

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 37-791A
Date Received: 7/1/1988
Receipt No: S000669
Received By: *JE*

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name of Claimant(s)

JAMES T TALBOTT
917 JUSTICE GRADE
HAGERMAN ID USA 83332

Phone: (208) 837-4796

VERNITA TALBOTT
917 JUSTICE GRADE
HAGERMAN ID USA 83332

Phone: (208) 837-4796

2. Date of Priority: 04/01/1888

3. Source: SPRING

Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06S	13E	21	SE NW SE	GOODING	

5. Description of diverting works:

HEADBOX & 12" PIPELINE TO GRAVITY IRRIGATION.

6. Water is used for the following purposes:

Purpose	From, To	C.F.S.	(or) A.F.A
IRRIGATION	03/15 11/15	0.34	
DOMESTIC	01/01 12/31	0.04	

7. Total Quantity Appropriated is:
0.34 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

COPY

*(was supposed to have
sent copy of deed
showing James Talbott
was also an owner so
he could amend this
claim...)* *7*
(stock to domestic)

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	13E	21	NE SW	2	IRRIGATION	11
Section Acres						11
Total Acres						11

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

14. Remarks:

Amended Claim to change from stockwater to domestic as originally decreed.

LIC. 37-2411 WILL NOT BE CLAIMED, AS IT APPEARS THAT THIS IS FOR THE SAME WATER COVERED BY THE DECREED RIGHT.

15. Basis of Claim: Decreed

16. Signature(s)

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

Number of attachments: _____

COPY

For Individuals:

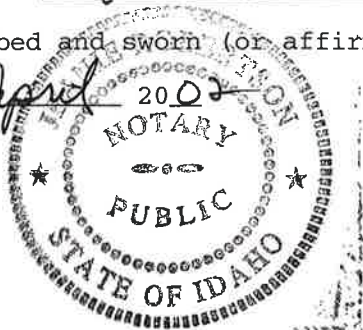
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Jeanie Robertson Date: 4-30-2002
 _____ Date: _____

State of Idaho

County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 30th day
 of April 2002 Jeanie Robertson



Notary Public

Residing at Twin Falls, ID.

My commission Expires 9-23-06



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380
(208) 736-3033

DIRK KEMPTHORNE
GOVERNOR

KARL J DREHER
DIRECTOR

CHANGE IN ADDRESS

☐ Water Right Number(s):

37-791 A ✓

36-7314 A (dec)

36-10136 (dec), 36-37 C (dec)

☐ Old Mailing Address:

1354 NE 5th

Bend OR 97701

☐ New Mailing Address:

917 Justice Grade

Hagerman Idaho

83332

☐ New Telephone Number:

(208) 837-4796

☐ Signature of Claimant(s):

James I Talbott

Vernita A. Talbott

Date:

4-30-2002

FOR IDWR USE ONLY

Initial Review and Data Entry

Date: 4/30/02 By: *

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data Entry

Date: By:

Mr. Talbott decided to change the Basin 37 its only (37-791A) and leave the Basin 36 its in his ^{wife's} name and just change the addresses. *

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

CIVIL CASE NUMBER: 39576

Ident. Number: A37-00791A
Date Received: 7/01/1988
Receipt No: S000669
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: VERNITA TALBOTT 503-389-7070
Address: 1354 NE 5TH ST.
BEND, OR 97701

2. Date of Priority: APR 01, 1888

3. Source: SPRING Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	13E	21	SE	NW	SE		GOODING

5. Description of diverting works:
HEADBOX & 12" PIPELINE TO GRAVITY IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.340		
STOCKWATER	01/01	12/31	0.020		

7. Total Quantity Appropriated is:
0.340 C.F.S. (and/or) 44.40 A.F.A.

8. Total consumptive use is 33.4 Acre Feet Per Annum.

9. Non-irrigation uses:
LIVESTOCK/30 RANGE & DAIRY MIXED

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	13E	21	NE	SW	2	IRR	11.0
Section Acres							11.0

A37-00791A

Page 1

Date: 08/07/89

MICROFILMED
FEB 23 1993

10. Place of Use: Continued

Total Acres 11.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:

LIC. 37-2411 WILL NOT BE CLAIMED, AS IT APPEARS THAT THIS IS FOR
THE SAME WATER COVERED BY THE DECREED RIGHT.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 5/29/1913

WEST, ET. AL.

