B. M.

No. 229

Albert James and
Pearl James

1896-September 28 — 0.7 c.f.s. — To be diverted from Big Lost River thr the Muncy Ditch having its point of di sion in the Southeast quarter of Secti Township 4 North, Range 26 East, B the irrigation of the following des land, to-wit:

T. 3284

Lot 2 of Section 2, Township 3 North, R 26 East, B. M.

No. 230

Mark Jenkins and

Albert M. Larsen.

1886-June 1 — 1.6 c.f.s.
1901-May 1 — 0.2 c.f.s.
1902-March 1 — 1.4 c.f.s.

To be diverted from Big Lost River as 1.6 c.f.s. of priority June 1, 1886; C s. of priority March 1, 1902 and 0.2 c priority May 1, 1901 through the Darnl Ditch having its point of diversion in Southeast quarter of Section 4, Towns North, Range 26 East, B. M., and 0.8 c priority March 1, 1902 through the Isl Ditch having its point of diversion in Southeast quarter of Section 8, Towns North, Range 26 East, B. M., for the i tion of the following described land,

Southwest quarter of the Northeast qu and the East half of the Northeast qu of Section 34, and the West half of t west quarter of Section 35, all in To 5 North, Range 26 East, B. M.

No. 231

000259

Harold C. Jensen

1905-May 1 — 3.2 c.f.s. 0371 — To be diverted from Big Lost River throu private ditch having its point of divers in the Northeast quarter of Section 10, T ship 6 North, Range 25 East, B. M., for irrigation of the following described la to-wit;

The North half of the Southwest quarter the North half of the Southeast quarter Section 9, Township 6 North, Range 25 E

No. 232

H. L. Jensen

1883-June 1 — 4.8 c.f.s. 0372 — To be diverted from Big Lost River throu the West Side ditch having its point of sion in the Southeast quarter of Sectio Township 5 North, Range 26 East, B. M., the irrigation of the following describe land, to-wit:

The Southeast quarter of Section 4, and West half of the Northeast quarter of Se 9, Township 4 North, Range 26 East, B. M.

No. 233

Joseph E. Jensen

1886-May 12 (1 8 Trans. 454) — 3.2 c.f.s. 0373 — To be diverted from Big Lost River throu Island Ditch having its point of diversi the Southeast quarter of Section 4, Town 5 North, Range 26 East, B. M., for the i gation of the following described land, t

The West half of the Southwest quarter o tion 22 and the North half of the Northw quarter of Section 27, Township 5 North, 26 East, B. M.

No. 234

S. E. JENSEN

(a) 1898-April 28 (1.6 Trans. No. 413) — 3.2 c.f.s. 0374 — To be diverted from Big Lost River throu Rodgers ditch having its point of diversi the Northeast quarter of Section 33, Town 7 North, Range 24 East, B. M., for the i tion of the following described land, to

The South half of the Southwest quarter the South half of the Southeast quarter Section 9; Northwest quarter of the Nort quarter, North half of the Northwest qua Southwest quarter of the Northwest quart Section 16, all in Township 6 North, Ran East, B. M., and

(b) 1905-May 1 (1.2 Trans. No. 413) — 1.6 c.f.s. 0375 — To be diverted from Big Lost River throu private ditch having its point of divers on the land constituting the place of us said water, for the irrigation of the la last above described.

000260

(c) 1904-May 1 — 0.8 c.f.s. 0376 — To be diverted from Sheep Creek through vate ditch having its point of diversion Southwest quarter of Section 16, Townshi North, Range 25 East, B. M., for the irr tion of the land last above described.

No. 235

Walter A. Jensen

(a) 1886–June 1

1887–June 1

0.5 - 6-1-85 Trans. 842
0.8 " " 845
1.2 " " 846

2.5 cfs. 34-0377 To be diverted from Big Lost River throu
1.9 cfs. 34-0378 the West Side Ditch and Darnley Ditch ha
their points of diversion in the Sou
east quarter of Section 4, Township 5 No
Range 26 East, B. M., for the irrigation
the following described land, to-wit:

The West half, Southwest quarter of the
Northeast quarter and the Northwest quar
of the Southeast quarter of Section 10-a
the Northeast quarter of the Northeast q
ter of Section 9, Township 5 North, Rang
26 East, B. M., and

(b) 1880–June 1
1.2 Trans. 846

1.2 cfs. 34-0379 To be diverted from Lower Pass Creek thr
a private ditch having its point of dive
sion in the Southeast quarter of Section
Township 6 North, Range 26 East, B. M.,
the irrigation of the land last above de
scribed.

No. 236

Annie M. Jeppsen

1899–June 1

0.8 cfs. 34-0380 To be diverted from Big Lost River throu
the Moore canal having its point of dive
sion in the Southeast quarter of Section
Township 5 North, Range 26 East, B. M.,
the irrigation of the following describe
land, to-wit:

The Northwest quarter of the Southwes
ter of Section 28, Township 5 North, Ran
26 East, B. M.

No. 237

C.R. Jeppesen

(a) 1894–September 26
3.2 cfs Trans No 400

3.2 cfs. 34-0381 To be diverted from Big Lost River throu
the Three-in-One ditch having its point
diversion in the Southeast quarter of Se
tion 14, Township 6 North, Range 25 East
B. M., for the irrigation of the follow
described land, to-wit:

The Northeast quarter of Section 5, Town
5 North, Range 26 East, B. M.

(b) 1886–June 1

1895–June 1

1.24 cfs. 34-0382
2.00 cfs. 34-0383 To be diverted from Big Lost River throu
the Island ditch having its point of di
sion in the Southeast quarter of Sectio
Township 5 North, Range 26 East, B. M.,
the irrigation of the following describ
land, to-wit:

The South half of the Northwest quarter
the Southwest quarter, Northeast quarte
the Southwest quarter, Northwest quarte
the Southeast quarter, Southeast quarte
the Southwest quarter, and that part of
Southwest quarter of the Southwest quar
lying east of the Island Ditch, all in
tion 27, Township 5 North, Range 26 E
B. M.

000261

No. 238

C. R. Jeppesen as Administrator of the estate of Joseph L. Jeppesen, deceased.

1889-May 31 ✓ 34 0284 1.44 c.f.s.

To be diverted from Big Lost River thro the Island Ditch having its point of di sion in the Southeast quarter of Sectio Township 5 North, Range 26 East, B. M., the irrigation of the following describ land, to-wit:

The South half of the Southwest quarter Section 34, Township 5 North Range 26 E B. M.

No. 239

Daniel P. Jeppesen

1900-March 23 ✓ 34 0285 1.6 c.f.s.

To be diverted from Big Lost River thro the Moore canal having its point of div in the Southeast quarter of Section 4, ship 5 North, Range 26 East, B. M., for irrigation of the following described l to-wit:

The Northeast quarter of the Northeast ter and the Southeast quarter of the No west quarter of Section 5, Township 4 N Range 26 East, B. M.

No. 240

Algott Johnson ✓

(a) 1896-March 2 ✓ 34 0286 2.4 c.f.s.

To be diverted from Big Lost River thro the Burstedt-Johnson Ditch having its p of diversion in the Northwest quarter o tion 32, Township 6 North, Range 26 Eas M., for the irrigation of the following scribed land, to-wit:

The Southeast quarter of the Southeast ter, West half of the Southeast quarter the Northeast quarter of the Southeast ter of Section 9, Township 5 North, Ran East, B. M.

(b) 1896-June 1 ✓ 34 0287 0.8 c.f.s.

To be diverted from Big Lost River thro the West Side Ditch having its point of version in the Southeast quarter of Sec 4, Township 5 North, Range 26 East, B. for the irrigation of the land last abo described.

No. 241

C. D. Johnson

To be diverted from Big Lost River as f

(a) 1901-May 1 ✓ 34 0288 ✓ 0.6 c.f.s.
1902-March 1 ✓ 34 0289 ✓ 0.6 c.f.s.

0.6 c.f.s. with priority of May 1, 1901 0.6 c.f.s. with priority of May 1, 1902 through the Island ditch having its poi diversion in the Southeast quarter of S 4, Township 5 North, Range 26 East, B. for the irrigation of the following des land, to-wit:

000262

The South half of the Southwest quarter Section 26 and the South half of the So east quarter of Section 27, and the Nor west quarter of the Northeast quarter Section 34, all in Township 5 North, Ra 26 East, B. M.

(b) 1886-June 1 ✓ 34 0290 ✓ 1.6 c.f.s.
1902-May 1 ✓ 34 0291 ✓ 0.2 c.f.s.
1902-March 1 ✓ 34 0292 ✓ 0.2 c.f.s.

To be diverted from Big Lost River thro the Darnley ditch having its point of d sion in the Southeast quarter of Sectio Township 5 North, Range 26 East, B. M., the irrigation of the land last above d

No. 242

Hyrum S. Johnson

1900-May 1 34 [illegible] 4.0 c.f.s.

To be diverted from Willow Creek through private ditch having its point of divers in Section 10, Township 6 North, Range 2 East, B. M., for the irrigation of the f lowing described land, to-wit:

The Southeast quarter of the Southeast q ter of Section 3 and tlots 2,3,7,8, and Section 10, Township 6 North, Range 24 E B. M.

No. 243

John A. Johnson

1890-June 1 34 [illegible] 0.8 c.f.s.

To be diverted from Big Lost River throu the Paul Thomas ditch having its point c version in the Southeast quarter of Sect 26, Township 4 North, Range 26 East, B. for the irrigation of the following desc land, to-wit:

The North half of the Northeast quarter Section 35, Township 4 North, Range 26 E B. M.

No. 244

Mary B. Johnson, as Administratrix of the Estate of E. D. Johnson, deceased.

1896-June 1 34 [illegible] 0.06 c.f.s.

To be diverted from Big Lost River throu the Moore Canal having its point of div in the Southeast quarter of Section 4, T ship 5 North, Range 26 East, B. M., for irrigation of the following described la to-wit:

Beginning at the Northeast corner of Northwest quarter of the Northwest quart of Section 28, Township 5 North, Range 2 B. M., thence running South 333 feet, th West 555 feet, thence North 333 feet, th East 555 feet to the place of beginning taining 4 acres.

No. 245

Mary F. Johnson

1885-May-1
1887-July 1 34 9396 1.42 c.f.s.
0.64 - Trans. 858 } Amend 1582 1.3
0.64 - " 859 }
2029

To be diverted from Big Lost River throu the Arco canal having its point of diver in the Northwest quarter of Section 26, ship 4 North, Range 26 East, B. M., for irrigation of the following described la to-wit:

The South half of the Southwest quarter Section 25, Township 4 North, Range 26 B. M., except 4 acres in the Southwest ter thereof.

Amend P 226

No. 246

000263

Ole Johnson, E. R. Johnson,
J. L. Johnson & Elmer C. Morgan.

1888-June 1 34 [illegible] 2.4 c.f.s.

To be diverted from Big Lost River thro
the Darnley ditch having its point of d
version in the Southeast quarter of Sec
4, Township 5 North, Range 26 East, B.
for the irrigation of the following de-
scribed land, to-wit:

The West half of the Northwest quarter
Section 14 and the East half of the Nor
east quarter of Section 15, all in Town
5 North, Range 26 East, B. M.; also com
mencing at a point 12 rods due South of
Northeast corner of the Southeast quart
the Southeast quarter of Section 10, To
ship 5 North, Range 26 East, B. M., the
South along the East line thereof to th
Southeast corner of said Southeast quar
of said Section 10, thence along the So
line thereof to the Southwest corner th
thence 25 rods, thence in a northeast d
ection across the said Southeast quarte
the Southeast quarter to the point of b
ning containing 103¼ acres; also a frac
tional part of the Southeast quarter of
Southeast quarter of said Section 10
bounded and described as follows:

Commencing at a point 25 rods North of
Southwest corner of said Southeast quar
of the Southeast quarter of Section 10;
thence along the West line of said quar
section to the Northwest corner thereof
thence East along the North line of sai
quarter section to the Northeast quarte
thereof, thence South 12 rods, thence i
Southwesterly direction across the said
Southeast quarter of the Southeast quar
of Section 10, to place of beginning co
taining 10.93-3/4 acres.

No. 247.

Otto A. Johnson

1909-August 30 34 [illegible] 2.0 c.f.s.
1905-May 1 34 [illegible] 1.2 c.f.s.
Trans. 846 - 8-30-09 - 1.6 c.f.s.
" 878 - 8-30-09 - .04 "
" " - 5-1-05 - 1.2 "

To be diverted from Warm Springs Creek
through private ditches having their
points of diversion in the Northwest qu
ter of Section 28, Township 8 North, R
22 East, B. M., for use on the followi
described land, to-wit:

The South half of the Northwest quarte
the North half of the Southwest quarte
Section 27, Township 8 North, Range 22
B. M.

No. 248

000264

Robert Johnson

1896-June 1 34 0400 0.0125 c.f.s.

To be diverted from Big Lost River th the Moore canal having its point of d sion in the Southeast quarter of Sect Township 5 North, Range 26 East, B. M the irrigation of the following descr land, to-wit:

Lots 16 to 20, inclusive, of Block 8
Lots 15 to 18, inclusive, of Block 9
the Town of Moore, County of Butte,
of Idaho.

No. 249

C. C. JONES

1896-June 1 34 0401 0.004 c.f.s.

To be diverted from Big Lost River th the Moore canal having its point of d sion in the Southeast quarter of Sect Township 5 North, Range 26 East, B. M the irrigation of the following descr land, to-wit:

Lots 1 to 4 inclusive of block 5 of t site of Moore in the County of Butte, of Idaho.

No. 255 (250)

Harvey D. Jones

1896-June 1 34 0402 0.005 c.f.s.

To be diverted from Big Lost River th Moore canal having its point of diver the Southeast quarter of Section 4, T 5 North, Range 26 East, B. M., for th gation of the following described lan

Lots 16 to 20 inclusive of Block
Townsite of Moore in the County of Bu State of Idaho.

No. 251

Martha A. Jones
(Formerly Martha J. Stoddard
and so named in plaintiff's amended
complaint herein.)

(a) 1884-June 34 0403 0.8 c.f.s.
(b) 1884-June 34 0404 0.2 c.f.s.
1898-May 34 0405 1.2 c.f.s.
1906-May 34 0406 2.6 c.f.s.
1.0-6-1-84 Trans 555
1.2 - 5-1-98 " } Trans. 575 back to
2.6 - 5-1-06 "
2.6 - 5-1-06 Trans 748
Trans 1761

To be diverted from Big Lost River th the Bursted-Johnson ditch having its of diversion in the Northwest quarte tion 32, Township 6 North, Range 26

To be diverted from Big Lost River t the Three-in-One ditch having its po diversion in the Southeast quarter o tion 14, Township 6 North, Range 25

All for the irrigation of the follow scribed land, to-wit:

The South half of the North half of west quarter, Southwest quarter of t west quarter and the Southwest quart Northeast quarter of Section 4, and west quarter of the Southeast quarte East half of the Southeast quarter o 5, all in Township 5 North, Range 26 M., and

(c) 1896-June 34 0407 0.68 c.f.s.

To be diverted from Big Lost River t the Moore canal having its point of in the Southeast quarter of Secti ship 5 North, Range 26 East, B. irrigation of the following descr to-wit:

000265

(Insert) Tax No. 14: All that part of the Southwest quarter of the Northwest quarter lying south and east of Tax Lot #719; containing 24 acres more or less of Section 28, Township 5 North, Range 26 East, B. M.

No. 252

James A. Jones

1902-May 15 34 0048 2.86 c.f.s.

No. 253

W. A. Jones

000266 1896-June 1 34 0009 0.007 c.f.s.

No. 254.

(Insert)

Tax No. 155: An irregular shaped piece ground described as beginning at the Nor west corner of Tax Lot #329; thence Nort to the Southwest corner of Tax Lot #16; thence East to the West line of Tax Lot thence due South to a point due East of Southeast corner of Tax Lot #719; thence North to the Northeast corner of Tax Lot #719; thence West to the Northwest corne Tax Lot #719; thence North to the Southw corner of Tax Lot #329; thence East to t Southeast corner of Tax Lot #329; thence North to the Northeast corner of Tax Lot thence West to the Northwest corner of T Lot #329; the place of beginning contair 2 acres more or less of Section 28, Town 5 North, Range 26 East, B. M.

No. 329: Commencing at a point 738 feet inches west of the Southwest corner of B 21, Townsite of Moore, Butte County, Ida and running thence North 580 feet, then 300 feet 5 inches, thence South 580 fee thence East 300 feet 5 inches to the pla beginning, being a part of the West half the Northwest quarter of Section 28, Tow 5 North, Range 26 East, B. M., and conta 4.0 acres.

No. 719: Commencing at a point 738 fee inches West of the Northwest corner of B 21 of the Townsite of Moore, Butte Coun Idaho, and running thence South 580 fee thence West 300 feet 5 inches, thence No 580 feet, thence East 300 feet 5 inches the place of beginning, being a part of Southwest quarter of the Northwest quar Section 28, Township 5 North, Range 26 B. M., and containing 4.0 acres.

To be diverted from Antelope Creek throu the Hanrahan ditch having its point of sion in the Northeast quarter of Sectio Township 5 North, Range 25 East, B. M., the irrigation of the following describ cels of land, to-wit:

Lots 1 and 2 and the Southeast quarter Northeast quarter of Section 12, Townsh North, Range 25 East, B. M.

To be diverted from Big Lost River throu Moore canal having its point of diversi the Southeast quarter of Section 4, Tow 5 North, Range 26 East, B. M., for the tion of the following described parcels land, to-wit:

Lots 5 and 6 of Block 5 and Lots 11 to inclusive of Block 20, Original Townsit Moore, Butte County, Idaho.

Wm. H. Jones

1902-May 15 ✓ 34 0010 ✓ 3.74 c.f.s.
Trans #604 - 1.02 cfs

To be diverted from Antelope Creek thro the Hanrahan Ditch having its point of version in the Northeast quarter of Sec 21, Township 5 North, Range 25 East, B. for the irrigation of the following des land, to-wit:

Lots 3 and 4, Southeast quarter of the west quarter and the Southwest quarter the Northeast quarter of Section 12, To 5 North, Range 25 East, B. M.

No. 255

Chas. E. Judd

1897-June 1 ✓ 34 0011 ✓ 3.2 c.f.s.
1898-June 1 ✓ 34 0012 0.8 c.f.s.

To be diverted from Antelope Creek thro the Hanrahan Ditch having its point of sion in the Northeast quarter of Sectio Township 5 North, Range 25 East, B. M., the irrigation of the following describ land, to-wit:

Northeast quarter of the Southwest quar Northwest quarter of the Southeast quar and the South half of the Southwest qua of Section 15, North half of the Northw quarter of Section 22, all in Township North, Range 25 East, B. M.

No. 256

Joseph F. Keele

1891-May 15 ✓ 34 0013 3.6 c.f.s.
Trans #621 - 2.0 cfs

To be diverted from Antelope Creek thro private ditches having their points sion in the Southeast quarter of S Township 4 North, Range 24 East, B. M., the irrigation of the following descrit land, to-wit:

Northwest quarter of the Southwest qua Section 9; North half of the Southeast ter, Northeast quarter of the Southwest ter, Southeast quarter of the Northwest ter, and the South half of the Northea quarter of Section 8 and all that part Northwest quarter of the Northeast qua Section 8 lying South of a straight li drawn beginning at a point on the west of the Northwest quarter of the Northe quarter 20 feet South of the Northwest ner thereof and running thence Southea to a point on the East line of said No quarter of the Northeast quarter 20 fe North of the Southeast corner thereof. in Township 4 North, Range 24 East, B.

No. 257

Geo. Kent

(a) 1885-June 1 ✓ 34 0014 ✓ 1.8 c.f.s.

To be diverted from Kent Springs throu private ditch having its point of dive on the land constituting the place of said water, for the irrigation of the ing described land, to-wit:

Southeast quarter of the Southwest qua and the West half of the Southwest of Section 1, and the Northeast qua the Southeast quarter of Section 2, a Township 6 North, Range 24 East, B. M.

(Continued)

000267

(b) 1885-June 1 34 0015	0.8 c.f.s.	To be diverted from Big Lost River throu the Rodgers Ditch having its point of di sion in the Northeast quarter of Section Township 7 North, Range 24 East, for the rigation of the land last above describe
No. 258		
Ida M. Kern, Formerly Ida M. Haney, and Ella M. Haney, Burton C. Haney and Eliza Haney, minors, by Ida. M. Kern, their duly appointed qualified and acting guardian		To be diverted from Big Lost River throu the Harger-Sullivan Ditch having its poi of diversion in the Southeast quarter of Section 4, Township 5 North, Range 26 Ea B. M., for the irrigation of the followin described land, to-wit:
1896-June 1 34 0015	1.6 c.f.s.	South half of the Southwest quarter of S tion 28, Township 5 North, Range 26 East B. M.
No. 259		
D. R. KERR		To be diverted from Big Lost River throu the Harger-Sullivan Ditch having its poi
1884-May 20 34 0017	1.07 c.f.s.	of diversion in the Southeast quarter of Section 4, Township 5 North, Range 26 Ea B. M., for the irrigation of the followi described land, to-wit:
		Northwest quarter of the Southwest quart of Section 16 and the Northeast quarter the Southeast quarter of Section 17, Tow 4 North, Range 26 East, B. M.
No. 260		
Ephraim Kidman		To be diverted from Big Lost River throu the Ferris Slough having its point of di
1892-May 1 34 0018 1.6 Trans 742	2.0 c.f.s.	sion in the Northwest quarter of Section Township 4 North, Range 26 East, B. M., the irrigation of the following describe land, to-wit:
		West half of the Southwest quarter and t North half of the Northeast quarter of t Southwest quarter of Section 6, Township North, Range 27 East, B. M.
No. 261		
Harriett M. Kidman		To be diverted from Big Lost River thro the Arco Canal having its point of diver
1898-August 1 34 0019	0.1 c.f.s.	in the Northwest quarter of Section 26, ship 4 North, Range 26 East, B. M., for irrigation of the following described la to-wit:
		Five acres lying below the Arco Canal i Southwest corner of Section 31, Township North, Range 27 East, B. M.
No. 262		
D. L. Killian		To be diverted from Warm Springs Creek a private ditch having its point of div
(a) 1902-May 1	2.4 c.f.s.	in the Southeast quarter of Section 27, ship 8 North, Range 22 East, B. M., for irrigation of the following described l to-wit:

(Continued)

000268

West half of the Southwest quarter of Section 26
the North half of the Southeast quarter of Sectic
Township 8 North, Range 22 East, B. M., and,

(b) 1914-June 1 ✓ 0.8 c.f.s. To be diverted from Big Lost River through the Ni
34 [illegible] ✓ Ditch having its point of diversion in the Northw
quarter of Section 15, Township 8 North, Range 21
B. M., for the irrigation of the land last above
scribed.

No. 263

Andrew F. King

1896-June 1 ✓ 34 [illegible] ✓ 1.2 c.f.s. To be diverted from Big Lost River through Darnle
Ditch having its point of diversion in the Southe
quarter of Section 4, Township 5 North, Range 26
B. M., for the irrigation of the following descri
land, to-wit:

West half of the Southwest quarter of Section 35,
No. 264 ship 5 North, Range 26 East, B. M.

Daniel King

1884-August 31 ✓ 34 [illegible] 1.6 c.f.s. To be diverted from Big Lost River through the Is
Ditch having its point of diversion in the Southe
quarter of Section 4, Township 5 North, Range 26
B. M., for the irrigation of the following descri
land, to-wit:

That part of the Northeast quarter of Section 3,
ship 4 North, Range 26 East, B. M., described as
lows: Commencing at the Northwest corner of the
east quarter of Section 3, Township 4 North,
East, B. M., thence South 160 rods; thence Ea.
2/3 rods to the Southeast corner of the Northeas
ter of said Section, thence North 55 rods; thence
99-2/3 rods; thence North 106 rods; thence West
No. 265 rods to the point of beginning, containing in all
97.81 acres.

Edward King

1886-May 1 ✓ 34 0414 ✓ 1.6 c.f.s. To be diverted from Big Lost River through the B
stedt-Johnson Ditch having its point of diversio
the Northwest quarter of Section 32, Township 6
Range 26 East, B. M., for the irrigation of the
ing described land, to-wit:

Lots 3 and 4 of Section 4, Township 5 North, Ran
East, B. M., containing 83.08 acres, more or les
save and except 3.08 acres heretofore deeded to
King and described as; commencing at the Northwe
ner of Section 4, Township 5 North, Range 26 Eas
and running thence South 3 rods; thence East 160
No. 266 thence North 3 rods; thence West 160 rods to the
of beginning.

James King

1896-June 1 ✓ 34 [illegible] ✓ 1.2 c.f.s. To be diverted from Big Lost River through the I
Ditch having its point of diversion in the South
quarter of Section 4, Township 5 North, Range 26
B. M., for the irrigation of the following descr
land, to-wit:

000269

East half of the Southeast quarter of Sectio
No. 267 ship 5 North, Range 26 East, B. M.

JAMES L. KING

1884-June 1 ~~34 0426~~ 2.6 c.f.s.
Trans 732 - 0.6 cfs
1886-May 1 ~~34 0427~~ 3.2 c.f.s.

To be diverted from Antelope Creek thro private ditches having their points of sion in Section 2, Township 4 North, Ra 24 East, B. M., for the irrigation of t following described land, to-wit:

Lot 3 except 10 acres owned by Waddoups 4, Southwest quarter of the Northwest q ter, South half of the Northeast quarte Section 1)/Northwest quarter of the Sou east quarter of Section 2, Township 4 N Range 24 East, B. M., and the East half the Southwest quarter of Section 36, To 5 North, Range 24 East, B. M.

No. 268 (See Amendment Page 226)

Marian King as Administratrix of the Estate of James Beverland, Deceased

(a) 1894-June 1 34 0428 1.2 c.f.s.

To be diverted from Lost River through Burstedt-Johnson Ditch having its point diversion in the Northwest quarter of S tion 32, Township 6 North, Range 26 Eas M., for the irrigation of the following scribed land, to-wit:

West half of the Southeast quarter of S 4, Township 5 North, Range 26 East, B. and

(b) 1912-February 10 34 0429 0.4 c.f.s.

To be diverted from Big Lost River thro the Burstedt-Johnson Ditch having its p of diversion in the Northwest quarter o tion 32, Township 6 North, Range 26 Eas M., for the irrigation of the following scribed land, to-wit:

East half of theSouthwest quarter of Se 14, Township 5 North, Range 26 East, B.

No. 269

WM. C. KING

(a) 1886-May 1 34 0430 1.6 c.f.s.

To be diverted from Big Lost River as 1.1 c.f.s. through the Burstedt-Johnso having its point of diversion in the N west quarter of Section 32, Township 6 Range 26 East, B. M., and 0.5 c.f.s. t diverted through the Three-in-One Ditc ing its point of diversion in the Soutl quarter of Section 14, Township 6 Nort 25 East, B. M., for the irrigation of following described land, to-wit:

Southeast quarter of the Southeast qua of Section 32, and the Southwest quart the Southwest quarter of Section 33, T 6 North, Range 26 East, B. M., and als following tracts: Commencing at the N west corner of Section 4, Township 5 N Range 26 East, B. M., and running then 3 rods, thence East 160 rods; thence N rods; thence West 160 rods to the plac ginning, containing 3 acres, more or l beginning at the Southeast corner of t west quarter of Section 33, Township 6 Range 26 East, B. M., and running then 80 rods; thence North 54 rods; thence east along Big Lost River to the place ginning, and containing 15 acres, more to total acres of said tracts being 98 more or less.

000270

(b) 1886-June 30 34 0431 0.9 c.f.s.
1899-January 15 34 0432 0.8 c.f.s.

To be diverted from Big Lost River throu
Island Ditch having its point of diversion in
the Southeast quarter of Section 4, Township
North, Range 26 East, B. M., for the irrigati
of the following described land, to-wit:

East half of the Southwest quarter of Sectior
15, Township 5 North, Range 26 East, B. M., a

To be diverted from Big Lost River through th
West Side Ditch having its point of diversior
in the Southeast quarter of Section 4, Townsh
5 North, Range 26 East, B. M., for the irrig
tion of the following described land, to-wit:

(a) 1899-June 1 0.2 c.f.s. 34 0433

Lots 1, 2, 3 and 4 of Block 7, and Lots 1 & 2
of Block 2 of Johnston's Addition to the tow
of Moore, Butte County, Idaho, containing 10
acres, more or less.

No. 270

Hiram Kinney

1886-September 1 34 0434 0.16 c.f.s.

To be diverted from Big Lost River through t
Ira George Ditch having its point of diversi
in the Northwest quarter of Section 26, Town
ship 4 North, Range 26 East, B. M., for the
irrigation of the following described land,
wit:

Commencing at a point 12 rods West from the
Northeast corner of the Southwest quarter of
the Southwest quarter of Section 26, To
4 North, Range 26 East, B. M., running
South 27 rods; thence West 47 rods; thence
27 rods; thence East 47 rods to the place of
beginning.

No. 271

Chloe M. Knapp
(Successor in interest
of George Bywater.)

1900-April 1 34 0435 Trans. 1940 2.0 c.f.s.

To be diverted from Big Lost River through
Bywater Ditch having its point of diversion
the Southeast quarter of Section 9, Township
6 North, Range 25 East, B. M., for the irri
tion of the following described land, to-wi

The Southwest quarter of Section 10, Townsh
6 North, Range 25 East, B. M.

No. 272

James Knighton

1894-May 21 34 0436 0.8 c.f.s.

To be diverted from Big Lost River through
West Side Ditch having its point of diversi
in the Southeast quarter of Section 4, Town
5 North, Range 26 East, B. M., for the irri
tion of the following described land, to-wi

Southeast quarter of the Northwest quarter
Section 33, Township 5 North, Range 26 Eas

No. 273

Gustav Kunze

1899-May 1 0.26 c.f.s. 34 0437
0.26 Trans. 1940

To be diverted from Big Lost River through
Jones & Lake Ditch having its point of div
sion in the Northwest quarter of Section 3
Township 4 North, Range 26 East, B. M., fo
irrigation of the following described land
wit:
13 acres in the Southwest quarter of I
31, Township 4 North, Range 27 East, B.
on the South side of the O. S. L. right

No. 274

000271

J. J. Kyne

1898-May 1 34-0428 2 c.f.s.

