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OFFICE OF STATE ENGINEER

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

Baxburg Irrigation Company, et al.,

PLAINTIFFS,

DECREE.

-V-

Teton Irrigation Canal Company, et al.,

DEFENDANTS.

This cause coming on to be heard this 11th day of March 1910, upon the report of F. J. Cowen, Referee heretofore appointed for the purpose of taking the testimony and making recommendations as to Findings of Fact, Conclusions of Law and Decree, to be entered herein, and the said F. J. Cowen, having filed his report of the testimony taken, and his recommendations as to Findings of Fact and Conclusions of Law, which have heretofore been adopted, and the respective plaintiffs and defendants and cross-complainants appearing herein by their respective counsel, and the Court being full informed and advised in the premises, and having ordered that judgment be entered in accordance with the report and recommendations of the said Referee, wherefore, by reason of the law and the Report and Findings of Fact and Conclusions of Law aforesaid,

It is ordered, Adjudged and Decreed, that the several parties plaintiffs and defendants herein named, do have judgment respectively for rights to use, for irrigation and other purposes, the following number of inches of water, each fifty inches thereof to be equivalent to a flow of one cubic foot per second, as prescribed by the law

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Row, Eliza S.	3.2		21-0090
		0		
181	Garn, Martin	(3.2)	0	21-0090A
576	Island Park Land & Cattle Co.	3.2	0	21-0090AA

TRANSE

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Certificate of Water Right
Transferred Right No. 576.

THIS IS TO Certify that THE ISLAND PARK LAND & CATTLE COMPANY, of Ashton, Idaho, is the owner of and using certain water rights as follows:

2.4 cubic feet per second of the waters of Sheridan Creek, in the County of Fremont, State of Idaho, with date of priority of June 1, 1903,

2.0 cubic feet per second of the waters of Sheridan Creek and Bishop Slough, in the County of Fremont, State of Idaho, with date of priority of June 1, 1903, and

3.2 cubic feet per second of the waters of Sheridan Creek, in the County of Fremont, State of Idaho, with date of priority of September 26, 1908,

said water rights being decreed to Joseph D. Baker, Richard L. Baker, and Eliza S. Row, respectively, by decree of Judge J. M. Stevens of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, in the case of

HEXBURG IRRIGATION COMPANY, et al vs. TETON IRRIGATION CANAL COMPANY, et al

said decree bearing date of December 16, 1910, and said water rights being decreed for the purpose of irrigating the following described lands, respectively, situate, lying and being in Water District No. 36, in the County of Fremont, State of Idaho, to-wit:

Lots 1 and 2 and the North Half of the Southeast Quarter ($N\frac{1}{2}SE\frac{1}{4}$) of Section 6, Township 12 North, Range 42 East, Boise Meridian,

The Northwest Quarter ($NW\frac{1}{4}$) of Section 8, Township 12 North, Range 42 East, Boise Meridian, and

The North Half of the North Half ($N\frac{1}{2}NW\frac{1}{2}$) of Section 1, Township 12 North, Range 41 East, Boise Meridian; and Lots 5 and 6 of Section 6, Township 12 North, Range 42 East, Boise Meridian;

THAT THE SAID Decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Book 3 of Decrees, at Page 450;

THAT THE SAID Applicant has become the owner of the said land and water rights by purchase;

THAT NOW, UPON THE Application of the Island Park Land & Cattle Company, by its Manager, D. E. Clark, of Ashton, Idaho, for a Certificate of Transfer of Water Rights, made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of 7.6 cubic feet per second of the waters of Sheridan Creek and Bishop Slough upon the lands above described is HEREBY ABANDONED, and the lands to be irrigated under such rights and to which the water rights hereby confirmed shall become appurtenant, by this Certificate, for irrigation and domestic purposes, are described as follows:

The Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}SW\frac{1}{4}$) and the South Half of the Southwest Quarter ($S\frac{1}{2}SW\frac{1}{4}$) of Section 26, all of Section 35 except the Southeast Quarter of the Southeast

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quarter of the Southeast Quarter ($SE\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$), that portion of the West Half ($W\frac{1}{2}$) and the Northeast Quarter ($NE\frac{1}{4}$) of Section 36 lying above the flow line of the Island Park Reservoir, and the South Half of the South Half ($S\frac{1}{2}S\frac{1}{2}$) of Section 25, all in Township 13 North, Range 41 East, Boise Meridian; and Lots 2 and 3 of Section 2, Township 12 North, Range 41 East, Boise Meridian;

