

11-7 ✓

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF IDAHO, IN AND
FOR THE COUNTY OF BEAR LAKE.

- - - - -

W. A. FANSETT AND JOHN M. FANSETT PARTNERS AS "FANSETT BROTHERS,"
T. M. MUMFORD AND J. E. MUMFORD PARTNERS AS "MUMFORD BROTHERS"
FRED L. CRUKSHANK, JOHN BISCHOFF, THOMAS HILLER, ALEXANDER
ALLENBACK, JOHN BLECHERT, GEORGE BLECHERT, HENRY TEUSCHER, HENRY
TEUSCHER JR. CHRISTIAN HIRSCHI, SAMUEL WIMMER, KPHRIAM HERZOG, JOHN
CYOI, FREDRICK W. BAKEME, JOHN HALL, MOSIAH HALL AND GEORGE HALL
PARTNERS AS "HALL BROTHERS," GOTTLIEB TEUSCHER, ARNO BOEME, ALFRED
TUELLER, ARNOLD D. HIRSCHI, W. A. HART, AL L. HART, CHRISTIAN
TUELLER, JACOB TUELLER, JACOB TUELLER JR. JOHN TUELLER, GOTTLIEB
TUELLER, RUDOLPH TUELLER, J. M. DALTON, MARY PADEWEIT, S. E. YOUNG,
JOSEPH A. DALTON, JOSEPH BYNUM HOLMES, J. W. COOK, SAMUEL W. HART,
W. A. HART, ZION'S SAVING BANK & TRUST COMPANY, A CORPORATION,
ALBERT COLTON, JOHN WATSON, GOTTFRIED ESCHLER, JOHN S. BRYSON,
N. P. LARSON, KNOCK BAGLEY AND TRAUGOTT MOER.

- - - - - PLAINTIFFS - - - - -

vs.

THOMAS FORK IRRIGATION AND CANAL COMPANY, C. WEBSTER, S. L. LEWIS,
SAMUEL HART, LEE HART, HENRY EVANS, GRANT RAYMOND, J. W. STONER,
J. A. EVANS, DUNCAN McCLENNAN, JAMES FRANCIS, RANSOM CONLEY, A. T.
PRICE, A. T. PRICE JR, MISS. PRICE, EDWARD LASHBROOK, MRS. A. E.
HERRICK, MRS AGAIA EVANS AND MRS MARTHA HART.

DEFENDANTS.

RECORDED
MAY 14 1996

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N. P. LANSON, ENOCH BAGLEY AND TRAUCOTT BOYER.

----- PLAINTIFFS -----

vs.

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SAMUEL HART, LEE HART, HENRY EVANS, GRANT RAYMOND, J. W. STONER,
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PRICE, A. T. PRICE JR, MISS. PRICE, EDWARD LASHBROOK, MRS. A. E.
HERRICK, MRS EAMA EVANS AND MRS MARTHA HART.

DEFENDANTS.

RECORDED
MAY 14 1996

- - - - - D E C R E E . - - - - -

This cause was commenced on September 9th, 1901, and summons duly issued on the same day, thereafter service was duly made upon each of the defendants named in the complaint; thereafter, Gottfried Eschler, J.W. Cook, J. H. Holmes and Taylor Canal Company, named in the complaint as defendants, asked to be and the court ordered, that they should be made parties plaintiff instead of parties defendant, whereupon, Gottfried Eschler, J. W. Cook, J. H. Holmes and the following named persons, in lieu of the Taylor Brothers Canal Company, to-wit, S. B. Young, J. A. Dalton, Samuel W. Hart, Zion's Saving Bank & Trust Company, W. A. Hart, M. P. Larson, Albert Colton, John Watson and Traugott Hofer, filed their complaints and afterwards upon motion the court made an order permitting John S. Bryson, Alexander Allenback and Enoch Bagley to be made parties plaintiff and file their complaints, setting up their respective claims herein.

Thereafter, each and every of the defendants appeared and filed their answers and cross-complaints, excepting the defendant Miss Price. The defendant Miss Price having failed to appear or answer, her default was duly and regularly entered.

That John A. Bagley Esq., appeared as counsel for the plaintiffs and Messrs Glenn & Gough appeared as counsel for the defendants; after such appearance it was stipulated by all the parties to this action through their respective counsel, in open court, that all proceedings hereinafter had, might be entitled - - (Fawcett Brothers et al Plaintiffs. - - - - vs - - - - Thomas Fork Irrigation Company et al.. Defendants.) - - with the same force and effect as if all the parties herein were named, and further, that the complaints and cross-complaints filed herein should be deemed unverified and deemed denied, with the same force and effect as if duly verified answers specially

RECORDED
MAY 14 1905

denying all the allegations therein contained were duly filed.

Thereafter on the 3d. day of February, 1902, by agreement of the respective counsel for all the parties and for their convenience and upon the special request of all the parties to this action, it was ordered that the evidence in this case be taken before the Judge of said court, Hon. J. C. Right, at the town of Montpelier, in the County of Bear Lake, State of Idaho, and upon the evidence so taken judgment should be entered on the 20th day of February 1902, being a regular judicial day of the February 1902 term of this court.

It was further stipulated at the commencement of the taking of testimony at Montpelier, pursuant to the stipulations aforesaid, that the title of the lands of both plaintiffs and defendants referred to and described in the complaints and cross-complaints was admitted back to the time that said parties to this action or their grantors and predecessors in interest, took possession of said land, and that their respective rights to the use of said water should date from the time that the evidence shows they diverted the same and commenced the actual use thereof, and thereupon, on the 3d day of February 1902, the court commenced the taking of testimony and proofs at Montpelier in accordance with said stipulations touching the merits of the respective claims of plaintiffs and defendants, and continued the taking of testimony until the 15th day of February 1902, when the testimony closed.

It appearing that in some instances the testimony did not in all particulars correspond with the pleadings, it was stipulated by counsel for all the parties in open court, that the pleadings should be deemed amended and should be considered as having been so amended as to correspond with the testimony and support this decree, with the same force and effect as if said pleadings were actually amended,

MAY 14 1902

and thereupon an order of the court was entered in accordance with the said stipulations.