34-0428

To be diverted from Big Lost River through the Burstedt-Johnson ditch having its point of diversion in the Northwest quarter of Section 32 Township 6 North, Range 26 East, B. M., for the irrigation of the following described land, to-

Beginning at a point 120 rods due North of the Southwest corner of Section 4, Township 5 North Range 26; thence due East 160 rods; thence due North 75 rods; thence due West 10 rods; thence due South 16 rods; thence due West 150 rods; thence South 59 rods to the place of beginning containing 60 acres, more or less.

No. 275

Chas. LaFever

(a) 1885- August 3 34-0439 .0 c.f.s.

34 0439

To be diverted from Antelope Creek through private ditches having their points of diversion the Northeast quarter of Section 17, Township North, Range 24 East, B. M., and on the land stituting the place of use of said water, for irrigation of the following described land, to

Southeast quarter of the Southeast quarter of Section 9; Northwest quarter of Section 15; Southwest quarter; South half of the Northwest quarter and the West half of the Southeast quarter of Section 10, Township 4 North, Range 24 East, B. M., and

(b) 1884-April 22 34 0440 4.02 c.f.s.

To be diverted from Big Lost River through the Sharp Ditch having its point of diversion in Southeast quarter of Section 12, Township 7 N Range 23 East, B. M., for the irrigation of t following described land, to-wit:

Commencing at the Northeast corner of Section Township 7 North, Range 24 East, B. M., thenc 32.39 chains South 0° West to place of beginn which is on the North boundary of right-of-wa the Salmon River Railroad; thence along said North boundary of aforesaid Salmon River R. I North 66° West 12.34 chains; thence North 60° West 7.26 chains; thence North 33° East 1.5 chains; thence North 63° west 5.60 chains; th North 59° West 3.12 chains; thence North 5½° 4.24 chains; thence North 47° West 18.98 chai along above said right-of-way of railroad to East line of Main Street of the Village of M thence North 44° East in line with above said line of Main Street, 2.72 chains to the North corner of the Northeast quarter of above said tion 28; thence North 44° East in continuati above said East line of Main Street of Macka 56.28 chains to a point on the East line of S tion 21; thence South 0¼ west along said Eas of Section 21 38.80 chains to the Northeast ner of Section 28; thence North 90° East alo the North line of Section 27, 20.00 chains t Northeast corner of the Northwest quarter of Northwest quarter of Section 27; thence Sout East 20.00 chains to the Southeast corner of Northwest quarter of the Northwest quarter o tion 27; thence North 90° East 20.00 chains

000272

Northeast corner of the Southeast quarter of
Northwest quarter of Section 27, thence Sout
East 20.00 chains to the Southeast corner of
Southeast quarter of the Northwest quarter o
Section 27; thence West 90° West 20.04 chain
the Southwest corner of the Southeast quarte
the Northwest quarter of Section 27; thence
0° West 2.19 chains to the North boundary of
right-of-way of the Salmon River R. R.; ther
North 66° West along said boundary of the Sa
River R. R. 22.93 chains to the place of beg
ning, containing land in the following subdi
25.06 acres in the Northwest quarter of the
west quarter; 0.36 acres in the Northeast qu
of the Northwest quarter; 40 acres in the No
quarter of the Northeast quarter; 14.48 acre
Southeast quarter of the Northeast quarter,
Section 28, Township 7 North, Range 24 East,
20.61 acres in the Southwest quarter of the
east quarter; 19.80 acres in the Northeast o
of the Southeast quarter; 30 acres in the So
quarter of the Southeast quarter; all in Sec
Township and Range aforesaid; 40 acres in th
west quarter of the Northwest quarter; 40 ac
the Southeast quarter of the Northwest quar
34.08 acres in the Southwest quarter of the
west quarter; 0.48 acres in the Northwest qu
the Southwest quarter and the Southwest —a
the Northeast quarter, all in Township
aforesaid of Section 27, or 304.87 acres
and except 10 acres in McCaleb Cemetery sit
follows: Commencing at the Northeast corne
tion 28, Township 7 North, Range 24 East,
thence North 90° West 751 feet to place of
thence North 90° West 530 feet; thence Nort
822 feet; thence North 90° West 530 feet; th
South 0 East 822 feet to place of beginnin
in the Southeast quarter of the Southeast q
of Section 21, Township 7 North, Range 24 E
M., all of it being in the County of Custer
State of Idaho.

No. 276

C. D. LaFEVER

(a) 1884-September 1 ~~C. I. 7.2~~ c.f.s.
34-0441

See 340

To be diverted from Antelope Creek through
ditches having their points of diversion on
tion (33), Township (4) North, Range 24 East, B
for the irrigation of the following describ
land, to-wit:

West half of the Southwest quarter of Secti
West half of the Northwest quarter, Southwe
ter, Southwest quarter of the Southeast qua
Section 33, Township 4 North, Range 24 East
and,

(b) 1904-June 1 34 0442 3.2 c.f.s.

To be diverted from Antelope Creek through
ditch having its point of diversion in Sect
Township 4 North, Range 23 East, B. M., for
rigation of the following described lan
Northeast quarter of the Southeast quar
East half of the Northeast quarter of Se
Northwest quarter of the Northwest quarter
tion 21, all in Township 4 North, Range 24

000273

No. 277 (See Amendment Page 227)

George Laing

1882-June 1 34 0443 3.2 c.f.s.

1884-June 1 34 0444 1.6 c.f.s.

1887-June 1 34 0445 1.6 c.f.s.

To be diverted from Big Lost River thro private ditches having their points of version in the Southwest quarter of Sec 30, Township 8 North, Range 23 East, B. for the irrigation of the following des land, to-wit:

The South half of the Southeast quarter Section 30, and the North half of the east quarter, East half of the Northwes quarter, Southwest quarter of the North quarter, Northwest quarter of the South quarter and the East half of the Northe quarter of Section 31, all in Township North, Range 23 East, B. M.

No. 278

Otis W. Lake

1899-September 34 0446 2.268 c.f.s.
Trans 942 - 1.6 c/s

To be diverted from Big Lost River as f 1.6 c.f.s. through the Jones & Lake dit ing its point of diversion in the North quarter of Section 36, Township 4 North 26 East, B. M., and 0.668 c.f.s. throug Ferris Slough having its point of diver the Northwest quadter of Section 36, To 4 North, Range 26 East, B. M., for the tion of the following described land, t

Lots 3 and 4 and the Southeast quarter Northwest quarter of section 6, Towns North, Range 27 East, B. M.

No. 279

Ira C. Lambert

1887-June 30 34 0447 0.8 c.f.s.

To be diverted from Big Lost River thro the Upper Burnett ditch having its poir version in the Northwest quarter of Sec Township 7 North, Range 24 East, B. M., the irrigation of the following descril to-wit:

Lot 3 (Northwest quarter of the Southwe ter) of Section 7, Township 6 North, Ra East, B. M.

No. 280

Alfred B. Lambson

1894-March 10 34 0448 1.6 c.f.s.
Trans. 933 - 1.6 c/s

To be diverted from Big Lost River thr East Side Ditch having its point of di in the Northeast quarter of Section 2, 6 North, Range 24 East, B. M., for the tion of the following described land,

South half of the Northwest quarter of 4, Township 6 North, Range 25 East, B.

No. 281.

A. W. Lambson

1894-March 10 34 0449 1.6 c.f.s.
Trans 932 - 1.6 c/s
" 1054 - 1.6 c/s

To be diverted from Big Lost River thr East Side ditch having its point of di in the Northeast quarter of Section 2, 6 North, Range 24 East, B. M., for th gation of the following described land

North half of the Southwest quarter of 4, Township 6 North, Range 25 East, B.

No. 282

000274

Allen B. Lambson

1894-March 10 ✓ 34 0450 — 1.44 c.f.s.

Trans 938- 1.44 cfs
" 1054 1.44 cfs.

To be diverted from Big Lost River thro the East Side Ditch having its point of version in the Northeast quarter of Sec 2, Township 6 North, Range 24 East, B. for the irrigation of the following des land, to-wit:

South half of the Northeast quarter of tion 4, Township 6 North, Range 25 East,

No. 283

Bird M. Lambson

1894-March 10 ✓ — 1.6 c.f.s.

3-10-94 1.0cfs Trans 938 34 0451
" 0.6
" 0.6 " 1054

To be diverted from Big Lost River thro the East Side Ditch having its point of version in the Northeast quarter of Sec Township 6 North, Range 24 East, B. M., the irrigation of the following describ land, to-wit:

North half of the Southeast quarter of 4, Township 6 North, Range 25 East, B.

No. 284

Wm. Lambson

(a) 1885-June 1 ✓ — 3.2 c.f.s.

6-1-85 - 1.8cfs - Trans. 687 34-0452
" 1.4 RC 687-818
" 0.4 RC 687-930

To be diverted from Big Lost River thro Swauger Ditch having its point of diver the Southwest quarter of Section 20, To 7 North, Range 24 East, B. M., for the tion of the following described land, t

South half of the Southeast quarter of 26; West half of the Northeast quarter tion 35, Township 7 North, Range 24 described as follows: Beginning at west corner of the Northeast quarter tion 35, Township 7 North, Range 24 Eas thence West 840 feet; thence South 525 thence East along the County road 1200 thence North 960 feet to the place of b ning, and

(b) 1884-April 22 ✓ — 0.18 c.f.s.

34 0463

To be diverted from Big Lost River thro Swauger Ditch having its point of diver the Southwest quarter of Section 20, To 7 North, Range 24 East, B. M., for the tion of the following described land, t

Beginning at the Southeast corner of Se 28, Township 7 North, Range 24 East, B. thence West 16.90 chains to the Southwe ner; thence North 25° 15.72 chains to Northwest corner; thence South 15.72 ch the Southeast corner to the place of be all in the Southeast quarter of the Sou quarter of Section 28, Township 7 North 24 East, B. M., containing 18 acres, m less.

No. 285

000275

Claud M. Larter

(a) 1902-March 1 34 0454 3.2 c.f.s.

To be diverted from Big Lost River throu the Chilly Ditch having its point of div sion in the Southwest quarter of Section Township 8 North, Range 21 East, B. M., the irrigation of the following describe land, to-wit:

Southwest quarter of the Southwest quart of Section 27; Southeast quarter of the Southeast quarter, Southwest quarter of Southeast quarter, Southeast quarter of Southwest quarter of Section 28; Northea quarter of the Northeast quarter of Sect 33; Northwest quarter of the Northwest q ter of Section 34; all in Township 9 Nor Range 22 East, B. M., and

(b) 1903 1908-February 24 34 0455 1.6 c.f.s.

To be diverted from Big Lost River throu the Ingram Ditch, having its point of di sion in the Northwest quarter of Sectio Township 8 North, Range 21 East, B. M., the irrigation of the land last above de

(See Amendment Page 228)

No. 286

Ella C. Larter

1912-February 27 34 0456 0.8 c.f.s.

To be diverted from Big Lost River throu the Ingram Ditch having its point of div in the Northwest quarter of Section 6, T ship 8 North, Range 22 East, B. M., for irrigation of the following described la to-wit:

Southwest quarter of the Northeast quart Section 33, Township 9 North, Range 22 E B. M.

No. 287

Henry Larter

(a) 1886-September 34 0457 3.2 c.f.s.

To be diverted from Warm Springs Creek a private ditch having its point of div on the land constituting the place of us said water, for the irrigation of the f ing described land, to-wit:

Northwest quarter of Section 35, Townsh North, Range 22 East, B. M., and

(b) 1886-September 1 34 0458 0.6 c.f.s.

To be diverted from Warm Springs Creek a private ditch having its point of div in the Northeast quarter of Section 34, ship 8 North, Range 22 East, B. M., for maintenance only of a fish pond in the east quarter of the Northwest quarter o tion 35, Township 8 North, Range 22 Eas to be returned to Warm Springs Creek on land last above described, and

(c) 1884-October 12 34 6459 0.16 c.f.s.

0.16 Trans. 683

To be diverted from Big Lost River thro Sharp Ditch having its point of diversi the Southeast quarter of Section 12, Tow 7 North, Range 23 East, B. M., for the tion of the following tract of land nea Mackay, Custer County, Idaho, described follows:

000276

No. 288

Ralph V. Larter

1915-October 1 34 0460 0.6 c.f.s.

1916-May 1 34 0461 2.6 c.f.s.

Beginning at the intersection of the Smelter Branch of the O. S. L. Ry. Co. and Smelter A thence Southerly along said Smelter Avenue 2 feet to corner post; thence easterly 10 feet thence Southerly 25 feet; thence Westerly 30 Feet; thence Northerly 25 feet; thence Easte 126 feet; thence Northerly 943 feet to corne in Railway fence; thence Southwesterly along right-of-way of said Smelter Branch of said L. Ry. Co. 925 feet to place of beginning.

To be diverted from Big Lost River through t Ingram Ditch having its point of diversion i the Northwest quarter of Section 6, Township North, Range 22 East, B. M., for the irrigat of the following described land, to-wit:

Southwest quarter of the Southeast quarter o Section 32, Township 9 North, Range 22 East, M., and Lots 2, 3 and 4 of Section 5, Townsh 8 North, Range 22 East, B. M.

No. 289

Gotlob Laubenstein

1898-June 1 34 0462 1.2 c.f.s.

1902-June 1 34 0463 0.4 c.f.s.

To be diverted from Big Lost River through t Island Ditch having its point of diversion i Southeast quarter of Section 4, Township 5 N Range 26 East, B. M., for the irrigation of following described land, to-wit:

West half of the Northeast quarter of Se Township 5 North, Range 26 East, B. M., as follows:

Beginning at the Northwest corner of the Sou quarter of the Northeast quarter of Section Township 5 North, Range 26 East, extending d East 1½ rods; thence South 80 rods thence We rods; thence North 80 rods to point of begir containing 3/4 acres, more or less, also; be at the Northwest corner of the Northeast qua the Northeast quarter of Section 22, Townshi North,,Range 26 East, B. M., thence due East rods; thence South 32 rods; thence West 10 thence South 48 rods; thence West 1½ rods; North 80 rods to the point of beginning, co ing 2 3/4 acres, more or less, also;

West half of the Southeast quarter of the N east quarter of Section 22, Township 5 North 26 East, B. M., also;

Beginning at the Southwest corner of the No quarter of the Northeast quarter of Section Township 5 North, Range 26 East, B. m., the North 80 rods; thence East 15 feet; thence 80 rods; thence West 15 feet to the place o ginning.

No. 290

000277

Ovid Lawson

1904-May 1 34 0464 1.0 c.f.s.

1914-May 1 34 0465 1.4 c.f.s.

To be diverted from Big Lost River through t
Lawson Ditch having its point of diversion i
the Northwest quarter of the Southwest quart
of Section 34, Township 7 North, Range 24 Ea
B. M., for the irrigation of the following d
scribed land, to-wit:

Northwest quarter of the Southwest quarter,S
west quarter of the Southwest quarter, South
quarter of the Northwest quarter and Southea
quarter of the Northwest quarter of Section
Township 7 North, Range 24 East, B. M.

See 409(c)

No. 291

Joseph P. Leaden and
Revella Leaden

1899-June 1 34 0466 0.021 c.f.s.

To be diverted from Big Lost River through t
Harger-Sullivan ditch having its point of di
sion in the Southeast quarter of Section 4,T
ship 5 North, Range 26 East, B. M., for the
gation of the following described land, to-w

Lot 5 and 6 of Block 26 of the town of Moore
2 of Block 6, Johnston's addition to the tow
of Moore being a part of the Northwest quart
the Southeast quarter and the Northeast quar
the Southwest quarter of Section 28, Townshi
North, Range 26 East, B. M.

No. 292

Carl Lehman

1905-May 1 34 0467 2.4 c.f.s.

1912-March 18 34 0468 0.8 c.f.s.

To be diverted from Warm Springs Creek throu
private ditches having their points of diver
in the Southeast quarter of Section 34, Town
8 North, Range 22 East, B. M., for the irri
of the following described land, to-wit:

Lots 1, 2 and 3 and the Southeast quarter of
Northwest quarter of Seotion 1, Township 7 N
Range 22 East, B. M.

No. 293

Rudolph Lehman

1892-November 34 0469 3.2 c.f.s.

1903-April 1 34 0470 1.6 c.f.s.

1907-July 12 34 0471 0.8 c.f.s.

Trans. 661 - 4-1-03 - 1.6 cfs
" 662 - 11-1-92 - 3.2 cfs
" " - 7-12-07 - 0.8 cfs

To be diverted from Warm Springs Creek throu
private ditch having its point of diversion
the Southeast quarter of Section 34, Townshi
North, Range 22 East, B. M., for the irriga
of the following described land, to-wit:

Lots 3 and 4 of Section 6, Township 7 North,
23 East, B. M., Lot 4, East half of the Sout
quarter and Northwest quarter of the Southwe
quarter of Section 31, Township 8 North, Ran
East, B. M., and the Northeast quarter of th
Southeast quarter of Section 36, Township 8
Range 22 East, B. M.

No. 294

John E. Lehman

1880-June 1 34 0472 4.0 c.f.s.

To be diverted from Lehman Creek through a p
vate ditch having its point of diversion on
land constituting the place of use of said
for the irrigation of the following describ
to-wit:
The East half of the Southwest quarter and
Southwest quarter of the Southwest quarter
tion 2, and the South half of the Southeast
ter of Section 3, all in Township 7 North,
22 East, B. M.

000278

No. 295

Charles B. Lemon

(a) 1889-May 10 [illegible] 2.4 c.f.s.

To be diverted from Big Lost River through t
Vanous ditch having its point of diversion i
the Southwest quarter of Section 1, Township
North, Range 24 East, B. M., for the irrigat
of the following described land, to-wit:

The Southeast quarter of Section 8, Township
North, Range 25 East, B. M., and

(b) 1886-May 1 [illegible] 0.8 c.f.s.

To be diverted from an unnamed spring throug
private ditch having its point of diversion
the land constituting the place of use of sai
water, for the irrigation of the land last a
described, and

(c) 1896-July [illegible] 0.8 c.f.s.

To be diverted from Big Lost River through t
Rodgers ditch having its point of diversion i
Northeast quarter of Section 33, Township 7
Range 24 East, B. M., for the irrigation of
following described land, to-wit:

The Northwest quarter of the Northwest quart
Section 17, Township 6 North, Range 25 East,

No. 296

D. W. Lemon

1905-May 1 [illegible] 2.4 c.f.s.

To be diverted from Big Lost River through t
Angelo ditch having its point of diversion i
Southwest quarter of Section 10, Township 6
Range 25
For the irrigation of the following desc
to-wit:

The South half of the Northwest quarter and
North half of the Southwest quarter of Secti
Township 6 North, Range 25 East, B. M.

No. 297

John J. Lemon

1905-May 1 34 0477 3.2 c.f.s.

To be diverted from Big Lost River through t
Lemon & Lemon-Island ditches having their po
of diversion in the Southwest quarter of Sec
13, Township 6 North, Range 25 East, B. M.,
the irrigation of the following described la
to-wit:

The South half of the Southwest quarter of S
tion 13, and the North half of the Northwest
ter of Section 24, Township 6 North, Range 2
B. M.

No. 298

N. N. Levin

1899-January [illegible] 0478 1.6 c.f.s.

To be diverted from Big Lost River through t
Island Ditch having its point of diversion i
Southeast quarter of Section 4, Township 5 N
Range 26 East, B. M., for the irrigation of
following described land, to-wit:

The North half of the Northwest quarter of S
22, Township 5 North, Range 26 East, B. M.

No. 299

August Lindeman

1886-September 34 0479 3.2 c.f.s.
Trans. #2230

To be diverted from Big Lost River through t
Beck ditch having its point of diversion in
Northwest quarter of Section 14, Township
Range 25 East, B. M., for the irrigation
following described land, to-wit: The No.
quarter and the Northeast quarter of the Nor
west quarter of Section 18, Township 6 North
26 East, B. M.

No. 300

000279

William A. Lindburg

(a) 1897-May 10 34 0189 1.5 c.f.s.

(b) 1883-November 15 0181 1.25 c.f.s.
Trans #509 - 1.25 cfs

1893-October 15 0182 .50 c.f.s.
Trans #507 - 1.50 cfs

No. 301

Lester Lingenfelter

1902-April 1 34 0183 3.2 c.f.s.
Trans # 3018

No. 302

H. E. Lisonbee

1899-June 1 34 0184 2.0 c.f.s.
1889 "
2.0 Trans. No. 441

H. E. Lisonbee

No. 303 (See Amendment Page 228)

H. E. Lisonbee

1887-June 30 34 0185 0.8 c.f.s.

1899-June 1 34 0486 1.6 c.f.s.

No. 304

Eloda M. Long Fryar
(Formerly Eloda M. Long and so named in plaintiff's amended complaint).

1901-October 20 34 0187 1.3 c.f.s.

000280

No. 305

C. T. Longhurst

1898-June 1 34 0188 0.8 c.f.s.
0.8 - Trans. 570

To be diverted from Big Lost River through th
Huston Ditch having its point of diversion in
Northeast quarter of Section 33, Township 7 N
Range 24 East, B. M., for the irrigation of t
following described land, to-wit:

The Northeast quarter and the North half of t
Southeast quarter of Section 35, Township 6 N
Range 25 East, B. M., and

To be diverted from Antelope Creek through th
Hanrahan ditch having its point of diversion
the Northeast quarter of Section 21, Township
North, Range 25 East, B. M., for the irrigati
of the land last above described.

To be diverted from Warm Springs Creek throug
private ditch having its point of diversion i
Southeast quarter of Section 27, Township 8 N
Range 22 East, B. M., for the irrigation of t
following described land, to-wit:

The West half of the Southeast quarter and th
East half of the Southwest quarter of Section
Township 8 North, Range 22 East, B. M.

To be diverted from Big Lost River through th
Lower McGowan ditch, otherwise known as the C
ditch, having its point of diversion in the S
east quarter of the Southwest quarter of Sect
13, Township 6 North, Range 25 East, B. M., f
the irrigation of the following described lar
to-wit:

The South half of the Northeast quarter and t
Southeast quarter of the Northwest quarter of
Section 19, Township 6 North, Range 26 East,I

To be diverted from Big Lost River through th
Upper Burnett ditch having its point of diver
in the Northwest quarter of Section 34, Towns
7 North, Range 24 East, B. M., for the irrig
of the following described land, to-wit:

Lot 2, the Southeast quarter of the Northwest
ter and the Southwest quarter of the Northeas
ter of Section 7, Township 6 North, Range 26
B. M.

To be diverted from Big Lost River through a
vate ditch having its point of diversion in
Northwest quarter of Section 23, Township 4 I
Range 26 East, B. M., for the irrigation of
of land in the following described legal subd
sions, to-wit:

The South half of the Southeast quarter of S
23, Township 4 North, Range 26 East, B. M.

To be diverted from Big Lost River through th
Upper Burnett ditch having its point of diver
in the Northwest quarter of Section 34, Towns
North, Range 24 East, B. M. for the irrigati
the following described land, to-wit:

No. 306

Thomas Longson

1899-May 6 34 0489 0.8 c.f.s.

Lot 7 of Section 6, Township 6 North, 1
26 East, B. M.

To be diverted from Big Lost River through
Harris & Vaught ditch having its point of d
version in the Northwest quarter of Section
Township 7 North, Range 24 East, B. M., for
irrigation of the following described land,
wit:

The Southwest quarter of the Northwest quar
of Section 5, Township 6 North, Range 25 Ea

No. 307

Wilford Longson

1899-May 6 34 0490 1.6 c.f.s.

To be diverted from Big Lost River through
Harris & Vaught ditch having its point of d
sion in the Northwest quarter of Section 34
Township 7 North, Range 24 East, B. M., for
irrigation of the following described land,

The Northeast quarter of the Southeast quar
the Southeast quarter of the Northeast quar
Section 6, Township 6 North, Range 25 East,

No. 308

August M. Loske

1898-May 31 34 0491 0.64 c.f.s.

To be diverted from Big Lost River through
Lower Burnett ditch having its point of div
in the Northeast quarter of Section 24, Tow
6 North, Range 25 East, B. M., for the irr
of the following described land, to-
The Northwest quarter of the Southwest
Section29, Township 6 North, Range 26 1

No. 309

Lost River Commercial Company Ltd., a corporation (Successor in interest of John E. Gardner).

1899-May 6 34 0492 1.6 c.f.s.

To be diverted from Big Lost River through
Eberhardt Ditch having its point of diversi
the Northwest quarter of Section 2, Townshi
North, Range 24 East, B. M., for the irrig
of the following described land, to-wit:

Lot 1 and the Southeast quarterof the North
quarter of Section 5, Township 6 North, Ran
East, B. M.

No. 310

Lost River Commercial Company, Ltd., a corporation
Successor to Jos. H. Maddocks.

1894-March 10 34 0493 3.2 c.f.s.
Trans #1054 3.2 C.F.S.

To be diverted from Big Lost River through
East side ditch having its point of diversi
the Northeast quarter of Section 2, Townsh
North, Range 24 East, B. M., for the irrig
of the following described land, to-wit:

The West half of the Southwest quarter of
33, and the East half of the Southeast qua
Section 32, Township 7 North, Range 25 Eas

No. 311

000281

Lost River Commercial Company, Ltd., a corporation (Successor in interest to Alice R. Dickey)

1904-May 26 34 0494 3.2 c.f.s.

To be diverted from Big Lost River through the Sutter Ditch having its point of diversion in the Southeast quarter of Section 6, Township 6 North, Range 25 East, B. M., for the irrigatic of the following described land, to-wit:

The North half of the Northeast quarter, North east quarter of the Northwest quarter of Secti 8, and the Northwest quarter of the Northwest quarter of Section 9, all in Township 6 North, Range 25 East, B. M.

No. 312

Florence B. Loveless

1901-November 2 34 0495 0.02 c.f.s.

To be diverted from Big Lost River through the Ferris slough having its point of diversion i the Northwest quarter of Section 36, Township 4 North, Range 26 East, B. M., for the irriga- tion of the following described land, to-wit:

Beginning at a point 476.8 feet South of the Northwest corner of the Southeast quarter of Section 36, Township 4 North, Range 26 East, B. M., thence East 275 feet, thence South 160 feet, thence West 275 feet, thence North 160 feet to beginning.

No. 313

John W. Loveless

1896-June 1 34 0496 1.6 c.f.s.
Trans 0.4 #920

To be diverted from Big Lost River through th Moore canal having its point of diversion in Southeast quarter of Section 4, Township 5 No Range 26 East, B. M., for the irrigation of t following desoribed land, to-wit:

The East half of the Southeast quarter of Sec 5, Township 4 North, Range 26 East, B. M.

No. 314

Mackay Market Company, a co-partnership composed of Alva Norman, Albert W. Wachner and J. M. Wornek

1884-October 12 34 0497 0.22 c.f.s.

To be diverted from Big Lost River, through t Swauger ditch having its point of diversion i the Southwest quarter of Section 20, Township North, Range 24 East, B. M., for the irrigati of the following described land, to-wit:

Beginning at a point 20 chains East and 1.09 chains North of the Southwest corner of Secti 27, Township 7 North, Range 24 East, B. M., t North 16 chains to Swauger ditch, thence alon Swauger ditch South 82 degrees West 2.25 chai North 88 degrees West 9 chains, South 76 degr West 2.52 chains to road, thence along road S 43 degrees East 20.53 chains to place of begi containing 10.93 acres situated in the East p of the Southwest quarter of the Southwest qua of Section 27, Township 7 North, Range 24 Eas B. M.

No. 315

B. Y Magee

1897-May 10 34 0498 2.0 c.f.s.

To be diverted from Big Lost River through th Three-In-One Ditch having its point of divers in the Southeast quarter of Section 14, Towns 6 North, Range 25 East, B. M., for the irrige tion of the following described land, to-wit:

South half of the North half of Section 25, Township 6 North, Range 25 East, B. M.

No. 316

000282

Charles H. Mann

1914-May [illegible] 34 [illegible] 0.6 c.f.s.

1917-June 20 34 [illegible] 2.6 c.f.s.

To be diverted from Big Lost River throu
Nielsen ditch having its point of diversion i
the Northwest quarter of Section 15, Township
8 North, Range 21 East, B. M., for the irriga
tion of the following described land, to-wit:

The South half of the Southeast quarter of Se
tion 1 and the North half of the Northeast
quarter of Section 12, all in Township 8 Nort
Range 21 East, B. M.

No. 317

Wm. C. Mann, (named in plaintiff's amended complaint as W. C. Mann)

1896-June 1 34 0501 0.8 c.f.s.
0.8 Trans. 794

To be diverted from Big Lost River through th
West Side ditch having its point of diversion
in the Southeast quarter of Section 4, Towns
5 North, Range 26 East, B. M., for the irriga
of the following described land, to-wit:

The Southeast quarter of the Northwest quarte
of Section 4, Township 4 North, Range 26 East

No. 318

Mart Martensen

1897-May 10, 34 [illegible] 0.8 c.f.s.

To be diverted from Big Lost River through th
Huston Ditch having its point of diversion in
the Northeast quarter of Section 33, Township
North, Range 24 East, B. M., for the irrigati
of the following described land, to-wit:

Northeast quarter of Section 34, Township 6 N
Range 25 East, B. M.

No. 319

Charles G. Martin, as Execution purchaser (Successor in interest of Thomas Chamberlain and Christina Chamberlain)

T. 2308 130 acres

1898-June 1 34 [illegible] 2.6 c.f.s.

To be diverted from Big Lost River throu
ditches having their respective points of
sion in the Southwest quarter of Section 14,
the Northwest quarter of Section 23, Townshi
North, Range 26 East, B. M., for the irrigat
land in the following legal subdivisions, to

The Northwest quarter of the Southeast quart
West half of the Northeast quarter and the N
east quarter of the Northwest quarter of Sec
23, Township 4 North, Range 26 East, B. M.

No. 320

Charles A. Matthews

1891-June 30 34 0504 0.8 c.f.s.
0.8 Trans. 690

To be diverted from Big Lost River through t
West Side ditch having its point of diversio
the Southeast quarter of Section 4, Township
North, Range 26 East, B. M., for the irrigat
of the following described land, to-wit:

The Northeast quarter of the Southwest quart
Section 4, Township 4 North, Range 26 East,

No. 321

Mary A. Matthews, (Named in plaintiff's amended complaint as Mary H. Matthews)

1884-July 15 34 0505 0.8 c.f.s.