Decree Plaintiff

vs

BELL, ET. AL.

Decree Defendant

16. Signature(s)

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

Number of attachments:

For Individuals:

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

Signature of Claimant(s): *James F. Talbot* Date: 8-7-89
Date:

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 7th day
of August 19 89

Mary A. Baldwin
Notary Public

Seal

Residing at *Gooding Id*
My Commission Expires 10/16/1992

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that I, VERNITA ARLIS TALBOTT, have made, constituted and appointed, and by these presents do hereby make, constitute and appoint JAMES THEODORE TALBOTT my true and lawful attorney for me and in my name and stead to conduct any and all of my affairs on my behalf as if I were present to do so in person, including but not limited to the following: To conduct all matters related to the operation, management or improvement of the Idaho property recently inherited by Vernita Arlis Talbott from her family. To come upon the property for the purpose of carrying out the powers granted herein. To deal with the heirs of the estate of ^{Oscar Smith} Ethel Clifford Sr. as needed with respect to this property.

Vernita Arlis Talbott
VERNITA ARLIS TALBOTT

STATE OF OREGON)
) ss.
County of Deschutes)

On January 4, 1989, personally appeared the above named VERNITA ARLIS TALBOTT and acknowledged the foregoing instrument to be her voluntary act. Before me:

Nancy Ryan
Notary Public for Oregon
My Commission Expires: 5/20/89

Power of Attorney

LAW OFFICES OF
MERRILL & O'SULLIVAN, P.C.
A PROFESSIONAL CORPORATION
424 N.E. KEARNEY
BEND, OREGON 97701

MICROFILMED
FEB 23 1993 Page 1

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A37-00791A
Date Received: 7/01/1988
Receipt No: S000669
Received By: JS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: VERNITA TALBOTT
Address: 1354 NE 5TH ST.
BEND, OR 97701
503-389-7070
2. Date of Priority: APR 01, 1888
3. Source: SPRING Trib. to: SNAKE RIVER
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|---------|
| 06S | 13E | 21 | SE | NW | SE | | GOODING |
5. Description of diverting works:
HEADBOX & 12" PIPELINE TO GRAVITY IRRIGATION
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.340 | | |
7. Total Quantity Appropriated is:
0.340 C.F.S. (and/or) 44.00 A.F.A.
8. Total consumptive use is 33.0 Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:
- | Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|---------------|-------|---------|--------|--------|-----|-----|-------|
| 06S | 13E | 21 | NE | SW | 2 | IRR | 11.0 |
| Section Acres | | | | | | | 11.0 |
| Total Acres | | | | | | | 11.0 |
- A37-00791A Page 1 Date: 07/01/88

MICROFILMED
FEB 23 1993

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:

LIC. 37-2411 WILL NOT BE CLAIMED, AS IT APPEARS THAT THIS IS FOR
THE SAME WATER COVERED BY THE DECREED RIGHT.

15. Basis of Claim: DECREED

Water Right Number:

Case Number:

Court :

Decree date: 5/29/1913

WEST, ET. AL.

Decree Plaintiff

vs

BELL, ET. AL.

