

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

Farmers' Cooperative Ditch Company (a corporation)

Plaintiff,

vs.

DE C R E E

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

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Morris, James Harvey, Jacob Alchenberger, Peter Watkins, A. J. Bress-
 hears, C. G. Myers, John Langford, F. M. Ryals, Frank Hart, Mrs A.
 Houdy, A. Blessinger, Dan Shuse, S. H. Mitchell, T. Cheneworth, W. F.
 Foster, Mrs Perkel, Milt McIntyre, Perry Shafer, Hiram Payne, Jacob
 Fowler, (sub. for John Steele), J. C. Baldwin, Charles Palmer, B. F.
 Swalley, S. McDowell, Mrs E. J. McDowell, J. W. Dickson, Amos Prosser,
 William Snodgrass, (sub. for Thomas P. Martin), D. D. Shaw, (sub. for
 A. T. Thornton), Frank Hart (sub. for Joseph E. Weeks), James M. Stew-
 art, Elza Everett, (sub. for Phelps Everett), W. A. Fowler, State of
 Idaho, Snyder & McDowell, William Spielman, T. C. Creason, Ed. Bullock
 J. H. McGrath, Middleton Mill Ditch Company, (a corporation), Middle-
 ton Canal Company, (a corporation), Middleton Water Company, (a corpor-
 ation), Levi Smith, Charlotte Calhoun and David Calhoun her husband,
 Lizzie Everett and P. H. Everett her husband, Mrs E. J. Linder and
 A. V. Linder her husband, Jesse Wilson, New Union Ditch Company, (a
 corporation), New Dry Creek Ditch Company, (a corporation), Farmers'
 Union Ditch Company, (a corporation), Boise Valley Irrigation Ditch
 Company, (a corporation), John Utter, Stephen Utter, Josephine E.
 Gallagher, administratrix of the estate of J. H. Gallagher, (sub. for
 J. H. Gallagher), Charles Rein, William Bubb, Barber Lumber Company,
 (sub. for I. N. Coston), The Nampa & Meridian Irrigation District,
 (sub. for The Boise City Irrigation & Land Company), Settlers' Canal
 Company, Limited, (a corporation), New York Canal Company, Limited,
 (a corporation), A. Ross, W. H. Ridenbaugh, R. Z. Johnson, Kate Per-
 rault and Joseph Perrault her husband, Boise City Canal Company, (a
 corporation), Jacobs Canal Company, Limited, (a corporation), (sub.
 for Boise Rapid Transit Company), The Canyon County Irrigation Company
 Limited, (a corporation), Denver & Idaho Land Company, (a corporation)
 Thomas Davis, T. C. Catlin, Polette Kace, C. C. Havird, Draper &
 Wells, James L. Graham, Frank N. Graham, William Gilbert, Martha Bow-
 man, G. W. Gess, Allon V. Webster, William P. Kennedy, Frank E. Leon-
 ard, Edna E. Leonard, J. S. D. Manville, Estate of Albert Sherwin,
 Martha E. McCarthy, H. D. Goodman and Dora Goodman, C. B. Ross,

C. H. Allen, Edgar Dilley, W. H. Ross, Isaac Bedal, Julia Hammen,
 Mason Creek Ditch Company, (a corporation), W. J. Hamming, Peter
 Neoves, Mary G. Davis, Edward H. Hart, S. S. Gray, Heirs of Edward and
 Mary Clark, John Cecil, Thomas H. Alkous, W. H. Conway, Isham Joplin,
 Seneca Joplin, Andrew J. Joplin, Francis H. Joplin, Joseph Goble,
 Susie Campbell, J. T. Barber, (sub. for James Barber), S. W. Hutchin-
 son, Johnson, W. A. Black, (sub. for Ira B. Arney), American
 Ditch Association, (a corporation), Charles H. Miller, L. F. Graham,
 M. S. Cobb, O. P. Short, Loomis L. Heseley, C. B. Taylor, South
 Boise Mutual Irrigation Company, (sub. for William Bubb, Alexander Mc-
 Pherson and L. Carrie McPherson, Annie H. Fogarty, (sub. for Gardner
 Adams and Mildred Adams), Grace Call, Samuel W. Canfield, Charles
 Rein and Jane Kech, Mathew Casey, Jacob Bingham, Canyon Ditch Company,
 (a corporation), (sub. for D. D. Campbell and Fred Sandman), J. F.
 Taryan,

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 Defendants.

(19)

Sec. 26, all in T. 5 N. R. 5 W. B.M., in the following amount from the following date;

63 0178 425 inches, from June 1, 1869; and hereby designated as Right No. 44.

And be adjudged to pay \$29.75 costs, in addition to the costs incurred by him.

XLIII.