To be diverted from Big Lost River through t
West Side ditch having its point of diversio
the Southeast quarter of Section 4, Township
North, Range 25 East, B. M., for the irrigat
the following described land, to-wit:

The Southeast quarter of the Northwest quart
Section 9, Township 4 North, Range 26 East,

No. 322

000283

William P. Matthews

1896-June 1 ✓ [illegible] 0.5 c.f.s.

34 0506

To be diverted from Big Lost River throug the Moore canal having its point of diver sion in the Southeast quarter of Section Township 5 North, Range 26 East, B. M., f the irrigation of the following described land, to-wit:

Lots 5,6,9,10,11,12,13,14,17,18, Block 4, Lots 13,14,15,16, Block 6; Lots 18, 19, 2 Block 7; Lots 1, 2,3,4,5,6,9,10,11,12,13, 15, Block 8; Lots 10,11,19,20, Block 9; L 1, Block 17, Lots 1,2,6,7,8,9,10,11 to 20 inc. Block 19; Lot 2, Block 20, Lots 1 to inc. and 16 to 20 inc. Block 21; Lots 11 20 inc., Block 22, Lots 1,2,3, Block 22,L 1 to 6 inc. 11 to 20 inc. Block 24; Lots 7,8, Block 25; Lots 14,15,16, Block 26; L 1,2,15,16,17,18, Block 27, Total 122 lots original townsite of Moore, Butte County, Idaho.

Tax Lot #321. Described as beginning at Northeast corner of the Northwest quarter the Northwest quarter of Section 28, Town 5 North, Range 26 East, B. M., thence Sou 300 feet, thence East 815 feet, more or l to O. S. L. Railroad right-of-way, thence Northwesterly along said right-of-way to North line of said Section 28, thence Wes place of beginning, containing 5.5 acres. tax lot #333, being all that part of the Southeast quarter of the Northwest quarte Section 28, Township 5 North, Range 26 Ea B. M., lying South of the original townsi Moore and East of the School block in Dis #2, Butte County, containing 1.3 acres, m or less.

No. 323

Elmer Mecham

1887-June 1 ✓ [illegible] ✓ 1.6 c.f.s.

Trans. #3230

To be diverted from Big Lost River throug the McGowan ditch having its point of div sion in the Northwest quarter of Section Township 6 North, Range 25 East, B. M., f the irrigation of the following described to-wit:

The Southeast quarter of the Southwest qu of Section 18 and the Northeast quarter o Northwest quarter of Section 19, Township North, Range 26 East, B. M.

No. 324

W. L. Meinzer

1902-May 1 ✓ [illegible] 0508 ✓ 2.7 c.f.s.

To be diverted from Big Lost River throug West Side ditch having its point of diver in the Southeast quarter of Section 4, To 5 North, Range 26 East, B. M., for the ir tion of the following described land, to-

000284

No. 325

The Northeast quarter of Section 21, Town 4 North, Range 26 East, B. M.

Henry H. Mickelson

1886-June 1 34 0509 3.2 c.f.s.

1902-June 1 34 0510 1.6 c.f.s.

To be diverted from Big Lost River throu
West Side ditch having its point of dive
in the Southeast quarter of Section 4, Townsh
5 North, Range 26 East, B. M., for the irriga
of the following described land, to-wit:

The Northwest quarter of Section 15, The East
half of the Northeast quarter and the Northwe
quarter of the Northeast quarter of Section 1
Township 4 North, Range 26 East, B. M.

No. 326

W. F. MILES

1911-February 27 34 0511 0.4 c.f.s.

To be diverted from Big Lost River through pri
ditches having their points of diversion in th
Southeast quarter of the Northwest quarter of
tion 10 and the Northeast quarter of the South
east quarter of Section 9, all in Township 6 N
Range 25 East, B. M., for the irrigation of th
following described land, to-wit:

The South half of the Southeast quarter of Se
tion 10, the Southwest quarter of the Southw
quarter of Section 11, Township 6 North, Ran
25 East, B. M., and that part of the Northea
quarter of the Southeast quarter of Section
lying South of the O. S. L. Railroad right-o

No. 327

Erie Miller
(Successor in interest of
T. M. Carlisle)

1909-May 12 34 0512 1.16 c.f.s.

To be diverted from Antelope Creek through th
Hanrahan Ditch having its point of diversion
the Northeast quarter of Section 21, Township
North, Range 25 East, B. M., for the irr
of 58 acres of land in the following des
legal subdivisions, to-wit:

The North half of the Northeast quarter and
Southwest quarter of the Northeast quarter o
Section 15, Township 5 North, Range 25 East,

No. 328

Florence L. Miller

1888-September 3 34 0513 3.2 c.f.s.

To be diverted from Cherry Creek a tributary
Antelope Creek through private ditches havin
their points of diversion in the Southeast q
of Section 31, Township 5 North, Range 24 Ea
M., for the irrigation of the following desc
land, to-wit:

The North half of the Northwest quarter, Sou
quarter of the Northwest quarter and the Nor
east quarter of the Southwest quarter of Sec
Township 4 North, Range 24 East, B. M.

No. 329

George R. Miller

(a) 1882-September 3 3.2 c.f.s.

To be diverted from Cherry Creek a tributary
Antelope Creek through private ditches havi
points of diversion in Section 31, Township
Range 24 East, B. M., for the irrigation of
following described land, to-wit:

The South half of the Southeast quarter, No
quarter of the Southeast quarter and the So
quarter of the Northeast quarter of Section
ship 4 North, Range 24 East, B. M., and

000285

(b) 1904-July 1 — 3.2 c.f.s.

To be diverted from Cherry Creek, a trib of Antelope Creek through a private ditc having its point of diversion in Section Township 5 North, Range 24 East, B. M., the irrigation of the following describe land, to-wit:

The Northeast quarter of the Southeast q and the Southeast quarter of the Southea quarter of Section 31, The Northwest qua of the Southwest quarter and the Southwe quarter of the Southwest quarter of Sect 32, all in Township 5 North, Range 24 Ea

No. 330

John C. Miller

1904-May 1 — 2.0 c.f.s.

To be diverted from the Dry Fork of Ante Creek through a private ditch having its of diversion in the Southwest quarter of tion 28, Township 4 North, Range 24 East for the irrigation of the following desc land, to-wit:

The East half of the Southeast quarter the East half of the Northeast quarter Section 29, Township 4 North, Range 24 B. M.

No. 331

Josephine Miller

1904-May 1 — 1.6 c.f.s.

To be diverted from the Dry Fork of Ant Creek through a private ditch having it point of diversion in the Northwest qua of Section 28, Township 4 North, Range East, B. M., for the irrigation of the lowing described land, to-wit:

The Southeast quarter of the Southeast ter of Section 20 and the Southwest qua of the Southwest quarter of Section 21, in Township 4 North, Range 24 East, B.

No. 332

Lewis T. Miller, Ernest Miller and M. S. Miller

1890-June 1 — 6.4 c.f.s.

To be diverted from Big Lost River thro the Miller ditch having its point of di sion in the Southwest quarter of Sectio Township 3 North, Range 26 East, B. M., the irrigation of the following descril land, to-wit:

The Northeast quarter of Section 12, T 3 North, Range 26 East, B. M., and the half of the Northwest quarter and Lots 2 of Section 7, Township 3 North, Rang East, B. M.

No. 333

S. M. Miller

1889-April 10 — 2.2 c.f.s.

To be diverted from Big Lost River thr Rodgers ditch having its point of dive the Northeast quarter of Section 33, T 7 North, Range 24 East, B. M., for the tion of the following described land,

The Northwest quarter of the Southeast and the Southeast quarter of the Soutl quarter of Section 2 and that portion Southwest quarter of the Southeast qua Section 2, the Northwest quarter of t east quarter and the Northeast quarte Northeast quarter of Section 11, and west quarter of the Northwest quarter

000286

No. 334

Emery T. Mitton
(Described in plaintiff's amended complaint herein as Emery Mitten

1885-October 2 34 0529 2.0 c.f.s.
1.2 cfs Trans. No 907
0.8 " " " 549-A

tion 12, lying north of the Rodgers dit
Township 6 North, Range 24 East, B. M.

To be diverted from Big Lost River as follow
0.8 c.f.s. through the Ferris Slough having
point of diversion in the Northwest quarter
Section 36, Township 4 North, Range 26 East,
and 1.2 c.f.s. through the Arco canal having
point of diversion in the Northwest quarter
Section 26, Township 4 North, Range 26 East,
for the irrigation of the following describe
land, to-wit:

The Northwest quarter of Section 8, Township
North, Range 27 East, B. M.

No. 335

M. W. Molen (or Michael W), Ronald Molen, and Equitable Savings & Loan Association, a corporation, as execution purchaser, as their respective interests therein may appear

1887-June 1 34 0524 2.3 c.f.s.

To be diverted from Big Lost River through t
Arco Canal having its point of diversion in
Northwest quarter of Section 26, Township 4
Range 26 East, B. M., for the irrigation of
following described land, to-wit:

Southeast quarter of Section 26, Township 4
Range 26 East, B. M., less 11 acres off the
side of said quarter section.

No. 336

E. L. Montgomery

1900-June 1 34 0532 0.5 c.f.s.

To be diverted from Big Lost River through
West Side ditch having its point of diversi
the Southeast quarter of Section 4, Townshi
North, Range 26 East, B. M., for the ir
of the following described land, to-wit:

All of the South half of the Southeast quar
Section 28, Township 5 North, Range 26 East
south of Johnstons addition to Moore except
O. S. L. right-of-way.

No. 337

J. D. Morris

1887-March 2 34 0523 1.6 c.f.s.
0.8 Trans. 795

To be diverted from Big Lost River through
Island ditch having its point of diversion
Southeast quarter of Section 4, Township 5
Range 26 East, B. M., for the irrigation of
following described land, to-wit:

The West half of the Northeast quarter of S
10, Township 4 North, Range 26 East, B. M.

No. 338

O. B. Morris
(Sucoessor to Elijah J. McFarland)

1887-March 2 34 0534 1.6 c.f.s.

To be diverted from Big Lost River through
Island ditch having its point of diversion
Southeast quarter of Section 4, Township 5
Range 26 East, B. M., for the irrigation of
following described land, to-wit:

The East half of the Northwest quarter of S
10, Township 4 North, Range 26 East, B. M.

No. 339

000287

Byron F. Morrison

(a) 1899-August 17 — 1.25 c.f.s.

See 277(a)

(b) 1899-August 17 — c.f.s.

To be diverted from Cold Springs Creek throu private ditch having its point of diversion the land constituting the place of use of sa ter, for the irrigation of the following des land, to-wit:

The West half of the Northwest quarter, West of the Southwest quarter, Southeast quarter Southwest quarter and the Northeast quarter Southwest quarter of Section 33, and the Wes of the Southwest quarter of Section 28, all Township 4 North, Range 24 East, B. M., and

To be diverted from Sawmill Creek through a vate ditch having its point of diversion on land constituting the place of use of said w for the irrigation of the land last above de

No. 340

Frank P. Morrison and J. A. Harned, as co-partners.

1883-April 1 — 3.2 c.f.s.

1908-April 1 — 2.4 c.f.s.

To be diverted from Warm Springs Creek throu private ditches having their points of dive in the Northwest quarter of Section 28, Tow 8 North, Range 22 East, B. M., for the irri of the following described land, to-wit:

The Southwest quarter of the Southwest quar Section 21, North half of the Northwest qua Southeast quarter of the Northwest quarter, half of the Northeast quarter and the North quarter of the Southwest quarter of Section Township 8 North, Range 22 East, B. M.

No. 341

Frank P. Morrison

1914-May 1 — 3.16 c.f.s.

To be diverted from the East Fork of Big Lo River through a private ditch having its po diversion on the land constituting the plac use of said water, for the irrigation of th ing described land, to-wit:

A tract of 158.12 acres within the Lemhi Na Forest in approximate Section 36, unsurveyed 7 North, Range 21 East, B. M., embraced in L 4-1711, H. E. S. No. 509 more particularly d by metes and bounds as follows:

Beginning at corner No. 1, from whence U. S No. 509, (unapproved) bears South 32 degre West, 13.76 chains, thence North 58 degree West 54.27 chains to corner No. 2; thence N degrees 32' West, 24.51 chains to corner N thence North 38 degrees 34' East 18.88 cha corner No. 4; thence South 76 degrees 26' 24.41 chains to corner No. 5; thence South greek 22' East 54.00 chains to corner No. thence South 34 degrees 21' West, 19.09 c corner No. 1, the place of beginning.

No. 342

Lavina Moses

1899-March 27 — 0.6 c.f.s.

To be diverted from Big Lost River through canal having its point of diversion in the quarter of Section 4, Township 5 North, Ra East, B. M., for the irrigation of the fol described land, to-wit:

The Northeast quarter of the Northeast qua Section 19, Township 4 North, Range 26 Eas

No. 343

000288

C. S. Mott (Successor in interest of the Industrial Savings Bank, a foreign banking corporation.)

1886-May 1 34 [illegible] 7.2 c.f.s.

To be diverted from James Creek through [illegible] Mott Ditch having its point of diversion the Southeast quarter of Section 15, Town[illegible] 4 North, Range 26 East, B. M., for the i[illegible] gation of the following described land, t[illegible]

The Northeast quarter North half of the Southea[illegible] quarter and the Southwest quarter of the Southeast quarter of Section 22, and the Southwest quarter of the Northwest quart[illegible] West half of the Southwest quarter and t[illegible] Northwest quarter of the Northwest quart[illegible] of Section 23, all in Township 4 North, [illegible] 26, East, B. M.

No. 344

Dan Muir

(Successor in interest to G. G. Wright.)

1897-June 1 34 0532 0.6 c.f.s.

1902-March 4 34 [illegible] 0.6 c.f.s.

To be diverted from Big Lost River throu[illegible] the Rodgers Ditch having its point of di[illegible] sion in the Northeast quarter of Section [illegible] Township 7 North, Range 24 East, B. M., the irrigation of the following describe[illegible] land, to-wit:

Southwest quarter of the Northwest quart[illegible] Section 8, South half of the Northeast q[illegible] and the Northwest quarter of the Southea[illegible] quarter of Section 7, all in Township 6 [illegible] Range 25 East, B. M.

No. 345

Elizabeth Mullhall

1884-April 22 34 [illegible] 0.06 c.f.s.

T. 2324

To be diverted from Big Lost River [illegible] the Margaret Taylor Ditch having its p[illegible] of diversion in the Southwest quarter o[illegible] Section 20, Township 7 North, Range 24 [illegible] B. M., for the irrigation of the follow[illegible] described land, to-wit:

Commencing at a point 80 feet in a west[illegible] direction from the Southeast corner of [illegible] mesia Avenue and College Street of the [illegible] of Mackay, Custer County, Idaho, in a d[illegible] line with the South line of College Str[illegible] thence at right angles 679.14 feet; the[illegible] at right angles 210.21 feet; thence at [illegible] angles 679.14 feet to the point of begi[illegible] all in Township 7 North, Range 24 East, [illegible] containing 3.29 acres.

No. 346

Edward Mulligan

(a) 1885-May 1 34 [illegible] 1.6 c.f.s.
1905-May 1 34 [illegible] 0.8 c.f.s.

To be diverted from Big Lost River thro[illegible] the Nielsen Ditch having its point of d[illegible] sion in the Northwest quarter of Sectio[illegible] Township 8 North, Range 21 East, B. M., the irrigation of the following descrit[illegible] land, to-wit:

East half of the Northwest quarter, Nor[illegible] quarter of the Northeast quarter of Sec[illegible] 17, Township 8 North, Range 22 East, B. [illegible] and

000289

(b) 1905-May 1 34 0537 0.8 c.f.s.

To be diverted from Big Lost River throu a private ditch having its point of dive sion in the Southeast quarter of Section Township 8 North, Range 22 East, B. M., the irrigation of the following describe land, to-wit:

Northwest quarter of the Northeast quart of Section 24, Township 8 North, Range 2 East, B. M.

See 349

No. 347

Steve Murgic

1903-June 1 34 0538 2.2 c.f.s.

To be diverted from Big Lost River throu the Murgic Ditch having its point of div sion in the Southeast quarter of Section Township 6 North, Range 25 East, B. M., the irrigation of the following describe land, to-wit:

Northeast quarter of the Southeast quart of Section 10, North half of the Southwe quarter and the Southeast quarter of the Southwest quarter of Section 11, all of above lying and being North and East of O. S. L. R. R. right-of-way, and all in ship 6 North, Range 25 East, B. M.

No. 348

John Murphy

1912-October 14 34 0539 1.6 c.f.s.

To be diverted from Big Lost River throu the Beal Ditch having its point of diver in the Northwest quarter of Section 6, T ship 8 North, Range 22 East, B. M., for irrigation of the following described la to-wit:

1916-May 1 34 0540 4.8 c.f.s.

Southeast quarter of Section 15 and the east quarter of Section 22, Township 8 N Range 22 East, B. M.

See 347b

No. 349

John Murphy

(Named in Plaintiff's amended complaint as John Doe Murphy)

1884-April 22 34 0541

To be diverted from Big Lost River throu Sharp Ditch having its point of diversio the Southeast quarter of Section 12, Tow 7 North, Range 23 East, B. M., for the i tion of the following described land, t

Commencing at a point 938.31 feet in a n westerly direction from the Southeast co of Artimesia Avenue and College Street o Town of Mackay, Custer County, Idaho, in direct line with the South line of Colle Street running thence 95 feet in a weste direction in a direct line with the sout of College Street; thence southerly at r angles 450 feet, more or less, to the ce of a tributary of Big Lost River known a "slough" thence East along the meander o stream 95 feet; thence North 458 feet to place of beginning, all in Township 7 No Range 24 East, B. M.

000290

No. 350

J. C. Murray

1898-October 31 [illegible] 10.6 c.f.s. 34-0542

To be diverted from Spring Creek through vate ditch having its point of diversion Southeast quarter of Sec. 3, T.4 N., R.2 for the irrigation of the following desc land, to-wit: East half of the Southwes ter and East half of the NW¼ of Sec.11, R. 26 E., B. M.

No. 351

William Mutz

1910-March 23 34 0543 3.2 c.f.s.

To be diverted from Lower Cedar Creek through Lower Cedar Creek canal having its point of d sion in the Northwest quarter of the Southwes ter of Section 2, Township 7 North, Range 24 B. M., for the irrigation of the following d scribed land, to-wit:

Southwest quarter of the Northwest quarter, S east quarter of the Northwest quarter, North quarter of the Southwest quarter and the Nort quarter of the Southwest quarter of Section 9 Township 7 North, Range 24 East, B. M.

No. 352

John McAffee

(a) 1884-April 20 34 0544 2.0 c.f.s.
1887-June 1 34 0545 1.8 c.f.s.
1901-September 34 0546 0.5 c.f.s.

1.0 - 4-30-84
0.9 - 6-1-87
.26 - 9-1-01 } Trans
.6 - 6-1-84 } 832
.84 - 3-13-87
.4 - 5-18-99

1.0 - 4-30-84
0.9 - 6-1-87
0.24 - 9-1-01 } Trans
0.6 - 6-1-84 } 833
0.76 - 3-13-87
0.4 - 5-18-99

0.4 - 6-1-84 Trans 834
0.4 - 6-1-87 " 850

(b) 1884-June 34 0547 2.0 c.f.s.
1887-March 34 0548 1.7 c.f.s.
1899-May 34 0549 2.0 c.f.s.

To be diverted from Big Lost River through th Burnett Ditch having its point of diversion i Northwest quarter of Section 34, Township 7 N Range 24 East, B. M., for the irrigation of t following described land, to-wit:

North half of the Northwest quarter, West hal the Northeast quarter, Northwest quarter of t Southeast quarter, Southwest quarter of the S west quarter, East half of the Southeast quar of Section 28; North half of the Southwest qu of Section 27; East half of the Southeast qua Southwest quarter of the Southeast quarter of tion 29; Northwest quarter of the Northwest q of Section 33; East half of the Northeast qua Northeast quarter of the Southeast quarte tion 32, all in Township 6 North, Range 2 M., and,

No. 353

John McAffee

1903-February [illegible] 2.5 c.f.s.

1907-May 8 [illegible] 1.5 c.f.s.

To be diverted from Pass Creek through a priv ditch having its point of diversion in the So west quarter of Section 35, Township 7 North, 25 East, B. M., for the irrigation of the fol ing described land, to-wit:

The Northeast quarter of the Southwest quarte South half of the Northwest quarter, Southwes quarter of the Northeast quarter, Northwest q of the Southeast quarter of Sedtion 2, Townsh North, Range 25 East, B. M.

No. 354 (See Amendment Page 229)

Lennington McCann

1910-March 21 [illegible] 1.6 c.f.s.

1910-May 13 [illegible] 1.6 c.f.s.

To be diverted from Lower Cedar Creek through Lower Cedar Creek Canal having its point of d sion in the Northwest quarter of the Southwes quarter of Section 2, Township 7 North, Range East, B. M., for the irrigation of the follow described land, to-wit:

The West half of the Northeast quarter and th North half of the Southeast quarter of Se Township 7 North, Range 24 East, B. M.

000291

No. 355

Melissa McClellan

1912-Muly 12 1.6 c.f.s.

To be diverted from Antelope Creek through pri vate ditches having their points of diversion in the Northwest quarter of Section 31, Townsh 5 North, Range 25 East, B. M., for the irriga- tion of the following described land, to-wit:

Northeast quarter of the Northwest quarter of Section 31, and the Southeast quarter of the Southwest quarter of Section 30, all in Townsh 5 North, Range 25 East, B. M.

No. 356

B. W. McDaniel
(Successor in interest to Lottie King)
1894-May 31 1.4 c.f.s.

To be diverted from Big Lost River through the West Side Ditch having its point of diversion the Southeast quarter of Section 4, Township 5 North, Range 26 East, B. M., for the irrigatio of the following described land, to-wit:

Southwest quarter of the Northeast quarter and the Northwest quarter of the Southeast quarter of Section 33, Township 5 North, Range 26 East B. M., except therefrom the following describe tract:

Commencing at the Southeast corner of said Nor west quarter of the Southeast quarter of Secti 33; thence running North 20 rods; thence West rods; thence South 20 rods; thence East 80 rod to beginning.

No. 357

Charles H. McFarland

(a) 1886-May 1 2.8 c.f.s.

To be diverted from Big Lost River through the West Side ditch having its point of diversion the Southeast quarter of Section 4, Township 5 North, Range 26 East, B. M., for the irrigatio of the following described land, to-wit:

The Southwest quarter of Section 15, Township North, Range 26 East, B. M., and

(b) 1886-May 1 0557 .4 c.f.s.

To be diverted from Boyle Creek through the Mc Farland ditch having its point of diversion on the Southwest quarter of Section 15, Township 4 North, Range 26 East, B. M., for the irriga- tion of the land last above described.

No. 358

Lydia Toombs McGee,
formerly Lydia Toombs
and so named in
Plaintiff's amended
complaint herein.

1901-November 2 0558 0.64 c.f.s.

To be diverted from Big Lost River through the Ferris Slough having its point of diversion in the Northwest quarter of Section 36, Township North, Range 26 East, B. M., for the irrigatio of the following described land, to-wit:

Beginning at the center of Section 36, Townshi 4 North, Range 26 East, B. M., running thence South 316.8 feet, thence East 275 feet, thence North 316.8 feet, thence West 275 feet to pla of beginning, containing 2 acres more or less.

000292

No. 359

George McGowan, Successor in interest of Robert Kent. 34 0001

(a) 1913-April 17 — 3.1 c.f.s.

From 1583

34 0002

(b) 1901-September 1 — 0.1 c.f.s.

To be diverted from Big Lost River through vate ditch having its point of diversion on the land constituting the place of use of said wate for the irrigation of the following described l to-wit:

The Southwest quarter of the Southeast quarter, South half of the Southwest quarter of Section and the Northwest quarter of the Northwest qua: of Section 36, all in Township 8 North, Range 2 East, B. M., and

To be diverted from Beda Creek through a priva ditch having its point of diversion on the lan constituting the place of use of said water, f the irrigation of the land last above describe

No. 360

John D. McHenry

1904-May 17 34 0560 — 1.6 c.f.s.

To be diverted from Big Lost River through the West Side ditch having its point of diversion the Southeast quarter of Section 4, Township 5 Range 26 East, B. M., for the irrigation of th following described land, to-wit:

The East half of the Southeast quarter of Sect 16, Township 4 North, Range 26 East, B. M.

No. 361

Elizabeth A. Mackay, (Described in plaintiff's amended complaint as Elizabeth A. McKay)

1905-May 1 34 0561 — 3.2 c.f.s.

To be diverted from the North Fork of Cherry C a tributary of Antelope Creek through a privat ditch having its point of diversion in Section Township 5 North, Range 24 East, B. M., for th irrigation of the following described lan

The Southeast quarter of the Southwest quarter the Northwest quarter of the Southwest quarter Section 30, and the Southwest quarter of the N east quarter and the Northeast quarter of the west quarter of Section 31, all in Township 5 Range 24 East, B. M.

No. 362

Charles McKelvey

(a) 1902-April 34 0562 — 0.8 c.f.s.
1887-April 34 0562 — 0.8 c.f.s.
1884-June 34 0563 — 0.8 c.f.s.

TRANS # 363

To be diverted from Big Lost River through the idson Ditch having its point of diversion in t Northwest quarter of Section 12, Township 8 N Range 21 East, B. M., for the irrigation of t following described land, to-wit:

The West half of the Northeast quarter, North quarter of the Northwest quarter and the Soutl quarter of the Northwest quarter of Section 2 the Southeast quarter of the Southwest quarte Section 24, all in Township 8 North, Range 22 B. M., and

(b) 1882-November 34 0564 — 1.2 d.f.s.
1884-June 1 34 0565 — 0.4 c.f.s.

To be diverted from Big Lost River through a vate ditch having its point of diversion in t Southwest quarter of Section 24, Township 8 N Range 22 East, B. M., for the irrigation of t land last above described.

No. 363 TRANS # 364

000293

John McKelvey

(a) 1902-March 4 34 0566 3.2 c.f.s.

To be diverted from Big Lost River through th Chilly ditch having its point of diversion in the Southwest quarter of Section 1, Township North, Range 21 East, B. M., for the irrigati of the following described land, to-wit:

The Southwest quarter of the Northeast quarte Northwest quarter of the Southeast quarter, N east quarter of the Southwest quarter, Southe quarter of the Northwest quarter and the Sout west quarter of the Southwest quarter of Sect 28, and the Northwest quarter of the Northwes quarter and the Southwest quarter of the Nort west quarter of Section 33, and the Southeast quarter of the Northeast quarter of Section 3 all in Township 9 North, Range 22 East, B. M.

(b) 1905-May 1 34 0567 0.8 c.f.s.

1910-June 1 34 0568 0.8 c.f.s.

To be diverted from Big Lost River through th Ingram ditch having its point of diversion in the Northwest quarter of Section 6, Township North, Range 22 East, B. M., for the irrigati of the land last above described.

No. 364

K. McKenzie

1884-April 22 34 0569 4.0 c.f.s.
1.0 Trans 725
1.6 " 805
1.0 " 903

To be diverted from Big Lost River through th Sharp ditch having its point of diversion in Southeast quarter of Section 12, Township 7 N Range 23 East, B. M., for the irrigation of t following described land, to-wit:

Beginning at a point South 72 degrees West 3 chains from the North quarter corner of Sect Township 7 North, Range 24 East, B. M., then North 46 degrees West along right-of-way of L. Ry. 16.68 chains; thence South 46 degrees 4.545 chains across right of way above said L. Ry.; thence South 46 degrees West 6.05 ch thence 46 degrees West 51.37 chains along pu road; thence North 1.64 chains to a point 20 chains West of the West quarter corner of Se 21, Township 7 North, Range 24 East, B. M., North 20 chains; along public road thence Ea 19.95 chains to west line of Section 21, the North 20 chains to the Northwest corner of S 21; thence East 20 chains; thence South 20 c thence East 20 chains South 20 chains; to ce of Section 21; thence East 37.50 chains; the South 46 degrees West 57.80 chains to place beginning, save and excepting right of way c S. L. Ry., 300 feet wide crossing the follo subdivisions: Southeast quarter of the Nort quarter, Northeast quarter of the Southeast ter of Section 20, and West half of the Sou quarter and the Southeast quarter of the So quarter of Section 21, Township 7 North, Ra East, B. M., 356 acres more or less situate the Northwest part of the Northeast quarter Southeast quarter, the Northwest part of th west quarter of the Southeast quarter and t Northeast part of the Southeast quarter of Southwest quarter and the Northeast part of Southwest quarter of the Southwest quarter,

(Continued)

000294

No. 365

Molly Hanson

(Described in Plaintiff's amended complaint herein Milly Hanson)

1905-May 1 3.2 c.f.s.

the North half of the Southwest quarter, the N west quarter of the Southeast quarter, the Sou half of the Northwest quarter and the Northwes quarter of the Northwest quarter of Section 21 the Northeast part of the Northeast quarter of Southeast quarter, the Southeast quarter of th Northeast quarter of Section 20, Township 7 No Range 24 East, B.M.

To be diverted from Antelope Creek through a p vate ditch having its point of diversion in th Southeast quarter of the Northeast quarter of tion 18, Township 4 North, Range 24 East, B. M for the irrigation of the following described land, to-wit:

The North half of the Northwest quarter of Sec tion 17 and the Southeast quarter of the South west quarter and the Southwest quarter of the Southeast quarter of Section 8, all in Townshi 4 North, Range 24 East, B. M.

No. 366

Ernest Naef

1912-May 1 0.04 c.f.s.
1916-May 1 0.76 c.f.s.

To be diverted from Big Lost River through the Naef ditch having its point of diversion in th Northwest quarter of Section 12, Township 8 North, Range 21 East, B. M., for the irrigatio of the following described land, to-wit:

The Southwest quarter of the Northeast qu of Section 6, Township 8 North, Range 22 E.

No. 367

Mary V. Naef

1912-May 13 4.0 c.f.s.
All Trans 896 & Trans thru bank

To be diverted from Big Lost River through the Naef ditch having its point of diversion in th Northwest quarter of Section 12, Township 8 No Range 21 East, B. M., for the irrigation of th following described land, to-wit:

The South half of the Southwest quarter of Se 5, the Southeast quarter of the Southeast qua of Section 6 and the North half of the Northwe quarter of Section 8, all in Township 8 North, 22 East, B. M.

No. 368

Fred R. Neal

1888-June 1 3.14 c.f.s.