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Vernita Albott Date: 7/11/88

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 1st day

of July 19 88

Mary A. Baldwin
Notary Public

Seal

Residing at Gooding Id
My Commission Expires 10/16/1992

19/16
20/20

B212
(+8+b)

+517

B121
(+7+b)

+542

RECORDED
FEB 23 1953

File with
37-00791 A
B
C
D
E

V. HANCOCK

9-29-2000

DECREED RIGHT 37-791

A SHALLOW ANALYSIS DONE IN PREPARATION FOR MEETING WITH CLAIMANT J. TED TALBOT re: CLAIM 37-791A

Mr. Talbot came into the office subsequent to a meeting with Water Measurement Bureau personnel who noted that he was diverting and putting to use much more than was claimed by him in the Adjudication as his portion of decreed right 37-791. Before my meeting with Mr. Talbot on 10-2-2000 I found the following information about this right as claimed this date:

Decreed Water Right 37-791 - Priority 1888 - Decree date May 1913

2 cfs

POU = SWNE, NWSE & NESW (LOT 2), SEC 21, T06S, R13E - 135 ac more or less

Source - Springs tributary to the Montana Mining Company Ditch

Note that the Decree did not indicate if all uses and users from the springs were included in the decree, and all rights were given the same priority date.

Adjudication Claims filed and based upon 37-791:

- 791A 0.34 cfs on 11.0 ac
- 791B 0.36 18.2 ac
- 791C 0.18 6.3 ac
- 791D 0.90 30.0 ac
- 791E 0.11 5.0 ac
- 1.89 cfs 70.5 ac**

this does not include any domestic or stockwater claims that may exist

In 1921, a permit to appropriate water for use on 101 acres, in the same location and from the same source, was applied for and protested by other decree holders. A license was subsequently issued for 1.06 cfs for use on 53 acres. A more thorough investigation, using readable copies of documents from the file, will have to be conducted before it can be determined if this was intended to be additional water licensed to the property, if the license superceded the decree, or if it somehow evidences water use on the property circa 1921, etc.

