

75-H

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

LONA D. SCHULTZ,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	D E C R E E.
	)	
FRANK HUSSEY, JOSEPH MOODIE,	))	
FRANK IBACH, JOSEPH CHOD, THE	)	
ESTATE OF GEORGE L. SHOUP, LTD.)	)	
A CORPORATION, PERRY SHULL, D.	)	
F. PORTER, and WILLIAM SCHMIDT,	)	
	)	
Defendants.	)	

This action coming on for trial on the equity side of the Court at the October term of this Court, in the year 1926, on the 14th day of that month. John H. Padgham appearing as attorney for plaintiff; Whitcomb and Cowen appearing as attorneys for the defendants and cross-complainants, Frank Hussey and Perry Shull. E. H. Casterlin appearing as attorney for the defendants and cross-complainants--Joseph Moodie, Frank Ibach, Joseph Chod and The Estate of George L. Shoup, Ltd. The default of the defendants, D.F. Porter and William Schmidt for not appearing and answering plaintiffs amended complaint having been duly entered after personal service of summons and complaint upon them.

After hearing the proofs of the several parties, the evidence being closed the cause was submitted to the Court for consideration and decision. The cause was taken by the Court under advisement, and after due deliberation thereon and considering written briefs of the several parties, afterwards presented, and an agreement made in open court on the 4th day of May, 1927 between the plaintiff and defendant Frank Hussey, relative to the use of an irrigation ditch heretofore used by them jointly for the conveyance of water from Iron Creek to their several ranches, the Court delivered its findings and decision in writing which are filed herein and orders that decree be entered in accordance therewith:

Therefore, it is ORDERED, ADJUDGED, and DECREED:

1. That all the lands hereinafter described are arid in character, and will not raise agricultural crops without the

of Section 12, in Township 18 North, Range 20 East of the Boise Meridian, Subject to the paramount title of the United States.

75 0100 That said Joseph Chod and Caroline Chod are entitled to have and are hereby awarded 1.20 cubic feet per second of the water of Iron Creek at their present place of diversion at said stream, for the purpose of irrigating their said land, with priority of appropriation dating from April 1, 1918.

12. That the defendant and cross-complainant Frank Hussey is the owner in possession and entitled to the possession of the following described land situated in said County, to wit:

Lots 2, 3, 4 and 8 in Section 15 in said Township.

75 0101 That said Frank Hussey is entitled to have and is hereby awarded the right to the use of 2.46 cubic feet per second of the water of Iron Creek at his present place of diversion at said stream either at the intake of his upper or lower ditch for the irrigation of said land, with a priority of appropriation dating from April 1, 1888.

75 0102 And the said Frank Hussey is also entitled to have and is hereby awarded the right to use one tenth of one cubic foot per second of the water of said creek for the irrigation of his orchard and enjoining land, with a priority of appropriation dating from May 1, 1911.

13. That in compliance with an agreement made by the plaintiff Lona D. Schultz and the defendant Frank Hussey at an adjourned hearing of this cause held on the 4th day of May, 1927, in open court, relating to the joint use of a ditch extending from Iron Creek to and upon the land of said defendant, over Lots 8, 3 and 2 in Section 15, in said Township 18 North, Range 21 East of the Boise Meridian, which has heretofore been used by said parties as an irrigation system for conveying water from the channel of said stream for the irrigation of their several tracts of land, herein described, it is adjudged and decreed that said plaintiff Lona D. Schultz is entitled to have and she is hereby awarded a permanent right to use said ditch jointly with said defendant at the place where it connects

order of this court and this decision in this respect has full force of a judgment against said parties individually for said several amounts of money, and execution may issue therefor.

Otherwise each party is required to pay his costs incurred in this action.

Done and dated July 27, A.D. 1927.

Ralph W. Adair,
District Judge.

Filed & Entered July 30th, 1927
W. W. Simmonds, Clerk.
By Margaret Shoup, Deputy.
Judgment Book C, Pages 456-7-8-9.

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STATE OF IDAHO,)
 : ss.
COUNTY OF LEMHI.)

I, W. W. Simmonds, Clerk of the District Court in and for the County aforesaid, do hereby certify that the foregoing is a full, true and complete copy of a Decree in the case entitled LONA D. SCHULTZ vs. FRANK HUSSEY, EtAl., Defendants, as the same appears on file and of record in my office, Judgment Book C, pages 456 to 459, Official Records of Lemhi County, Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 1st day of August, 1927.

W. W. Simmonds
Clerk of the District Court.)

JUL 31 1926

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