

75-A

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7. PERMIT AND LICENSED RIGHTS ON BIG CREEK
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JUL 31 1996

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

GEORGE G. MILLER,

Plaintiff,

vs.

ERNEST LONG, MRS. ERNEST LONG,
JAMES MORTON, MRS. JAMES MORTON,
GUY EDWARDS, MRS. GUY EDWARDS,
WILLIAM BOOMER, MRS. WILLIAM
BOOMER, HARRY KELLY, MRS. HARRY
KELLY, NOLA MIDDLEKAUFF, J. C.
MIDDLEKAUFF, GEORGE W. OLIVER,
MRS. GEORGE W. OLIVER, CHARLES
H. ROSE, MRS. CHARLES H. ROSE,
EDSON A. MORRIS, MRS. EDSON A.
MORRIS, ANNA B. MCCALEB, SARAH F.
WILEY, FRANK AVARE, MRS. FRANK
AVARE, MARTHA B. RANDOLPH, E. B.
RANDOLPH, B. J. BORCESON, HEN-
RIETTA WING, RICHARD HARRIS,
OLIVE BEASON, P. J. DEMPSEY, MRS.
P. J. DEMPSEY, MINNIE M. HART,
WILLIAM B. HART, C. H. DAVENPORT,
MARIE RYAN, JERRY RYAN, J. W.
BOWMAN, THOMAS WEND, ANNIE G. CAMP-
BELL, HENRY M. CAMPBELL, CLARA B.
FLATHERS, ANTHONY NICHOLS, CITIZENS
NATIONAL BANK, CITY OF SALMON, ALFRED
CROFT, MRS. ALFRED CROFT, WILLIAM H.
SHOUP, MRS. WILLIAM H. SHOUP, CHARLES
A. NORTON, MRS. CHARLES A. NORTON,
CLARK ALBEE, JOHN DRYER, JR., MRS. JOHN
DRYER, JR., C. J. OSTRANDER, EMERSON
HILL, MRS. EMERSON HILL,

D E C R E E.

Defendants.

This cause came on regularly to be heard the 19th day
of June, 1925, before Hon. George W. Edgington of the Ninth Judicial
District of the State of Idaho sitting for Hon. Ralph W. Adair,
Judge of the Sixth Judicial District of the State of Idaho, in and
for the County of Lemhi, without a jury, John E. Padgham, Esq.,
appearing as attorney for the plaintiff George G. Miller, Messrs.
Burleigh & Glennon appearing as attorneys for the defendants
Anthony Nichols, Frank Avare and Thomas Wend, F. R. Hall, Jr., Esq.,
appearing as attorney for the defendant E. B. Randolph, and E. H.
Casterlin, Esq., appearing as attorney for the defendants Ernest

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Long, Guy Edwards, William Boomer, Harry Kelly, George W. Oliver, Bertha N. Rose, otherwise known as Mrs. Charles H. Rose, Edson A. Morris, Sarah F. Wiley, Citizens National Bank, Emerson Hill, Gilmore & Pittsburg Railroad Company, Limited, and the Estate of John Long, deceased; and it appearing to the satisfaction of the Court that all of the above entitled parties are properly parties to this action, and that the default of all of the non-answering defendants herein has been duly entered, and that this action has been dismissed as to all parties not served with Summons; and it further appearing to the satisfaction of the Court that the parties hereto, by Stipulation, duly filed with the Court, have agreed upon a Decree and have waived Findings of Fact and Conclusions of Law, and this matter having been fully considered by the Court and the Court being fully advised in the premises,

WHEREFORE, By reason of the law and the premises aforesaid IT IS ORDERED, ADJUDGED and DECREED as follows, -

That this Decree is a summary, supplemental adjudication of the waters of Jesse Creek and its tributaries, supplemental to that certain Decree of record in the office of the Clerk of this Court in Book "A" of Judgments at page 251 thereof, and that the rights hereby adjudicated shall be, and they are, subject to all the terms and conditions of such original Decree, and shall not in any manner affect any right therein established;

That each and every of the tracts of land described in the Complaint, Complaints in Intervention, Answers and Cross Complaints in this action belonging to the several parties plaintiff and defendant herein are arid in character and will not successfully raise any agricultural crops without the application of water thereon for the irrigation thereof, and that all of said lands are susceptible of irrigation from the said Jesse Creek;

That the owners of the said respective tracts of land

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are as alleged in the said Complaint, Complaints in Intervention and Cross Complaints on file herein, and that they are as herein-after set forth;

That the amount of water for each tract of land herein-after set forth is necessary and ample for the proper irrigation of said lands and in the respective amounts necessary for the delivery to the said several tracts of land of the amount necessary for the proper irrigation thereof;

That the dams and diverting works of the several parties to this action were, at the time of the several appropriations, and are now of sufficient size and capacity to carry and convey water so appropriated to and upon the several tracts of land of the said several parties for the irrigation thereof, and that each and every of the said several tracts of land are situated in Lemhi County, State of Idaho;

That for the irrigation of the said several tracts of land the said parties hereto, or their predecessors in interest, did, respectively, appropriate the quantities of water hereinafter stated and on the dates hereinafter set forth and from the stream herein mentioned, as set opposite the names of each of said parties and ever since said dates of the said several appropriations said water has been so diverted and used on said lands in the irrigation thereof;

That the points of diversion of the waters of said Jesse Creek for the said tracts of land, respectively, be and the same hereby are fixed at the points where they now exist;

That the following named parties to this suit are entitled to the uninterrupted use of the flow of the waters of Jesse Creek and its tributaries upon the lands mentioned and described in the Complaints, Complaints in Intervention and Answers and Cross Complaints herein, and appurtenant to said lands as herein-after specified in the following amounts, and from the following

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dates, to-wit,-

George G. Miller, seven-tenths of one cubic foot per second of time with date of priority April 1st, 1894, appurtenant to,-

All that certain piece or parcel of land bounded as follows:-

Beginning at corner No. 1, identical with the standard corner of Township 22 N.R. 21 and 22 E.B.M., thence N. 39° 55' W. 40 chains to corner No. 2; thence N. 5' E. 20 chains to corner No. 3; thence S. 89° 55' E. 39.9 chains to corner No. 4; thence S. 20.06 chains to corner No. 1, the place of beginning, containing 80.02 acres of land.