To be diverted from Antelope Creek through th rahan ditch having its point of diversion in Northeast quarter of Section 21, Township 5 N Range 25 East, B. M., for the irrigation of t following described land, to-wit:

No. 369

The Northwest quarter of Section 1, Township North, Range 25 East, B. M.

000295

Martie Nelson

1902-May 1 34 0575 2.8 c.f.s.

To be diverted from Antelope Creek through a p vate ditch having its point of diversion in th Southeast quarter of Section 30, Township 5 No Range 25 East, B. M., for the irrigation of th following described land, to-wit:

The East half of the Southeast quarter of Sec- tion 30, the West 30 acres of the Northwest qu ter of the Southwest quarter and the West 30 a of the Southwest quarter of the Northwest quar of Section 29, Township 5 North, Range 25 East

No. 370

Victor D. Nelson

1893-October 15 34 0576 1.5 c.f.s.

To be diverted from Antelope Creek through the Hanrahan ditch having its point of diversion i the Northeast quarter of Section 21, Township North, Range 25 East, B. M., for the irrigatio of the following described land, to-wit:

The East half of the Northwest quarter of Sect 35, Township 6 North, Range 25 East, B. M.

No. 371

A. W. Nichols

1904-May 17 34 0577 1.6 c.f.s.

To be diverted from Big Lost River through the West Side ditch having its point of diversion the Southeast quarter of Section 4, Township 5 North, Range 26 East, B. M., for the irrigatio of the following described land, to-wit:

The West half of the Southeast quarter of Sect 16, Township 4 North, Range 26 East, B. M.

No. 372

D. W. Nichols

1893-May 29 34 0578 3.2 c.f.s.

To be diverted from Dry Fork of Antelope Creek through the Nichols ditch having its point of version North 18 degrees 45 minutes West 2500 feet from the Southeast corner of Section 31,T ship 3 North, Range 24 East, B. M. (unsurveyed for the irrigation of the following described to-wit:

The South half of the Southwest quarter of Sec 25 and the East half of the Southeast quarter Section 26, all in Township 3 North, Range 25 B. M.

No. 373

Chris Nielson

1899-June 1 34 0579 Trans. 834, 909 3.2 c.f.s.
1910-April 1 34 0580 1.6 c.f.s.
.504 - 6-1-99 Trans 834
.54 - 4-1-10 " Adjudication Book

To be diverted from Big Lost River through the Nielsen Ditch having its point of diversion in the Northwest quarter of Section 15, Township North, Range 21 East, B. M., for the irrigatio of the following described land, to-wit:

The Southwest quarter of the Southeast quarter of Section 5, the Northwest quarter of the Nor east quarter of Section 8 and the North half o the Southwest quarter, Southeast quarter of th Northwest quarter and the Southwest quarter of the Northeast quarter of Section 14, all in Township 8 North, Range 22 East, B.M.

000296

No. 374

EDWARD NIELSEN, ALICE NIELSEN and DANIEL PITMAN, (Successors in interest of J. A. Jensen)

1895-June 10 2.4 c.f.s.

Trans. 896, 909

To be diverted from Big Lost River through the Three-in-One ditch having its point of diversion in the Southeast quarter of Section 14 Township 6 North, Range 25 East, B. M., for the irrigation of the following described land, to

The Southeast quarter of Section 17, Township North, Range 26 East, B. M.

No. 375

PEARL NIELSEN

1919-August 27 6.4 c.f.s.

To be diverted from Lower Cedar Creek through Nielsen Ditch having its point of diversion No 4° 45' East 1620 feet from the Southwest corne Section 2, Township 7 North, Range 24 East, B. at the Hansen concrete Diversion dam, for the gation of the following described land, to-wit

The East half of the Southeast quarter, Southe quarter of the Northeast quarter of Section 15 Southwest quarter of the Northwest quarter and West half of the Southwest quarter of Section Northeast quarter of the Northeast quarter of tion 22; Northwest quarter of the Northwest qu of Section 23, all in Township 7 North, Range East, B. M.

No. 376

Soren C. Nielson (Described in plaintiff's amended complaint herein as Soren C. Neilson and also as T. C. Neilson.)

0.8-6-1-11 540
0.8-6-1-16 "

1899-June 1 2.0 c.f.s.

To be diverted from Big Lost River through the Nielsen ditch having its point of diversion in Northwest quarter of Section 15, Township 8 No Range 21 East, B. M., for the irrigation of th following described land, to-wit:

1916-June 1 1.2 c.f.s.

The South half of the Southeast quarter of Sec 14 and the North half of the Northeast quarter Section 23, Township 8 North, Range 22 East, I

No. 377

Trans. 896, 909

Nielsen Brothers, composed of Wyman Nielsen and Arthur R. Nielsen

1905-July 5 2.5 c.f.s.
1906-June 7 1.6 c.f.s.

To be diverted from Lower Cedar Creek through Nielsen ditch having its point of diversion No 4 degrees 45 minutes East 1620 feet from the S west corner of Section 2, Township 7 North, Ra 24 East, B. M., at the Hansen Concrete diversi dam, for the irrigation of the following desc land, to-wit:

The North 125 rods of the Southwest quarter a the North half of the Southeast quarter of Se 26, Township 7 North, Range 24 East, B. M.

No. 378

000297

W. I. NIELSEN

(a) 1884-October 12 — 1.784 c.f.s.
1908-December 7 — 1.0 c.f.s.

To be diverted from Big Lost River through the Harger-Sullivan ditch having its point of diversion in the Southeast quarter of Section 4, Township 5 North, Range 26 East, B. M., for the irrigation of the following described land, to-wit:

The East half of the Northwest quarter, South quarter of the Northeast quarter and the North west quarter of the Southeast quarter of Section 20, Township 4 North, Range 26 East, B. M., and

(b) 1884-October 12 — 1.25 c.f.s.

To be diverted from Big Lost River through the Harger-Sullivan ditch having its point of diversion in the Southeast quarter of Section 4, Township North, Range 26 East, B. M., for the irrigation the following described land, to-wit:

The East half of the Northeast quarter of Section 20, Township 4 North, Range 26 East, B. M.

No. 379

A. R. NOBLE

1883-June 1 — 1.6 c.f.s.

To be diverted from Big Lost River through the West Side ditch having its point of diversion in Southeast quarter of Section 4, Township 5 North Range 26 East, B. M., for the irrigation of the following described land, to-wit:

The East half of the Northeast quarter of Section 9, Township 4 North, Range 26 East, B. M.

No. 380

North American Mortgage Company
a corporation, successor to
Wesley G. Davis and Maude L. Davis
(Described in plaintiff's amended complaint herein as W. G. DAVIS

(a) 1884-May 8 — 1.6 c.f.s.

To be diverted from Antelope Creek through a private ditch having its point of diversion in the Northwest quarter of Section 19, Township 4 Range 24 East, B. M., for the irrigation of the following described land, to-wit:

West half of the Southeast quarter and the South half of the Southwest quarter of Section 18, Lots 1 and 2 of Section 19, Township 4 North, 24 East, B. M.

(b) 1884-May 8 — 0.4 c.f.s.
1905-May 25 — 1.2 c.f.s.

To be diverted from Stoddard Creek through a private ditch having its point of diversion on the land constituting the place of use of said water for the irrigation of the land last above described

No. 381

North American Mortgage Company,
(Successor in interest of
John Hanni

1897-May 10 — 0.80 c.f.s.

To be diverted from Big Lost River through the Hanni Ditch having its point of diversion in the Northeast quarter of Section 23, Township 6 North Range 25 East, B. M., for the irrigation of the following described land, to-wit:

The East half of the Southeast quarter of Section 23, Township 6 North, Range 25 East, B. M.

No. 382

000298

NORTH AMERICAN MORTGAGE Company, corporation (Successor in interest to Felix M. Maynard or F. M. Maynerd.
1912-November 11 34 0595 .54 c.f.s.

To be diverted from Big Lost River through a p
vate ditch having its point of diversion in th
Southwest quarter of the Northwest quarter of
Section 15, Township 5 North, Range 26 East, B
for the irrigation of the following described
to-wit:

The Southwest quarter of the Northwest quarter
Section 15, Township 5 North, Range 26 East, B

No. 383

NORTH AMERICAN MORTGAGE Company, a corporation as successor in interest of Paul A. Terry.

1896-September 28 34 0596 2.0 c.f.s.

To be diverted from Big Lost River through the
Muncy ditch having its point of diversion in t
Southeast quarter of Section 26, Township 4 No
Range 26 East, B. M., for the irrigation of th
following described land, to-wit:

The South half of the Southeast quarter of Sec
12 and the Northeast quarter of the Northeast
quarter of Section 13, Township 3 North, Range
East, B. M., and Lot 4, of Section 7, Townshi
North, Range 27 East, B. M.

No. 384

Chas. G. Ohman

1896-June 1 34 0597 0.2 c.f.s.

To be diverted from Big Lost River through th
Moore Canal having its point of diversion in
Southeast quarter of Section 4, Township 5 No
Range 26 East, B. M., for the irrigation of th
following described land, to-wit:

Beginning at the quarter corner on the West s
of said Section 28, Township 5 North, Range 2
East, B. M., thence East 280 feet; thence Nor
1640 feet; thence West 280 feet; thence South
1640 feet to place of beginning, containing 1
acres, more or less.

No. 385.

000299

C. H. Olson

34-0598

/ 1885-June [illegible].6 c.f.s.

✓ 1897-May 10 [illegible].8 c.f.s.

34-0599

No. 386.

To be diverted from Big Lost River thr the Three-In-One Ditch having its poin diversion in the Southeast quarter of Section 14-Township 6 North, Range 25 East, B.M., for the irrigation of the following described land, to-wit:

East half of the Southwest quarter and that part of the West half of the Sout west quarter lying East of the Blaine Canal, all in Section 25, Township 6 North, Range 25 East, B.M.

Lewis A. Olson

(Named in Plaintiff's amended complaint as Louis A. Olson)

✓ 1882-September 30 7.34 c.f.s.

34 0600

No. 387.

To be diverted from Alder Creek throug a private ditch having its point of diversion in the Southwest quarter of the Southeast quarter of Section 14, T ship 6 North, Range 24 East, B.M., for the irrigation of the following descri land, to-wit:

East half of the Southwest quarter and the West half of the Southeast quarter and Tax Lot No. 6 of Section 12; South east quarter of the Northwest quarter, Southwest quarter of the Northeast quarter and Tax Lot Nos. 2, 4 and 5 of Section 13, all in Township 6 North, Range 24 East, B. M.

O. J. Olsen

[illegible]

1899-March 27 ✓ 0.6 c.f.s.

0.6 - Trans. 904

[illegible] 1013

No. 388.

To be diverted from Big Lost River through the Harger-Sullivan Ditch havi its point of diversion in the Southeas quarter of Section 4, Township 5 North Range 26 East, B.M., for the irrigatio of the following described land, to-wi

Northwest quarter of the Southwest qua of Section 20, Township 4 North, Range East, B.M.

000300

[illegible]

Page 129.

Olive E. Oliver 34-0602

1896-September 28 0.2 c.f.s.

1915-May 3 0.6 c.f.s.

34 0603

No. 389.

To be diverted from Big Lost River through the Muncy Ditch having its point of diversion in the Southeast quarter of Section 26, Township 4 North, Range 26 East, B.M., for the irrigation of the following described land, to-wit:

Northwest quarter of the Southeast quarter of Section 2, Township 3 North, Range 26 East, B.M.

Ralph O'Neal

1914-September 30 0.8 c.f.s.

34 0604

NO. 390.

To be diverted from Big Lost River through the Beal Ditch having its point of diversion in the Northwest quarter of Section 6, Township 8 North, Range East, B. M., for the irrigation of the following described land, to-wit:

Southwest quarter of the Northwest quarter of Section 4 and the Southeast quarter of the Northeast quarter of Section 5, all in Township 8 North, Range 22 East, B. M.

Oregon Mortgage Co., Ltd.

(Successor in interest to John Stewart)

1894-March 10 2.4 c.f.s.

0.6 Trans 767
0.46 Returns 913 34 0605

NO. 391.

To be diverted from Big Lost River through the East Side Ditch having its point of diversion in the Northeast quarter of Section 2, Township 6 North Range 24 East, B.M., for the irrigatio of the following described land, to-wi

West half of the Southeast quarter and the Northeast quarter of the Southwest quarter of Section 32, Township 7 Nort Range 25 East, B.M.

000301

Robert Pack and
T. E. Wollstenhulme

1882-September 30 4.86 c.f.s.

34 0606

To be diverted from Alder Creek thr ugh a private ditch having its point of di- version on the Southwest quarter of the Southeast quarter of Section 14, Townsh 6 North, Range 24 East, B.M., for the i gation of the following described land, to-wit:

Commencing at the Southeast corner of t Northeast quarter of Section 13; thence West 13.33 chains to corner stone, ther North 10 chains to stake in fence; the East 13.33 chains to corner stake; ther South 10 chains to place of beginning: Said lot contains 13.33 acres more or less, situated in the Northeast quarte of Section 13, Township 6 North, Range East, B.M., and,

Commencing at a point North 1° 30' West 40 chains from West quarter corner, Sec tion 18, Township 6 North, Range 25 Eas B.M. at an iron stake which is place o beginning, thence North 12° West 30.08 chains to iron stake in fence, thence North 37° East 11 chains to corner post fence on North side of road, thence Sou 54° East 14.86 chains to iron stake; th South 43° East 43.96 chains to iron sta at supposed N¼ corner Section 18, Towns 6 North, Range 25 East, B.M., thence No 87° West 42.01 chains to place of begi 100 Acres. Situated in Section 7, Townsh North, Range 25 East, B.M. and Section Township 6 North, Range 24 East, B.M.,

Commencing at a point North 1°30' West chains from W¼ corner Section 18, Town- ship 6 North, Range 25 East, B.M. at stake, thence South 87° East 9.08 chai to an iron stake, which is the place o ginning, thence South 87° East 32.93 chains to an iron stake at the supposed corner, Section 18, Township 6 North, Range 25 East, B.M., thence South 1°30' East 20 chains, thence North 87° West chains, thence North 1°30' West 20 chai to place of beginning; 65.84 acres. Sit ated in Section 18, Township 6 North, Range 25 East B.M. Custer County, and,

Commencing at a point North 1°30' West 10 chains from W¼ corner of Section 18, Township 6 North, Range 25 East, B.M. t place of beginning, thence North 87° We 13.41 chains, thence North 1°30' West chains, thence North 1° West 18.36 chai to corner post in fence, thence North 37° East 12.78 chains to iron stake in fence, thence South 12° East 30.08 chai to iron stake the supposed section corn at NW corner Section 18, Township 6 Nor Range 25 East, thence South 87° East 9. chains toiron stake, thence South 1° 30 East 20 chains, thence North 87° West 9 chains to iron stake, thence South 1° 3 East 10 chains to place of beginning. 8 acres situated in Section 12, and 13 To Twp.6 N. R. 25 E.B.M.

000302

6 North, Range 24 East B.M.and in Secti

Oscar C. Paisley

1897-May 1 ✓ 1.2 c.f.s.

34 0607 ✓

NO. 393.

To be diverted from Big Lost River the Paisley Ditch having its point diversion in the Northwest quarter of Section 36, Township 4 North, Range 26 East, B. M., for the irrigation of the following described land, to-wit:

East half of the Northwest quarter of Section 1, Township 3 North, Range 26 East, B. M.

S. E. Palmer
(Successor in interest to J. M. Bryson.)

34 0608 ✓

1888-June 30 ✓ 1.5 c.f.s.

✓1896-June 30 ✓ 1.5 c.f.s.

34 0609 ✓

NO. 394.

To be diverted from Big Lost River thr the Angelo Ditch having its point of d version in the Southwest quarter of Se tion 10, Township 6 North, Range 25 East, B. M., for the irrigation of the following described land, to-wit:

South half of the Northeast quarter ar the Northeast quarter of the Southeast quarter of Section 13, Township 6 Nort Range 25 East, B.M. and Lots 2 and 3 i Section 18, Township 6 North, Range 26 East, B.M.

S. J. Paris

1908-July 9 ✓ 4.0 c.f.s.

34 0610 ✓

NO. 395.

To be diverted from Congdon Springs C: through the Muir Ditch having its poi of diversion in the Southwest quarter the Southwest quarter of Section 30, Township 7 North, Range 25 East, B. M for the irrigation of the following described land, to-wit:

Northwest quarter of the Northeast quarter, South half of the Northeast quarter and the North half of the Sou east quarter of Section 33, Township North, Range 25 East, B.M.

000303

Robert Parsons

34 0611

(a) 1882-June 1 3.0 c.f.s.

(b) 1886-June 1 1.6 c.f.s.

34-0612

(c) 1898-November 1, 1.0 c.f.s.

34 0613

NO. 396.

To be diverted from Big Lost River through three private ditches having their respective points of diversion a follows: (a) in the Northwest quarte of Section 13, Township 8 North, Range 22 East, B.M. (b) in the Southeast quarter of Section 25, Township 8 Nort Range 22 East, B.M. (c) in the South-west quarter of Section 30, Township 8 North, Range 23 East, B.M., all for th irrigation of the following described lands, to-wit:

East half of Southwest quarter, South-west quarter of the Southeast quarter and the Southeast quarter of the North west quarter of Section 13 and the Sou east quarter of the Southeast quarter Section 25 in Township 8 North, Range 22 East, B.M., Lot 4 of Section 30 and Lots 1 and 2 of Section 31, Township 8 North, Range 23 East, B.M.

Paul M. Paulsen

(described in plaintiff's amended complaint as Paul M. Paulson.)

1885-October 2 1.6 c.f.s.

34 0614

NO. 397.

To be diverted from Big Lost River th the Ferris Slough having its point of diversion in the Northwest quarter of Section 36, Township 4 North, Range 2 East, B.M., for the irrigation of the following described land, to-wit:

The South half of the Southwest quarter of Section 8, Township 3 Nort Range 27 East, B.M.

000304

A. R. Pearson

1896-June 1 1.17 c.f.s.

1902-March 1 0.45 c.f.s.

To be diverted from Big Lost River through the Moore canal having its point of diversion in the Southeast quarter of Section 4, Township 5 North, Range 26 East, B. M., for the irrigation of the following described land, to-wit:

The Northwest quarter of the Southwest quarter, the Southwest quarter of the Southwest quarter of Section 5, Township 4 North, Range 26 East, B. M., also that portion of the East half of the Southwest quarter of said Section 5 described as: Commencing at the Northwest corner of the Northeast quarter of the Southwest quarter of Section 5, running thence South 160 rods, thence East 60 rods, thence North 80 rods, thence West 40 rods, thence North 80 rods, thence East 20 rods to place of beginning.

NO. 398.

000305

B. A. Pearson

(a) 1896-June 1 1.6 c.f.s.

To be diverted from Big Lost River through the Island ditch having its point of diversion in the Southeast quarter of Section 4, Township 5 North Range 26 East, B.M., for the irrigatio of the following described land, to-wi

The East half of the Southeast quarter of Section 15, Township 5 North, Range 26 East, B.M., and

(b) 1884-September 1, 3.2 c.f.s.

To be diverted from Big Lost River through the West Side ditch having its point of diversion in the Southeast quarter of Section 4, Township 5 North Range 26 East, B.M., for the irrigatio of the following described land, to-wi

Lots 1 and 2 and the South half of the Northeast quarter of Section 4, Township 4 North, Range 26 East, B.M., and

(c) 1886-June 30 0.06 c.f.s.

to be diverted from Big Lost River through the Moore canal having its poi of diversion in the Southeast quarter of Section 4, Township 5 North, Range 26 East, B. M., for the irrigation of the following described land, to-wit:

Beginning at a point 264 feet West of the Northeast corner of the Northwest quarter of Section 28, Township 5 Nort Range 26 East, B.M., thence South 165 feet, thence East 264 feet, thence Sou to the O. S. L. Ry. right of way, thence following said right-of-way in Northwesterly direction to the North line of said Section 28, thence East along the North line of said Section 28 to the point of beginning, contain 3 acres more or less, and

(d) 1896-June 1 0.28 c.f.s.

To be diverted from Big Lost River through the Moore canal having its poi of diversion in the Southeast quarter Section 4, Township 5 North, Range 26 East, B.M., for the irrigation of the following described land, to-wit:

NO. 399.

Block 11 of Pearsons Addition to the town of Moore, Butte County, Idaho, e lot 2 thereof.

000306

J. H. Pearson

1892-January 1 3.2 c.f.s.

NO. 400.

To be diverted from Big Lost River as follows:

2.0 c.f.s. through the West Side dit having its point of diversion in the Southeast quarter of Section 4, Town ship 5 North, Range 26 East, B.M., a 1.2 c.f.s. through the Island ditch having its point of diversion in the Southeast quarter of Section 4, Town ship 5 North, Range 26 East, B.M., a for the irrigation of the following described land, to-wit:

The North half of the Northeast quar ter of Section 33, and the North hal of the Northwest quarter of Section Township 5 North, Range 26 East, B.M

Roy C. Pearson

1896-June 1 2.370 c.f.s.

1902-March 1 0.605 c.f.s.

0.8 - 6-1-96 Trans. 461

Trans. # 1801

Trans. # 2162

NO. 401.

To be diverted from Big Lost River through the Moore canal having its point of diversion in the Southeast quarter of Section 4, Township 5 Range 26 East, B.M., for the irri tion of the following described land to-wit:

The West half of the Southeast quart of Section 5, Township 4 North, Rang 26 East, B.M., and beginning at the Southeast corner of the Southeast qu ter of the Southwest quarter of Sect 5, Township 4 North, Range 26 East, thence North 160 rods, thence West 92½ rods, thence South 80 rods, then East 47½ rods, thence South 80 rods, thence East 45 rods to point of beginning.

000307

Hugh Pelton

(c) 1913-June 15 — 2.0 c.f.s. — To be diverted from Deer Creek throug private ditch having its point of div sion on the land constituting the pla of use of said water, for the irriga- tion of the following described land, to-wit:

H. E. S. 506 and H. E. S. 507 being p of Sections 29, 30, 31 and 32, Townsh 7 North, Range 21 East, B.M., and Sec tions 35 and 36, Township 7 North, Range 20 East, B.M., and

(b) 1913-June 15 — 3.42 c.f.s. — To be diverted from the East Fork of Lost River through a private ditch having its point of diversion on the land constituting the place of use of said water, for the irrigation of the land last above described.

NO. 402.

Thomas L. Pence

(a) 1884-September 1 — 3.2 c.f.s.
1887-June 1 — 3.1 c.f.s.
1903-April 1 — 3.2 c.f.s.
1884-May 1 — 0.4 c.f.s.
1919-December 24 — 0.5 c.f.s.

To be diverted from Big Lost River th private ditches having their points c diversion in the Southeast quarter of Section 30, Township 8 North, Range 2 East, B. M., for the irrigation of th following described land, to-wit:

The South half of the Southwest quart and the Northwest quarter of the Sout west quarter of Section 29, the South half of the Northeast quarter, Northe quarter of the Southeast quarter, Eas half of the Southwest quarter, Northw quarter of the Southeast quarter, Tax lot #2 containing 16.19 acres in the Southeast quarter of the Northwest quarter and Tax lot #4 containing 14. acres in the Northwest quarter of the Southwest quarter, all in Section 30 the North Half of the Northwest quar and the Northwest quarter of the Nor east quarter of Section 32, all in T ship 8 North, Range 23 East, B.M., a

(b) 1910-September 1 — All of Pete Creek, to a maximum of 3.2 c.f.s.

To be diverted from Pete Creek throu private ditch having its point of di sion on the land constituting the pla of use of said water, for the irriga tion of the following described land, to-wit:

NO. 403.

The Northeast quarter of Section 22, Township 8 North, Range 23 East, B.M

000308

Andrew P. Peterson

1896-June 1 0.1 c.f.s.
34 [illegible]

NO. 404.

To be diverted from Big Lost River through the Moore canal having its point of diversion in the Southeast quarter of Section 4, Township 5 North, Range 26 East, B.M., for the irrigation of the following described land, to-wit:

That part of the Northwest quarter of the Northwest quarter of Section 28, Township 5 North, Range 26 East, B.M., described as follows:

Beginning 351.7 feet South and 311.89 feet East of the Northwest corner of said Section 28, thence South 580 feet, thence East 300.42 feet, thence North 580 feet, thence West 300.4 feet to place of beginning.

W. M. Phillippi

1896-June 1 3.2 c.f.s.
34 [illegible]

NO. 405.

To be diverted from Swauger Springs otherwise known as Congdon Spring Creek through a private ditch having its point of diversion in the Northwest quarter of Section 32, Township 7 North, Range 25 East, B.M., for the irrigation of the following described land, to-wit:

The East half of the Southwest quarter of Section 33, Township 7 North, Range 25 East, B.M., and lots 3 and 4 of Section 4, Township 6 North, Range 25 East, B.M.

000309

C. E. Pieper

1896-September 28 0.84 c.f.s.
34 [illegible]

NO. 406.

To be diverted from Big Lost River through the Muncy ditch having its point of diversion in the Southeast quarter of Section 26, Township 4 North, Range 26 East, B.M., for the irrigation of the following described land, to-wit:

Beginning at the Northeast corner of Section 2, Township 3 North, Range 26 East, B.M., thence South along the East line of said Section 2 791 feet to the center of the public road, thence Southwesterly along the center of said road to the Southwest corner of Lot 1 of Section 2, thence North to the North boundary of said Section 2, thence East 1320 feet to the place of beginning containing 31.98 acres, also the South half of the South half of the Southeast quarter of the Southeast quarter of Section 35, Township 4 North, Range 26 East, B.M.

D. R. Pingree and
Vervene Pingree.

1896-August 1 2.0 c.f.s.
34 [illegible]
TRANS'N 1925

NO. 407. (See Amendment Page 229)

To be diverted from Big Lost River through the Hurst ditch having its point of diversion in the Southwest quarter of Section 36, Township 4 North, Range 26 East, B.M., for the irrigation of the following described land, to-wit:

Lots 1 and 2 and the East half of the Northwest quarter of Section 18, Township 3 North, Range 27 East, B.M.

000310

I. S. Pope

1899-March 27 0.585 c.f.s.
.585 Trans. 404

No. 408.

To be diverted from Big Lost Riv through the Moore canal having it point of diversion in the Southeast quarter of Section 4, Township 5 Nor Range 26 East, B.M., for the irrigat of the following described land, to-

The Southwest quarter of the Southwe quarter of Section 20, Township 4 North, Range 26 East, B.M.

Charles S. Powers,
(named in plaintiff's amended complaint as John Doe Powers.)

(a) 1888-June 1 3.2 c.f.s.
.662 - Trans 615

To be diverted from Big Lost River t the Streeter ditch having its point diversion in the Southeast quarter o Section 18, Township 7 North, Range East, B. M., for the irrigation of t following described land, to-wit:

The East half of the Southwest quart and the Southeast quarter of Sectior and the Northwest quarter of the No: east quarter of Section 34, Townshi North, Range 24 East, B.M., and

(b) 1884-October 12 1.6 c.f.s.

To be diverted from Big Lost River t the Sharp ditch having its point version in the Southeast quarter Section 12, Township 7 North, Range East, B.M., for the irrigation of t land last above described, and

(c) 1884-October 12 0.5 c.f.s.

To be diverted from Big Lost River the Swanger ditch having its point diversion in the Southwest quarter Section 20, Township 7 North, Rang East, B.M., for the irrigation of t following described land, to-wit:

See 791

Beginning at the Northeast corner o Southeast quarter of the Northwest ter of Section 34, thence South 40 a bend of Big Lost River, thence up along the meander of said river in Northwesterly direction 84 rods to tersection with the North line of t above described Southeast quarter o Northwest quarter of Section 34, th East 40 rods along said North line place of beginning in Township 7 No Range 24 East, B.M.

No. 409.

000311

D. L. Price

1897-May 10 ✓ 2.1 c.f.s.
1.6 Trans 452 34 [illegible]

No. 410.

To be diverted from Big Lost River through the Huston ditch having its point of diversion in the Northeast quarter of Section 33, Township 7 No Range 24 East, B. M., for the irriga of the following described land, to-

That part of the West half of the Southwest quarter of Section 25, lyi South and West of the Blaine Canal, the South half of the Southeast qua r and the Southeast quarter of the Sou west quarter of Section 26, all in Township 6 North, Range 25 East, B.

J. W. Price,
(Named in plaintiff's amended complaint as William Price).

1887-March 13 ✓ 0.2 c.f.s. ✓
1901-September 1 ✓ 1.0 c.f.s.
All Trans. 601 [illegible] ✓

No. 411.

To be diverted from Big Lost River through the Lower Burnett ditch havi its point of diversion in the North-east quarter of Section 24, Township North, Range 25 East, B.M., for the irrigation of the following describe land, to-wit:

The East half of the Southwest quart of Section 29, Township 6 North, Ran 26 East, B.M.

000312

Mary Pritchett

1882-September 30 1.6 c.f.s.
Trans 425-1.6cfs 34 [illegible]

No. 412.

To be diverted from Alder Creek through a private ditch having its point of diversion in the Southwest quarter of the Northeast quarter of Section 12, Township 6 North, Range 24 East, B. M., for the irrigation of the following described land, to-wi

Beginning at the quarter post on the North side of Section 12, Township 6 North, Range 24 East, B.M., thence Sou 27 chains, thence East 30 chains to line dividing Lemon and McGee land, thence North along said line 37 chains and 17 feet, thence West 26 chains and 50 feet to the point of beginning, containing 86 acres more or less.

Thomas J. Pritchett

1904-June 1 3.2 c.f.s.
34 [illegible]

No. 413.

To be diverted from Big Lost River as follows:

1.7 c.f.s. through the Huston ditch having its point of diversion in the Northeast quarter of Section 33, Township 7 North, Range 24 East, B.M., 1.0 c.f.s. through the Rodgers ditch having its point of diversion in the Northeast quarter of Section 33, Township 7 North, Range 24 East, B.M., and 0.5 c.f.s. through the Eberhardt ditch having its point of diversion in the Northeast quarter of Section 2, Township 6 North, Range 24 East, B. M., all for the irrigation of the following described land, to-wit:

The Southeast quarter of the Northwest quarter, Northeast quarter of the Southwest quarter and the West half of the Southeast quarter of Section 1, Township 6 North, Range 24 East, B.M.

000313

W. C. Purdy

1894-June 1 0.22 c.f.s.

No. 414.

