

11-7 ✓
Munday
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF IDAHO, IN AND
FOR THE COUNTY OF BEAR LAKE.

W. A. FARSETT AND JOHN M. FARSETT PARTNERS AS "FARSETT BROTHERS,"
T. M. MUMFORD AND J. W. MUMFORD PARTNERS AS "MUMFORD BROTHERS"
FRED L. CRUKSHANK, JOHN BISCHOFF, THOMAS HILLIER, ALEXANDER
ALLENBACK, JOHN BLECHERT, GEORGE BLECHERT, HENRY WEUSCHER, HENRY
TRUSCHER JR. CHRISTIAN HIRSCHI, SAMUEL WIMMER, EBERHARD HERZOG, JOHN
CYGIL, FREDRICK W. BAUME, JOHN HALL, MOSIAH HALL AND GEORGE HALL
PARTNERS AS "HALL BROTHERS," GOTTLIEB WEUSCHER, ARNO BOUME, ALFRED
TUELLER, ARNOLD D. HIRSCHI, W. A. HART, A. L. HART, CHRISTIAN
TUELLER, JACOB TUELLER, JACOB TUELLER JR. JOHN TUELLER, GOTTLIEB
TUELLER, RUDOLPH TUELLER, J. M. DALTON, MARY PADWERT, S. B. YOUNG,
JOSEPH A. DALTON, JOSEPH HYRUM HOLMES, J. W. COOK, SAMUEL W. HART,
W. A. HART, ZION'S SAVING BANK & TRUST COMPANY, A CORPORATION,
ALBERT COLTON, JOHN WATSON, GOTTFRIED RECHLER, JOHN S. BRYSON,
N. P. LARSON, ENOCH BAGLEY AND TRAUGOTT HOFER.

----- PLAINTIFFS -----

vs.

THOMAS FORK IRRIGATION AND CANAL COMPANY, C. WEBSTER, S. L. LEWIS,
SAMUEL HART, LEE HART, HENRY EVANS, GRANT RAYMOND, J. W. STONER,
J. A. EVANS, DUNCAN MCCLENNAN, JAMES FRANCIS, RANSOM CONLEY, A. T.
PRICE, A. T. PRICE JR, MISS. PRICE, EDWARD LASHBROOK, MRS. A. E.
HERRICK, MRS EMMA EVANS AND MRS MARTHA HART.

DEFENDANTS.

RECORDED

MAY 14 1996

15

11 0143
160 JACOB TUELLER Jr, 35/50 second feet, being 85 miners inches of water,
diverted from Thomas Fork, of date April 1st-1893.
11 0144
JACOB TUELLER Jr, 1-3/5 second feet, being 80 miners inches of water,
diverted from Muddy Canal, of date September 15th-1894.

16

11 0145
160 ED TUELLER, 1/2 second foot, being 25 miners inches of water,
diverted from Cooper Spring, of date May 15th-1893.
11 0146
ED TUELLER, 1-3/5 second feet, being 80 miners inches of water,
diverted from Muddy Canal, of date September 15th-1894.

17

11 0147
160 JOHN BLANCHET, 1-3/5 second feet, being 80 miners inches of water,
diverted from Taylor Canal, of date July 16th-1893.

18

11 0148
160 JACOB TUELLER SR, 2 second feet, being 100 miners inches of water,
diverted from Muddy canal, of date September 15th-1894.

19

11 0149
120 ARNOLD D. HIRSCHL, 4/5 second feet, being 40 miners inches of water,
diverted from Muddy Canal, of date September 15th-1894.

20

11 0150
160 GOTTLIEB TUELLER, 2-2/5 second feet, being 120 miners inches of
water, diverted from Muddy canal, of date September 15th-1894.

21

11 0151
160 FREDRICK W. BOEHME, 1/5 second foot, being 10 miners inches of water,
diverted from Taylor Bros. Canal, of date May 1st, 1894.
11 0152
FREDRICK W. BOEHME, 2/5 second feet, being 20 miners inches of water,
diverted from Thomas Fork, of date September 1st-1899.

22

11 0153
HENRY TEUSCHER SR, 1-3/5 second feet, being 80 miners inches of
water, diverted from Muddy canal, of date Sept. 15th-1894.

RECEIVED

MAY 14 1896

That each and every of the parties to this suit, their agents, attorneys, assigns and grantees are hereby restrained and perpetually enjoined, from in any manner interfering with the waters of Thomas Fork or the tributaries thereof being decreed, or exercising any other or greater rights with reference to said waters than as herein decreed to the said parties respectively.