Licensed Water Right 37-2411- Priority date 7-18-1921 - Issued 2-1922

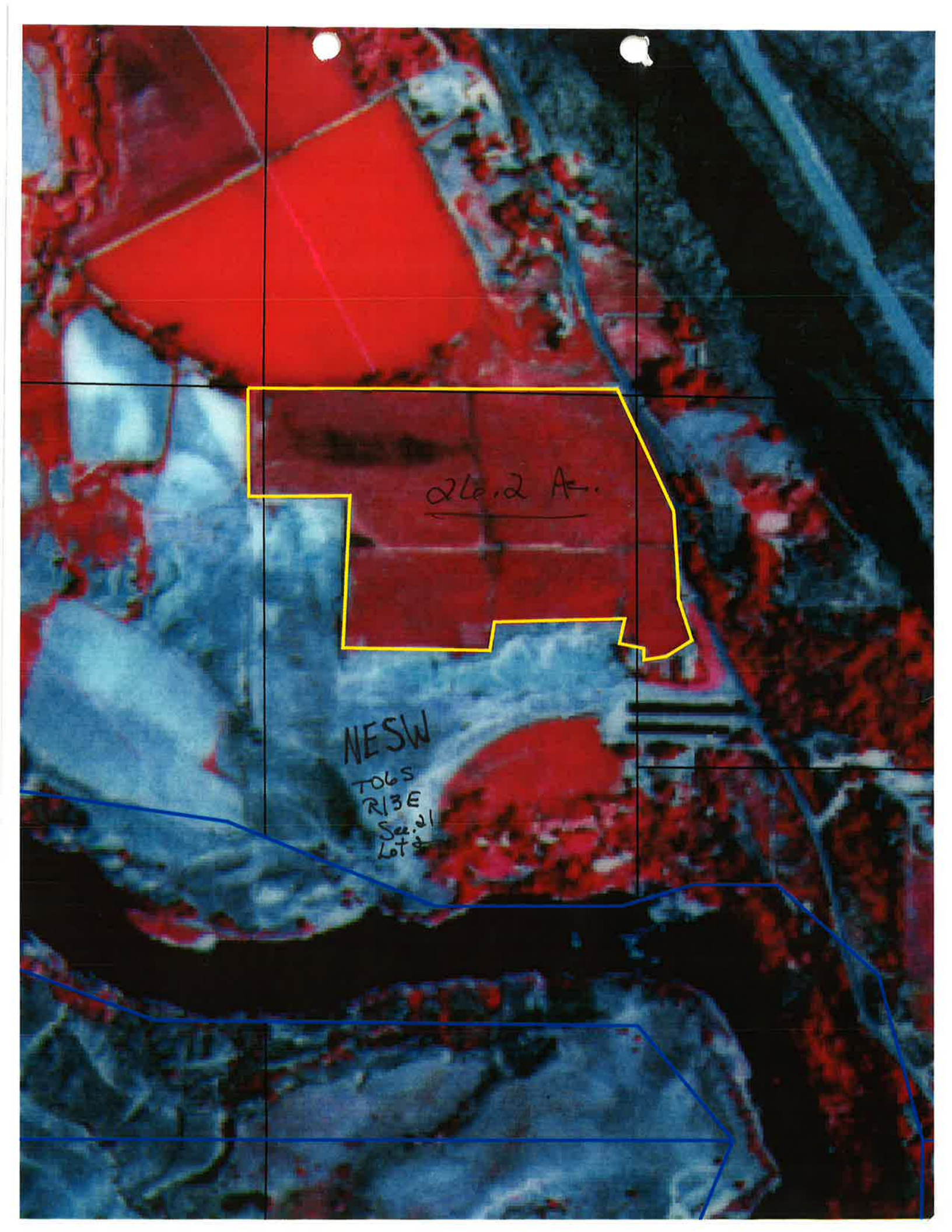
1.06 cfs

POU = SWNW 5ac, NWSE 4ac, NESW (LOT 2) 44ac = 53 acres

Source - Two unnamed springs tributary to Snake River

Adjudication Claims

- 37-02411 1.06 cfs 5.0 ac
- 37-02411A .05 2.5 ac
- 1.11 cfs 7.5 ac**

An aerial photograph showing a landscape with a red-shaded area and a yellow boundary. The red area is irregularly shaped and covers a significant portion of the upper and middle sections of the image. A yellow line outlines a specific area within the red-shaded region. The background is a mix of dark and light blue/grey, suggesting different terrain or vegetation. There are two white circular marks at the top of the image, possibly punch holes.

26.2 Ac.

NESW

T06S
R13E
Sec. 21
Lot 8

V. HANCOCK

9-29-2000

DECREED RIGHT 37-791

A SHALLOW ANALYSIS DONE IN PREPARATION FOR MEETING WITH CLAIMANT J. TED TALBOT re: CLAIM 37-791A

Mr. Talbot came into the office subsequent to a meeting with Water Measurement Bureau personnel who noted that he was diverting and putting to use much more than was claimed by him in the Adjudication as his portion of decreed right 37-791. Before my meeting with Mr. Talbot on 10-2-2000 I found the following information about this right as claimed this date:

Decreed Water Right 37-791 - Priority 1888 - Decree date May 1913

2 cfs

POU = SWNE, NWSE & NESW (LOT 2), SEC 21, T06S, R13E - 135 ac more or less

Source - Springs tributary to the Montana Mining Company Ditch

Note that the Decree did not indicate if all uses and users from the springs were included in the decree, and all rights were given the same priority date.

Adjudication Claims based upon 37-791 (does not include any D & S claims):

- 791A 0.34 cfs on 11.0 ac
- 791B 0.36 18.2 ac
- 791C 0.18 6.3 ac
- 791D 0.90 30.0 ac
- 791E 0.11 5.0 ac
- 1.89 cfs 70.5 ac

In 1921, a permit to appropriate water for use on 101 acres, in the same location and from the same source, was applied for and protested by other decree holders. A license was subsequently issued for 1.06 cfs for use on 53 acres. A more thorough investigation, using readable copies of documents from the file, will have to be conducted before it can be determined if this was intended to be additional water licensed to the property, if the license superceded the decree, or if it somehow evidences water use on the property circa 1921, etc.

