

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF CANYON.

Farmers' Cooperative Ditch Company (a corporation)

Plaintiff,

vs.

D E C R E E

Riverside Irrigating District, Limited, (a corporation), The Siebenberg Cooperative Ditch Company, Limited (a corporation), Frank Gilbert, T. W. Boone, Prior Burnett, Thomas Andrews, H. Ray Boudinot, I. H. Tucker, C. F. J. Peterson, William McKnett, Fred J. Kiesel, Neil McCarron, Michael Gilbride, Lower Boise Ditch Company, (a corporation), R. H. Stockton, H. F. Vanderpool, D. D. Campbell, William Foss, Smith Stockton, John Atkins, Ben Ross, John Foss, D. K. McConnell, John Lemm, John Mannon, Bird Bowman, (substituted for M. B. Bowman Jr.), D. Mumford, T. T. Johnson, H. Carlyle, Charles Allen, J. Bowman, Robert McGuire, Frederick Ode, Eureka Ditch Company, (a corporation), J. Roland, Thomas J. Palmer and Noah W. Palmer (substituted for Lillian Potter, Administratrix of the Estate of L. D. Potter, deceased, Susan E. Potter, Thad. S. Potter, Elisha Potter, Lillian Potter, Ida Potter, James Baker), C. W. Cooper, Pioneer Dixie Ditch Company (a corporation), William C. Young, Lizzie Young, Estella C. Young, E. M. Kirkpatrick, S. H. Mitchell, L. F. Cook, Triphenia Jobe, administratrix of the estate of J. H. Jobe, deceased, Triphenia Jobe, Charlotte Coonrod, _____ Coonrod, her husband, Minta Lund and Frank Lund, her husband, William Jobe and Alice Jobe, Edith Jobe and Corrinna Jobe, minors, A. Holcomb, George Milner, George Hess, John Thomas, H. H. Whitney, Emma S. Lee, Edwin Curtis, Eureka Water Company, (a corporation), William Simpson, William Lewis, Huston Frost, Elijah Frost, George Goodrich, R. M. Brannan, William Frost, Adam Schindler, Pioneer Irrigation District, (a corporation), Franklin Ditch Company, (a corporation), Canyon County Water Company, (an association), Francis A. Phelps and Frances Phelps husband and wife, John D. Rutledge, James Hartley, Joseph Wilson, Daniel Mastersen, Perry Stoffle, H. McGill, S. C. Foote, J. E. Smith, John Lemm, M. F. Fowler, Thomas

JUN 21 1996

Copies

SCANNED

MAY 25 2006

XXXV.

That the defendants H. D. GOODMAN and DORA GOODMAN be, and they are hereby awarded the use of the waters of Boise River, diverted from a point on said river in SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 5, T. 3 N. R. 2 E. B.M., through what is known as the Thurman Mill Ditch or slough, for use upon lands situated in Secs. 31 and 32, T. 4 N. R. 2 E. B.M., in the following amount and from the following date;

63 0170 185 inches, from June 1, 1868; and hereby designated as Right No. 37.
 7-936
 And be adjudged to pay \$12.95 costs in addition to the costs incurred by them.

XXXVI.

That the defendant T. T. JOHNSON be, and he is hereby awarded the use of the waters of Boise River, diverted at a point in the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 12, and SE $\frac{1}{4}$ of Sec. 2, T. 4 N. R. 4 W. B.M., for use upon the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, NE $\frac{1}{4}$ of SW $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$, and lots 2 and 3 in Sec. 3, T. 4 N. R. 4 W. B.M., in the following amount from the following date;

63 0171 160 inches, from June 1, 1868; and hereby designated as Right No. 38.
 7 A.D. 3
 And be adjudged to pay \$11.20 costs in addition to the costs incurred by him.

XXXVII.

That the defendants C. E. ROSS, C. H. ALLEN, EDGAR DILLEY and W. H. ROSS, be and they are hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river near the NE corner of Sec. 21, through what is known as the Haas canal, for use upon lands in Secs. 16, 17, 20 and 21, T. 5 N. R. 5 W. B.M., in the following amount from the following date;

63 0172 427 inches, from June 1, 1868; and hereby designated as Right No. 39.
 And be adjudged to pay \$29.89 costs in addition to the costs incurred by them.

XXXVIII.

That the defendant S. S. GRAY be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point at the head of the Middleton Mill ditch, on NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 13, T. 4 N. R. 1 W. B.M., for use upon the N. $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 10, T. 4 N. R. 1 W. B.M., in the following amount and from the following date;

63 0173 70 inches, from June 1, 1868; and hereby designated as Right No. 40.
 And be adjudged to pay \$4.90 costs in addition to the costs incurred by him.

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C.

That the defendants ADA COUNTY FARMERS' IRRIGATION COMPANY, A. H. EAGLESON & SONS, Limited, and ESTHER HALE, and neither of them, be awarded the use of any portion of the waters of Boise River, separate or apart from the appropriation thereof by the defendant the New York Canal Company, Limited, as found and decreed herein, but that whatever rights said defendants may have to the use of said waters be adjudged to be included in the right to the use of said waters herein allotted to said New York Canal Company, Limited.

It is further ordered, adjudged and decreed that the costs and disbursements of each party herein be paid by the party by whom such costs and disbursements were incurred, and that the costs of the State Engineer's examination, to-wit, the sum of \$10,804.60, be apportioned to the parties to this action who are allotted water herein, in the same proportion as water is allotted to them, that is to say, \$0.06709 for each inch so allotted, and that execution issue for said State Engineer's costs.

It is further ordered, adjudged and decreed that the expense incurred in preparing findings and decree herein and in filing and recording the same, to-wit, the sum of \$468.63, be apportioned to the parties to this action who are allotted water herein in the same proportion as water is allotted to them, that is to say, \$0.00291 for each inch so allotted.

Date

January 18" 1906

John Stewart
Judge

State of Idaho } ss.
County of Canyon }

I hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears in this office,

DATED

Wm. J. [Signature] 1906
District Court

Walter J. [Signature]
and Ex. Off.

By *[Signature]* Deputy

RECORDED
JUN 21 1906

SCANNED
JUN 25 2006