

Mikel H. Williams; the Defendant, State of Idaho, Department of Water Resources, appearing by and through Assistant Attorney General Nathan W. Higer, and the Court having considered the testimony and the briefs of the parties,

AND the parties have agreed that the Court could enter a separate Judgment with respect to the issues between the private person plaintiffs and defendants inter sese, and that formal findings of fact and conclusions of law are waived, with it further being stipulated that the matter of the judicial determination of the rights of the United States of America and of the State of Idaho would be left open to further and separate judicial determination, and the Court being fully advised in the premises, enters its judgment and decree of water rights as between private citizen plaintiffs and defendants inter sese as follows, the said parties having waived the entry of formal Findings of Fact and Conclusions of Law:

I.

IT IS ORDERED, ADJUDGED AND DECREED that the water flow in the month of June in the following creeks located in Caribou County, Idaho, is approximately as follows:

Gravel Creek	10 c.f.s.
→ Lincoln (Harrison) Creek	3 c.f.s.
Wayan (Wayne) Creek	4.5 c.f.s.

said creeks being depicted upon the map attached to this Judgment and Decree as Appendix "A" and made a part hereof as though fully set forth herein. IT IS FURTHER DETERMINED AND DECREED that the three springs identified on Appendix "A" as items No. 7, 8 and 9 and a fourth spring located in the Northeast Quarter of the Northeast Quarter of Section 27, Township 5 South, Range 43 East of the Boise Meridian, each have a flow of approximately one-third c.f.s.

II.

25-0264 That the Plaintiff, Leith R. Somsen, by virtue of the use of the waters of Wayne Creek by himself and his predecessors in interest is decreed a right to all of the waters of Wayne Creek dating from the 14th day of April, 1887, said waters being appurtenant to the following described premises, consisting of 200 irrigable acres, to-wit:

Township 5 South, Range 43 East of the Boise Meridian:

Section 23: SW $\frac{1}{4}$ NE $\frac{1}{4}$, tract in SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and tract in NW $\frac{1}{4}$ SE $\frac{1}{4}$.

III.

25-0265 That the plaintiff, Dan Morgan, by virtue of the use of the waters of Lincoln (Harrison) Creek by himself and his predecessors in interest is decreed a right to all of the waters of Lincoln (Harrison) Creek dating from the 14th day of April, 1887, said waters being appurtenant to the following described premises, consisting of 150 irrigable acres, to-wit:

Township 5 South, Range 43 East of the Boise Meridian:

Section 11: E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$.

IV.

That the waters of Gravel Creek are hereby decreed to the following people in the following portions as of the following stated date of appropriation by the said parties or their predecessors in interest of the water of Gravel Creek for stock watering and irrigation purposes:

NAME	PORTION	DATE	REAL ESTATE
25-0266 1. John Soderman	5/12	4/14/1887	TRACT 1: S $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23, NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26, in T. 5 S., R. 43 E.B.M., containing 240 acres according to the government survey.
25-0267 2. Alice Hopkins	3/12	4/14/1887	TRACT 2: NE $\frac{1}{4}$ NE $\frac{1}{4}$, and that portion of NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27 which lies North of the highway running through said quarter section and the S $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, T. 5 S., R. 43 E.B.M., (240 Irrigable Acres)
25-0268 3. Farrell Stoor	1/12	4/14/1887	SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 23, T. 5 S., R. 43 E.B.M. (100 Irrigable Acres).
25-0269 4. Frank Stoor	1/16	4/14/1887	S $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Section 26, T. 5 S., R. 43 E.B.M. (21 Irrigable Acres.)
25-0270 5. Jack Nuffer	1/16	4/14/1887	NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22, T. 5 S., R. 43 E.B.M. (31 Irrigable Acres.)
25-0271 6. Alfred Vias	1/16	4/14/1887	SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 22, T. 5 S., R. 43 E.B.M. (40 Irrigable Acres.)
25-0272 7. Oscar Vias	1/16	4/14/1887	SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 22, T. 5 S., R. 43 E.B.M. (40 Irrigable Acres.)
			NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22, T. 5 S., R. 43 E.B.M. (40 Irrigable Acres.)

V.

That the plaintiff, John Soderman, and his predecessors in interest have since the year 1887 utilized on Tract 1 and Tract 2, described in paragraph IV, section 1 above, all of the waters from four springs which four springs arise on the following described four pieces of real estate, and the plaintiff, John Soderman, is hereby decreed all right to said springs:

- 25-0273
- Spring 1: NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 27, T. 5 S., R. 43 E.B.M.
 - Spring 2: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, T. 5 S., R. 43 E.B.M.
 - Spring 3: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 23, T. 5 S., R. 43 E.B.M.
 - Spring 4: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, T. 5 S., R. 43 E.B.M.

VI.

That the plaintiffs' water rights as hereinabove decreed include not only irrigation, but right to general agricultural purposes, including stock watering.