Licensed Water Right 37-2411- Priority date 7-18-1921 - Issued 2-1922

1.06 cfs

POU = SWNW 5ac, NWSE 4ac, NESW (LOT 2) 44ac = 53 acres

Source - Two unnamed springs tributary to Snake River

Adjudication Claims

- 37-02411 1.06 cfs 5.0 ac
- 37-02411A .05 2.5 ac
- 1.11 cfs 7.5 ac

10-2-2000

During my conversation with Mr. Talbott this date, we discussed the history of the water rights on his property. I briefly discussed what I had found regarding the license that was issued in 1921, and that, without a more in-depth investigation, I could not tell him whether the license was intended to grant additional water to his property, intended to supercede the decree, or something else. I explained that his options were to amend his original claim based upon the decree to include more water, to file on a portion of the license, or to file a claim based upon beneficial use. I went over what was needed to show beneficial use and to prove priority.

It sounds like there are still three family members that own portions of the original farm, and they may all want to file on more water, however they don't know how much they are actually using. They are in the process of attempting to comply with IDWR requirements to install a measuring device by November 1, 2000, and may wait until they measure their use next spring before they file additional claims, or they may file this fall using a ballpark figure.

I reminded Mr. Talbott that any new claim was just that: a claim for water that may or may not be substantiated. I also reminded him that his existing claim, based upon decree 37-791 would also be investigated. He understood that any new claim he decided to file may just be a way to temporarily continue diverting water that could eventually be determined to be in excess of his right.

I gave him three Notice of Claim forms for himself and family and a priority pamphlet. I also provided him with a copy of the 1913 Decree, a copy of the 1921 license, and a GIS layout of his property.

A handwritten signature, possibly reading "JH", is located at the bottom center of the page.

Water Right Number - 37-00791

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

SHERMAN

DEBORAH

1 -
2 -
3 -City-
Phone -

State- Zip-

SHERMAN

GEORGE

1 -
2 -
3 -City-
Phone -

State- Zip-

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
04/01/1888 17 SOUTHERN D - DECREED+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
SPRINGS MONTANA MINING CO. DITCH+ - - - - - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.+ - - - - - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 2.000
43 - DOMESTIC+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
2.000 0.0+ - - - - - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
06S 13E 21 SW NE 01 IRRIGATION 47 GOODING
06S 13E 21 NE SW 2 01 IRRIGATION 47 GOODING
06S 13E 21 SE SW 2 01 IRRIGATION 47 GOODING
06S 13E 21 NW SE 01 IRRIGATION 47 GOODING

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - - - - - - - - - - - Remarks - - - - - +

GEN P/U INCOMPLETE. SEE FILE. AC. IRR. = 135.

Water right number - 37-00791

Prefix Translation: WATER RIGHT

+ - - - - Old Water Right Numbers - - - - - +

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +

WEST ET. AL.

BELL ET. AL.

05/30/1913

+ - - - - Comments - - - - - +
No Comments Found

+ - - Audit Fields - 12/23/85 05/28/88 CONVERT

+ - - - - Water Rights Dates and Flags Area - - - - - +

| | | | | | |
|-------------------|--------------|-----------------|--------------|--------------------|------|
| Proof Due Date | - 00/00/0000 | Field Exam Made | - 00/00/0000 | Field Exam Fee | - |
| Approved/Denied | - 00/00/0000 | Protested Date | - 00/00/0000 | Swan Falls | - |
| Proof Made Date | - 00/00/0000 | Hearing Date | - 00/00/0000 | Temporary Right | - P |
| Exam to S.O. Date | - 00/00/0000 | Verified Date | - 12/23/1985 | DLE/Carey Act | - |
| Order Show Cause | - 00/00/0000 | Receipt Number | - | Water District | - 37 |
| Licensed Date | - 00/00/0000 | Appl Received | - 00/00/0000 | Transfer/Amended | - |
| Presumption Flag | - | Name Connector | - | POU Ownership Flag | - |
| SRBA Decreed Flag | - | | | | |

Water Right Number - 37-02411

Prefix Translation: WATER RIGHT

Old (D) Number - 15239

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
AYRES

E. S.

1 -
2 -
3 -

City- BLISS
Phone - 208-000-0000

State- ID Zip- 83314

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
07/18/1921 17 SOUTHERN L - LICENSE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
SPRINGS

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.