To be diverted from Big Lost River through the Three-In-One ditch havin its point of diversion in the Southe quarter of Section 14, Township 6 No Range 25 East, B.M., for the irrigat of the following described land, to-

Beginning at the Northwest corner of Section 31, Township 6 North, Range East, B.M., thence South 740 feet, thence East 771 feet to the O. S. L. Ry. right-of-way, thence North 27 degrees West 830 feet to point of be ginning.

William O. Putnam

1883-June 30 1.13 c.f.s.

1884-July 31 1.60 c.f.s.

No. 415.

To be diverted from Big Lost River through the West Side ditch having i point of diversion in the Southeast quarter of Section 4, Township 5 Nor Range 26 East, B.M., for the irriga-tion of the following described land to-wit:

The East half of the Southwest quart and a fraction of the Northwest qua of the Southeast quarter and a fract of the Southwest quarter of the Sou east quarter totaling 136.5 acres in Section 9, Township 4 North, Range 2 East, B.M.

A. L. Quist

1885-October 2 0.74 c.f.s.

0.74 Trans. 831

No. 416.

To be diverted from Big Lost River through the Ferris slough having its point of diversion in the Northwest quarter of Section 36, Township 4 No Range 26 East, B.M., for the irrigat of the following described land, to-

The North half of the Northwest quar of the Southwest quarter and the Nor half of the Northeast quarter of the Southwest quarter of Section 8, Town ship 3 North, Range 27 East, B.M.

000314

Joseph Rabido

1884-October 12 2.0 c.f.s. 34 0919
1897-June 1 3.2 c.f.s. 34 0919

To be diverted from Big Lost River through the Swauger ditch having its point of diversion in the Southwest quarter of Section 20, Township 7 Nor Range 24 East, B.M., for the irrigati of the following described land, tow

The East half of the Northeast quarte North half of the Southeast quarter and the East half of the Northwest qu ter of Section 35, Township 7 North, Range 24 East, B.M., and beginning at a point 35 rods West of the Northeast corner of the Northeast quarter of th Southwest quarter of Section 35, Township 7 North, Range 24 East, B.M. thence West 16 rods, thence South 20 rods, thence North 25 rods to point beginning containing 2½ acres, also commencing at the Southeast corner o the Southwest quarter of Section 26, Township and Range aforesaid, thence North 35 rods, thence West 80 rods, thence South 35 rods, thence East 80 rods to place of beginning, containi 17½ acres.

No. 417.

Hugh Reid

1920-June 1 0.8 c.f.s. 34 0919

To be diverted from Big Lost River through the Ferris Slough having its point of diversion in the Northwest quarter of Section 36, Township 4 North, Range 26 East, B.M., for the irrigation of the following described land, to-wit:

The Southeast quarter of the Southwe quarter of Section 7, Township 3 Nor Range 27 East, B.M.

No. 418.

000315

Alma Revoir

1900-June 1 ✓ 0.6 c.f.s.
Trans. 938 - 0.6 c/s
34 0652

No. 419.

To be diverted from Big Lost River through the East Side ditch having it point of diversion in the Northeast quarter of Section 2, Township 6 Nort Range 24 East, B.M., for the irriga- tion of the following described land, to-wit:

The Southwest quarter of the Southeas quarter of Section 4, Township 6 North, Range 25 East, B.M.

Albert L. Reynolds

1884-April 22 ✓ 0.1 c.f.s.
34 0653

34 0005

No. 420.

To be diverted from Big Lost River through the Sharp ditch having its point of diversion in the Southeast quarter of Section 12, Township 7 Nor Range 23 East, B.M., for the irriga- tion of the following described land, to-wit:

Beginning at a point North 15 degrees West 630 feet from the corner of Sections 20, 21, 28 and 29, Township 7 North, Range 24 East, B.M., thence South 44 degrees West 8.11 chains, thence North 46 degrees 30 minutes West 6.15 chains, thence North 44 degrees West 8.11 chains, thence 46 degrees 30 minutes East 6.15 chains to place of beginning, containing 5 acres, more or less.

William Reynolds.

1899-March 27 ✓ 1.15 c.f.s.
1.15 Trans 747 34 0654 ✓
.46 Re Trans. 872
.46 " from 327 by 838

No. 421.

To be diverted from Big Lost River through the Harger-Sullivan Ditch having its point of diversion in the Southeast quarter of Section 4, Town- ship 5 North, Range 26 East, B.M., for the irrigation of the following described land, to-wit:

West half of the Northwest quarter o Section 20, Township 4 North, Range 26 East, B.M.

000316

George Richards

1901-November 2 — 1.36 c.f.s. — 34 0655

1.32 - Trans 856 2029

No. 422. (See Amendment) East Page 229

To be diverted from Big Lost River through the Ferris Slough having its point of diversion in the Northwest quarter of Section 36, Township 4 North, Range 26 East, B.M., for the irrigation of the following described land, to-wit:

All of Block 1, Lot 4 of Block 2, Lots 2, 3 and 4 of Block 3, and all of Block 4 of Stout's Addition to Arco, Butte County, Idaho, containing 68 acres, in West Half of the South-west quarter of Section 36, Township 4 North, Range 26 East, B.M.

E. C. Richardson

1885-June 1 — 2.0 c.f.s. — 34 0656

No. 423.

To be diverted from Antelope Creek through private ditches having their points of diversion in Section 2 and 3 respectively of Township 4 North, Range 24 East, B.M., for the irrigation of the following described land, to-wit:

South half of the Southwest quarter Northeast quarter of the Southwest quarter of Section 2; and the South east quarter of the Southeast quarter of Section 3, all in Township 4 North, Range 24 East, B.M.

George P. Richardson

1905-May 15 — 2.4 c.f.s. — 34 0657

1913-September 1, 0.8 c.f.s.

Trans" 552 - 5-15-05 - 1.6 cfs

34 0658

No. 424.

To be diverted from Antelope Creek through the Hanrahan Ditch having its point of diversion in the Northeast quarter of Section 21, Township 5 North, Range 25 East, B.M., for the irrigation of the following described land, to-wit:

Southeast quarter of Section 2, Township 5 North, Range 25 East, B.M. and the Southwest quarter of the South-west quarter of Section 36, Township North, Range 24 East, B.M.

000317

Helen Richardson

1912-August 31 3.2 c.f.s.

34 [illegible]

T.#321

No. 425.

To be diverted from Antelope Creek through the Hanrahan Ditch having its point of diversion in the Northeast quarter of Section 21, Township 5 Nort Range 25 East, B.M., for the irrigatio of the following described land, to-wi

Southwest quarter of Section 1, Townsh 5 North, Range 25 East, B.M.

John G. Richardson

1880-May 1 5.8 c.f.s.
Trans #603- 1.0 cfs
" #692- 1.2 "
" #693- 1.6 "

34 [illegible]

No. 426.

To be diverted from Antelope Creek through private ditches having their points of diversion in the Northeast quarter of Section 29, Township 5 Nort Range 25 East, B.M., for the irrigatic of the following described land, to-wi

Northeast quarter, the Southeast quar ter of the Northwest quarter, West hal of the Southwest quarter and the Soutl east quarter of the Southwest quarter of Section 21 and the Northeast quarte of the Northwest quarter of Section 2 all in Township 5 North, Range 25 East B.M.

Rowe Rodgers
(Successor in interest of John C. Rodgers.)

1904-May 1 3.2 c.f.s.
Trans.# 495- 1.6 cfs
" #554- 1.04 cfs

31 [illegible]

No. 427.

To be diverted from Antelope Creek through the Greene Ditch having its point of diversion in the Northeast quarter of Section 21, Township 5 Nor Range 25 East, B.M., for the irrigati of the following described land, to-w

Lot 7, Northwest quarter of the South west quarter, Northeast quarter of th Southwest quarter, and the Northwest quarter of the Southeast quarter of Section 12, Township 5 North, Range 25 East, B.M.

000318

[illegible]

George Rosenkranc

1913-June 1 2.86 c.f.s.

34 0662

No. 428.

To be diverted from the East Fork of Big Lost River through a private ditc having its point of diversion on the land constituting the place of use o said water, for the irrigation of the following described land, to-wit:

142.91 acres situated in the Lemhi National Forest in Sections 32 and 3 Township 7 North, Range 21 East, B.M described as follows: Beginning at Corner No. 1 whence U. S. L. M. #505 bears North 80° 37' West 55.04 chain thence North 19° 32' East 11.44 chai to corner No. 2; thence South 79° 42 East 76.93 chains to Corner No. 3; thence South 0° 31' West 19.15 chain Corner No. 4; thence South 63° 10' W 7.5 chains to Corner No. 5; thence N 66° 55' West 23.47 chains to Corner No. 6; thence North 75° 16' West 43. chains to corner No. 7; thence North 56° 01' West 11.04 chains to the pla beginning.

A. J. Rothwell and R. W. Rothwell

(a) 1896-June 1 3.2 c.f.s.

34 0663

To be diverted from Big Lost River t the Island Ditch having its point o diversion in the Southeast quarter Section 4, Township 5 North, Range East, B.M., for the irrigation of t following described land, to-wit:

East half of the Northeast quarter Section 22; West half of the Northw quarter and the North half of the S west quarter of Section 23, all in ship 5 North, Range 26 East, B.M.,

(b) 1898-June 1 1.3 c.f.s.

34 0664

No. 429.

To be diverted from Big Lost River the Darnley Ditch having its point diversion in the Southeast quarter Section 4, Township 5 North, Range East, B.M., for the irrigation of t land last above described.

000319

Peter R. Routh

1907-May 1 ✓ 0.74 c.f.s.

34 [illegible]

No. 430.

To be diverted from Antelope Creek through the Hanrahan Ditch having it point of diversion in the Northeast quarter of Section 21, Township 5 No Range 25 East, B.M., for the irriga of the following described land, to-

Lot 5 Section 12, Township 5 North, Range 25 East, B.M.

Edward M. Rowe

1887-June 1 ✓ 3.2 c.f.s.

34 [illegible] ✓

No. 431.

To be diverted from Big Lost River t the Island Ditch having its point o version in the Southeast quarter of tion 4, Township 5 North, Range 26 East, B. M., for the irrigation of t following described land, to-wit:

West half of the Southeast quarter, east quarter of the Southwest quarte the Southeast quarter of the Northw quarter of Section 34, Township 5 No Range 26 East, B.M.

J. P. Russell

1896-September 28 ✓ 1.8 c.f.s.

34 [illegible] ✓

No. 432.

To be diverted from Big Lost River through the Muncy Ditch having its p of diversion in the Southeast quarte Section 26, Township 4 North, Range 26 East, B.M., for the irrigation o following described land, to-wit:

Northeast quarter of the Southeast q ter, Southwest quarter of the South quarter and the North three quarters of the Southeast quarter of the Sou east quarter of Section 35, Township North, Range 26 East, B.M.

000320

[illegible]

U. M. Savaris

1886-June 30 2.4 c.f.s.

To be diverted from Big Lost River through the Island Ditch having its point of diversion in the Southeast quarter of Section 4, Township 5 Nort Range 26 East, B.M., for the irrigati of the following described land, to-w

North half of the Northwest quarter a the Southeast quarter of the Northwes quarter of Section 15, Township 5 Nor Range 26 East, B.M.

No. 433.

Jacob M. Sax

1882-September 30 0.8 c.f.s.
1905-May 1 0.45 c.f.s.
1909-May 1 0.8 c.f.s.

To be diverted from Alder Creek thro a private ditch having its point of d version in the Southeast quarter of Section 14, Township 6 North, Range 2 East, B.M., for the irrigation of the following described land, to-wit:

Northeast quarter of the Northwest quarter and the Southeast quarter of the Northwest quarter of Section 12 also the following described land

Beginning at the Southeast corner of the Southeast quarter of the Northwe quarter of said Section 12; thence E 26 2/3 chains to a line established Henry Harger as the dividing line be tween the Lemon and McGee tracts of thence North along said line 2 1/3 c to Huston or Darlington Ditch bank; thence along said ditch Northwesterl 29 chains; thence South 13 chains to place of beginning, all of the above land being in Township 6 North, Rang East, B.M.

No. 434.

000321

H. C. Schade and
Emma A. Schade

1910-July 21 ✓ 2.2 c.f.s.

34 [illegible] ✓

No. 435.

To be diverted from Congdon Springs (through a private ditch having its po: of diversion on the Northeast quarte: Section 31, Township 7 North, Range 2 East, B.M., for the irrigation of the following described land, to-wit:

North half of the North half of Sect: 32, Township 7 North, Range 25 East,

Flora A. Sherman
(Formerly Flora A. Samworth and so named in Plaintiff's amended complaint herein)

1885-May 1 ✓ 2.5 c.f.s.
0.5 Trans. 810

34 [illegible] ✓

No. 436.

To be diverted from Big Lost River t the Island Ditch having its point of version in the Southeast quarter of tion 4, Township 5 North, Range 26 E B.M., for the irrigation of the foll described land, to-wit:

East half of the Southeast quarter, tion 10 and the West half of the Southwest quarter of Section 11, Tow ship 4 North, Range 26 East, B.M.

John H. Scott

1910-June 1 ✓ 5.25 c.f.s.

34 [illegible] ✓

No. 437.

To be diverted from the Dry Fork of Antelope Creek through the Nichols Ditch having its point of diversion the North 18° 45' West 2500 feet fro the Southeast corner of Section 31, Township 3 North, Range 24 East, B.M (Unsurveyed), for the irrigation of following described land, to-wit:

West half of Section 4, Township 3 North, Range 24 East, B.M.

000322

Lee Scruggs
(Successor to John L. Bardsley and Josie Bardsley.)

1912-October 3 2.4 c.f.s.
34 [illegible]

1917-October 3 0.8 c.f.s.
Trans. 896, 909 34 [illegible]

1912-September 25 1.6 c.f.s.
Trans 896 - Retrans. 909 back to
34 [illegible]

No. 438.

To be diverted from Big Lost River through the Haef Ditch having its point of diversion in the Northwest quarter of Section 12, Township 8 North, Range 21 East, B.M., for the irrigation of the following describe land, to-wit:

The South half of the Southwest quarter of Section 4 and the North h of the Northwest quarter and the No half of the Northeast quarter of Section 9, Township 8 North, Range 22 East, B.M.

Security State Bank
a Banking corporation

1894-March 10 3.2 c.f.s.
34 [illegible]

No. 439.

To be diverted from Big Lost River through the East Side Ditch having point of diversion in the Northeast quarter of Section 2, Township 6 No Range 24 East, B.M., for the irriga of the following described land, to

Northeast quarter of the Southwe quarter, North half of the Southea quarter and the Southwest quarter of the Southeast quarter, all in Se 5, Township 6 North, Range 25 East,

Merle Shanafelt

1907-May 27 2.66 c.f.s.
34 [illegible]

No. 440.

To be diverted from the Dry Fork of Antelope Creek through the Nichols Ditch having its point of diversion North 18° 45' West 2500 feet fromth Southeast corner of Section 31, To ship 3 North, Range 24 East, B.M. (Unsurveyed), for the irrigation o the following described land, to-w

East half of the Northeast quarter the East half of the Southeast qua of Section 9, Township 3 North, Ra 25 East, B.M.

000323

John Shull

(a) 1896-June 1 2.4 c.f.s.
Trans. P.D. 119 34 [illegible]
1899-August 1 1.6 c.f.s.
Trans. P.D. 119 34 [illegible]

To be diverted from Big Lost River through the Rodgers Ditch having its point of diversion in the North-east quarter of Section 33, Township 7 North, Range 24 east, B.M., for th irrigation of the following described land, to-wit:

South half of the Northeast quarter, North half of the Southeast quarter and the North half of the Southwest quarter of Section 17, Township 6 North, Range 25 East, B.M., and,

(b) 1909-June 1 0.5 c.f.s.
Trans. P.D. 119 34 [illegible]

To be diverted from Alder Creek through the Rodgers ditch having its point of diversion at their intersection in the Southeast quarter of Section 14, Township 6 North, Range 24 East, B.M., for the irrigation of the land last above described.

(c) 1897-May 10 1.6 c.f.s.
1.6 Trans. 862 34 [illegible]

To be diverted from Big Lost River through the Huston Ditch having its point of diversion in the Northeast quarter of Section 33, Township 7 North, Range 24 East, B.M., for the irrigation of the following describe land, to-wit:

West half of the Northwest quarter, of Section 35, Township 6 North, Range 25 East, B.M.

No. 441.

000324

Augusta Smith

(Formerly Augusta Paetch and so named in Plaintiff's amended complaint herein)

34 0684 Trans #2159

(a) 1885-June 1 2.0 c.f.s.
1896-August 1, 2.0 c.f.s.

34 0685 Trans #2159

To be diverted from Big Lost River through the Sharp Ditch having its point of diversion in the Southeast quarter of Section 12, Township 7 No Range 23 East, B.M., for the irrigat of the following described land, to-

West half of the Northeast quarter, Southeast quarter of the Northeast quarter and the Northeast quarter o Northwest quarter Section 18 and tha portion of the Southwest quarter of Southeast quarter of Section 7 lying Southwest of the Sharp Ditch and cor ing 5 acres, also that portion of th Northeast quarter of the Northeast q of Section 18 lying Southwest of Sha Ditch containing 15 acres, all of sa land being in Township 7 North, Ran East, B.M., and,

34 0686

(b) 1884-April 22 2.0 c.f.s.
1896-August 1 1.2 c.f.s.

34 0687

To be diverted from Big Lost River the Rodgers Ditch having its point diversion in the Northeast quarter Section 33, Township 7 North, Range East, B.M., for the irrigation of th following described land, to-wit:

North half of the Northeast quarter Northeast quarter of the Northwest quarter of Section 17 and the South quarter of the Southwest quarter of Section 8, all in Township 6 North, Range 25 East, B.M.

No. 442.

000325

Elisha G. Smith and the Darlington Land and Irrigation Company, Ltd., a corporation, as their respective interests may appear therein.

1886-July 21 2.8 c.f.s.
34 [illegible]

1885-May 30 0.4 c.f.s.
34 0689

No. 443.

To be diverted from Big Lost River through the Sutter Ditch having its point of diversion in the Southeast quarter of Section 6, Township 6 Nort Range 25 East, B.M., for the irrigati of the following described land, to-w

Southwest quarter of the Southeast quarter, Southeast quarter of the Southwest quarter of Section 3; Nor th west quarter of the Northeast quarter and the Northeast quarter of the Nort west quarter of Section 10, Township North, Range 25 East, B.M.

James S. Smith

(Named in Plaintiff's amended complaint as James B. Smith)

1883-June 30 2.0 c.f.s.
34 0690

No. 444.

To be diverted from Big Lost River through the West Side Ditch having its point of diversion in the South- east quarter of Section 4, Township 5 North, Range 26 East, B.M., for th irrigation of the following describe land, to-wit:

East half of the Southeast quarter a fraction of West half of the Southea quarter (20 acres) in Section 9, Tow ship 4 N., Range 26 East, B.M.

Leonard J. Smith

1887-March 2 3.2 c.f.s.
34 [illegible]

No. 445.

To be diverted from Big Lost River through the West Side Ditch having its point of diversion in the Southe quarter of Section 4, Township 5 No: Range 26 East, B.M., for the irrigat of the following described land, to-

West half of the Northwest quarter, West half of the Southwest quarter Section 10, Township 4 North, Range East, B.M.

000326

W. H. Sorensen

1884-July 15 — 4.0 c.f.s.
0.4 Trans. 921 — 34 [illegible]

No. 446.

To be diverted from Big Lost River through the Harger-Sullivan Ditch hav its point of diversion in the Southea quarter of Section 4, Township 5 Nort Range 26 East, B. M., for the irrigat of the following described land, to-w

Southeast quarter of the Northeast quarter Section 5; North half of the Northwest quarter of Section 9 and th North half of the Northeast quarter o Section 8, all in Township 4 North, R 26 East, B. M.

James B. Speer

1905-May 1 — 0.4 c.f.s. — 34 [illegible]
1912-October 14 — 2.8 c.f.s. — 34 [illegible]

No. 447.

To be diverted from Big Lost River th the Nielsen Ditch having its point of version in the Northwest quarter of S 15, Township 8 North, Range 21 East, for the irrigation of the following described land, to-wit:

Southwest quarter of the Southwest quarter of Section 24 and the Northwe quarter of the Northwest quarter of Section 25, also the North half of th Northeast quarter of Section 26, Township 8 North, Range 22 East,

Nancy M. Spencer

1911-May 10 — 1.6 c.f.s. — 34 [illegible]

No. 448.

To be diverted from Antelope Creek t the Hanrahan Ditch having its point diversion in the Northeast quarter o Section 21, Township 5 North, Range East, B.M., for the irrigation of th following described land, to-wit:

Lot 1 and the Southeast quarter of t Northeast quarter of Section 2, Town 5 North, Range 25 East, B.M.

000327

W. V. Sperry

1887-June 1 0.5 c.f.s. 34 [illegible]

1896-September 28 0.8 c.f.s. 34 [illegible]

No. 449.

To be diverted from Big Lost River through the Muncy Ditch having its po of diversion in the Southeast quarter of Section 26, Township 4 North, Rang 26 East, B.M., for the irrigation of following described land, to-wit:

Northeast quarter of the Southeast qu and the Southeast quarter of the Sou east quarter of Section 2, Township North, Range 26 East, B.M.

Orvin Spiking and
William Spiking
(Named in Plaintiff's amended complaint as W. V. Spiking).

1884-August 31 1.6 c.f.s.
1.6 -Trans. 519 34 0698

No. 450.

To be diverted from Big Lost River th the Island Ditch having its point of version in the Southeast quarter of S tion 4, Township 5 North, Range 26 Ea B. M., for the irrigation of the foll ing described land, to-wit:

Lot 4 of Section 2 and beginning at t Northeast corner of the Northeast qua ter of Section 3; thence South 106 rc thence West 99 2/3 rods; thence North 106 rods; thence East 99 2/3 rods to point of beginning, all in Township 4 North, Range 26 East B.M.

000328

F. A. Stacy and
Josie Stacy

(a) 1885-June 1 0.6 c.f.s.
1905-May 1 0.4 c.f.s.
1916-July 1 4.4 c.f.s.
1910-May 1 1.6 c.f.s.

To be diverted from Big Lost Rive through the Davidson Ditch having its point of diversion in the Northwest q ter of Section 12, Township 8 North, 21 East, B. M., for the irrigation of following described land, to-wit:

East half of the Southwest quarter, S west quarter of the Southwest quarter Section 25; Northeast quarter of Nort west quarter, South half of the North quarter, Northwest quarter of the Nor west quarter of Section 36 and the Ea half of Section 35, all in Township 8 North, Range 22 East, B. M., and,

(b) 1890-June 1 2.4 c.f.s.
1905-May 1 1.6 c.f.s.

To be diverted from Warm Springs Cree through private ditches having their points of diversion on the land constituting the place of use of said wa for the irrigation of the land last above described.

No. 451.

George H. Stewart

1884-April 22 0.063 c.f.s.

To be diverted from Big Lost River th the Sharp ditch having its point of sion in the Southeast quarter of 12, Township 7 North, Range 23 East, for the irrigation of the following described land, to-wit:

Commencing at the West corner of Idal Street and Smelter Avenue in the town Mackey, Custer County Idaho, and runn thence South 11 degrees 20 minutes W for 266 feet which is the place of be ginning, thence South 11 degrees and minutes West 313 feet, thence South 71 degrees 8 minutes West 265 feet, thence North 59 degrees 24 minutes W 296 feet, thence North 45 degrees 42 minutes East 2779 feet, thence South degrees 41 minutes East 278.2 feet t place of beginning containing 3.15 a more or less.

No. 452.

000329

Charles H. Stinson

1916-December 1 3.2 c.f.s.

No. 453.

To be diverted from Big Lost River through the Nielsen ditch having its point of diversion in the Northwest quarter of Section 15, Township 8 North Range 21 East, B.M., for the irrigation of the following described land, to-wit

The Southeast quarter of Section 22, Township 8 North, Range 22 East, B.M.

George Stinson

1918-August 6 3.2 c.f.s.

No. 454.

To be diverted from the Dry Fork of Antelope Creek through a private ditch having its point of diversion in the Southwest quarter of Section 28, Township 4 North, Range 24 East, B.M., for the irrigation of the following described land, to-wit:

The North half of the Northwest quarter Southwest quarter of the Northwest quarter and the Northwest quarter of the Northeast quarter of Section 28, Township 4 North, Range 24 East, B.M.

Allen E. Stoddard

1894-March 10 3.2.c.f.s.

1895-June 30 3.0 c.f.s.

No. 455.

To be diverted from Big Lost River thro the Harris & Vaught ditch having its po of diversion in the Northwest quarter o Section 34, Township 7 North, Range 24 East, B.M., for the irrigation of the following described land, to-wit:

The Southeast quarter of the Southeast quarter of Section 31, the South half o the North half, Northwest quarter of th Southwest quarter and the South half of the Southwest quarter of Section 32, al in Township 7 North, Range 25 East, B.M

000330

William H. Stoddard

✓1896-June 1 ✓ 0.24 c.f.s.
34 [illegible]

No. 456.

To be diverted from Big Lost River through the West side ditch having its point of diversion in the Southeast quarter of Section 4, Township 5 North, Range 26 East, B.M., for the irrigation of the following described land, to-wit:

19 acres in the Southwest quarter of the Northeast quarter of Section 28, Township 5 North, Range 26 East, B. M.

A. D. Streeter

(a) 1884-April 22 ✓ 1.8 c.f.s.
34 [illegible] ✓

To be diverted from Big Lost River through the Sharp ditch having its poin of diversion in the Southeast quarter o Section 12, Township 7 North, Range 23 East, B.M., for the irrigation of th following described land, to-wit:

The Northwest quarter of the Northeast quarter and the Northeast quarter of th Northwest quarter of Section 20 and the South half of the Southwest quarter of Section 17, all in Township 7 North, Range 24 East, B.M., and

(b) 1894- June 1 ✓ 2.0 c.f.s.
34 [illegible] ✓

No. 457.

To be diverted from Big Lost River thro the Streeter ditch having its point of diversion in the Southeast quarter of Section 18, Township 7 North, Range 24 East, B.M., for the irrigation of the l last above described.

000331

Alice M. Sutter, as Administratrix of the estate of William Sutter, deceased.

1885-May 30 ✓ 0.8 c.f.s.

1886-July 21 ✓ 1.6 c.f.s. (Both)

No. 458.

To be diverted from Big Lost River through the Sutter Ditch having its po of diversion in the Southeast quarter Section 6, Township 6 North, Range 25 East, B. M., for the irrigation of the following described land, to-wit:

The Southwest quarter of the Southwest quarter of Section 2 and the West half of the Northwest quarter of Section 11 Township 6 North, Range 25 East, B. M.

Celia Swauger and John W. Swauger

1884-October 12 ✓ 5.6 c.f.s. ✓

No. 459.

To be diverted from Big Lost River through the Swauger ditch having its point of diversion in the Southwest quarter of Section 20, Township 7 Nort Range 24 East, B. M., for the irriga- tion of the following described land, to-wit:

The East half of the Southeast quarte South half of the Southwest quarter an the West half of the Southeast quarter of Section 25, Township 7 North, Range 24 East, B. M., and the West hal of the Southwest quarter of Section 30 Township 7 North, Range 25 East, B. M.

John W. Swauger

1884-October 12 ✓ 1.0 c.f.s. ✓

No. 460.

To be diverted from Big Lost River thr the Swauger ditch having its point of version in the Southwest quarter of Se tion 20, Township 7 North, Range 24 Ea B. M., for the irrigation of the follo ing described land, to-wit:

The North half of the Southwest quarte Section 25, Township 7 North, Range 24 East, B. M.

000332

Annie L. Swensen

1897-June 1 ✓ 1.6 c.f.s.

34 [illegible] ✓

No. 461.

To be diverted from Big Lost River as follows:

0.8 c.f.s. through the Three-In-One ditch having its point of diversion i the Southeast quarter of Section 14, Township 6 North, Range 25 East, B. M and 0.8 c.f.s. through the Bursted & Johnson ditch having its point of diversion in the Northwest quarter of Section 32, Township 6 North, Range 26 East, B. M., for the irrigation of the following described land, to-wit:

The Northwest quarter of the Northwes quarter of Section 21 and the Northea quarter of the Northeast quarter of Section 20, all in Township 5 North, Range 26 East, B. M.

John E. Tadlock

1897-June 30 ✓ 3.2 c.f.s.

34 [illegible]

No. 462.

To be diverted from Big Lost River through the Rodgers ditch having its point of diversion in the Northeast quarter of Section 33, Township 7 North, Range 24 East, B. M., for the irrigation of the following described land, to-wit:

The East half of the Southeast quarte of Section 7 and the West half of the Southwest quarter of Section 8, a in Township 6 North, Range 25 East, I

000333

W. P. Taylor and
Amos Taylor

1885-June 1 — 1.0 c.f.s.
1886-June 1 — 3.0 c.f.s.
1891-June 1 — 3.5 c.f.s.

No. 463.

To be diverted from Antelope Creek through private ditches having their respective points of diversion in Sections 5, 8 and 9 of Township 4 Nort Range 24 East, B. M., for the irriga-tion of the following described land, to-wit:

The South half of the Southwest quarte of Section 4, the Northeast quarter o: the Northeast quarter and the North half of the Northwest quarter of the Northeast quarter of Section 8, the Northwest quarter, West half of the Northeast quarter, Northeast quarter of the Southwest quarter and the Northwest quarter of the Southeast quarter of Section 9, all in Township 4 North, Range 24 East, B. M.

Oscar Terry
(named in plaintiff's amended complaint herein as O. L. Terry.)

1885-May 1 — 0.05 c.f.s.

No. 464.

To be diverted from Big Lost River through the Arco canal having its point of diversion in the Northwest quarter of Section 26, Township 4 North, Range 26 East, B. M., for the irrigation of the following described land, to-wit:

2½ acres in the North half of the Southwest quarter of Section 25, Township 4 North, Range 26 East, B.M.

000334

M. Bird Tew

(a) 1886-July 21 — 0.8 c.f.s.

To be diverted from Big Lost River through the Upper Burnett ditch having its point of diversion in the Northwest quarter of Section 34, Township 7 North, Range 24 East, B. M., for the irrigation of the following described land, to-wit:

The Northwest quarter of the Southwest quarter of Section 2, Township 6 North, Range 25 East, B. M., and

(b) 1885-May 30 — 1.0 c.f.s.
1886-July 21 — 0.9 c.f.s.

