

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

PRESTON-MONTPELIER IRRIGATION
COMPANY, a corporation,
Plaintiff,

vs.

DINGLE IRRIGATION COMPANY, a cor-
poration; Grinnett-Black Otter
Irrigation Company, a corporation;
Peg Leg Island Irrigation Company,
a corporation; West Fork Irrigation
Company, a corporation; Ream-Crockett
Irrigation Company, a corporation;
Puguire Livestock & Land Company, a
corporation; Continental Life Insur-
ance Company, a corporation; Ole
Transtrum; Carrie Hill; J. A. C. Nielsen,
John A. Jensen; Oren Quayle; Thomas
Quayle; George Parker; Edw. LaRocco;
John O. Miller; Kara J. Phelps; George
A. Sparks; Hyrum Esterholdt, and Joseph
Esterholdt,
Defendants,

D E C R E E

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This cause came on regularly for trial on the 4th day of August, 1925, John A. Bagley Esquire, and B. C. Kuns, Esquire, appearing as attorneys for the plaintiff, Preston-Montpelier Irrigation Company, a corporation; and John A. Bagley, Esquire, appearing as attorney for Oren Quayle, Thomas Quayle, George Parker, Edward LaRocco, John O. Miller, Kara J. Phelps, and George A. Sparks, defendants and cross-complainants; and B. C. Kuns, Esquire, appearing as attorney for the Continental Life Insurance Company, a corporation, Ole Transtrum, Carry Hill, J. A. C. Nielsen and John A. Jensen, defendants and cross-complainants; and A. B. Cough, Esquire, appearing as attorney for Dingle Irrigation Company, a corporation, Peg Leg Island Irrigation Company, a corporation, Grinnett Black Otter Irrigation Company, a corporation, and the Puguire Livestock & Land Company, a corporation, defendants and cross-complainants; Ross W. Bates Esquire, appearing as attorney for the Ream-Crockett Irrigation Company, a corporation, defendants and cross-complainants; and Jesse P. Rich, Esquire, appearing as attorney for the West Fork Irrigation Company, a corporation, defendants and cross-complainants, and Darwin Haddock, Esquire, appearing as attorney for Hyrum Esterholdt and Joseph Esterholdt, defendants and cross-complainants, whereupon, the respective parties proceeded to negotiate a settlement and adjustment of the issues raised by the complainant and the answers of the defendants thereto and by the cross-complainants, and answers thereto and thereafter, to-wit: On the 4th day of August, 1925, a stipulation of facts was entered into, signed and filed herein, in which it was agreed between the parties, that it should be; and the same is hereby adopted as the findings of fact herein, and the court from the stipulation and findings of fact-being fully advised in the premises and conclusions of law being waived:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the respective parties hereto be, and each of them is hereby awarded and decreed the quantity of water hereinafter specified with date of priority and for the irrigation of lands as hereinbefore set forth, such water to be directed from the several points of diversions as hereinafter stated all rights herein decreed to be either what is hereinafter designated as a "Meadow Right or an "Agricultural Right" and to be by the respective dates and particular years fixed as the date of priority:

PRESTON-MONTPELIER IRRIGATION COMPANY.

1927-April 15th. what is designated in this decree as a "Meadow Right", 30 cubic feet per second from April 15th to July 1st of each year, to be reduced to 20 cubic feet per second from July 1st to September 30th each year.

1877-July 1st. what is designated in this decree as an "Agricultural Right", 18 cubic feet per second.

1883-April 15. what is designated in this decree as an "Agricultural Right" 25.5 cubic feet per second.

1884-April 15th. what is designated in this decree as an "Agricultural Right" 5.5 cubic feet per second.

All of said waters to be diverted from Bear River through a ditch diverting therefrom at a point located at or near thirty-six rods South and twelve rods East from the Northwest corner of Section Eight in Township Fourteen South, Range Forty-four East of the Boise Meridian, to be used upon 3200 acres of land described as follows:

Commencing at the Southeast corner of the Southwest quarter of Section Six (6), in Township Fourteen (14), South, of Range Forty five (45), East B.M. run thence West to Bear River; Thence North westerly down the meanderings of Bear River to the South west corner of the Northwest quarter of the Southwest quarter of Section Ten (10), in Township Thirteen (13) South of Range Forty Four (44) East, B.M. Thence East Fifty (50) chains more or less to the Preston and Montpelier Canal; Thence South and Southwesterly up and along the meanderings of said canal to the place of beginning.

Also, the South half of the Northwest quarter and the North half of the Southwest quarter of Section Ten (10) Township Thirteen (13) South Range Forty Four (44) East B.M. Containing Thirty Two Hundred (3200) acres.

DINGLE IRRIGATION COMPANY:

1880-April 15th. what is designated in this decree as an "Agricultural Right", 20 cu. feet per second.

1883-April 15th. what is designated in this decree as an "Agricultural Right", 11 cu. ft. per second.

1884-April 15th. what is designated in this decree as an "Agricultural Right", 5 cu. feet per second.

All of said waters to be diverted from Bear River through a ditch diverting therefrom at a point located at or near the East line of the Southeast Quarter of Section Seventeen, Township Fourteen South, Range Forty-four East of the Boise Meridian to be used upon 1721 acres of land described as follows, to-wit:

Commencing at the Southeast corner of the Northeast quarter of Section 14 in Township 14 South of Range 44 East of Boise Meridian, run thence West 10 chains; thence North 40, chains; thence north 68° 20' West 3 chains; thence north 17° 40' West 10 chains; thence north 14° West 18 chains; thence north 9° 20' east 12 chains; thence north 3° West 10 chains; thence north 19° 20' west 12 chains; thence south 86° 20' east 23 chains; thence south 1 chain; thence north 87° east 3.60 chains; thence south 1.50 chains; thence South 84° 20' east 12 chains; thence north 87° 20' E. 11 chains; thence north 32° 10' east 2 chains; thence north 86° 40' east 60 chains; thence south 27 chains; thence east 60 chains; thence north 3.50 chains; thence east 5.50 chains; thence south 16.50 chains; thence west 32 chains; thence south 42° east 20 chains; thence south 76° 40' east 5 chains; thence south 58° east 3 chains; thence south 75° east 13 chains; thence south 53° 50' east 28 chains; thence south 5 chainsto the Dingle Company canal, from which the point of diversion at Bear River bears south 40° 50' east 5 chains from which said point on the canal along the meanderings of canal, to wit, south 76° west 36 chains; thence south 35° 20' West 14.10 chains; thence south 62° west 24 chains; thence North 72° 20' west 9 chains; thence North 65° 40' west 11 chains; thence south 87° 40' West 10 chains; thence north 80° 40' west 25.50 chains; thence north 42° west 15 chains; thence north 75° 15' west 13 chains; thence south 57° 30' west 10 chains; thence south 21° west 11 chains; thence south 36° west 62 chains; thence north 48 chains to beginning. Containing (1721) acres.

PEG LEG ISLAND IRRIGATION COMPANY:

1878-April 15th. what is designated in this decree as an "Agricultural Right" 5 cubic feet per second.

1883-April 15th, what is designated in this decree as an "Agricultural Right", 8.5 cubic feet per second.

1884-April 15th, what is designated in this decree as an "Agricultural Right", 8 cubic feet per second.

All of said waters to be diverted from Bear River through a ditch therefrom at a point located at or near the Southeast quarter of Section Seven, Township Fourteen South, Range Forty-four East of the Boise Meridian, to be used upon 866.5 acres of land, described as follows, to-wit:

The Southwest quarter of the Northeast quarter and Lot 2 in Section 2, Township 14 South, and the Southwest quarter of the Southeast quarter and the Southeast quarter of the Southwest quarter of Section 35 Township 13 South, all in Range 44 East Boise MERIDIAN, containing 160 19/100 acres.

Also, the Southeast quarter of the Southwest quarter of Section, 1 Township 14 South, Range 44 East Boise Meridian, containing 40 acres. Also commencing at a point 14 rods North and 12 rods West from the Southeast corner of the Northeast quarter of the Southeast quarter of Section 2 in Township 14 South, Range 44 East of Boise Meridian, running thence West 7 rods; thence North 39 rods; thence East 18 rods; thence South 13 rods; thence west 11 rods; thence South 36 rods to place of beginning, containing 2 1/2 acres, more or less.

Also, commencing at a point 28 rods North from the Southwest corner, of Section 1, in Township 14 South, Range 44 East Boise Meridian, running thence East 8 rods; thence North 40 rods; thence West 8 rods; thence South 40 rods to place of beginning, containing 2 acres of land.

Also, commencing at the Southwest corner of the Northeast quarter of the Northwest quarter of Section 12 Township 14 South Range 44 East of Boise Meridian, and running thence North 62 rods thence East 108 rods; thence South 62 rods; thence west 108 rods to the place of beginning, containing 41 acres.

Also, commencing at the Northwest corner of the Northeast quarter of Section 12 Township 14 South, Range 44 East Boise Meridian, running thence East 160 rods; thence South 80 rods; thence West 135 rods; thence Northwest 61 rods; thence west 20 rods; thence Northeast 19 rods to place of beginning, containing 71 acres and 67 1/2 square rods. Also commencing at a point 3 rods East from the Northwest corner of the Southeast quarter of the Northeast quarter of Sec. 2, Township 14 South, Range 44 East Boise Meridian, running thence South 20 rods; thence East 80 rods; thence North 80 rods; thence West 80 rods to place of beginning, containing 10 acres.

Also, Lots 11 and 10 of Sec. 1 and Lot 1 of Sec. 2, Township 14 South, Range 44 East Boise Meridian, containing 100 and 84/100 acres.

Also, commencing at the Southwest corner of the Southwest quarter of the Southeast quarter of Sec. 1, Township 14 South, Range 44 East of Boise Meridian, running thence West 55 and 65/100 rods; thence North 115 rods to Bear River; thence with the meanderings of Bear River in a North-westerly direction to a point 115 rods North of said Section line; thence S. 115 rods to the South boundary line; of the said quarter section, containing 40 acres, more or less.

Also, commencing at a point 55 and 65/100 rods East of the Southwest corner of the Southwest quarter of the Southeast quarter of Sec. 1, Township 14 South, Range 44 East of Boise Meridian, running thence East 27 and 60/100 rods; thence North 115 rods; thence 27.60 rods with the meanderings of Bear River; thence South to the South boundary line of said Section 115 rods, containing 20 acres, more or less.

Also, commence at a point 61 rods S. and 18 rods W. from the NE corner of the SE 1/4 of Sec. 2, Tp. 14 S. R. 44 E.B.M., and run thence S. along local line 16 rods, more or less to County road; thence W. along said highway 30 rods, more or less, to land now owned by C. H. Bridges; thence N. along local line 16 rods; thence E. 30 rods to place of beginning containing 3 acres.

Also, commence at a point 1 rod N. from the SE corner of the NE 1/4 of Sec. 2, Tp. 14 S. R. 44 E.B.M., and run thence N. 59 rods, more or less, to the land heretofore sold by this grantor to Mary A. Lewis; thence W. 77 rods, more or less, to the E. line of the county road; thence S. along E. line of said highway 112 rods, more or less, to the land heretofore sold by said grantor to C. H. Bridges, being a point 28 rods from the SW corner of

the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Sec. 2; thence on a course bearing slightly south of east along a water ditch known as Sampson Water-Belt Ditch, a distance of 62 rods, more or less, to Local line; thence nearly due N. on local line 50 rods, more or less; thence E. on local line 15 rods, more or less, to a point one rod W. of the E. line of said Section 2; thence N. 12 rods, more or less, to a point one rod directly W. from the place of beginning; thence E. one rod to the place of beginning.

Also, a certain strip of land 40 rods wide and 80 rods long lying on the W. side of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 1, Tp. 14 S. R. 44 E.B.M., containing 32 acres. Also a certain strip of land 32 rods wide and 60 rods long to be laid off of the West side of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Sec. 1, Tp. 14 S. R. 44 E.B.M. containing 15 acres.

Also, commencing at the NE corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 2 tp. 14 S.R. 44 E.B.M. and running thence W. 95 $\frac{1}{2}$ rods; thence S. 20 rods; thence in a northeasterly direction in a straight line to point which is 40 rods W. and 10 rods S. from the starting point; thence S. 2 rods; thence E. 12 rods; thence N. 4 rods; thence E. 28 rods; thence N. 8 rods to the point of beginning, containing 7 acres and 50 square rods, more or less.

Also, commencing at a point 20 rods N. of the SW corner of Sec., 1 Tp. 14 S.R. 44 E.B.M. and running thence North 1 rod; thence E. 40 rods; thence N. 50 rods; thence E. 8 rods; thence N. 8 rods; thence W. 8 rods thence North 72 rods; thence E. 40 rods; thence S. 140 rods; thence W. 80 rods to place of beginning.

Also, Commencing at a point 83 $\frac{1}{2}$ rods E. of the SW corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 1, Tp. 14 S.R. 44 E.B.M., and running thence W. 76- $\frac{3}{4}$ rods to the SE corner of said Sec. 1. Thence W. 75 rods, more or less to Bear River; thence in a northwesterly course with the meanderings of said river to a point 115 rods N., of the E. line of said quarter section; thence S. 115 rods to the point of beginning, containing 50 acres, more or less.

Also Commencing at a point 10 rods N. and 2 rods E. from the SW corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 2, Tp. 14 S. R. 44 E.B.M., running thence N. 18 rods; thence Easterly along the Sampson Water main water ditch 20 rods; thence S. 16 rods; thence Westerly along the county road 19 rods to place of beginning, containing 11 acres and 11 $\frac{1}{2}$ square rods.

Also commencing at a point 21 rods E. and 18 rods N. of the SW corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 2, Tp. 14 S. R. 44 E.B.M., and running thence Easterly along the county road 15 $\frac{1}{2}$ rods; thence N. 15 rods; thence westerly following Sampson Water main water ditch 15 $\frac{1}{2}$ rods or to a point 16 rods N. of the place of beginning; thence S. 16 rods to the place of beginning, containing one acre and 72 square rods.

Commencing at a point 1320 feet East and 1435 feet North of the Southwest corner of Section 2 in Township 14 South of Range 44 East of the Boise Meridian and running thence South 792 feet; thence East 2640 feet; thence North 750.5 feet; thence North 76 degrees 30' West 376 feet; thence South 26 degrees West 165 feet to the North bank of Black Otter Slough thence Westerly along North bank of said slough 1300 feet, more or less to a point which is 924 feet East of the point of beginning, thence west 924 feet to the place of beginning, containing 45.72 acres of land be there more or less. Together with all water rights thereunto belonging.

Also, Commencing at a point one thousand three hundred and twenty (1320) feet east and one hundred and thirty two (132) feet south of the northwest corner of the southeast quarter section two (2) township fourteen (14) S. R. 44 E.B.M., running thence south nine hundred and forty (940) feet; thence North 82 Degrees west four hundred and forty-four (444) feet; thence north 8 degrees 10' west three hundred and two (302) feet; thence north 29 degrees 45' west four hundred (400) feet; thence north 13 degrees 15' West one hundred and seventy eight (178) feet; thence east one hundred and ninety-eight feet (198) feet; thence north sixty-six (66) feet; thence east four hundred sixty-two (462) feet to the place of beginning containing eleven and 18/100 (11.18) acres of land be there more or less. Together with all water rights thereunto belonging.

Subdivision, Lot 3; Section 1, Township 14; Range 44; acres Agricultural land 38;
Subdivision, 4094; Section 1; Township 14; Range 44; Acres Agricultural land 21;
Section 1; Township 14; Range 44; Acres Agricultural land 20;
Section 1; Township 14; Range 44; acres agricultural land 5;
Section 12; Township 14; Range 44 acres agricultural land 2;

55 acres in Sec. 1. Tp. 14 S. R. 44 E.B.M. standing of record in the name of Sven Sorenson.
30 acres in Sec. 1 Tp. 14 S. R. 44 E.B.M., standing of record in the name of Valage Nete,
containing in all 860½ acres.

PEAN-CROCKETT IRRIGATION COMPANY:

1877-April 15th, what is designated in this decree as a "Meadow Right."
April 15th-July 1st, 30 cubic feet per second.
July 1st-September 30th, 20 cubic feet per second.
1884-April 15th, what is designated in this decree as an "Agricultural Right", 19.5 cubic feet per second.
1885-April 15th, what is designated in this decree as an "Agricultural Right", 12.8 cubic feet per second.

All of said waters to be diverted from Bear River through a ditch known as the Pean-Crockett ditch therefrom at a point located at or near South 61° 19' East 5335 feet. from the Northwest Corner of Section 17, Township Fourteen South, Range Forty-five East of the Boise Meridian, to be used upon 8500 acres of land.
Situated in the following sub-divisions:

Section Fourteen (14) of Township Fourteen south 14 S. Range Forty-four east 44E Boise Meridian;
Section twenty-three (23) of Township fourteen south (14S.) Range forty-four east (44E) Boise Meridian;
The East one-half (E½) the southwest one-quarter (SW¼) and the southeast half of the Northwest one-quarter (SE¼ of NW¼) of Section Fifteen (15) all in Township fourteen South (14S) Range forty-four east (44E) Boise Meridian;
The East one-half (E½); the east one-half of the West one-half (E½ of W½); the east one-half of the West one-half of the southwest one quarter (E½ of W½ of SW¼), all in Section 26 of Township fourteen south (14S) Range forty-four east (44E), Boise Meridian.
Lots One (1), two (2), and three (3) of Section thirty-five (35) of township fourteen south (14S), Range forty-four east (44E) Boise Meridian.
The Southeast one-quarter of the Northeast one-quarter (SE¼) of (NE¼) of Section sixteen (16) of township fourteen south (14S) Range forty-four East (44E) Boise Meridian.
Commencing at the northwest corner of section twenty-three (23) township fourteen south (14S), Range forty-four east (44E) Boise Meridian and running thence west eighty (80) rods, thence south two hundred forty (240) rods; thence east eighty (80) rods thence south eighty (80) rods, thence east eighty (80) rods to the southwest corner of Lot three (3) of said section twenty-three (23) thence north along the western boundary line of lots three (3) two (2) and one (1) and the northwest quarter of the northwest quarter of said section twenty-three (23) to point of beginning.

X GRIMMETT-BLACK OTTER IRRIGATION COMPANY:

1877, April 15th, what is designated in this decree as a "Meadow Right".
April 15th-July 1st, 133.5 cubic feet per second.
July 1st, September 30th, 89 cubic feet per second.

All of said waters to be diverted from Bear River through the Black Otter Slough near the line between Sections Six and Seven, Township Fourteen South, Range Forty-four east of the Boise Meridian, and from said slough through two main ditches, one of which is known as the Grimmett Ditch, taken from said slough in the Northwest quarter of Section Eleven, Township Fourteen South Range Forty-four East of the Boise Meridian, and the other ditch taken from said slough in the Northwest Quarter of Section Twelve, Township Fourteen South, Range Forty four East of the Boise Meridian, and other smaller ditches and dams, said water to be used upon 4434.25 acres of land described as follows, to-wit:

Commencing at a point South 82° 30' East 205 feet and South 2° 10' West 355.8 and East 150 feet from the North quarter corner of Section 6 in Township 14 South, Range 44 East of Boise Meridian; which point is 150 feet East from the East bank of the Outlet canal of the Utah Power & Light Company, running thence in a southwesterly direction approximately 3160 feet to a point which is 710 feet south of the Northeast corner of Lot 9

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to a point which is 710 feet south of the Northeast corner of Lot 9
of said Section 5; thence North 590.8 feet to quarter Section line; thence
East 1526 feet; thence in a Southeasterly direction, following boundary
line of Lot 8 of Sec. 5 in Township 14 South, Range 44 East Boise Meridian
to the Southwest corner of the Northeast quarter of the Southwest quarter
of said Section 5; thence East 2640 feet; thence North 3566 feet; thence
West 660 feet; thence North 313.5 feet; thence west 1980 feet; thence
North 280.5 feet; thence West 2640 feet; thence South 354.75 ft. thence
West 965 feet to place of beginning.

Also Lot 10 of Sec. 8 in Township 14 South, Range 44 East of Boise
Meridian, containing 24.95 acres; and containing in all 452 acres, more
or less.

Also commencing at the N. E. Corner of the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 32,
Township 13 South Range 44 East of Boise Meridian, and running thence
South 68 rods; thence West 40 rods; thence South 29 rods; thence West
120 rods; thence North 81 rods, more or less, to Bird Slough; thence
Easterly along said slough 94 rods, more or less, to intersection of
sub-division line; thence East 64 rods, more or less, to place of beginning
containing 85 acres, more or less.

Also, beginning at the southeast corner of the Northwest quarter
of the southwest quarter of Sec. 32, Township 13 South, Range 44 East of
Boise Meridian, and running thence North 60 rods, thence West 160 rods;
thence South 60 rods; thence East 160 rods to place of beginning containing
60 acres more or less.

Also, commencing at the Northwest corner of the Southeast quarter
of the Southwest quarter of Sec. 32 in Township 13 South Range 44 East
of Boise Meridian, and running thence South 16 rods to slough; thence
easterly along the meanderings of said slough 106 $\frac{1}{2}$ rods; to a point where
it intersects the subdivision line; thence West along the said subdivision
line 88 rods to the place of beginning, containing 4 acres and 64 square
rods, more or less.

Also, the Southwest quarter of the Northwest quarter and West half
of the Southwest quarter of Sec. 32, and the Southeast quarter of the
Southeast quarter of Sec. 31; all in Township 13 South, Range 44 East of
Boise Meridian, containing 160 acres.

Also Lot 8 in Sec. 5, Township 14 South, Range 44 East Boise Meridian,
containing 20 acres; and Lot 1 in Sec. 8, Township 14 South, Range 44
East of Boise Meridian, containing 34 acres.

Also commencing 23 rods South from the Northwest corner of the North-
east quarter of the Northeast quarter of Section 8 Township 14 South,
Range 44 East Boise Meridian, thence South 57 rods; thence East 38 rods;
thence North 57 rods; thence West 38 rods to the place of beginning,
containing 13.5 acres, more or less.

Also beginning at a point 40 rods West of the Southwest corner of
the Northwest quarter of the Northwest quarter of Section 9, Township 14
South, Range 44 East of Boise Meridian, and running thence South 28 rods;
thence West to the West Line of Lot 2 of Sec. 8 of said Township and
Range; thence in a Northwesterly direction following the West line of said
Lot 2 to the Northwest corner of said Lot 2; thence East on Forty line to
place of beginning.

Also, commencing at the Northeast corner of Lot 2, Section 5,
Township 14 South, Range 44 East of Boise Meridian, and running thence
South 36 rods; thence West 40 rods; thence North 36 rods; thence East
40 rods to place of beginning. Also, commencing at the Southeast corner
of the Southeast quarter of Sec. 32, Township 13 South, Range 44 East of
Boise Meridian, and running thence North 4 chains; thence West 10 chains;
thence South 10 chains; thence West 10 chains; thence South 4 chains;
thence East 20 chains; thence North 10 chains to place of beginning,
containing 18 acres, more or less. Also commencing at a point 10 chains
West and 4 chains North from the Southeast corner of the Southeast
quarter of Sec. 32 Township 13 South, Range 44 East of Boise Meridian,
and running thence North 10 chains; thence west 10 chains; thence South
10 chains; thence East 10 chains to the place of beginning, containing
10 acres more or less. Also, commencing at the Southwest Corner of Sec.
32 Township 13 South, Range 44 East Boise Meridian, and running thence
North 64 rods; thence East 40 rods; thence South 104 rods; thence West
40 rods; thence North 40 rods to place of beginning, containing 26 acres.

Also, commencing at a point 10 chains South from the Southeast corner of the Southeast quarter of Sec. 32, Township 13, South, Range 44 East of Boise Meridian, and running thence West 20 chains; thence South 10 chains; thence East 20 chains; thence North 10 chains to the place of beginning containing 20 acres, more or less. Also commencing at a point 10 chains West from the Southeast corner of Section 32, Township 13, South, Range 44 East of Boise Meridian, and running thence North 4 chains; thence West 10 chains; thence South 10 chains; thence East 10 chains; thence North 6 chains to place of beginning, containing 10 acres, more or less.

Also, commencing at a point 4 chains North from the Southeast corner of the Southeast quarter of Sec. 32, Township 13 South, Range 44 East of Boise Meridian, and running thence North 20 chains; thence West 10 chains; thence South 20 chains; thence East 10 chains to place of beginning, containing 20 acres. Also, commencing at a point 24 chains North from the Southeast corner of the Southeast quarter of Section 32, Township 13 South, Range 44 East of Boise Meridian, and running thence North 10 chains; thence West 10 chains; thence South 10 chains; thence East 10 chains to place of beginning, containing 10 acres. Also commencing at a point 10 chains West and 15 chains and 50 links South from the Northeast corner of the Southeast quarter of Sec. 32, Township 13 South, Range 44 East of Boise Meridian, and running thence West 10 chains; thence South 10 chains; thence East 10 chains thence North 10 chains to place of beginning, containing 10 acres.

