

①

75-C

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI

H. V. FERGUSON, A. E. FERGUSON, W. C. WHITWELL,
WILLIAM COLLINS, TIMOTHY DORE, P. J. DEMPSEY,
JOSEPH SEYFERS, EMMA SEYFERS, HOMER C. CHAFFEE,
MARY V. CHAFFEE, W. S. ANDREWS, and THE FIRST
NATIONAL BANK OF SALMON, a corporation,
Plaintiffs,

VS

THOMAS FERGUSON, ELIZABETH McDONALD, AXEL LARSON,
E. L. HUBBARD, ALBERT J. QUARLES, JOHN A. WOOD,
HELEN WOOD, M. J. FROST, M. J. FROST, as adminis-
tratrix of the estate of HENRY E. FROST, deceased,
AUGUST LUND, and E. S. EDWARDS, JR.,
Defendants.

RECEIVED
NOV 15 1915
OFFICE OF STATE ENGINEER

: D E C R E E .

This cause coming on to be heard on the 24th day of June, 1915, before the Court sitting without a jury, Messrs Stevens and Clute appearing as counsel for the plaintiffs H. V. Ferguson, A. E. Ferguson, W. C. Whitwell, William Collins, Timothy Dore, P. J. Dempsey, Joseph Seyfers, Emma Seyfers, Homer^C Chaffee, Mary v. Chaffee, W. S. Andrews, and the First National Bank of Salmon, a corporation; and E. W. Whitcomb, Esq., appearing for the defendant E. S. Edwards, Jr.,; and Messrs O'Brien & Glennon appearing as counsel for the defendants, Thomas Ferguson, Elizabeth McDonald, Axel Larson, E. L. Hubbard, Albert J. Quarles, John A. Wood, Helen Wood, M. J. Frost, M. J. Frost as administratrix of the estate of Henry E. Frost, deceased, and August Lund; And the Court having heard the evidence and proof submitted by all of the parties hereto, and having heard the argument of counsel, and the testimony being closed, and the matter submitted to the Court for final determination, and the Court having made its findings of fact and conclusions of law, and having ordered judgment to be entered according to the findings and conclusions;

WHEREFORE, by reason of the law and the premises and the findings of fact and conclusions of law, as aforesaid, IT IS ORDERED, ADJUDG*
ED AND DECREED as follows;

1.

SCANNED
MAR 17 2005

JUL 31 1996

75 0036

That the plaintiff, W. S. ANDREWS, be and he is hereby awarded the use of eight-tenths (.8) of one cubic foot per second of time of the flow of the waters of the Salmon River, diverted and conveyed therefrom by the Minzer-Runsten Irrigation Ditch, situated in the County of Lemhi, State of Idaho, his right to said eight-tenths of one cubic foot per second of time of the flow of said waters of the Salmon River, as aforesaid, to date from the month of April, 1894; Said waters being for the irrigation of

The North half of the North-west quarter of the South-east quarter of Section eighteen (18), Township twenty-one (21) North, Range twenty-two (22) East of the Boise Meridian, in the County of Lemhi, State of Idaho.

75 0037

That the plaintiff, The FIRST NATIONAL BANK OF SALMON, A corporation, be and it is hereby awarded the use of two and two-tenths (2.2) cubic feet per second of time of the flow of the waters of the Salmon River, diverted and conveyed therefrom by the Minzer-Runsten Irrigation Ditch, situated in the County of Lemhi, State of Idaho, its right to said two and two-tenths (2.2) cubic feet per second of time of the flow of said waters of the Salmon River, as aforesaid, to date from the month of April, 1894, said waters being for the irrigation of

the South-east quarter of the North-west quarter of the South-east quarter of Section eighteen (18), the East half of the South-west quarter of the South-east quarter of Section eighteen (18), the South-west quarter of the South-west quarter of the South-east quarter of Section eighteen (18), and the South half of the South-west quarter of the North-west quarter of Section nineteen (19), and the North-east quarter of the South-west quarter of the North-east quarter of Section nineteen (19), all in Township twenty-one (21) North, Range twenty-two (22) East of the Boise Meridian, in the County of Lemhi, State of Idaho.

75 0038

That the defendant and cross-complainant, THOMAS FERGUSON, be and he is hereby awarded the use of two-tenths (.2) of one cubic foot per second of time of the flow of the waters of the Salmon River, diverted and conveyed therefrom by the Minzer-Runsten Irrigation Ditch, situated in the County of Lemhi, State of Idaho, his right to said two-tenths (.2) of one cubic foot per second of time of the flow of said waters of the Salmon River, as aforesaid, to date from the month of April, 1894, Said waters being for the irrigation of

the North half of the South-west quarter of the North-west quarter of the North-east quarter of Section nineteen (19), Township twenty-one (21) North, Range twenty-two (22) East of the Boise Meridian, in the County of Lemhi, State of Idaho.

75 0039

That the defendant and cross-complainant ELIZABETH McDONALD, be and he is hereby awarded the use of four-tenths (.4) of one cubic foot per second of time of the flow of the waters of the Salmon River, diverted and conveyed therefrom by the Minzer-Runsten Irrigation Ditch, situated in the County of Lemhi, State of Idaho, his right to said four-tenths (.4) of one cubic foot per second of time of the flow of said waters of the Salmon River, as aforesaid, to date from the month of April, 1894, said waters being for the irrigation of

the North-west quarter of the North-west quarter of the North-east quarter of Section Nineteen (19) Township twenty-one (21) North, Range twenty-two (22) East of the Boise Meridian, in the County of Lemhi, State of Idaho.

SCANNED

MAR 17 2005

75 0049
waters of said Creek, for the irrigation of forty-five acres of his said land, and the defendants are also entitled to fifty-five inches of the waters of said stream for the irrigation of fifty-five acres of their said land, each to convey the same from said creek to their several lands by way of their ditches. Said plaintiff's right to said water to date from May 1st, 1893, and said defendants right thereto to also date from May 1st, 1893.

Whenever the flow of the waters of Gerley Creek is one hundred inches or less, measured under a four inch pressure, the remaining portion of said stream (after deducting the ten inches above decreed to the defendants) shall be divided equally between the plaintiff and the defendants, said appropriation to be equal in time and dignity.

And it is further ordered, adjudged and decreed that each of the parties respectively pay their costs and disbursements herein.

Done in open Court this 2nd day of June, A.D. 1899.

Joseph C. Rich,

Judge.

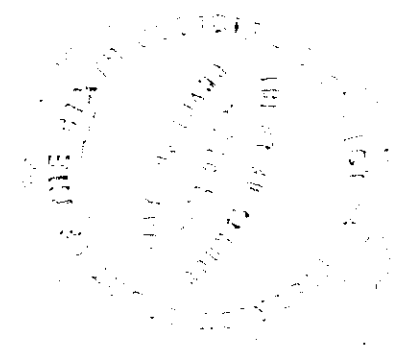
State of Idaho, }
County of Lemhi.) -ss-

I, the undersigned, Clerk of the District Court of the Sixth Judicial District of the State of Idaho, in and for Lemhi County, do hereby certify the foregoing to be a true copy of the judgment entered in the action wherein J.P. Allred was plaintiff and H.B. King et. al. were defendants, which said judgment is of record in my office in Book "A" of Judgments at page 510.

Witness my hand and the seal of said Court this 3d day of April, 1903.

H.C. Smith

Clerk.



JUL 21 1896

SCANNED

MAR 17 2005