That each of the parties to this suit, pay the costs and disbursements herein incurred by him.

/s/ JOSEPH C. RICH
Judge of the District Court.

Dated this 20th day of February, A.D. 1902.

We hereby waive notice of the filing of this decree being present in court when it was signed and filed this 20th day of February, 1902.

/s/ JOHN A. BAGLEY
Atty for plaintiff

/s/ GLENN & GOUGH
Attorneys for defendant

RECORDED

MAY 14 1906

State of Idaho } SS: -
County of Bear Lake)

I, James E. Hart Clerk of the District Court
of the Fifth Judicial District of the State of Idaho, County of
Bear Lake, do hereby certify that the above and foregoing is a full
true and correct copy of the Decree of said Court in the above entitled
cause~~s~~ the same appears of record in Judgment Book "B" at page 1154.

Given under my hand and seal at my office in Paris Idaho this
18th. day of April A.D. 1903.

/s/ JAMES E. HART

(SEAL)

Clerk of the District Court
5th Judicial District of the
State of Idaho, in and for Bear
Lake County.

MAY 14 1906

#8.

(15)

JACOB TUELLER:- JR.

N. 1/2 S. E. 1/4 S. W. 1/4 S. E. 1/4 S. W. 1/4 N. E. 1/4 Sec. 15, Tp. 12 South of Range 46 East B. M., containing 160 acres.

(16)

EDWARD TUELLER:-

E. 1/2. S. E. 1/4 Sec. 10, and W. 1/2, S. W. 1/4 Sec. 11. in Tp. 12 South of Range 46 East B. M., containing 160 acres.

(17)

✓ 147 ✓ JOHN BLECHERT:-

N. E. 1/4 S.E. 1/4 Sec. 27, and N. W. 1/4 S. W. 1/4, and Lots 2, 3 and 4, Sec. 26, Tp. 12 South of Range 46 East B. M., containing 160 acres.

(18)

✓ JACOB TUELLER:- SR:-

N. W. 1/4. N. W. 1/4 Sec. 22, W. 1/2 S. W. 1/4 and S. W. 1/4 N. W. 1/4 Sec. 15 Tp. 12 South of Range 46 East B.M., containing 160 acres.

(19)

ARNOLD D. HIRSCHI:-

W. 1/2 S. E. 1/4 S.E. 1/4 S. W. 1/4 Sec. 27, Tp. 12 South Range 46 East B. M., containing 120 acres:

(20)

GOTTLIEB TUELLER:-

S. 1/2 of N. W. 1/4, the N. E. 1/4 of N. W. 1/4, and the N. W. 1/4 of the N. E. 1/4 of Sec. 22, Tp. 12 South, Range 46 East, B. M., containing 160 acres.

(21)

Frederick W. Boehme:- < Boehme >

N. E. 1/4 of N. E. 1/4 Sec. 22; S. E. 1/4 of S. E. 1/4 of Sec. 15; W. 1/2 of N. W. 1/4 Sec. 23, Tp. 12 South, Range 46 East, B. M., containing 160 acres.

(22)

HENRY TEUSCHER:- SR:

N. P. Larson ranch.

RECORDED

MAY 14 1996

11-7
Mumford
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF IDAHO, IN AND
FOR THE COUNTY OF BEAR LAKE.

W. A. FANSETT AND JOHN M. FANSETT PARTNERS AS "FANSETT BROTHERS,"
T. M. MUMFORD AND J. W. MUMFORD PARTNERS AS "MUMFORD BROTHERS"
FRED L. CIRULKSHANK, JOHN BISCHOFF, THOMAS HILLIER, ALEXANDER
ALLENBACK, JOHN BLECHERT, GEORGE BLECHERT, HENRY TRUSCHER, HENRY
TRUSCHER JR. CHRISTIAN HIRSCHI, SAMUEL WIMMER, EPHRAIM HERZOG, JOHN
CYGI, FREDRICK W. BAEHNE, JOHN HALL, MOSIAH HALL AND GEORGE HALL
PARTNERS AS "HALL BROTHERS," COTTILIE TRUSCHER, ARNO BOEHME, ALFRED
TUELLER, ARNOLD D. HIRSCHI, W. A. HART, AL L. HART, CHRISTIAN
TUELLER, JACOB TUELLER, JACOB TUELLER JR. JOHN TUELLER, COTTILIE
TUELLER, RUDOLPH TUELLER, J. M. DALTON, MARY PADWENT, B. B. YOUNG,
JOSEPH A. DALTON, JOSEPH HYRUM HOLMES, J. W. COOK, SAMUEL W. HART,
W. A. HART, ZION'S SAVING BANK & TRUST COMPANY, A CORPORATION,
ALBERT COLTON, JOHN WATSON, GOTTFRIED RECHLER, JOHN S. BRYSON,
N. P. LARSON, INNOCH BAGLEY AND TRUDGOTT MOFFER.

