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MAR 13 2008

Department of Water Resources
Eastern Region

From: EWARD L. SHEPHERD
440 S O 7TH ST
MONTPELIER, IDAHO 83254

To: DAVE CARLSON
IDWR
March 12, 2008

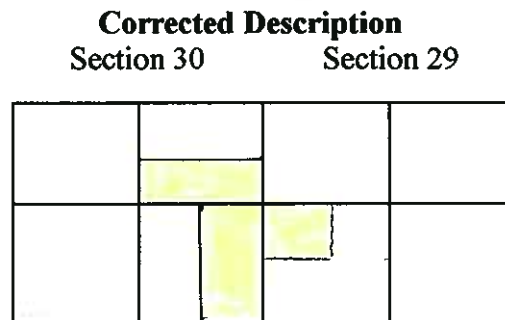
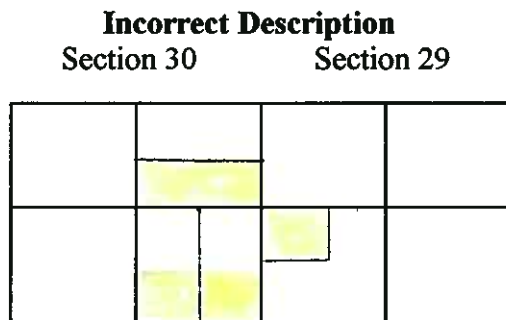
REFERENCING: Correction of error, on land description, made in 1929 Court Decree pertaining to "Claim To Water Right 11-4047" and "Water Right 11-7560". Source: Copenhagen Creek, located in Sharon, Bear Lake County, Idaho.

The Judgment in favor of L.T. Shepherd has the land description as:

The **South** Half of the Southeast Quarter, and the Southeast Quarter of the Northeast Quarter, and the Southwest Quarter **and** the of the Northeast Quarter of Section 30, and the Northwest Quarter of the Southwest Quarter of Section 29, Township 12 South, Range 43 East Boise Meridian, in Idaho.

The corrected description should read as follows:

The **East** Half of the Southeast Quarter, and the Southeast Quarter of the Northeast Quarter, and the Southwest Quarter **of the** Northeast Quarter of Section 30, and the Northwest Quarter of the Southwest Quarter of Section 29, Township 12 South, Range 43 East of the Boise Meridian, in Idaho.



Attached to this document are the Court Decree and the Affidavit.

I appreciate your help and thank you very much!

Sincerely,

Edward L. Shepherd

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

L. T. SHEPHERD, as EXECUTOR of the
ESTATE OF EDWARD T. SHEPHERD, Deceased.

PLAINTIFF,

vs.

DECREE

MILL CANYON NORTH CANAL COMPANY,
a corporation. R. D. ORR and DAVID KING,

DEFENDANTS,

and
C. H. MOREHOUSE,

Substituted Defendant.

This cause came on regularly to be heard on this 19 day of February, 1929, Geriant Humphreys, Esq., of Montpelier, Idaho, appearing as attorney for plaintiff, and D. C. Kunz, Esq., appearing as attorney for the defendants and cross-complainants. It appearing to the Court that on the 16th day of February, 1929, a stipulation of facts was entered into, signed and filed herein, which it was agreed between the parties should be and the same is hereby adopted as the findings of fact herein, and the Court, from said stipulation and findings of fact, being fully advised in the premises, and conclusions of law being waived:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the respective parties hereto do, and each of them is hereby accorded and decreed the quantity of water hereinafter specified, with date of priority and for the irrigation of lands as hereinafter set forth:

L. T. SHEPHERD AS EXECUTOR OF THE ESTATE OF EDWARD T. SHEPHERD, DECEASED:

APRIL 15th, 1898 - One and one-half cubic foot per second to be taken from and through the natural channel of Copenhagen Creek, and by the construction thereof by such ditches and canals as have been used and built, and are now used, for the conveyance and use of water from said Copenhagen Creek for the irrigation of the following described lands, to-wit:

(East)

The South Half of the Southeast Quarter, and the Southeast Quarter of the Northeast Quarter, and the Southwest Quarter and the of the Northeast Quarter of Section 30, and the Northwest Quarter of the Southwest Quarter of Section 29, Township 12 South, Range 43 East Boise Meridian, in Idaho.

DAVID C. KING:

APRIL 15th, 1908 - One-half cubic foot per second to be diverted through ditches and canals from said Copenhagen Creek, having their intake at or near a point about rods north from the southeast corner of the northeast quarter of the southwest quarter of Section 25, Township 12 South, Range 43, East Boise Meridian, and also at a point about rods east of the aforesaid point of diversion, for the irrigation of twenty-five acres of land in the Southeast Quarter of the Northeast Quarter of Section 25, Township 12 South, Range 43 East Boise Meridian, in Idaho.

C. H. MOREHOUSE, Substituted defendant for R. D. ORR:

APRIL 15th, 1908 - One-half cubic foot per second to be diverted through ditches and canals from said Copenhagen Creek at a point near the Southeast Corner of the Southeast Quarter of the Northeast Quarter of Section 25, Township 12 South, Range 42 East Boise Meridian, for the irrigation of approximately twenty-four acres of land in the Southwest Quarter of the Northeast Quarter of Section 25, Township 12 South, Range 42 East Boise Meridian, and approximately four acres in the Southeast Quarter of the Northeast Quarter of Section 25 and Township aforesaid.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all rights hereinbefore decreed shall have date of priority as of April 15th of the respective years hereinbefore specified, and that all such rights shall be for the irrigation season each and every year, to-wit, from May 1st to October 1st.

In accordance with said stipulation. IT IS HEREBY ADJUDGED that all pleadings have been deemed amended to conform to said stipulation and proof, and that pleadings have been filed as a basis for the awards made to C. H. Morehouse substituted defendant for the defendant and cross-complainant R. D. Orr.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that the several persons to whom water is awarded under this decree shall at his own cost and expense install and maintain a measuring device at or near each point of diversion in order that it may be readily determined what quantity of water is being used and diverted. Such measuring devices shall be under the exclusive control of those who install or own the same and all others are hereby restrained and enjoined from molesting, tampering or interfering with (but may at any time inspect) any such device.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that each party pay its own costs herein. Dated this 19 day of February, 1929.

Jay L. Downing
District Judge.

Filed March 8, 1929
AMY MUNK, Clerk District Court.
By W. H. [Signature] Deputy

AFFIDAVIT

On this 5th day of March 2008, I, John H. Gambling, the appointed administrator of the estate of my mother, Ada H. Gambling, deceased, hereby attest to the fact that we have never used any portion of the water, coming from Copenhagen Canyon, for irrigation on the following described property: The Southwest Quarter of the Southeast Quarter of Section 30, Township 12 South, Range 43 East of the Boise Meridian; situated in Sharon, Bear Lake County, Idaho.

IN WITNESS THEREOF: the party listed below has executed this affidavit on:

John H. Gambling

ACKNOWLEDGEMENT

John H. Gambling personally appeared before me and signed this document on the above listed date.

STATE OF IDAHO

COUNTY OF BEAR LAKE

Mary P. Jensen
NOTARY PUBLIC

Residing at:

Montpelier

Commission Expires:

11-11

Date:

3-5-08