To be diverted from Big Lost River through the Upper Burnett ditch having its point of diversion in the Northwest quarter of Section 34, Township 7 North, Range 24 East, B. M., for the irrigation of the following described land, to-wit:

The Southwest quarter of the Southeast quarter of Section 2, and the West half of the Northeast quarter of Section 11, all in Township 6 North, Range 25 East, B. M., and

(c) 1883-June 1 — 0.5 c.f.s.

To be diverted from Pass Creek through a private ditch having its point of diversion in the Southwest quarter of the Southwest quarter of Section 35, Township 7 North, Range 25 East, B. M. for the irrigation of the land last above described.

No. 465.

000335

Warren S. Tew

(a) 1883-June 1 ✓ (1.6) c.f.s. 34 ✓
Trans. 799 - 0.8 cfs
557 - 0.8 cfs

To be diverted from Pass Creek through a private ditch having its point of diversion in the Southwest quarter of Section 35, Township 7 North, Range 2 East, B. M., for the irrigation of the following described land, to-wit:

The West half of the Northeast quarter of Section 12, Township 6 North, Range 25 East, B. M., and

(b) 1891-June 30 ✓ 0.8 c.f.s. 34 ✓

To be diverted from Big Lost River through the Upper Burnett ditch having its point of diversion in the Northwest quarter of Section 34, Township 7 North, Range 24 East, B.M. for the irrigation of the following described land, to-wit:

The Northeast quarter of the Northeas quarter of Section 12, Township 6 North, Range 25 East, B. M.,

No. 466.

000336

William T. Tew, Jr.			
(a)	1885-May 30	1.0 c.f.s.	To be diverted from Big Lost River through the Upper Burnett ditch having its point of diversion in t Northwest quarter of Section 34, Township 7 North, Range 24 East, B. M., fo for the irrigation of the following described land, to-wit:
	1886-July 21	0.9 c.f.s.	
			The Southeast quarter of the Southwest quarter of Section 2 and the East hali of the Northwest quarter of Section 11 all in Township 6 North, Range 25 East B. M., and
(b)	1883-June 1	0.5 c.f.s.	To be diverted from Pass Creek through a private ditch having its point of diversion in the Southwest quarter of Section 35, Township 7 North, Range 25 East, B. M., for the irrigation of the following described land, to-wit:
			The Southeast quarter of the Southwe quarter of Section 2, Township 6 Nort Range 25 East, B. M., and
(c)	1886-September 1	1.6 c.f.s.	To be diverted from Big Lost River through the Upper Burnett ditch havin its point of diversion in the Northwe quarter of Section 34, Township 7 Nor Range 24 East, B. M., for the irriga- tion of the following described land, to-wit:
			The Northwest quarter of the Southe quarter and the Southeast quarter of the Southeast quarter of Section 7, Township 6 North, Range 26 East, B. M and
(d)	1886-July 21	1.44 c.f.s.	To be diverted from Big Lost River through the Upper Burnett ditch havin its point of diversion in the Northw quarter of Section 34, Township 7 Nor Range 24 East, B. M., for the irriga- tion of the following described land, to-wit:
			The North half of the Southeast quart of Section 11, Township 6 North, Rang 25 East, B. M.

No. 467.

000337

Jennie Thalman

1902-June 1 4.0 c.f.s.

1904-June 1 1.25 c.f.s.

No. 468.

To be diverted from Big Lost River through the Thalman & Hunter ditch having its point of diversion in the Southwest quarter of Section 16, Township 8 North, Range 21 East, B.M., for the irrigation of the following described land, to-wit:

The Southeast quarter of the Southeast quarter of Section 11, the Southwest quarter of Section 12, the North half of the Northwest quarter of Section 13 and the Northeast quarter of the Northeast quarter of Section 14, all in Township 8 North, Range 21 East, B.M.

Robert Thalman, as successor in interest of Uranie Sarrett and Jules Sarrett.

1910-April 2 6.4 c.f.s.

1910-July 1 3.5 c.f.s.

No. 469.

To be diverted from Upper Cedar Creek through the Sarrett ditch having its point of diversion in the Northwest quarter of the Southwest quarter of Section 19, Township 8 North, Range 24 East, B. M., for the irrigation of the following described land, to-wit:

The Southeast quarter of the Northeast quarter and the East half of the Southeast quarter of Section 25, Township 8 North, Range 23 East, B. M., lots 10 and 11 of Section 30 and lots 2, 5, 8 and 11 of Section 31, Township 8 North, Range 24 East, B. M., also beginning at the Northwest corner of Section 30, Township 8 North, Range 24 East, B. M., thence East 20 chains, thence South 10 chains, thence East 10 chains, thence South 40 chains, thence West 10 chains, thence South 10 chains thence West 20 chains, thence North 60 chains to place of beginning.

000338

Edgar M. Thayn

(described in plaintiff's amended complaint herein as Edgar H. Thayne.)

(a) 1891-June 30 2.4 c.f.s.

To be diverted from Big Lost River through the West Side ditch having its point of diversion in the Southeast quarter of Section 4, Township 5 North Range 26 East, B. M., for the irrigation of the following described land, to-wit:

The Northwest quarter of the Southwest quarter and the South half of the Southwest quarter of Section 4, Township 4 North, Range 26 East, B. M., a

(b) 1899-June 1 0.03 c.f.s.

To be diverted from Big Lost River through the West Side ditch having its point of diversion in the Southeast quarter of Section 4, Township 5 North Range 26 East, B. M., for the irrigation of the following described land, to-wit:

Lot 4 of Block 9 of Johnston's Addition to the town of Moore, Butte County, Idaho.

No. 470.

Paul Thomas

1901-July 22 1.6 c.f.s.

To be diverted from Big Lost River through the Paul Thomas ditch having its point of diversion in the Southeast quarter of Section 26, Township North, Range 26 East, B. M., for the irrigation of the following described land, to-wit:

The East half of the Northwest quarter of Section 36, Township 4 North, Range 26 East, B. M.

No. 471.

000339

Talitha E. Thomas

1896-June 1 0.001 c.f.s.

No. 472.

To be diverted from Big Lost River through the Moore canal having its point of diversion in the Southeast quarter of Section 4, Township 5 North, Range 26 East, B. M., for the irrigation of the following described land, to-wit:

All of Lot 1 and 2 of Block 4 of the original townsite of Moore, Butte County, Idaho.

Alvor C. Thompson
(named in Plaintiff's amended complaint herein as Alvin C. Thompson.)

1905-May 1 3.0 c.f.s.

1907-May 1 3.0 c.f.s.

No. 473.

To be diverted from Big Lost River through the Davidson ditch having its point of diversion in the Northwest quarter of Section 12, Township 8 North, Range 21 East, B. M., for the irrigation of the following described land, to-wit:

Lots 8, 9 and 14 of Section 20; Lot 1 of Section 29 and the Southwest quarter of the Northwest quarter, North half of the Southwest quarter and the Southeast quarter of the Southwest quarter of Section 21, Town 8 North, Range 22 East, B. M.

L. L. Thompson

1907-May 27 2.0 c.f.s.

No. 474.

To be diverted from the Dry Fork of Antelope Creek through the Nichols ditch having its point of diversion North 18 degrees 45 minutes West 2500 feet from the Southeast corner of Section 31, Township 3 North, Range 24 East, B. M., (unsurveyed) for the irrigation of the following described to-wit:

The Southeast quarter of Section 25, ship 3 North, Range 24 East, B. M.

000340

J. K. Thomson
(named in Plaintiff's amended complaint herein as John Doe Thomson.)

1894-March 10 2.28 c.f.s.

No. 475.

To be diverted from Big Lost River through the Upper Burnett ditch having its point of diversion in the Northwest quarter of Section 34, Township 7 North, Range 24 East, B. M., for the irrigation of the following described land, to-wit:

The Southeast quarter of the Northwest quarter and Lot 3 of Section 3, and all of that portion of Lot 4 of said Section 3 as follows: Beginning at the Northwest corner of said Lot 4, thence South 1056 feet, thence East 1329 feet, thence North 1056 feet, thence West 1329 feet to point of beginning, all in Township 6 North, Range 25 East, B. M.

E. L. Thornton

1884-October 12 0.95 c.f.s.

No. 476.

To be diverted from Big Lost River through the Swauger ditch having its point of diversion in the Southwest quarter of Section 20, Township 7 North, Range 24 East, B. M., for the irrigation of the following described land, to-wit:

Commencing at the Southwest corner of the Southwest quarter of Section 26, running thence North 35 rods; thence East 80 rods; thence South 35 rods; thence West 80 rods to place of beginning, containing 17½ acres, excepting right of way of the Salmon River R. R. Co., also that part of the West half of the Northwest quarter of Section 35 as follows: Commencing at the Northwest corner of said West half of the Northwest quarter of said Section 35, thence South on the West line of said eighty 13.67 chains to a point; thence South 81 degrees East 21.69 chains to a point on the East line of said eighty; thence North to Northeast corner of said eighty; thence West 20 chains more or less to the place of beginning, containing 30 acres more or less, excepting right of way of the Salmon River R. R. Co. also any and all water rights, ditches and ditch rights therein belonging

000341

W. T. Thornton

1901-September 1 ✓ 1.7 c.f.s.

34 0[illegible]

No. 477.

To be diverted from Big Lost River t[h]
the Muncy ditch having its point of [d]
sion in the Southeast quarter of Se[c]
tion 26, Township 4 North, Range 26 [E]
B. M., for the irrigation of 65 acre[s]
land in the following described lega[l]
subdivisions, to-wit:

The South half of the Northeast quar[ter]
and the Northwest quarter of the Sou[th]
east quarter of Section 35, Township [5]
North, Range 26 East, B.M.

Thousand Springs Land & Irrigation Company Ltd., a corporation and A. T. Shane, A. J. Wipperman, C. W. Mulhall, J. I. Hubbell and J. B. Tuggle as statutory trustees for the Thousand Springs Land & Irrigation Company Ltd., a defunct corporation.

34 0[illegible]

1922-January 1 250.0 c.f.s.
Big Lost River

50.0 c.f.s.
34 0[illegible] Thousand Springs
Creek

This [illegible] was
Cancelled in 19[illegible]

Said water to be impounded in plaint[iff's]
reservoir located in the channel of
Thousand Springs Creek, the outlet t[un]
nel of which reservoir is South 0 de[g]
33' East 1342 feet from the Northeas[t]
corner of Section 20, Township 9 Nor[th]
Range 22 East, B. M., and thereafter
be diverted for irrigation and other
beneficial uses or partly to be im-
pounded and partly to be diverted, t[he]
point of diversion of said waters fr[om]
the stream to be at a point North 86
degrees 50' East 372 feet from the S[ou]
west corner of Section 1, Township 8
North, Range 21 East, B.M., and said
water to be appurtenant to the follo[w]
ing described lands and any other la[nd]
which the owners of said water right
icate thereto the use of such waters
beneficial purposes by sale, rental
distribution:

6,371.77 acres of land in Section 2,
9, 10, 11, 12, 13, 14, 15, 23, 24, 2[5]
26, Twp. 9 N. R. 21 E.B.M. Sections
and 32, Twp. 9 N.R. 22 E.B.M. Sec.
8 N. R. 22 E.B.M., and Sec. 1, Twp.
R. 21 E.B.M.

Provided, however, that this right i[s]
be deemed a storage right and that t[he]
priority and amount of this appropri[a]
tion are conditioned upon proof of b[e]
ficial use of such water being made
within six years from the date of th[is]
decree before the Commissioner of Re[c]
mation of the State of Idaho, in the
manner prescribed by sections 5577-5[8]
Idaho Compiled Statutes.

No. 478.

000342

F. G. Twede

1886-July 21 ✓ 1.0 c.f.s.
34 07759 ✓

No. 479.

To be diverted from Big Lost Riv through the Sutter Ditch having . of diversion in the Southeast quarte Section 6, Township 6 North, Range 2 East, B. M., for the irrigation of t following described land, to-wit:

South half of the Southeast quarter Section 11, Township 6 North, Range East, B. M.

D. O. Tweedie

1900-March 23 ✓ 1.4 c.f.s.
34 07754 ✓

No. 480.

To be diverted from Big Lost River through the Moore Canal having its p of diversion in the Southeast quarte Section 4, Township 5 North, Range 2 East, B. M., for the irrigation of t following described land, to-wit:

The West half of the Northeast quart of Section 5, Township 4 North, Rang East, B. M.

Sherman Vance

(a) 1896-June 1 ✓ 1.17 c.f.s.
34 07752

To be diverted from Big Lost Riv the Moore canal having its point o sion in the Southeast quarter of Sec Township 5 North, Range 26 East, B.M for the irrigation of the following cribed land, to-wit:

The West half of the Southwest quart Section 21, Township 5 North, Range East, B. M., and

(b) 1896-June 1 ✓ 2.4 c.f.s.
34 07753

To be diverted from Big Lost River the Bursted & Johnson ditch having point of diversion in the Northwest of Section 32, Township 6 North, Ra 26 East, B.M., for the irrigation o following described land, to-wit:

The East half of the Northwest quar and the Northeast quarter of the So west quarter of Section 9, Township North, Range 26 East, B.M.

No. 481.

000343

Clay Vance, Priscilla Vance, Murray Longhurst and Ruth Berg Longhurst, as their interests may appear.

(a) 1875-June 1 — 3.2 c.f.s.
1887-June 1 — 2.4 c.f.s.
1875-June 1 — 2.0 c.f.s.
1888-June 1 — 1.2 c.f.s.
1898-June 1 — 2.4 c.f.s.

To be diverted from Big Lost River through the Chilly ditch having its point of diversion in the Southwest quarter of Section 1, Township 8 North Range 21 East, B. M., for the irrigation of the following described lands to-wit:

The Southeast quarter of the Northeast quarter, Northeast quarter of the Southeast quarter of Section 33, and the South half of the Northwest quart Southwest quarter, South half of the Southeast quarter of Section 34, all Township 9 North, Range 22 East, B.M. and Lot 4, Southwest quarter of the Northwest quarter, Southwest quarter Section 2, and lots 1, 2 and 3 and th Southeast quarter of the Northwest quarter, South half of the Northeast quarter, East half of the Southeast quarter, Northwest quarter of the Southeast quarter and the Northeast quarter of the Southwest quarter of Section 3, the Northwest quarter and the West half of the Northeast quarte of Section 11, all in Township 8 Nort Range 22 East, B. M., and

(b) 1902-April 15 — 4.0 c.f.s.
1906-June 30 — 1.6 c.f.s.
1902-April 1 — 0.8 c.f.s.
1902-April 1 — 6.4 c.f.s.
1912-April 1 — 1.6 c.f.s.
1907-May 8 — 1.3 c.f.s.
1912-April 1 — 1.6 c.f.s.

To be diverted from Big Lost River through the Longhurst ditch having it point of diversion in the Southeast quarter of Section 32, Township 9 Nor Range 22 East, B. M., for the irriga- tion of the land last above described

(c) 1885-May 1 — All of Vance Creek.

T. 2390

To be diverted from Vance Creek thro a private ditch having its point of version on the land constituting the place of use of said water, for the gation of, and domestic use on the l last above described.

No. 482.

000344

Clay Vance and Priscilla Vance	
(a) 1888-November 1, 3.2 c.f.s. 1893-November 1, 2.4 c.f.s.	To be diverted from Big Lost River the Vance Ditch having its point of ... version in the Southeast quarter of Se tion 19, Township 8 North, Range 21 East, B. M., for the irrigation of the following described land, to-wit: South half of the Northeast quarter, So east quarter of the Northwest quarter, Northeast quarter of the Southwest qua ter and the Northeast quarter of the S east quarter of Section 20; Southwest quarter of the Northwest quarter and t Northwest quarter of the Southwest qua ter of Section 21, Township 8 North, Range 21 East, B. M.
(b) 1888-November 1 0.4 c.f.s.	To be diverted from Grant Creek throu a private ditch having its point of d version on the land constituting the of use of said water, for the irrigat of the land last above described.
(c) 1904-June 20 1.6 c.f.s.	To be diverted from Big Lost River th the Ingram Ditch having its point of diversion in the Northwest quarter of Section 6, Township 8 North, Range 22 East, B. M., for the irrigation of th following described land, to-wit: Southeast quarter of the Southwes quarter and the Southwest quarter Southeast quarter of Section 21; Nort east quarter of the Northwest quarter and Northwest quarter of the Northeas quarter of Section 28, Township 9 Nor Range 22 East, B. M.
(d) 1912-December 4, 3.22 c.f.s. 1904-October 14 1.60 c.f.s. 1.6 cfs Trans. # 358	To be diverted from Big Lost River through the Nielsen Ditch having its point of diversion in the Northwest quarter of Section 15, Township 8 Nor Range 21 East, B. M., for the irriga-tion of the following described land, to-wit: Southeast quarter of the Northeast qu ter, Northeast quarter of the Southea quarter of Section 6, Southwest quar ter of the Northwest quarter, North h of the Southwest quarter and the Nort west quarter of the Southeast quarter of Section 5, Township 8 North, Range 22 East, B. M.

No. 483.

000345

M. S. Vaught

(a) 1901-July 31 ✓ 3.2 c.f.s.
34 [illegible]3.

To be diverted from Big Lost River thr a private ditch having its point of di- version in the Southwest quarter of Se tion 13, Township 8 North, Range 22 Ea B. M., for the irrigation of the follo ing described land, to-wit:

Southwest quarter of the Southwest qua ter of Section 13, and the Northwest quarter, North half of the Southwest quarter, West half of the Southeast quarter and the Southwest quarter of the Northeast quarter of Section 24, all in Township 8 North, Range 22 East, B. M.

(b) 1885-May 1 ✓ 2.8 c.f.s.
34 [illegible]
1897-May 15 ✓ 2.0 c.f.s.
34 [illegible]75

To be diverted from Big Lost River through the Davidson Ditch, having its point of diversion in the Northwest quarter of Section 12, Township 8 Nort Range 21 East, B. M., for the irriga- tion of the land last above described.

(c) 1885-June 30 ✓ 3.2 c.f.s.
34 [illegible]
1901-June 30 ✓ 1.6 c.f.s.
34 [illegible]

To be diverted from Big Lost River through the Harris & Vaught ditch havi its point of diversion in the Northwes quarter of Section 34, Township 7 Nort Range 24 East, B. M.

(d) 1886-June 1 ✓ 1.6 c.f.s.
34 [illegible]8

To be diverted from Big Lost River through the Upper Burnett Ditch having its point of diversion in the Northwes quarter of Section 34, Township 7 Nort Range 24 East, B. M., all for the irrigation of the following described land, to-wit:

Northeast quarter and the Northeast of the Southeast quarter of Section 1, Township 6 North, Range 24; West half of the Southwest quarter Section 31, Township 7 North, Range 25 East, B.M., East half of the Southeast quarter and the Southwest quarter of the South east quarter of Section 36, Township 7 North, Range 24 East, B.M.

No. 484.

Gustav Venz, and the Darlington Land and Irrigation Company, Ltd., a corporation, as their respective in- terest herein may appear.

1886-July 21 ✓ 1.6 c.f.s.
34 [illegible]

No. 485.

To be diverted from Big Lost River thr the Sutter Ditch having its point of d version in the Southeast quarter of Se tion 6, Township 6 North, Range 25 Eas B.M., for the irrigation of the follo described land, to-wit:

Southwest quarter of the Southwest qua of Section 3, and the Northwest quarte the Northwest quarter of Section 10, T ship 6 North, Range 25 East, B. M.

000346

Village of Mackay,
Custer County, Idaho,
a municipal corporation

✓ 1884-April 22 ✓ 2.44 c.f.s.
24 0780
#947 0.2cfs 4-22-84
TRANS # 1760

To be diverted from Big Lost River as follows:

2.0 c.f.s. through the Sharp ditch having its point of diversion in the Southeast quarter of Section 12, Township 7 North, Range 23 East, B. M., and 0.44 c.f.s. through the Margaret Taylor ditch having its point of diversion in the Southwest quarter of Section 20, Township 7 North, Range 24 East, B. M., for the irrigation of the following described land, to-wit:

The original townsite of the Village of Mackay, Custer County, Idaho, being Blocks Numbered One (1) to Twenty-five (25) inclusive, as shown by the origin dedication of said Village of Mackay on file in the County records of the said County of Custer, said Townsite being situated in the SW¼, Section 21 and in the N½ of Section 28, Twp. 7 N. R. 24 East, B. M., Custer County, Idaho.

Also, the Riverside Addition to the Village of Mackay, Custer County, Idaho, being blocks numbered One (1) to Eleven (11), inclusive, as shown by the original dedication of said Riverside Addition on file in the County records of the said County of Custer, said Riverside Addition to the said Village of Mackay being situated in Section 28, Township 7 North, Range 24 East, B. M., Custer County, Idaho.

Trans # 947 →

Also, beginning at the Southeast corner of Section 21, Township 7 North, Range 24 East, B. M.; thence West along the South line of said Section 752.5 feet to place of beginning; thence West along said Section line 530 feet; thence North 822 feet; thence East 530 feet; thence South 822 feet to place of beginning, situated in the Southeast quarter of the Southeast quarter of Section 21, Township 7 North, Range 24 East, B.M., containing 10 acres, more or less, known as Mt. McCaleb Cemetery.

No. 486.

000347

Ezra Waddoups

1885-May 31 — 3.2 c.f.s.

1909-July 19 — 0.4 c.f.s.

No. 487.

To be diverted from Big Lost River through the Darnley Ditch having its point of diversion in the Southeast quarter of Section 4, Township 5 Nor Range 26 East, B. M., for the irriga of the following described land, to-

South half of the Northwest quarter, North half of the Southwest quarter, of Section 26 and the Northeast quar of the Southeast quarter of Section all in Township 5 North, Range 26 Ea B.M.

Royal Waddoups

1884-July 15 — 0.8 c.f.s.

No. 488.

To be diverted from Big Lost River through the West Side Ditch having its point of diversion in the South east quarter of Section 4, Township 5 North, Range 26 East, B.M., for th irrigation of the following describe land, to-wit:

Southwest quarter of the Northwest quarter of Section 9, Township 4 No Range 26 East, B. M.

T. C. Waddoups

1884-June 1 — 0.6 c.f.s.

1886-May 1 — 2.9 c.f.s.

1911-September 27, 1.7 c.f.s.

No. 489.

To be diverted from Antelope Creek through a private ditch having its point of diversion in Section 2, Township 4 North, Range 24 East, B. for the irrigation of the following described land, to-wit:

West half of the Southeast quarter, Northeast quarter of the Southeast quarter and the Southwest quarter o the Northeast quarter of Section 36 Township 5 North, Range 24 East, B. and Lots 2 and 3 in Section 31, Tow 5 North, Range 25 East, B. M., also acres in Lot 3 of Section 1, Townsh 4 North, Range 24 East, B. M.

000348

Thomas Waddoups

1884-May 20 1.6 c.f.s.

34

No. 490.

To be diverted from Big Lost Rive as follows: 1.2 c.f.s. from the Harger-Sullivan Ditch and 0.4 c.f.s. through the Moore Canal each having their point of diversion in the South east quarter of Section 4, Township 5 North, Range 26 East, B.M., for the irrigation of the following described land, to-wit:

East half of the Northwest quarter of Section 8, Township 4 North, Range 26 East, B. M.

Charles F. Wagner

1894-June 1 3.2 c.f.s.

34

No. 491.

To be diverted from Big Lost River through the Island Ditch having its point of diversion in the Southeast quarter of Section 4, Township 5 North, Range 26 East, B.M., for the irrigation of the following described land, to-wit:

Northeast quarter of Section 27, Township 5 North, Range 26 East, B.M.

George Waite

(Named in Plaintiff's amended complaint as George Wait)

1892-May 1 3.1 c.f.s.

34

No. 492.

To be diverted from Big Lost River through the Island Ditch having its point of diversion in the Southeast quarter of Section 4, Township 5 Nor Range 26 East, B.M., for the irrigat of the following described land, to-

Southwest quarter of Section 14, Township 4 North, Range 26 East, B.M.

000349

L. G. Walburn

(Successor in interest to A. E. Walburn)

1894-June 1 0.4 c.f.s.

1898-May 1 0.68 c.f.s.

No. 493.

To be diverted from Big Lost River through the Burstedt-Johnson Ditch having its point of diversion in the Northwest quarter of Section 32, Township 6 North, Range 26 East, B. M., for the irrigation of the following described land, to-wit:

Commencing at a point 19 rods North of the Southwest corner of the Northwes quarter of Section 4, Township 5 North, Range 26 East, B. M., thence East 150 rods; thence North 16 rods; thence East 10 rods; thence North 45 rods; thence West 160 rods; thence South alor the Section line 61 rods to the place c beginning, containing 60 acres, more or less.

George E. Walker

(a) 1885-October 2 1.6 c.f.s.
1887-May 1 3.2 c.f.s.
1892-May 1 0.4 c.f.s.

1.6 - 5-1-87 Trans 742
1.2 - 5-1-92 Trans 1032

To be diverted from Big Lost River through the Ferris Slough having its point of diversion in the Northwest quarter of Section 36, Township 4 North, Range 26 East, B.M., for the irrigation of the following described land, to-wit:

East half of the Southeast quarter, West half of the Southeast quarter, Southeast quarter of the Southwest quarter, South half of the Northeast quarter of the Southwest quarter, Lot 2 and the Southwest quarter of the Northeast quarter of Section 6; North half of the Northeast quarter of Section 7, all in Township 3 North, Range 27 East, B. M., and,

(b) 1892-May 1 0.8 c.f.s.
1898--June 1 1.6 c.f.s.

1.6-6-1-98 Trans 549
1.6 " Rec 231

No. 494.

To be diverted from Big Lost River through the Arco Canal, having its point of diversion in the Northwest quarter of Section 26, Township 4 North, Range 26 East, B. M., for the irrigation of the land last above described.

000350

Franklin Walker

1897-May 31 3.2.c.f.s.
34 07897

No. 495.

To be diverted from Big Lost River through the Upper Burnett Ditch having its point of diversion in the Northwest quarter of Section 34, Township 7 North, Range 24 East, B.M. fo the irrigation of the following described land, to-wit:

Northwest quarter of Section 33, Township 7 North, Range 25 East, B.M

A. Wanman

1893-February 1 0.3 c.f.s.
34 07898

1896-June 1 1.0 c.f.s.
34 07898

No. 496.

To be diverted from Big Lost River through the Moore Canal, having its point of diversion in the Southeast quarter of Section 4, Township 5 North, Range 26 East, B. M., for the irrigation of the following describe land, to-wit:

South half of the Southeast quarter of Section 21; North half of the Northwest quarter of the Northeast quarter and the Northeast quarter of the Northeast quarter of Section 28, all in Township 5 North, Range 26 East,

Antone Wanstrom

(Named in Plaintiff's amended complaint as A. Wanstram)

1886-June 1 2.4 c.f.s.
34 07899

No. 497.

To be diverted from Big Lost River as follows: 1.6 through the Burste Johnson Ditch having its point of diversion in the Northwest quarter of Section 32, Township 6 North, Range 26 East, B. M., and 0.8 c.f.s. thro the West Side Ditch having its poin of diversion in the Southeast quarter of Section 4, Township 5 North, Ran 26 East, B.M., for the irrigation o the following described land, to-wi

Northwest quarter of the Northeast quarter and the South half of the N east quarter of Section 9, all in Township 5 North, Range 26 East, B

000351

Chas. Warren

(a) 1884-May 1 5.06 c.f.s.
34 0801
1902-May 1 1.8 c.f.s.
34 0802

To be diverted from Big Lost River through private ditches having their point of diversion in the Southeast quarter of Section 24, Township 8 North, Range 22 East, B.M., for the irrigation of the following described land, to-wit:

Southeast quarter of the Southwest quarter and Lot 4 of Section 19; Lots 1, 2 and 3, Northeast quarter of the Northwest quarter and Tax Lot 2 of the Southeast quarter of the Northwest quarter of Section 30, Township 8 North, Range 23 East, B.M.; Northeast quarter of the Northeast quarter, Southeast quarter of the Northeast quarter, Northeast quarter of the Southeast quarter and the West half of the Southeast quarter of Section 25; Southeast quarter of the Southeast quarter of Section 24, all in Township 8 North, Range 22 East, B.M., and,

(b) 1890-August 1 3.2 c.f.s.
34 0803

To be diverted from Warm Springs Creek through a private ditch having its point of diversion in the Southwest quarter of Section 26, Township 8 North, Range 22 East, B.M., for the irrigation of the land last above described.

No. 498.

Geo. L. Warren.

1905-May 1 0.6 c.f.s.
34 0804
1913-November 20 2.6 c.f.s.
34 0805

To be diverted from Big Lost River through the Nielsen Ditch having its point of diversion in the Northwest quarter of Section 15, Township 8 North, Range 21 East, B.M., for the irrigation of the following described land, to-wit:

The East half of the Northwest quart and the South half of the Northeast quarter of Section 26, Township 8 North, Range 22 East, B.M.

No. 499.

000352

Levi Warren

(Successor in interest to F. F. Hintze)

/1886-June 1 1.6 c.f.s.

No. 500.

To be diverted from Big Lost River t the Upper Burnett Ditch having its p of diversion in the Northwest quarte of Section 34, Township 7 North, Ran 24 East, B.M., for the irrigation of following described land, to-wit:

Lot 3 of Section 1, Township 6 North Range 24 East, B. M., and Southeast quarter of the Southwest quarter of Section 36, Township 7 North, Range East, B.M.

Levi Warren

/1884-October 12 0.1 c.f.s.

No. 501.

To be diverted from Big Lost River t the Margaret Taylor Ditch having its of diversion in the Southwest quarte Section 20, Township 7 North, Range East, B.M., for the irrigation of th following described land, to-wit:

Commencing at a point 12.25 chains N of the Southwest corner of the NW¼ o Section 28, Township 7 North, Range East, B.M.; thence North 6.30 cha thence South 45° East 7.41 chain South 45° West 4.55 chains; thenc 45° West 2.90 chains to the place of beginning, containing 2.43 acres, si ated in the Southwest quarter of the Northwest quarter of Section 28, Tow ship 7 North, Range 24 East, B.M., c wise described as Lot 2, also

Commencing at a point 12.25 chains N of the SW corner of NW¼ of Section 2 Township 7 North, Range 24 East, B.M thence North 45° West 7.66 chains; t North 45° East 4.55 chains; thence S 45° East 3.15 chains; thence South 6 chains to place of beginning, contai 2.45 acres, situated in the SE¼NE¼ o Section 29, Township 7 North, Range East, B. M., said land being otherwi described as Lot 1; also

Commencing at a point 808.5 feet Nor of SW corner of NW¼ Section 28, Town 7 North, Range 24 East, B.M., thence 415.8 feet; thence South 45° East 48 feet; thence South 45° West 140.3 fe thence North 60° 56' West 148.5 feet thence South 45° West 110 feet; ther South 45° West 51.4 feet to place o ginning.