----- PLAINTIFFS -----

vs.

THOMAS YORK IRRIGATION AND CANAL COMPANY, C. WEBSTER, S. L. LEWIS,
SAMUEL HART, LEE HART, HENRY EVANS, GRANT RAYMOND, J. W. STONER,
J. A. EVANS, DUNCAN McCLENNAN, JAMES FRANCIS, RANSOM CONLEY, A. T.
PRICE, A. T. PRICE JR, MISS. PRICE, EDWARD LASHBROOK, MRS. A. E.
HERRICK, MRS EMMA EVANS AND MRS MARTHA HART.

DEFENDANTS.

RECORDED
MAY 14 1996

-10-

15

11 0143
160 JACOB TUELLER Jr, 25/50 second feet, being 36 miners inches of water,
diverted from Thomas Fork, of date April 1st-1893.
11 0144
JACOB TUELLER Jr, 1-3/5 second feet, being 80 miners inches of water,
diverted from Muddy Canal, of date September 15th-1894.

16

11 0145
160 ED TUELLER, 1/2 second foot, being 25 miners inches of water,
diverted from Cooper Spring, of date May 15th-1893.
11 0146
ED TUELLER, 1-3/5 second feet, being 80 miners inches of water,
diverted from Muddy Canal, of date September 15th-1894.

17

11 0147
160 JOHN BLECHERT, 1-3/5 second feet, being 80 miners inches of water,
diverted from Taylor Canal, of date July 15th-1893.

18

11 0148
160 JACOB TUELLER SR, 2 second feet, being 100 miners inches of water,
diverted from Muddy canal, of date September 15th-1894.

19

11 0149
120 ARNOLD D. HIRSCHL, 4/5 second feet, being 40 miners inches of water,
diverted from Muddy Canal, of date September 15th-1894.

20

11 0150
160 GOTTLIEB TUELLER, 2-2/5 second feet, being 120 miners inches of
water, diverted from Muddy canal, of date September 15th-1894.

21

11 0151
160 FREDRICK W. BOEHME, 1/5 second foot, being 10 miners inches of water,
diverted from Taylor Bros. Canal, of date May 1st, 1894.
11 0152
FREDRICK W. BOEHME, 2/5 second feet, being 20 miners inches of water,
diverted from Thomas Fork, of date September 1st-1899.

22

11 0153
HENRY TUSCHER SR, 1-3/5 second feet, being 80 miners inches of
water, diverted from Muddy canal, of date Sept. 15th-1894.

RECEIVED

MAY 14 1896

That each and every of the parties to this suit, their agents, attorneys, assigns and grantees are hereby restrained and perpetually enjoined, from in any manner interfering with the waters of Thomas Fork or the tributaries thereof being decreed, or exercising any other or greater rights with reference to said waters than as herein decreed to the said parties respectively.

That each of the parties to this suit, pay the costs and disbursements herein incurred by him.

/s/ JOSEPH C. RICH
Judge of the District Court.

Dated this 20th day of February, A.D. 1902.

We hereby waive notice of the filing of this decree being present in court when it was signed and filed this 20th day of February, 1902.

/s/ JOHN A. BAGLEY
Atty for plaintiff

/s/ GLENN & GOUGH
Attorneys for defendant

MAY 14 1906

State of Idaho / SS: -
County of Bear Lake)

I, James E. Hart Clerk of the District Court
of the Fifth Judicial District of the State of Idaho, County of
Bear Lake, do hereby certify that the above and foregoing is a full
true and correct copy of the Decree of said Court in the above entitled
cause~~ss~~ the same appears of record in Judgment Book "B" at page 114.

Given under my hand and seal at my office in Paris Idaho this
18th. day of April A.D. 1903.

/s/ JAMES E. HART

(SEAL)

Clerk of the District Court
5th Judicial District of the
State of Idaho, in and for Bear
Lake County.

MAY 14 1906

#8.

(15)

JACOB TUELLER:- JR.