Commencing at the Southeast corner of the Northeast quarter of Sec. 4, Township 14 South, Range 44 East of Boise Meridian, and running thence North 30 rods; thence East 17½ rods to center of Black Otter Slough; thence north and east following the windings of said Slough for a distance of 160 rods, more or less; thence north 6 rods; thence following the windings of said Slough West a distance of 70 rods; thence North 21 rods to township line; thence West on said line 70 rods and 3 feet, more or less, to William Quayle's line; thence South 45 rods; thence West 281 rods to West line of said Section 4; thence South 115 rods to quarter corner; thence East 320 rods to place of commencement, containing 270 acres, more or less. Also, beginning at a point 40 rods North of the Northeast corner of the Southeast quarter of Sec. 31, Township 13 South, Range 44 East of Boise Meridian, and running thence West 160 rods; thence South 80 rods; thence East 65 rods; thence South 40 rods; thence East 95 rods; thence North 120 rods to place of beginning, containing 103 ¾ acres, save and except therefrom a strip containing 7.72 acres from said above tract sold to Bear River Water Company, and for a particular description of said strip reference is made to page 623 of Deed Book 6, records of Bear Lake County, Idaho.

Also, commencing at a point in the center of a deep slough 20 chains East along Quarter section line and 8 chains and 90 links South along eighth section line from the Northwest corner of the NE¼ of Section 33 Township 13 South, Range 44 East of Boise Meridian, and running thence South along eighth section line 51 chains and 10 links; thence West along eighth Section line 4 chains and 63 links; thence North 34 minutes East 49 chains and 50 links; thence along center of said slough 4 chains and 33 links to the place of beginning, containing 23 acres and 5 square rods. Also, commencing at the SW corner of the NE¼ of the SE¼ of Sec. 33, Township 13 South, Range 44 East Boise Meridian, and running thence East 36 rods; thence North 130 rods to Peg Leg Slough; thence Westerly along said Slough 55 rods more or less, to half quarter government line; thence South along said line 194 rods to place of beginning, containing 43 acres.

Also, the Southeast Quarter of the Northeast Quarter and Lots numbered Two, three and four of Sec. 8, and Lot numbered one of section seventeen, Township 14 South, Range 44 East B.M., 127.05 acres.

Also, the East half of the Northeast quarter, and the northeast quarter of the Southeast quarter of Section 33, and the Northwest quarter of the Southwest quarter of Sec. 34, all in Township 13 South, Range 44 East of Boise Meridian, containing 160 acres; excepting therefrom the following tract, to-wit: Commencing at the Southwest corner of the northeast quarter of the southeast quarter of Sec. 33 in Township 13 South,

age 44 East of Boise Meridian, and running thence East 36 rods; thence
th 120 rods to Peg Leg Slough; thence Westerly along said Slough 55
is, more or less, to half quarter government line; thence South along
d line 124 rods to the place of beginning, containing 43 acres, more
less.

Also, beginning at a point on the East boundary line of the Utah
er & Light Company's Canal right-of-way, and on the South boundary
e of Township 13 South, Range 44 East of Boise Meridian, which point
South 85° 30' East 456.4 feet from the South corner of Sec. 31, Twp.
South R. 44 E.B.M., thence S. 4° 28' East 168.7 feet to a point of
ve; thence on a 16° 03' curve to the left, for a distance of 188 feet
a point 21½ rods South of Township line; thence East 840 feet, more
less, to local line; thence North 1674 feet; thence West 240 feet,
e or less, to local corner; thence North 660 feet; thence West 800
t, more or less, to east line of said right of way; thence South 4° 28'
t along said right-of-way 1921 feet to point of beginning, containing
75 acres, more or less.

Also, beginning at the quarter section corner between sections 5,
8 in Township 14 South, Range 44 East Boise Meridian, and running
thence East 1320 feet; thence South 379½ feet to a ditch; thence East
ng said ditch 585 feet to a corner of fence; thence North 8° 15' West
5 feet to corner of fence; thence West 1859 feet; thence South 1320
t to point of beginning, which is a quarter corner between said
tions 5 and 8, containing 38 acres, more or less.

Also, the Northwest quarter of Sec. 11 in Township 14 South, Range
East of Boise Meridian, containing 160 acres.

Also, commencing at the Northwest quarter of the Southwest quarter
Sec. 11 in Township 14 South, Range 44 East of Boise Meridian, and
ning thence East 120 rods; thence South 160 rods; thence West 120
s; thence North 160 rods to place of beginning containing 120 acres.

Also the South half of the Southeast quarter and the South Half of
Southwest quarter of Sec. 3, in Township 14 South, Range 44 East of
e Meridian, Bear Lake County, Idaho, containing 160 acres, excepting
refrom 40 acres heretofore deeded to the Utah Power & Light Company,
o, the North half of the Northwest quarter of Sec., 15, in Township 14
h, Range 44 East of Boise Meridian, containing 80 acres.

Also commencing at a point 35 rods south from the Northeast corner of
Southeast quarter of Sec. 9, in Township 14 South, Range 44 East of
e Meridian, running thence South 25 rods; thence west 320 rods; thence
h 25 rods; thence East 320 rods to the place of beginning, containing
acres.

Also, the South half of the Northwest quarter and the South half of
Northeast quarter of Sec. 9, in Township 14 South, Range 44 East of
e Meridian, containing 160 acres.

Also, the Northeast quarter of the Northeast quarter of Sec. 9 in
ship 14 South, Range 44 East of Boise Meridian, containing 40 acres.

Also, the Northwest quarter of the Northeast quarter of Sec. 9 in
ship 14 South, Range 44 East of Boise Meridian, containing 40 acres.

Also, the Northeast quarter of Sec. 10 in Township 14 South,
e 44 East of Boise Meridian, containing 160 acres; excepting therefrom
eres heretofore deeded to the Utah Power & Light Company.

Also, the Southeast quarter of Sec. 10 in Township 14 South, Range
ast of Boise Meridian, containing 160 acres.

Also, commencing at a point 23 rods south from the Northeast corner
he Northwest quarter of Sec. 9, Township 14 South Range 44 East of
e Meridian, and running thence West 202 rods; thence South 57 rods;
ee East 2 rods; thence South 55 rods; thence East 40 rods; thence
h 55 rods; thence East 160 rods; thence North 57 rods to place of
nning, containing 85 acres, more or less.

Also, commencing at the Northeast corner of the Southwest quarter of
11, Township 14 South, Range 44 East of Boise Meridian, U. S. Survey,
daho, running thence West 40 rods; thence South 160 rods; thence East
ods; thence North 160 rods to place of beginning containing 40 acres.

Also, the Southwest quarter of Sec. 10, Township 14 South, Range 44 East Boise Meridian containing 160 acres.

Also, Lot 1, the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 4 Tp. 14 S. R. 44 E.B.M., containing 80 acres. Also, Lot 2 commencing at the NW corner of Sec. 9, Tp. 14 S. R. 44 E.B.M., running thence E. 100 rods; thence S. 25 rods; thence W. 100 rods; thence N. 25 rods to place of beginning, containing 25 acres. Also, Lot 3 commencing at the SE corner of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 4, Tp. 14 South R. 44 E.B.M., running thence West 80 rods; thence N. 20 rods; thence E. 80 rods; thence S. 20 rods to place of beginning, 20 acres.

Also, Lot 4, commencing at the NE corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 5, Tp. 14 S. R. 44 E.B.M., running thence West 45 rods; thence S. 100 rods; thence E. 45 rods; thence N. 105 rods to place of beginning, 20 acres.

Also, commencing at the NW corner of the NE $\frac{1}{4}$ of Sec. 16, Tp. 14 S. R. 44 E.B.M., run thence S. 78 rods; thence E. 80 rods; thence N. 78 rods; thence W. 80 rods to place of beginning, containing 39 acres.

Also, commencing at the SE corner of Sec. 9, Tp. 14 S. R. 44 E.B.M., and running thence N. 80 rods; thence W. 100 rods; thence S. 50 rods; thence E. 100 rods to place of beginning containing 50 acres.

Also, the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 16, Tp. 14 S.R. 44 E.B.M., containing 80 acres.

Also the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 3, Tp. 14 S.R. 44 E.B.M. containing 40 acres; also commencing at the SE corner of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 3, Tp. 14 S.R. 44 E.B.M., and running thence N. 7 $\frac{1}{2}$ chains; thence in a Northwesterly direction 10 chains, following the meanderings of the Black Otter Slough; thence in a northeasterly direction, following the meanderings of said Slough, 6 chains; thence West across said Slough 3 $\frac{1}{2}$ chains; thence following the meanderings of said Slough, first in a Southwesterly direction and then in a Southeasterly direction 5 $\frac{1}{2}$ chains; thence W. 4 $\frac{1}{2}$ chains thence S. 7 $\frac{1}{2}$ chains; thence E. 80 rods to place of beginning, containing 20 acres.

Also, commencing at the SW corner of the SW $\frac{1}{4}$ of Sec. 9, Tp. 14 S. R. 44 E.B.M., running thence N. 50 rods; thence E. 160 rods; thence S. 50 rods; thence W. 160 rods to the place of beginning, containing 50 acres.

Also, commencing at a point 40 rods N. from the NE corner of Sec. 9, Tp. 14 S.R. 44 E.B.M., thence N. 120 rods; thence W. 240 rods; thence S. 60 rods; thence E. 80 rods; thence S. 60 rods; thence E. 160 rods to place of beginning, containing 180 acres and SE $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 5 Also, the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 4 and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 5, Tp. 14 S.R. 44 E.B.M., containing 120 acres. (120)

Also, the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 16, Tp. 14 S.R. 44 E.B.M., containing 40 acres.

Also, the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 16, Tp. 14 S.R. 44 E.B.M., containing 80 acres.

Also, commencing at the NW corner of the SE $\frac{1}{4}$ of Sec. 11 Tp. 14 S.R. 44 E.B.M., running thence S. 34 rods; thence E. 40 rods; thence N. 34 rods; thence W. 40 rods to the place of beginning, containing 8 $\frac{1}{2}$ acres.

Also, the NW $\frac{1}{4}$ of Sec. 10 Tp. 14 S.R. 44 E.B.M., containing 160 acres.

Also, the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 9, Tp. 14 S.R. 44 E.B.M., containing 160 acres.

Also, commencing at a point 60 rods N. of the SW corner of Sec. 9 Tp. 14 S.R. 44 E.B.M. and running thence E. 320 rods; thence S. 20 rods; thence W. 320 rods; thence N. 20 rods to the place of beginning, containing 40 acres.

Also, the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the lots numbered 2, 3, and 4, of Sec. 6, and the Lot numbered 1 of Sec. 17, Tp. 14 S.R. 44 E. B.M. 127 acres.

Also, commencing at the SW corner of the NE $\frac{1}{4}$ of Sec. 11, Tp. 14, S.R. 44 E.B.M., and running thence N. 100 rods, thence E. 12 rods to the thread of the stream of the Black Otter Slough; thence following the windings of the Black Otter Slough a distance of 40 rods in a southeasterly direction; thence 75 rods in a Northeasterly direction to the northern section line of said section 11; thence along said line to the thread of said Black Otter Slough; thence following the windings of said Slough in a Southeasterly direction a distance of 25 rods; thence S. 53 rods; thence W. 3 rods; thence Southeast 12 rods and six links; thence S. 34 rods; thence W. 55 rods; thence S. 35 rods; thence W. 84 rods to the place of beginning containing 181 acres, more or less.

Also, commencing at a point 40 rods E. from the NW corner of Sec. 4, Tp. 14 S.R. 44 E.B.M., and running thence N. 80 rods; thence E. 120 rods; thence S. 120 rods; thence W. 80 rods; thence N. 40 rods to place of beginning, containing 98 3/4 acres.

Also commencing at a point 9 3/4 chains W. from the Northeast corner of Section 4, Tp. 14 S.R. 44 E.B.M., and running thence S. 11 1/4 chains; thence W. 80 1/2 chains, more or less, to half section line; thence N. 11 1/4 chains; thence E. 80 1/2 chains, more or less, to place of beginning, containing 34 acres, more or less.

The South half of the southeast quarter and the southeast quarter of the southwest quarter of Section 33 Township 13 South and the lot numbered 3 of section four in Township 14 South of Range 44 east of the Boise Meridian in Idaho, containing 100 acres and 10/100 of an acre.

POWELL LIVERSTOCK & LAND COMPANY:

1877-April 15th, what is designated in this decree as a "Meadow Right".
April 15th-July 1st 6.9 cubic feet per second.
July 1st-Sept. 30th, 4.6 cubic feet per second.

All of said waters to be diverted from Bear River through the Kent-LaRocco ditch about forty rods west of its intake out of the Castle Slough, to be used upon 231.75 acres of land, described as follows, to-wit:

Commencing at the Northwest corner of Section 34 and running thence North 80 rods, more or less, to Bear River; thence following up the channel of said Bear River in a Southeasterly direction to its intersection with the North boundary line of said Section 34, thence East 40 rods; more or less, to the Northeast corner of the Northwest quarter of said Section 34; thence South 80 rods; thence East 80 rods; thence South 80 rods; thence West 80 rods; thence South 15 rods; more or less to center of Slough; thence westerly along center of said slough 80 rods, more or less, to intersection of West boundary line of the Northeast quarter of the Southwest quarter of Section 34; thence North 10 rods, more or less to the half section line; thence West 55 rods, more or less, to center of Slough; thence following the meanderings of said Slough in a Northwesterly direction to its intersection with the West boundary line of said Section 34; thence North 12 rods, more or less, to a point which is 44 rods South from the Northwest corner of said Section 34; thence East 10.4 rods; thence North 44 rods; thence West 10.4 rods to the place of beginning, and containing 210 acres, more or less. All of which said land is in Township 13 South of Range 44 East of Boise Meridian, in Bear Lake County, Idaho; Also:

Commencing at a point 150 feet South from the Northwest corner of the Southeast quarter of Sec. 34, Township 13 South Range 44 East Boise Meridian, and running thence North 150 feet; thence East 375 feet, more or less, to East Bank of Slough; thence Southwesterly down said Slough to the place of beginning, containing 5-3/4 acres of land, more or less, and also,

Commencing at the Northeast corner of the Southwest quarter of Section 34 Township 13 South of Range 44 East of Boise Meridian, and running thence South 15 rods to center of slough; thence westerly along the center of the Channel of said Slough 150 rods; thence North 5 rods to quarter section line; thence East along the said quarter section line 105 rods to place of beginning, containing 18 acres of land, more or less.

WEST FORK IRRIGATION COMPANY:

1877-April 15th, what is designated in this decree as a "Meadow Right".
April 15th-July 1st, 100 cubic feet per second
July 1st, September 30th, 107 cubic feet per second.

All of said waters to be diverted from Bear River Through a ditch known as the West Fork Canal, diverting from said Bear River at a point located at or near South 120° 36' West 1411 feet from the Northeast corner of Section Five, Township Thirteen South, Range Forty-four East of the Boise Meridian, to be used upon 5330 acres of land situated in the following sub-divisions:

The SW $\frac{1}{4}$ of Section 8; SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ of E $\frac{1}{2}$ of W $\frac{1}{2}$ and NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section Eighteen; Section Seventeen; S $\frac{1}{2}$ of Section Sixteen; E $\frac{1}{2}$ and E $\frac{1}{2}$ of W $\frac{1}{2}$ of Section 19; Section 20; Section 21; W $\frac{1}{2}$, and W $\frac{1}{2}$ of E $\frac{1}{2}$ of Section 22; Section 29; N $\frac{1}{2}$ and N $\frac{1}{2}$ of W $\frac{1}{2}$ of Section 30; NE $\frac{1}{4}$ and NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 31; N $\frac{1}{2}$ and about 80 acres in N $\frac{1}{2}$ of S $\frac{1}{2}$ of Section 32; and NW $\frac{1}{4}$ of N $\frac{1}{2}$ of NE $\frac{1}{4}$, W $\frac{1}{2}$ of SW $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 33, all in Township 13 South, Range 44 East of Boise Meridian.

CONTINENTAL LIFE INSURANCE COMPANY:

1877 April 15th, what is designated in this decree as a "Meadow Right".
 April 15th, July 1st 6.6 cubic feet per second.
 July 1st- September 30th 4.4 cubic feet per second.

1883-April 15th, what is designated in this decree as an "Agricultural Right" 1.7 cubic feet per second.
 1884-April 15th, What is designated in this decree as an "Agricultural Right", .3 cubic feet per second.

All of said waters to be diverted from Bear River by means of the Kent-LaRocce Ditch out of Castle Slough, the same being a branch of Bear River, at a point near the Northeast corner of the Northwest Quarter of Section 2, Township 14 South, Range 44 East of the Boise Meridian, to be used upon 322 acres of land described as follows, to-wit:

Commencing at a point 11 rods East from the Northwest corner of Lot 4 in Section 3 Township 14 South of Range 44 East of the Boise Meridian, and running thence East 69 rods; thence South 130 rods; thence following the windings of Black Otter, Slough, West, North and East a distance of 251 rods; thence on a direct line North, crossing said slough, a distance of 10 rods to the North side of said slough; thence following the windings of said slough in a Westerly direction, 70 rods; thence North 21 rods to the place of beginning, containing 37.71 acres, more or less.

Also the Southeast quarter and the East half of the Southwest quarter of Section 34 in Township 13, South Range 44 East of the Boise Meridian and the South half of the Northeast quarter, and the Lots 1, 2, and 3 of Section 3 in Township 14 South of Range 44 East of the Boise Meridian, excepting therefrom the tract sold to the Utah Power & Light Company described as follows:

Commencing at the center of Section 3, Township 14 South, Range 44 East of the Boise Meridian, running thence North 16° 45' East through the Northeast quarter of said Section 3 and the Southeast quarter of Section 34, Township 13 South Range 44 East of the Boise Meridian to the North line of said Southeast quarter of said Section 34; thence East approximately 1044.4 feet to the East line of said Section 34; thence South 16° 45' West Through the Southeast quarter of said Section 34 and Northeast quarter of said Section 3 to the South line of said Northeast quarter of said Sec. 3; thence West approximately 1044.4 feet to the place of beginning constituting a strip of land 1000 feet wide, 500 feet on each side of the center of main canal.

ORON QUAYLE:

1877-April 15th, what is designated in this decree as a "Meadow Right".
 April 15th-July 1st, 1.8 cubic feet per second.
 July 1st- September 30th 1.2 cubic feet per second.

1883-April 15th-what is designated in this decree as an "Agricultural Right." 1.7 cubic feet per second.
 1884-April 15th-what is designated in this decree as an "Agricultural Right", .3 cubic feet per second.

All of said waters to be diverted from Bear River by means of the Kent-LaRocce Ditch out of the Castle Slough, the same being a branch of Bear River, at a point near the Northeast Corner of the Northwest Quarter

of Section 2, Township 14 South, Range 44 East of the Boise Meridian, to be used upon 160 acres of land, described as follows, to-wit:

The NE $\frac{1}{4}$ of Section 3, Township 14 South, Range 44 East, Boise, Meridian, in Bear Lake County, Idaho.

THOMAS SHAYLER:

1883-April 15th, what is designated in this decree as an "Agricultural Right", 1.1 cubic feet per second.

1884-April 15th, what is designated in this decree as an "Agricultural Right", .8 cubic feet per second.

All of said waters to be diverted from Bear River by means of the Kent-LaRocce Ditch out of Castle Slough, the same being a branch of Bear River, at a point near the Northeast corner of the Northwest quarter of Section 2, Township 14 South, Range 44, East of the Boise Meridian, to be used upon 65 acres of land described as follows, to-wit:

The W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 2, Township 14 South, Range 44 East of Boise Meridian, in Bear Lake County, Idaho.

GEORGE PARKER:

1877 April 15th, what is designated in this decree as a "Meadow Right". April 15th-July 1st, .3 cubic feet per second.

July 1st- September 30th, .2 cubic feet per second.

1883- April 15th, what is designated in this decree as an "Agricultural Right", 1.2 Cubic feet per second.

1884- April 15th, what is designated in this decree as an "Agricultural Right", .2 cubic feet per second.

All of said waters to be diverted from Bear River by means of the Kent-LaRocce Ditch out of the Castle Slough, the same being a branch of Bear River, at a point near the Northeast corner of the Northwest quarter of Section 2, Township 14 South, Range 44 East of the Boise Meridian, to be used upon 80 acres of land, described as follows, to-wit:

W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 35, Township 13 South, Range 44 East B.M. in Bear Lake County, State of Idaho, containing 80 acres.

EDWARD LAROCCE:

1877-April 15th What is designated in this decree as a "Meadow Right".

April 15th-July 1st, 2.25 cubic feet per second.

July 1st-September 30th 1.5 cubic feet per second.

1883-April 15th what is designated in this decree as an "Agricultural Right", .5 cubic feet per second.

1884-April 15th what is designated in this decree as an "Agricultural Right" .1 cubic feet per second.

All of said waters to be diverted from Bear River by means of the Kent-LaRocce Ditch out of Castle Slough, the same being a branch of Bear River, at a point near the Northeast Corner of the Northwest Quarter of Section 2, Township 14 South, Range 44 East of the Boise Meridian, to be used upon 105 acres of land, described as follows, to-wit:

The SE $\frac{1}{4}$ of NW $\frac{1}{4}$, and NE $\frac{1}{4}$ of SE $\frac{1}{4}$ and 25 acres in the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 3, Township 14 South, Range 44 East of Boise Meridian, in Bear Lake County, Idaho.

OLA TRANSTROM:

1877 April 15th, what is designated in this decree as an "Meadow Right"

April 15th, July 1st 15 cubic feet per second.

July 1st Sept 30th, 10 cubic feet per second.

All of said waters to be diverted from Bear River by means of the
Coffey Ditch at or near a point where the south line of the southeast
quarter of section 31, Township 14 South, Range 45 East of the Boise
Meridian intersects Bear River, to be used upon 500 acres of land
described as follows:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13; SE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$
NE $\frac{1}{4}$, NW SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NW $\frac{1}{4}$, NW $\frac{1}{4}$ of NW $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of
section 11, SW $\frac{1}{4}$ of SE $\frac{1}{4}$, SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 3, Township 15 South, Range
45 E.B.M.

877-April 15th, what is designated in this decree as an "Meadow Right".
April 15th-July 1st 12 cubic feet per second.
July 1st-September 30th 8 cubic feet per second.

All of said waters to be diverted from Bear River by means of
ditches on each side of the river at or near the Northeast Corner of the
Northeast Quarter of the Northeast Quarter of Section 11, Township 15
South, Range 45 East of the Boise Meridian, to be used upon 400 acres
of land described as follows, to-wit:

SW $\frac{1}{4}$ of SE $\frac{1}{4}$, NE $\frac{1}{4}$ of SE $\frac{1}{4}$, SE $\frac{1}{4}$ of NE $\frac{1}{4}$, NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 2, SE $\frac{1}{4}$ of SE $\frac{1}{4}$,
SE $\frac{1}{4}$ of SE $\frac{1}{4}$, SE $\frac{1}{4}$ of NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30; SW $\frac{1}{4}$ of SE $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$, SE $\frac{1}{4}$ of
NE $\frac{1}{4}$, NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 26, NW $\frac{1}{4}$ of SW $\frac{1}{4}$, SW $\frac{1}{4}$ of NW $\frac{1}{4}$, NW $\frac{1}{4}$ of NW $\frac{1}{4}$ in Section 1,
Township 15 South, Range 45 East of Boise Meridian;

880-April 15th, what is designated in this decree as an "Meadow Right"
April 15th-July 1st 14.8 cubic feet per second.
July 1st-September 30th 11.8 cubic feet per second.

All of said waters to be diverted from Bear River by means of a ditch
at or near the Southwest corner of the Southeast Quarter of the Southeast
Quarter of Section 26, Township 14 South, Range 45 East of the Boise
Meridian, to be used upon 560 acres of land, described as follows, to-wit:

SW $\frac{1}{4}$ of NE $\frac{1}{4}$, SW $\frac{1}{4}$ of SE $\frac{1}{4}$, NW $\frac{1}{4}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NE $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, NE $\frac{1}{4}$ of
NE $\frac{1}{4}$, NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 26, Township 14 South, Range 45 East B.M. SW $\frac{1}{4}$ of
NE $\frac{1}{4}$, SE $\frac{1}{4}$ of SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23, Township 14 South, Range 45 E.B.M.

880-April 15th, What is designated in this decree as a "Meadow Right".
April 15th-July 1st 1.8 cubic feet per second.
July 1st to September 30th .8 cubic feet per second.

All of said waters to be diverted from Bear River by means of a dam
known as the Ezra Phelps Dam located at or near the Southeast Corner of
the Southeast Quarter of Section 23, Township 14 South, Range 45 East of
the Boise Meridian to be used on 40 acres of land described as follows,
to-wit:

Fourth point of Diversion-Meadow Right, 1880.

SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, Township 14 South, Range 45 East B.M.

885-April 15th, What is designated in this decree as an "Agricultural
Right" 1.4 cubic feet per second.

All of said waters to be diverted from Bear River by means of the
Coffey Ditch at or near a point where the South line of the Southeast
Quarter of Section 31 Township 14 South, Range 45 East of the Boise
Meridian intersects Bear River, to be used upon 70 acres of land, des-
cribed as follows:

Parts of Northwest Quarter Southeast Quarter, Southeast Quarter
Southeast Quarter Section 11, and parts of Northwest Quarter Northwest
Quarter and Southeast Quarter Northwest Quarter Section 12, Township 15
South Range 45 E.B.M.

885-April 15th, What is designated in this decree as an "Agricultural
Right". .6 cubic feet per second.

