

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

GEORGE T. THORNOCK, HERBERT BATEMAN
and STAFFORD CLEVELAND,

Plaintiffs,

vs.

BLOOMINGTON IRRIGATION COMPANY, a
corporation, GEORGE REESE CANAL COMPANY,
a corporation, ALMA FINDLAY, GEORGE
JARVIS, THOMAS JARVIS, ALBERT JARVIS,
ROY HILL, ANTON MADISON, WILLIAM
BATEMAN, NELS L. KROGUE, BURTON L.
THOMAS, A. O. CHRISTENSEN, JOHN P.
HULME, BEN F. HULME, ALFRED A. HART,
IRA OSMOND, H. H. BROOMHEAD, JOURNAL
PALMER, J. T. BRISCOE, O. C. DUNFORD,
and Wm. C. PIGGOTT; and ALMA FINDLAY
Jr.; ARCHIE BEE and WILLIAM BEE; JOHN
WARD, THOMAS WARD and UTAH POWER & LIGHT
COMPANY,

Defendants.

D E C R E E

SCANNED
FEB 14 2007

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This cause came on regularly for trial on the 6th day of
December, 1922, John A. Bagley, Esquire, of Montpelier, Idaho,
appearing as attorney for the plaintiffs; A. B. Gough, Esq., of
Montpelier, Idaho, and Darwin E. Haddock, Esq., of Paris, Idaho,
appearing as attorneys for the defendants and cross-complainants,
Bloomington Irrigation Company, and John T. Briscoe, William C.
Piggott, and O. C. Dunford; Charles H. Hart, Esq., of Salt Lake City
Utah, appearing as attorney for the defendant and cross-complainant,
George Reese Canal Company, a corporation; William Bateman, Nels
L. Krogue, Burton L. Thomas, A. O. Christensen and Alfred A. Hart;
Budge & Merrill of Pocatello, Idaho, appearing as attorneys for
the defendants and cross-complainants; Alma Findlay, Thomas Jarvis
and Albert Jarvis; Jesse P. Rich and Darwin E. Haddock, Esqs.,
appearing as attorneys for the defendants and cross-complainants;
John P. Hulme and Ben F. Hulme; D. C. Kunz, Esq., of Montpelier,
Idaho, appearing as attorney for the defendants, Anton Madsen,
William Bee, Archie Bee and Herbert Bateman; and Darwin E. Haddock,
Esq., appearing as attorney for the defendant and cross-complainant,
Peter E. Ward. Whereupon, the respective parties proceeded to ne-
gotiate a settlement and adjustment of the issues raised by the
complaint and the answers of the

Southeast Quarter of Section 25, Township 14 South, Range 43 East, Boise Meridian.

HERBERT BATEMAN:

1890---4/5 of a cubic foot per second up to and including June 25th of each and every year, to be diverted through said Hansen Dam, for the irrigation of Lot 4, Section 30, Township 14 South, Range 44 East, Boise Meridian.

ALMA FINDLAY:

1890---1-1/2 cubic feet per second, to be diverted by means of a certain ditches having their intakes upon the land hereinafter described, for the irrigation of Lot 3, and the Northeast Quarter of the Southwest Quarter, and the North Half of the Southeast Quarter of Section 19, Township 14 South, Range 43 East, Boise Meridian.

GEORGE E. JARVIS, THOMAS W. JARVIS and ALBERT JARVIS:

1890---7/10 of a cubic foot per second, to be diverted through that ditch having its intake on Lot 3 hereinafter mentioned, and by means of other ditches having their intakes on the other lands hereinafter mentioned, for the irrigation of 35 acres within the following described tract, to-wit: The North Half of the Southwest Quarter, the Northwest Quarter of the Southeast Quarter and Lot 3 of Section 24, Township 14 South, Range 42 East, Boise Meridian, containing 159.52 acres; also commencing at the Northwest corner of Lot 3, Section 19, Township 14 South, Range 43 East, Boise Meridian, and running thence East 1404 feet, thence South 1320 feet, thence West 1404 feet, thence North 1320 feet to the place of beginning, containing 42.52 acres.