That the defendant the MASON CREEK DITCH COMPANY, a corporation, be and it is hereby awarded the use of the waters of Boise River, diverted at a point on the south bank thereof near the center of the east line of Sec. 16; T. 4 N. R. 2 W. B.M., for use upon the lands lying under its canal system, in the following amount from the following date:

63 0179 1860 inches, from June 1, 1869; and hereby designated as Right No. 46

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And be adjudged to pay \$130.20 costs in addition to the costs incurred by it.

XLIV.

That the defendant T. W. Boone be, and he is hereby awarded the use of the waters of Boise River, diverted at a point on the SE $\frac{1}{4}$ of Sec. 25, and SW $\frac{1}{4}$ of Sec. 30, T. 5 N. R. 5 W. B.M., for use upon the NE $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$, and lots 1, 2 and 3, Sec. 25, T. 5 N. R. 5 W. B.M., in the following amounts and from the following dates;

63 0180 175 inches, from June 1, 1869; and hereby designated as Right No. 47.

63 0181 110 inches, from June 1, 1874; and hereby designated as Right No. 59.

And be adjudged to pay \$19.95 costs in addition to the costs incurred by him.

XLV.

That the defendant W. J. HAMMING be, and he is hereby awarded the use of the waters of Boise River, diverted at a point near the middle of the east line of Sec. 17, T. 4 N. R. 1 E. B.M., by a canal running through a part of Secs. 17 and 18, T. 4 N. R. 1 E. B.M., for use upon lands lying under said canal, and situated on Eagle Island, Ada County Idaho, in the following amount and from the following date;

63 0182 130 inches, from June 1, 1870; and hereby designated as Right No. 48.

And be adjudged to pay \$9.10 costs in addition to the costs incurred by him.

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XLVI.

That the defendants Frank Hart, B. F. Swalley, James M. Stewart, W. A. Fowler, J. C. Baldwin, Charles Palmer, J. H. McGrath, Eliza J. McDowell, S. McDowell, Amos Prosser, Elsa Everett, D. D. Shaw, J. W. Dickson, Jacob Fowler, William Snodgrass, State of Idaho, Snyder & McDowell, William Spielman, T. C. Creason and Ed Bullock, be and they are hereby awarded the use of the waters of Boise River, diverted from a point on the north bank thereof near the SE corner of NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 14, T. 4 N. R. 1 W. B.M., through what is known as the Pioneer canal, for use upon agricultural lands situated in Secs. 15, 16, 17, 18, 8, 9 and 10, all in T. 4 N. R. 1 W. B.M., in the following amount from the following date;

3 0183 1286 inches, from June 1, 1870; and hereby designated as Right No. 49.
And be adjudged to pay \$90.02 costs in addition to the costs incurred by them.

XLVII.

3 0184 That the defendant the BARBER LUMBER COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the SE $\frac{1}{4}$ of lot 9, Sec. 33, T. 3 N. R. 3 E. B.M., for use upon lots 7, 8 and 9, and SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 33, lots 5 and 6 of Sec. 33, lot 1 of Sec. 32, also 10 acres in lot 2 of Sec. 32, and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 3, all in T. 3 N. R. 3 E. B.M., in the following amount and from the following date;

112 inches, from June 1, 1869; and hereby designated as Right No. 50.
And be adjudged to pay \$7.34 costs in addition to the costs incurred by it.

XLVIII.

That the defendant PETER MEUVES be, and he is hereby awarded the use of the waters of Boise River, diverted at a point in the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 24, T. 3 N. R. 2 E. B.M., for use upon lands in parts of Secs. 14 and 23, T. 3 N. R. 2 E. B.M., in the following amount and from the following date;

63 0185 90 inches, from June 1, 1871; and hereby designated as Right No. 53.
And be adjudged to pay \$6.30 costs in addition to the costs incurred by him.

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C.

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

It is further ordered, adjudged and decreed that the costs and disbursements of each party herein be paid by the party by whom such costs and disbursements were incurred, and that the costs of the State Engineer's examination, to-wit, the sum of \$10,804.30, be apportioned to the parties to this action who are allotted water herein, in the same proportion as water is allotted to them, that is to say, \$0.06709 for each inch so allotted, and that execution issue for said State Engineer's costs.

It is further ordered, adjudged and decreed that the expense incurred in preparing findings and decree herein and in filing and recording the same, to-wit, the sum of \$488.63, be apportioned to the parties to this action who are allotted water herein in the same proportion as water is allotted to them, that is to say, \$0.00291 for each inch so allotted.

Date

January 18, 1906

Just Stewart
Judge

State of Idaho)
County of Canyon)
I hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears in this office.
DAVID

1906
Walter P. [Signature]
and Ex. Off.
[Signature]
Deputy

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