All of said waters to be diverted from Bear River by means of a ditch on each side of the river at or near the Northeast Corner of the Northeast Quarter of the Northeast Quarter of Section 11, Township 15 South, Range 45 East of the Boise Meridian, to be used on 30 acres of and described as follows, to-wit:

Twenty acres in Southeast Quarter of Northeast Quarter and Ten acres in Northeast Quarter of Southwest Quarter of Section Two, Township 5 South Range 46 East Boise Meridian.

ARRIE HILL:

877 April, 15th, What is designated in this decree as a "Meadow Right".
April 15th-July 1st 6 cubic feet per second.
July 1st-September 30th 4 cubic feet per second.

All of said waters to be diverted from Bear River by means of theuffer Ditch located at or near a point where the South line of the Southeast Quarter of Section 31, Township 14 South, Range 46 East of the Boise Meridian intersects Bear River, to be used upon 200 acres of following described land as follows:

$\frac{3}{4}$ of the SE $\frac{1}{4}$ Sec. 31; $\frac{1}{2}$ of the NE $\frac{1}{4}$, $\frac{1}{2}$ of the NW $\frac{1}{4}$, $\frac{3}{4}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ Sec. 6, Tp. 15 S. Range 45.

877-April 15th, What is designated in this decree as a "Meadow Right".
April 15th-July 1st 1.5 cubic feet per second.
July 1st to September 30th 1 cubic feet per second.

All of said waters to be diverted from Bear River by means of the Taylor ditch located at or near the South east corner of the Northeast Quarter of the Southeast Quarter of Section 32, Township 15 South, Range 46 East of the Boise Meridian, to be used on 50 acres, described as follows to-wit:

NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ Section 32 Tp. 15 South Range 46 E.B.M.

880-April 15th, What is designated in this decree as a "Meadow Right".
April 15th-July 1st .3 cubic feet per second.
July 1st-September 30th 2 cubic feet per second.

885-April 15th-What is designated in this decree as an "Agricultural Right." 1 cubic feet per second.

All of said waters to be diverted from Bear River by means of theuffer ditch located at or near a point where the South Line of the Southeast Quarter of Section 31, Township 14 South, Range 46 East of the Boise Meridian intersects Bear River, to be used upon 150 acres out of the following land described as follows, to-wit:

$\frac{3}{4}$ of the SE $\frac{1}{4}$ Sec. 31; $\frac{1}{2}$ of the NE $\frac{1}{4}$, $\frac{1}{2}$ of the NW $\frac{1}{4}$, $\frac{3}{4}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ Sec. 6, Tp. 15 S. Range 45.

885-April 15th, What is designated in this decree as an "Agricultural Right". 1 cubic feet per second.

All of said waters to be diverted from Bear River by means of the Taylor ditch located at or near the Southeast corner of the Northeast Quarter of the Southeast Quarter of Section 32, Township 15 South, Range 46 East of the Boise Meridian, to be used on 50 acres, described as follows, to-wit:

NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 32 Township 15 South Range 46 E.B.M.

L. A. C. NIELSON:

877 April 15th, What is designated in this decree as a "Meadow Right".
April 15th, July 1st 4.5 cubic feet per second.
July 1st-September 30th 3.0 cubic feet per second.

880-April 15th, What is designated in this decree as a "Meadow Right".
April 15th-July 1st 2.5 cubic feet per second.
July 1st-September 30th 1.7 cubic feet per second.

1888-April 15th, what is designated in this decree as an "Agricultural Right," .8 cubic feet per second.

All of said waters to be diverted from Bear River by means of the Miller ditch at or near a point where the South line of the Southeast Quarter of Section 31, Township 14 South Range 46 East of the Boise Meridian intersects Bear River, to be used upon 275 acres of land described as follows, to-wit:

Tr. 15 S.R. 46E. R.M. and
the Northeast Quarter and NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ Section 12/Lots 1 and 2
Section 7 Township 15 South Range 46 East Boise Meridian.

JOHN L. JENSEN:

1877-April 15th, What is designated in this decree as a "Meadow Right"
April 15th-July 1st, 7.5 cubic feet per second.

July 1st- September 30th 5 cubic feet per second.

1888-April 15th, What is designated in this decree as an "Agricultural Right," .8 cubic feet per second.

All of said waters to be diverted from Bear River by means of a cut or ditch out of said river at or near the Northwest Corner of the Southeast Quarter of the Northeast Quarter of Section 26, Township 14 South, Range 46 East of the Boise Meridian, to be used on 290 acres, described as follows, to-wit:

East half of the Northeast Quarter of Section 22, the Northwest Quarter of the Southwest Quarter and the West half of the Northwest quarter and that part of the East half of the Northwest quarter and the west half of the Northeast quarter of Section 25 in Township 14 South range 45 E.B.M. that is situated on the West and South of the West channel of Bear River. Also the Northeast Quarter of the Southwest quarter of Section 25, Township 14 South range 45 E.B.M. containing 520 acres be there more or less. Excepting therefrom the right-of-way of the O. S. L. Railroad.

KIRK R. ESTERHOLM:

1877-April 15th, What is designated in this decree as a "Meadow Right".
April 15th-July 1st 1.8 cubic feet per second.

July 1st-September 30th .8 cubic feet per second.

1888-April 15th, what is designated in this decree as a "Meadow Right".
April 15th-July 1st 3.65 cubic feet per second.

July 1st-September 30th, 2.45 cubic feet per second.

1888-April 15th, what is designated in this decree as an "Agricultural Right," .4 cubic feet per second.

All of said waters to be diverted from Bear River by means of the Miller ditch, the point of diversion of which is located about 150 yards East from the Northeast Corner of Section 31, Township 14 South, Range 46 East of the Boise Meridian, to be used on 185 acres, described as follows, to-wit:

Commencing at a point 2640 feet West and 2640 feet North from the Southeast corner of Section one (1) in Township fifteen (15) South of Range forty-five (45) East of Boise Meridian and running thence North 2640 feet; thence East 3674 feet; to a point on the right bank of Bear River; thence following said river at the following angles and distances, to-wit:
South 34 degrees 30' West 232 feet; thence South 19 degrees 30' East 174 feet; thence South 51 degrees 9' East 448 feet; Thence South 55 degrees 56' East 465 feet; thence South 32 degrees 27' East 51 feet; Thence South 63 degrees 49' East 105 feet; Thence South 8 degrees 31' West 96 feet; Thence South 63 degrees west 190 feet; Thence North 44 Degrees 9' West 342 feet; Thence North 51 degrees 54' West 171 feet; Thence North 40 degrees 40' West 55 feet; Thence North 48 degrees West 72 feet; Thence North 51 degrees 49' West 225 feet; Thence North 71 degrees 14' West 398 feet; thence South 75 degrees 19' West 315 feet; Thence South 27 degrees 29' West 349 feet; Thence South 5 degrees 10' East 156 feet; Thence South 32 degrees 8' East 541 feet; thence South 8 degrees 19' East 117 feet; Thence South 21 degrees 25' West 96 feet; Thence South 38 degrees 9' West 80 feet; Thence South 68 degrees 51' West 76 feet; thence North 64 degrees 37' West 153 feet; thence North 52 degrees 10' West 175 feet; thence North 19 degrees 55' West 265 feet; thence North 59 degrees 44' West 200 feet; thence South 37 degrees 55' West 242 feet; thence South 54 degrees 15' West 340 feet; thence South 20 degrees 40' West 259 feet; thence South 79 degrees 55' West 68 feet; thence North 52 degrees 55' West 175 feet; thence North 39 degrees 19' West 170 feet; thence North 54 degrees 15' West 137 feet;

Thence North 76 degrees 19' West 308 feet; thence South 39 degrees 28' West 176 feet; thence South 7 degrees 34' East 307 feet; thence South 29 degrees 18' East 330 feet; thence South 65 degrees 3' East 316 feet; thence South 39 degrees 50' East 236 feet; thence South 28 degrees 24' East 85 feet; thence South 55 degrees 4' East 21 feet thence South 12 degrees 55' East 42 feet; thence South 1 degree 23' East 171 feet; thence South 48 degrees 13' West 92 feet; Thence North 69 degrees 40' West 164 feet; thence West 14088 feet to point of beginning and containing 133 1/2 acres of land more or less.

Also, the Southeast quarter of the Northwest quarter and the East one half of the Southwest quarter of Section One (1) Township fifteen (15) South Range forty-five (45) East Boise Meridian containing one hundred and twenty acres of land more or less.

JOSEPH ESTERHOLM:

1877-April 15th-What is designated in this decree as a "Meadow Right."
April 15th-July 1st .9 cubic feet per second.

July 1st-September 30th .6 cubic feet per second.

1880-April 15th-What is designated in this decree as a "Meadow Right."
April 15th-July 1st 2.7 cubic feet per second.

July 1st to September 30th 1.8 cubic feet per second.

All of said waters to be diverted from Bear River, water for 15 acres of the following described land being diverted from Bear River by means of the Miller ditch, the point of diversion of which is about 150 yards east from the Northeast corner of Section 31, Township 14 South, Range 46 East of the Boise Meridian; and water for 108 acres of the following described land being diverted from Bear River by means of the Nuffer Ditch at or near a point where the South line of the Southeast Quarter of Section 31, Township 14 South, Range 46 East of the Boise Meridian, intersects Bear River; said water to be used on a total of 123 acres of land described as follows, to-wit:

Beginning at a point on the south line of Section one (1) Township fifteen (15) South of Range Forty-five (45) East of Boise Meridian, 225 feet West of the Southeast corner of Section one (1) where the West line of Oregon Short Line right-of-way intersects Section line, running thence West 1425 feet; thence North 2640 feet; Thence East 330 feet; Thence South 1225 feet; Thence East 1320 feet; Thence South 342 feet, more or less to intersection with West boundary line of the O. S. L. railway right-of-way; thence Southwesterly (S. 20 degrees 45') 646 feet, more or less to jog in right-of-way fence; thence Southersterly at right angles 335 feet to right-of-way; thence Southwesterly along right-of-way fence 304 feet to place of beginning, containing in all sixty acres more or less.

Together with all water rights thereunto belonging.

Also, Commencing at a point sixteen hundred and fifty (1650) feet West from the Southeast corner of Section one (1), in Township fifteen (15) South of Range forty five (45) East of the Boise Meridian and running thence West nine hundred and ninety (990) feet, more or less, to the Southwest corner of the Southeast quarter of said Section one; Thence North twenty-six hundred and forty (2640) feet; thence East nine hundred and ninety (990) feet; Thence South twenty six hundred and forty (2640) feet to the place of beginning and containing sixty acres of land, more or less, together with all water rights thereunto belonging and water and ditches used in the irrigation of said land.

HERA J. PHELPS:

1877-April 15th, What is designated in this decree as a "Meadow Right."
April 15th-July 1st. 4.8 cubic feet per second.

July 1st-September 30th, 3.2 cubic feet per second.

1885-April 15th, What is designated in this decree as an "Agricultural Right.", 2 cubic feet per second.

All of said water to be diverted from Bear River, at a point described as follows; and to be used on 260 acres of land, described as follows, to-wit:

The NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23 T. 14 S.R. 45 East Boise Meridian.

And that part of NW $\frac{1}{4}$ W $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$, of Section 23, that lies North and East of the Old West Channel of Bear River.

And that part NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 24, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 25, and SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14 T. 13 S. R. 45 E.B.M. which lies West of the Phelps Canal and below said Canal.

Containing in all 200 acres, and all being in Bear Lake County, State of Idaho.

All of said waters to be diverted from Bear River by means of a Dam known as the Ezra J. Phelps Dam located at or near the Southeast Corner of the Southeast Quarter of Section 23, Township 14 South, Range 45 East, of the Boise Meridian, to be used on 200 acres of land, described as follows, to wit:

GEORGE A. SPANNE:

1897-May 1st, What is designated in this decree as an "Agricultural Right." 5 cubic feet per second.

All of said water to be diverted from Bear River at a point described as follows, and

S $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, Township 14 South, Range 45 East Boise Meridian in Bear Lake County, State of Idaho, and to be used on 100 acres of land described as follows, to-wit:

All of said waters to be diverted from Bear River by means of a Dam known as the Ezra J. Phelps Dam located at or near the Southeast Corner of the Southeast Quarter of Section 23, Township 14 South, Range 45 East, of the Boise Meridian, to be used on 100 acres of land, described as follows, to wit:

S $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23; and NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26, Township 14 South, Range 45 East B.M. in Bear Lake County, State of Idaho, containing 100 acres.

JOHN O. MILLER:

1877-April 15th What is designated in this decree as a "Meadow Right."

April 15th-July 1st 4.50 cubic feet per second.

July 1st- September 30th 3.0 cubic feet per second.

1886-April 15th, What is designated in this decree to be a "Meadow Right."

April 15th- July 1st 4.5 cubic feet per second.

July 1st-September 30th 3.0 cubic feet per second.

1885 April 15th What is designated in this decree to be an "Agricultural Right." 3.6 cubic feet per second.

All of said waters to be diverted from Bear River by means of the Miller Ditch, the point of diversion of which is about 150 yards East from the Northeast corner of Section 31, Township 14 South, Range 45 East of the Boise Meridian, to be used upon 400 acres of land described as follows:

E $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{4}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$ Section 31, Township 14 South Range 45 East Boise Meridian.

And E $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36 Township 14 South, Range 45 East B.M. all in Bear Lake County, State of Idaho.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED: That there shall be allowed to pass by the Wardboro Dam in Bear River five cubic feet per second of water at all times for the use of the West Fork Irrigation Company for culinary and domestic purposes; and it is further understood and agreed that said West Fork Irrigation Company is to have a riparian right, inferior to the irrigation rights herein decreed, for forty cubic feet per second of water to be run through its canal at all times during the year except when needed for irrigation purposes.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED: That all of the above described lands are arid in character and require irrigation for their proper cultivation and for the profitable raising of crops thereon, and that the duty of water shall be fixed and determined at one and one-half (1 $\frac{1}{2}$) miners inches per acre of water from April 15th to July 1st of each year, and at one (1) miners inch per acre from July 1st to September 30th,

of each year for the lands designated as meadow lands, and for the lands designated as agricultural lands, it is agreed that the duty shall be one minor inch per acre through the irrigation season, except that it is adjudged and decreed that 800 acres of agricultural lands under the canal of the Dingle Irrigation Company and 400 acres of Agricultural lands under the Preston-Montpelier Irrigation Company's Canal, and 400 acres of land under the Ream-Crockett Ditch have a gravelly sub-soil and require one and one-fourth (1 $\frac{1}{4}$) minor inches per acre, for their proper irrigation, which amount is hereby decreed to said lands, and it is further adjudged and decreed that if within five years it is determined that said gravelly land does not need one and one-fourth (1 $\frac{1}{4}$) minor's inches per acre, the same may be reduced which in no event shall it be reduced so as to give less than one (1) minor's inch per acre to such lands, the court retaining jurisdiction of this cause for said purpose.

IT IS FURTHER ORDERED ADJUDGED AND DECREED, that the lands herein classified as "Meadow Lands" or rights are understood to mean those lands along Bear River producing what is commonly called "Wild Hay" or "natural meadow grass" which lands must be flooded in order to produce crops, the water running over said lands and back into Bear River, which said meadow lands shall be subject to rights hereinafter specified in this decree.

The agricultural lands or rights as herein classified are intended to mean those lands which have been cultivated and irrigated for the production of crops. The acreage of said agricultural lands are hereby decreed and designated as follows: Preston Montpelier Irrigation Company, 2200 acres, Dingle Irrigation Company, 1721 acres, Peg Leg Irrigation Company 866.5 acres, Ream-Crockett Irrigation Company 841 acres, and Mont-LaRocco Ditch 845 acres. It being adjudged and decreed that this is the number of acres designated as agricultural lands under this decree.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED: that if at any time between the 19th day of June and the 4th day of July of any year there shall not be sufficient water in Bear River to supply the above designated agricultural lands, consisting of Six Thousand Twelve and Twenty-five hundredths (6012.25) acres, then, in that event, there shall be taken from the lands or rights hereinafore designated as "Meadow Rights" pro rata a sufficient amount of water so that the said six Thousand Twelve and Twenty-five hundredths acres (6012.25) of agricultural lands shall receive seventy-five per cent (75%) of the full amount of water herein decreed to said agricultural lands, and if after July 4th of any year there is not sufficient water in Bear River to supply the said six Thousand Twelve and Twenty-five Hundredths acres (6012.25) acres with the full amount of their decreed water rights, then, in that event, there shall be taken from the said meadow lands or rights a sufficient amount of water to supply said Six thousand Twelve and Twenty-five Hundredths (6012.25) acres of agricultural lands to the full extent of their decreed right.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED: That the Court shall retain jurisdiction, and jurisdiction is hereby reserved for a period of five years from the date hereof, for the purpose of correcting said decree if it shall be made to appear to the court that there are errors in the description or amounts of land to which water has been decreed under this decree.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that each party pay its own costs herein.

Dated this 7th day of March, 1924.

Endorsed:

Filed Mar. 7, 1924.

J. S. Peterson, Clerk District Court.

Robert M. Terrell
District Judge

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of)	
Black Otter Irrigation Company)	
of Dingle, Idaho)	ORDER GRANTING CHANGE
	IN POINT OF DIVERSION
For a Change in Point of Diversion,)	
County of Bear Lake, State of Idaho)	NO. 296

WHEREAS, On the 17th day of November, 1966, at the Department of Reclamation of the State of Idaho at Boise, Idaho, this matter of the application of the Black Otter Irrigation Company of Dingle, Idaho, for a change in point of diversion, came on regularly for hearing, pursuant to the published notice, in due and statutory form; and

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to a higher and more beneficial use, and no one will be injured thereby.

NOW, THEREFORE, IT IS HEREBY ORDERED, That the said application be, and the same is, HEREBY GRANTED, and that a Certificate of Change in Point of Diversion be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 16th day of December, 1966.

R. KEITH HIGGINSON
State Reclamation Engineer

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

CERTIFICATE OF CHANGE OF POINT OF DIVERSION
OF DECREED WATER RIGHT NO. 296

THIS IS TO CERTIFY, That Black Otter Irrigation Company of Dingle, Idaho, is the owner of and using a certain water right of 133.5 cubic feet per second of the waters of Bear River with priority of April 15, 1877, said water being decreed to Black Otter Irrigation Company, the successor in interest in and to Grinnett-Black Otter Irrigation Company, by Judge Robert M. Terrell, of the Fifth Judicial District of the State of Idaho, in and for the County of Bear Lake, in the case of

PRESTON-MONTPELIER IRRIGATION COMPANY
a corporation,

Plaintiff

vs.

DINGLE IRRIGATION COMPANY
a corporation, et al

Defendants

said decree bearing date of March 7, 1924, and being appurtenant to the following described lands, to-wit:

Commencing at a point South 88°30' East 205 feet and South 2° 10' West 355.8 and East 150 feet from the North quarter corner of Section 6 in Township 14 South, Range 44 East of Boise Meridian; which point is 150 feet East from the East bank of the Outlet canal of the Utah Power & Light Company, running thence in a southerly direction approximately 3160 feet to a point which is 710 feet south of the Northeast corner of Lot 9 of said Section 6; thence North 580.8 feet to quarter Section line; thence East 1320 feet; thence in a southeasterly direction, following boundary line of Lot 5 of Sec. 5 in Township 14 South, Range 44 East Boise Meridian to the Southwest corner of the Northeast quarter of the Southwest corner of of the Northeast quarter of the Southwest quarter of said Section 5; thence East 2640 feet; thence North 3366 feet; thence West 660 feet; thence North 313.5 feet; thence west 1980 feet; thence North 280.5 feet; thence West 2640 feet; thence South 354.75 feet thence West 965 feet to place of beginning.

Also, Lot 10 of Sec. 6 in Township 14 South, Range 44 East of Boise Meridian, containing 24.93 acres; and containing in all 452 acres, more or less.

Also, commencing at the N. E. corner of the SW¹/₄ of SE¹/₄ of Sec. 32, Township 13 South, Range 44 East of Boise Meridian, and running thence South 68 rods; thence West 40 rods; thence South 29 rods; thence West 120 rods; thence North 81 rods, more or less, to Bird Slough; thence Easterly along said slough 94 rods, more or less, to intersection of sub-division line; thence East 66 rods, more or less, to place of beginning containing 83 acres, more or less.

Also, beginning at the southeast corner of the Northwest quarter of the southwest quarter of Sec. 32, Township 13 South, Range 44 East of Boise Meridian, and running thence North 60 rods, thence West 160 rods; thence South 60 rods; thence East 160 rods to place of beginning containing 60 acres, more or less.

Also, commencing at the Northwest corner of the Southeast quarter of the Southwest quarter of Sec. 32, in Township 13 South, Range 44 East of Boise Meridian, and running thence South 16 rods to slough; thence easterly along the meanderings of said slough 109 rods; to a point where it intersects the subdivision line; thence West along the said subdivision line 88 rods to the place of beginning, containing 4 acres and 64 square rods, more or less.

Also, the Southwest quarter of the Northwest quarter and West half of the Southwest quarter of Sec. 32, and the Southeast quarter of the Southeast quarter of Sec. 31; all in Township 13 South, Range 44 East of Boise Meridian, containing 160 acres.

Also, Lot 6 in Sec. 5, Township 14 South, Range 44 East Boise Meridian, containing 20 acres; and Lot 1 in Sec. 8, Township 14 South, Range 44 East of Boise Meridian, containing 34 acres.

Also, commencing 23 rods South from the Northwest corner of the Northeast quarter of the Northeast quarter of Section 8, Township 14 South, Range 44 East Boise Meridian, thence South 57 rods; thence East 38 rods; thence North 57 rods; thence West 38 rods to the place of beginning, containing 13.5 acres, more or less.

Also, beginning at a point 40 rods West of the Southwest corner of the Northwest quarter of the Northwest quarter, of Section 9, Township 14 South, Range 44 East of Boise Meridian, and running thence South 28 rods; thence West to the West Line of Lot 2 of Sec. 8 of said Township and Range; thence in a Northwesterly direction following the West line of said Lot 2 to the Northwest corner of said Lot 2; thence East on Forty line to place of beginning.

Also, commencing at the Northeast corner of Lot 2, Section 5, Township 14 South, Range 44 East of Boise Meridian, and running thence South 36 rods; thence West 40 rods; thence North 36 rods; thence East 40 rods to place of beginning. Also, commencing at the Southeast corner of the Southeast quarter of Sec. 32, Township 13 South, Range 44 East of Boise Meridian, and running thence North 4 chains; thence West 10 chains; thence South 10 chains, thence west 10 chains; thence South 40 chains; thence East 20 chains; thence North 20 chains to place of beginning, containing 18 acres, more or less. Also commencing at a point 10 chains West and 4 chains North from the Southeast corner of the Southeast quarter of Sec. 32, Township 13 South, Range 44 East of Boise Meridian, and running thence North 10 chains; thence west 10 chains; thence South 10 chains; thence East 10 chains to the place of beginning, containing 10 acres more or less. Also, commencing at the Southwest Corner of Sec. 33, Township 13 South, Range 44 East Boise Meridian, and running thence North 64 rods; thence East 40 rods; thence South 104 rods; thence West 40 rods; thence North 40 rods to place of beginning, containing 26 acres.

Also, commencing at a point 10 chains South from the Southeast corner of the Southeast quarter of Sec. 32, Township 13 South, Range 44 East of Boise Meridian, and running thence West 20 chains; thence South 10 chains; thence East 20 chains; thence North 10 chains to the place of beginning containing 20 acres, more or less. Also, commencing at a point 10 chains West from the Southeast corner of Section 32, Township 13 South, Range 44 East of Boise Meridian, and running thence North 4 chains; thence West 10 chains; thence South 10 chains thence East 10 chains; thence North 6 chains to place of beginning, containing 10 acres, more or less.

Also, commencing at a point 4 chains North from the Southeast corner of the Southeast quarter of Sec. 32, Township 13 South, Range 44 East of Boise Meridian, and running thence North 20 chains; thence West 10 chains; thence South 20 chains; thence East 10 chains to place of beginning, containing 20 acres. Also, commencing at a point 24 chains North from the Southeast corner of the Southeast quarter of Section 32, Township 13 South, Range 44 East of Boise Meridian, and running thence North 10 chains; thence West 10 chains; thence South 10 chains; thence East 10 chains to place of beginning, containing 10 acres. Also, commencing at a point 10 chains West and 15 chains and 50 links South from the Northeast corner of the Southeast quarter of Sec. 32, Township 13 South, Range 44 East of Boise Meridian, and running thence West 10 chains; thence South 10 chains; thence East 10 chains, thence North 10 chains to place of beginning, containing 10 acres.

Commencing at the Southeast corner of the Northeast quarter of Sec. 4, Township 14 South, Range 44 East of Boise Meridian, and running thence North 30 rods; thence East 174 rods to center of Black Otter Slough; thence North and East following the windings of said Slough for a distance of 160 rods, more or less; thence North 6 rods; thence following the

wingings of said Slough West a distance of 70 rods; thence North 21 rods to township line; thence West on said line 70 rods and 3 feet, more or less, to William Quagle's line; thence South 45 rods; thence West 281 rods to West line of said Section 4; thence South 115 rods to quarter corner; thence East 320 rods to place of commencement, containing 270 acres, more or less. Also, beginning at a point 40 rods North of the Northeast corner of the Southeast quarter of Sec. 31, Township 13 South, Range 44 East of Boise Meridian, and running thence West 160 rods; thence South 80 rods; thence East 65 rods; thence South 40 rods; thence East 95 rods; thence North 120 rods to place of beginning, containing 103 $\frac{3}{4}$ acres, save and except therefrom a strip containing 7.72 acres from said above tract sold to Bear River Water Company, and for a particular description of said strip reference is made to Page 625 of Deed Book 6, records of Bear Lake County, Idaho.

