

COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR LEHI COUNTY.

The Philadelphia Security Company,
a Corporation, Plaintiff,

- vs -

William T. Wilson, Mary G. Wilson,
Isaac S. Johnson, Elizabeth A. Johnson,
John W. Strickland, Joseph Kadletz,
and Alonzo Richardson,

Defendants,

JUDGMENT.

This cause came on regularly for trial on the 22nd day of October A.D. 1898, Edgar S. Fudgeham appearing as Counsel for the plaintiff, R. P. McPherson and A. E. Gough appearing for the defendants, William T. Wilson, Mary G. Wilson, Isaac S. Johnson, Elizabeth A. Johnson and G. F. Charles appearing for the defendant John W. Strickland. The defendants Joseph Kadletz and Alonzo Richardson filed disclaimer and failed to further appear, either in person or by counsel. The cause was tried before the Court, and after the evidence was closed, the Court after due deliberation thereon delivers its findings and decision in writing, which is filed, and ordered that judgment be entered in accordance therewith. Wherefore, by reason of the law, and the findings aforesaid, it is ORDERED ADJUDGED AND DECREED:

74 0192

1. That the plaintiff is the owner, in the possession, and entitled to the possession of the south west quarter of the south west quarter of Section 2, and the north west quarter of Section 11, in Township 20 North of Range 23 East of Boise Meridian, that the same is arid land, and artificial irrigation is necessary for the successful cultivation and use thereof, that the plaintiff is the first appropriator of the waters of Pratt Creek in Lehi County, for irrigation and domestic purposes, and is entitled to, and is hereby awarded, the continuous and uninterrupted flow of 25 inches of the waters of said Stream to the head of its irrigating ditch for the purpose of irrigating its said land, and for domestic use, that its appropriation dates from May 1st, 1872, and is prior in time and superior in right to that of any of the defendants in this action.

2. That the defendant Mary G. Wilson is the owner, in the possession, and entitled to the possession of the following described land situated in Lehi County to-wit: the south east quarter of the north east quarter and Lot 1 and 2 in Section 3, and the south west quarter of the north west quarter and Lot 4 of Section 2 in Township 20 North of Range 23 East of Boise Meridian, known as the "South Land" the south east quarter of the north west quarter, and the south half of the north east quarter and Lots 1, 2 and 3 of Section 2, the south half of the north west quarter and Lot 4 of Section 1 in Township 20 North of Range 23 East, and the south half of the south west quarter and the south half of the south east quarter of Section 2 in Township 20 North of Range 23 East, known as the "480 acre tract" the south half of the south east quarter of Section 1 in Township 20 North of Range 23 East, and Lot 6 of Section 6 in Township 20 North of Range 23 East, known as the "Desert Entry Lot", that the said land is arid land, and artificial irrigation is necessary for the successful cultivation and use thereof, that the said defendant is entitled to, and is hereby awarded the continuous and uninterrupted flow of the following amounts of the waters of Pratt Creek to the head of her irrigating ditch for the purpose of irrigating her said land, to-wit: 70 inches for the land herein described as the "South Land" 125 inches for the land herein described as the "480 acre tract", and 15 inches for the land herein described as the "Desert Entry Lot", that the right to the water to irrigate the "South Land", and the right to the water to irrigate the "480 acre tract" dates from May 1, 1888, and the right to the water to irrigate the "Desert Entry Lot" dates from May 1, 1888.

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74 0195

"Desert Water Act" dates from February 1, 1892.

74 0196
5. That the defendant William I. Wilson is the owner, in the possession, and entitled to the possession, of the following described land, to-wit: the east half of the north west quarter of Section 6 in Township 20 North of Range 24 East of Boise Meridian, and a tract of land commencing at the north west corner of said Township 20 North of Range 24 East, and thence north 80 rods; thence east 80 rods; thence north 80 rods; thence east 80 rods; thence south 80 rods; thence east 80 rods; thence south 80 rods to the Township line; thence west on the Township line 240 rods to the place of beginning, that the same is arid land and artificial irrigation is necessary for the successful cultivation and use thereof, that said defendant is entitled to, and is hereby awarded, the continuous and uninterrupted flow of 200 inches of the waters of Pratt Creek to the head of his xxxxx irrigating ditch, for the purpose of irrigating his said land, and for domestic use, that the right of said water dates from May 1, 1888.