THAT THE WATER hereby transferred has heretofore been conducted to the first above described lands through the Bishop Ditch, having its point of diversion from Sheridan Creek in the

Northeast quarter ($NE\frac{1}{4}$) of Section 34, Township 13 North, Range 41 East, Boise Meridian;

THAT THE WATER hereby transferred will hereafter be conducted to the new place of use through private ditches diverting from Sheridan Creek

In part at present point, namely, the Northeast Quarter ($NE\frac{1}{4}$) of Section 34, Township 13 North, Range 41 East, Boise Meridian, and in part at a point in the Southwest Quarter ($SW\frac{1}{4}$) of Section 27, Township 13 North, Range 41 East, Boise Meridian, as desired from time to time;

THAT THE LANDS to which these water rights are being transferred by this Certificate already have appurtenant to them the following water rights:

9.0 cubic feet per second, with date of priority of May 10, 1889,
12.0 cubic feet per second, with date of priority of May 10, 1889,
2.8 cubic feet per second, with date of priority of May 10, 1899, and
3.2 cubic feet per second, with date of priority of June 1, 1902;

THAT THE RIGHT to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the Law of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Department of Reclamation of the State of Idaho to be affixed at Boise, Idaho, this 8th day of June, 1937.

R. W. FARIS
Commissioner of Reclamation

By

Paul J. Henry
Deputy Commissioner of Reclamation

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STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the matter of the application of

THE ISLAND PARK LAND & CATTLE CO.

For a Transfer of Water Right, in
Water District No. 36, County of
Fremont.

ORDER GRANTING TRANSFER

WHEREAS, On the 2nd day of June, 1937, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of THE ISLAND PARK LAND & CATTLE COMPANY, by its Manager, D. E. Clark, of Ashton, Idaho, for a Transfer of Water Right came on regularly for hearing, pursuant to the published notice, in the 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 can no longer be put to beneficial use on the lands to which it is now appurtenant and that it will be put to beneficial use on the lands to which it is proposed to be transferred, and that 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 Transfer be issued the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Department of Reclamation of the State of Idaho to be affixed at Boise, Idaho, this 8th day of June, 1937.

R. W. FARIS
Commissioner of Reclamation

By

Paul L. Henry
Deputy Commissioner of Reclamation

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File 01-B 21-0090

S T A T E O F I D A H O .

-----Office of State Engineer-----

CERTIFICATE NO. 181, AUTHORIZING TRANSFER OF WATER RIGHT.

Permission is hereby granted Martin Garn, of Island Park, Fremont County, State of Idaho, to transfer the use of one hundred and sixty (160) inches of the waters of Sheridan Creek, in the County of Fremont, and State of Idaho, from the lands for which it was originally decreed, i.e., the North half of the North Half (N2 N2) of Section 1, Township 12 North, Range 41 East of the Boise Meridian to the following described lands, to-wit: Lots 1, 2, 3, & 4 of Section 1, Township 12 North, Range 41 East of the Boise Meridian.

The water right appurtenant to the abovescribed lands was adjudged by decree, dated December 16th, 1910, of J. M. Stevens, Judge of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, in the matter of the Rexburg Irrigation Company, et al. plaintiffs, vs. the Teton Irrigation Canal Company, et. al., defendants.

In Witness Whereof I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this 16th day of December, 1915.

J.H. SMITH,
State Engineer.

(SEAL)

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FEB 27 1911
OFFICE OF STATE ENGINEER

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT
OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE.

File 205-0

Saxberg Irrigation Company, et al.,

PLAINTIFFS,

DECREET.

-V-

Teton Irrigation Canal Company, et al.,

DEFENDANTS.

This cause coming on to be heard this _____ day of _____
1910, upon the report of F. J. Cowen, Referee heretofore appointed
for the purpose of taking the testimony and making recommendations
as to Findings of Fact, Conclusions of Law and Decree, to be entered
herein, and the said F. J. Cowen, having filed his report of the
testimony taken, and his recommendations as to Findings of Fact
and Conclusions of Law, which have heretofore been adopted, and the
respective plaintiffs and defendants and cross-complainants appearing
herein by their respective counsel, and the Court being fully informed
and advised in the premises, and having ordered that judgment be
entered in accordance with the report and recommendations of the said
Referee, and of the law and the report of Findings
of Fact and Conclusions of Law aforesaid,

It is ordered, Adjudged and decreed, that the several parties
plaintiffs and defendants herein named, do have judgment respectively
for water to use for irrigation and other purposes, the following
number of inches of water, each fifty inches thereof to be equivalent
to one cubic foot per second, as prescribed by the law

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~~003~~ 01-156
 Riley, J. L. 156
 and J. L. 156
 Joseph Larson,
 George Sasmussen
 and O. Heeler

1,200 inches. June 1, 1902. South Fork of the Snake River.