Also, commencing at a point in the center of a deep slough 20 chains East along Quarter section line and 5 chains and 90 links South along eighth section line from the Northwest corner of the NE $\frac{1}{4}$ of Section 33, Township 13 South, Range 44 East of Boise Meridian, and running thence South along eighth section line 51 chains and 10 links; thence West along eighth Section line 4 chains and 83 links; thence North 34 minutes East 49 chains and 50 links; thence along center of said slough 4 chains and 33 links to the place of beginning, containing 23 acres and 5 square rods. Also, commencing at the SW corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 33, Township 13 South, Range 44 East Boise Meridian, and running thence East 36 rods; thence North 180 rods to Peg Leg Slough; thence Westerly along said Slough 55 rods more or less, to half quarter government line; thence South along said line 194 rods to place of beginning, containing 43 acres.

Also, the Southeast quarter of the Northeast quarter and Lots numbered Two, three and four of Sec. 8, and Lot numbered one of Section Seventeen, Township 14 South, Range 44 East B. M., 127.05 acres.

Also, the East half of the Northeast quarter, and the Northeast quarter of the Southeast quarter of Section 33, and the Northwest quarter of the Southwest quarter of Section 34, all in Township 13 South, Range 44 East of Boise Meridian, containing 160 acres; excepting therefrom the following tract, to-wit: Commencing at the Southwest corner of the Northeast quarter of the Southeast quarter of Sec. 33, in Township 13 South, Range 44 East of Boise Meridian, and running thence East 36 rods; thence North 180 rods to Peg Leg Slough; thence Westerly along said Slough 55 rods, more or less, to half quarter government line; thence South along said line 194 rods to the place of beginning, containing 43 acres, more or less.

Also, beginning at a point on the East boundary line of the Utah Power & Light Company's Canal right-of-way, and on the South boundary line of Township 13 South, Range 44 East of Boise Meridian, which point is South 88° East 456.4 feet from the South corner of Sec. 31, Twp. 13 South, R. 44 E.B.M.,

28'
thence South 4°/East 168.7 feet to a point of curve;
thence on a 1° 03' curve to the left, for a distance of
188 feet to a point 21½ rods South of Township line;
thence East 840 feet, more or less, to local line;
thence North 1674 feet; thence West 240 feet; more
or less, to local corner; thence North 660 feet; thence W.
800 feet, more or less, to East line of said right of
way; thence South 4° 28' East along said right-of-way
1991 feet to point of beginning, containing 46.75
acres, more or less.

Also, beginning at the quarter section corner between
Sections 5 and 8 in Township 14 South, Range 44 East Boise
Meridian, and running thence East 1320 feet; thence South
379½ feet to a ditch; thence East along said ditch 585 feet
to a corner of fence; thence North 8° 15' West 1715 feet to
corner of fence; thence West 1659 feet; thence South 1320
feet to point of beginning, which is a quarter corner be-
tween said Sections 5 and 8, containing 58 acres, more or
less.

Also, the Northwest quarter of Sec. 11 in Township 14 South,
Range 44 East of Boise Meridian, containing 160 acres.

Also, commencing at the Northwest quarter of the Southwest
quarter of Sec. 11 in Township 14 South, Range 44 East of Boise
Meridian, and running thence East 120 rods; thence South 160
rods; thence West 120 rods; thence North 160 rods to place of
beginning containing 120 acres.

Also, the South half of the Southeast quarter and the
South Half of the Southwest quarter of Sec. 3, in Township 14
South, Range 44 East of Boise Meridian, Bear Lake County, Idaho,
containing 160 acres, excepting therefrom 40 acres heretofore
deeded to the Utah Power & Light Company, also, the North half of
the Northwest quarter of Sec. 15, in Township 14 South, Range 44
East of Boise Meridian, containing 80 acres.

Also commencing at a point 35 rods South from the North-
west corner of the Southeast quarter of Sec. 9, in Township 14
South, Range 44 East of Boise Meridian, running thence South 35
rods; thence West 320 rods; thence North 25 rods; thence East
320 rods to the place of beginning, containing 50 acres.

Also, the South Half of the Northwest quarter and the
South Half of the Northeast quarter of Sec. 9, in Township 14
South, Range 44 East of Boise Meridian, containing 160 acres.

Also, the Northeast quarter of the Northeast quarter of
Sec. 9 in Township 14 South, Range 44 East of Boise Meridian,
containing 40 acres.

Also, the Northwest quarter of the Northeast quarter of
Sec. 9 in Township 14 South, Range 44 East of Boise Meridian,
containing 40 acres.

Also, the Northeast quarter of Sec. 10 in Township 14
South, Range 44 East of Boise Meridian, containing 160 acres,
excepting therefrom 60 acres heretofore deeded to the Utah
Power & Light Company.

Also, the Southeast quarter of Sec. 10, in Township 14 South, Range 44 East of Boise Meridian, containing 160 acres.

Also, commencing at a point 23 rods south from the Northeast corner of the Northwest quarter of Sec. 9, Township 14 South, Range 44 East of Boise Meridian, and running thence West 202 rods; thence South 57 rods; thence East 2 rods; thence South 55 rods; thence East 40 rods; thence North 55 rods; thence East 160 rods; thence North 57 rods to place of beginning, containing 85 acres, more or less.

Also, commencing at the Northeast corner of the Southwest quarter of Sec. 11, Township 14 South, Range 44 East of Boise Meridian, U. S. Survey, in Idaho, running thence West 40 rods; thence South 160 rods; thence East 40 rods; thence North 160 rods to place of beginning containing 40 acres,

Also, the Southwest quarter of Sec. 10, Township 14 South, Range 44 East Boise Meridian containing 160 acres.

Also, Lot 1, the $\frac{3}{4}$ of the SE $\frac{1}{4}$ of Sec. 4, Tp. 14 S., R. 44 E.B.M., containing 80 acres. Also, Lot 2 commencing at the NW corner of Sec. 9, Tp. 14 S., R. 44 E.B.M. running thence E. 160 rods; thence S. 23 rods; thence W. 160 rods; thence N. 23 rods to place of beginning, containing 23 acres. Also, Lot 3 commencing at the SE corner of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 4, Tp. 14 South, R. 44 E.B.M., running thence West 80 rods; thence N. 20 rods, thence E. 80 rods; thence S. 20 rods to place of beginning, 10 acres.

Also, Lot 4, commencing at the NE corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 5, Tp. 14 S., R. 44 E.B.M., running thence West 45 rods; thence S. 103 rods; thence E. 45 rods; thence N. 103 rods to place of beginning, 29 acres.

Also, commencing at the NW corner of the NE $\frac{1}{4}$ of Sec. 16, Tp. 14 S., R. 44 E.B.M., run thence S. 78 rods; thence E. 80 rods; thence N. 78 rods; thence W. 80 rods to place of beginning, containing 39 acres.

Also, commencing at the SE corner of Sec. 9, Tp. 14 S., R. 44 E.B.M., and running thence N. 50 rods; thence W. 160 rods; thence S. 50 rods; thence E. 160 rods to place of beginning, containing 50 acres.

Also, the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 16, Tp. 14 S., R. 44 E. B. M. containing 80 acres.

Also, the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 3, Tp. 14 S., R. 44 E.B.M., containing 40 acres; also commencing at the SE corner of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 3, Tp. 14 S., R. 44 E. B. M., and running thence N. $7\frac{1}{2}$ chains; thence in a Northwesterly direction 10 chains, following the meanderings of the Black Otter Slough; thence in a northeasterly direction, following the meanderings of said slough, 6 chains; thence West across said Slough $3\frac{1}{2}$ chains; thence following the meanderings of said slough, first in a Southwesterly direction and then in a Southeasterly direction $9\frac{1}{2}$ chains, thence

W. $4\frac{1}{2}$ chains, thence S. $7\frac{1}{2}$ chains; thence E. 80 rods to place of beginning, containing 20 acres.

Also, commencing at the SW corner of the SW $\frac{1}{4}$ of Sec. 9, Tp. 14 S., R. 44 E.B.M., running thence N. 50 rods; thence E. 160 rods; thence S. 50 rods; thence W. 160 rods to the place of beginning, containing 50 acres.

Also, commencing at a point 40 rods N. from the NE corner of Sec. 9, Tp. 14 S., R. 44 E.B.M., thence N. 120 rods; thence W. 240 rods; thence S. 60 rods; thence E. 80 rods; thence S. 60 rods; thence E. 160 rods to place of beginning, containing 150 acres and SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 5; Also, the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 4 and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 5, Tp. 14 S., R. 44 E.B.M., containing 120 acres.

Also, the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 16, Twp. 14 S., R. 44 E. B. M., containing 40 acres.

Also, the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 16, Twp. 14 S., R. 44 E. B. M., containing 80 acres.

Also, commencing at the NW corner of the SE $\frac{1}{4}$ of Sec. 11, Tp. 14 S., R. 44 E. B. M., running thence S. $3\frac{1}{2}$ rods; thence E. 40 rods; thence N. $3\frac{1}{2}$ rods; thence W. 40 rods to the place of beginning, containing $8\frac{1}{2}$ acres.

Also, the NW $\frac{1}{4}$ of Sec. 10, Tp. 14 S., R. 44 E.B.M., containing 160 acres.

Also, the N $\frac{1}{2}$ of the SW $\frac{1}{4}$, and the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 9, Twp. 14 S., R. 44 E.B.M., containing 160 acres.

Also, commence at a point 60 rods N. of the SW corner of Sec. 9, Tp. 14 S., R. 44 E.B.M., and running thence E. 320 rods; thence S. 20 rods; thence E. 320 rods; thence N. 20 rods to the place of beginning, containing 40 acres.

X Also, the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the lots numbered 2, 3, and 4, of Sec. 8, and the lot numbered 1 of Sec. 17, Tp. 14 S., R. 44 E. B. M., 127 acres.

Also, commencing at the SW corner of the NE $\frac{1}{4}$ of Sec. 11, Tp. 14 S., R. 44 E. B. M., and running thence N. 160 rods, thence E. 12 rods to the thread of the stream of the Black Otter Slough; thence following the windings of the Black Otter Slough a distance of 40 rods in a southeasterly direction; thence 79 rods in a Northeasterly direction to the northern section line of said Section 11; thence along said line to the thread of said Black Otter Slough; thence following the windings of said Slough in a Southeasterly direction a distance of 25 rods; thence S. 58 rods; thence W. 5 rods; thence Southeast 12 rods and six links; thence S. $3\frac{1}{2}$ rods; thence W. 53 rods; thence S. 33 rods; thence W. 84 rods to the place of beginning, containing 121 acres, more or less.

Commencing at a point 40 rods E. from the NW corner of Sec. 4, Tp. 14 S., R. 44 E.B.M., and running thence N. 80 rods; thence E. 120 rods; thence S. 125 rods; thence W. 120 rods; thence N. 45 rods to place of beginning, containing 93-3/4 acres.

Also commencing at a point 9-3/4 chains W. from the Northeast corner of Section 4, Tp. 14 S., R. 44 E. B. M., and running thence S. 11 1/2 chains; thence W. 30 1/2 chains, more or less, to half section line; thence N. 12 1/2 chains; thence E. 30 1/2 chains, more or less, to place of beginning, containing 3/4 acres, more or less.

The South Half of the Southeast quarter and the Southeast quarter of the Southwest quarter of Section 33, Township 13 South and the lot numbered 3 of Section Four, in Township 14 South of Range 44 East of the Boise Meridian in Idaho, containing 160 acres and 19/100 of an acre.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho at Boise, Idaho, in Volume 4 of Decrees, at Page 650;

And that now, upon the application of Black Otter Irrigation Company before the State Reclamation Engineer of the State of Idaho, for a Certificate of Change of Point of Diversion, and the said application having been granted, the right to change the point of diversion 30.0 cubic feet per second of the waters of Bear River is HEREBY GRANTED;

That said change of point of diversion shall not modify in effect said decreed water right or place of use;

Said water is to be limited at any given time to an amount actually needed and beneficially used, and shall not exceed the following amount, to-wit:

30.0 cubic feet per second of the waters of Bear River, with priority of April 15, 1877;

That the water right hereby transferred has heretofore been conducted from Bear River near the South Line of the NW 1/4, Section 8, Township 14 South, Range (45E) 44 E. B. M.

That the water right hereby transferred will hereafter be conducted to said land from Bear River near East line of SW 1/4, Section 17, Township 14 South, Range 45 E. B. M.,

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho, to be hereunto affixed at Boise, Idaho, this 16th day of December, 1966.

R. KEITH HIGGINSON
State Reclamation Engineer

MAINTAINED

THE NEWS-EXAMINER

MONTPELIER, IDAHO

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,)
County of Bear Lake,) ss.

W. Jerome Taylor

being first duly sworn, deposes and says
he is Publisher and Foreman of the
News-Examiner; that the said **News-Examiner**
is a weekly newspaper published at Montpelier,
County of Bear Lake, State of Idaho, of general
circulation in said County and State.

That the notice attached was published in
the said **News-Examiner**, and not in a
supplement, for Two
successive weeks, commencing with the issue
dated November 3, 1966
and ending with the issue
dated November 10, 1966.

W. Jerome Taylor
Publisher and Foreman.

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that
Black Otter Irrigation Company
of Dingle, Idaho has applied to
the State Reclamation Engineer
of the State of Idaho for a certi-
ficate authorizing it to change
the point of diversion of the wa-
ters of Bear River as follows.
Amount: 30.0 cubic feet per sec-
ond. Priority: April 7, 1877.
Point of diversion: Near South
Line of NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 8,
Township 14 S Range 44 E. (45E)
B. M. Place of Use: Lands under
canal system.

To Be Transferred to Point of
Diversion: Near East Line of
SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17, Township
14 S., Range 45 E., B. M.

Place of Use: No change.

And that on the 17th day of
November, 1966, at 2:00 o'clock
p. m., at Room 107, Statehouse,
Boise, Idaho, before the State
Reclamation Engineer, or his
authorized agent, the opportuni-
ty will be given to any and all
persons to appear and present,
for his consideration any reason
or reasons why a certificate
should not be issued authorizing
such transfer.

R. KEITH HIGGINSON
State Reclamation Engineer
(n-3|10)

Subscribed and sworn to before me this 23th day of November, 1966.

Tom L. Benjamin
Notary Public.

Hold for Application for Transfer of
Water Right

ELBERT E. GASS
ATTORNEY AND COUNSELOR AT LAW
PROFESSIONAL BUILDING
MONTPELIER, IDAHO 83254

PROSECUTING ATTORNEY
BEAR LAKE COUNTY

July 20, 1966

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JUL 25 1966

ATTORNEY - MONTPELIER
TELEPHONE 847-0805

Department of Reclamation

Mr. Keith Higginson
Deputy State Reclamation Engineer
State House
Boise, Idaho

Dear Keith:

I enclose the original and copy of an Agreement between Black Otter Irrigation Company and the Dingle Irrigation Company. After conferring with you I found out that Black Otter wanted to divert not more than 30 second feet into the Dingle irrigation system commencing at the Dingle dam site, and which would be for the convenience of certain Black Otter stockholders in utilizing the irrigation system of the Dingle Irrigation Company. It is true that the point of taking the waters out of Bear River will be changed insofar as it will be taken further upstream at the Dingle dam site than at the Black Otter dam site; nevertheless, I do not believe that this is a change of point of diversion that is envisioned by the statutes of the State of Idaho in that it is not a permanent arrangement. The fact that it is not permanent is borne out by the terms of the Agreement whereby Dingle can terminate without notice and the Agreement may be terminated by either party without notice.

Your Form 20 (Application for Transfer of Water Right) appears to contemplate a permanent change in point of diversion as well as a change in place of use. Black Otter does not intend to change their point of diversion except as to channeling up to 30 second feet of water through the irrigation works of Dingle Irrigation Company, which is to be deducted from that amount to be diverted to the Black Otter system at its point of diversion (its dam site). I do not think it can be maintained that the water rights of other users are or will be injured by diverting up to 30 second feet through Dingle's dam site, and since the directors of both Dingle and Black Otter have entered into the Agreement, then certainly Dingle has consented to the use of its irrigation system and Black Otter has consented to the diversion of its water through Dingle's irrigation system.

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Mr. Keith Higginson

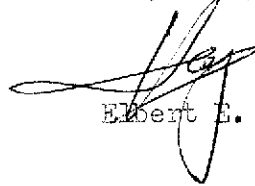
-2-

7-20-66

I am certain that Black Otter will not object to completing the Form 20 that you have submitted to me, but I do not think it is necessary for the foregoing reasons. I make this statement on the basis of the provisions of Section 42-108, Idaho Code, and the case laws of the State of Idaho.

In any event, would you please return a copy of the Agreement to me, and if the Agreement is satisfactory and in compliance with the laws and regulations, please advise Mr. Stoker.

Very truly yours,



Elbert E. Gass

EEG:vm
Encl. 2

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Department of Reclamation

A G R E E M E N T

THIS AGREEMENT, Made and entered into this ^{7th} 20 day of July, 1966,
by and between the BLACK OTTER IRRIGATION COMPANY, a corporation organized
and existing under and by virtue of the laws of the State of Idaho, party
of the first part, hereinafter referred to as BLACK OTTER, and the DINGLE
IRRIGATION COMPANY, a corporation organized and existing under and by
virtue of the laws of the State of Idaho, party of the second part, here-
inafter referred to as DINGLE,

W I T N E S S E T H:

WHEREAS, pursuant to that certain DECREE made and entered on the 7th
day of March, 1924, records of Bear Lake County, Idaho, in a case entitled
Preston-Montpelier Irrigation Company, a Corporation, plaintiff, vs.
Dingle Irrigation Company, a corporation, et al, defendant, in the District
Court of the Fifth Judicial District of the State of Idaho, in and for the
County of Bear Lake, DINGLE was decreed thirty-seven (37) cubic feet per
second of the waters from Bear River, and BLACK OTTER was decreed one
hundred fifty-one (151) cubic feet per second (of the amount alleged herein
to be decreed to BLACK OTTER, 17.5 cubic feet per second was decreed to the
Peg Leg Island Irrigation Company, but said amount is diverted through the
dam and ditches of the said BLACK OTTER);

WHEREAS, both BLACK OTTER and DINGLE are the respective owners of
certain artificial water courses, ditches, canals, dams and irrigation
systems by which to divert, distribute and supply irrigation water to the
stockholders of each;

WHEREAS, BLACK OTTER diverts water from Bear River at a dam site near
the south line of the Northwest Quarter of the Southeast Quarter of
Section 8, Township 14 South, Range 45 East of the Boise Meridian, and
DINGLE diverts water from Bear River at a dam site near the East line of
the Southwest Quarter of the Northeast Quarter of Section 17, Township 14
South, Range 45 East of the Boise Meridian;

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WHEREAS, BLACK OTTER desires to divert not to exceed thirty (30) cubic feet per second of the waters of Bear River decreed to it pursuant to the aforesaid Decree ^{from} DINGLE'S dam site and irrigation system to a point in the Northeast Quarter of the Southwest Quarter of Section 12, Township 14 South, Range 44 East of the Boise Meridian, Idaho, the latter being the point and place where the aforesaid waters so diverted will dump back into the BLACK OTTER'S irrigation system; and

WHEREAS, DINGLE does not object to the aforesaid diversion and use of its dam site and irrigation system by BLACK OTTER;

NOW, THEREFORE, In consideration of the premises, it is hereby mutually understood and agreed as follows, to-wit:

1. That BLACK OTTER is hereby given the right and permission by DINGLE to conduct and divert not to exceed thirty (30) cubic feet of waters from Bear River, which waters are owned and controlled by BLACK OTTER pursuant to the aforesaid Decree, through and along the following portion of the irrigation system owned and controlled by DINGLE: Commencing at DINGLE'S dam site located near the East line of the Southwest Quarter of the Northeast Quarter of Section 17, Township 14 South, Range 44 East of the Boise Meridian, to a point in the Northeast Quarter of the Southwest Quarter of Section 12, Township 14 South, Range 44 East of the Boise Meridian, Idaho, the latter point being the place where the aforesaid waters will dump back into the irrigation system owned and controlled by BLACK OTTER.

2. That said right or permission to so use said portion of the irrigation system of DINGLE shall be revocable by DINGLE at any time without prior notice to BLACK OTTER, and that the right to so use said portion of said irrigation system is permissive only.

3. That all work done upon, in or about said portion of said irrigation system of DINGLE to enable the use of the same as aforesaid, shall be done under the supervision of DINGLE, except at that point where the aforesaid waters dump into the irrigation system of BLACK OTTER, the latter being under the supervision of BLACK OTTER, and any plans for said proposed

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work in or upon said portion of the irrigation system of DINGLE or BLACK OTTER shall be submitted to and approved in writing by the owner of the respective irrigation system.

4. This Agreement may be terminated by either party at any time without prior notice.

5. That it is expressly agreed that this Agreement shall at all times be subject to changes or modification as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by its duly constituted Board of Directors on the day and year first above written.

BLACK OTTER IRRIGATION COMPANY

George Mate

Cecil Luayle

Darrell Keith

Errol Mate

Seymour Lindsay

ATTEST:

A. D. Oakley
Secretary

DINGLE IRRIGATION COMPANY

Cecil Luayle

Wm. H. Lindsay

T. H. Spencer

Clifford J. Skinner

ATTEST:

A. D. Oakley
Secretary

A. D. Oakley



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Department of Reclamation

AGREEMENT

THIS AGREEMENT, Made and entered into this 20th day of July, 1966,
by and between the BLACK OTTER IRRIGATION COMPANY, a corporation organized
and existing under and by virtue of the laws of the State of Idaho, party
of the first part, hereinafter referred to as BLACK OTTER, and the DINGLE
IRRIGATION COMPANY, a corporation organized and existing under and by
virtue of the laws of the State of Idaho, party of the second part, here-
inafter referred to as DINGLE,

WITNESSETH:

WHEREAS, pursuant to that certain DECREE made and entered on the 7th
day of March, 1924, records of Bear Lake County, Idaho, in a case entitled
Preston-Montpelier Irrigation Company, a Corporation, plaintiff, vs.
Dingle Irrigation Company, a corporation, et al, defendant, in the District
Court of the Fifth Judicial District of the State of Idaho, in and for the
County of Bear Lake, DINGLE was decreed thirty-seven (37) cubic feet per
second of the waters from Bear River, and BLACK OTTER was decreed one
hundred fifty-one (151) cubic feet per second (of the amount alleged herein
to be decreed to BLACK OTTER, 17.5 cubic feet per second was decreed to the
Peg Leg Island Irrigation Company, but said amount is diverted through the
dam and ditches of the said BLACK OTTER);

WHEREAS, both BLACK OTTER and DINGLE are the respective owners of
certain artificial water courses, ditches, canals, dams and irrigation
systems by which to divert, distribute and supply irrigation water to the
stockholders of each;

WHEREAS, BLACK OTTER diverts water from Bear River at a dam site near
the south line of the Northwest Quarter of the Southeast Quarter of
Section 8, Township 14 South, Range 45 East of the Boise Meridian, and
DINGLE diverts water from Bear River at a dam site near the East line of
the Southwest Quarter of the Northeast Quarter of Section 17, Township 14
South, Range 45 East of the Boise Meridian;

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WHEREAS, BLACK OTTER desires to divert not to exceed thirty (30) cubic feet per second of the waters of Bear River decreed to it pursuant to the aforesaid Decree ^{from} DINGLE'S dam site and irrigation system to a point in the Northeast Quarter of the Southwest Quarter of Section 12, Township 14 South, Range 44 East of the Boise Meridian, Idaho, the latter being the point and place where the aforesaid waters so diverted will dump back into the BLACK OTTER'S irrigation system; and

WHEREAS, DINGLE does not object to the aforesaid diversion and use of its dam site and irrigation system by BLACK OTTER;

NOW, THEREFORE, In consideration of the premises, it is hereby mutually understood and agreed as follows, to-wit:

1. That BLACK OTTER is hereby given the right and permission by DINGLE to conduct and divert not to exceed thirty (30) cubic feet of waters from Bear River, which waters are owned and controlled by BLACK OTTER pursuant to the aforesaid Decree, through and along the following portion of the irrigation system owned and controlled by DINGLE: Commencing at DINGLE'S dam site located near the East line of the Southwest Quarter of the Northeast Quarter of Section 17, Township 14 South, Range 44 East of the Boise Meridian, to a point in the Northeast Quarter of the Southwest Quarter of Section 12, Township 14 South, Range 44 East of the Boise Meridian, Idaho, the latter point being the place where the aforesaid waters will dump back into the irrigation system owned and controlled by BLACK OTTER.

2. That said right or permission to so use said portion of the irrigation system of DINGLE shall be revocable by DINGLE at any time without prior notice to BLACK OTTER, and that the right to so use said portion of said irrigation system is permissive only.

