

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
Transtrum; Carrie Hill; J.A.O. 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

DECREE

SCANNED
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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. O. 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 complain-

OLA TRANSTRUM (Cont'd.)

(continued)

April 15th - July 1st, 16.8 cubic feet per second.
July 1st - September 30th, 11.2 cubic feet per second.

All of said waters to be diverted from Bear River by means of a ditch at or near the Southwest corner of the Southeast Quarter of the Southeast Quarter of Section 26, Township 14 South, Range 45 East of the Boise Meridian, to be used upon 560 acres of land, described as follows, to-wit:

to be used upon 560 acres of land, described as follows, to-wit:
 242 $\frac{1}{4}$ SW $\frac{1}{4}$ of NE $\frac{1}{4}$, SW $\frac{1}{4}$ of SE $\frac{1}{4}$, NW $\frac{1}{4}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NE $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, NE $\frac{1}{4}$ of NE $\frac{1}{4}$,
~~NE $\frac{1}{4}$ of NE $\frac{1}{4}$.~~ Section 26, Township 14 South, Range 45 East B.M. SW $\frac{1}{4}$ of SE $\frac{1}{4}$,
 SE $\frac{1}{4}$ of SW $\frac{1}{4}$, SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 23, Township 14 South, Range 45 East, B.M.

1 09271880, April 15th, 1880, what is designated in this decree as a
"Meadow Night".

April 15th - July 1st. 1.2 cubic feet per second.
July 1st - September 30th .8 cubic feet per second.

All of said waters to be diverted from Bear River by means of a dam known as the Ezra Phelps Dam located at or near the Southeast corner of the Southeast Quarter of Section 23, Township 14 South, Range 45 East of the Boise Meridian to be used on 40 acres of land, described as follows, to-wit:

to be used on 40 acres of land, described as follows, to-wit:
 1938 1980, FOURTH POINT OF DIVERSION, what is designated in this decree
 as a "Meadow Right". ③ 7-3

SE¹ SE¹ Section 23, Township 14 South, Range 45 East B.M.

1 0929 1885. April 15th, what is designated in this decree as an
"Agricultural Right". 1.4 cubic feet per second. 2 6-4

All of said waters to be diverted from Bear River by means of the Nuffer Ditch, 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 70 acres of land, described as follows:

Parts of northwest quarter of southeast quarter, southeast quarter southeast quarter Section 11, and parts of the northwest quarter northwest quarter and southeast quarter northwest quarter Section 12, Township 15 South Range 45 E. B. M. Assume 45 E. W.P.D. 1-23-46

0930 1885- April 15th, what is designated in this decree as an "Agricultural Right". .6 cubic feet per second.

All of said waters to be diverted from Bear River by means of a ditch on each side of the river at or near the Northeast Corner of the Northeast Quarter of the Northeast Quarter of Section 11, Township 15 South, Range 45 East of the Boise Meridian, to be used on 30 acres of land described as follows, to-wit:

Twenty acres in southeast quarter of northeast quarter and ten acres in northeast quarter of southwest quarter of Section two, Township 13 South, Range 48 East Boise Meridian. Assume R45E W2 1-23-46

GARRIE HILL:

1. 0931 1877- April 15th, What is designated in this decree as a "Meadow Right".

April 15th - July 1st, 6 cu. feet per second.
July 1st - September 30, 4 cubic feet per second.

All of said waters to be diverted from Bear River by means of the Muffer 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 200 acres of land described as follows:
S₁ of the SE₁ Sec. 31; N₂ of the NE₁, N₂ of the NW₁, S₂ of the NW₁, N₂ of the SE₁ and the SW₁ of the SW₁ Sec. 6, Township 15 South Range 46 E.

11 0932 1877-April 15th, what is designated in this decree as a "Meadow Right".

April 15th - July 1st 1.5 cubic feet per second.
July 1st - September 30th, 1 cubic foot per second.

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.

J. S. PETERSON

(SEAL)

Clerk