Now, on this 20th day of February 1902, being a regular judicial day of the February 1902 term of this court, the cause came regularly on to be heard, counsel having argued the same, the case was submitted to the court for decision upon the evidence so taken and agreement, stipulation and admissions made during the trial and at the hearing of said cause and the court being fully advised in the premises, findings of facts and conclusions of law were by all parties expressly waived, and the court having found that the several parties hereinafter mentioned and their grantors and predecessors in interest have been, from the several dates hereinafter mentioned as the dates of their respective water rights, and now are in the possession and the owners as against all the world (except as to the United States,) of the respective tracts of land described in the several complaints and cross complaints, and, that the said several plaintiffs and cross-complainants, their grantors and predecessors in interest at the several dates hereinafter respectively mentioned, appropriated and diverted of the waters of Thomas Fork and its tributaries, a stream in Bear Lake County, Idaho, the several amounts of water respectively hereinafter mentioned and decreed to the said several parties and they have used the same for beneficial purposes, to-wit, agricultural, domestic and stock raising purposes and the court having found all other facts necessary to support this decree and no facts inconsistent herewith;

It is therefore ordered adjudged and decreed, that the waters of Thomas Fork and its tributaries in Bear Lake County, State of Idaho, be, and the same are hereby distributed and decreed to the several parties to this suit for the said beneficial purposes, in amounts and of the dates, with priority of rights and in accordance with said dates as follows, to-wit:

RECORDED
MAY 14 1906

11 0088 (a)
160 Ams A. T. PRICE Sr, 4 second feet, being 200 miners inches of water,
diverted from Muddy Creek, of date May 15th-1879.

11 0089 (b)
160 EDWARD LASHBROOK, 4 second feet, being 200 miners inches of water,
diverted from Muddy Creek, of date May 15th-1879.

11 0091 (c)
160 A. T. PRICE Jr, 2 second feet, being 100 miners inches of water,
diverted from Dry Creek, of date October 1st, 1883.

11 0092 (d)
160 DUNCAN MacLENNAN, 1/6 of the waters of Raymond Creek, of date May
15th-1880.

11 0093 (e)
160 JAMES FRANCIS, 1/6 of the waters of Raymond Creek, of date May
15th-1880.

11 0094 (f)
160 J. W. STONER, 1/6 of the waters of Raymond Creek, of date May 15th-
1880.

11 0095 (g)
J. W. STONER, 2/5 second feet, being 20 miners inches of water,
diverted from Thomas Fork Canal, May 15th-1880.

11 0096 (h)
160 RANSOM CONLEY, 1/9 of the waters of Raymond Creek, of date May 15-1880.

11 0097 (i)
260 A. J. EVANS, 2/9 of the waters of Raymond Creek, of date May 15th-1880.

11 0098 (j)
400 GRANT RAYMOND, 1/6 of the waters of Raymond Creek, of date May 15-1880.

11-1042 GRANT RAYMOND, 4-4/5 second feet, being 240 miners inches of water,
diverted from the Thomas Fork Irrigation Co's canal, of date
May 15th-1880.

MAY 14 1896

23

0153
60 JOHN S. BRYSON, 2 second feet, being 100 miners inches of water,
diverted from the Stevens and Larson lateral, of date April 1st-1895.

24

0154
120 JOHN GYGI, 1/10 second foot, being 5 miners inches of water,
diverted from Taylor Bros. Canal, of date May 1st-1897.

0155
JOHN GYGI, 1/2 second foot, being 25 miners inches of water,
diverted from Thomas Fork, of date, May 5th-1897.

25

0156
160 ARNO BOKHEM, 3 second feet, being 150 miners inches of water,
diverted from Thomas Fork, of date June, 1st-1899.

26

0157
JOHN WESTFALL, 1-1/2 second feet, being 75 miners inches of water,
diverted from Thomas Fork, of date April 1st-1900.

27

For the following claims the point of diversion will be the
Taylor Brothers Canal.

NAMES.	NO. INCHES.	DATES.
0158 Jos. A. Dalton,	80	April 1st-1895.
0159 Jos. H. Holmes,	80	do
0160 J. W. Cook,	80	"
0161 Sam'l W. Hart,	80	"
0162 Zion's Svc. Bank & Trust Co,		
a corporation	199	"
0163 Mumford Brothers,	40	"
0164 W. A. Hart,	80	"
0165 N. P. Larson,	40	"
0166 Gottfried Eschler,	40	"
0167 S. M. Young,	120	"
0168 J. M. Dalton,	80	"
0169 Albert Colton,	40	"
0170 John Watson,	80	"
0171 Traugott Hofer,	80	"

11 0133 That the 160 inches of date of April 1st-1890 for the townsite
and decreed to N. P. Larson, is intended to be and is hereby decreed
to him as a trustee to hold the same in trust until the

9839 inches + Raymond or
196.78 cts + Raymond or

MAY 1 4 1898

said townsite is divided up and deeded to parties entitled to the same, when the said M. P. Larson or his successor in office will transfer the amount of water belonging to each of the respective tracts of land in said townsite to said parties by certificate or deed properly signed and executed by him.

That the said several amounts of water above decreed be measured and distributed to the said parties at their several points of diversion, from the natural channel of Thomas Fork and the tributaries thereof, respectively except the waters which are to be diverted from the Thomas Fork Irrigation Company's ditch, that said waters are to be measured at a point just above the bridge where the county road crosses said ditch, being about one mile from where the ditch is taken from Thomas Fork and above the point where the first water is diverted from said ditch. This point of measurement is selected for the reason there is not sufficient fall in, or a suitable place on said ditch above this point to properly measure the waters therein.

That the said waters be measured under the weir system, in cubic feet per second of time; fifty inches of water as herein decreed, being equal to one cubic foot of water per second of time, or one second foot.

That each of said parties to this suit construct and maintain at their several points of diversion respectively, substantial and uniform boxes, headgates and weirs for the measurement of their said water.

It is further ordered, adjudged and decreed that none of the parties hereto, or their successors in interest, shall have the right to the use of the waters of said Thomas Fork herein awarded except for a beneficial purpose, and, that whenever the beneficial use has ceased, such party or parties shall turn the waters of said stream, used by them, back into the channel of said stream.

That each and every of the parties to this suit, their agents, attorneys, assigns and grantees are hereby restrained and perpetually enjoined, from in any manner interfering with the waters of Thomas Fork or the tributaries thereof being decreed, or exercising any other or greater rights with reference to said waters than as herein decreed to the said parties respectively.

That each of the parties to this suit, pay the costs and disbursements herein incurred by him.

/s/ JOSEPH C. RICH
Judge of the District Court.

Dated this 20th day of February, A.D. 1902.

We hereby waive notice of the filing of this decree being present in court when it was signed and filed this 20th day of February, 1902.