3. That all work done upon, in or about said portion of said irrigation system of DINGLE to enable the use of the same as aforesaid, shall be done under the supervision of DINGLE, except at that point where the aforesaid waters dump into the irrigation system of BLACK OTTER, the latter being under the supervision of BLACK OTTER, and any plans for said proposed

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work in or upon said portion of the irrigation system of DINGLE or BLACK OTTER shall be submitted to and approved in writing by the owner of the respective irrigation system.

4. This Agreement may be terminated by either party at any time without prior notice.

5. That it is expressly agreed that this Agreement shall at all times be subject to changes or modification as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by its duly constituted Board of Directors on the day and year first above written.

BLACK OTTER IRRIGATION COMPANY

George Mate

Heril Lucif

Dassess Kustak

Harold Mate

Seymour Lindsay

ATTEST:

A. D. Oakley
Secretary

DINGLE IRRIGATION COMPANY

Heril Lucif

Wm. H. Lindsay

T. H. Spencer

Clifford J. Skinner

ATTEST:

A. D. Oakley
Secretary

A. D. Oakley

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OCT 25 1966

Department of Reclamation

APPLICATION FOR TRANSFER OF WATER RIGHT

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OCT 7 1966

Department of Reclamation

STATE OF IDAHO,)
) ss.
County of Bear Lake.)

A. D. Oakey, being first duly sworn, deposes and says:

That his name is A. D. Oakey; that he is of lawful age, a citizen of the United States and the State of Idaho, and that his post office address is Dingle, Idaho;

That he is the Secretary of the Black Otter Irrigation Company, and which company is the owner and using a certain water right bearing priority of April 15, 1877, for 133.5 cubic feet per second of the waters of Bear River at and within the County of Bear Lake, State of Idaho, decreed to the Black Otter Irrigation Company, the successor in interest in and to Grimmett-Black Otter Irrigation Company, by that certain Decree made and entered on the 7th day of March, 1924, by the Honorable Robert M. Terrell, District Judge, in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Bear Lake, in that certain case entitled Preston-Montpelier Irrigation Company, a corporation, Plaintiff, vs. Dingle Irrigation Company, a corporation; Grimmett-Black Otter Irrigation Company, a corporation; Peg Leg Island Irrigation Company, a corporation; West Fork Irrigation Company, a corporation; Ream-Crockett Irrigation Company, a corporation; Pugmire Livestock & Land Company, a corporation; Continental Life Insurance Company, a corporation; Ola Transtrum; Carrie Hill; J. A. C. Nielsen, John A. Jensen; Cron Quayle; Thomas Quayle; George Parker; Edward LaRocco; John O. Miller; Ezra J. Phelps; George A. Sparks, Hyrum Esterholdt, and Joseph Esterholdt, Defendants, for the purpose of irrigating the following described lands situate, lying and being in Water District No. 5 in the County of Bear Lake, State of Idaho, to-wit: 4,434.25 acres of land as described in the aforesaid Decree bearing date of March 7, 1924, which Decree is incorporated herein and made a part hereof by reference and attachment, and is the Secretary of the corporation to whom such right was so decreed and which has become the owner thereof pursuant to said Decree and continuous use.

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That said waters are now diverted from Bear River at a dam site near the south line of the Northwest Quarter of the Southeast Quarter of Section 8, Township 14, South, Range 45 East of the Boise Meridian, Idaho, and conducted to the above described lands by and through canals and ditches.

CHANGE IN PLACE OF USE

That affiant and petitioner does not desire to change place of use.

CHANGE IN POINT OF DIVERSION

That the said Black Otter Irrigation Company desires to change the point of diversion of 30 cubic feet of waters from Bear River, which said 30 feet of waters are owned and controlled by the Black Otter Irrigation Company pursuant to the aforesaid Decree, from the point above described to a point located and situated at the dam site of the Dingle Irrigation Company upon Bear River near the east line of the Southwest Quarter of the Northeast Quarter of Section 17, Township 14, South, Range 45 East of the Boise Meridian, Idaho, and thereafter conduct and divert the said 30 cubic feet of water to and along the following portion of the irrigation system owned and controlled by the said Dingle Irrigation Company: Commencing at Dingle Irrigation Company's dam site located near the east line of the Southwest Quarter of the Northeast Quarter of Section 17, Township 14, South, Range 45 East of the Boise Meridian, Idaho, to a point in the Northeast Quarter of the Southeast Quarter of Section 12, Township 14, South, Range 44 East of the Boise Meridian, Idaho, the latter point being the place where the aforesaid waters will drop back into the irrigation system owned and controlled by Black Otter Irrigation Company.

That the reasons for desiring to make such change is to permit more beneficial application of the waters decreed to the Black Otter Irrigation Company upon the lands specified in the aforesaid Decree, which is attached hereto and incorporated herein by reference.

The petitioner asserts that no one will be injured by such transfer, or change in point of diversion, and that the change will be made at petitioner's own risk, and that an agreement has heretofore been submitted to the Department of Reclamation of the State of Idaho in which the Dingle Irrigation Company agreed and consented to the change in point of diversion and the utilization of a portion of the said Dingle Irrigation Company's irrigation works.

WHEREFORE, affiant prays that the State Reclamation Engineer of the State of Idaho issue to it the proper certificate authorizing such change in point of diversion in accordance with the provisions of Sections 42-108 and 42-222 of the Idaho Code.

BLACK OTTER IRRIGATION COMPANY

By A. D. Oakley
Applicant

SUBSCRIBED AND SWORN TO Before me this 20 day of October, 1966.

E. J. Lane
NOTARY PUBLIC for Idaho
Residing at Montpelier, Idaho
My Comm. expires: 8/26/67

(SEAL)

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Bear River.

Where is the diversion point located? The present point of diversion is located at the dam site of the Black Otter Irrigation Company on Bear River near the south line of the Northwest Quarter of the Southeast Quarter of Section 8, Township 14 South, Range 45 East of the Boise Meridian, Idaho. Through what ditch is it now conducted? Through the irrigation ditches owned and operated by the Black Otter Irrigation Company.

MICROFILMED

How much land is now irrigated by the water sought to be transferred?

4,454.25 acres.

Give the description: For the land description see copy of the aforesaid Decree, which is incorporated by attachment.

What is the total amount of water in inches, or second feet, dedicated to said land? 133.5 cubic feet per second, or 89 c.f.s. from July 1 to Sept. 30.

What kind of crops are being realised? Grain and hay.

How much water per acre is now required to irrigate said land? Statutory amount of 1 cubic foot for each 50 acres of land.

What will be the effect on the land now irrigated, if the use of water on it is discontinued? The use of water will not be discontinued, but the water now decreed to Black Otter will be more beneficially applied to the lands for which the water is appropriated.

Give location of new point of diversion, if change is to be made: The point of diversion is from Bear River at the dam site of Dingle Irrigation Company situated near the east line of the Southwest Quarter of the Northwest Quarter of Section 17, Township 14 South, Range 45 East of Boise Meridian, Idaho.

Through what ditch will it be conducted after transfer? It is proposed to conduct and divert not to exceed 30 cubic feet of waters from Bear River, which waters are owned and controlled by Black Otter pursuant to the aforesaid Decree, through and along the following portion of the irrigation system owned and controlled by Dingle Irrigation Company: Commencing at Dingle Irrigation Company's dam site located near the east line of the Southwest Quarter of the Northeast Quarter of Section 17, Township 14 South, Range 45 East of the Boise Meridian, Idaho, to a point in the Northeast Quarter of the Southeast Quarter of Section 12, Township 14 South, Range 44 East of the Boise Meridian, Idaho, the latter point being the place where the aforesaid waters will drop back into the irrigation system owned and controlled by Black Otter Irrigation Company.

How much water will be required per acre to irrigate the land to which this water is transferred? The same amount of water is required, because no new lands are being placed under irrigation.

Do you claim any other water right for the land from which you seek to abandon the use of this water? As state heretofore, the water will be applied upon the same land for which the water was decreed to be applied for beneficial use.

Is there any other water for the land to which you seek to make this transfer?
None.

BLACK OTTER IRRIGATION COMPANY

By A. D. Oakley
Applicant

STATE OF IDAHO,)
) ss.
County of Bear Lake.)

I, Russell Stoker, Watermaster of Bear River
Water District No. 5, County of Bear Lake, Caribou & Franklin State of
Idaho, whose post office address is Soda Springs, Idaho, have read or heard
read the foregoing affidavit and petition of A.D. Oakley, and of my own
knowledge, believe the same to be true as to all matters therein alleged,
and that no one will be injured by the transfer prayed to be authorized;
and I hereby endorse my approval of said petition and request that the
State Reclamation Engineer issue the certificate of transfer as petitioned
for the following reasons: _____

Watermaster, District No. 5

Russell W. Stoker

Dated at Montpelier, Idaho, this 20th day of October, 1966.

RECORDED

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

PRESTON-MONTPELIER IRRIGATION
COMPANY, a corporation,

Plaintiff,

vs.

DINGLE IRRIGATION COMPANY, a cor-
poration; Grinnett-Black Otter
Irrigation Company, a corporation;
Peg Leg Island Irrigation Company,
a corporation; West Fork Irrigation
Company, a corporation; Ream-Crockett
Irrigation Company, a corporation;
Pugmire Livestock & Land Company, a
corporation; Continental Life Insur-
ance Company, a corporation; Ole
Transtrum; Carrie Hill; J. A. C. Nielsen,
John A. Jensen; Owen Quayle; Thomas
Quayle; George Parker; Edw. LaRocco;
John O. Miller; Ezra J. Phelps; George
A. Sparks; Myrum Esterholdt, and Joseph
Esterholdt,

Defendants,

DECREED

.....

This cause came on regularly for trial on the 4th day of August, 1923, John A. Bagley Esquire, and D. C. Kutz, Esquire, appearing as attorneys for the plaintiff, Preston-Montpelier Irrigation Company, a corporation; and John A. Bagley, Esquire, appearing as attorney for Owen Quayle, Thomas Quayle, George Parker, Edward LaRocco, John O. Miller, Ezra J. Phelps, and George A. Sparks, defendants and cross-complainants; and D. C. Kutz, Esquire, appearing as attorney for the Continental Life Insurance Company, a corporation, Ole Transtrum, Carry Hill, J. A. C. Nielsen and John A. Jensen, defendants and cross-complainants; and A. B. Gough, Esquire, appearing as attorney for Dingle Irrigation Company, a corporation, Peg Leg Island Irrigation Company, a corporation, Grinnett Black Otter Irrigation Company, a corporation, and the Pugmire Livestock & Land Company, a corporation, defendants and cross-complainants; Ream W. Bates Esquire, appearing as attorney for the Ream-Crockett Irrigation Company, a corporation, defendants and cross-complainants; and Jesse P. Rich, Esquire, appearing as attorney for the West Fork Irrigation Company, a corporation, defendants and cross-complainants, and Darwin Madcock, Esquire, appearing as attorney for Myrum Esterholdt and Joseph Esterholdt, defendants and cross-complainants, whereupon, the respective parties proceeded to negotiate a settlement and adjustment of the issues raised by the complainant and the answers of the defendants thereto and by the cross-complainants, and answers thereto and thereafter, to-wit: On the 4th day of August, 1923, a stipulation of facts was entered into, signed and filed herein, in which it was agreed between the parties, that it should be; and the same is hereby adopted as the findings of fact herein, and the court from the stipulation and findings of fact-being fully advised in the premises and conclusions of law being waived:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the respective parties hereto be, and each of them is hereby awarded and decreed the quantity of water hereinafter specified with date of priority and for the irrigation of lands as hereinbefore set forth, such water to be directed from the several points of diversions as hereinafter stated all rights herein decreed to be either what is hereinafter designated as a "Meadow Right" or an "Agricultural Right" and to be by the respective dates and particular years fixed as the date of priority:

PRESTON-MONTPELIER IRRIGATION COMPANY.

1927-April 15th. what is designated in this decree as a "Meadow Right", 20 cubic feet per second from April 15th to July 1st of each year, to be reduced to 20 cubic feet per second from July 1st to September 30th each year.

1877-July 1st. what is designated in this decree as an "Agricultural Right",
12 cubic feet per second.

1883-April 1st. what is designated in this decree as an "Agricultural Right"
28.5 cubic feet per second.

1884-April 15th. what is designated in this decree as an "Agricultural
Right" 8.5 cubic feet per second.

All of said waters to be diverted from Bear River through a ditch
diverting therefrom at a point located at or near thirty-six rods South
and twelve rods East from the Northwest corner of Section Eight in Township
Fourteen South, Range Forty-four East of the Boise Meridian, to be used
upon 3200 acres of land described as follows:

Commencing at the Southeast corner of the Southwest quarter of Section
Six (6), in Township Fourteen (14), South, of Range Forty five (45), East
B.M. run thence West to Bear River; Thence North westerly down the meanderings
of Bear River to the South west corner of the Northwest quarter of the
Southwest quarter of Section Ten (10), in Township Thirteen (13) South of
Range Forty Four (44) East, B.M. Thence East Fifty (50) chains more or less
to the Preston and Montpelier Canal; Thence South and Southwesterly up and
along the meanderings of said canal to the place of beginning.

Also, the South half of the Northwest quarter and the North half of
the Southwest quarter of Section Ten (10) Township Thirteen (13) South Range
Forty Four (44) East B.M. Containing Thirty Two Hundred (3200) acres.

DINGLE IRRIGATION COMPANY:

1890-April 15th. what is designated in this decree as an "Agricultural Right",
20 cu. feet per second.

1893-April 15th. what is designated in this decree as an "Agricultural Right",
11 cu. ft. per second.

1894-April 15th. what is designated in this decree as an "Agricultural Right",
8 cu. feet per second.

All of said waters to be diverted from Bear River through a ditch
diverting therefrom at a point located at or near the East line of the
Southeast Quarter of Section Seventeen, Township Fourteen South, Range
Forty-four East of the Boise Meridian to be used upon 1721 acres of land
described as follows, to-wit:

Commencing at the Southeast corner of the Northeast quarter of Section
14 in Township 14 South of Range 44 East of Boise Meridian, run thence West
10 chains; thence North 40, chains; thence north 68° 20' West 3 chains;
thence north 17° 40' West 10 chains; thence north 14° west 18 chains; thence
north 9° 20' east 12 chains; thence north 3° west 10 chains; thence north
19° 20' west 12 chains; thence south 85° 20' east 23 chains; thence south 1
chain; thence north 87° east 3.40 chains; thence south 1.50 chains; thence
South 84° 20' east 12 chains; thence north 87° 20' E. 11 chains; thence north
32° 10' east 2 chains; thence north 89° 40' east 60 chains; thence south 27
chains; thence east 60 chains; thence north 3.50 chains; thence east 5.50
chains; thence south 16.50 chains; thence west 32 chains; thence south 42°
east 20 chains; thence south 76° 40' east 3 chains; thence south 52° east
3 chains; thence south 75° east 13 chains; thence south 53° 30' east 28
chains; thence south 8 chains to the Dingle Company canal, from which the
point of diversion at Bear River bears south 40° 50' east 3 chains from
which said point on the canal along the meanderings of canal, to wit, south
76° west 36 chains; thence south 35° 20' West 14.10 chains; thence south 82°
west 24 chains; thence North 72° 20' west 9 chains; thence North 68° 40'
west 11 chains; thence south 87° 40' West 10 chains; thence north 80° 40'
west 25.50 chains; thence north 42° west 15 chains; thence north 75° 15'
west 13 chains; thence south 57° 30' west 10 chains; thence south 21° west
11 chains; thence south 36° west 62 chains; thence north 48 chains to
beginning. Containing (1721) acres.

PEO LAG ISLAND IRRIGATION COMPANY:

1876-April 15th. what is designated in this decree as an "Agricultural Right"
8 cubic feet per second.

1887-April 18th, what is designated in this decree as an "Agricultural Right", 8.5 cubic feet per second.

1887-April 18th, what is designated in this decree as an "Agricultural Right", 8 cubic feet per second.

All of said waters to be diverted from Bear River through a ditch therefrom at a point located at or near the Southeast quarter of Section Seven, Township Fourteen South, Range Forty-four East of the Boise Meridian, to be used upon 866.5 acres of land, described as follows, to-wit:

The Southwest quarter of the Northeast quarter and Lot 2 in Section 2, Township 14 South, and the Southwest quarter of the Southeast quarter and the Southeast quarter of the Southwest quarter of Section 36 Township 13 South, all in Range 44 East Boise MERIDIAN, containing 160 19/100 acres.

Also, the Southeast quarter of the Southwest quarter of Section 1, Township 14 South, Range 44 East Boise Meridian, containing 40 acres. Also commencing at a point 14 rods North and 12 rods West from the Southeast corner of the Northeast quarter of the Southeast quarter of Section 2 in Township 14 South, Range 44 East of Boise Meridian, running thence West 7 rods; thence North 30 rods; thence East 18 rods; thence South 13 rods; thence west 11 rods; thence South 26 rods to place of beginning, containing 24 acres, more or less.

Also, commencing at a point 28 rods North from the Southwest corner, of Section 1, in Township 14 South, Range 44 East Boise Meridian, running thence East 8 rods; thence North 40 rods; thence West 8 rods; thence South 40 rods to place of beginning, containing 2 acres of land.

Also, commencing at the Southwest corner of the Northeast quarter of the Northwest quarter of Section 12 Township 14 South Range 44 East of Boise Meridian, and running thence North 62 rods thence East 108 rods; thence South 62 rods; thence west 108 rods to the place of beginning, containing 41 acres.

Also, commencing at the Northwest corner of the Northeast quarter of Section 12 Township 14 South, Range 44 East Boise Meridian, running thence East 160 rods; thence South 80 rods; thence West 135 rods; thence Northwest 61 rods; thence west 20 rods; thence Northeast 19 rods to place of beginning, containing 71 acres and 87 1/2 square rods. Also commencing at a point 3 rods East from the Northwest corner of the Southeast quarter of the Northeast quarter of Sec. 2, Township 14 South, Range 44 East Boise Meridian, running thence South 20 rods; thence East 80 rods; thence North 20 rods; thence West 80 rods to place of beginning, containing 10 acres.

Also, Lots 11 and 10 of Sec. 1 and Lot 1 of Sec. 2, Township 14 South, Range 44 East Boise Meridian, containing 100 and 84/100 acres.

Also, commencing at the Southwest corner of the Southwest quarter of the Southeast quarter of Sec. 1, Township 14 South, Range 44 East of Boise Meridian, running thence West 55 and 65/100 rods; thence North 115 rods to Bear River; thence with the meanderings of Bear River in a North-westerly direction to a point 115 rods North of said Section line; thence S. 115 rods to the South boundary line; of the said quarter section, containing 40 acres, more or less.

Also, commencing at a point 55 and 65/100 rods East of the Southwest corner of the Southwest quarter of the Southeast quarter of Sec. 1, Township 14 South, Range 44 East of Boise Meridian, running thence East 27 and 60/100 rods; thence North 115 rods; thence 27.60 rods with the meanderings of Bear River; thence South to the South boundary line of said Section 115 rods, containing 20 acres, more or less.

Also, commence at a point 41 rods S. and 18 rods W. from the NE corner of the SE 1/4 of Sec. 2, Tp. 14 S. R. 44 E.B.M., and run thence S. along local line 16 rods, more or less to County road; thence W. along said highway 30 rods, more or less, to land now owned by C. H. Bridges; thence N. along local line 16 rods; thence E. 30 rods to place of beginning containing 3 acres.

Also, commence at a point 1 rod W. from the SE corner of the NE 1/4 of Sec. 2, Tp. 14 S. R. 44 E.B.M., and run thence N. 59 rods, more or less, to the land heretofore sold by this grantor to Mary A. Lewis; thence W. 77 rods, more or less, to the E. line of the county road; thence S. along E. line of said highway 112 rods, more or less, to the land heretofore sold by said grantor to C. H. Bridges, being a point 28 rods from the SW corner of

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the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Sec. 2; thence on a course bearing slightly south of east along a water ditch known as Sampson Mate-Salk Ditch, a distance of 62 rods, more or less, to local line; thence nearly due N. on local line 50 rods, more or less; thence E. on local line 15 rods, more or less, to a point one rod W. of the E. line of said Section 2; thence N. 12 rods, more or less, to a point one rod directly W. from the place of beginning; thence E. one rod to the place of beginning.

Also, a certain strip of land 40 rods wide and 80 rods long lying on the W. side of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 1, Tp. 14 S. R. 44 E.B.M., containing 32 acres. Also a certain strip of land 32 rods wide and 60 rods long to be laid off of the West side of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Sec. 1, Tp. 14 S. R. 44 E.B.M. containing 15 acres.

Also, commencing at the NE corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 2 tp. 14 S.R. 44 E.B.M. and running thence W. 83 $\frac{1}{2}$ rods; thence S. 20 rods; thence in a northeasterly direction in a straight line to point which is 40 rods W. and 10 rods S. from the starting point; thence S. 2 rods; thence E. 12 rods; thence N. 4 rods; thence E. 28 rods; thence N. 8 rods to the point of beginning, containing 7 acres and 50 square rods, more or less.

Also, commencing at a point 20 rods N. of the SW corner of Sec., 1 Tp. 14 S.R. 44 E.B.M. and running thence North 1 rod; thence E. 40 rods; thence N. 50 rods; thence E. 8 rods; thence N. 8 rods; thence W. 8 rods thence North 72 rods; thence E. 40 rods; thence S. 140 rods; thence W. 80 rods to place of beginning.

Also, Commencing at a point 83 $\frac{1}{2}$ rods E. of the SW corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 1, Tp. 14 S.R. 44 E.B.M., and running thence W. 76-3/4 rods to the SE corner of said Sec. 1. Thence W. 75 rods, more or less to Bear River; thence in a northwesterly course with the meanderings of said river to a point 115 rods N., of the E. line of said quarter section; thence S. 115 rods to the point of beginning, containing 50 acres, more or less.

Also Commencing at a point 10 rods N. and 2 rods E. from the SW corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 2, Tp. 14 S. R. 44 E.B.M., running thence N. 18 rods; thence Easterly along the Sampson Mate main water ditch 20 rods; thence S. 16 rods; thence Westerly along the county road 18 rods to place of beginning, containing 11 acres and 11 $\frac{1}{2}$ square rods.

Also commencing at a point 21 rods E. and 12 rods N. of the SW corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 2, Tp. 14 S. R. 44 E.B.M., and running thence Easterly along the county road 15 $\frac{1}{2}$ rods; thence N. 15 rods; thence westerly following Sampson Mate main water ditch 15 $\frac{1}{2}$ rods or to a point 16 rods N. of the place of beginning; thence S. 15 rods to the place of beginning, containing one acre and 72 square rods.

Commencing at a point 1320 feet East and 1435 feet North of the Southwest corner of Section 2 in Township 14 South of Range 44 East of the Boise Meridian and running thence South 792 feet; thence East 2640 feet; thence North 780.5 feet; thence North 76 degrees 30' West 576 feet; thence South 26 degrees West 165 feet to the North bank of Black Otter Slough thence Westerly along North bank of said slough 1300 feet, more or less to a point which is 924 feet East of the point of beginning, thence west 924 feet to the place of beginning, containing 48.72 acres of land be there more or less. Together with all water rights thereunto belonging.

Also, Commencing at a point one thousand three hundred and twenty (1320) feet east and one hundred and thirty two (132) feet south of the northwest corner of the southeast quarter section two (2) township fourteen (14) S. R. 44 E.B.M., running thence south nine hundred and forty (940) feet; thence north 23 Degrees west four hundred and forty-four (444) feet; thence north 8 degrees 10' west three hundred and two (302) feet; thence north 29 degrees 45' west four hundred (400) feet; thence north 13 degrees 15' West one hundred and seventy eight (178) feet; thence east one hundred and ninety-eight feet (198) feet; thence north sixty-six (66) feet; thence east four hundred sixty-two (462) feet to the place of beginning containing eleven and 15/100 (11.15) acres of land be there more or less. Together with all water rights thereunto belonging.

Subdivision, Lot 3; Section 1, Township 14; Range 44; acres Agricultural land 20;

Subdivision, 4094; Section 1; Township 14; Range 44; Acres Agricultural land 21;

Section 1; Township 14; Range 44; Acres Agricultural land 20;

Section 1; Township 14; Range 44; acres agricultural land 5;

Section 12; Township 14; Range 44 acres agricultural land 2;

25 acres in Sec. 1. Tp. 14 S. R. 44 E.B.M. standing of record in the name of Soren Sorenson.
20 acres in Sec. 1 Tp. 14 S. R. 44 E.B.M., standing of record in the name of Talvage Hato.
containing in all 246½ acres.

FEAM-CROCKETT IRRIGATION COMPANY:

1877-April 15th, what is designated in this decree as a "Meadow Right."
April 15th-July 1st, 30 cubic feet per second.
July 1st-September 30th, 20 cubic feet per second.
1884-April 15th, what is designated in this decree as an "Agricultural Right", 19.5 cubic feet per second.
1888-April 15th, what is designated in this decree as an "Agricultural Right", 18.8 cubic feet per second.