Ririe, David

The Farmers' Friend Canal Company.

Ritter, Philip

The Farmers' Friend Canal Company.

~~1~~ 157

Riverside Ditch Company

500 inches. June 1, 1885. Snake River.

~~1~~ 158

Riverside Ditch Company.

4,500 inches. June 1, 1887. Snake River.

Robinson, Isaac

The Farmers' Friend Canal Company.

Robinson, Lee S.

The Farmers' Friend Canal Company.

Robinson, S. T.

The Farmers' Friend Canal Company.

~~22~~ 184

Robertson, A. I.

87 inches. Apr. 1, 1890. Trail Creek.

~~22~~ 185

Robertson, A. I.

10 inches. June 1, 1896. Springs on place.

~~21~~ 189

Rogers, Caroline

220 inches. July 15, 1902. Moose Creek.

Rogers, Walter A.

~~22~~ 186

Rogers, Green T.

200 inches. Jan. 18, 1905. Badger Creek.

Rouff, Alfred

Good Luck Canal Company.

Rouff, Joseph

Good Luck Canal Company.

Rouse, Albert

The Farmers' Friend Canal Company.

~~1~~ 159

Rostan, G. E.

100 inches. June 1, 1886. South Fork of the Snake River.

~~1~~ 160

Roston, G. E.

100 inches. June 1, 1888. South Fork of the Snake River.

~~1~~ 161

Roth, Frederick

150 inches. June 1, 1902. Bannock Jim Slough.

~~22~~ 187

Rouche, Jacob

90 inches. June 1, 1897. North Leigh Creek.

~~22~~ 188

Rouche, Jacob

35 inches. June 1, 1899. North Leigh Creek.

~~22~~ 189

Rouche, Jacob

160 inches. June 1, 1899. North Leigh Creek.

Round, J. C.

(Sold to Samuel Barrop.)

~~21~~ 1890

Row, Eliza S.

160 inches. Sept. 26, 1902. Sheridan Creek. #181
 -576-

181

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

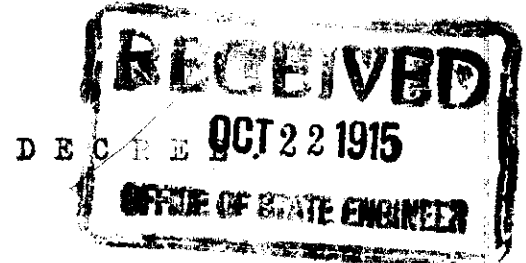
Rexburg Irrigation Company, et al.,

Plaintiffs,

vs.

Teton Irrigation Canal Company, et al.,

Defendants.



This cause coming on to be heard this 16th day of December 1910, upon the Report of F. J. Cowen, Referee heretofore appointed for the purpose of taking the testimony and making recommendations as to Findings of Fact, Conclusions of Law and Decree, to be entered herein, and the said F. J. Cowen, having filed his report of the testimony taken, and his recommendations as to Findings of Fact and Conclusions of Law, which have heretofore been adopted, and the respective plaintiffs and defendants and cross-complainants appearing herein by their respective counsel, and the Court being fully informed and advised in the premises, and having ordered that judgment be entered in accordance with the Report and Recommendations of the said Referee, Wherefore, by reason of the law and the Report and Findings of Fact and Conclusions of Law aforesaid,

IT IS ORDERED, ADJUDGED AND DECREED, that the several parties plaintiffs and defendants herein named, do have judgment respectively for a right to the use, for irrigation and other purposes, the following number of inches of water, each fifty inches thereof to be equivalent to a flow of one cubic foot per second, as prescribed by the law of Idaho, from the waters of the Snake River and its tributaries, situated in the Counties of Fremont and Bingham, State of Idaho, their priorities to date from the times hereinafter named, to-wit:

Row., Eliza S. 160 inches, Sept. 26, 1902, Sheridan Creek

AND IT FURTHER appearing to the Court herein, from the Supplemental Report of the Referee, that the probable costs and expenses in connection with the survey and report of the State Engineer of the State of Idaho, the cost of taking and transcribing the testimony, the costs and expenses and fees of the Referee, and the cost and expenses of preparing the Findings of Fact, Conclusions of Law and Decree and other expenses herein, will amount to approximately the sum of \$40,000.00; and it further appearing to the Court that the amount of water, the right to the use of which has been awarded in this action, is approximately nine hundred thousand inches and that the proportionate share of each of the parties hereto for such costs and expenses should be apportioned to each

at the rate of four and one-half cents per inch for the amounts awarded to each of the claimants herein, respectively.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, that each of the parties, plaintiffs and defendants herein, be assessed the said amount of four and one-half cents per inch, for the respective amounts of water awarded to each herein, for the purpose of paying such costs and expenses.