Estate of John Long, Deceased, 2 cubic feet per second of time, with date of priority April 1st, 1894, appurtenant to,-

All of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and Lots No. 2 and 3, and the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 30, all in Township 22 North, Range 22 East of the Boise Meridian, also

The NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 30 in said Township and Range excepting therefrom that part heretofore conveyed by John Long and Nancy Long to John H. Wheeler by Deed dated September 7th, 1901, and recorded in the office of the County Recorder of said Lemhi County, in Book "L" of Deeds page 225, also the following described tract of land, to-wit,-

From the NE Corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 30 in said Township and Range run thence South 17 rods to the place of beginning, thence South 63 rods, thence East 80 rods, thence North 64 rods 25.48 links, thence North 88° 20' West 57 rods 38 links, thence West 23 rods to the place of beginning, being the same land conveyed by John H. Wheeler and Emma Wheeler to John Long by Deed dated April 3rd, 1909, and recorded in the office of the Recorder of said Lemhi County in Book "S" of Deeds page 378, being a part of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 30.

Guy Edwards, 1.7 cubic feet per second of time, with date of priority April 1st, 1894, appurtenant to,-

Lots No. 3 and 4 and the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 31, Township 22 North, Range 22 East of the Boise Meridian.

William Boomer, 1.44 cubic feet per second of time, with date of priority April 1st, 1894, appurtenant to,-

S $\frac{1}{2}$ of the NE $\frac{1}{4}$, N $\frac{1}{2}$ of the SE $\frac{1}{4}$, Section 31 of Township 22 North of Range 22 East of the Boise Meridian, (Excepting therefrom that parcel of land conveyed to William S. Andrews by Deed dated June 1st, 1901, recorded in Book "L" of Deeds at page 165, and excepting therefrom that parcel conveyed to the Gilmore & Pittsburg Railroad Company by Deed dated May 10th, 1909, recorded in Book "S" of Deeds at page 410, and excepting therefrom that

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parcel of land conveyed to George W. Snyder and Lizzie Snyder by Deed dated August 20th, 1909, recorded in Book "S" of Deeds at page 449, all references being to Records of Lemhi County, Idaho).

Harry Kelly, 1.2 cubic feet per second of time, with date of priority April 1st, 1894, appurtenant to, -

All of Blocks 1, 2, 11, 12, 13, 14, 15, and Lots 1 to 5, inclusive, in Block 3, Lots 1 to 6 and 11 to 16, inclusive, in Block 10, Lots 1 to 6 and 11 to 16, inclusive, in Block 22, Lots 1 to 15, inclusive, in Block 23, Lots 3 to 17, inclusive, in Block 24, Lots 1 to 7, inclusive, in Block 25, Lots 2 to 8, inclusive, in Block 26, and Lots 1 to 5, inclusive, in Block 27, all in Manhattan Addition to the City of Salmon.

George W. Oliver, 5 cubic feet per second of time, with date of priority April 1st, 1894, appurtenant to, -

The SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of Section 1, the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 2, all in Township 21 North of Range 21 East of the Boise Meridian.

Bertha N. Rose, five-tenths of one cubic foot per second of time, with date of priority April 1st, 1894, appurtenant to, -

All of Lots 1 and 10, Section 6, Township 21 North Range 22 E.B.M. (Excepting from this conveyance that part of said Lots 1 and 10 described as follows:

That part of said Lot 10 described as follows:

Beginning at the SW corner of said Lot 10 and running thence N. 17 rods, 21 links; thence N. 43° 10' E. 9 rods; thence S. 60° 40' E. 13 rods 7 links; thence S. 34° 45' W. 21 rods, 18 links and thence W. 5 rods, 7 links to the place of beginning. Containing 263 rods. And also excepting that part of said Lot 1 described as follows: Beginning at a point 92 rods, 12 links E. from the NW corner of NE $\frac{1}{4}$ of said Section 6 and running thence E. along the N. line of said Twp. 53 rods to the W. side of the Salmon River; thence S. along the W. side of Salmon River 7 rods and 10 links; thence N. 85° W. 52 rods, 15 links; thence N. 10° 30' W. 3 rods, 15 links to the place of beginning. Containing 1 acre and 130 rods. And excepting therefrom that certain parcel conveyed to Rudolph Wright by Deed recorded in Book "X" of Deeds at page 521 thereof, and those certain parcels conveyed to Ella Nieman by Deeds recorded in Book "27" of Deeds at page 117 thereof and Book "Z" of Deeds at page 74 thereof, Records of Lemhi County, Idaho).

Eason A. Morris, twenty-six hundredths of one cubic foot per second of time, with date of priority April 1st, 1894, appurtenant to, -

Beginning at a point on the North line of Section 1, in Township 21 North of Range 21 East of the Boise Meridian, South 89° 47' 30" West, 590 feet from the Northeast corner of said Section 1, and running thence South 0° 30' East

552.48 feet to the North line of the alley in Block 14 of Arlington Heights Addition, thence South 89° 53' 30", along the North line of said alley, 880 feet to the East line of 18th Street, in said Arlington Heights Addition, thence North 0° 39' West along said East line of 18th street, 550.94 feet to the said North line of Section 1; thence North 89° 47' 30" East along said North line of Section 1, 880 feet to the place of beginning, containing eleven and forty six one hundredths (11.46) acres.