000353

William H. Warren and
Edith C. Warren

1909-April 17 ✓ 6.4 c.f.s.

No. 502.

To be diverted from Lower Cedar Creek through the Lower Cedar Creek Canal having its point of diversion in the Northwest quarter of the Southwest quarter of Section 2, Township 7 Nort Range 24 East, B.M., for the irrigat of the following described land, to-w

The South half of Section 8, Townshi 7 North, Range 24 East, B. M.

L. E. Wassom

1886-July 21 ✓ 3.2 c.f.s.

No. 503.

To be diverted from Big Lost River through the Upper Burnett Ditch havi its point of diversion in the Northw quarter of Section 34, Township 7 No Range 24 East, B. M., for the irriga of the following described land, to-

Southwest quarter of the Southwest q ter of Section 1; Southeast quarter the Southeast quarter of Section 2 a the East half of the Northeast quart of Section 11, Township 6 North, Ran 25 East, B. M.

000354

W. L. Wattis

(a) 1888-June 1 3.2 c.f.s.
1881-June 30 3.6 c.f.s.
T.3304—1886-April 7 3.2 c.f.s.
T.3304—1896-March 30 3.2 c.f.s.
1896-June 1 3.2 c.f.s.
T.3304-1887-April 20 3.3 c.f.s.
T.3304-1901-July 31 2.8 c.f.s.
Trans. T.3304-1902-March 1 3.2 c.f.s.
Trans. P.D. → 1880-June 30 3.2 c.f.s.
1896-June 1 3.2 c.f.s.

2.016 c/s - 6-30-80
1.071 " 6-30-81
2.016 " 6-1-89
2.016 " 6-1-96
2.016 " 6-1-96
0.505 " 3-1-02
} Trans No. 406
37½ Loss

#531

Re trans: #584 to Big Lost River

21 09621

(c) 1897-

T.3303

21 0962?

(b) 1879-April 1 0.6 c.f.s.
1904-December 22 1.6 c.f.s.

21 0962?

No. 504. (See Amendment Page 230)

To be diverted from Big Lost River private ditches having their points of diversion on the land constituting the of use of said water, for the irrigati the following described land, to-wit:

Southeast quarter of the Northeast qua Southeast quarter, West half of the So west quarter of Section 32; Southwest ter of Section 33, Township 8 North, R 23 East, B.M.; Northeast quarter, West half of the Northwest quarter, Northea quarter of the Southwest quarter, Nort west quarter of the Southeast quarter Section 5; North half, North half Sout half, Section 4; West half of the Nort quarter, Southeast quarter of the Nort quarter, North half of the Southwest q North half of the Southeast quarter ar Southeast quarter of the Southeast qua Section 3; South half of the Southwest ter, Southwest quarter of the Southeas ter of Section 2; North half of Sectic West half of the Northwest quarter; So east quarter of the Northwest quarter the Northeast quarter of the Southwest quarter of Section 12, all in Townshi North, Range 23 East, B.M., and

To be diverted through Navarre Cre its point of diversion in the Sout quarter of Section 5, Township 7 No. Range 23 East, B.M., for the irrigatic of the land last above described.

Chas. E. Watson

(Successor in interest to J.W.Nations)

1896-June 1 0.32 c.f.s.

21 0962?

No. 505.

To be diverted from Big Lost River through the Moore Canal having its po of diversion in the Southeast quarter Section 4, Township 5 North, Range 26 East, B. M., for the irrigation of the following described land, to-wit:

Beginning at a point 351.7 feet South 612.3 feet East from the Northwest corner of Section 28, Township 5 North Range 26 East, B.M., thence East 43.0 rods; thence South 59.5 rods; thence West 43.02 rods; thence North 59.5 rod to place of beginning, containing 16 a more or less.

000355

W. H. Weedop

(a) 1896-June 1 1.6 c.f.s. 34 0823

1898-September 1 0.8 c.f.s. 34 0824

To be diverted from Big Lost River through the Island Ditch having its point of diversion in the Southeast quarter of Section 4, Township 5 North, Range 26 East, B.M., for the irrigation of the following described land, to-wit:

Southwest quarter of the Southeast quarter of Section 10; West half of the Northeast quarter and the Northwest quarter of the Southeast quarter of Section 15, Township 5 North, Range 26 East, B.M., and

(b) 1895-September 1 0.8 c.f.s. 34 0825

To be diverted from Big Lost River through the Darnley Ditch having its point of diversion in the Southeast quarter of Section 4, Township 5 North, Range 26 East, B.M., for the irrigation of the land last above described.

No. 506.

000356

H. W. Weiler

(Named in Plaintiff's amended complaint as John Doe Weiler)

1884-October 12 0.56 c.f.s.

34 0525

a 4 c/s Trans. No. 345
" Re. Trans No. 590

To be diverted from Big Lost River through the Margaret Taylor Ditch having its point of diversion in the Southwest quarter of Section 20, Township 7 North, Range 24 East, B.M., for the irrigation of the following described land, to-wit:

Starting at the south corner of the intersection of Capital Avenue and Idanha Streets, and running thence south 44 degrees and 15 minutes west for a distance of 300 feet, which is the place of beginning, thence South 44 degrees and 15 Minutes west to the quarter line between the southeast quarter and the southwest quarter in Section 29, Township 7 North, Range 24, East, B.M., thence south 261 feet to quarter corner of Sections 29 and 32, Township 7 North, Range 24 East, B.M., thence East 407 feet, thence North 44 degrees and 15 minutes east to a point 300 feet southerly from the south side of Idanha street, thence west 44 degrees and 15 minutes west a distance of 485 feet to the place of beginning, containing 28.18 acres.

Also the following tract: Commencing a the Southeast corner of the intersecti of Idanha Street and Capital Avenue ar running thence 300 feet west of south in direct line with the Southeast side of Capital Avenue, and running thence right angles in an easterly direction 478 feet to the center of a slough or creek known as the head of the Irish Ditch; thence at right angles at a northerly direction along the center of said creek 300 feet to the Southern line of Idanha Street; thence at right angles along the southern side of Ida St. to point of beginning, said land in Custer County, State of Idaho, adjoining the Riverside addition to Mac containing 4 acres, more or less.

No. 507.

000357

Margaret A. Wells

34 0837

(a) 1884-May 31 1.6 c.f.s.
1884-October 12, (0.05 c.f.s.

34 0838

All transferred

2.0 5-31-84 Trans. 490'
1.0 5-31-84 Retrans. 514
0.72 " Trans 760
1.2 5-31-84
1.6 6-1-94 } Trans. 761
.05 10-12-84

34 0839

(b) 1884-May 31 1.6 c.f.s.
1894-June 1 (1.6) c.f.s.

34 0839

Trans. 761

No. 508.

To be diverted from Big Lost River through the Swauger Ditch having its point of diversion in the Southwest quarter of Section 20, Township 7 North, Range 24 East, B.M., for the irrigation of the following described land, to-wit:

That certain tract of land beginning at the SW corner of Section 35, Townsh 7 North, Range 24 East, B.M., and running 160 rods East to quarter corner; thence North 62 rods; thence in a Nort westerly direction 84 rods to intersection or connecting with line established by A. B. Lambson and Dave Wells thence South 35° West 128 rods to plac of beginning, and

78 acres in the SW¼ of Section 35, described as follows: Commencing at the SW corner and running in a Northeaste direction to point 35 rods west of the Northeast corner; thence West to the Northwest corner; thence South to the Southwest coener to place of beginning and

Also Northeast quarter of Southeast quarter, East half of the Northeast quarter, Southwest quarter of the Nor east quarter of Section 34, Township North, Range 24 East, B.M., and

To be diverted from Big Lost River th the Margaret Wells Ditch having its p of diversion in the Northwest quarter Section 34, Township 7 North, Range 2 East, B.M., for the irrigation of the land last above described.

000358

O. J. Wells

(a) 1896-June 30 1.0 c.f.s.

To be diverted from Big Lost River through the Angelo Ditch having its point of diversion in the Southwest quarter of Section 10, Township 6 North, Range 25 East,-B.M., for the irrigation of the following described land, to-wit:

Northwest quarter of the Northwest quarter of Section 18, Township 6 North, Range 26 East, B.M., and the Northeast quarter of the Northeast quarter of Section 13, Township 6 North, Range 25 East, B.M.

(b) 1894-March 10 2.26 c.f.s.

TRANS 1940

To be diverted from Big Lost River through the Sutter Ditch having its point of diversion in the Southeast quarter of Section 6, Township 6 North, Range 25 East, B.M., for the irrigation of the following described land, to-wit:

South half of the Northwest quarter, Southwest quarter of the Northeast quarter and the Northwest quarter of the Southeast quarter of Section 10, Township 6 North, Range 25 Ea B.M., save and except 8 acres her tofore sold to Miles Knepp and one acre sold to School District No. 57 in Custer County, Idaho.

No. 509.

000359

Dora Werry

1900-May 1 — 1.6 c.f.s.

34 0833

No. 510.

To be diverted from Antelope Creek through the Green Ditch having its point of diversion in the Northeast quarter of Section 21, Township 5 Nor Range 25 East, B.M., for the irrigati of the following described land, to-w

South half of the Southeast quarter o Section 15, Township 5 North, Range 25 East, B.M.

Alvin West

(a) 1887-June 10 — 3.2 c.f.s.

1898-June 1 — 3.2 c.f.s.

To be diverted from Cedar Creek otherwise known as Dry Creek through a private ditch having its point of diversion on the land constituting the place of use of said water, for the irrigation of the following described land, to-wit:

The Southeast quarter of the Southwes quarter of Section 6, the North half of the Northwest quarter, Southeast quarter of the Northeast quarter, Nor half of the Southeast quarter and th Southeast quarter of the Southeast quarter of Section 7; the Southwest quarter of the Northwest quarter and the West half of the Southwest quarte of Section 8 and the Northeast quarte of the Northeast quarter of Section 18 all in Township 9 North, Range 22 East, B.M., also the Northeast quarte of the Northeast quarter of Section 12, Township 9 North, Range 21 East, B.M., and

(b) 1888-June 1 — 3.2 c.f.s.

No. 511.

To be diverted from Rock Creek throu a private ditch having its point of diversion at the point where the wei at the head of said private ditch is located, for the irrigation of the l last above described.

00036 0

Erastus West

(a) 1887-June 1 3.2 c.f.s.

To be diverted from Big Lost River through the Three-In-One ditch having its point of diversion in the Southeas quarter of Section 14, Township 6 Nor Range 25 East, B.M., for the irrigati of the following described land, to-w

The Southeast quarter of the Southeas quarter of Section 31; 30.8 acres in Southwest quarter of the Northeast qu ter; 33.7 acres in the Southeast quar of the Northwest quarter, the Northea quarter of the Southwest quarter, Sou half of the Southwest quarter and the West half of the Southeast quarter of Section 32, all in Township 6 North, Range 26 East, B.M., and

(b) 1905-May 1 1.2 c.f.s.

To be diverted from Antelope Creek th a private ditch having its point of d sion in the Southeast quarter of Sect 31, Township 6 North, Range 26 East, for the irrigation of the land last described.

No. 512.

Mamie West

1900-June 1 3.2 c.f.s.

To be diverted from Cedar Creek othe known as Dry Creek through a private having its point of diversion in the place where ditch now heads in creek the irrigation of the following described land, to-wit:

The Southwest quarter of the Southea quarter of Section 6, The North half of the Northeast quarter and the Sou west quarter of the Northeast quarte of Section 7, Township 9 North, Rang 22 East, B.M.

No. 513.

000361

Emma C. White

1894-June 1 1.1 c.f.s.
34 0840
1897-May 10 1.3 c.f.s.
34 0841

No. 514.

To be diverted from Big Lost River through the Three-In-One Ditch having its point of diversion in the Southeast quarter of Section 14, Township 6 North, Range 25 East, B.M., for the irrigation of the following described land, to-wit:

Beginning at the Southwest corner of Lot 3 of Section 31, Township 6 North, Range 26 East, B.M., thence running North 193 rods and 5 feet 6 inches; thence East to the West line of the right-of-way of the O.S.L. Railroad; thence Southeast along the West side of said Railroad right-of-way to a point East of the point of beginning, thence West to the place of beginning.

Orlando White

1902-March 1 0.8 c.f.s.
34 0842
1913-December 24- 0.8 c.f.s.
34 0843

No. 515.

To be diverted from Big Lost River through the Chilly ditch having its point of diversion in the Southwest quarter of Section 1, Township 8 North Range 21 East, B.M., for the irrigation of the following described land, to-wit:

The Southeast quarter of the Southea quarter of Section 31 and the Northeast quarter of Section 20, Township 9 North, Range 22 East, B.M., also Lot 1 of Section 6, Township 8 North, Range 22 East, B.M.

000362

Joseph White

(a) 1902-March 1 0.8 c.f.s.
34 0934
1913-December 24 0.8 c.f.s.
34 0945

To be diverted from Big Lost River through the Chilly Ditch having its point of diversion in the Southwest quarter of Section 1, Township 8 North, Range 21 East, B.M., for the irrigation of the following described land to-wit:

The Southwest quarter of the Southeast quarter of Section 31, Township 9 North, Range 22 East, B.M. and Lot 2 of Section 6, Township 8 North, Range 22 East, B.M.

(b) 1899-August 13 1.6 c.f.s.
34 0944

To be diverted from Cedar Creek otherwise known as Dry Creek through a private ditch having its point of diversion where the headgate of said ditch is now located in Cedar Creek otherwise known as Dry Creek, for the irrigation the following described land, to-wit:

The East half of the Northwest quarter of Section 20, the Southeast quarter of the Southwest quarter and the Southwest quarter of the Southeast quarter of Section 17, Township 9 North, Range 22 East, B.M.

No. 516.

L. B. Whiting

1886-July 21 0.8 c.f.s.
34 0938
1889-June 1 0.8 c.f.s.

#584 - 0.8 - 7-21-86
#585 - 0.8 - 6-1-89

No. 517. 34 0938

To be diverted from Big Lost River through the Upper Burnett ditch having its point of diversion in the Northwest quarter of Section 34, Township 7 North Range 24 East, B.M., for the irrigation of the following described land, to-wit

The East half of the Northwest quarter of Section 12, Township 6 North, Range 25 East, B.M.

000363

Joseph E. Wilcox,
(successor in interest
of S. G. Sherman)

1895-June 1 1.6 c.f.s.

Trans # 1730

No. 518.

To be diverted from Big Lost River through the Island ditch having its point of diversion in the Southeast quarter of Section 4, Township 5 North, Range 26 East, B.M., for the irrigation of the following described land, to-wit:

The Southeast quarter of Section 3, Township 4 North, Range 26 East, B.M.

Henry Williams

1884-April 22 0.16 c.f.s.

1888-June 1 0.20 c.f.s.

To be diverted from Big Lost River through the Streeter ditch having its point of diversion in the Southeast quarter of Section 18, Township 7 North, Range 24 East, B.M., for the irrigation of the following described land, to-wit:

Commencing at the Southeast Corner of the Southwest quarter of the Southeast quarter of Section 20, Township 7 North, Range 24 East, B.M., running thence North 50 rods 36 feet; thence West at right angles 32 rods and 6 fee thence South at right angles 50 rods 36 feet; thence East at right angles 32 rods 6 feet, the place of beginning all in the Southwest quarter of the Southeast quarter of Section 20, Township 7 North, Range 24 East, B.M., commencing at a point 16.90 chains West of the Northeast corner of Section 29, Township 7 North, Range 24 East, B.M., the place of beginning; thence South 46 degrees West 2.60 cha to corner post; thence North 44 degree West 2.76 chains to corner post; thenc North 13.76 chains to corner post; thence South 44 degrees East 12.12 chains to corner post; thence South 4 degrees West 7.71 chains to place of beginning, 7.31 acres being in the Southeast quarter of the Southeast quarter of Section 20, and .36 acres being in the Northeast quarter of the Northeast quarter of Section 29, Township 7 North, Range 24 East, B.M.

No. 519.

000364

Lavon Williams

1894-June 1 (3.2) 2.0 c.f.s.

34 0852

TRANS # 1731
1732

1.2 cfs Mussey Ditch
PAGE 16 (See Amendment Page 237)

No. 520.

To be diverted from Big Lost River through the Williams ditch having its point of diversion in the Southeast quarter of Section 12, Township 3 North, Range 26 East, B.M., for the irrigation of the following described land, to-wit:

The North half of the Southeast quarter of Section 12, Township 3 North, Range 26 East, B.M., and the North half of the Southwest quarter of Section 7, Township 3 North, Range 27 East, B.M.

George Wilson

1905-May 1 0.6 c.f.s.
1916-July 1 1.0 c.f.s.

34 0852
34 0854

No. 521.

To be diverted from Big Lost River through the Chilly ditch having its point of diversion in the Southwest quarter of Section 1, Township 8 North, Range 21 East, B.M., for th irrigation of the following describe land, to-wit:

The Southeast quarter of the Northwes quarter and the Northeast quarter of the Southwest quarter of Section 32, Township 9 North, Range 22 East, B.M.

Thornton C. Woodbridge

1899-May 9 2.8 c.f.s.

34 0851

Trans # 512

No. 522.

To be diverted from Big Lost River through the Muncy ditch having its po of diversion in the Southeast quarter of Section 26, Township 4 North, Rang 26 East, B.M., for the irrigation of following described land, to-wit:

The Southeast quarter of the Southwes quarter of Section 1, the Northwest quarter of the Northwest quarter, Eas half of the Northwest quarter and the Northeast quarter of the Southwest quarter of Section 12, Township 3 North, Range 26 East, B.M.

000365

E. J. Woodhams

1884-April 30 4.8 c.f.s.
1.6 Trans. 432
1.6 " 437
1.6 " 481

No. 523.

To be diverted from Big Lost River through the Lower Burnett ditch having its point of diversion in the Northeast quarter of Section 24, Township 6 North, Range 25 East, B.M., for the irrigation of the following described land, to-wit:

The Northwest quarter, the West half of the Northeast quarter and the Northwest quarter of the Southeast quarter of Section 29, Township 6 North, Range 26 East, B.M.

Hyrum Young

1905-May 1 0.6 c.f.s.
1914-April 4 2.6 c.f.s.

No. 524.

To be diverted from Big Lost River through the Nielsen ditch having its point of diversion in the Northwest quarter of Section 15, Township 8 North, Range 21 East, B.M., for the irrigation of the following described land, to-wit:

The Southeast quarter of the Southwest quarter of Section 27, and the East half of the Northwest quarter and the Northeast quarter of the Southwest quarter of Section 34, Township 8 North, Range 22 East, B.M.

Joseph Young

1905-May 1 1.1 c.f.s.
1916-May 1 2.1 c.f.s.
Trans 896 - Retrans: 909 back to

No. 525.

To be diverted from Big Lost River through the Naef ditch having its point of diversion in the Northwest quarter of Section 12, Township 8 North, Range 21 East, B.M., for the irrigation of the following described land, to-wit:

The East half of the Northeast quarter of Section 7 and the South half of the Northwest quarter of Section 8, Township 8 North, Range 22 East, B.M.

000366

L. M. Young,
(named in plaintiff's amended complaint herein as Lemual E. Young).

1894-May 1 ✓ 3.1 c.f.s.
Trans. 830-5-1-94 - 0.12 cfs

34 [illegible]

No. 526.

To be diverted from Warm Springs Cr through a private ditches having the... respective points of diversion in the Southwest quarter of Section 27 and the Southeast quarter of Section 34, Township 8 North, Range 22 East, B.M., for the irrigation of the following described land, to-wit:

The South half of the Southeast quarter of Section 27 and the West half of the Northeast quarter of Section 34, Township 8 North, Range 22 East, B.M.

Wade H. Young

1899-September 1 ✓ 0.8 c.f.s.
34 [illegible]

No. 527.

To be diverted from Big Lost River through the Muncy ditch having its poin of diversion in the Southeast quarter of Section 26, Township 4 North, Range 26 East, B.M., for the irrigation of the following described land, to-wit:

The Northwest quarter of the Southwest quarter of Section 12, Township 3 North Range 26 East, B.M.

T. C. Young and
Okie Lee Young,
(formerly Okie Lee and so named in Plaintiff's amended complaint herein.)

1899-June 1 ✓ 0.02 c.f.s.
34 [illegible]

No. 528.

To be diverted from Big Lost River through the West Side Ditch having its point of diversion in the Southeast quarter of Section 4, Township 5 North, Range 26 East, B.M., for the irrigation of the following described land, to-wit:

All of Lot 2 in Block 1 of Johnston's addition to Moore, also a strip of land 13½ rods long and 2 rods wide adjoining running along and parallel with the North side of Lot 2 of Blocklof the Johnston addition to the town of Moore being a part of the Northwest quarter of the Southeast quarter and the Northeast quarter of the Southwest quarter of Section 28, Township 5 North, Range 26 East, B.M.

000367

Alex Younie

1884-June 23 — 2.0 c.f.s.

No. 529.

To be diverted from Antelope Creek through a private ditch having its point of diversion in the Northwest quarter of Section 31, Township 5 North, Range 25 East, B.M., for the irrigation of 100 acres of land in the following described legal subdivisions, to-wit:

The Southwest quarter of the Southeast Quarter of Section 30, the West half of the Northeast quarter and the Southeast quarter of the Northwest quarter of Section 31, Township 5 North, Range 25 East, B.M.

Ernest Zesiger

(a) 1879-September 30 — 3.36 c.f.s.

Trans #367 - 1.6 cfs Retransfer #4564.6 cfs
" 368 - 1.76 "

To be diverted from Antelope Creek through the Hanrahan ditch having its point of diversion in the Northeast quarter of Section 21, Township 5 Nort Range 25 East, B.M., for the irrigatio of the following described land, to-wi

The South half of the Northeast quarte and the North half of the Southeast quarter and all that portion of the So west quarter of the Southeast quarter lying East of the right-of-way of the O.S.L. Railroad, all in Section 31, an the Northwest quarter of the Southwest quarter and the Southwest quarter of t Northwest quarter of Section 32, all i Township 6 North, Range 26 East, B.M., containing 268 acres more or less, and

(b) 1886-June 1 — 2.4 c.f.s.
0.7 Trans. 510

No. 530.

To be diverted from Big Lost River through the West side ditch having its point of diversion in the Southeast quarter of Section 4, Township 5 North Range 26 East, B.M., for the irrigati of the following described land, to-wi

The Southeast quarter of the Northwest quarter and the North half of the Northwest quarter of Section 21, Township 4 North, Range 26 East, B.M.

000368

Alvin J. Zollinger

(a) 1893-May 1 ✓ 3.2 c.f.s.

To be diverted from Big Lost River through a private ditch having its point of diversion in the Northeast quarter of Section 31, Township 8 North, Range 23 East, B.M., for the irrigation of the following described land, to-wit:

The Southeast quarter of the Northwest quarter and the South half of the Northeast quarter of Section 6, and the Southwest quarter of the Northwest quarter of Section 5, Township 7 North, Range 23 East, B.M., the Southeast quarter of the Northeast quarter of Section 31, South half of the Northwest quarter and the Southwest quarter of the Northeast quarter of Section 32, Township 8 North Range 23 East, B. M., and

(b) 1913-December 6 ✓ 3.2 c.f.s.

To be diverted from Big Lost River thro the Davidson ditch having its point of version in the Northwest quarter of tion 12, Township 8 North, Range 21 - B.M., for the irrigation of the land la above described.

(c) 1914-October 13 ✓ 1.6 c.f.s.

To be diverted from Warm Springs Creek through a private ditch having its poin of diversion in the Southwest quarter of the Northwest quarter of Section 35, Township 8 North, Range 22 East, B.M., for the irrigation of the land last above described.

No. 531.

000369

Ferdinand Zollinger

(a) 1893-June 1 3.46 c.f.s.
34 0920

To be diverted from Warm Springs Creek through a private ditch having its point of diversion in the Southeast quarter of Section 34, Township 8 North, Range 22 East, B.M., for the irrigation of the following described land, to-wit:

Lot 4 in Section 5 and Lots 1 and 2 of Section 6, Township 7 North, Range 23 East, B.M., and the Southwest quarter of the Southeast quarter and the East half of the Southeast quarter of Section 31, and the West half of the Southwest quarter of Section 32, Township 8 North, Range 23 East, B.M., and

(b) 1885-June 1 1.6 c.f.s.
34 0921

To be diverted from Warm Springs Creek through a private ditch having its poir of diversion in the Northwest quarter c Section 36, Township 8 North, Range 22 East, B.M., for the irrigation of the land last above described.

No. 532.

Fred Zumbrum
and his successors
in interest as their
interest may appear.

1885-February 18 3.1 c.f.s.
2.0 Trans 7/8 Reliens 862
1.1 " 710
No. 533.
34 0922

To be diverted from Big Lost River through the Harris & Vaught ditch havir its point of diversion in the Northwest quarter of Section 34, Township 7 North Range 24 East, B.M., for the irrigation of the following described land, to-wit

The Northwest quarter and the North hal of the Southwest quarter of Section 6, Township 6 North, Range 25 East, B.M.

000370

(SCHEDULE OF RIGHTS, CONTINUED)

Subdivision "B"

The parties hereinafter respectively named in said subdivision "B" of this schedule of rights and each of them having regularly appeared herein by cross-bill or other pleading and having failed to submit proof in support of their claims, or, said parties having been duly served with subpoena or warning order, proof of such service having been made, and they, and each of them, having filed no answer, motion or other appearance or pleading herein, and decree pro confesso having been regularly taken against them, and they having failed to appear or procure a vacation of said decree and it appearing to the satisfaction of the Court by reason of the admission of plaintiff filed herein setting forth the rights of said parties and the Court being fully advised in the premises:

It is hereby adjudged and decreed that the parties respectively named in subdivision "B" of this schedule of rights and each of them have no right, title, interest or claim in or to any of the waters of Big Lost River or its tributaries, other than such rights as are herein decreed to them in said subdivision "B" of this schedule of rights and said parties, their agents, servants, attorneys, successors in interest and assigns are perpetually enjoined from diverting or using any of the waters of Big Lost River or its tributaries, except as so decreed to them herein and as they may hereafter initiate or acquire rights to the use of said waters.

The parties last referred to above and the rights respectively decreed to them are as follows:

000371

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
William L. Adams		To be diverted from Big Lost River through the Darnley ditch having its point of diversion in the Southeast quarter of Section 4, Township 5 North, Range 26 East, B.M., for the irrigation of the following described land, to-wit: The South half of the Southwest quarter of Section 23, and the North half of the Northwest quarter of Section 26, Township 5 North, Range 26 East, B.M.
1896-September 1	2.4 c.f.s.	
No. 534		
J. L. Bell		To be diverted from Big Lost River through the McGowan Ditch having its point of diversion in the Northwest quarter of Section 14, Township 6 North, Range 25 East, B.M., for the irrigation of the following described land, to-wit: Southwest quarter of the Southwest quarter of Section 18, Township 6 North, Range 26 East, B.M. and the South half of the Southeast quarter and the Northwest quarter of the Southeast quarter of Section 13, Township 6 North, Range 25 East, B.M.
1907-April 15	1.9 c.f.s.	
No. 535.		

000372

Alexander Beverland

1894-June 1 0.6 c.f.s.

No. 536.

To be diverted from Big Lost River through the Burstedt-Johnson ditch havi its point of diversion in the Northwest quarter of Section 32, Township 6 North Range 26 East, B.M., for the irrigation of the following described land, to-wit

Southeast quarter of the Southwest quarter of Section 4, Township 5 North, Range 26 East, B.M.

Charles H. Black

1912-December 30 0.8 c.f.s.

No. 537.

To be diverted from Big Lost River through a private ditch having its point of diversion in the Southeast quarter of the Northwest quarter of Section 10, Township 5 North, Range 26 East, B.M., for the irrigation of the following described land, to-wit:

The Southeast quarter of the Northeast quarter and the Northeast quarter of the Southeast quarter of Section 28, Township 5 North, Range 26 East, B

F. H. Chapin.
(named in Plaintiff's amended complaint herein as John Doe Chapman.)

1910-May 27 0.8 c.f.s.

No. 538.

To be diverted from Big Lost River through the Ferris Slough having its point of diversion in the Northwest quarter of Section 36, Township 4 North, Range 26 East, B.M., for the irrigation of the following described land, to-wit:

The East half of the Southeast quarter of Section 36, Township 4 North, Range 26 East, B.M.

000373

Joseph Cresto
(or Joe Cresto)

1884-April 22 ✓ 1.0 c.f.s.

#1004 - 0.5 c.f.s

34 0878 ✓

No. 539.

To be diverted from Big Lost River through the Sharp Ditch having its point of diversion in the South-east quarter of Section 12, Township 7 North, Range 23 East, B.M., for the irrigation of the following described land, to-wit:

Southeast quarter of the Southeast quarter Section 12, Township 7 North, Range 23 East, B.M., Lot 4 and the South east quarter of the Southwest quarter of Section 7; Northeast quarter of the Northeast quarter of Section 18, Township 7 North, Range 24 East, B.M.

see 109

Carlo Fallini

1916-June 3 ✓ 0.4 c.f.s.

34 0879 ✓

No. 540.

To be diverted from Alder Creek through private ditches having their points of diversion in the Southeast quarter of the Southwest quarter and the Northwest quarter of the Southeast quarter of Section 22, Township 6 North, Range 24 East, B.M., for the irrigation of 20 acres in the following described legal sub-divisions, to-wit:

The Northeast quarter of the Southeast quarter, Northwest quarter of the Southeast quarter and the Southwest quarter of the Southeast quarter of Section 22, and the Southwest quarter of the Northwest quarter of Section 23, all in Township 6 North, Range 24 East, B.M.

Dorothy Fox

1896-June 1 ✓ 0.13 c.f.s.

34 0880 ✓

000374

No. 541.

