

STATE OF IDAHO.
OFFICE OF THE STATE ENGINEER.

CERTIFICATE OF WATER RIGHT.

Superceeded by Albion-transferred Right No. 238.
Idaho vs Adams Decree

73-0203

This is to certify that C. J. Bateman, of Standard, County of Cass and State of Idaho, has a right to the use of the waters of Raft River, for irrigation and domestic purposes, and that said right has been confirmed by decree of the District Court of the Fourth Judicial District of the State of Idaho, for the County of Blaine, in the case of Lee Kirk, et al., Plaintiff, vs. J. Bartholomew, et al, defendants, C. C. Stockmayer, Judge, wherein 2.8 second feet of the waters of Raft River, in Water District No. 8 were dedicated to Lots 1, 2, 3, 4 and 5, Section 5, Township 15 South, Range 26 East, Boise Meridian, bearing date of priority of April 1, 1872, said decree being entered at Boise, Idaho, in the records of the State Engineer in Volume 1 of Decrees, Page 624; that C. J. Bateman also has a right to the use of the waters of Raft River, for irrigation and domestic purposes, said right being confirmed by the above mentioned decree, wherein 2.8 second feet of the waters of Raft River were dedicated to Lot 2, SW¹NE¹ and W¹SE¹ Sec. 5, and the NW¹SE¹ Sec. 9, in T. 15 S., R. 27 E., S.M., said right bearing date of priority of March 1, 1884, and being entered at Boise, Idaho, in the records of the State Engineer in Volume 1 of Decrees, Page 624; that, upon application of said C. J. Bateman for a transfer of water right made before the State Engineer of the State of Idaho, and, after due investigation, said application having been granted by the said State Engineer, the right to the use of two (2) second feet of the waters of Raft River upon the land first above described is hereby abandoned and a description of the land to be irrigated under such right and to which the water rights hereby confirmed shall by this instrument become appurtenant, for irrigation and domestic purposes, is shown in the following table, limited at any given time to an amount actually needed and beneficially used for said purposes, and shall not exceed the following amounts:

2.8 second feet dated March 1, 1884									
2.8 second feet dated April 1, 1872									
Tr. No.	Sec.	SW ¹ NE ¹	SE ¹ NE ¹	SW ¹ SE ¹	N ¹ NE ¹	SW ¹ SE ¹	NE ¹ NE ¹	SW ¹ SE ¹	Total.
(Lot 1)									
153-272	5	40	40				40	40	
		40							
Total number of acres									200

The right to the use of the waters aforesaid, hereby confirmed, is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

No right to the use of waters on the lands herein named exists at the date of this instrument except as herein stated.

WITNESS the seal and signature of the State Engineer of the State of Idaho, affixed at Boise, Idaho, this 15th day of March, 1919.

(SEAL)

FRED A. WILKIE,
State Engineer.

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF IDAHO, IN AND
FOR THE COUNTY OF CASSIA. 43-BX-1

Lea Kirk, et al,)
Plaintiff,)
Vs.) Findings of Fact.
A. Bartholomew et al,)
Defendants.)

This case came on for hearing at the September Term, 1892 said cause being called for hearing it was stipulated by agreement of all to submit said cause on the testimony taken at the first trial of said cause and to argue the same at chambers. Said cause was argued at Chambers at Hailey in January, 1893, and afterwards said cause was called at the September Term, 1893, at Blon, Court then being in session, and the attention of said court was called to said testimony and arguments of counsel was had upon the evidence heretofore taken in pursuance of said stipulation.

Stewart and Dietrich appeared for plaintiff Raft River Land & Cattle Company and Stephen Keogh. F. S. Richards for plaintiff Lea Kirk. Hawley & Reeves for plaintiffs R. C. McCormick. & H. W. Smith for Sweetser Bros. & Pierce and James Hitt; Arthur Brown for the Durham Land & Cattle Company; F. S. Richards for the defendants, Langford, and J. R. Jones; J. C. Rogers for defendants Bartholomew, Hubbard, Whittaker and Brunson; Hawley & Reeves for C. V. Spencer, T. C. King, Jacob Eaden, M. B. Durfee, H. R. Cahoon, H. D. Durfee Jr. W.E. Johnston, J. P. Janson, J. T. Taylor, Charles Heath, Charles James, G.B. Graham, Joseph Eason, William Holt, J. W. Miller and Henry James.

The Court having heard and considered the evidence and the arguments of counsel and being fully advised in the premises finds the following facts;

River.

I find that the Durham Land & Cattle Company is and was at the commencement of this suit a corporation organized and doing business under the laws of the State of Maine and owns property in the State of Idaho.

I find that the said Durham Land & Cattle Compny is the owner of the William Emery claim, the Willard desert claim, A. Metcalf claim, the William A. Bull claim, the W. H. Murray claim, the Frank Gwin claim, the William Gwin claim, and the Lee Ousley claim; that it has appropriated from the waters of Raft River for each of said claims by and through its grantors. That the grantor William Emery made an appropriation in the year 1872 for his own claim of 160 acres and for what was afterwards known as the Willard claim upon which he had a squatter's right and which was regularly transferred to and belongs to this defendant. That he appropriated from the waters of said Raft River for the purpose of said two claims 600 inches of water; that there is necessary for the use of said claims an inch to the acre; that for the William Emery claim he has used an inch to the acre during each and every year during the early irrigating season, to wit from the 1st day of April to the 1st day of July; that for the use of that claim he is entitled to 160 inches during all of the period aforesaid. That the land upon which said water was used as aforesaid and appropriated is described as the South 1/2 of the North East 1/4 of Sec. 11 and the South 1/2 of the North ^{west} 1/4 of Sec. 13 Township 16 South Range 25 East, Boise Meridian.