Citizens National Bank, 4 cubic feet per second of time, with date of priority April 1st, 1894, appurtenant to, -

The SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and Lot 4 of Section 30, and the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and Lots 1 and 2 of Section 31, all in Township 22 North of Range 22 East of the Boise Meridian.

Emerson Hill, fifteen hundredths of one cubic foot per second of time, with date of priority April 1st, 1894, appurtenant to, -

All of Lots 1 and 2 of Block 2 in North Salmon Addition; Lot 5 and the W $\frac{1}{2}$ of Lot 6 of Block 3 of Grandview Addition to North Salmon; Lots 4 and 5 of Block 1 and Lots 1, 2, 3, 4 and 5 of Block 2 of McCardell's Addition to North Salmon in the City of Salmon, Lemhi County, Idaho.

Gilmore and Pittsburg Railroad Company, Limited, 1.5 cubic feet per second of time, with date of priority April 1st, 1894, appurtenant to, -

The SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 31 and Lots 3, 6 and 8 of Section 32, Township 22 North, Range 22 East of the Boise Meridian; also

All that part of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 31, described as follows, -

From the SW Corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 31, run East along the South line of said subdivision 13 rods to the place of beginning; thence North 20° East 165 rods, more or less, to the NW Corner of Lot 3 of said Section 31; thence South along the West line of Section 32, 160 rods to the SE Corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 31, thence West along the South line of said subdivision to the place of beginning; also

That part of Lot 1, Section 6, Township 21 North, Range 22 East of the Boise Meridian, described as follows, - Beginning at a point 92 rods 13 links East of the NW Corner of the NE $\frac{1}{4}$ of said Section 6, run thence East along the North line of said Township 53 rods to the West side of the Salmon River; thence Southerly along said river 7 rods and 10 links; thence North 85° West 52 rods 15 links to the East side of the County Highway, thence North 10° 30' West 3 rods 15 links to the place of beginning, which said tract is further described in Book "S" of Deeds at page 411, Records of Lemhi County, Idaho; also

Beginning at the NW Corner of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 31, Township 22 North, Range 22 East of the Boise

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Meridian, run thence East along the North line of said subdivision to the center of the County Highway, the place of beginning; thence South along the center line of said Highway to the South line of the $N\frac{1}{2}$ of the $SE\frac{1}{4}$ of said Section 31, thence East 94.5 rods, more or less, to the SW Corner of the land described in Book "8" of Deeds at page 411, thence North about 20° East 165 rods, more or less, to the NW Corner of Lot No. 3 of Section 32 in said Township, thence West 80 rods, more or less, to the place of beginning, being the same property described in Book "8" of Deeds, page 410 thereof, all Records of Lemhi County, Idaho

Anthony Nichols, 1.6 cubic feet per second of time, with date of priority September 14th, 1914, appurtenant to, -

The South half of the Southwest quarter ($S\frac{1}{2}SW\frac{1}{4}$) of Section eleven (11), Township twenty-one (21) North, Range twenty-one (21) East of the Boise Meridian.

Frank Avere, 1.12 cubic feet per second of time, with date of priority September 14th, 1914, appurtenant to, -

The East half of the Northeast quarter ($E\frac{1}{2}NE\frac{1}{4}$) of Section eleven (11), Township twenty-one (21) North, Range twenty-one (21) East of the Boise Meridian.

E. B. Randolph, 1.6 cubic feet per second of time, with date of priority September 14th, 1914, appurtenant to, -

The Southwest quarter of Section Twelve, in Township twenty-one North, Range 21 East of the Boise Meridian, containing 160 acres.

George C. Miller, six-tenths of one cubic foot per second of time, with date of priority September 15th, 1914, appurtenant to, -

All that certain piece or parcel of land bounded as follows: -

Beginning at corner No. 1, identical with the Standard corner of Township 22 N.R. 21 and 22 E.3.M.; thence N. $89^{\circ} 55'$ W. 40 chains to corner No. 2; thence N. $5'$ E. 20 chains to corner No. 3; thence South $89^{\circ} 55'$ E. 39.9 chains to corner No. 4; thence S. 20.06 chains to corner No. 1, the place of beginning; containing 80.02 acres of land.

That the water hereby decreed to the respective parties hereto shall be measured at their respective points of diversion in the said Jesse Creek:

If, at any time, there is not sufficient water in said creek to supply the full amount awarded herein and hereby to each of said parties the amount of water attainable from the creek

shall be distributed pro rata to all persons herein named who are in need of said water for irrigation purposes and desire to presently use the same for that purpose.

IT IS FURTHER ADJUDGED and DECREED, That Each of the parties to this action shall pay his or her own costs:

That each and every of the parties to this suit, their agents, servants, attorneys and employees and each and every and all persons acting in aid of or for any of the parties to this suit are hereby forever restrained and enjoined from in any manner interfering with or diverting or using the waters of said stream, or its tributaries, except in accordance with the terms and conditions of this Decree.

Dated this 19th day of June, 1925.

Geo. W. Edgington
Judge

Filed & Entered June 26th, 1925.
W. W. Simmonds, Clerk
By Margaret Shoup, Deputy.
Book "C" of Judgments, pages 294-5-6-7.

STATE OF IDAHO)
County of Lemhi) :ss.

I, W. W. Simmonds, Clerk of the District Court in and for the County, aforesaid, do hereby certify that the foregoing is a full, true and complete copy of a Decree on file and of record in my office, in Book "C" of Judgments at pages 294-5-6-7.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 16th day of July, 1925.

W. W. Simmonds
Clerk of the District Court.

75-A
IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI.