06S 13E 21 NW SE (47) GOODING

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION
43 - DOMESTIC

1.060

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
1.060 0.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

| | | | | | | | | |
|-----|-----|----|-------|---|------|----|------------|--------------|
| 06S | 13E | 21 | SW NE | | 5.0 | 01 | IRRIGATION | (47) GOODING |
| 06S | 13E | 21 | NE SW | 2 | 44.0 | 01 | IRRIGATION | (47) GOODING |
| 06S | 13E | 21 | NW SE | | 4.0 | 01 | IRRIGATION | (47) GOODING |

Total Acres: 53.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +

GEN SOURCE DESCRIBED AS TWO UNNAMED SPRINGS.
LOT 2 IS IN NESW AND SESW S21, T6S, R13E.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

09/28/00 12:45:01
Page 2

Prefix Translation: WATER RIGHT

+ - - - - Conditions of Approval - - - - +
No Conditions of Approval found.

+ - - - Decree Plaintiff - - + + - - - Decree Defendant - - + + - Decree Date - +
00/00/0000

+-----Comments-----+

No Comments Found

+ - - Audit Fields - 05/06/85 05/28/88 CONVERT 09/13/89 CURTIS

+ - - - - - Water Rights Dates and Flags Area - - - - - +

| | | | | | |
|-------------------|--------------|-----------------|--------------|--------------------|-----|
| Proof Due Date | - 00/00/0000 | Field Exam Made | - 00/00/0000 | Field Exam Fee | - |
| Approved/Denied | - 00/00/0000 | Protested Date | - 00/00/0000 | Swan Falls | - |
| Proof Made Date | - 00/00/0000 | Hearing Date | - 00/00/0000 | Temporary Right | - P |
| Exam to S.O. Date | - 00/00/0000 | Verified Date | - 05/06/1985 | DLE/Carey Act | - |
| Order Show Cause | - 00/00/0000 | Receipt Number | - | Water District | - |
| Licensed Date | - 05/10/1979 | Appl Received | - 00/00/0000 | Transfer/Amended | - |
| Presumption Flag | - | Name Connector | - | POU Ownership Flag | - |
| SRBA Decreed Flag | - | | | | |

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING.

Erastus West and Lona West
(husband and wife) and John
A. West, Jr., successors in
interest of David B. Bliss and
Lydia H. Bliss and Fred G. Bliss,

Plaintiffs.

-Vs-

DECREE.

E. Boll and Helen Boll (husband
and wife), Deborah Sherman (for-
merly Smith) and George Sherman
(wife and husband) P.R. Lan-
chester and Aurotta Lancheater
(husband and wife) and Walter
Burkhardt and Josephine Burkhardt
(husband and wife),

Defendants.

This case came on regularly for hearing on
the 30 day of May, 1913 before Hon. Edward A. Walters,
District Judge sitting at chambers in Shoshone, Lincoln
County, State of Idaho, upon the stipulation of the parties
herein, waiving the taking of testimony, findings of facts,
and conclusions of law and upon the stipulation of said
parties that the following decree should be entered in this
action and the Court being fully informed and advised in the
premises, Wherefore by reason of the law and the stipulation
of entry of judgment, and of waiver of findings of facts and
conclusions of law;