N. 1/2 S. E. 1/4 S. W. 1/4 S. E. 1/4 S. W. 1/4 N. E. 1/4 Sec. 15, Tp. 12 South of Range 46 East B. M., containing 160 acres.

(16)

EDWARD TUELLER:-

E. 1/2. S. E. 1/4 Sec. 10, and W. 1/2, S. W. 1/4 Sec. 11. in Tp. 12 South of Range 46 East B. M., containing 160 acres.

(17)

JOHN BLECHERT:-

N. E. 1/4 S.E. 1/4 Sec. 27, and N. W. 1/4 S. W. 1/4, and Lots 2, 3 and 4, Sec. 26, Tp. 12 South of Range 46 East B. M., containing 160 acres.

(18)

JACOB TUELLER:- SR:-

N. W. 1/4. N. W. 1/4 Sec. 22, W. 1/2 S. W. 1/4 and S. W. 1/4 N. W. 1/4 Sec. 15 Tp. 12 South of Range 46 East B.M., containing 160 acres.

(19)

ARNOLD D. HIRSCHI:-

W. 1/2 S. E. 1/4 S.E. 1/4 S. W. 1/4 Sec. 27, Tp. 12 South Range 46 East B. M., containing 120 acres:

(20)

GOTTLIEB TUELLER:-

S. 1/2 of N. W. 1/4, the N. E. 1/4 of N. W. 1/4, and the N. W. 1/4 of the N. E. 1/4 of Sec. 22, Tp. 12 South, Range 46 East, B. M., containing 160 acres.

(21)

Frederick W. Boehme:- (Boehme)

N. E. 1/4 of N. E. 1/4 Sec. 22; S. E. 1/4 of S. E. 1/4 of Sec. 15; W. 1/2 of N. W. 1/4 Sec. 23, Tp. 12 South, Range 46 East, B. M., containing 160 acres.

(22)

HENRY TEUSCHER:- SR:

N. P. Larson ranch.

RECORDED
MAY 14 1996

11-7 ✓
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF IDAHO, IN AND

FOR THE COUNTY OF BEAR LAKE.

W. A. FANSETT AND JOHN M. FANSETT PARTNERS AS "FANSETT BROTHERS,"
T. M. MUMFORD AND J. W. MUMFORD PARTNERS AS "MUMFORD BROTHERS"
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ALLENBACK, JOHN BLECHERT, GEORGE BLECHERT, HENRY TRUSCHER, HENRY
TRUSCHER JR. CHRISTIAN HIRSCHI, SAMUEL WIMMER, EPHRAIM HERZOG, JOHN
GYGI, FREDRICK W. BAUME, JOHN HALL, MOSIAH HALL AND GEORGE HALL
PARTNERS AS "HALL BROTHERS," GOTTLIEB TRUSCHER, ARNO KOENIG, ALFRED
TUELLER, ARNOLD D. HIRSCHI, W. A. HART, A. L. HART, CHRISTIAN
TUELLER, JACOB TUELLER, JACOB TUELLER JR. JOHN TUELLER, GOTTLIEB
TUELLER, HUDOLPH TUELLER, J. M. DALTON, MARY PADZWETT, S. B. YOUNG,
JOSEPH A. DALTON, JOSEPH HYRUM HOLMES, J. W. COOK, SAMUEL W. HART,
W. A. HART, ZION'S SAVING BANK & TRUST COMPANY, A CORPORATION,
ALBERT COLTON, JOHN WATSON, GOTTFRIED RECHLER, JOHN S. BRYSON,
N. P. LARSON, ENOCH BACLEY AND TRAUGOTT HOFER.

----- PLAINTIFFS -----

vs.

THOMAS FORK IRRIGATION AND CANAL COMPANY, C. WEBSTER, S. L. LEWIS,
SAMUEL HART, LEE HART, HENRY EVANS, GRANT RAYMOND, J. W. STONER,
J. A. EVANS, DUNCAN MCCLENNAN, JAMES FRANCIS, RANSOM CONLEY, A. T.
PRICE, A. T. PRICE JR, MISS. PRICE, EDWARD LASHBROOK, MRS. A. E.
HERRICK, MRS EMMA EVANS AND MRS MARTHA HART.

DEFENDANTS.

RECORDED

MAY 14 1996

JOHN S. BRYSON, 2 second feet, being 100 miners inches of water,
diverted from the Stevens and Larson lateral, of date April 1st-1895.