ADA P. POPE, as Executrix of
the Estate of Horace G. Pope,
deceased, Plaintiff,
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vs
ERNEST LONG, et. al., Defendants.
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DECREE
No 2354

This cause having come on regularly to be heard at Salmon, Idaho, before Honorable Guy Stevens, Judge of the above entitled Court, without a jury, E. W. Whitcomb and E. H. Casterlin appearing as attorneys for the plaintiff; Lot L. Feltham appearing as attorney for Harry Kelly, George Oliver, Benjamin F. Miller and Glen S. Bradley; Merle L. Drake appearing as attorney for E. B. Randolph; and it appearing to the court from the files and records herein that all of the parties are regularly before the court and this cause is ready for determination, either upon appearances or defaults regularly entered; and the cause having been heard and submitted and Findings of Fact and Conclusions of Law, in writing, having been made and entered herein;

Now therefore by reason of the law and the premises,-

It is Ordered, Adjudged and Decreed as follows:-

1.

That this decree is a summary, supplemental adjudication of the right to the use of the waters of Jesse Creek and its tributaries, Water District No 3-L, Lemhi County, Idaho, and is supplemental to that certain decree of record in the office of the Clerk of this Court, in Book "A" of Judgments at page 251 thereof, and is also supplemental to that certain decree of record in the office of the Clerk of this Court, in Book "C" of Judgments at page 294 thereof, and that the rights hereby adjudicated are subject to all of the rights awarded by said former decrees and shall not in any manner affect any right therein established, except that the rights herein and hereby fixed and established shall be prior in time and superior in right to any of those decreed in the former decrees, and in that respect the rights herein and hereby fixed and established shall take and have their chronological order with all other rights.

2.

That Ada P. Pope, as Executrix of the Estate of Horace G. Pope, be and she is hereby awarded the right to the use of 1.2 cubic feet per second of time of the waters of said Jesse Creek, for agricultural and domestic purposes, with the priority of April 1, 1902, through the diversion and ditches as now established, upon the South Half of the Northwest Quarter ($S\frac{1}{2}$ NW $\frac{1}{4}$) of Section 1, Township 21 North, Range 21 East, Boise Meridian, in Lemhi County, Idaho.

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3.

That Glen S. Bradley be and he is hereby awarded the right to the use of 4/10th cubic feet per second of time of the waters of said Jesse Creek, for agricultural and domestic purposes, with the priority of April 1, 1913, through the diversion and ditches as now established, upon the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}SE\frac{1}{4}$) of Section 2, said Township and Range.

4.

That except as herein provided for the recognition of their rights in the said decrees of record in Book "A" of Judgments at page 251 thereof and of record in Book "C" of Judgments at page 294 thereof, the other parties shall have and take nothing.

5.

That Harry Kelly and George Oliver shall have judgment for their costs against the plaintiff, in the sum of \$ and \$, respectively, and that all other parties to this action shall pay their own costs.

Dated this 9th day of January 1939

Guy Stevens
District Judge.

Filed and Entered January 23, 1939
W. W. Simmonds, Clerk
By Clover Edwards, Deputy
Judgment Book D, Page 386

STATE OF IDAHO,)
 : ss.
COUNTY OF LEMHI)

I, W. W. SIMMONDS, Clerk of the District Court and Ex-Officio Auditor and Recorder in and for said County, do hereby certify that the above and foregoing is a full, true and complete copy of a Decree as the same appears of record in my office in Book D of Judgments, Page 386, official records of Lemhi County, Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 18th. day of February, 1939.

W. W. Simmonds
Clerk of the District Court and
Ex-Officio Auditor and Recorder

By /s/ Margaret Shoup Deputy

(Seal)

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David

James and family

✓ 75-R

In the District Court of the Fifth Judicial District of Idaho in and for Lemhi County.

E.T.Andrews and W.S.Andrews,

Pliffs.

vs.

John Martin,et.al..Defendants.)

This cause coming on to be heard this 26.day of

September A.D.1893,before the Court,a jury having been waived by the parties to this action,and Messrs.Quarles & Redwine appearing as counsel for the plaintiffs, Messrs.Hawley & Reeves for defendant F.W.Pollard,and Messrs.Hawley & Reeves and J.B.Miller for defendant Sophronia A.Pollard,J.B.Miller,Esq.,for defendant John Long,John McDonald Esq.,for defendant Dalmar Manfull and Mrs.A.B.McCaleb/Fred J. Cowen,Esq., appearing for ~~defendants~~ ^{the} ~~defendants~~ ^{the} defts. Wheeler & Willis and Ira Tingley,and William Newton Esq.,for defendant John Martin,and Texas Angel and Thomas Elder for defendants Shoup,McNab and ^{Mc}McPherson,and the Court after hearing all the testimony in the cause,and the arguments of counsel for the respective parties, and the Court having made and filed his findings of fact and conclusions of law herein,Now therefore;

3 0016 It is Ordered,Adjudged and Decreed,as follows:

1:- That the plaintiffs E.T.Andrews and W.S.Andrews are entitled to the flow at all times of one hundred inches of the waters of Jesse Creek for the purpose of irrigating their lands described in the complaint,their right to the use thereof,to date from the year 1867,said water to be measured under a four inch pressure.

2:- That Dalmar Manfull is entitled to the flow at all times of seventy-five inches of the waters of Jesse Creek measured under a four inch pressure, to be used upon his said lands,described in the answer,for the purpose of irrigating the same,his right to the use of the same to date from the year

75 0018 1867.
3:- That John Long is entitled to the flow at all times of fifteen inches of the waters of Jesse Creek,measured under a four inch pressure,for the purpose of irrigating his lands described in the answer,his right to the use thereof to date from the year 1867.

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Trans. R.D.
1932
1933

Trans. # 1932
1933
45-6019 John Wheeler and C.C. Willis are jointly entitled to the flow at all times of one hundred and eighty inches of the waters of Jesse Creek, measured under a four inch pressure, for the purpose of irrigating their ^{lands} in the answer described, and that their right to the use of the same shall date from the year 1868.

5:- That John Martin is entitled to the flow at all times of fifteen inches of the waters of Jesse Creek, measured under a four inch pressure, for the purpose of irrigating his lands ~~xxxxxxx~~ in the answer described, his right to the use thereof to date from the year 1888.