/s/ JOHN A. BAGLEY
Atty for plaintiff

/s/ GLENN & COUGH
Attorneys for defendant

MAY 14 1906

IDAHO WATER RIGHT NUMBER 11-0098

THE WATER RIGHT NO: 11-0098

The water right no: 11-0098 was established 15 May 1880 in the Territory of Idaho and later in both states, Idaho and Wyoming after Statehood, giving jurisdictions of the resource in the both States at particular times from the source, delivery and use to the Idaho agriculture units. The State of Wyoming issued "A CERTIFICATE OF APPROPRIATION OF WATER", Cert No: 34 Page 322, dated 23 November, 1912 based on a petition by Fred C. Evans for the heirs of Grandison Raymond, Jr. recorded in Order Record Number 4, page 639 to the Heirs of Grandison Raymond of Raymond, Idaho. The certificate identifies 2.28 cfs of water based on Wyoming Water Law which appropriates 1 cfs of water per 70 Acres of irrigated land. The water quantity based on the formula at filing is used on the SW 1/4 of the NE Quarter of Section 34; the North Half of the N/W Quarter of Section 34, the SE 1/4 of the NW Quarter of Section 34 Township 13 South, Range 46 East, Boise Meridian. (Refer to the appropriate map sketch.) Refer to attachments 6 and 7 to note the designated zone of use for this Wyoming-Idaho water. The water is designated for irrigation and domestic purposes. Attached 5-A is a copy of the Wyoming State "Certificate of Appropriating of Water" to the Grandison Raymond Heirs dated, 23 November 1912. Certificate upgrades are also in process with the State of Wyoming to current owners of the designated property in the State of Idaho. In addition to this change work is in progress to install appropriate measuring devices in Wyoming to measure the water flows to be delivered to the Raymond families Idaho Property. This water is referred, as a supplement, as it generates from a variable flow mountain stream where the total stream flow decreases significantly over the summer irrigation season as does the water quantities vary from the Idaho source for Water Right No: 11-1042 .

Ditch History

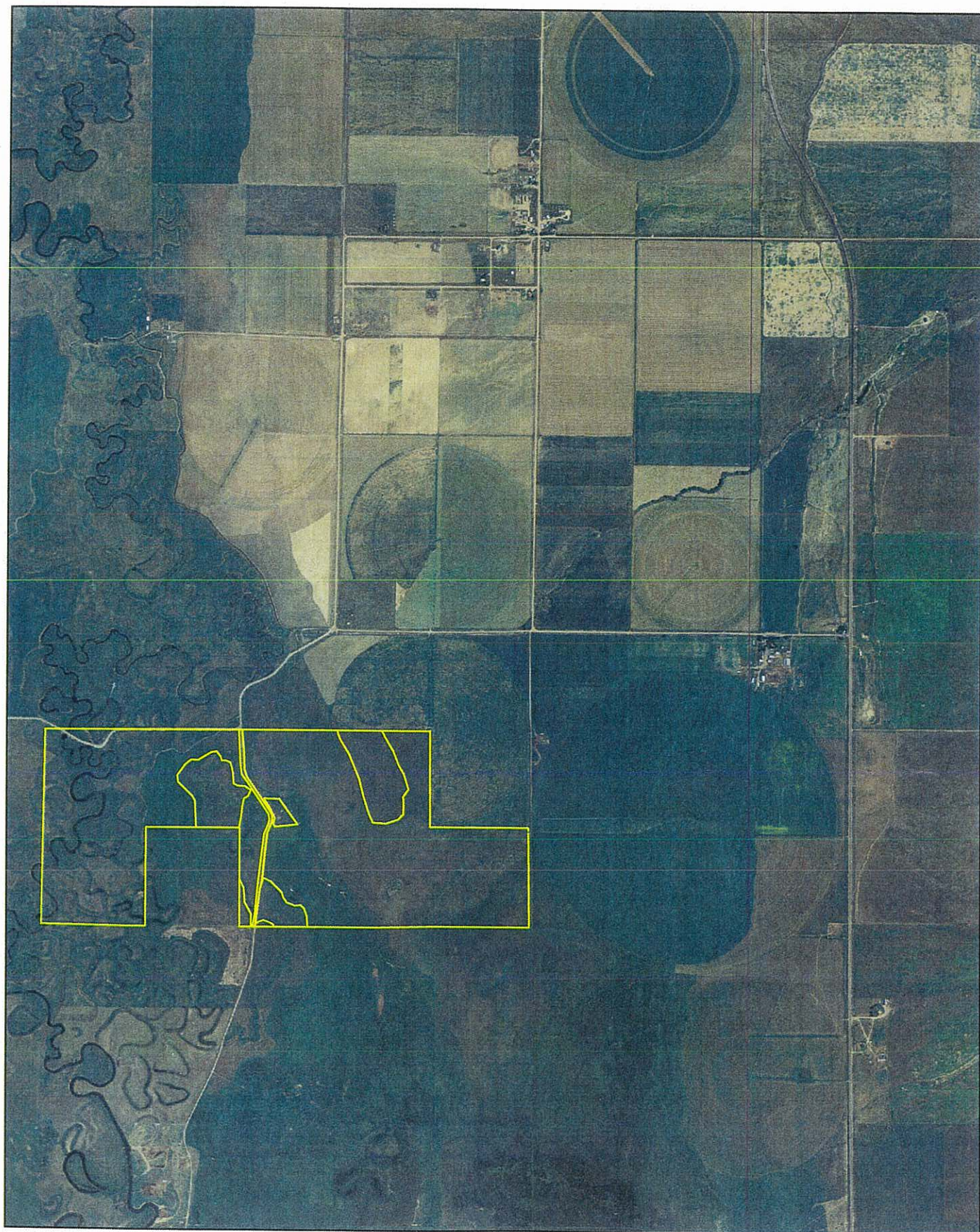
Details offered by the Fred C. Evans papers to the Wyoming State Water Board, Attachment 8, pp 1-4, Show William Harvey Foreman, then J. W. Stoner, and then T. M. Mumford were the owners, in turn of the property marked T. M. Mumford on the Survey Map by Engineer Hudman, dated July 6, 1913, 160 Acres, The "Raymond Creek Ditch", so marked on the Survey Map was also known as the "Raymond-Foreman Ditch" in 1878, Ref Attachments 6 and 7. The text of one of the Fred C. Evans probate documents and The "Proof of the Appropriation of Water", Attachment 5-B documents, indicate the "Raymond-Foreman Ditch" served the properties of Grandison Raymond and William Harvey Foreman from the Raymond Creek head-gate which has a specified origin, bearing and distance, identified on the Engineer Hudman Survey of July 6, 1913. The "Raymond-Foreman Ditch was completed in 1878 according to the "Proof of the Appropriation of Water", Attachment 5-B.