JOHN P. HULME

1894---1-2/5 cubic feet per second, to be diverted through what is known as the "Town Ditch" of the Bloomington Irrigation Company hereinbefore mentioned as per contract for the irrigation of 70 acres within the Northwest Quarter of Section, 24, Township 14 South, Range 43 East, Boise Meridian.

1895---1 cubic foot per second, up to and including June 25th, of each and every year, to be diverted by means of Hansen Dam for the irrigation of the East 50 acres of said last described land.

PETER E. WARD:

1895---32/50 of a cubic foot per second up to and including June 25th of each and every year, to be diverted by means of the said Transtrum-Madsen Ditch and by means of said "Hansen Dam", for the irrigation of 32 acres within the Northeast Quarter of Section 25, Township 14 South, Range 43 East, Boise Meridian.

ALMA FINDLAY:

MAY 14 1896

1900---5 cubic feet per second, to be diverted at a point near the Southeast corner of Section 26, Township 14 South, Range 43 East, Boise Meridian into a ditch extending from a dam across Bloomington Creek at said point in a southerly direction and discharged into what is known as "Circle Slough" and thereafter diverted from the Northerly end of said slough, for the irrigation up to and including June 25th of each and every year of the Southeast Quarter of Section 36, Township 14 South, Range 43 East, Boise Meridian, and the South Half of the Southwest Quarter of Section 31, Township 14 South, Range 44 East, Boise Meridian.

directly west of the point of beginning, thence East 264 feet to the point of beginning, containing two acres of land, more or less.

GEORGE REESE CANAL COMPANY, a corporation :

13 1908---5 cubic feet per second, to be diverted by means of a ditch known as the George Reese Canal having its intake in the Southeast Quarter of the Northeast Quarter of Section 26, Township 14 South, Range 43 East, Boise Meridian, for the irrigation of 250 acres of land belonging to the shareholders of said company living within Sections, 22, 27 and 34, all in Township 14 South, Range 43 East, Boise Meridian, and within the Northeast Quarter of the Northeast Quarter of Section 3, Township 15 South, Range 43 East, Boise Meridian.

58.88 cfs after 6/25

IT IS FURTHER ORDERED, ADJUDGED and DECREED that all rights hereinbefore decreed shall have a date of priority as of May 1st of the respective years hereinbefore specified, and that all such rights shall, unless otherwise specified, be for the irrigation season of 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 that pleadings have been filed as a basis for the several awards made to individuals not specifically named as defendants in the complaint herein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the court shall retain jurisdiction, and jurisdiction is hereby reserved for a period of three years from the date hereof for the purpose of granting relief to any party to the action on account of clerical or typographical errors or inadvertences or for the purpose of making further inquiry and entering additional or modified findings and decree with reference to the rights of the Bloomington Irrigation Company in the event it shall be satisfactorily made to appear that the award of water to said company, as hereinbefore set forth, is in excess of what is required to properly irrigate the lands of the share-holders of said company hereinbefore described, and that claimants possessing subsequent right to the waters of said Bloomington Creek are suffering detriment by reason of such excessive use; and it is ORDERED, ADJUDGED and DECREED that the several persons to whom water is awarded under this decree or those in joint control of any ditch whereby water is diverted shall at his or their own cost and expense install and maintain a measuring device at or near each such point of diversion in order that it may be readily determined what quantity of water is being 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 25th day of July, 1923.

O. R. BAUM
District Judge.

Filed July 25, 1923.
J. S. Peterson,
Clerk.

MAY 14 1936



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 George T. Thornock, et al. vs. Bloom-
ington Irrigation Company, et al.

RECORDED

MAY 14 1936

duly filed in my office on the 25th day of July 19 23

In Witness Whereof I have hereunto set my hand and
affixed the seal of said Court at Paris, Idaho, this
30th day of June 19 24

J. S. Peterson Clerk
By _____ Deputy