74 0197
6. That the defendant Elizabeth A. Johnson is the owner, in the possession, and entitled to the possession, of the south half of the xxxxx north east quarter, and the south east quarter of the north west quarter and Lots 1, 2, and 3 of Section 1, in Township 20 North, of Range 23 East, and Lots 4 and 5 of Section 6 in Township 20 North of Range 24 East, of Boise Meridian, that the same is arid land, and artificial irrigation is necessary for the successful cultivation and use thereof, that said defendant is entitled to, and is hereby awarded, the continuous and uninterrupted flow of 200 inches of the water of Pratt Creek to the head of her irrigating ditch for the purpose of irrigating her said land, and for domestic use, and that the right to said water dates from May 1, 1888.

74 0198
7. That the defendant John W. Strickland is the owner, in the possession and, entitled to the possession, of the south half of the north east quarter of Section 11, and the west half of the north west quarter of Section 12, in Township 20 North, of Range 23 East of Boise Meridian, that the same is arid land, and artificial irrigating is necessary for the successful cultivation and use thereof, that said defendant is entitled to, and is hereby awarded, the continuous and uninterrupted flow of 50 inches of the waters of Pratt Creek to the head of his irrigating ditch, for the purpose of irrigating his said land, and for domestic use, and that the right thereto dates from May 1, 1895. and is subject to the right of the plaintiff and the other defendants. That this defendant Strickland is entitled to the waters of the Springs upon his said land, which he has already appropriated for the like purpose of irrigating his said land, and for domestic use which is in addition to the aforesaid right of 50 inches of the flow of said stream.

8. That in determining the quantity of water to which each party is entitled under this decree, the same shall be measured under a 4 inch pressure, at or near the place of diversion.

9. That the defendants Joseph Kadletz and Alonzo Richardson have no right or interest in the waters of Pratt Creek so as aforesaid appropriated by the plaintiff and defendants.

10. That each of the defendants herein be, and they are hereby perpetually enjoined from the use of, or in any manner interfering with the waters of Pratt Creek belonging to the plaintiff, herein decreed, and also from in any manner interfering with the water belonging to each and every of the other defendants herein decreed.

11. That Reuben M. Moore be and is hereby appointed a Commissioner of xx this court to superintend and direct the distribution of the waters of Pratt Creek according to the provisions of this decree, and his fees shall be \$2.50 per day for the time actually and necessarily employed by him in and about such work, which sum shall be paid by the plaintiff and defendants William I. Wilson, Mary G. Wilson, Elizabeth A. Johnson, and John W. Strickland, in equal parts, and that execution for each share of said fees may be issued against any of

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
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	Strickland, John W.	~~0.2~~ All		74-0405
476	Kadeltz, Joseph	0.08	~~0.12~~ ?	74-0405A

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D E P A R T M E N T O F R E C L A M A T I O N
C E R T I F I C A T E O F W A T E R R I G H T
T r a n s f e r r e d R i g h t N o . 4 7 6

THIS IS TO CERTIFY That Joseph Kadeltz, of Baker, County of Lemhi, State of Idaho, has a right to the use of the waters of certain springs tributary to Pratt Creek, for irrigation and domestic purposes, and that said right has been confirmed by decree of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Lemhi, in the case of The Philadelphia Securities Company, a corporation, plaintiff, vs. William I. Wilson, et al., defendants, wherein 0.2 second feet of the waters of said springs were decreed to the ~~W $\frac{1}{2}$ NW $\frac{1}{4}$~~ of Sec. 12, and ~~SE $\frac{1}{4}$~~ of Sec. 11, Twp. 20 N., R. 23 E., B.M., said right bearing date of priority of May 1, 1895;

THAT said decree has been entered in the records of the Department of Reclamation of Idaho, at Boise, in Book 1 of Decrees, at page 396;

THAT, upon the application of the said Joseph Kadeltz for a transfer of water right, made before the Commissioner of Reclamation of Idaho and the said application having been granted, the right to the use of 0.08 second feet of the waters of those certain springs above referred to is hereby abandoned upon the lands above described and the same used for domestic purposes at the home of applicant, located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 11, Twp. 20 N., R. 23 E., B.M., said water to be limited at any given time to an amount actually needed and beneficially used for such purposes and shall not exceed the following amount, to-wit:

0.08 sec.ft., with priority of May 1, 1895;

THAT the water to be transferred has heretofore and will continue to be diverted at a point in the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 11, Twp. 20 N., R. 23 E., B.M. and carried through a private ditch.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the place above described, as provided by the laws of the State of Idaho.