Mr. Paul Etcheverry has stated to me personally, and Eric Esterholdt that the Northern most culvert that crosses Wyoming Highway 89 north of the Raymond Creek Crossing is the "Raymond-Foreman Ditch" highway crossing from the aforementioned upper head-gate on Raymond Creek, As noted in attachment 7. The ditch was noted to be 5 Feet wide at the top, 3 Feet wide at the bottom and 2 Feet deep, attachment 5-B. It was to service the 320 acres, 160 Acres owned by Grandison Raymond Heirs, (Raymond Estate) as noted on the "Proof of the Appropriation of Water" attachment 5-A, and M. T. Mumford, as noted on the Engineer Hudman 1913 map, who acquired the property from J. W. Stoner, who acquired the property from William Harvey Foreman 160 Acres, the original Homestead.

The "Raymond Foreman Ditch" extended across the East Boundary of the Mumford and Raymond Properties to the Northeast corner of the Raymond Property in Section 34, Township 13 South Range 46 East of the Boise Meridian. The

ditch exists today in 2006 with some slight channel changes from the route identified on attachment 7 were caused by erosion and silting dams in the original channel.. The head ditch extension across the Mumford and Raymond properties, is not shown on the Engineer Hudman's Plat Map, Attachment 7. It was part of the original ditch system.

Raymond Creek never crossed the Thomas Fork Irrigation Canal! The "Raymond Foreman Ditch did not cross any of the other southwest running ditches dug by early settlers.



USDA FARM SERVICE AGENCY
BEAR LAKE COUNTY FSA
Tract 4900

1:20,532



Field Boundaries

May 18, 2006

0 900 1,800 3,600 5,400 7,200 Feet



IDAHO, THOMAS FORK WATER

Raymond's
West Ditch
+
G. Raymond Trust
Estate Division
Thames Fork Canal.

Raymond's
East Ditch
system.

Raymond's
west Ditch
Wayside

Diversion Dam
Thomas Fork Irrigation Co.
Thomas

12/31

THE STATE OF WYOMING

CERTIFICATE OF APPROPRIATION OF WATER

CERTIFICATE RECORD No. 34 PAGE 322

WHEREAS, Heirs of Grandison Raymond has presented to the Board of Control of the State of Wyoming proof of the appropriation of water from Raymond Creek tributary of Thomas Fork of Bear River through the Raymond & Foreman Ditch under Permit No. Terr. for irrigation of the lands herein described, lying and being in County, Wyoming, and domestic purposes.

NOW KNOW YE, That the Board of Control, under the provisions of Division 1, Title 9, Chapters 10 and 14 of the Revised Statutes of Wyoming, 1899, has, by an order duly made and entered on the 23rd day of November, A. D. 1912, in Order Record No. 4

Page 639, determined and established the priority and amount of such appropriation as follows:

Name of Appropriator Heirs of Grandison Raymond Postoffice Address Raymond, Idaho, Wyoming;
Amount of Appropriation 2.23 cu. ft. per sec.; Date of Appropriation May 15, 1880
for which this appropriation is determined and established; Total Acreage One hundred sixty (160) acres.

40.00 A. SW ¹ NW ¹ Sec. 34, Tp. 13 S. R. 46 E. Boise Mer.
80.00 A. E ¹ NW ¹ Sec. 34, Tp. 13 S. R. 46 E. Boise Mer.
40.00 A. NW ² NW ² Sec. 34, Tp. 13 S. R. 46 E. Boise Mer.
160.00 A. Total acreage.

The State Board of Control recognises that the above lands have been reclaimed hereunder in the State of Idaho, and the same are set forth hereunder that a record thereof may be made in this State.

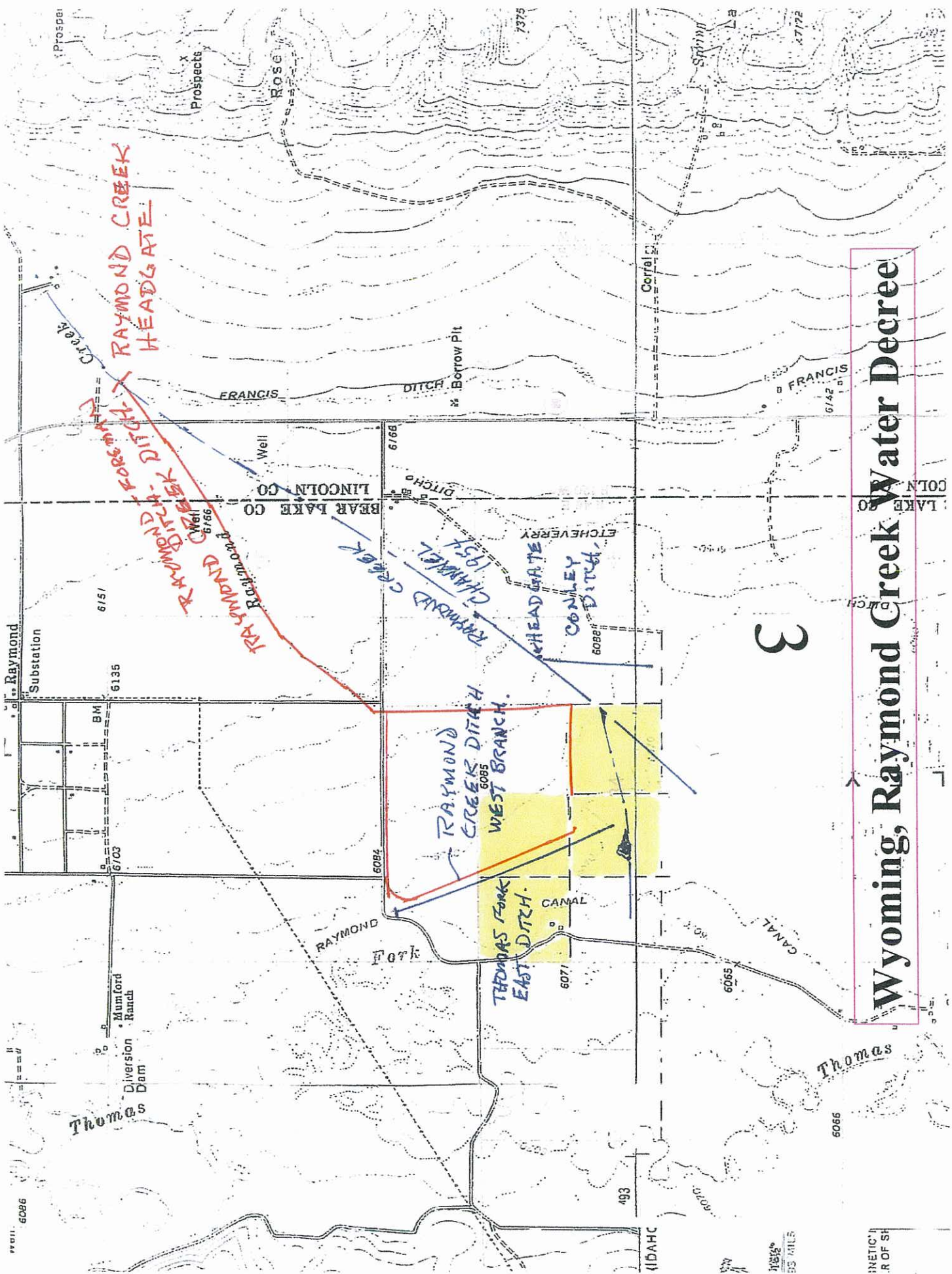
The right to water hereby confirmed and established is limited to irrigation and domestic purposes, and the use is restricted to the place where acquired and to the purpose for which acquired; rights for irrigation not to exceed one cubic foot per second for each seventy acres of land for which appropriation is herein determined and established.

