

96-B

Compared Indexed

IN THE DISTRICT COURT OF THE EIGHTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER.

Sandpoint Water and Light Company,
a corporation, Plaintiff.

vs.

D E C R E E.

Panhandle Smelting Company, Limited,
a corporation, Defendant.

The Idaho Smelting and Refining
Company, Intervenor.

SCANNED

APR 18 2007

This cause coming on for hearing before the court this 3rd day of December, A. D. 1909, on plaintiff's application for a final decree herein, W. H. Smiley and Chas. L. Heitman appearing for the plaintiff; and it appearing to the court from the files and records herein that the parties hereto have stipulated that the allegations contained in plaintiff's complaint and supplemental complaints are true, and that a final decree be entered herein in favor of the plaintiff adjudging that plaintiff has, by virtue of its Water License Number 230, issued to it by the State Engineer of Idaho on the 14th day of October, 1908, and recorded in the office of said State Engineer at Boise, Idaho, in Book One (1) of Licenses, at Page 376, the prior right to the use of ten (10) cubic feet per second of the waters of the west branch of Sand Creek, in the County of Bonner and State of Idaho, for the purpose of supplying the City of Sandpoint, Bonner County, Idaho, and the inhabitants thereof, with water; also the prior right to the use of said waters for power purposes and domestic uses; and the prior right to divert said waters for said purposes, plaintiff's point of diversion being located in the northeastquarter of section four (4), in township fifty-seven (57) North, Range two (2) West of the Boise meridian, in the County of Bonner, State of Idaho; that said decree quiet the plaintiff's title thereto; that findings of fact and conclusions of law be dispensed with; and that said decree provide that none of the parties hereto recover costs; and the Court being fully advised in the premises: Now, therefore;

JUL 31 1936

96 0009 IT IS ORDERED, ADJUDGED AND DECREED that the plaintiff herein, the Sandpoint Water and Light Company, a corporation, has, by virtue of its Water License Number 230, issued to it by the State Engineer of Idaho on the 14th day of October, 1908, and recorded in the office of said State Engineer at Boise, Idaho, in Book One (1) of licenses, at page 376, the prior right to the use of ten (10) cubic feet per second of the waters of the west branch of Sand Creek, in the County of Bonner and State of Idaho, for the purpose of supplying the City of Sandpoint, Bonner County, Idaho, and the inhabitants thereof, with water; and also has the prior right to the use of said ^{waters} for power purposes and domestic uses; and the prior right to divert said waters for said purposes, plaintiff's point of diversion being located in the Northeast quarter of section four (4), in Township fifty-seven (57) north, range two (2) west of the Boise Meridian, in the County of Bonner, State of Idaho; and plaintiff's prior right and title in and to the use of said waters is hereby quieted against all claims, demands or pretensions of the defendant and intervenor, or either of them who are hereby perpetually estopped, restrained and enjoined from setting up any adverse claims thereto, or to any part thereof, and perpetually estopped, restrained and enjoined from in any manner interfering with or molesting such prior rights of the plaintiff.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that findings of fact and conclusions of law be dispensed with, and that none of the parties hereto recover costs.

Done in open court this 3rd day of December, A. D. 1909.

R. N. Dunn,

Judge.

The above Decree is hereby approved.

Cannon & Lee, Attorneys for Defendant.

Cannon & Lee, Attorneys for Intervenor.

RECORDED
JUL 31 1996

STATE OF IDAHO,)
 :SS.
COUNTY OF BONNER.)

I, Ignatz Weil, Clerk of the District Court of the Eighth Judicial District of the State of Idaho, in and for Bonner County, do hereby certify that the foregoing is a full, true and correct copy of the Decree entered in the above entitled action on the 3rd day of December, 1909.

Ignatz Weil, Clerk of District Court.

STATE OF IDAHO,)
 :SS.
COUNTY OF BONNER.)

Filed December 3rd, 1909 at ____ o'clock __M.

Ignatz Weil,

Clerk of District Court,

By Robt. S. McCrea, Deputy.

RECORDED

JUL 31 1996