WITNESS, The seal and signature of the Commissioner of Reclamation of Idaho, affixed at Boise, this 23rd day of October, 1929.

Commissioner of Reclamation.

RECEIVED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application)
of Joseph Kadeltz for Transfer)
of Water Right: Water Dist. 79B)

ORDER GRANTING TRANSFER

WHEREAS, On the 19th day of October, 1929, at the Department of Reclamation of Idaho, at Boise, the matter of the application of Joseph Kadeltz for a transfer of water right came regularly on for hearing, pursuant to the published notice; and,

WHEREAS, No protest was filed against the said application and the evidence filed by the applicant in support of the said application shows that a greater duty of water will result by reason of the transfer, and that no one will be injured thereby:

IT IS, THEREFORE, Hereby ordered that the said application for transfer be, and the same is hereby granted and that the Certificate of Transfer be issued the applicant herein, as provided by the laws of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office, at Boise, Idaho, this 23rd day of October, 1929.

Commissioner of Reclamation.

RECORDED
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OCT 24 1929

IN DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, COUNTY FOR LEHI COUNTY.

The Philadelphia Security Company,
a Corporation, Plaintiff,

- vs -

William J. Wilson, Mary G. Wilson,
Isaac S. Johnson, Elizabeth A. Johnson,
John W. Strickland, Joseph Kadletz,
and Alonzo Richardson,

Defendants,

JUDGMENT.

This cause came on regularly for trial on the 22nd day of October A.D. 1908, Edgar C. Padgham appearing as Counsel for the plaintiff, J. P. McPherson and A. E. Gough appearing for the defendants, William J. Wilson, Mary G. Wilson, Isaac S. Johnson, Elizabeth A. Johnson and J. P. Charles appearing for the defendant John W. Strickland. The defendants Joseph Kadletz and Alonzo Richardson filed disclaimer and failed to further appear, either in person or by counsel. The cause was tried before the Court, and after the evidence was closed, the Court after due deliberation thereon delivers its findings and decision in writing, which is filed, and orders that judgment be entered in accordance therewith. Wherefore, by reason of the law, and the findings aforesaid, it is ORDERED ADJUDGED and DECREED:

74-0192

1. That the plaintiff is the owner, in the possession, and entitled to the possession of the south west quarter of the south west quarter of Section 2 and the north west quarter of Section 11 in Township 20 North of Range 23 East of Boise Meridian, that the same is arid land, and artificial irrigation is necessary for the successful cultivation and use thereof, that the plaintiff is the first appropriator of the waters of Pratt Creek in Lehi County, for irrigation and domestic purposes, and is entitled to, and is hereby awarded, the continuous and uninterrupted flow of 25 inches of the waters of said Stream to the head of its irrigating ditch for the purpose of irrigating its said land, and for domestic use, that its appropriation dates from May 1st, 1872, and is prior in time and superior in right to that of any of the defendants in this action.

2. That the defendant Mary G. Wilson is the owner, in the possession, and entitled to the possession of the following described land situated in Lehi County to-wit: the south east quarter of the north east quarter and Lot 1 and 2 in Section 3, and the south west quarter of the north west quarter and Lot 4 of Section 2 in Township 20 North of Range 23 East of Boise Meridian, known as the "South Land", the south east quarter of the north west quarter, and the south half of the north east quarter and Lots 1, 2 and 3 of Section 2, the south west quarter of the north west quarter and Lot 4 of Section 1 in Township 20 North of Range 23 East, and the south half of the south west quarter and the south half of the south east quarter of Section 35 in Township 21 North of Range 23 East, known as the "480 acre tract", the south half of the south east quarter of Section 1 in Township 20 North of Range 23 East, and Lot 6 of Section 6 in Township 20 North of Range 23 East, known as the "Desert Entry Lot", that the said land is arid land, and artificial irrigation is necessary for the successful cultivation and use thereof, that the said defendant is entitled to, and is hereby awarded the continuous and uninterrupted flow of the following amounts of the waters of Pratt Creek to the head of her irrigating ditch for the purpose of irrigating her said land, to-wit: 70 inches for the land herein described as the "South Land", 125 inches for the land herein described as the "480 acre tract", and 15 inches for the land herein described as the "Desert Entry Lot", that the right to the water to irrigate the "South Land", and the right to the water to irrigate the "480 acre tract" dates from May 1, 1888, and the right to the water to irrigate the "Desert Entry Lot" dates from May 1, 1888.