All of said waters to be diverted from Bear River through a ditch known as the Feam-Crockett ditch therefrom at a point located at or near South 41° 19' East 2335 feet, from the Northwest Corner of Section 17, Township Fourteen South, Range Forty-five East of the Boise Meridian, to be used upon 2800 acres of land.
Situated in the following sub-divisions:

Section Fourteen (14) of Township Fourteen south 14 S. Range Forty-four east 44E Boise Meridian;
Section twenty-three (23) of Township fourteen south (14S.) Range forty-four east (44E) Boise Meridian;
The East one-half (E½) the southwest one-quarter (SW¼) and the southeast half of the Northwest one-quarter (SE½ of NW¼) of Section Fifteen (15) all in Township fourteen South (14S) Range forty-four east (44E) Boise Meridian;
The East one-half (E½); the east one-half of the West one-half (E½ of W½); the east one-half of the West one-half of the southwest one quarter (E½ of W½ of SW¼), all in Section 26 of Township fourteen south (14S) Range forty-four east (44E), Boise Meridian.
Lots One (1), two (2), and three (3) of Section thirty-five (35) of township fourteen south (14S), Range forty-four east (44E) Boise Meridian.
The Southeast one-quarter of the Northwest one-quarter (SE¼) of (NW¼) of Section sixteen (16) of township fourteen south (14S) Range forty-four East (44E) Boise Meridian.
Commencing at the northwest corner of section twenty-three (23) township fourteen south (14S), Range forty-four east (44E) Boise Meridian and running thence west eighty (80) rods, thence south two hundred forty (240) rods; thence east eighty (80) rods thence south eighty (80) rods, thence east eighty (80) rods to the southwest corner of Lot three (3) of said section twenty-three (23) thence north along the western boundary line of lots three (3) two (2) and one (1) and the northwest quarter of the northwest quarter of said section twenty-three (23) to point of beginning.

GRIMMETT-BLACK OTTER IRRIGATION COMPANY:

1877, April 15th, what is designated in this decree as a "Meadow Right".
April 15th-July 1st, 133.8 cubic feet per second.
July 1st, September 30th, 80 cubic feet per second.

All of said waters to be diverted from Bear River through the Black Otter Slough near the line between Sections Six and Seven, Township Fourteen South, Range Forty-four east of the Boise Meridian, and from said slough through two main ditches, one of which is known as the Grimmett Ditch, taken from said slough in the Northwest quarter of Section Eleven, Township Fourteen South Range Forty-four East of the Boise Meridian, and the other ditch taken from said slough in the Northwest quarter of Section Twelve, Township Fourteen South, Range Forty four East of the Boise Meridian, and other smaller ditches and dams, said water to be used upon 4434.25 acres of land described as follows, to-wit:

Commencing at a point South 88° 30' East 205 feet and South 20° 10' West 255.8 and East 150 feet from the North quarter corner of Section 6 in Township 14 South, Range 44 East of Boise Meridian; which point is 150 feet East from the East bank of the Outlet canal of the Utah Power & Light Company, running thence in a southwesterly direction approximately 3160 feet to a point which is 710 feet south of the Northeast corner of Lot 9

Witness my hand

to a point which is 710 feet south of the Northeast corner of Lot 9
SW 1/4 Section 3; thence North 590.8 feet to quarter Section line; thence
East 1220 feet; thence in a Southeasterly direction, following boundary
line of Lot 8 of Sec. 5 in Township 14 South, Range 44 East Boise Meridian
to the Southwest corner of the Northeast quarter of the Southwest quarter
of said Section 3; thence East 2840 feet; thence North 3366 feet; thence
West 640 feet; thence North 313.5 feet; thence west 1960 feet; thence
North 280.5 feet; thence West 2840 feet; thence South 334.75 ft. thence
West 945 feet to place of beginning.

Also Lot 10 of Sec. 5 in Township 14 South, Range 44 East of Boise
Meridian, containing 24.95 acres; and containing in all 488 acres, more
or less.

Also commencing at the N. W. Corner of the SW 1/4 of SW 1/4 of Sec. 32,
Township 13 South Range 44 East of Boise Meridian, and running thence
South 68 rods; thence West 40 rods; thence South 29 rods; thence West
120 rods; thence North 81 rods, more or less, to Bird Slough; thence
Easterly along said slough 94 rods, more or less, to intersection of
sub-division line; thence East 66 rods, more or less, to place of beginning
containing 88 acres, more or less.

Also, beginning at the southeast corner of the Northwest quarter
of the southwest quarter of Sec. 32, Township 13 South, Range 44 East of
Boise Meridian, and running thence North 60 rods, thence West 120 rods;
thence South 60 rods; thence East 120 rods to place of beginning containing
60 acres more or less.

Also, commencing at the Northwest corner of the Southeast quarter
of the Southwest quarter of Sec. 32 in Township 13 South Range 44 East
of Boise Meridian, and running thence South 16 rods to slough; thence
easterly along the meanderings of said slough 106 rods; to a point where
it intersects the subdivision line; thence West along the said subdivision
line 88 rods to the place of beginning, containing 4 acres and 64 square
rods, more or less.

Also, the Southwest quarter of the Northwest quarter and West half
of the Southwest quarter of Sec. 32, and the Southeast quarter of the
Southeast quarter of Sec. 31; all in Township 13 South, Range 44 East of
Boise Meridian, containing 160 acres.

Also Lot 8 in Sec. 5, Township 14 South, Range 44 East Boise Meridian,
containing 20 acres; and Lot 1 in Sec. 8, Township 14 South, Range 44
East of Boise Meridian, containing 34 acres.

Also commencing 23 rods South from the Northwest corner of the North-
east quarter of the Northeast quarter of Section 8 Township 14 South,
Range 44 East Boise Meridian, thence South 27 rods; thence East 36 rods;
thence North 57 rods; thence West 38 rods to the place of beginning,
containing 13.5 acres, more or less.

Also beginning at a point 40 rods West of the Southwest corner of
the Northwest quarter of the Northwest quarter of Section 9, Township 14
South, Range 44 East of Boise Meridian, and running thence South 28 rods;
thence West to the West Line of Lot 8 of Sec. 8 of said Township and
Range; thence in a Northwesterly direction following the West line of said
Lot 2 to the Northwest corner of said Lot 2; thence East on Forty line to
place of beginning.

Also, commencing at the Northeast corner of Lot 2, Section 5,
Township 14 South, Range 44 East of Boise Meridian, and running thence
South 36 rods; thence West 40 rods; thence North 58 rods; thence East
40 rods to place of beginning. Also, commencing at the Southeast corner
of the Southeast quarter of Sec. 32, Township 13 South, Range 44 East of
Boise Meridian, and running thence North 4 chains; thence West 10 chains;
thence South 10 chains; thence West 10 chains; thence South 4 chains;
thence East 20 chains; thence North 10 chains to place of beginning,
containing 18 acres, more or less. Also commencing at a point 10 chains
West and 4 chains North from the Southeast corner of the Southeast
quarter of Sec. 32 Township 13 South, Range 44 East of Boise Meridian,
and running thence North 10 chains; thence west 10 chains; thence South
10 chains; thence East 10 chains to the place of beginning, containing
10 acres more or less. Also, commencing at the Southwest corner of Sec.
32 Township 13 South, Range 44 East Boise Meridian, and running thence
North 64 rods; thence East 40 rods; thence South 104 rods; thence West
68 rods; thence North 40 rods to place of beginning, containing 26 acres.

Also, commencing at a point 10 chains South from the Southeast corner of the Southeast quarter of Sec. 32, Township 13, South, Range 44 East of Boise Meridian, and running thence West 20 chains; thence South 10 chains; thence East 20 chains; thence North 10 chains to the place of beginning containing 20 acres, more or less. Also commencing at a point 10 chains West from the Southeast corner of Section 32, Township 13, South, Range 44 East of Boise Meridian, and running thence North 4 chains; thence West 10 chains; thence South 10 chains; thence East 10 chains; thence North 6 chains to place of beginning, containing 10 acres, more or less.

Also, commencing at a point 4 chains North from the Southeast corner of the Southeast quarter of Sec. 32, Township 13 South, Range 44 East of Boise Meridian, and running thence North 20 chains; thence West 10 chains; thence South 20 chains; thence East 10 chains to place of beginning, containing 20 acres. Also, commencing at a point 24 chains North from the Southeast corner of the Southeast quarter of Section 32, Township 13 South, Range 44 East of Boise Meridian, and running thence North 10 chains; thence West 10 chains; thence South 10 chains; thence West 10 chains to place of beginning, containing 10 acres. Also commencing at a point 10 chains West and 15 chains and 50 links South from the Northeast corner of the Southeast quarter of Sec. 32, Township 13 South, Range 44 East of Boise Meridian, and running thence West 10 chains; thence South 10 chains; thence East 10 chains thence North 10 chains to place of beginning, containing 10 acres.

Commencing at the Southeast corner of the Northeast quarter of Sec. 4, Township 14 South, Range 44 East of Boise Meridian, and running thence North 30 rods; thence East 17 1/2 rods to center of Black Otter Slough; thence north and east following the windings of said Slough for a distance of 160 rods, more or less; thence North 6 rods; thence following the windings of said Slough West a distance of 70 rods; thence North 21 rods to township line; thence West on said line 70 rods and 3 feet, more or less, to William Quayle's line; thence South 45 rods; thence West 281 rods to West line of said Section 4; thence South 115 rods to quarter corner; thence East 320 rods to place of commencement, containing 270 acres, more or less. Also, beginning at a point 40 rods North of the Northeast corner of the Southeast quarter of Sec. 31, Township 13 South, Range 44 East of Boise Meridian, and running thence West 160 rods; thence South 80 rods; thence East 65 rods; thence South 40 rods; thence East 95 rods; thence North 120 rods to place of beginning, containing 103 3/4 acres, save and except therefrom a strip containing 7.72 acres from said above tract sold to Bear River Water Company, and for a particular description of said strip reference is made to page 325 of Deed Book 8, records of Bear Lake County, Idaho.

Also, commencing at a point in the center of a deep slough 20 chains East along quarter section line and 8 chains and 90 links South along eighth section line from the Northwest corner of the NE. of Section 33 Township 13 South, Range 44 East of Boise Meridian, and running thence South along eighth section line 81 chains and 10 links; thence West along eighth section line 4 chains and 83 links; thence North 34 minutes East 49 chains and 50 links; thence along center of said slough 4 chains and 33 links to the place of beginning, containing 23 acres and 5 square rods. Also, commencing at the SE corner of the NE. of the SE. of Sec. 33, Township 13 South, Range 44 East Boise Meridian, and running thence East 36 rods; thence North 130 rods to Peg Leg Slough; thence West along said Slough 55 rods more or less, to half quarter government line; thence South along said line 194 rods to place of beginning, containing 43 acres.

Also, the Southeast quarter of the Northeast quarter and Lots numbered Two, three and four of Sec. 8, and Lot numbered one of section seventeen, Township 14 South, Range 44 East B.M., 129.05 acres.

Also, the East half of the Northeast quarter, and the northeast quarter of the Southeast quarter of Section 33, and the Northwest quarter of the Southwest quarter of Sec. 34, all in Township 13 South, Range 44 East of Boise Meridian, containing 160 acres; excepting therefrom the following tract, to-wit: Commencing at the Southwest corner of the northeast quarter of the southeast quarter of Sec. 33 in Township 13 South,

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Range 44 East of Boise Meridian, and running thence East 36 rods; thence North 180 rods to Peg Leg Slough; thence Westerly along said Slough 86 rods, more or less, to half quarter government line; thence South along said line 194 rods to the place of beginning, containing 45 acres, more or less.

Also, beginning at a point on the East boundary line of the Utah Power & Light Company's Canal right-of-way, and on the South boundary line of Township 13 South, Range 44 East of Boise Meridian, which point is South 88° 20' East 456.4 feet from the South corner of Sec. 31, Twp. 13 South R. 44 E.B.M., thence S. 4° 28' East 168.7 feet to a point of curve; thence on a 1° 03' curve to the left, for a distance of 188 feet to a point 8 1/2 rods South of Township line; thence East 840 feet, more or less, to local line; thence North 1674 feet; thence West 240 feet, more or less, to local corner; thence North 660 feet; thence West 800 feet, more or less, to east line of said right of way; thence South 4° 28' East along said right-of-way 1891 feet to point of beginning, containing 46.75 acres, more or less.

Also, beginning at the quarter section corner between sections 5, and 8 in Township 14 South, Range 44 East Boise Meridian, and running thence East 1320 feet; thence South 3879 feet to a ditch; thence East along said ditch 325 feet to a corner of fence; thence North 8° 15' West 1715 feet to corner of fence; thence West 1659 feet; thence South 1320 feet to point of beginning, which is a quarter corner between said Sections 5 and 8, containing 52 acres, more or less.

Also, the Northwest quarter of Sec. 11 in Township 14 South, Range 44 East of Boise Meridian, containing 160 acres.

Also, commencing at the Northwest quarter of the Southwest quarter of Sec. 11 in Township 14 South, Range 44 East of Boise Meridian, and running thence East 120 rods; thence South 160 rods; thence West 120 rods; thence North 160 rods to place of beginning containing 120 acres.

Also the South half of the Southeast quarter and the South Half of the Southwest quarter of Sec. 3, in Township 14 South, Range 44 East of Boise Meridian, Bear Lake County, Idaho, containing 160 acres, excepting therefrom 40 acres heretofore deeded to the Utah Power & Light Company, also, the North half of the Northwest quarter of Sec., 15, in Township 14 South, Range 44 East of Boise Meridian, containing 80 acres.

Also commencing at a point 35 rods south from the Northeast corner of the Southeast quarter of Sec. 9, in Township 14 South, Range 44 East of Boise Meridian, running thence South 25 rods; thence west 320 rods; thence North 25 rods; thence East 320 rods to the place of beginning, containing 80 acres.

Also, the South half of the Northwest quarter and the South half of the Northeast quarter of Sec. 9, in Township 14 South, Range 44 East of Boise Meridian, containing 160 acres.

Also, the Northeast quarter of the Northeast quarter of Sec. 9 in Township 14 South, Range 44 East of Boise Meridian, containing 40 acres.

Also, the Northwest quarter of the Northeast quarter of Sec. 9 in Township 14 South, Range 44 East of Boise Meridian, containing 40 acres.

Also, the Northeast quarter of Sec. 10 in Township 14 South, Range 44 East of Boise Meridian, containing 160 acres; excepting therefrom 60 acres heretofore deeded to the Utah Power & Light Company.

Also, the Southeast quarter of Sec. 10 in Township 14 South, Range 44 East of Boise Meridian, containing 160 acres.

Also, commencing at a point 23 rods south from the Northeast corner of the Northwest quarter of Sec. 9, Township 14 South Range 44 East of Boise Meridian, and running thence West 202 rods; thence South 37 rods; thence East 2 rods; thence South 55 rods; thence East 40 rods; thence North 55 rods; thence East 160 rods; thence North 37 rods to place of beginning, containing 85 acres, more or less.

Also, commencing at the Northeast corner of the Southwest quarter of Sec. 11, Township 14 South, Range 44 East of Boise Meridian, U. S. Survey, in Idaho, running thence West 40 rods; thence South 160 rods; thence East 40 rods; thence North 160 rods to place of beginning containing 40 acres.

Also, the Southwest quarter of Sec. 10, Township 14 South, Range 44 East Boise Meridian containing 160 acres.

Also, Lot 1, the SE $\frac{1}{4}$, of the SE $\frac{1}{4}$ of Sec. 4 Tp. 14 S. R. 44 E.B.M., containing 80 acres. Also, Lot 2 commencing at the NW corner of Sec. 9, Tp. 14 S. R. 44 E.B.M., running thence E. 100 rods; thence S. 25 rods; thence W. 100 rods; thence N. 25 rods to place of beginning, containing 25 acres. Also, Lot 3 commencing at the NE corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 4, Tp. 14 South R. 44 E.B.M., running thence West 80 rods; thence S. 20 rods; thence E. 80 rods; thence S. 20 rods to place of beginning, 20 acres.

Also, Lot 4, commencing at the NE corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 5, Tp. 14 S. R. 44 E.B.M., running thence West 45 rods; thence S. 100 rods; thence E. 45 rods; thence N. 105 rods to place of beginning, 20 acres.

Also, commencing at the NW corner of the NE $\frac{1}{4}$ of Sec. 16, Tp. 14 S. R. 44 E.B.M., run thence S. 70 rods; thence E. 80 rods; thence N. 70 rods; thence W. 80 rods to place of beginning, containing 39 acres.

Also, commencing at the SE corner of Sec. 9, Tp. 14 S. R. 44 E.B.M., and running thence N. 80 rods; thence W. 100 rods; thence S. 80 rods; thence E. 100 rods to place of beginning containing 80 acres.

Also, the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 16, Tp. 14 S.R. 44 E.B.M., containing 80 acres.

Also the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 3, Tp. 14 S.R. 44 E.B.M. containing 40 acres; also commencing at the SE corner of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 3, Tp. 14 S.R. 44 E.B.M., and running thence N. 7 $\frac{1}{2}$ chains; thence in a Northwesterly direction 10 chains, following the meanderings of the Black Otter Slough; thence in a northeasterly direction, following the meanderings of said Slough, 6 chains; thence West across said Slough 3 $\frac{1}{2}$ chains; thence following the meanderings of said Slough, first in a Southwesterly direction and then in a Southeasterly direction 9 $\frac{1}{2}$ chains; thence W. 4 $\frac{1}{2}$ chains thence S. 7 $\frac{1}{2}$ chains; thence E. 80 rods to place of beginning, containing 20 acres.

Also, commencing at the SW corner of the SW $\frac{1}{4}$ of Sec. 9, Tp. 14 S. R. 44 E.B.M., running thence N. 80 rods; thence E. 160 rods; thence S. 80 rods; thence W. 160 rods to the place of beginning, containing 80 acres.

Also, commencing at a point 40 rods N. from the NE corner of Sec. 9, Tp. 14 S.R. 44 E.B.M., thence N. 120 rods; thence W. 240 rods; thence S. 80 rods; thence E. 80 rods; thence S. 60 rods; thence E. 160 rods to place of beginning, containing 180 acres and SE $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 5 Also, the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 4 and the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 5, Tp. 14 S.R. 44 E.B.M., containing 120 acres. (126)

Also, the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 16, Tp. 14 S.R. 44 E.B.M., containing 40 acres.

Also, the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 16, Tp. 14 S.R. 44 E.B.M., containing 80 acres.

Also, commencing at the NW corner of the SE $\frac{1}{4}$ of Sec. 11 Tp. 14 S.R. 44 E.B.M., running thence S. 34 rods; thence E. 40 rods; thence N. 34 rods; thence W. 40 rods to the place of beginning, containing 8 $\frac{1}{2}$ acres.

Also, the NW $\frac{1}{4}$ of Sec. 10 Tp. 14 S.R. 44 E.B.M., containing 160 acres.

Also, the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 9, Tp. 14 S.R. 44 E.B.M., containing 160 acres.

Also, commencing at a point 60 rods N. of the SW corner of Sec. 9 Tp. 14 S.R. 44 E.B.M. and running thence E. 220 rods; thence S. 20 rods; thence W. 220 rods; thence N. 20 rods to the place of beginning, containing 40 acres.

Also, the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the lots numbered 2, 3, and 4, of Sec. 8, and the Lots numbered 1 of Sec. 17, Tp. 14 S.R. 44 E. B.M. 127 acres.

Also, commencing at the SW corner of the NE $\frac{1}{4}$ of Sec. 11, Tp. 14, S.R. 44 E.B.M., and running thence N. 100 rods, thence E. 12 rods to the thread of the stream of the Black Otter Slough; thence following the windings of the Black Otter Slough a distance of 40 rods in a southeasterly direction; thence 73 rods in a Northeasterly direction to the northern section line of said section 11; thence along said line to the thread of said Black Otter Slough; thence following the windings of said Slough in a Southeasterly direction a distance of 28 rods; thence S. 58 rods; thence W. 3 rods; thence Southeast 12 rods and six links; thence S. 34 rods; thence W. 58 rods; thence S. 35 rods; thence W. 84 rods to the place of beginning containing 121 acres, more or less.

Also, commencing at a point 40 rods E. from the NW corner of Sec. 4, T₁₄ S.₂R. 44 E.₂N., and running thence N. 60 rods; thence E. 120 rods; thence S. 120 rods; thence W. 20 rods; thence N. 45 rods to place of beginning, containing 95 3/4 acres.

Also commencing at a point 9 3/4 chains W. from the Northeast corner of Section 4, T₁₄ S.₂R. 44 E.₂N., and running thence S. 1 1/2 chains; thence W. 50 1/2 chains, more or less, to half section line; thence N. 1 1/2 chains; thence E. 50 1/2 chains, more or less, to place of beginning, containing 24 acres, more or less.

The South half of the southeast quarter and the southeast quarter of the southwest quarter of Section 28 Township 13 South and the lot numbered 3 of section four in Township 14 South of Range 44 east of the Boise Meridian in Idaho, containing 120 acres and 19/100 of an acre.

LYNNHURST LIVERMORE & LAND COMPANY:

1877-April 15th, what is designated in this decree as a "Meadow Right".

April 15th-July 1st, 6.9 cubic feet per second.

July 1st-Sept. 30th, 4.6 cubic feet per second.

All of said waters to be diverted from Bear River through the Kent-Lafosse ditch about forty rods west of its intake out of the Caste Slough, to be used upon 241.75 acres of land, described as follows, to-wit:

Commencing at the Northwest corner of Section 34 and running thence North 60 rods, more or less, to Bear River; thence following up the channel of said Bear River in a Southeasterly direction to its intersection with the North boundary line of said Section 34, thence East 40 rods; more or less, to the Northeast corner of the Northwest quarter of said Section 34; thence South 80 rods; thence East 80 rods; thence South 80 rods; thence West 80 rods; thence South 15 rods; more or less to center of Slough; thence westerly along center of said slough 80 rods, more or less, to intersection of West boundary line of the Northeast quarter of the Southwest quarter of Section 34; thence North 10 rods, more or less to the half section line; thence West 75 rods, more or less, to center of Slough; thence following the meanderings of said Slough in a Northwesterly direction to its intersection with the West boundary line of said Section 34; thence North 12 rods, more or less, to a point which is 44 rods South from the Northwest corner of said Section 34; thence East 10.4 rods; thence North 44 rods; thence west 10.4 rods to the place of beginning, and containing 210 acres, more or less. All of which said land is in Township 13 South of Range 44 East of Boise Meridian, in Bear Lake County, Idaho; Also:

Commencing at a point 156 feet South from the Northwest corner of the Southeast quarter of Sec. 34, Township 13 South Range 44 East Boise Meridian, and running thence North 156 feet; thence East 375 feet, more or less, to East Bank of Slough; thence Southwesterly down said Slough to the place of beginning, containing 3-3/4 acres of land, more or less, and also,

Commencing at the Northeast corner of the Southwest quarter of Section 34 Township 13 South of Range 44 East of Boise Meridian, and running thence South 15 rods to center of slough; thence westerly along the center of the Channel of said Slough 130 rods; thence North 3 rods to quarter section line; thence East along the said quarter section line 100 rods to place of beginning, containing 18 acres of land, more or less.

WEST FORK IRRIGATION COMPANY:

1877-April 15th, what is designated in this decree as a "Meadow Right".

April 15th-July 1st, 100 cubic feet per second

July 1st, September 30th, 107 cubic feet per second.

All of said waters to be diverted from Bear River Through a ditch known as the West Fork Canal, diverting from said Bear River at a point located at or near South 12° 36' West 1411 feet from the Northeast corner of Section Five, Township Thirteen South, Range Forty-four East of the Boise Meridian, to be used upon 8330 acres of land situated in the following sub-divisions:

The SW $\frac{1}{4}$ of Section 8; SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ of E $\frac{1}{2}$ of W $\frac{1}{2}$ and NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section Eighteen; Section Seventeen; S $\frac{1}{2}$ of Section Sixteen; E $\frac{1}{2}$ and E $\frac{1}{2}$ of W $\frac{1}{2}$ of Section 19; Section 20; Section 21; W $\frac{1}{2}$, and W $\frac{1}{2}$ of E $\frac{1}{2}$ of Section 22; Section 29; E $\frac{1}{2}$ and E $\frac{1}{2}$ of W $\frac{1}{2}$ of Section 30; NE $\frac{1}{4}$ and NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 31; N $\frac{1}{2}$ and about 80 acres in W $\frac{1}{2}$ of S $\frac{1}{2}$ of Section 32; and NW $\frac{1}{4}$, NE $\frac{1}{4}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 33, all in Township 13 South, Range 44 East of Boise Meridian.

CONTINENTAL LIFE INSURANCE COMPANY:

1877 April 15th, what is designated in this decree as a "Meadow Right".
April 15th, July 1st 6.6 cubic feet per second.
July 1st- September 30th 4.4 cubic feet per second.

1883-April 15th, what is designated in this decree as an "Agricultural Right" 1.7 cubic feet per second.

1884-April 15th, what is designated in this decree as an "Agricultural Right", .3 cubic feet per second.

All of said waters to be diverted from Bear River by means of the Kent-LaRocco Ditch out of Castle Slough, the same being a branch of Bear River, at a point near the Northeast corner of the Northwest quarter of Section 3, Township 14 South, Range 44 East of the Boise Meridian, to be used upon 322 acres of land described as follows, to-wit:

Commencing at a point 11 rods East from the Northwest corner of Lot 4 in Section 3 Township 14 South of Range 44 East of the Boise Meridian, and running thence East 89 rods; thence South 120 rods; thence following the windings of Black Otter, Slough, West, North and East a distance of 251 rods; thence on a direct line North, crossing said slough, a distance of 10 rods to the North side of said slough; thence following the windings of said slough in a westerly direction, 70 rods; thence North 21 rods to the place of beginning, containing 37.71 acres, more or less.