IN TESTIMONY WHEREOF, I, A. A. Pargnall, President of the State Board of Control, have hereunto set my hand this 11th day of February, A. D. 1913, and caused the seal of said Board to be hereunto affixed.

ATTEST: LOUISE ZABELMANN, Secretary.

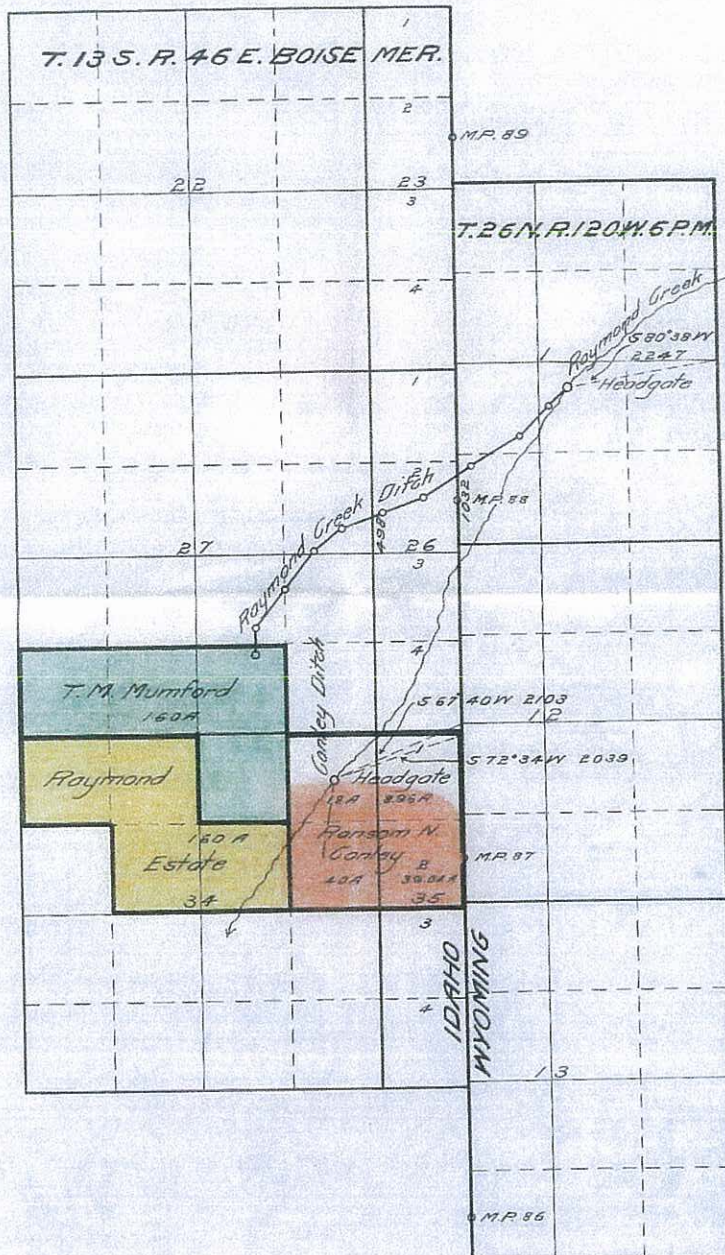
A. J. Parshall, President.

Atch 5-A



Wyoming, Raymond Creek Water Decree

3



State of Wyoming ss
County of Sweetwater

I, Ellis Hudman, of Rock Springs, Wyoming hereby
certify that this map was made from notes taken during
an actual survey made by me on July 6th 1913.

Ellis Hudman

Licensed Engineer No. 229

To The Honorable Board of Control
State of Wyoming.

Gentlemen -

We, whose names are subscribed
here to, respectfully represent to your
honorable board the following -

In the year 1877 G. Raymond Sr. and
his son, G. Raymond Jr. & Henry Evans
came to Thomas Fork Valley, and staked
out claims, on or near the stream, which
has ever since, and now is, known by
the name of Raymond Creek. The
waters of said stream were diverted upon
a portion of the land that season, and
hay produced and harvested. The same
being the first use ever made of said
stream for agricultural purposes, and the
said claims have been continually
irrigated from said stream, each and every
year since 1877, and crops harvested upon
same; The year 1911 being excepted.

About the same time time C. Webster
located upon land near by, and also made
use of the waters of said Raymond Creek.

for irrigation; In the following year, L. R. Hart, S. W. Hart, L. A. Conley, R. N. Conley, and G. A. Conley, located upon land adjacent to the Raymond claims and diverted all the waters of said Raymond Creek upon said land excepting that portion claimed and used prior to this time. This was in the year 1878.

A few years later, between the years 1881 and 1883 James S. Francis and R. H. Blow located upon land adjacent to the foregoing claims; depending upon the surplus waters of Raymond Creek, and the probability of getting water from Thomas Fork Creek, and acknowledging the priority of right of the above named settlers. About 1885, all of the above named parties, and some others including Harvey Foreman, joined together to build a canal from Thomas Fork Creek at the same time locating and appropriating all the waters of Raymond Creek for land lying in

Idaho. A copy of the record of which proceedings we have furnished you. A company was organized of all the above named parties to build said canal from Thomas Fork Creek, as also, ~~canal~~ from Raymond Creek. Said company to own and control all the waters of Raymond Creek and a specified amount from Thomas Fork. The said canal ^{from Thomas Fork} would supply water to Henry Evans, L. R. Hart, S. W. Hart, C. Webster and a part of the land of G. Raymond, it was mutually agreed that these parties should take their water from said canal and that L. S. Conley, R. M. Conley, R. H. Clow and James S. Francis, G. Raymond and Harvey Foreman, use the waters of Raymond Creek. This agreement was accepted by all concerned, and carried out agreeably to all, from said date till about 1902. being about seventeen years. At this time - 1902 - some questions had arisen of over certain titles to water right in Thomas Fork Creek including Raymond Creek a tributary, and the matter was taken

into the court in the fifth Judicial Dist-
of Idaho for adjudication. All parties were
notified and all claims represented, and
a decree was made - a copy of which
you also have. This decree was accepted
and the water distributed according to it
from date of its issuance till the summer
of 1910.