AND IT IS FURTHER ORDERED, that each of the said parties to whom water has been awarded under the terms of this Decree, be and they are hereby directed to pay to the Clerk of this Court, at St. Anthony, Idaho, the said amount of four and one-half cents per inch for the water awarded to them.

AND IT IS FURTHER ORDERED, that each of the parties hereto pay the amount of money set opposite the name of each, according to the list heretofore filed herein, which amount shall be in each respective instance a judgment against the property of the respective claimants, for which amount execution may issue against any delinquent claimant, to the amount of four and one-half cents per inch for the water awarded to them, upon the application of any of the attorneys of record herein.

AND IT IS FURTHER ORDERED, that before any of the claimants herein shall be entitled to have any of the waters of the Snake River or its tributaries distributed to him under the terms of this decree, he shall pay the said amount so assessed against him to the Clerk of this Court.

And it is Further Ordered, that each party hereto shall pay his own necessary costs for witnesses and other individual expenses.

This decree is rendered and entered without prejudice as to any and all rights or claims to the waters of Snake River, or any of its tributaries, or any of the parties to this action, who are not in default herein, and whose rights accrued or would take priority as of a date subsequent to the 1st day of June, 1906.

AND IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the above mentioned and described awards of the right to the use of the waters of Snake River and its tributaries, respectively, are declared to be appurtenant to, and are awarded for the purpose of irrigating the following described lands of the respective claimant, and for manufacturing, power and other purposes, respectively, to-wit:

Row, Eliza S., N $\frac{1}{2}$ of N $\frac{1}{2}$ of Sec. 1 Tp. 12 N. R. 41 E.B.M. containing 160 acres, and Lots 5 and 6 of Sec. 6 T. 12 N.R.42 E.B.M.

IT IS FURTHER ORDERED AND ADJUDGED that the following amounts set opposite the names of the respective parties to this action shall be paid by said respective parties to the Clerk of this Court as costs herein and the same shall be and are hereby declared to be a lien upon the real

RECORDED

FREMONT ABSTRACT COMPANY, INCORPORATED
ST. ANTHONY, IDAHO

property of the said respective parties and upon the lands to which the rights herein are decreed to be appurtenant respectively, and execution may issue for any one or more of such amounts and against any one or more of such parties as may be delinquent in the payment thereof upon the application of any attorney of record to this action, and the order taking costs heretofore made in this action is hereby modified to conform herewith, to-wit:

Row, Eliza S.

\$7.20 paid.

AND IT IS FURTHER ORDERED, that none of the parties hereto, or their successors in interest, shall be entitled to the use of any water under the order of the Court herein until the respective amounts as above assessed be paid to the Clerk of this Court.

Dated December 16th, 1910.

J. M. Stevens,
District Judge.

Filed for record February 2, 1911 and shown of record in Book "B" of Judgments at page 449-601 records of Fremont County, Idaho.

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FREMONT ABSTRACT COMPANY, INCORPORATED
ST. ANTHONY, IDAHO

STATE OF IDAHO,)
) SS.
County of Fremont.)

The FREMONT ABSTRACT COMPANY, Limited, hereby certifies the foregoing three sheets to be a true and correct copy of that portion of the Decree rendered in the District Court in the case of Rexburg Irrigation Company, et al, Plaintiffs, Vs- Teton Irrigation Canal Company, et al, defendants, pertaining to the water right of Eliza S. Row.

IN WITNESS WHEREOF, the Company has caused this certificate to be executed by its Secretary and its corporate seal to be hereunto affixed this 13th day of October, 1915.



FREMONT ABSTRACT COMPANY, Limited,

By *[Signature]* Sec'y.

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FREMONT ABSTRACT COMPANY, INCORPORATED
ST. ANTHONY, IDAHO

No.

ABSTRACTS OF TITLE

TO

FOR

COMPLETE ABSTRACT OF TITLE TO ALL LANDS AND TOWN LOTS IN THIS COUNTY

COMPILED BY
FREMONT ABSTRACT COMPANY
(INCORPORATED.)