It is hereby Ordered, Adjudged and Decreed
that Erastus West and Lona West (husband and wife) and
John A. West, Jr., unmarried, successors in interest of
David B. Bliss and Lydia H. Bliss, and Fred G. Bliss, plain-
tiffs and E. Boll and Helen Boll (husband and wife)
Deborah Sherman (formerly Smith) and George Sherman (wife
and husband) P. R. Lancheater and Aurotta Lancheater (hus-

band and wife), Walter Burkhardt and Josephine Burkhardt (husband and wife) defendants, be and they hereby are entitled to use for irrigation and other purposes the following number of inches of water, each fifty (50) inches thereof to be equivalent to a flow of one cubic foot per second of time as prescribed by the law of Idaho, from the waters of the Montana Mining Company's ditch, or any and all Springs feeding or tributary to said ditch, which ditch and Springs are located as follows; said ditch, beginning at Spring No.1 in Lot 3, Sec. 21 T. 6 S.R. 13 E.B.M., and flowing in a North Westerly direction parallel to the Snake River and ending at the center of East line of Lot 6, Sec. 7 T. 6 S.R. 13 E.B.M.

Said Springs feeding and tributary to said ditch, being located as follows; Spring No 1 and 2 in Lot 3, Sec. 21 T. 6 S.R. 13 E.B.M; Springs No. 3 and 4 in the N.W. $\frac{1}{4}$ of the S.E. $\frac{1}{4}$ of Sec. 21, T. 6 S.R. 13 E.B.M; Springs No. 5 and 6 in the N.W. $\frac{1}{4}$ of Sec. 21, T. 6 S.R. 13 E.B.M; Springs No. 7 and 8 on the S.W. $\frac{1}{4}$ of the S.W. $\frac{1}{4}$ of Sec. 16 T. 6 S.R. 13 E.B.M; Spring No. 9 in the S.E. $\frac{1}{4}$ of the S.E. $\frac{1}{4}$ of Sec. 17 T. 6 S.R. 13 E.B.M; Spring No. 10 in the N.E. $\frac{1}{4}$ of the N.W. $\frac{1}{4}$ of Sec. 17 T. 6 S.R. 13 E.B.M; Spring No. 11 in the N.W. $\frac{1}{4}$ of the N.W. $\frac{1}{4}$ of Sec. 18 T. 6 S.R. 13 E.B.M; Springs No. 12 and 13 in the S.W. $\frac{1}{4}$ of the N.E. $\frac{1}{4}$ of Sec. 7 T. 6 S.R. 13 E.B.M; Spring No. 14 in Lot 5, Sec. 12 T. 6 S.R. 12 E.B.M, Which said ditch and said Springs are all situate in Gooding County, State of Idaho.

37-0789 Erastus West and Lona West (husband and wife) and John A. West, Jr., unmarried, successors in interest of David B. Bliss and Lydia H. Bliss, plaintiffs, One Hundred seventy-five (175) inches to be used on the following described lands; the North one-half of the North West one-fourth, the South-East one-fourth of the North-West one-fourth and Lot No.2 all in Section seventeen (17) Township Six (6) South Range Thirteen East Boise Meridian, containing One Hundred sixty-four and forty-four one-hundredths acres, except

however, three and twenty-eight one-hundredths (3.28) acres heretofore conveyed by David B. Bliss to the Twin Falls North Side Land and Water Company, also the South-West one-fourth of the South-West one-fourth of Section Eight (8) in Township Six (6) South Range Thirteen East Boise Meridian, containing Forty (40) acres.

0790 Fred G. Bliss, plaintiff, One Hundred twenty-five (125) inches to be used on the following described lands; Lots Number Six (6) and Seven (7) in Section Seven and the North-West one-fourth of the North-East one-fourth and Lots No. Two (2) and Eight (8) of Section Seven in Township Six (6) South Range Thirteen East Boise Meridian, containing approximately One Hundred Thirty acres, ^{and} Lot No. Five (5) of Section Twelve, Township Six (6) South Range Twelve, East Boise Meridian, containing Thirty-eight and eight (38.8) one-hundredths acres.