In the meantime James S. Francis
and R. H. Blow had each taken land in
Wyoming joining their former land in
Idaho, and had used their share of
Raymond Creek to irrigate the same.
Neither of them however, ever claiming
or pretending to use more than one
sixth of the stream, which the said
decree allowed them.

R. H. Blow transferred his interests to
D. McLennan, and L. S. Conley his to
F. J. Evans and J. A. Evans, all of whom
later transferred to Antoine S. Inadros.

The title of Harvey Foreman passed to
J. W. Stoner and later to T. M. Mumford the
present holder.

When the State of Wyoming was issuing certificates of water right to parties in this District in 1907, wherein the waters of Raymond Creek were concerned, R. N. Conley, T. M. Munford and E. Raymond received no notice whatever, and consequently could not show proof of their right; therefore received no certificates, while certificates were issued to James S. Francis, D. McLennan, F. C. Evans and J. A. Evans.

During the summer of 1910, the water commissioner, or deputy, from Cokeville, Mr. Earl Collett, at the request of James S. Francis and others, came down to distribute the waters of Raymond Creek. Accordingly all of the water was given to those holding certificates, ~~and~~ from the State of Wyoming, and it was shut off from those holding no such certificates. In which condition the matter still stands, pending a settlement of the same.

Now therefore, we the undersigned, Fred C. Evans, Administrator in the estate of E. Raymond, C. A. Conley, Guardian for R. N. Conley, and

T. M. Mumford in his own behalf believe that the best and most equitable way to adjust the matter is for your board to issue to us certificates like the ones issued to the other parties named above equal in date of priority and amount of water per acre. We also believe that we are justly entitled to said certificates as the facts and evidence in the case will fully show.

We therefore respectfully petition your Honorable Board to issue to each of us a certificate, equal in date of priority and amount of water per acre, to any issued to any one, for water from the afore said Raymond Creek.

We further represent that we are entitled to water for the following number of acres.

Fred. Evans behalf the estate of G. Raymond.	160 A
T. M. Mumford.	160 "
Ed. Conley Guardian for R. N. Conley	110 "

Abstracts of title showing ownership for above amount of land we have also

furnished you. Any point not made
clear in this petition and the papers
submitted herewith, will be fully explained
and verified upon request.

Signed

Fred C. Evans

Ed Conley

J. M. Mumford

OF
CASE

Thomas Fork Irrigation Co., et al

VS.

Thomas Fork Irrigation Co., et al

WATER DIST.

F-1-F

COUNTY

JUDICIAL DIST.

JUDGE

DATE OF DECREE

February 20, 1902

RECORDED
IN BOOK N

page 1

P.N.	D.N.	DECREED OWNER	NAME	PRESENT OWNER	AMT ACRES SEC. FT. D	PRIORITY	DIVERSION				REMARKS, LAND TO BE IRRIGATED
							SUBDIV.	SEC.	TWP.	RG.	
11	089	La Vall Hirsch / John Makoff			4.0	5/15/79	Muddy Creek				W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 10, T.12 S., R.
11	090	John Makoff			4.0	5/15/79	Muddy Creek				E $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 15, T. 12
11	092	Eric Esterholdt			1/6 of all	5/15/80	Raymond Creek				Lots 3 & 4, Sec. 35, T.13 S. Sec. 2, T. 14 S., R. 46 E.
11	093	Russell Roberts sons			1/6 of all	5/15/80	"	"			W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 2, E $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 3,
11	094	Eric Esterholdt			1/6 of all	5/15/80	"	"			S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, NW $\frac{1}{4}$ T.13 S., R. 46 E.
11	096	Eric Esterholdt			1/9 of all	5/15/80	"	"			E $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 34, Lots 1 & 2 Sec
11	097	Eric Esterholdt			2/9 of all	5/15/80	"	"			SE $\frac{1}{4}$ Sec. 34, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, T. 13 S., R. 46 E.
11	098	Grant Raymond			1/6 of all	5/15/80	"	"			SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 34, NE $\frac{1}{4}$ NE Sec. 33, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28, T
11	099	Heber Boehme sons			.8	5/15/80	Thomas Fork Canal				SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 34, T. 13 S.,
11	100	James Sarton			.8	5/15/80	Thomas Fk. Irr. Co.				NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 34, T. 13 S., R
11	101	Heber Boehme sons Kenneth Rigley Don Wilde			3.5	5/15/80	Thomas Fk. Irr. Co.				W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 34, E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ T. 13 S., R. 46 E.
11	102	Heber Boehme sons			4.8	5/15/80	Thomas Fk. Irr. Co.				Lots 2, 3, & 4, Sec. 3, Lots W $\frac{1}{2}$ T., Sec. 4, T. 14 S., R.
11	103	Heber Boehme sons			3.2	5/15/80	Thomas Fk. Irr. Co.				SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, & NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, E $\frac{1}{2}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$.
11	104	Idaho Fish & Game			13.6	5/15/80	Thomas Fk. Irr. Co.				NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 10; Lots 1, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 15; NE $\frac{1}{4}$ T. 14 S., R. 46 E.
11	108	Daryl Sparks			3.0	5/15/80	"	"	"	"	S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 3, E $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 4,
11	1042	Grant Raymond			4.8	5/15/80	"	"	"	"	Same as land under Raymond
11	095	Eric Esterholdt			0.4	5/15/80	Thomas Fork Canal				Same as land under Raymond
11	091	Consen & Hart Price			2.0	10/1/83	Dry Creek				W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 10, T. 12

L E

PK Conns comes

D.N. = DECREE NUMBER

GT. = CUMULATIVE TOTAL

GT = COMBINATIVE TOTAL

TITLE
OF
CASE

Fawcett Bros. et al

vs.

Thomas Fork Irrigation Co., et al

WATER DIST. 11-E.

COUNTY

JUD CAL DIST.