JOHN CYCI, 1/10 second foot, being 5 miners inches of water,
diverted from Taylor Bros. Canal, of date May 1st-1897.

JOHN CYCI, 1/2 second foot, being 25 miners inches of water,
diverted from Thomas Fork, of date, May 5th-1897.

ARNO BOEHME, 3 second feet, being 150 miners inches of water,
diverted from Thomas Fork, of date June, 1st-1899.

JOHN WESTFALL, 1-1/2 second feet, being 75 miners inches of water,
diverted from Thomas Fork, of date April 1st-1900.

For the following claims the point of diversion will be the

Taylor Brothers Canal.

NAMES.	NO. INCHES.	DATES.
JOE. A. DALTON,	80	April 1st-1895.
JOS. H. HOLMES,	80	do
J. W. COOK,	80	"
SAM'L W. HART,	80	"
ZION'S SVG. BANK & TRUST CO,	199	"
A CORPORATION	40	"
MUMFORD BROTHERS,	80	"
W. A. HART,	40	"
N. P. LARSON,	40	"
GOTTFRIED RECHLER,	40	"
S. B. YOUNG,	120	"
J. M. DALTON,	80	"
ALBERT COLTON,	40	"
JOHN WATSON,	80	"
FRANGOTT HOFFER,	80	"

11 0133 That the 150 inches of date of April 1st-1890 for the townsite
and decreed to N. P. Larson, is intended to be and is hereby decreed
to him as a trustee to hold the same in trust until the

9839 inches + Remainder

196.78 cfs + R-mood 18

11 0133-9

MAY 14 1996

That each and every of the parties to this suit, their agents, attorneys, assigns and grantees are hereby restrained and perpetually enjoined, from in any manner interfering with the waters of Thomas Fork or the tributaries thereof being decreed, or exercising any other or greater rights with reference to said waters than as herein decreed to the said parties respectively.

That each of the parties to this suit, pay the costs and disbursements herein incurred by him.

/s/ JOSEPH C. RICH
Judge of the District Court.

Dated this 20th day of February, A.D. 1902.

We hereby waive notice of the filing of this decree being present in court when it was signed and filed this 20th day of February, 1902.

/s/ JOHN A. BAGLEY
Atty for plaintiff

/s/ CLENN & GOUGH
Attorneys for defendant

MAY 14 1906

State of Idaho * SS: -
County of Bear Lake)

I, James E. Hart Clerk of the District Court
of the Fifth Judicial District of the State of Idaho, County of
Bear Lake, do hereby certify that the above and foregoing is a full
true and correct copy of the Decree of said Court in the above entitled
causes as the same appears of record in Judgment Book "W" at page 1114.

Given under my hand and seal at my office in Paris Idaho this
18th. day of April A.D. 1903.

/s/ JAMES E. HART

(SEAL)

Clerk of the District Court
5th Judicial District of the
State of Idaho, in and for Bear
Lake County.

RECORDED
MAY 14 1906

MAY 14 1906

(23)

JOHN S. BRYSON:-

S.E. 1/4 of N.W.1/4 and S.W.1/4 of N.E.1/4 and N.E.1/4 of S.W.1/4 and N.W.1/4 of S.E.1/4 Section 27, Township 13 South of Range 46 East B.M., containing 160 acres.

(24)

JOHN GYGI:-

W.1/2 of S.W.1/4 and S.W.1/4 of N.W.1/4 of Sec. 14, Tp. 12 South, Range 46 East B.M., containing 120 acres.

(25)

157 ✓ ARNO BATHME:-

N.E.1/4 Sec. 27 Tp. 12 South of Range 46 East B.M., containing 160 acres of land.

(26)

JOHN WESTFALL:-

(27)

Jos. A. Dalton:-

E. 1/2 of the N. E. 1/4 Section 22, Township 13 South of Range 46 E. B. M., containing 80 acres.

JOSEPH H. HOLMES:-

E. 1/2 of the S.E. 1/4 Section 22, Township 13 South Range 46 East B. M., containing 80 acres.

J. W. COOK:-

S.E.1/4 of the N.E.1/4 and N.E.1/4 of the S.E.1/4 Sec. 15, Township 13 South Range 46 E.B.M., containing 80 acres.

SAMUEL W. HART:-

S.W.1/4 of the N.W.1/4 and S.E.1/4 of the N.W.1/4 Section 22, Township 13 South Range 46 E.B.M., containing 80 acres.

RECORDED

MAY 14 1996