To be diverted from Big Lost River through the Moore Canal having its point of diversion in the Southeast quarter of Section 4, Township 5 North, Range 26 East, B.M., for the irrigation of the following described land, to-wit:

Commencing at the intersection of the O. L. Ry. on the West side and with the South line of Section 21; thence West 66 feet; thence North 1320 feet to intersection of said Railroad right-of-way; thence Southeast to the point of beginning, containing 9 acres, more or less, situated in Section 21, Township 5 North of Range 26 East, B.M.

John A. Gardner

1911-April 24 ✓ 0.8 c.f.s.

34 0881 ✓

No. 542.

To be diverted from Big Lost River through a private ditch having its po of diversion in the Northwest quarter Section 33, Township 7 North, Range 2 East, B.M., for the irrigation of the following described land, to-wit:

East Half of the Southwest quarter, Southwest quarter of the Southeast quarter of Section 34, Township 7 Nor Range 24 East, B.M. and the Northwest quarter of the Northwast quarter of Section 3, Township 6 North, Range 24 East, B.M.

A. L. Gilmour

1912-August 24 ✓ 0.4 c.f.s.

34 0882 ✓

No. 543.

To be diverted from Antelope Creek through a private ditch having its po of diversion in the Southeast quarter the Northeast quarter of Section 11, Township 5 North, Range 25 East, B.M. for the irrigation of the following described land, to-wit:

Northwest quarter of the Northeast quarter of Section 20, Township 5 No Range 26 East, B.M.

J. P. Haney.

1913-January 24 ✓ 1.38 c.f.s.

34 0883 ✓

No. 544.

To be diverted from Big Lost River through the Moore canal having its point of diversion in the Southeast quarter of Section 4, Township 5 Nort Range 26 East, B.M., for the irrigati of the following described land, to-w

The East half of the Southeast quarte of Section 32, Township 5 North, Rang 26 East, B.M.

000375

C. V. Hansen

1913-January 1 3.2 c.f.s.
1914-January 1 1.6 c.f.s.
1915-January 1 1.6 c.f.s.

No. 545.

To be diverted from Lower Cedar Creek through the Hansen ditch having its point of diversion in the Northwest quarter of the Southwest Quarter of Section 2, Township 7 North, Range 24 East, B.M., for the irrigation of the following described land, to-wit:

The Northeast quarter, East half of the Northwest quarter and the North hs of the Southwest quarter of Section 2 Township 7 North, Range 25 East, B.M.

William J. Harris

(Named in Plaintiff's amended complaint herein as William Harris)

1896-March 2 0.8 c.f.s.

No. 546.

To be diverted from Big Lost River through the Burstedt-Johnson Ditch having its point of diversion in the Northwest quarter of Section 32, Township 6 North, Range 26 East B.M., for the irrigation of the following described land, to-wit:

Southeast quarter of the Southwest quarter of Section 9, Township 5 Nort Range 26 East, B.M.

G. A. Hodges

1898-June 1 1.6 c.f.s.
1887-June 30 0.8 c.f.s.
1.2 - 6-1-98 Trans. 570

No. 547.

To be diverted from Big Lost River through the Upper Burnett ditch havin its point of diversion in the Northwe quarter of Section 34, Township 7 Nor Range 24 East, B.M., for the irrigati of the following described land, to-w

The North half of the Northwest quart and the Northeast quarter of the Sout west quarter of Section 7, Township 6 North, Range 26 East, B.M.

000376

N. C. Jensen

1889-June 1 (1.16) c.f.s.
1.044 - Trans. 744 10% loss
Trans. 380
34 0880

No. 548.

To be diverted from Big Lost River through the McGowan Ditch having its point of diversion in the Northwest quarter of Section 14, Township 6 North, Range 25 East, B.M., for the irrigation of the following described land, to-wit:

North half of the Northeast quarter of Section 19, Township 6 North, Range 26 East, B.M.

Ray Jensen

1885-May 12 0.8 c.f.s.
1902-February 1 0.8 c.f.s.
0.2 2-1-62 Trans 653 Returns #948
34 0882

No. 549.

To be diverted from Big Lost River through the Island Ditch having its point of diversion in the Southeast quarter of Section 4, Township 5 North Range 26 East, B.M., for the irrigatio of the following described land, to-wi

Southwest quarter of the Southeast of Section 22, Township 5 North, Ra East, B.M. and the Southeast quarter the Northwest quarter of Section 27, Township 5 North, Range 26 East, B.M.

Moses A. Jensen

1885-May 12 1.6 c.f.s.
0.2 Trans 652
1.4 " 948 34 0883

No. 550.

To be diverted from Big Lost River through the Island Ditch having its point of diversion in the Southeast quarter of Section 4, Township 5 Nort Range 26 East, B.M., for the irrigati of the following described land, to-w

East half of the Southwest quarter of Section 22, Township 5 North, Range 2 East, B.M.

000377

F. R. Knowlton

1895-June 1 ✓ 0.72 c.f.s.
0.72 - Trans. 749

34 0894 ✓

No. 551.

To be diverted from Big Lost River through the Three-In-One Ditch having its point of diversion in the Southeast quarter of Section 14, Township 6 North Range 25 East, B.M., for the irrigation the following described land, to-wit:

Beginning at the Southwest corner of the Northeast quarter of Section 17; thence North 160 rods; thence East 14 rods; thence Southeasterly to a point 83 rods East of the point of beginning; thence West 83 rods to beginning, all in Township 5 North, Range 26 East, B.M.

O. V. Olsen

1886-July 21 0.8 c.f.s.

34 0895
Decreed in No. 465 (a)

No. 552. (Gunnell ✓ See Page 229)

To be diverted from Big Lost River through the Upper Burnett Ditch having point of diversion in the Northwest quarter of Section 34, Township 7 North Range 24 East, B.M., for the irrigation the following described land, to-wit:

Northwest quarter of the Southwest quarter of Section 2, Township 6 North, Range 25 East, B.M.

Oliver J. Randall
(named in plaintiff's amended complaint as C. J. Randall)

1901-October 1 ✓ 0.66 c.f.s.

34 0896

No. 553.

To be diverted from Big Lost River through the Moore canal having its point of diversion in the Southeast quarter of Section 4, Township 5 North, Range 26 East, B. M., for the irrigation of the following described land, to-wit:

The East half of the Northwest quarter of Section 29, Township 5 North, Range 26 East, B.M.

000378

E. H. Rudd, Jr. and Charles H. Schultz, named in plaintiff's amended complaint herein as Charles A. Schultz.

1896-June 1 ✓ 0.07 c.f.s.
34 0997 ✓

1898-June 1 ✓ 1.30 c.f.s.
34 0998

No. 554.

To be diverted from Big Lost River through the Island ditch having its point of diversion in the Southeast quarter of Section 4, Township 5 North Range 26 East, B.M., for the irrigatio of the following described land, towit

The East half of the Southeast quarter of Section 22, Township 5 North, Range 26 East, B.M., also the following described tract; Beginning at the Northwe corner of the Southeast quarter of the Northeast quarter of Section 22, Towns 5 North, Range 26 East, B.M. extending due East 1½ rods, thence South 80 rods thence West 1½ rods, thence North 80 rods to beginning containing three-fou of an acre. Also the following described tract: Beginning at the Northwest corner of the Northeast quarter o the Northeast quarter of Section 22, Township 5 North, Range 26 East, B.M., thence East 11½ rods, thence South 32 rods, thence West 10 rods, thence S 48 rods, thence West 1½ rods, thenc North 80 rods to beginning, containing 2 3/4 acres.

Mike Rukivana

1882-September 30 ✓ 1.46 c.f.s.
0.66 Trans 685 34 [illegible] ✓
0.80 " 480

No. 555.

To be diverted from Alder Creek throug a private ditch having its point of diversion in the Southwest quarter of the Southeast quarter of Section 14, Township 6 North, Range 24 East, B.M., for the irrigation of the following de cribed land, to-wit:

The Southwest quarter of the Southeast quarter of Section 7, the West half of the Northeast and the Southeast quarte of the Northeast quarter of Section 18 all in Township 6 North, Range 25 East, B.M.

000379

Helen A. Tiedeman

1901-November 2 0.023 c.f.s.

34 0900

No. 556.

To be diverted from Big Lost River through the Ferris Slough having its point of diversion in the Northwest quarter of Section 36, Township 4 North, Range 26 East, B.M., for the irrigation of the following described land, to-wit:

Beginning at a point 890.5 feet due South of the center of Section36, Township 4 North, Range 26 East, B.M., thence East 248.7 feet, thence South 291.2 feet, thence West 248.7 feet, thence North 291.2 feet to point of beginning, containing 1 2/3 acres more or less.

George Wilson

1896-June 1 0.87 c.f.s.

34 0901

No. 557.

To be diverted from Big Lost River through the Moore canal having its point of diversion in the Southeast quarter of Section 4, Township 5 North, Range 26 East, B.M., for the irrigation of the following described land, to-wit:

The Northeast quarter of the Southeast quarter and the North half of the Northwest quarter of the Southeast quarter of Section 20, Township 5 North, Range 26 East, B.M.

Emily A. White

1906-May 1 0.8 c.f.s.

34 0902

No. 558.

To be diverted from Big Lost River through the Angelo ditch having its point of diversion in the Southwest quarter of Section 10, Township 6 North, Range 25 East, B.M., for the irrigation of the following described land, to-wit:

The North half of the Northeast quarter Southeast quarter of the Northeast quarter and the Northeast quarter of the Southeast quarter of Section 14, Township 6 North, Range 25 East, B.M.

000380

("SCHEDULE OF RIGHTS, CONTINUED")

Subdivision "C"

It appearing to the satisfaction of the Court that certain persons hereinafter respectively named in subdivision "C" of this schedule of rights have certain rights to the use of the waters of Big Lost River and its tributaries which rights are included in and specified in said subdivision "C" of this schedule of rights and it further appearing that the Court does not have jurisdiction as to such persons and their rights as involved herein,

IT IS ORDERED, ADJUDGED AND DECREED, that the inclusion of said rights in said subdivision "C" of this schedule of rights is not to be construed as a decree in rem, establishing said rights, or as an adjudication of title to said rights but merely as a recognition of said rights to the extent that in the administration of Big Lost River and its tributaries under the provisions of and in the operation of this decree as herein defined, the water master, commissioner or other official charged with the administration of the decree, shall see that there is delivered to the respective persons named in subdivision "C" hereof, at the point of diversion specified, such quantity of wat as is specified in connection with such persons in said subdivisi "C", in accordance with the dignity and priority of such rights as herein recognized.

The names of the persons last above referred to and the water rights recognized as belonging to them are as follows:

000381

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
E. T. Benson Successor in interest of Della Schaff Curran. 1904-May 15 ✓	1.67 c.f.s.	To be diverted from Antelope Creek through the Hanrahan ditch having its point of diversion in the Northeast quarter of Section 21, Township 5 North Range 25 East, B.M., for the irrigation of 84 acres in the following described legal subdivision, to-wit: The Southwest quarter of Section 11, Township 5 North, Range 25 East, B.M.
No. 559.		
Mrs. Mary Evans 1886-May 1 ✓ 1899-May 20 ✓	1.2 c.f.s. 0.8 c.f.s.	To be diverted from Big Lost River through the West Side Ditch having its point of diversion in the Southeast quarter of Section 4, Township 5 North, Range 26 East, B.M., for the irrigation of the following described land, to-wit: North half of the Southwest quarter of Section 22; Northeast quarter of the Southeast quarter of Section 21, all i Township 4 North, Range 26 East, B.M., and commencing at the Southwest corne of the Northwest quarter of Section 22 Township 4 North, Range 26 East, B.M., thence North 60 rods; thence East 160 rods; thence South 60 rods; thence Wes 160 rods to beginning.
No. 560.		
Frank F. Hagedorn 1915-December 31 ✓	0.28 c.f.s.	To be diverted from Antelope Creek through a privateditch having its poin of diversion in the Southeast quarter of Section 8, Township 4 North, Range 24 East, B.M., for the irrigation of 14 acres of land in the following described legal subdivision, to-wit: The Southeast quarter of the Southeast quarter of Section 8, Township 4 North Range 24 East, B.M.
No. 561.		

000382

Joseph A. Horne

1900-September 24 0.3 c.f.s.

No. 562.

To be diverted from Big Lost River through the McLaughlin ditch having its point of diversion in the Southeast quarter of Section 12, Township 3 North, Range 26 East, B.M., for the irrigation of 15 acres of land in the following described legal subdivision, to-wit:

The Northeast quarter of Section 19, Township 3 North, Range 27 East, B.M.

Walter I. Jones

1885-October 2 0.8 c.f.s.

No. 563.

To be diverted from Big Lost River through the McLaughlin Ditch having its point of diversion in the Southeast quarter of Section 12, Townsh North, Range 26 East, B.M., for th irrigation of the following described land, to-wit:

Northeast quarter of the Southeast quarter of Section 18, Township 3 North, Range 27 East, B.M.

000383

New World Life Insurance Company, a Washington corporation.

1901-July 1 ✓ 0.32 c.f.s.

No. 564.

To be diverted from Big Lost River through the Huston Ditch having its point of diversion in the Northeast quarter of Section 33, Township 7 North, Range 24 East, B.M., for the irrigation of the following described land, to-wit:

Beginning at the quarter section corner common to Sections 7 and 18, Township 6 North, Range 25 East, B.M., thence North 41 degrees West 2599.1 feet, thence North 1804.9 feet, thence South 57 degrees 50 minutes East 253.6 feet, thence South 46 degrees 41 minutes East 199.6 feet, thence South 36 degrees 14 minutes East 299.6 feet; thence South 42 degrees 48 minutes East 244.6 feet, thence South 51 degrees 12 minutes East 261.6 feet, thence South 34 degrees 58 minutes East 455.6 feet, thence South 56 degrees 47 minutes East 313.2 feet, thence South 7 degrees, 7 minutes East 128.1 feet, thence South 52 degrees 40 minutes East 326.3 feet, thence South 2039.3 feet to place of beginning containing 84.14 acres more or less.

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Utah Home Fire Insurance Company, a corporation of Utah, (successor in interest of Elizabeth Bills.)

1895-June 1 0.8 c.f.s.

No. 565.

To be diverted from Big Lost River through the Island ditch having its point of diversion in the Southeast quarter of Section 4, Township 5 North, Range 26 East, B.M., for the irrigation of the following described land, to-wit:

The Southwest quarter of the Northwest quarter of Section 27, Township 5 North, Range 26 East, B.M.

Albert Waite

1913-May 17 0.8 c.f.s.

No. 566.

To be diverted from Big Lost River through the Callahan Ditch having its point of diversion in the Southeast quarter of Section 4, Township 4 N Range 26 East, B.M., for the irriga of the following described land, to-w

The Southwest quarter of the Northeast quarter of Section 16, Township 4 Nor Range 26 East, B.M.

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Wherever in the foregoing schedule a right is allotted to a corporation as such, which said corporation has forfeited its charter under the statutes of Idaho by failure to file any return or statement, or pay any tax required by law, and such corporation is represented herein by its directors as statutory trustees, the said allotment shall be deemed to be made to the said directors as trustees, and no right shall be prejudiced by failure or omission to name the said trustees as such, and wherever subsequent to the filing of bill of complaint against said directors as trustees of any such corporation, the charter of said corporation has been revived in accordance with law, and said corporation has appeared herein and submitted proof of its rights, the said corporation shall be deemed to have been regularly substituted for the said trustees as a party hereto.

Provided, however, that notwithstanding this schedule of rights, users of water under this decree shall at no time divert more water than can be beneficially used and waste of water is hereby prohibited and enjoined.

PART III.

1. The following parties to this suit having been duly served with subpoena or warning order, proof of such service having been made, and they having either filed disclaimer or having filed no answer, motion or other appearance or pleading herein, and decree pro confesso having been regularly taken against them, and each of them, and they having failed to appear

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or procure a vacation of said decree, are Adjudged and Decreed to have no right, title, interest or claim in or to any of the waters of Big Lost River or its tributaries; and said parties, their agents, servants, attorneys, successors in interest and assi are perpetually enjoined from diverting or using any of the waters of Big Lost River, or its tributaries, except as they may hereafte initiate or acquire rights to the use of said waters: A. P. Adair, Calvin S. Allen, Gladys Allen, H. W. Anderson, James E. Anderson, W. W. Anderson, Emma M. Ashton, Jacob F. Baird, Bank of Nyssa, an Oregon banking corporation; A. H. Bascom, Pete Basick, Ralph Bate, E. J. Bates, Eldon E. Beck; F. S. Bernard, George Beverland, James Beverland as executor of the estate of Charles Beverland, deceased; James Beverland, Joanna Beverland, Peter Bidegain, Elizabeth Bills, Mary E. Black, Arthur L. Bodine, John J. Bodine, Oscar Bodine, William T. Bodine, Rhoda Boling, Boone, Wm. A. Boone, Pearl Bradshaw, William H. Brashear, H. T. Brengman, J. M. Bryson, O. Buchanan, George Buehler, Wilfrid Burgm William J. Burke, D. M. Burnett, Fred Burton, George Bywater, John Carlson, Jas. J. Cearley, Thomas Chamberlain, Christina A. Chamber Ed. Chaney, Clara Cherry, E. A. Child, J. E. Christenson, Ethel S. Clark, Solon B. Clark, J. W. Clendenin, James T. Cloward, Lee Clow Bert W. Cobbs, Daniel J. Cobbs, Hyrum Coleman, Frank Cook, Ernest Crampton, W. A. Criswell, Robert Curran, Henry Daneilsen, Joseph Detton, John Doe, Richard Roe and William Doe as statutory trustees of George Ferguson & Sons a defunct corporation; T. Dore as receiver of the Idaho Bond and Loan Company, a corporation; Albert Duncan, W. S. Dunham, D. W. Ellenson, Augusta Erickson, Sarah Evans, V. Fahrney, Isadore Fallert, Lorenzo Fallert, Richard Roe Ferlin, Agnes Fleischer, Otto Fleischer, Geo. Fowers, J. C.

Fox, Viola S. Fox, Frank Fulton, Georgia Fulton, George Ferguson & Sons a corporation; George Georgetta, Jas. Genesy, Richard T. Gibbs, H. E. Gilbert, Fawn Gim, Helen Gim, Frank Goodman, Gaylord Wilson Greene, Francis Hadden, Abram S. Hall, H. S. Harcourt, Chas. R. Harkness, Jack K. Harkness, Allen I. Harmon, Sr., Allen I. Harmon, Jr., E. H. Harris, W. L. Harris, L. A. Hartert, W. B. Hill, Richard Roe Hunter, Industrial Savings Bank a Michigan corporation, H. E. Ingram, H. B. Jarvis, Anna M. Jensen, Hyrum Jensen, Katie C. Jensen, J. A. Jensen, Soren Jensen, J. P. Jeppesen Lemuel R. Jeppesen, Mary A. Jeppesen, Niels R. Jeppesen, Charles John, Heber G. Johnson, Leo Johnson, S. D. Johnson, Edwin M. Kennedy, David R. King, Lottie King, John J. Knudson, N. M. Lamont A. W. Latham, Lydia M. Latham, Lydia S. Latham, J. C. Lee, Mary L. Lemon, R. O. Lyon, Alfred A. Martensen, Chaney J. Martin, R. T. Mason (or John Doe Mason), R. E. Mason (or Richard Roe Mason), J. Melton (or E. A. Melton, Ed. Melzer, A. Michael, S. C. Miller, Samuel G. Miller, Sanford Miller, Jacob Millong, James Millonegg, Mrs. L. Molen, Ben Muir, H. V. McClellan, John A. McGue, Richard Roe McKean, Edward McKelvey, Thos. McKenny, W. B. McShane, Chris. Nelson, J. W. Nesbit, Anna Niver, Charles L. O'Kelly, F. C. Parkinson, John Doe Parr, William N. Patten, Grace E. Perkins, Grace E. Perkins as executrix of the estate of Maggie J. Melton deceased; W. H. Perkins, Charles A. Peterson, H. C. Peterson, J. M. Peterson, Mrs. Milton Peterson, Thomas S. Porter, Charles R. Potts, A. C. Reay, Alex Reay, Geo. E. Reay, Abraham Reed, James Reid, Lee E. Reid, Vera Reid, Henry Rehfuss, Harris C. Reynolds, E. L. Richeson, T. G. Richeson, John C. Rodgers, Lucy R. Rudd, Bessie Russell, Hugh Rutledge, Charles J. Ryberg, Oliver Sanderson Oliver G. Sanderson, Jules Sarrett, Uranie Sarrett, H. Scheibler, Chris. Schmohl, Calvin Seddon, Frank A. Silene, H. J. Simpson, E.

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A. Sorensen, S. E. Sorensen, Emil Soulon, Jesse W. Steele, Jos. W. Steele, L. A. Stevenson, J. H. Stewart, Bert Straley, R. D. Swasey Walter E. Talboy, Byron Taylor, Howard Taylor, John S. Taylor, Joh Doe Terry, Richard Roe Terry, Bryan Tew, N. K. Thomson, S. M. Threewit, Edith L. Thornton, Anna B. Turner, Francis D. Turner, N. Valpert, Mabel Parton Vance, Joseph Vogner, Josie Waddoups, Thos. Waddoups, A. E. Walburn, J. E. Wells, Wm. R. Wells, Charles H. Wes Richard Roe West, J. W. Whitehead, Pearl Whiting, Willis Whitney, John Doe Wiggins, George Wilie, Chas. D. Williams, David M. Willia Mable Wilson, F. V. Wolf, G. G. Wright, A. A. Zeigler.

2. Nothing in this decree contained shall be construed to prejudice or otherwise affect the liens of any parties hereto claiming rights as mortgagees or lien holders against any of the water rights or lands to which such water rights are appurtenant, as herein decreed, but said parties shall be bound by the provisions of this decree as determining the priority and amount of water rights to which any of their said liens may attach.

3. The following parties to this action, to-wit: Richard Roe Alson, N. A. Anderson, Frank Anthony, Leslie Bates, C. Beal, William Beck, Lee Bell, Norman Bills, John D. Brown, Alexander Burnett, Alexander Burnett, Jr., James Christensen, Joseph Dickie, C. L. Dutton, Richard Roe Edwards, Andrew Ericksen, J. S. Espitall C. R. Jensen, A. T. Jensen, William Jensen, Martin Johnson, N. M. Lamont, Chris Nielsen, Ole Olson, M. Peterson, Richard Roe Polk, D. E. Rathbun, Ernest L. Richardson, S. G. Sherman, C. D. Simpson, Albert Smith, E. Smith, Steve Smith, Warren G. Swendson, Owen Wea J. T. Welch, T. T. Williams, and John Doe Young, having regularly appeared herein by answer, stipulation or other pleading and havi failed to submit proof in support of their claims, it is therefor

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ORDERED, ADJUDGED and DECREED, that said parties take nothing by their said answers or other pleadings and that they have no right, title, interest or claim in or to any of the waters of Big Lost River and its tributaries, and each of said parties, their agents, servants, attorneys, successors in interest and assigns are perpet enjoined from diverting or using any of the waters of Big Lost Riv or its tributaries except as they may hereafter initiate or acquir rights to the use of said waters.

4. It is further ORDERED, ADJUDGED and DECREED that Henry Peterson and Louis F. Smith have no right, title, interest or claim in or to any of the waters of Big Lost River or its tributaries except as they may have or acquire rights by purchase from the Darlington Land & Irrigation Company, a corporation; that Jenette Zesiger has no right, title, interest or claim in or to any of said waters except such interest as she may have in the waters herein decreed to her husband Ernest Zesiger; that the Mackay Market Company, Ltd. a corporation, Alva Norman, Albert Wachner (or Wochner) and J. M. Wornek have no right, title, intere or claim in or to any of said waters except such interest as they may have in the waters herein decreed to the Mackay Market Company a co-partnership, that defendant Arthur R. Nielsen has no right, title, interest or claim in or to any of said waters except such interest as he may have in the waters herein decreed to Nielsen Brothers composed of Wyman Nielsen and Arthur R. Nielsen, that Emmett Donahue and Joseph Donahue co-partners have no right, title or interest in or to any of said waters except as such co-partners may have an interest in the waters herein decreed to Emmett Donahue, and that said parties and each and every one of them and their agents, servants, attorneys, successors in interest and assigns are perpetually enjoined from diverting or using any of t

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waters of Big Lost River or its tributaries except as they may hereafter initiate or acquire rights to the use of said waters and except as they may be entitled to rights in water decreed to other persons as above set out.

5. The parties hereinafter named having filed an answer and thereafter transferred their interests as claimed in their respective answers herein, to other parties, who were original defendants herein, or who have been made parties defendant as the successors in interest of such parties transferring their interests as aforesaid, and such parties having by stipulation filed herein consented that their respective interests be herein decreed to their successors in interest, it is hereby ORDERED, ADJUDGED and DECREED T. M. Carlisle, Paul Terry, John W. Nations, Corwin S. Stout, Martin S. Perry, J. H. Augustine, Ole Bills, Charles Rampton, F. T. Carlson L. D. Savaria, Alice R. Dickie, John Gardner, Joseph H. Maddock, John Stewart, Russell Werry, Floyd Swauger, Frank P. Swauger, Harry Bews, F. F. Hintze, Nora M. Hintze, William Nero, Josie Bardsley, J L. Bardsley, Lucy Coats, James E. Fullmer, S. R. Nielson, and each them take nothing by their said answers, and that they have no right title, interest or claim in or to any of the waters of Big Lost River or its tributaries, and said parties, their agents, servants, attorneys, successors in interest and assigns are perpetually enjoined from diverting or using any of the waters of Big Lost River or its tributaries except as they may hereafter initiate or acquire rights to the use of said waters.

6. No costs or disbursements shall be allowed to any of the parties hereto, but each shall pay his own costs.

7. It is further ORDERED and DECREED that the Court retain jurisdiction of this cause for the following purposes:

(a) To make corrections for clerical errors, inadvertence and omissions in the rights decreed, the reservation of jurisdiction for this purpose to extend to January 1, 1926.

(b) The Court further retains jurisdiction, however, at all times, and from time to time, to make all reasonable rules touching the manner of diverting, measuring and distributing the waters and fixing channel losses in transit of plaintiff's storage waters in case it shall hereafter change its points of diversion, to prescribe rules touching the devices to be installed and used for such purposes where it may be impracticable to fully comply with the terms of this decree, and to direct that the parties kee accurate and detailed records of the amounts of water diverted, and to require reports to be filed from time to time of the amoun so diverted, and generally to make such orders as may be found reasonably necessary to give effect to the decree, and to appoint Commissioners or Water Masters to make distribution in accordance with its terms, and to punish the parties hereto, their officers, agents and employes, and their grantees and successors in interes for any violation of the provisions thereof.

(c) In case plaintiff shall hereafter use its waters upon lands located further South than the South boundary of Township 3 North or further East than the East boundary of Townsl 27 East (Boise Base and Meridian), or in any other water shed than that of Big Lost River, or in case plaintiff shall hereafte impound water in its reservoir to a vertical height of more than fifteen feet above gauge height 6063.5 (being the maximum gauge height on said dam to which water was impounded in the year 1922 then jurisdiction is hereby reserved to determine anew, upon the application of any party hereto claiming to be injured by said changed conditions, the rights of such party under such changed conditions.

In all other respects this decree shall be final.

Done in open court this 15th day of March, A. D. 1923.

E. S. FARRINGTON
Judge Pro tempore.

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EXHIBIT B

List of Subpoenas and Proof of Services

EXHIBIT B

- Subpoena ad Respondendum dated June 11, 1920.
- Return Upon Subpoena ad Respondendum dated June 29, 1920.
- Alias Subpoena ad Respondendum dated July 28, 1920.
- Return Upon Alias Subpoena ad Respondendum dated August 11, 1920.
- Order dated July 21, 1920.
- Return Upon Alias Subpoena ad Respondendum dated September 3, 1920.
- Alias Subpoena ad Respondendum dated August 14, 1920.
- Return Upon Alias Subpoena ad Respondendum dated September 25, 1920.
- Amended Return Upon Subpoena ad Respondendum dated September 25, 1920.
- Alias Subpoena ad Respondendum dated October 18, 1920.
- Writ dated October 19, 1920.
- Return Upon Alias Subpoena ad Respondendum dated November 8, 1920.
- Affidavit for Service by Publication of Non-Residents and For Personal Service Outside of the State on Certain Non-Resident Defendants dated September 16, 1921.
- Notice for Order that Certain Defendants be Served by Publication and that Certain Defendants be Served Personally Outside of the District of Idaho dated October 18, 1921.
- Notice for Order that Certain Defendants be Served by Publication and that Certain Defendants be Served Personally Outside of the District of Idaho dated December 29, 1921.
- Return on Service of Writ dated February 4, 1922.
- Order that Certain Defendants be Served by Publication and that Certain Defendants be Served Personally Outside of the District of Idaho dated December 29, 1921.
- Certification of Correct Transcript dated February 1, 1922.
- Order dated February, 1922.
- Order that Certain Defendants be Served by Publication and that Certain Defendants be Served Personally Outside of the District of Idaho dated February 21, 1922.
- Certification dated February 21, 1922.
- Order Appointing Harold S. MacMartin dated February 14, 1922.
- Order dated February 4, 1922
- Affidavit of Publication dated February 17, 1922.
- Order that Certain Defendants be Served dated December 29, 1921.
- Order that Certain Defendants be Served by Publication dated February 1, 1922.
- Order that Certain Defendants be Served dated December 20, 1921.
- Order that Certain Defendants be Served by Publication dated February 14, 1922.
- Order dated February 10, 1922.
- Affidavit of Service of Warning Order dated April 4, 1922.
- Affidavit of Personal Service of Order dated March 27, 1922.
- Order dated December 29, 1921.
- Order Designating Harold Brown dated January 26, 1922.

- Order that Certain Defendants be Served by Publication dated December 29, 1921.
- Order that Certain Defendants be Served dated February 14, 1922.
- Order that Certain Defendants be Served dated February 22, 1922.
- Praecipe for Default dated April 25, 1922.
- Order Entering Default Pro Confesso dated April 25, 1922.
- Petition dated February 21, 1930.
- Order to Show Cause dated February 22, 1930.
- Motion to Dismiss Petition and Supporting Document dated March 12, 1930.
- Petition dated March 13, 1930.
- Order to Show Cause dated March 12, 1930.
- Motion to Dismiss Petition dated March 12, 1930.
- Order dated April 1, 1930.
- Motion to Dismiss dated April 1, 1930.