JUDGE

DATE OF DECREE February 20, 1902

RECORDED
IN BOOK N

PN.	DN.	DECEED OWNER	NAME	PRESENT OWNER	AMT. INCHES SEC. FT.	PRIORITY	DIVERSION				REMARKS, LAND TO BE IRRIGATED
							SUBDIV.	SEC.	TWP.	Rg.	
11	125	Edward Minchondo			2.9	7/5/86	Hall Bro. Ditch				S. 34, T. 12 S., R. 46 E. Sec. 3, T. 13 S., R. 46 E.
11	126	?			3.5	7/15/86	"	"	"		SE 1/4 NW 1/4, SW 1/4 NE 1/4, NW 1/4 SE 1/4, NE 1/4
11	127	John Caricaburu			1.7	4/1/87	L. Dry Creek				W. 1/2 SE 1/4, E. 1/2 SW 1/4, Sec. 22, T. 13 S., R. 46 E.
11	128	?			2.8	4/1/87	Two Story Dam				Lots 3 & 4, Sec. 14, T. (?)
11	129	Darth Boehme & Kurt Price			.6	5/15/87	Thomas Fork				W. 1/2 SE 1/4, SW 1/4 NE 1/4, SE 1/4 SW 1/4, Sec. 22, T. 13 S., R. 46 E.
11	130	Lon Allen Hillier			1.2	4/1/88	W. Side Thomas Fk.				W. 1/2 NW 1/4, Lot 1 Sec. 26, SW 1/4 SW 1/4
11	132	Heber Boehme sons			2.4	5/20/88	Thomas Fork				No Description
11	137	Lon Allen Hillier			.8	4/1/89	E. Side Thomas Fk.				See 4/1/88 right
11	133	?			3.2	4/1/90	Taylor Canal				W. 1/2 SE 1/4, E. 1/2 SW 1/4, Sec. 22, T. 13 S., R. 46 E.
11	134	David Paterson			6.1	4/1/91	Ward Canyon				W. 1/2 NW 1/4, Sec. 22, T. 13 S., R. 46 E.
11	135	Lon Tweller			.5	4/1/91	Lashbrook Pond				W. 1/2 SW 1/4, SW 1/4 SW 1/4, Sec. 22, SE 1/4 S. 34, T. 12 S., R. 46 E.
11	137	Ray L. Widmer			.5	4/1/91	Thomas Fork				W. 1/2 NW 1/4, SW 1/4 SW 1/4, Sec. 27, NE 1/4 T. 12 S., R. 46 E.
11	139	Dane Boehme			.6	4/1/92	Hall Bro. D.				(Alex Allenback) W. 1/2 SW 1/4, Sec. 34, T. 12 S., R. 46 E.
11	140	Lon Tweller			1.2	4/1/92	Soren Canyon				NE 1/4 SE 1/4, E. 1/2 NE 1/4, Sec. 21, SE 1/4 T. 12 S., R. 46 E.
11	141	Dary Tauscher			2.0	4/1/92	Hirsch Creek				NE 1/4, Sec. 28, T. 12 S., R. 46 E.
11	142	Darth Boehme			2.1	4/1/93	Thomas Fork				W. 1/2 NW 1/4, SE 1/4 NW 1/4, Sec. 15, NW 1/4 T. 12 S., R. 46 E.
11	143	Virgil Boehme			.7	4/1/93	"				W. 1/2 SW 1/4, S. 1/2 SE 1/4, SW 1/4 NE 1/4, Sec. 22, T. 13 S., R. 46 E.
11	145	Carson Price			.5	5/15/93	Cooper Spr.				E. 1/2 SE 1/4, Sec. 10, W. 1/2 SW 1/4, Sec. 1
11	147	?			1.6	7/15/93	Taylor Canal				W. 1/2 SE 1/4, Sec. 27, NW 1/4 SW 1/4, Lot 1 T. 12 S., R. 46 E.

D.N. = DECREE NUMBER

C.T. = CUMULATIVE TOTAL

OF
CASE

Thomas Fork Irrigation Co., et al

WATER DIST. 11-F COUNTY

JUDICIAL DIST. JUDGE

DATE OF DECREE February 20, 1902 RECORDED IN BOOK NO

P.N.	D.N.	DECEDED OWNER	NAME	PRESENT OWNER	AMT INCHES SEC. FT.	PRIORITY	DIVISION				REMARKS, LAND TO BE IRRIG
							SUBDIV.	SEC.	TWP.	RG.	
					.2	5/1/94	Taylor Bro. Canal				NE 1/4, Sec. 22, SE 1/4, Sec. 22, T. 12 S., R. 46 E.
11	130	Jeff Buschoff			.8	9/15/94	Muddy Canal				See 5/15/87 right
11	136	Lon Truller			1.6	9/15/94	"	"			See 4/1/91 right
11	138	Harvey Hirschi			1.2	9/15/94	"	"			See 4/1/93 right
11	144	Garth Boehme & Virgil Boehme			1.6	9/15/94	"	"			See 4/1/93 right
11	146	La Vall Hirschi			1.6	9/15/94	"	"			See 5/15/93 right
11	148	John Makoff			2.0	9/15/94	"	"			NE 1/4, Sec. 22; NE 1/4, SW 1/4, NW 1/4
11	149	Lyman Hirschi			.8	9/15/94	"	"			NE 1/4, SE 1/4, SW 1/4, Sec. 27, T. 12
11	120	Ray L. Medner			.8	9/15/94					See 6/15/85 right
11	150	Karma Loentcher			2.4	9/15/94	"	"			NE 1/4, NW 1/4, Sec. 22, T. 12
11	153	Lynn Skinner & Gary Tauscher			1.6	9/15/94	"	"			N. P. Larson Ranch- (NW 1/4 Sec. 22, NE 1/4, SW 1/4, NW 1/4, NE 1/4, NW 1/4, T. 13 S., R. 46 E.
11	154	Kenneth Rigby			2.0	4/1/95	Stevens & Larson Lat.				NE 1/4, Sec. 22, T. 13 S., R.
11	159				1.6	4/1/95	Taylor Bro. Canal				NE 1/4, Sec. 22, T. 13 S., R.
11	160				1.6	4/1/95	"	"			NE 1/4, Sec. 22, T. 13 S., R.
11	161				1.6	4/1/95	"	"			SE 1/4, NE 1/4, Sec. 15, T. 1
11	162				1.6	4/1/95	"	"			SW 1/4, SE 1/4, Sec. 22, T. 1
11	163				3.98	4/1/95	"	"			SE 1/4, Sec. 15, NE 1/4, Sec. 14, T. 13 S., R. 46 E.
11	164				.8	4/1/95	"	"			NE 1/4, Sec. 15, T. 13 S., R.
11	165				1.6	4/1/95	"	"			NE 1/4, Sec. 22, T. 13 S., R.