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74-0195

"Desert Entry No." dates from February 1, 1892.

74 0196
3. That the defendant William I. Wilson is the owner, in the possession, and entitled to the possession, of the following described land, to-wit: the east half of the north west quarter of Section 6 in Township 20 North of Range 24 East of Boise Meridian, and a tract of land beginning at the north west corner of said Township 20 North of Range 24 East, and thence north 80 rods; thence east 80 rods; thence south 80 rods; thence east 80 rods; thence south 80 rods to the Township line; thence west on the Township line 240 rods to the place of beginning, and that the same is arid land and artificial irrigation is necessary for the successful cultivation and use thereof, that said defendant is entitled to, and is hereby awarded, the continuous and uninterrupted flow of 60 inches of the waters of Pratt Creek to the head of his xxxxx irrigating ditch, for the purpose of irrigating his said land, and for domestic use, that the right of said water dates from May 1, 1886.

74 0197
4. That the defendant Elizabeth A. Johnson is the owner, in the possession, and entitled to the possession, of the south half of the xxxxx north east quarter, and the south east quarter of the north west quarter and Lots 1, 2, and 3 of Section 1, in Township 20 North, of Range 23 East, and Lots 4 and 5 of Section 6 in Township 20 North of Range 24 East, of Boise Meridian, that the same is arid land, and artificial irrigation is necessary for the successful cultivation and use thereof, that said defendant is entitled to, and is hereby awarded, the continuous and uninterrupted flow of 200 inches of the water of Pratt Creek to the head of her irrigating ditch for the purpose of irrigating her said land, and for domestic use, and that the right to said water dates from May 1, 1886.

74 0198
5. That the defendant John W. Strickland is the owner, in the possession and, entitled to the possession, of the south half of the north east quarter of Section 11, and the west half of the north west quarter of Section 12, in Township 20 North, of Range 23 East of Boise Meridian, and the same is arid land, and artificial irrigating is necessary for the successful cultivation and use thereof, that said defendant is entitled to, and is hereby awarded, the continuous and uninterrupted flow of 60 inches of the waters of Pratt Creek to the head of his irrigating ditch, for the purpose of irrigating his said land, and for domestic use, and that the right thereto dates from May 1, 1895. and is subject to the right of the plaintiff and the other defendants. That this defendant Strickland is entitled to the waters of the Springs upon his said land, which he has already appropriated for the like purpose of irrigating his said land, and for domestic use, which is in addition to the aforesaid right of 60 inches of the flow of said stream.

6. That in determining the quantity of water to which each party is entitled under this decree, the same shall be measured under a 4 inch pressure, at a point near the place of diversion.

7. That the defendants Joseph Kadletz and Alonzo Richardson have no right or interest in the waters of Pratt Creek so as aforesaid appropriated by the plaintiff and defendants.

8. That each of the defendants herein be, and they are hereby jointly and severally enjoined from the use of, or in any manner interfering with the waters of Pratt Creek belonging to the plaintiff, herein decreed, and also from in any manner interfering with the water belonging to each and every of the other defendants herein decreed.

9. That Robert M. Moore be and is hereby appointed a Commissioner of this court to superintend and direct the distribution of the waters of Pratt Creek according to the provisions of this decree, and his fees shall be \$2.50 per day for the time actually and necessarily employed by him in and about such work, which sum shall be paid by the plaintiff and defendants William I. Wilson, Mary G. Wilson, Elizabeth A. Johnson, and John W. Strickland, in equal parts, and that execution for each share of said fees may be issued against any of