Also the Southeast quarter and the East half of the Southwest quarter of Section 34 in Township 13, South Range 44 East of the Boise Meridian and the South half of the Northeast quarter, and the Lots 1, 2, and 3 of Section 3 in Township 14 South of Range 44 East of the Boise Meridian, excepting therefrom the tract sold to the Utah Power & Light Company described as follows:

Commencing at the center of Section 3, Township 14 South, Range 44 East of the Boise Meridian, running thence North 15° 45' East through the Northeast quarter of said Section 3 and the Southeast quarter of Section 34, Township 13 South Range 44 East of the Boise Meridian to the North line of said Southeast quarter of said Section 34; thence East approximately 1044.4 feet to the East line of said Section 34; thence South 15° 45' West through the Southeast quarter of said Section 34 and Northeast quarter of said Section 3 to the South line of said Northeast quarter of said Sec. 3; thence West approximately 1044.4 feet to the place of beginning constituting a strip of land 1000 feet wide, 500 feet on each side of the center of main canal.

ORION LAYLE:

1877-April 15th, what is designated in this decree as a "Meadow Right".
April 15th-July 1st, 1.8 cubic feet per second.
July 1st- September 30th 1.2 cubic feet per second.

1883-April 15th-what is designated in this decree as an "Agricultural Right." 1.7 cubic feet per second.

1884-April 15th-what is designated in this decree as an "Agricultural Right", .3 cubic feet per second.

All of said waters to be diverted from Bear River by means of the Kent-LaRocco Ditch out of the Castle Slough, the same being a branch of Bear River, at a point near the Northeast Corner of the Northwest quarter

of Section 2, Township 14 South, Range 44 East of the Boise Meridian, to be used upon 160 acres of land, described as follows, to-wit:

The NE $\frac{1}{4}$ of Section 2, Township 14 South, Range 44 East, Boise, Meridian, in Bear Lake County, Idaho.

THOMAS CHATLER

1883-April 15th, what is designated in this decree as an "Agricultural Right", 1.1 cubic feet per second.

1884-April 15th, what is designated in this decree as an "Agricultural Right", .2 cubic feet per second.

All of said waters to be diverted from Bear River by means of the Kent-LaRocoe Ditch out of Castle Slough, the same being a branch of Bear River, at a point near the Northeast corner of the Northwest quarter of Section 2, Township 14 South, Range 44, East of the Boise Meridian, to be used upon 65 acres of land described as follows, to-wit:

The W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 2, Township 14 South, Range 44 East of Boise Meridian, in Bear Lake County, Idaho.

GEORGE PARKER

1877 April 15th, what is designated in this decree as a "Meadow Right".

April 15th-July 1st, .3 cubic feet per second.

July 1st- September 30th, .2 cubic feet per second.

1883- April 15th, what is designated in this decree as an "Agricultural Right", 1.2 cubic feet per second.

1884- April 15th, what is designated in this decree as an "Agricultural Right", .2 cubic feet per second.

All of said waters to be diverted from Bear River by means of the Kent-LaRocoe Ditch out of the Castle Slough, the same being a branch of Bear River, at a point near the Northeast corner of the Northwest quarter of Section 2, Township 14 South, Range 44 East of the Boise Meridian, to be used upon 80 acres of land, described as follows, to-wit:

W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 55, Township 13 South, Range 44 East B.M. in Bear Lake County, State of Idaho, containing 80 acres.

EDWARD LAROCOE

1877-April 15th What is designated in this decree as a "Meadow Right".

April 15th-July 1st, 2.25 cubic feet per second.

July 1st-September 30th 1.5 cubic feet per second.

1883-April 15th what is designated in this decree as an "Agricultural Right", .5 cubic feet per second.

1884-April 15th what is designated in this decree as an "Agricultural Right" .1 cubic feet per second.

All of said waters to be diverted from Bear River by means of the Kent-LaRocoe Ditch out of Castle Slough, the same being a branch of Bear River, at a point near the Northeast corner of the Northwest quarter of Section 2, Township 14 South, Range 44 East of the Boise Meridian, to be used upon 105 acres of land, described as follows, to-wit:

The SE $\frac{1}{4}$ of NW $\frac{1}{4}$, and NE $\frac{1}{4}$ of SE $\frac{1}{4}$ and 25 acres in the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 2, Township 14 South, Range 44 East of Boise Meridian, in Bear Lake County, Idaho.

OLA TRANSTRUM

1877 April 15th, what is designated in this decree as an "Meadow Right"

April 15th, July 1st 15 cubic feet per second.

July 1st Sept 30th, 10 cubic feet per second.

SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12, SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ OF NW $\frac{1}{4}$, NW $\frac{1}{4}$ OF SW $\frac{1}{4}$, NW $\frac{1}{4}$ OF SW $\frac{1}{4}$, SW $\frac{1}{4}$ OF NW $\frac{1}{4}$ of Section 11, SW $\frac{1}{4}$ OF SW $\frac{1}{4}$, SW $\frac{1}{4}$ OF SW $\frac{1}{4}$, Section 2, Township 15 South, Range 65 E.S.N.

1977-APRIL 15th, what is designated in this decree as an "Meadow Right".
APRIL 15th-July 1st 12 cubic feet per second.
July 1st-September 30th 8 cubic feet per second.

All of said waters to be diverted from Bear River by means of ditches on each side of the river at or near the Northeast Corner of the Northeast Quarter of the Northeast Quarter of Section 11, Township 15 South, Range 45 East of the Boise Meridian, to be used upon 400 acres of land described as follows, to-wit:

NE₁ of SW₁, NW₁ of SW₁, SE₁ of NE₁, NW₁ of NE₁, Section 2, SE₁ of SW₁, NW₁ of SW₁, SE₁ of NE₁, NW₁ of NE₁, Section 30; SW₁ of SW₁, NE₁ of SE₁, SE₁ of NE₁, NW₁ of NE₁, Sec. 34, NW₁ of SW₁, SW₁ of NW₁, NW₁ of NW₁; in Section 1, Township 18 South, Range 45 East of Boise Meridian;

1900-April 15th, what is designated in this decree as an "Meadow Right"
April 15th-July 1st 16.0 cubic feet per second.
July 1st- September 30th 11.2 cubic feet per second.

All of said waters to be diverted from Bear River by means of a ditch at or near the Southwest corner of the Southeast Quarter of the Southeast Quarter of Section 26, Township 14 South, Range 45 East of the Boise Meridian, to be used upon 540 acres of land, described as follows, to-wit:

SW₁ of NE₁, SW₁ of SE₁, NW₁ of NE₁, SW₁ of NE₁, SW₁ of NE₂, NE₁ of
NE₁, NW₁ of NE₁, Section 26, Township 14 South, Range 45 East B.M. SW₁ of
SE₁, NE₁ of SW₁, SW₁ SW₁ Section 25, Township 14 South, Range 45 E.B.M.

1890-April 15th, What is designated in this decree as a "Meadow Right".
April 15th-July 1st 1.8 cubic feet per second.
July 1st to September 30th .8 cubic feet per second.

All of said waters to be diverted from Bear River, by means of a dam known as the Hara Helge Dam located at or near the Southeast Corner of the Southeast Quarter of Section 25, Township 14 South, Range 45 East of the Boise Meridian to be used on 40 acres of land described as follows, to-wit:

Fourth point of Diversion-Meadow Right, 1880.

SE 1/4 Section 26, Township 14 South, Range 45 East N.M.

1934-April 15th, What is designated in this decree as an "Agricultural Right" 1.4 cubic feet per second.

All of said waters to be diverted from Bear River by means of the Napier Ditch at or near a point where the South line of the Southeast Quarter of Section 31 Township 14 South, Range 46 East of the Boise Meridian intersects Bear River, to be used upon 70 acres of land, described as follows:

Parts of Northwest Quarter Southeast Quarter, Southeast Quarter Southeast Quarter Section 11, and parts of Northwest Quarter Northwest Quarter and Southeast Quarter Northwest Quarter Section 12, Township 15 South Range 46 N.E.M.

1985-April 13th, What is designated in this decree as an "Agricultural Right". .6 cubic feet per second.

All of said waters to be diverted from Bear River by means of a ditch on each side of the river at or near the Northeast Corner of the Northeast Quarter of the Northeast Quarter of Section 11, Township 18 South, Range 45 East of the Boise Meridian, to be used on 30 acres of land described as follows, to-wit:

Twenty acres in Southeast Quarter of Northeast Quarter and Ten acres in Northeast Quarter of Southwest Quarter of Section Two, Township 18 South Range 46 East Boise Meridian.

GARRIE HILL:

1877 April, 16th, What is designated in this decree as a "Meadow Right".
April 16th-July 1st 6 cubic feet per second.
July 1st-September 30th 4 cubic feet per second.

All of said waters to be diverted from Bear River by means of the Huffer Ditch located at or near a point where the South line of the Southeast Quarter of Section 31, Township 14 South, Range 46 East of the Boise Meridian intersects Bear River, to be used upon 240 acres of following described land as follows:

SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ Sec. 31; NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ Sec. 6, Tp. 15 S. Range 45.

1877-April 15th, What is designated in this decree as a "Meadow Right".
April 15th-July 1st 1.5 cubic feet per second.
July 1st to September 30th 1 cubic feet per second.

All of said waters to be diverted from Bear River by means of the Taylor ditch located at or near the South east corner of the Northeast Quarter of the Southeast Quarter of Section 32, Township 15 South, Range 46 East of the Boise Meridian, to be used on 50 acres, described as follows to-wit:

NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ Section 32 Tp. 15 South Range 46 N.B.M.

1880-April 15th, What is designated in this decree as a "Meadow Right".
April 15th-July 1st .3 cubic feet per second.
July 1st-September 30th 2 cubic feet per second.

1885-April 15th-What is designated in this decree as an "Agricultural Right." 1 cubic feet per second.

All of said waters to be diverted from Bear River by means of the Huffer ditch located at or near a point where the South line of the Southeast Quarter of Section 31, Township 14 South, Range 46 East of the Boise Meridian intersects Bear River, to be used upon 150 acres out of the following land described as follows, to-wit:

SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ Sec. 31; NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ Sec. 6, Tp. 15 S. Range 45.

1885-April 15th, What is designated in this decree as an "Agricultural Right". 1 cubic feet per second.

All of said waters to be diverted from Bear River by means of the Taylor ditch located at or near the Southeast corner of the Northeast Quarter of the Southeast Quarter of Section 32, Township 15 South, Range 46 East of the Boise Meridian, to be used on 50 acres, described as follows, to-wit:

NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 32 Township 15 South Range 46 N.B.M.

L. A. C. NIELSON:

1877 April 16th, What is designated in this decree as a "Meadow Right".
April 16th, July 1st 4.5 cubic feet per second.
July 1st-September 30th 3.0 cubic feet per second.

1880-April 15th, What is designated in this decree as a "Meadow Right".
April 15th-July 1st 2.5 cubic feet per second.
July 1st-September 30th 1.7 cubic feet per second.

1888-April 18th, what is designated in this decree as an "Agricultural Right," .8 cubic foot per second.

All of said waters to be diverted from Bear River by means of the Miller ditch at or near a point where the South line of the Southeast Quarter of Section 21, Township 14 South Range 45 East of the Boise Meridian intersects Bear River, to be used upon 278 acres of land described as follows, to-wit:

Tr. 15 S.R. 45E.R.M. and,
The Northeast Quarter and NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ Section 12/Lots 1 and 2 Section 7 Township 15 South Range 45 East Boise Meridian.

JOHN L. SHERRILL

1877-April 18th, What is designated in this decree as a "Meadow Right"

April 18th-July 1st, 7.8 cubic foot per second.

July 1st- September 30th 5 cubic foot per second.

1888-April 18th, What is designated in this decree as an "Agricultural Right," .8 cubic foot per second.

All of said waters to be diverted from Bear River by means of a cut or ditch cut of said river at or near the Northwest Corner of the Southeast Quarter of the Northeast Quarter of Section 26, Township 14 South, Range 45 East of the Boise Meridian, to be used on 290 acres, described as follows, to-wit:

East half of the Northeast Quarter of Section 22, the Northwest Quarter of the Southwest Quarter and the West half of the Northwest quarter and that part of the East half of the Northwest quarter and the west half of the Northeast quarter of Section 25 in Township 14 South range 45 E.B.M. that is situated on the West and South of the West channel of Bear River. Also the Northeast Quarter of the Southwest quarter of Section 23, Township 14 South range 45 E.B.M. containing 280 acres be there more or less. Excepting therefrom the right-of-way of the O. S. L. Railroad.

HYMEL ESTERHOLM

1877-April 18th, What is designated in this decree as a "Meadow Right".

April 18th-July 1st 1.8 cubic foot per second.

July 1st-September 30th .8 cubic foot per second.

1888-April 18th, what is designated in this decree as a "Meadow Right".

April 18th-July 1st 3.88 cubic foot per second.

July 1st-September 30th, 2.45 cubic foot per second.

1888-April 18th, what is designated in this decree as an "Agricultural Right," .4 cubic foot per second.

All of said waters to be diverted from Bear River by means of the Miller ditch, the point of diversion of which is located about 150 yards East from the Northeast Corner of Section 21, Township 14 South, Range 45 East of the Boise Meridian, to be used on 185 acres, described as follows, to-wit:

Commencing at a point 2640 feet West and 2640 feet North from the Southeast corner of Section one (1) in Township fifteen (15) South of Range forty-five (45) East of Boise Meridian and running thence North 2640 feet; thence East 2674 feet; to a point on the right bank of Bear River; thence following said river at the following angles and distances, to-wit: South 34 degrees 30' West 232 feet; thence South 19 degrees 30' East 174 feet; thence South 21 degrees 9' East 442 feet; Thence South 55 degrees 56' East 465 feet; thence South 32 degrees 27' East 51 feet; Thence South 63 degrees 49' East 105 feet; Thence South 8 degrees 51' West 96 feet; Thence South 63 degrees west 190 feet; Thence North 44 Degrees 9' West 342 feet; Thence North 51 degrees 54' West 171 feet; Thence North 40 degrees 40' West 55 feet; Thence North 45 degrees West 72 feet; Thence North 51 degrees 49' West 225 feet; Thence North 71 degrees 14' West 388 feet; thence South 75 degrees 19' West 315 feet; Thence South 27 degrees 29' West 349 feet; Thence South 5 degrees 10' East 155 feet; Thence South 32 degrees 8' East 341 feet; thence South 8 degrees 19' East 117 feet; Thence South 21 degrees 25' West 96 feet; Thence South 38 degrees 9' West 80 feet; Thence South 68 degrees 21' West 76 feet; thence North 64 degrees 37' West 123 feet; thence North 52 degrees 10' West 175 feet; thence North 19 degrees 55' West 265 feet; thence North 59 degrees 44' West 200 feet; thence South 87 degrees 55' West 242 feet; thence South 54 degrees 15' West 340 feet; thence South 20 degrees 40' West 259 feet; thence South 79 degrees 55' West 65 feet; thence North 52 degrees 55' West 175 feet; thence North 39 degrees 19' West 190 feet; thence North 54 degrees 15' West 137 feet;

Hyemel Esterholm

Thence North 76 degrees 19' West 303 feet; thence South 39 degrees 28' West 174 feet; thence South 7 degrees 34' East 307 feet; thence South 29 degrees 18' East 230 feet; thence South 65 degrees 3' East 316 feet; thence South 39 degrees 50' East 234 feet; thence South 23 degrees 24' East 85 feet; thence South 35 degrees 4' East 21 feet thence South 12 degrees 55' East 48 feet; thence South 1 degree 22' East 171 feet; thence South 48 degrees 18' West 92 feet; Thence North 60 degrees 40' West 164 feet; thence West 14000 feet to point of beginning and containing 133 1/2 acres of land more or less.

Also, the Southeast quarter of the Northwest quarter and the East one half of the Southwest quarter of Section One (1) Township fifteen (15) South Range forty-five (45) East Boise Meridian containing one hundred and twenty acres of land more or less.

JOSEPH H. HENNINGSEN:

1877-April 15th-What is designated in this decree as a "Meadow Right."

April 15th-July 1st .8 cubic feet per second.

July 1st-September 30th .6 cubic feet per second.

1880-April 15th-What is designated in this decree as a "Meadow Right."

April 15th-July 1st 2.7 cubic feet per second.

July 1st to September 30th 1.8 cubic feet per second.

All of said waters to be diverted from Bear River, water for 15 acres of the following described land being diverted from Bear River by means of the Miller ditch, the point of diversion of which is about 150 yards east from the Northeast corner of Section 31, Township 14 South, Range 46 East of the Boise Meridian; and water for 100 acres of the following described land being diverted from Bear River by means of the Muffer Ditch at or near a point where the South line of the Southeast quarter of Section 31, Township 14 South, Range 46 East of the Boise Meridian, intersects Bear River; said water to be used on a total of 120 acres of land described as follows, to-wit:

Beginning at a point on the south line of Section one (1) Township fifteen (15) South of Range Forty-five (45) East of Boise Meridian, 223 feet West of the Southeast corner of Section one (1) where the West line of Oregon Short Line right-of-way intersects Section line, running thence West 1425 feet; thence North 2640 feet; Thence East 330 feet; Thence South 1225 feet; Thence East 1320 feet; Thence South 342 feet, more or less to intersection with West boundary line of the O. S. L. railway right-of-way; thence Southwesterly (S. 20 degrees 45') 646 feet, more or less to jog in right-of-way fence; thence Southerly at right angles 335 feet to right-of-way; thence Southwesterly along right-of-way fence 304 feet to place of beginning, containing in all sixty acres more or less.

Together with all water rights thereunto belonging.

Also, Commencing at a point sixteen hundred and fifty (1650) feet West from the Southeast corner of Section one (1), in Township fifteen (15) South of Range forty five (45) East of the Boise Meridian and running thence West nine hundred and ninety (990) feet, more or less, to the Southwest corner of the Southeast quarter of said Section one; Thence North twenty-six hundred and forty (2640) feet; thence East nine hundred and ninety (990) feet; Thence South twenty six hundred and forty (2640) feet to the place of beginning and containing sixty acres of land, more or less, together with all water rights thereunto belonging and water and ditches used in the irrigation of said land.

WILLIAM L. PHILLIPS:

1877-April 15th, What is designated in this decree as a "Meadow Right."

April 15th-July 1st. 4.8 cubic feet per second.

July 1st-September 30th, 3.3 cubic feet per second.

1888-April 15th, What is designated in this decree as an "Agricultural Right.", 8 cubic feet per second.

All of said water to be diverted from Bear River, at a point described as follows; and to be used on 240 acres of land, described as follows, to-wit:

The NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23 T. 14 S.R. 45 East Boise Meridian.

And that part of NW $\frac{1}{4}$ SW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$, of Section 23, that lies North and East of the Old West Channel of Bear River.

And that part NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 24, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 25, and SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14 T. 13 S. R. 45 E.B.M. which lies East of the Phelps Canal and below said Canal.

Containing in all 200 acres, and all being in Bear Lake County, State of Idaho.

All of said waters to be diverted from Bear River by means of a Dam known as the Ezra J. Phelps Dam located at or near the Southeast Corner of the Southeast Quarter of Section 23, Township 14 South, Range 45 East, of the Boise Meridian, to be used on 200 acres of land, described as follows, to wit:

GEORGE A. SPARKS

1897-May 1st, what is designated in this decree as an "Agricultural Right." 5 cubic feet per second.

All of said water to be diverted from Bear River at a point described as follows, and

S $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, Township 14 South, Range 45 East Boise Meridian in Bear Lake County, State of Idaho, and to be used on 160 acres of land described as follows, to-wit:

All of said waters to be diverted from Bear River by means of a Dam known as the Ezra J. Phelps Dam located at or near the Southeast Corner of the Southeast Quarter of Section 23, Township 14 South, Range 45 East, of the Boise Meridian, to be used on 160 acres of land, described as follows, to wit:

S $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23; and NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26, Township 14 South, Range 45 East E.B.M. in Bear Lake County, State of Idaho, containing 160 acres.

JOHN O. MILLER

1877-April 15th what is designated in this decree as a "Meadow Right."

April 15th-July 1st 4.50 cubic feet per second.

July 1st- September 30th 3.0 cubic feet per second.

1880-April 15th, what is designated in this decree to be a "Meadow Right."

April 15th- July 1st 4.5 cubic feet per second.

July 1st-September 30th 3.0 cubic feet per second.

1885 April 15th what is designated in this decree to be an "Agricultural Right." 3.5 cubic feet per second.

All of said waters to be diverted from Bear River by means of the Miller Ditch, the point of diversion of which is about 150 yards East from the Northeast corner of Section 31, Township 14 South, Range 45 East of the Boise Meridian, to be used upon 480 acres of land described as follows:

E $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{4}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$ Section 31, Township 14 South Range 45 East Boise Meridian.

And N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 30 Township 14 South, Range 45 East E.B.M. all in Bear Lake County, State of Idaho.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED: That there shall be allowed to pass by the Wardbore Dam in Bear River five cubic feet per second of water at all times for the use of the West Fork Irrigation Company for culinary and domestic purposes; and it is further understood and agreed that said West Fork Irrigation Company is to have a riparian right, inferior to the irrigation rights herein decreed, for forty cubic feet per second of water to be run through its canal at all times during the year except when needed for irrigation purposes.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED: That all of the above described lands are arid in character and require irrigation for their proper cultivation and for the profitable raising of crops thereon, and that the duty of water shall be fixed and determined at one and one-half (1 $\frac{1}{2}$) miners inches per acre of water from April 15th to July 1st of each year, and at one (1) miners inch per acre from July 1st to September 30th,

of each year for the lands designated as meadow lands, and for the lands designated as agricultural lands, it is agreed that the duty shall be one minor inch per acre through the irrigation season, except that it is adjudged and decreed that 500 acres of agricultural lands under the canal of the Dingle Irrigation Company and 400 acres of Agricultural lands under the Preston-Montpelier Irrigation Company's Canal, and 400 acres of land under the Peam-Crockett Ditch have a gravelly sub-soil and require one and one-fourth (1 $\frac{1}{4}$) minor inches per acre, for their proper irrigation, which amount is hereby decreed to said lands, and is further adjudged and decreed that if within five years it is determined that said gravelly land does not need one and one-fourth (1 $\frac{1}{4}$) minor's inches per acre, the same may be reduced which in no event shall it be reduced so as to give less than one (1) minor's inch per acre to such lands, the court retaining jurisdiction of this cause for said purpose.

IT IS FURTHER ORDERED ADJUDGED AND DECREED, that the lands herein classified as "Meadow Lands" or rights are understood to mean those lands along Bear River professing what is commonly called "Wild Hay" or "natural meadow grass" which lands must be flooded in order to produce crops, the water running over said lands and back into Bear River, which said meadow lands shall be subject to rights hereinafter specified in this decree.

The agricultural lands or rights as herein classified are intended to mean those lands which have been cultivated and irrigated for the production of crops. The acreage of said agricultural lands are hereby decreed and designated as follows: Preston Montpelier Irrigation Company, 2200 acres, Dingle Irrigation Company, 1721 acres, Peg Leg Irrigation Company 866.8 acres, Peam-Crockett Irrigation Company 841 acres, and Kent-LaRocco Ditch 845 acres. It being adjudged and decreed that this is the number of acres designated as agricultural lands under this decree.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED: that if at any time between the 19th day of June and the 4th day of July of any year there shall not be sufficient water in Bear River to supply the above designated agricultural lands, consisting of Six Thousand Twelve and Twenty-five hundredths (6012.25) acres, then, in that event, there shall be taken from the lands or rights hereinbefore designated as "Meadow Rights" pro rata a sufficient amount of water so that the said six Thousand Twelve and Twenty-five hundredths acres (6012.25) of agricultural lands shall receive seven and five per cent (75%) of the full amount of water herein decreed to said agricultural lands, and if after July 4th of any year there is not sufficient water in Bear River to supply the said six Thousand Twelve and Twenty-five hundredths acres (6012.25) acres with the full amount of their decreed water rights, then, in that event, there shall be taken from the said meadow lands or rights a sufficient amount of water to supply said Six thousand Twelve and Twenty-five Hundredths (6012.25) acres of agricultural lands to the full extent of their decreed right.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED: That the Court shall retain jurisdiction, and jurisdiction is hereby reserved for a period of five years from the date hereof, for the purpose of correcting said decree if it shall be made to appear to the court that there are errors in the description or amounts of land to which water has been decreed under this decree.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that each party pay its own costs herein.

Dated this 7th day of March, 1924.

Endorsed:

Filed Mar. 7, 1924.

J. S. Peterson, Clerk District Court.

Robert M. Terrell
District Judge

Affidavit for Change of Point of Diversion of Decreed Water Right

STATE OF IDAHO,

County of Bear Lake

} ss.