0791 Deborah Sherman and George Sherman (wife and husband) One Hundred inches to be used in the following described lands; South-West one-fourth of the North-East one-fourth and the North-West one-fourth of the South-East one-fourth and Lot No. Two (2) of Section Twenty-one, Township Six (6) South Range Thirteen East Boise Meridian, containing One Hundred Thirty-five acres more or less according to Government Survey.

0792 P. R. Lanchester and Aretta Lanchester (husband and wife) One Hundred Thirty-eight inches to be used on the following described lands; the South-East one-fourth of the South-East one-fourth, and the North-West one-fourth of the South-East one-fourth, and Lot Three (3) of Section Seventeen Township Six, South Range Thirteen East Boise Meridian, containing One Hundred Thirty-five and Forty-one (135.41) one-hundredths acres; which said water may be taken from Spring No. 9 when necessary to irrigate the above described land, so long as the excess water therefrom is turned into the said Montana Mining Company's ditch.

100 in
135 ac

37-0793 Walter Burkhardt and Josephine Burkhardt (husband and wife) One Hundred inches to be used on the following described lands; Lot One (1) Section Seventeen and Lot Seven (7) Section Eighteen, Township Six (6) South Range Thirteen East Boise Meridian, containing Eighty-one and ninety-four (81.94) one-hundredths acres.

37-0794 E. Bell and Helen Bell (husband and wife) Sixty (60) inches to be used on the following described lands; Lot Three (3) Section Twenty-one Township Six (6) South Range Thirteen East Boise Meridian, containing Sixty-two and ninety-three (62.93) one-hundredths acres, according to the Government Survey.

All of which said lands herein last above described are situate in the County of Gooding, State of Idaho.

All of which said rights shall date in priority from April, 1, 1893.

That the parties herein shall maintain the said Montana Mining Company's ditch as described herein and to that end, they shall contribute yearly the following proportions of the entire cost of said maintenance, namely:

Fred G. Blics and the lands to which his said water is decreed, twenty-five (25) per cent of said cost.

Erastus West and Lona West (husband and wife) and John A. West, Jr., unmarried and the lands to which their said water is decreed, twenty-five (25) per cent of said cost.

Walter Burkhardt and Josephine Burkhardt (husband and wife) and the lands to which their said water is decreed, fifteen (15) per cent of said cost.

P. R. Lanchester and Aurette Lanchester (husband and wife) and the lands to which their said water is decreed, fifteen (15) per cent of said cost.

E. Bell and Helen Bell (husband and wife) and the lands to which their said water is decreed, ten (10) per cent of said cost.

Doborah Sherman and George Sherman (wife and husband) and the lands to which their said water is decreed, ten (10) per cent of said cont.

Dated at Shoshone, Idaho May 30th, 1913.

Edward A. Harkness
Senior District Judge.

STIPULATION.

It is hereby stipulated and agreed by and between counsel for plaintiffs and counsel of defendants that the above and foregoing decree may be signed by the Court at chambers and the taking of testimony, making findings of facts and conclusions of law, is hereby expressly waived. It being the intention of the parties hereto, that the above decree shall be entered by the Judge by Stipulation and consent of all parties.

Dated this 29th day of May, 1913.

James P. Posthumus
Attorney for plaintiffs
Residence, Shoshone, Idaho.

W. H. Stevens
Attorney for defendants.
Residence, Gooding, Idaho.

STATE OF IDAHO)
County of Gooding) ss

I, Sibyl Stevens, Clerk of the District Court of the Fifth Judicial District, and ex-officio Auditor and Recorder, in and for the County of Gooding, State of Idaho, do hereby certify that the foregoing is a true and correct copy of the original on file and of record in this office. IN WITNESS WHEREOF, I have hereunto set my hand and

affixed my official seal this 29th day of May, 1920

SIBYL STEVENS, Clerk, ex-officio Auditor & Recorder
By *John A. Adams* Deputy