6:- That Sophronia Pollard is entitled to the flow at all times of five inches of the waters of said Jesse Creek, measured under a four inch pressure, to irrigate her said land in the answer described, the right to the use thereof to date from the first day of May, 1883.

7:- That Sophronia Pollard is also entitled to the flow at all times of one hundred inches of the waters of Jesse Creek, measured under a four inch pressure, for the irrigation of her lands described in the answer, her right to date from the first day of May, 1889.

8:- That Mrs. A.B. McCaleb is entitled at all times to the flow of seven inches of the waters of Jesse Creek, measured under a four inch pressure, to irrigate her said lot in the answer described, her right to the use thereof to date from the year 1869.

9:- That Ira Tingley is entitled to the flow at all times of five inches of the waters of Jesse Creek, measured under a four inch pressure, for the purpose of irrigating his said lot, his right to the use thereof to date from the year 1877.

10:- That F.M. Pollard is entitled at all times to the use of all the waters of Jesse Creek, for fluming purposes, so long as he continues the use of the same as heretofore used by him.

11:- That George L. Shoup, Jas. McNab and W.M. McPherson are entitled to the flow at all times of twenty-five inches of the waters of Jesse Creek, measured under a four inch pressure, to irrigate the lot of land described in their answer, their right to the use of ^{the} same to date from the first day of May of the year 1884.

12:- That each of the parties hereto, to whom a right to the use of the waters of Jesse Creek is decreed, shall be perpetually and they are hereby perpetually

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enjoined from using said waters in any manner or to any greater extent than herein found, and a disobedience of this order shall be punished as a contempt of this Court, upon application of any party injured by such disobedience.

13:- That the waters herein mentioned shall be measured to the parties entitled thereto under a four inch pressure, and in case any of the parties hereby declared to be entitled to the use of the waters of Jesse Creek, shall disagree in the measurement or diversion of the water, the Court shall upon the application of any of the parties hereto, appoint a commissioner for the purpose, and the Court reserves the right at any time, should it appear to its satisfaction that such action is necessary, to direct the measurement and the method of issuing the water to the parties herein decreed, according to their respective rights.

14:- That no party shall be permitted to use any of the waters of Jesse Creek after the season of 1893, until he shall have first placed at the head of his ditch, a strong board box, fixed on a solid foundation, through which the water can be accurately measured, and all of the water herein decreed to the respective parties shall be measured at the head of said box.

15:- That Mary S. Wood, Jas. Deatley, Thomas Holbert and Catherine French are not entitled to the use of any waters of Jesse Creek for the purpose of irrigation or otherwise, and they shall be and are hereby perpetually enjoined from any use of, or interference with, any of said waters from Jesse Creek.

16:- That each of the parties hereto shall pay his own witnesses, and the other costs in the case shall be paid as follows:

One fourth by the plaintiff; one-fourth by the defendants Manfull and Long; one-fourth by defendants Wheeler and Willis, and the remaining one-fourth by the remaining defendants equally, and Execution may ^{be} issued therefore. Done in open Court this 30th, day of September, 1893.

By the Court,

D. W. Standrod,

Judge District Court.

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State of Idaho, }
County of Lemhi.) -ss-

I, the undersigned, Clerk of the District Court of the Sixth Judicial District of the State of Idaho, in and for said Lemhi County, do hereby certify the foregoing to be a true copy of the judgment entered in the ~~xxxxxx~~ action wherein E. T. Andrews and W. S. Andrews were plaintiffs and John Martin, et. al. were defendants, and recorded in Judgment Book "A" of said Court, at page 251, in my office.

In witness whereof, I have hereunto set my hand and affixed the seal of said Court this 4th day of April, 1903.

W. C. Smith
Clerk.

JUL 31 1936

INCREASING RIGHTS ON JESSE CREEK - LINCOLN COUNTY - DIST. S-L.

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

ADA P. POPE, as Executrix of
the Estate of Horace G. Pope,

Plaintiff,

No. 2354

vs.

ERNEST LONG, et. al.,

Defendants.

DECREES.

Ada P. Pope

1.2 o.f.s.

April 1, 1908

Glen S. Bradley

4/10 o.f.s.

April 1, 1913

JUL 31 1996

75-12

E.T.Andrews et al,
vs
John Marti et al,

The following described land is the land covered by
the allotment of Decree dated Sept.30 1893.

Land of H.T. Andrews,
S 1/2 NE 1/4, W 1/2 SE 1/4, Section 31, Township 22 North Range 22 East of
Boise Meridian, Lemhi County, Idaho. Unpatented at the date of Decree.

Land of William S. Andrews,
S 1/2 SW 1/4, Section 31, Lots 3, 6 and 8, Section 32, Township 22 North of Range
22 East, of Boise Meridian, Lemhi County, Idaho, unpatented at the date of the
Decree.

I send of John Martiny,
 Not patented,

Land of Palmer Manfull,
SE 1/4 SW 1/4, SW 1/4 SE 1/4, Section 30, NW 1/4 NE 1/4, NE 1/4 NW 1/4, Section
31, Township 22 North of Range 22 East of Boise Meridian, Tenth County, Idaho,
unpatented at the date of the Decree.

Land of John Long,
E 1/2 NW 1/4, SW 1/4 NE 1/4, Section 30 Township 22 North of Range 22 East
of Boise Meridian, Lemhi County, Idaho,
Unpatented at date of Decree.

Land of O.O. Willis,
 NE 1/4 SE 1/4, Section 30, W 1/2 SW 1/4 NE 1/4 SW 1/4, Section 29, Township 22
 North of Range 22 East Boise Meridian, Lemhi County, Idaho
 Unpatented at the date of the Decree.

JUL 31 1996

Land of John H. Wheeler,

NE 1/4 NE 1/4, Section 30, NW 1/4 NW 1/4, Sec 29, E 1/2 SE 1/4 Section 19,
Township 22 North, of Range 22 East of Boise Meridian, Lemhi County, Idaho,
Unpatented at date of Decree.