Chas. C. Nate Pres. Grimmett Black Otter being first duly sworn, deposes and says: That his postoffice address is Irri. Co. Dingle Idaho; That he is the owner of and using a certain water right, bearing date of priority of 1877, April 15, 19 , for 133 cubic feet per second of the waters of Bear River, County of Bear Lake, State of Idaho, decreed to Grimmett Black Otter Irri. Co. by decree of Judge Robt. M. Terrill, of the Fifth Judicial District of the State of Idaho, in and for the County of Bear Lake, in the case of Preston Montpelier Irrigation Co. vs. Dingle Irrigation Co. and others said decree bearing date of Mch. 7 1924, for the purpose of irrigating the following described lands, situate, lying and being in Water Dist. No. 5, in the County of Bear Lake, and State of Idaho, to-wit: Parcels of land in the following sections 3, 5, 4, 6, 8, 9, 10, 11, 14, 16, 17 T. 14 S. R. 44 E. and 32, 33 T. 13 S. R. 44 E. B. M.

Being 4434.25 Ac. in extent

That he is the person (or representative of the corporation) to whom such right was issued, (or has become the owner thereof in the following manner: President of the above described Co.

That said waters are now diverted from said stream in the On line between 1/4 of Sec. 6-7, Twp. 14, Range 46, and conducted to the above described lands through the Black Otter Slough ditch, as per map filed herewith and of this affidavit made a part;

That affiant desires to change the point of diversion of ^{33 C.F.S.} said water from the point above described to a point located in E. Line 1/4 of S. E. 1/4, Sec. 7, Twp. 14, Range 46, and thereafter conduct same to the above described land through the Dingle Irri. Co. ditch, as per map above referred to: The intent of this application is to Change the Point of Diversion for 33 C.F.S. of the above described right.

That his reasons for desiring to make such change are as follows: Convenience and difficulties at times in getting their full right through the Black Otter Slough.

The water so diverted may be returned to the Grimmett Black Otter Irri. Co.

through waste gate of the Dingle Irri. Co.

That no one will be injured by such change and that such change will be made at affiant's own risk.
GRIMMETT BLACK OTTOR IRRIGATION CO.

By

Charles C. Nate Pres

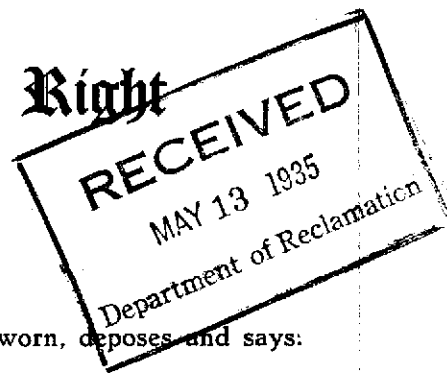
Affiant.

Subscribed and sworn to before me this 10 day of May, 1931

NOTE:—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

RECORDED

Application For Transfer of Water Right



STATE OF IDAHO

County of..... } ss.

....., being first duly sworn, deposes and says:

That his name is.....; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is.....

That he is the owner and using a certain water right, bearing date of priority of.....19....., for.....cubic feet per second of the waters of..... County of....., State of Idaho, decreed to..... by decree of Judge, of the..... Judicial District of the State of Idaho, in and for the County of....., in the case of..... vs., said decree bearing date of..... (or obtained by virtue of License No., issued by the State Engineer of the State of Idaho, dated....., 19....., bearing date of....., 19.....) for the purpose of irrigating the following described lands situate, lying and being in Water District No. in the County of..... and State of Idaho, to-wit:.....

.....and is the person (or representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i. e.

as per abstract of title of said water right hereto attached and made a part of this statement:

That said waters are now diverted from said stream in the.....of Section....., Township....., Range....., B. M., and conducted to the above described lands through.....

as per map herewith and of this affidavit made a part:

That affiant and petitioner desires to abandon the use ofcubic feet per second of said water upon the above described land, and to convey and use same upon the following tract, situate, lying and being in the County of..... and State of Idaho, to-wit:.....

That his reasons for desiring to make such transfer are as follows:.....



That he intends to divert and convey said.....second feet of water to the tract
of land last above described in the following manner, to-wit:

as set forth upon the map herewith; and that no one will be injured by such transfer.

WHEREFORE, Affiant and Petitioner prays that the Commissioner of Reclamation of the State of
Idaho issue to him the proper certificate authorizing such transfer, in accordance with the provisions of
Section 5582 of the Idaho Compiled Statutes.

Applicant.

Subscribed and sworn to before me this.....day of.....

A. D. 19.....

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted?.....

Where is the diversion point located?.....

Through what ditch is it now conducted?.....

How much land is now irrigated by the water sought to be transferred?.....

Give the description:.....

What is the total amount of water in inches, or second feet, dedicated to said land?.....

What kind of crops are being raised?.....

How much water per acre is now required to irrigate said land?.....

What will be the effect on the land now irrigated, if the use of water on it is discontinued?.....

Give location of new point of diversion, if change is to be made.....

Through what ditch will it be conducted after transfer?

How much water will be required per acre to irrigate the land to which this water is transferred?.....

Do you claim any other water right for the land from which you seek to abandon the use of this water?

If so, give amount, date and source.....

Is there now any other water right for the land to which you seek to make this transfer? If so, give
amount, date and source.....

Signed

Applicant.

(Copy)

MINUTES OF SPECIAL MEETING.

Held May 8th - 1935.

Minutes of a special meeting of the directors of the Dingle Irrigation Company and those of the Black Otter directors, held in the school house May 8th, 1935 at 8:30 P. M. J. Warren Sirrine, presiding.

The meeting was called for the purpose of having the directors of the two companies meet and consider the possibility of having thirty-three (33) second feet of the Black Otter Company's water transferred through the Dingle Irrigation canal.

It was decided by the Board of Directors of the two companies to have thirty-three second feet of the decreed Black Otter water transferred through the Dingle Irrigation ditch, to be used as directed by the Board of Directors of the Black Otter Company. The following directors of the two companies were present and agreed to the proposition

The Black Otter Comapny's directors:

Chas. C. Nate
Fred Nate
Henry W. Nate

Of the Dingle Irrigation Company:

J . Warren Sirrine
Wesley Dodge
Cottrell N. Sparks
Mitchel Ream
Wm. H. Lindsay, Jr.

The follo wing are the signatures:

Chas. C. Nate
Fred Nate
Henry Nate
J . Warren Sirrine
M.A. Ream
Wesley Dodge

Cottrell N. Sparks
Chas. A. Wallentine
Wm. R. Quayle

(Signatures of last two directors signing were made after meeting)

STATE OF IDAHO,

County of.....

SS.

..... and
being first duly sworn, each for himself, and not one for the other, deposes and says: That he is a citizen of the United States and of the State of Idaho, residing at.....
that he is user of water from..... in Water District No.....
County of, State of Idaho; that he has read or heard read the foregoing affidavit and petition of..... and is familiar with its allegations and with the water right and lands therein mentioned and described and is not in any way interested in either, nor in any way related to said petitioner; that the statements and allegations therein made are true of his own knowledge; and that no one will be injured by the granting of the certificate authorizing the transfer therein petitioned.

Subscribed and sworn to before me this..... day of.....
A. D. 19.....

STATE OF IDAHO,

County of Caribou

SS.

I, E. J. Band, Watermaster of Dist. 5

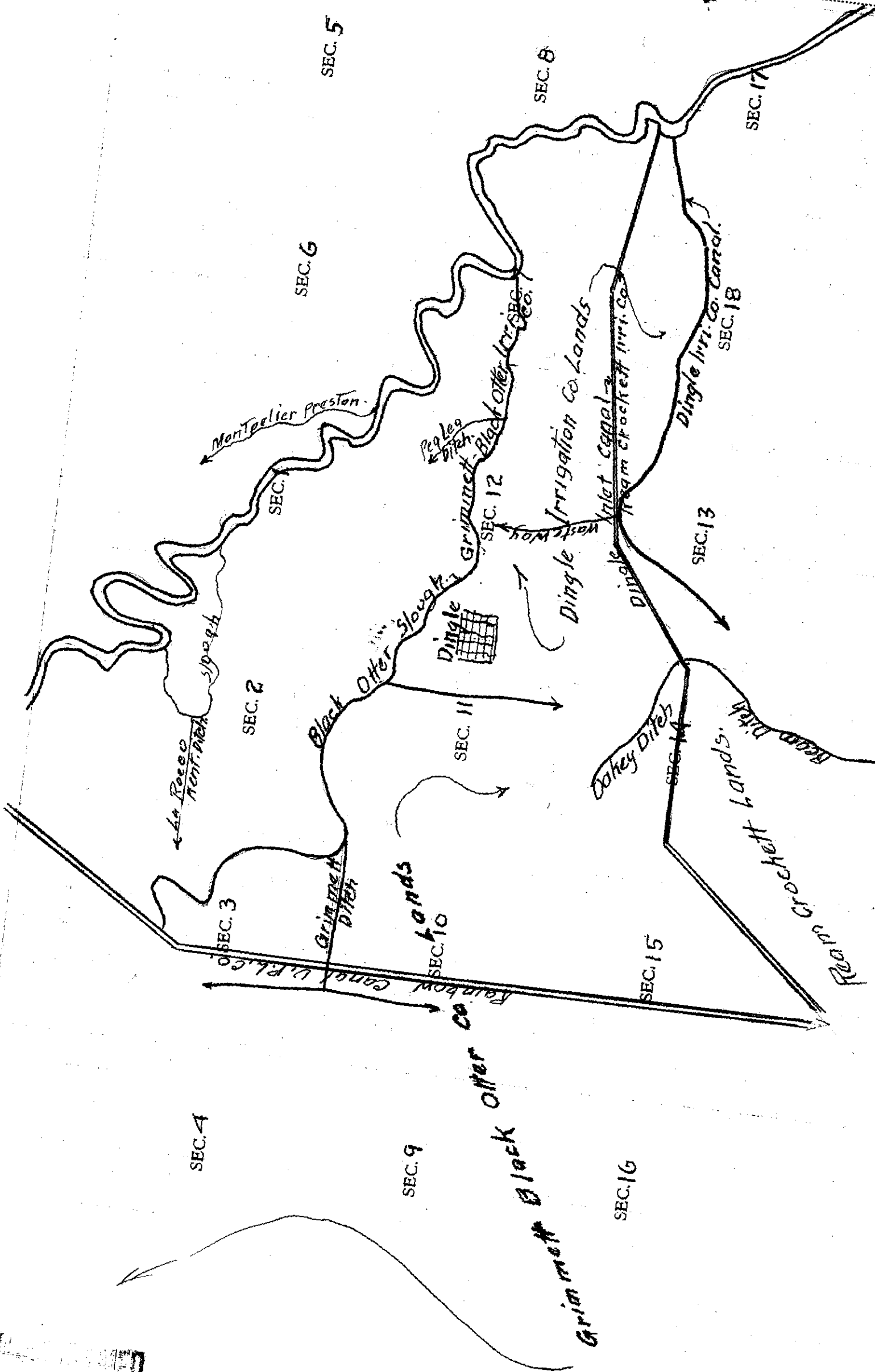
Water District No....., County of....., State of Idaho, whose postoffice address is....., have read or heard read the foregoing affidavit and petition of Ernest Elmer Otter Sr. and, of my own knowledge, believe the same to be true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized; and I hereby endorse my approval of said petition, and request that the Commissioner of Reclamation issue the certificate of transfer as petitioned; or (do not approve of the issuance of the certificate of transfer prayed for) for the following reasons:

Watermaster Dist. No. 5

E. J. Band

Dated at Ada Springs, Idaho, this 10 day of May, 1935

Name of Applicant Grimmett Black Otter Irr.



Scale: 2 Inches—1 Mile. Draw Map in Ink.

December 20, 1966

Re: Transfer of Water Right
Change in Point of Diversion
No. 296

Black Otter Irrigation Co.

Mr. Elbert E. Gass,
Attorney at Law,
Professional Building,
Montpelier, Idaho 83254

Dear Mr. Gass:

We are enclosing Order Granting Change in Point of Diversion and Certificate No. 296, together with Departmental Receipt No. 33546, which was issued covering payment in the amount of \$1.00 for the recording fee of the above mentioned transfer.

A copy is enclosed for your files.

Very truly yours,

ROBERT W. HAMILTON
Supervisor of Water Distribution

Encl: Certificate No. 296
Receipt No. 33546
RWH:pmk

cc: Black Otter Irrigation Co.
Dingle, Idaho

Russell D. Stoker, Watermaster
Water District No. 5
Box 726
Soda Springs, Idaho

ELBERT E. GASS
ATTORNEY AND COUNSELOR AT LAW
PROFESSIONAL BUILDING
MONTPELIER, IDAHO 83254

PROSECUTING ATTORNEY
BEAR LAKE COUNTY

December 9, 1966

RECEIVED
CITY ATTORNEY - MONTPELIER
TELEPHONE 847-0808
DEC 12 1966

Department of Reclamation

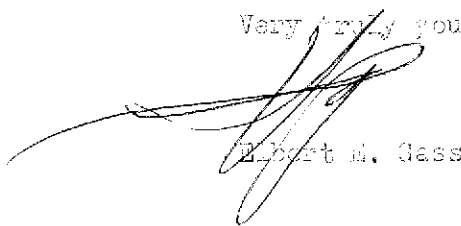
Mr. Robert W. Hamilton
Supervisor of Water Distribution
Department of Reclamation
107 State House
Boise, Idaho 83701

Re: Black Otter Irrigation Company

Dear Mr. Hamilton:

I enclose my check in the amount of \$1.00 for recording and the Affidavit of Publication. I would assume that the certificate for the transfer of water will be submitted in due time.

Very truly yours,



Elbert E. Gass

ELG:am
Encl.

November 18, 1966

Re: Black Otter Irrigation Co.
Transfer of Water Right

Mr. Elbert E. Gass,
Attorney at Law,
Professionals Building,
Montpelier, Idaho 83254

Dear Mr. Gass:

As there were no protests to the Black Otter Irrigation Company's application for transfer of water right, we will issue a certificate of transfer of water right upon receipt of an Affidavit of Publication from the Montpelier News Examiner and a \$1.00 recording fee.

Very truly yours,

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:pmk

**NOTICE OF PROPOSED
TRANSFER OF WATER RIGHT**

Notice is hereby given that Black Otter Irrigation Company of Dingle, Idaho has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing it to change the point of diversion of the waters of Bear River as follows. Amount: 30.0 cubic feet per second. Priority: April 7, 1877. Point of diversion: Near South Line of NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 8, Township 14 S Range 45 E., B. M. Place of Use: Lands under canal system.

To Be Transferred to Point of Diversion: Near East Line of SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17, Township 14 S., Range 45 E., B. M.

Place of Use: No change.

And that on the 17th day of November, 1966, at 2:00 o'clock p. m., at Room 107, Statehouse, Boise, Idaho, before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

11-4-66

BOB:

The publication notice failed to show "Range 44 E" in the point of diversion - it shows only 45 E.B.M.

Peggy

847-0352

newspaper
Called 11-8-66. Change will be made in last publication.

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

October 25, 1966

Re: Transfer of Water Right
Black Otter Irrigation Co.

Montpelier News-Examiner,
Montpelier, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for two consecutive weeks prior to **November 17, 1966** the date set for hearing; the expense of the publication is to be paid by the applicant's attorney, **Elbert E. Gass** of **Professional Building, Montpelier, Idaho** to whom you should furnish proof of publication on or prior to the date set for hearing.

Please acknowledge receipt of this notice and furnish this office with a copy or tear-sheet of the first publication.**

Very truly yours,

R. KEITH HIGGINSON
State Reclamation Engineer
By

ROBERT W. HAMILTON
Supervisor of Water Distribution

** If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense.

Encl.
RWH:pmk

RECEIVED

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Black Otter Irrigation Co. of

Dingle, Idaho has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing it to change the point of diversion ~~and/or place of use~~ of the waters of Bear River as follows:

Amount: 30.0 cubic feet per second. Priority: April 7, 1877
Point of diversion: Near South Line of
NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 8, Township 14 S Range 44 E, B.M. ^(45E)
Place of Use: Lands under canal system

To Be Transferred To

Near East line of
Point of Diversion: / SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17, Township 14 S, Range 45 E, B.M.
Place of Use: No change

And that on the 17 day of November, 1966, at 2:00 o'clock P. M.
at Room 107 Statehouse, Boise, Idaho, before the State Reclamation Engineer,
or his authorized agent, the opportunity will be given to any and all persons to
appear and present, for his consideration any reason or reasons why a certificate
should not be issued authorizing such transfer.

R. KEITH HIGGINSON
State Reclamation Engineer

RECORDED

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Black Otter Irrigation Company of Dingle, Idaho has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing IT to change the point of diversion and/or place of use of the waters of Bear River as follows:

Amount: 30.0 cubic feet per second. Priority: April 7, 1872

Point of diversion ^{Near South Line of} NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 8, Township 14 S Range 44 E, B.M.

Place of Use: Lands Under Canal System. (Water right of diversion given on Range 44E in Decree. Should be 45E)

To Be Transferred To

Point of Diversion ^{Near East Line of} SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17, Township 14 S, Range 45E, B.M.

Place of Use: No Change

And that on the 17 day of Nov., 19 66, at 2:00 o'clock P. M. at Room 107 State house, Boise, Idaho, before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

State Reclamation Engineer

RECORDED

ELBERT E. GASS
ATTORNEY AND COUNSELOR AT LAW
PROFESSIONAL BUILDING
MONTPELIER, IDAHO 83254

October 21, 1966

PROSECUTING ATTORNEY
BEAR LAKE COUNTY

CITY ATTORNEY - MONTPELIER
TELEPHONE 847-0805

RECEIVED
OCT 25 1966

Department of Reclamation

Mr. Robert W. Hamilton
Supervisor of Water Distribution
Department of Reclamation
107 State House
Boise, Idaho 83701

Re: Application for Transfer of Water Right
Black Otter Irrigation Co.

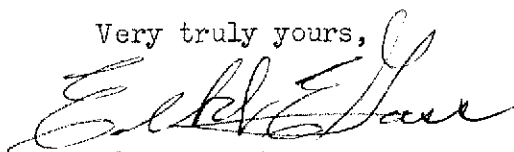
Dear Mr. Hamilton:

I enclose the original and copy of Application for Transfer of Water Right, thinking that perhaps Mr. Russell Stoker, Bear River Water Master, would like to have a copy. Both the original and copy of the Application have been executed by Mr. Oakey, Secretary of the Black Otter Irrigation Company, and notarized, and have also been executed by Mr. Russell Stoker.

Mr. Stoker and I spent quite some time verifying the proper description of point of diversion, past and present, of the applicant. The result of our investigation confirms the Range as indicated in the Application enclosed. Apparently the Decree has the wrong Range for the point of diversion for Preston-Montpelier Irrigation Company, Dingle Irrigation Company, Peg-Leg Irrigation Company, and Black Otter Irrigation Company. The Ream-Crockett Irrigation Company's point of diversion is properly described in the Decree, and Grimmer-Black Otter's is only about three-fourths mile down the river from Ream-Crockett's. The only way I know to correct the error would be to file a supplementary action to correct the Decree or to file Application for Transfer of Water Right by those irrigation companies who desire it.

When you issue the Notice of Publication, may I suggest the following Notary Publics before whom proof will be made: Mrs. Vea H. Munk, Professional Building, 455 Washington Street, Montpelier, Idaho; or Howard W. Tolley, 1025 Washington Street, Montpelier, Idaho.

Very truly yours,



Elbert E. Gass

EEG:vm
Encl. 2

cc: Mr. Russell Stoker

RECORDED
INDEXED

October 7, 1966

Re: Application for Transfer
of Water Right;
Black Otter Irrigation Co.

Mr. Elbert E. Gass,
Attorney at Law,
Professional Building,
Montpelier, Idaho 83254

Dear Mr. Gass:

Upon examining the above mentioned application for change in point of diversion, we find the decree shows the points of diversion in R-44E, which apparently is an error. As we must describe the water right as given in the decree, we will insert R-45E in parenthesis in an effort to avoid confusing interested parties.

The application must also be notarized and signed by the Watermaster, Russel Stoker, Box 726, Soda Springs, Idaho. If you wish to forward this to him, it will save a few days time.

We plan to condense the land description as much as possible to aid in the publication.

Please make the necessary correction and return the application to us for processing. We need only one copy.

Very truly yours,

ROBERT W. HAMILTON
Supervisor of Water Distribution

Encl.- Application for Transfer
of Water Right (3)
(Change in Point of Diversion)

RWH:pmk

RECEIVED

ELBERT E. GASS
ATTORNEY AND COUNSELOR AT LAW
PROFESSIONAL BUILDING
MONTPELIER, IDAHO 83254

RECEIVED
OCT 7 1966

Department of Reclamation

PROSECUTING ATTORNEY
BEAR LAKE COUNTY

October 6, 1966

CITY ATTORNEY - MONTPELIER
TELEPHONE 847-0805

Mr. R. Keith Higginson, Deputy
State Reclamation Engineer
Department of Reclamation
107 State House
Boise, Idaho 83701

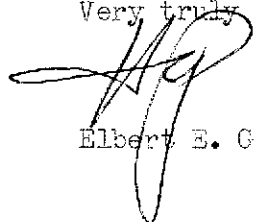
Re: Black Otter Application for Transfer of Water Right

Dear Keith:

I enclose the Application for Transfer of Water Right, original and two copies, for Black Otter Irrigation Company. If you will recall, on July 20, 1966, I submitted to you copies of an Agreement between Black Otter Irrigation Company and Dingle Irrigation Company, which Agreement should be on record in your office and should be incorporated in this Application as indicating consent by the Dingle Irrigation Company.

I trust you will find the enclosures in proper form, and that the proper Notice of Publication can be made next week.

Very truly yours,



Elbert E. Cass

EEG:vm
Encl. 3

July 25, 1966

Elbert E. Cass
Attorney at Law
Professional Building
Montpelier, Idaho 83254

Dear Mr. Cass:

We received your letter of July 20, 1966, in which you enclosed copies of an agreement between the Black Otter Irrigation Company and the Dingle Irrigation Company.

From the information you have given you propose to change the point of diversion up to 30.0 second feet of the Black Otter right into the Dingle Irrigation Canal. Even though the agreement may be terminated without notice by either party, it would appear that the intent will be permanent in nature and we therefore will require the processing of an application for transfer of water right which I sent to you.

Even though the two companies involved in this agreement have approved this transfer, in order for it to be binding upon the other users under the decree, the transfer will have to be approved by this office.

If you have any questions please let me know.

Very truly yours,

R. KEITH HIGGINSON, Deputy
State Reclamation Engineer

RKH:ejw

CO
P
Y

MICROFILMED

May 17, 1935

Re: Change of Point of Diversion No. 145

Mr. E. J. BAIRD
Watermaster
Soda Springs, Idaho

Dear Mr. Baird:

I am enclosing herewith a copy of an application for change of point of diversion of water, as filed by the President of the Grinnett Black Otter Irrigation Company of Dingle, Idaho.

The water involved in this transfer is in Water District No. 5, and comes under your supervision. This application has been granted in view of the fact that no protests were entered.

As you know, no publication is required for granting such an application, therefore, there is no cost involved.

Yours very truly,

Wm. H. Coffin,
Director of Water Resources

WHC:ci
Encl.

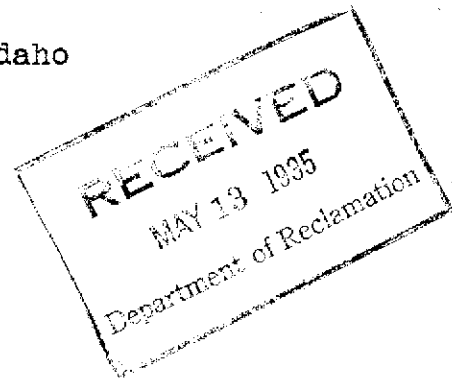
cc to. Chas. C. Kate, Pres.
Grinnett Black Otter Irri. Co.
Dingle, Idaho

exp. P. D.
1145

Soda Springs Idaho
May 10 1935

State Dept. of Reclamation
Boise, Idaho

Mr. Mans Coffin
Director of Water Resources



Dear sir;

Enclosed is an application of the
Grimmett Black Otter Irrigation Co. to change
the Point of Diversion for 33 C.F.S. of their
Water Right, to the Dingle Irrigation Co. canal
for reasons noted in their application.

ar
This is in reality a temporary change
as the Grimmett Black Otter Irrigation Co. is
not transferring the point of diversion for
their full right and retain jurisdiction as to
which part of their right shall be diverted thus
in times of low water stages.

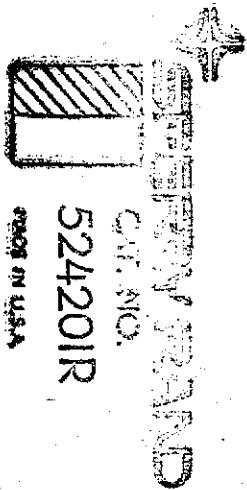
I see no damage to be done to other
users by such transfer and as the need is immediate,
I have allowed such transfer to be made by turning
this amount of water through the Dingle Irri. Co.
Canal.

If there are objections by you to
making this change before the application is
perfected, kindly let me know at once.

If these papers need to be in duplicate
kindly return and they will be so made. As I did not
the amount of fee necessary to accompany this
application will request that you notify Chas. C. Nate,
Pres. Grimmett Black Otter Irri. Co., Dingle Idaho.

Very truly yours *E. J. Bane* Watermaster Dist. 5

MADE IN U.S.A. **REMCLIP** PAT. NO. 3,271,325



ADVERTISED PRIORITY
DATE APR 7 SHOULD
HAVE BEEN APR 15.
RA

TRANSFER # 296 (P.D.)