BONDED ABSTRACTORS

ST. ANTHONY, - - IDAHO

See 21-0020 for
correspondence
relating to Jans.
576

UNRECORDED

Application for Transfer of Water Right

STATE OF IDAHO.

County of Fremont

} ss.

Martin Garn

, being first duly sworn, deposes and says:

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DEPT. OF STATE ENGINEER

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

Island Park, Nr., Ashton, Fremont County, Idaho.,

That he is the owner and using a certain water right of 160 inches of the waters of Sheridan Creek

County of Fremont, State of Idaho, decreed to Eliza S. Row

by decree of Judge J.M. Stevens, of the

Sixth Judicial District of the State of Idaho, in and for the County of Fremont

, in the case of Rexburg Irrigation Company et al, Plaintiffs et al Defendants.,
vs. Teton Irrigation Canal Company, said decree bearing date of December 16, 1910

~~(as obtained by name of License No.)~~, ~~issued by the State Engineer of the State of Idaho, dated~~

~~()~~, for the purpose of irrigating the following described lands situate, lying and being in the County of Fremont and

State of Idaho, to-wit: The North-half of the North-half of section 1, Tp 12

N.R. 41 East of Boise Meridian.,

and is the person ~~(of the representative of the)~~ who ~~has become the owner thereof in the following manner, i. e.~~

by purchase

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 at

and conducted to the above described lands through
as per map hereto attached and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of said water on the land
~~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 Fremont and State of Idaho,

to-wit: Lots 1,2,3,4, of section 1, Tp 12 N.R. 41 East of B. and which

might be otherwise described as the SOUTH-HALF of the NORTH HALF

of section 1, Tp 12 N.R. 41 East of B.M.

That his reasons for desiring to make such transfer are as follows: the the tract was
unsurveyed at time of decree issuing, and that the now true description
according to survey as lots 1,2,3,4 of section 1, Tp 12 N.R. 41 E.B.M.

That he intends to divert and convey said.....160 inches.....of water to the tract of land last above described in the following manner, to-wit:

as set forth upon the map hereto attached; and

That no one will be injured by such transfer.

WHEREFORE, Affiant and Petitioner prays that the State Engineer of the State of Idaho issue to him the proper certificate authorizing such transfer, and give proper notice of the same to the Water Commissioner of the Division, in accordance with the provisions of Section 11, House Bill No. 146, of the Laws of the Seventh Session of the Legislature of the State of Idaho.

Subscribed and sworn to before me this.....18.....day of.....October.....
A. D. 1912

Martin Garn
John B. Bishop
Notary Public

STATE OF IDAHO.

County of...Fremont.....

} ss.

.....Thomas J. Bishop..... andJohn B. Bishop.....

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 Rea, Idaho

that he is a user of water from.....Sheridan Creek....., County of Fremont, State of Idaho; that he has read or heard read the foregoing affidavit and petition of

Martin Garn....., 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.....18.....day of.....October.....
A. D. 1912

x *Thomas J. Bishop*
x *John B. Bishop*
Notary Public

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The tract was described when
unsurveyed and is on a
description as ^{Q2} ^{Q2}
SECTION 7 SECTION 7
Twp 1 - Twp 2 & R 4 - E 8 &
The north half of the North
half does not exist in
this Township

SE

SEC.

SEC

SEC

SEC



SEC

SEC.

SEC.

SEC

65C

SEC

SEC.

SEC.-

SEC.

SEC.

SEK.

SEC

STATE OF IDAHO,

County of

} ss.

I,, Watermaster of

County of, State of Idaho, whose postoffice address is.....

....., have read or heard read the foregoing affidavit and petition of
....., 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 Engineer 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.

Notice having been duly published for thirty days of the intention of the above named.....
..... to apply to the State Engineer of the State of Idaho for a certificate
authorizing the transfer of water as set forth in this affidavit and petition herein, and an opportunity having
been given to any and all persons opposing said transfer to present their objections in a public hearing before
me at, on, according to
the terms of said notice;

And it not appearing at said hearing that anyone would be materially injured by such transfer:

I hereby recommend that the said State Engineer of the State of Idaho issue his certificate to said appli-
cant, authorizing the transfer as prayed for in his petition; ~~or (and it appearing at said hearing that the fol-
lowing injuries would be sustained by others if such transfer is permitted~~

~~I hereby recommend that the State Engineer do not issue the certificate authorizing the transfer sought
hereinabove.~~

Commissioner of Water Division No.

By

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