Land of F.M. Pollard,

SE 1/4 SW 1/4, S 1/2 SE 1/4, NE 1/4 SE 1/4 Section 2, Township 21 North of
Range 21 East of Boise Meridian, Lemhi County, Idaho,
Unpatented at date of Decree.

Land of Ira Tingley,

SW 1/4 NE 1/4, and Lots 6, 7, 8 and 9, Section 6, Township 21 North of Range
22 East of Boise Meridian, Lemhi County, Idaho.

Unpatented at date of Decree.

Land of Mrs A.B. McCaleb,

Practition Lots (9 & 10) Section 6, Township 21 North of Range 22 East of
Boise Meridian, Lemhi County, Idaho,
Unpatented at date of Decree.

Land of George L. Shoup, A.J. Macmah and W.M. McPherson,

Lots One and Ten Section Six, Except that part of Lot 10 owned by Mrs A.B.
McCaleb, Township 21 North of Range 22 East of Boise Meridian, Lemhi County,
Idaho. Unpatented at the date of the Decree.

Land of Sophronia A. Pollard,

SW 1/4, and SE 1/4, Section one, Township 21 North, of Range 21 East of Boise
Meridian, Lemhi County, Idaho. Unpatented at the date of the Decree.

RECORDED
JUL 22

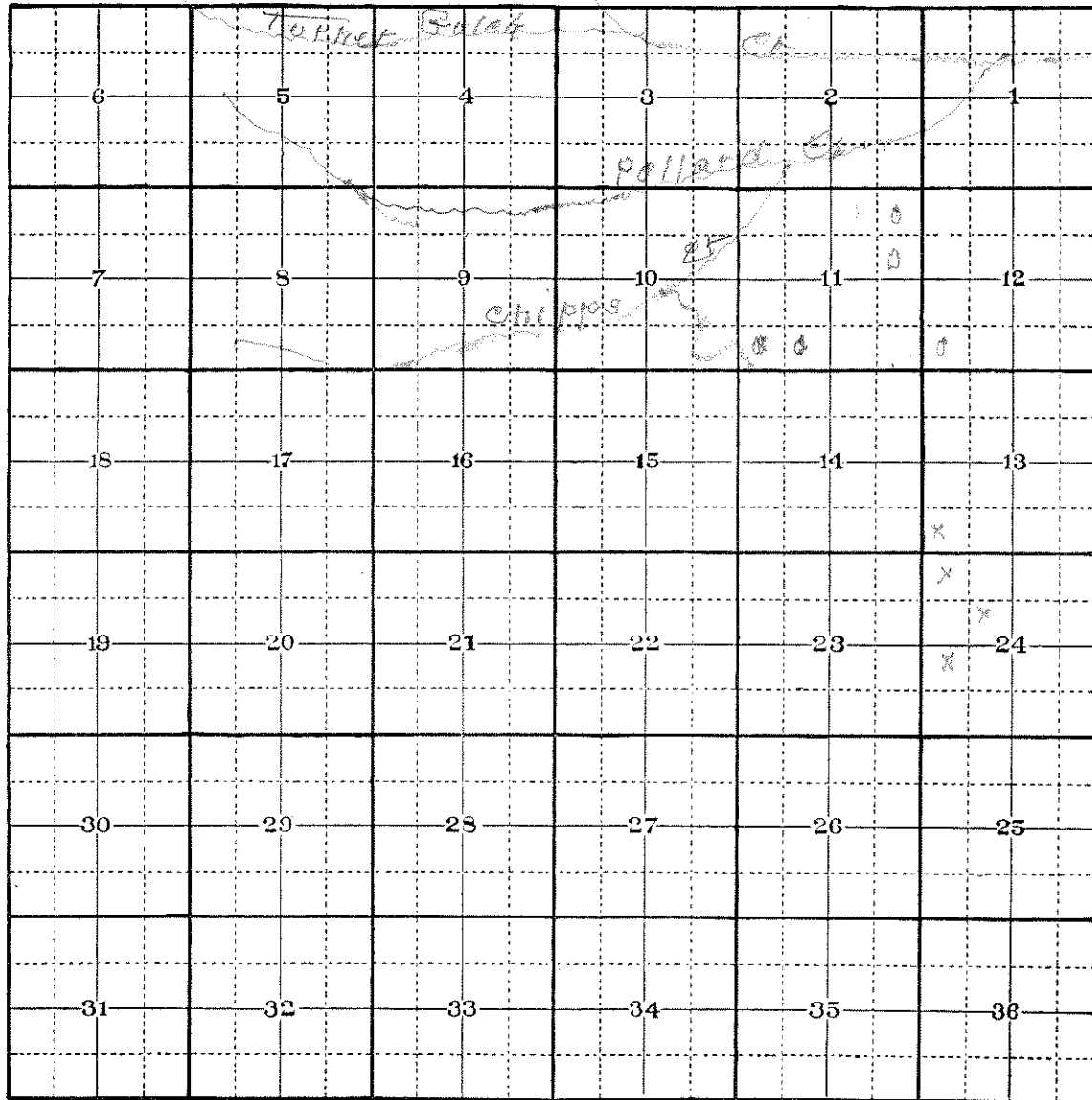
Gladio M Edwards Permit, 2898-17
3.2 6 7- Chippeween
75-A