For the Willard claim for the same period of time he is entitled to 371 inches dated from the same date, 1872; that the said defendant has used the above amounts of water during the times mentioned each year down to the date of this decree, and that the lands upon which said water was used is particularly described as follows; Lots 1, 2, 3, 4, & 5 Sec. 6; the South 1/2 of the North East 1/4 of Sec. 12; Township 16 South Range 25 East Boise Meridian.

STATE OF IDAHO.
OFFICE OF THE STATE ENGINEER.

ALLOCATION OF WATER RIGHT.

Superceeded by Albion transferred right to 238.
Idaho vs Adams Decree

43-0203

This is to certify that J. A. Adams, of Blundell, County of Cassia, has been granted the right to use of the waters of Raft River, for irrigation and domestic purposes, and that said right has been confirmed by decree of the District Court of the Fourth Judicial District of the State of Idaho, in the case of Lee Kirk, et al., vs. J. A. Adams, et al., filed in said court, at Boise, Idaho, in the records of the State Engineer in volume 1 of decrees, page 324; that J. A. Adams also has a right to the use of the waters of Raft River, for irrigation and domestic purposes, said right being confirmed by the same judicial decree, wherein 2.5 second feet of the waters of Raft River were dedicated to lot 2, SW 1/4 and NW 1/4 Sec. 5, and the NW 1/4 Sec. 6, in T. 15 N., R. 27 E., N. 1. E., said right bearing date of priority of March 1, 1884, and being entered at Boise, Idaho, in the records of the State Engineer in volume 1 of decrees, page 324; that, upon application of said J. A. Adams for a transfer of water right made before the State Engineer of the State of Idaho, and, after due investigation, said application having been approved by the said State Engineer, the right to the use of the 2.5 second feet of the waters of Raft River upon the land first above described is hereby confirmed and a description of the land to be irrigated under such right is to which the water rights hereby confirmed shall be this instrument become appendant, for irrigation and domestic purposes, is shown in the following table, limited at any given time to an amount actually needed and lawfully used for said purposes, and shall not exceed the following amounts:

1. Decree dated March 1, 1884		2. Decree dated April 1, 1872		Total.	
Acres	Feet	Acres	Feet	Acres	Feet
153	772	40	40	193	812
Total number of acres				193	812

The right to the use of the waters aforesaid, hereby confirmed, is restricted to the land or place of use herein described, as provided by the laws of Idaho.

No right to the use of waters on the lands herein named exists at the date of this instrument except as herein stated.

WITNES the seal and signature of the State Engineer of the State of Idaho, at Boise, Idaho, this 15th day of March, 1919.

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF IDAHO, IN AND
FOR THE COUNTY OF CASSIA. 43-BX-1

Lee Kirk, et al,)
Plaintiff,)
Vs.)
A. Bartholomew et al,)
Defendants.)

Findings of Fact.

This case came on for hearing at the September Term, 1892 said cause being called for hearing it was stipulated by agreement of all to submit said cause on the testimony taken at the first trial of said cause and to argue the case at chambers. Said cause was argued at Chambers at Bailey in January, 1893, and afterwards said cause was called at the September Term, 1893, at Idaho, Court then being in session, and the attention of said court was called to said testimony and arguments of counsel was had upon the evidence heretofore taken in pursuance of said stipulation.

Stephen Carl Dietrich appeared for plaintiff Raft River Land & Cattle Company and Stephen Keogh, T. C. Richards for plaintiff Lee Kirk. Hawley & Reeves for plaintiffs R. C. McCormick, W. H. W. Smith for Sweetser Bros. & Pierre and James Hitt; Arthur Brown for the Indian Land & Cattle Company; F. S. Richards for the defendants, Langford, and W. R. Jones; J. C. Rogers for defendants Bartholomew, Hubbard, Whittaker and Brunson; Hawley & Reeves for C. V. Spencer, T. C. King, Jacobson, M. L. Durfee, H. R. Schoon, H. L. Durfee Jr. W. E. Johnston, J. P. Janson, J. T. Taylor, Charles Heath, Charles James, G. R. Graham, Joseph Nelson, William Kolt, J. W. Miller and Henry James.

The Court having heard and considered the evidence and the arguments of counsel and being fully advised in the premises finds the

River.

I find that the Durham Land & Cattle Company is and was at the commencement of this suit a corporation organized and doing business under the laws of the State of Maine and owns property in the State of Idaho.

I find that the said Durham Land & Cattle Company is the owner of the William Emery claim, the Willard desert claim, A. Metcalf claim, the William A. Bull claim, the W. H. Murray claim, the Frank Gwin claim, the William Gwin claim, and the Lee Ousley claim; that it has appropriated from the waters of Raft River for each of said claims by and through its grantors. That the grantor William Emery made an appropriation in the year 1872 for his own claim of 160 acres and for what was afterwards known as the Willard claim upon which he had a squatter's right and which was regularly transferred to and belongs to this defendant. That he appropriated from the waters of said Raft River for the purpose of said two claims 600 inches of water; that there is necessary for the use of said claims an inch to the acre; that for the William Emery claim he has used an inch to the acre during each and every year during the early irrigation season, to wit from the 1st day of April to the 1st day of July; that for the use of that claim he is entitled to 160 inches during all of the period aforesaid. That the land upon which said water was used as aforesaid and appropriated is described as the South $1/2$ of the North East $1/4$ of Sec. 11 and the South $1/2$ of the North ^{west} ~~East~~ $1/4$ of Sec. 12 Township 16 South Range 25 East, Boise Meridian.

For the Willard claim for the same period of time he is entitled to 371 inches dated from the same date, 1872; that the said defendant has used the above amounts of water during the times mentioned each