D.N. = DECREE NUMBER

C.T. = CUMULATIVE TOTAL

OF
CASE

THOMAS FORK IRRIGATION CO., et al

VS.

Thomas Fork Irrigation Co., et al

page 2

WATER DIST. 11-F

COUNTY

JUDICIAL DIST.

JUDGE

DATE OF DECREE February 20, 1902

RECORDED
IN BOOK NO

RN.	DN.	DECREED OWNER	NAME	PRESENT OWNER	AMT. INCHES SEC. FT.	PRIORITY	DIVERSION				REMARKS, LAND TO BE IRRIG
							SUBDIV.	SEC.	TWP.	R.	
11	166				.8	4/1/95	Taylor Bro. Canal				
11	167				.8	4/1/95	"	"	"		
11	168				2.4	4/1/95	"	"	"		N $\frac{1}{2}$ NE $\frac{1}{2}$, SW $\frac{1}{2}$ NE $\frac{1}{2}$, Sec. 15, T. 1
11	1689				1.6	4/1/95	"	"	"		
11	170				.8	4/1/95	"	"	"		NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 27, T. 13 S., R
11	171				1.6	4/1/95	"	"	"		NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 27, T.
11	172				1.6	4/1/95	"	"	"		(No Description)
11	155				.1	5/1/97	"	"	"		W $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 11, T. 1
11	156		Boehme		.5	5/5/97	Thomas Fork				See 5/1/97 right
11	157		D.J. Reynolds		3.0	6/1/99	"	"			NE $\frac{1}{4}$, Sec. 27, T. 12 S., R. 1
11	152		Boehme		.1	9/1/99	"	"			See 5/1/91 right
11	158		Chuck Hardeste		1.5	4/1/1900	"	"			(No Description)
11-07420		USDA Forest Service			.06 cfs	7/22/1994	Spring - Dry Creek				sec. 26 Township 11s stock water use

pay/w canal

check
unpaid

D.N. = DECREE NUMBER

C.T. = CUMULATIVE TOTAL

Joseph C. Rich

ED
 BK NO. 1 AT PAGE NO. 227 FILE NO. 58-1

IRRIGATED, ETC.	C.T.
R. 46 E.	4.0
12 S., R. 46 E.	8.0
S., R. 46 E. Lots 1 & 2	
3, T. 14 S., R. 46 E.	
NE $\frac{1}{4}$ Sec. 34,	
Sec. 35, T. 13 S., R. 46 E.	
3, Lot 4 Sec. 36,	
NE $\frac{1}{4}$, W $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, T. 13 S., R. 46 E.	
, R. 46 E.	8.8
, R. 46 E.	9.6
SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33,	13.1
ots 1, 2, & SW $\frac{1}{4}$ NE $\frac{1}{4}$	17.9
L. 46 E.	21.1
NE $\frac{1}{4}$? Sec. 3, T. 14 S., R. 46 E.	
SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9,	
1, 2, 3, Sec. 11;	
E $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 16,	34.7
, T. 13 S., R. 46 E.	37.7
Cr.	42.5
Cr.	42.9
12 S., R. 46 E.	44.9

George W

Joseph C. Rich

ED
BOOK NO. 1 AT PAGE NO. 227 FILE NO. 55-1

IRRIGATED, ETC.	C.T.
	53.9
. 46 E.	57.9
	62.9
	64.3
	64.4
	68.2
SE $\frac{1}{4}$, Sec. 3, E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 9, Sec. 10, T. 13 S., R. 46 E.	84.2
SW $\frac{1}{4}$, Lot 4 Sec. 3, T. (2) S., 34, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33, 12 S., 46 E.	86.2
c. 3, T. 12 S., R. 46 E.	89.0
, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 22, NE $\frac{1}{4}$, N $\frac{1}{2}$ & NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, SE $\frac{1}{4}$ SW $\frac{1}{4}$, R. 46 E.	89.8
	96.0
	99.5
46 E., Lot 3 & SE $\frac{1}{4}$ SW $\frac{1}{4}$, R. 46 E.	102.2
SE $\frac{1}{4}$, Sec. 21, NW $\frac{1}{4}$ NE $\frac{1}{4}$, E.	108.1
SW $\frac{1}{4}$, Sec. 20, T. 13 S., R. 46 E.	109.7
	110.9
13 S., R. 46 E.	113.7

Bear Lake

Joseph O. Rich

ID
K NO. 1 AT PAGE NO. 227 FILE NO. 5N-1

IRIGATED, ETC.	CT.
R. 46 E., Lots 2, 3,	118.6
E. 1/4 SW 1/4, Sec. 3, T. 13 S., R. 46 E.	120.1
10 S., R. 46 E.	121.8
2), R. 46 E.	124.6
c. 22, T. 12 S., R. 46 E.	125.2
W. 1/4, Sec. 23, T. 12 S., R. 46 E.	126.4
	128.8
	129.6
13 S., R. 46 E.	132.8
, R. 46 E.	139.2
SE 1/4, Sec. 21, T. 12 S., R. 46 E.	139.7
E. 1/4 SE 1/4, Sec. 28,	140.2
ec. 35, NE 1/4 SE 1/4, SE 1/4 NE 1/4,	140.8
E. 1/4 SE 1/4, Sec. 16,	142.0
46 E.	144.0
W. 1/4, Sec. 14,	146.4
c. 15, T. 12 S., R. 46 E.	147.1
11, T. 12 S., R. 46 E.	147.6
Lots 2, 3, & 4, Sec. 26,	149.2

page 2

Barre Lake
Joseph C. Rich

NO. 1 AT PAGE NO. 227 FILE NO. 511-1

IRIGATED, ETC.	C.T.
Sec. 15, W ¹ / ₂ N ¹ / ₂ , Sec. 23,	149.74
	150.2
	151.8
	153.0
	154.6
	156.2
W ¹ / ₂ , Sec. 15, T. 12 S., R. 46 E.	158.2
12 S., R. 46 E.	159.0
12 S., R. 46 E.	164.4
Sec. 27, T. 12 S., R. 46 E.?	163.0
SW ¹ / ₄ , Sec. 27,	165.0
E. 46 E.	166.6
E. 46 E.	168.2
13 S., R. 46 E.	169.8
13 S., R. 46 E.	171.4
. 27, Lots 1 & 2,	175.38
R. 46 E.	176.18
. 46 E.	177.78

NO. 1 AT PAGE NO. 227 FILE NO. 58-1

EXTENDED PAGE 1.1