

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BEAR LAKE.

PRESTON-MONTPELIER IRRIGATION
COMPANY, a corporation,

Plaintiff,

vs.

DINGLE IRRIGATION COMPANY, a cor-
poration; Grinnett-Black Otter
Irrigation Company, a corporation;
Peg Leg Island Irrigation Company, a
corporation; West Fork Irrigation
Company, a corporation; Ream-Crockett
Irrigation Company, a corporation;
Pugnire Livestock & Land Company, a
corporation; Continental Life Insur-
ance Company, a corporation; Ole
Transtum; Carrie Hill; J.A.C. Nielson,
John A. Jensen; Oron Quayle; Thomas
Quayle; George Parker; Edw. LaRocco;
John O. Miller; Ezra J. Phelps; George
A. Sparks; Hyrum Esterholdt, and Joseph
Esterholdt,

Defendants

DECKE

SCANNED
FEB 14 2007

This cause came on regularly for trial on the 4th
day of August, 1923, John A. Bagley, Esquire, and D. C. Kunz,
Esquire, appearing as attorneys for the plaintiff Preston- Montpelier
Irrigation Company, a corporation, and John A. Bagley, Esquire, appearing
as attorney for Oron Quayle, Thomas Quayle, George Parker, Edw. LaRocco,
John O. Miller, Ezra J. Phelps, and George A. Sparks, defendants and cross-
complainants; and D. C. Kunz, Esquire, appearing as attorney for the
Continental Life Insurance Company, a corporation, Ole Transtrum, Carry
Hill, J. A. C. Nielson and John A. Jensen, defendants and cross-complain-
ants; and A. B. Gough, Esquire, appearing as attorney for Dingle Irrigation
Company, a corporation, Peg Leg Island Irrigation Company, a corporation,
Grinnett Black Otter Irrigation Company, a corporation, and the Pugnire
Livestock & Land Company, a corporation, defendants and cross-complainants;
Ross W. Bates, Esquire, appearing as attorney for the Ream-Crockett Irriga-
tion Company, a corporation, defendants and cross-complainants; and Jesse P.
Rich, Esquire, appearing as attorney for the West Fork Irrigation Company,
a corporation, defendants and cross-complainants and Darwin Haddock, Esquire,
appearing as attorney for Hyrum Esterholdt and Joseph Esterholdt, defendants
and cross-complainants. Whereupon, the respective parties proceeded to
negotiate a settlement and adjustment of the issues raised by the complaint.

MAY 14 1996

All of said waters to be diverted from Bear River by means of the Taylor Ditch located at or near the Southeast corner of the Northeast Quarter of the Southeast Quarter of Section 32, Township 15 South, Range 46 East of the Boise Meridian, to be used on 50 acres of land described as follows, to-wit:

NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ Section 32, Tp. 15 South Range 46.45

0933 1880- April 15th, What is designated in this decree as a "Meadow Right".

April 15th - July 1st, 3 cubic feet per second

July 1st - September 30th, 2 cubic feet per second.

0934 April 15th, 1885- What is designated in this decree as an "Agricultural Right".

1 cubic foot per second.

All of said waters to be diverted from Bear River by means of the Nuffer Ditch located at or near a point where the South line of the Southeast Quarter of Section 31, Township 14 South, Range 46 East of the Boise Meridian, intersects Bear River, to be used upon 150 acres out of the following land, described as follows, to-wit:

S $\frac{1}{2}$ of the SE $\frac{1}{4}$ Section 31, N $\frac{1}{2}$ of the NE $\frac{1}{4}$, N $\frac{1}{2}$ of the NW $\frac{1}{4}$, S $\frac{1}{2}$ of the NW $\frac{1}{4}$ N $\frac{1}{2}$ of the SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ Section 8, Township 15 S. Range 46

0935 1885- April 15th, What is designated in this decree as an "Agricultural Right". 1 cubic foot per second.

All of said waters to be diverted from Bear River by means of the Taylor ditch located at or near the Southeast Corner of the Northeast Quarter of the Southeast Quarter of Section 32, Township 15 South, Range 46 East of the Boise Meridian, to be used on 50 acres, described as follows, to-wit:

NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 32, Township 15 South, Range 46 E.B.M.

0936 J. A. C. NIELSON: 1877- April 15th, What is designated in this decree as a "Meadow Right".

April 15th - July 1st, 4.5 cubic feet per second.

July 1st - September 30th, 3.0 cubic feet per second.

0937 1880- April 15th, What is designated in this decree as a "Meadow Right".

April 15th - July 1st, 2.5 cubic feet per second.

July 1st - September 30th, 1.7 cubic feet per second.

0938 1885- April 15th, What is designated in this decree as an "Agricultural Right".

.8 cubic ft. per second.

All of said waters to be diverted from Bear River by means of the Nuffer ditch at or near the point where the South line of the Southeast Quarter of Section 31, Township 14 South, Range 46 East of the Boise Meridian intersects Bear River, to be used upon 275 acres of land, described as follows, to-wit:

The northwest quarter and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 12, Lots 1 and 2, Section 7, Township 15 South, Range 46 East Boise Meridian.

JOHN H. JENSEN:

0939 1877- April 15th, what is designated in this decree as a "Meadow Right".

April 15th - July 1st, 7.5 cubic feet per second.

July 1st - Sept. 30th, 5 cubic feet per second.

0940 1885- April 15th, what is designated in this decree as an "Agricultural Right" .8 cubic feet per second.

All of said waters to be diverted from Bear River by means of a cut or ditch out of said river at or near the northwest corner of the southeast quarter of the northeast quarter of Section 26, Township 14 South, Range 45 East of the Boise Meridian, to be used upon 290 acres, described as follows, to-wit:

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to supply said 6012.25 acres of said agricultural lands to the full extent of their decreed rights.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED; That the Court shall retain jurisdiction, and jurisdiction is hereby reserved for a period of five years from the date hereof for the purpose of correcting said decree if it shall be made to appear to the court that there are errors in the description or amounts of land to which water has been decreed under this decree

IT IS FURTHER ORDERED, ADJUDGED AND DECREED , That each party pay his own costs herein.

Dated this 7th day of March, 1924.

ROBERT M. TERRELL
District Judge.

STATE OF IDAHO
COUNTY OF BEAR LAKE

I, J. S. Peterson, Clerk of the District Court of the Fifth Judicial District of Idaho, in and for Bear Lake County, do hereby certify that the within and foregoing is a full and true copy of the original Water Decree in the case of Preston-Montpelier Irrigation Company vs. Dingle Irrigation Company, et al duly filed in my office on the 7th day of March, 1924.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court at Paris, Idaho, this 8th day of July, 1924.

(SEAL)

J. S. PETERSON
Clerk

MICROFILMED

MAY 14 1996