P.D. - NW 36/4 - 10 - 21-21

Place of Use - 18 + 24 - 21-21

SCALE: ONE INCH TO ONE MILE

Township 21 N Range 21 E



JUL 31 1996

122N
121N

06118 JUNE

220E
221E

7

6

31

30

8

5

32

29

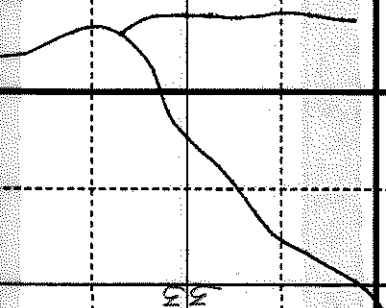
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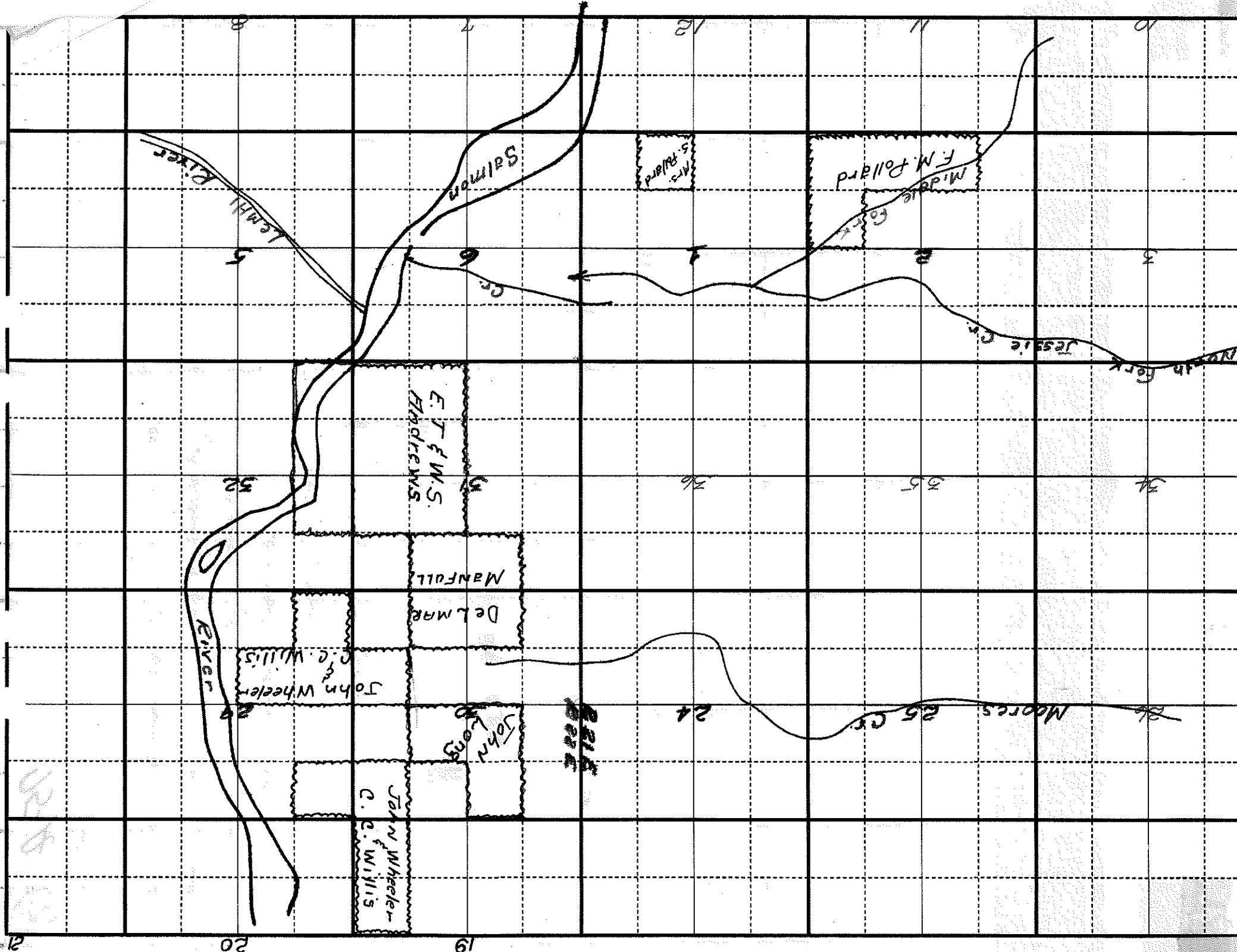
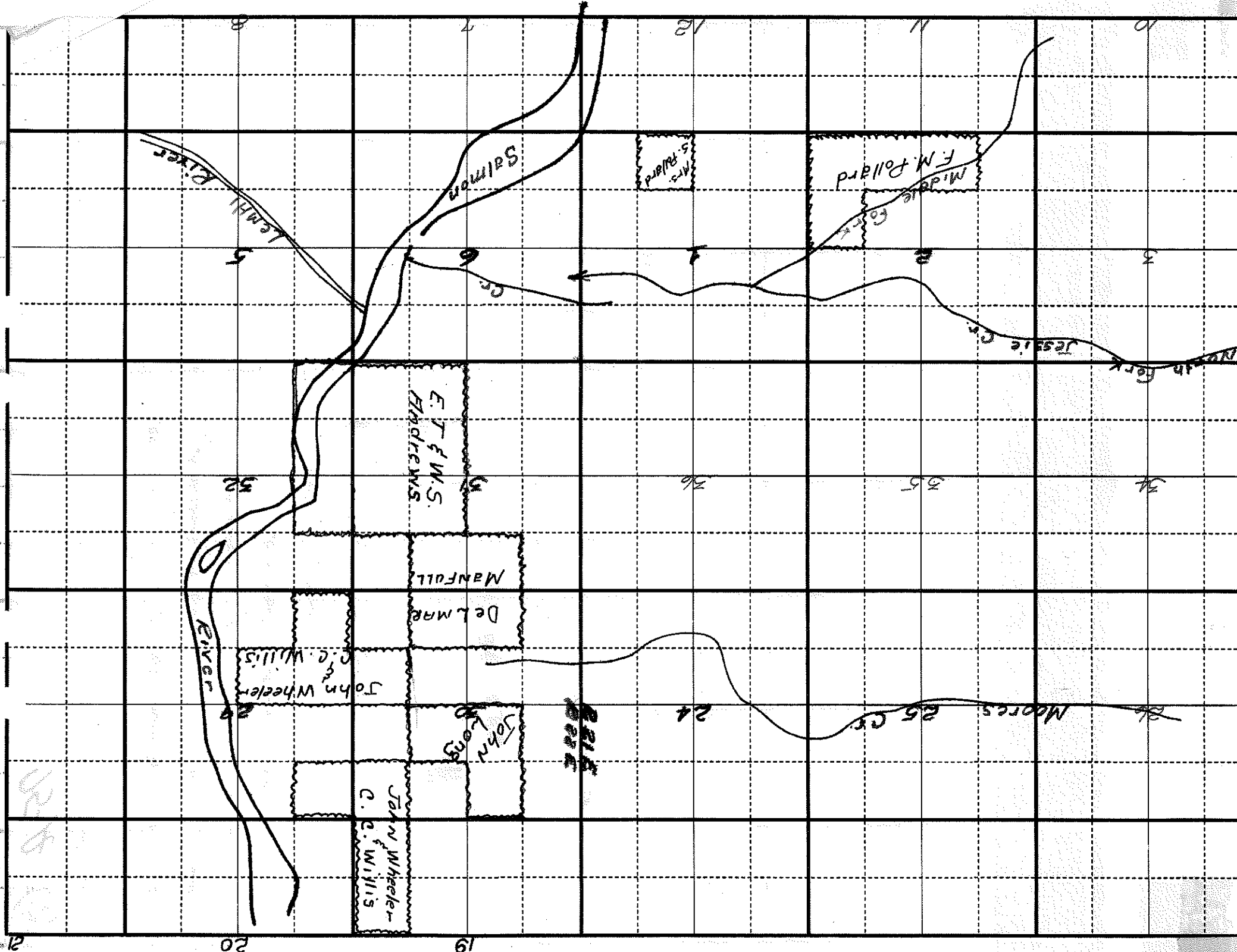
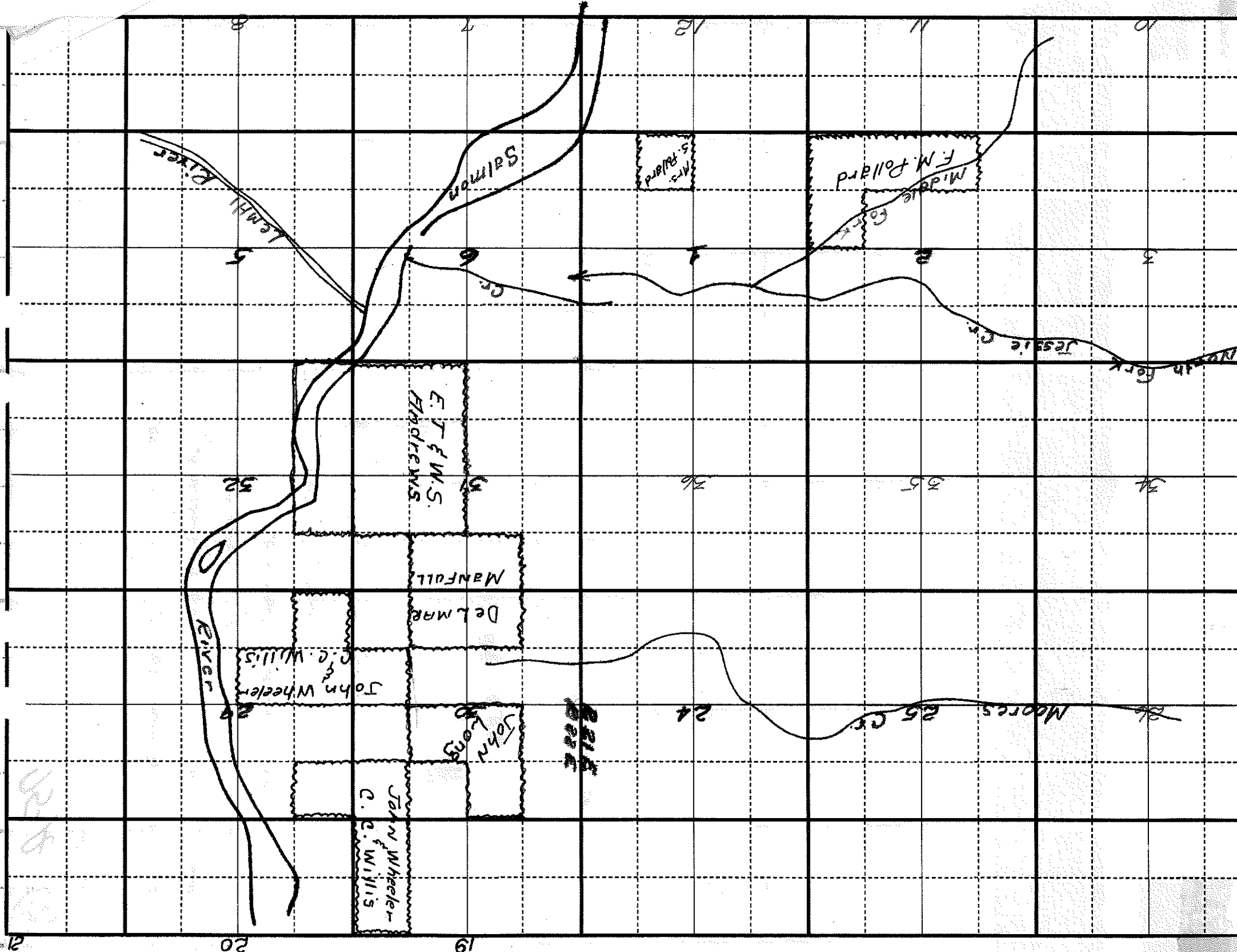
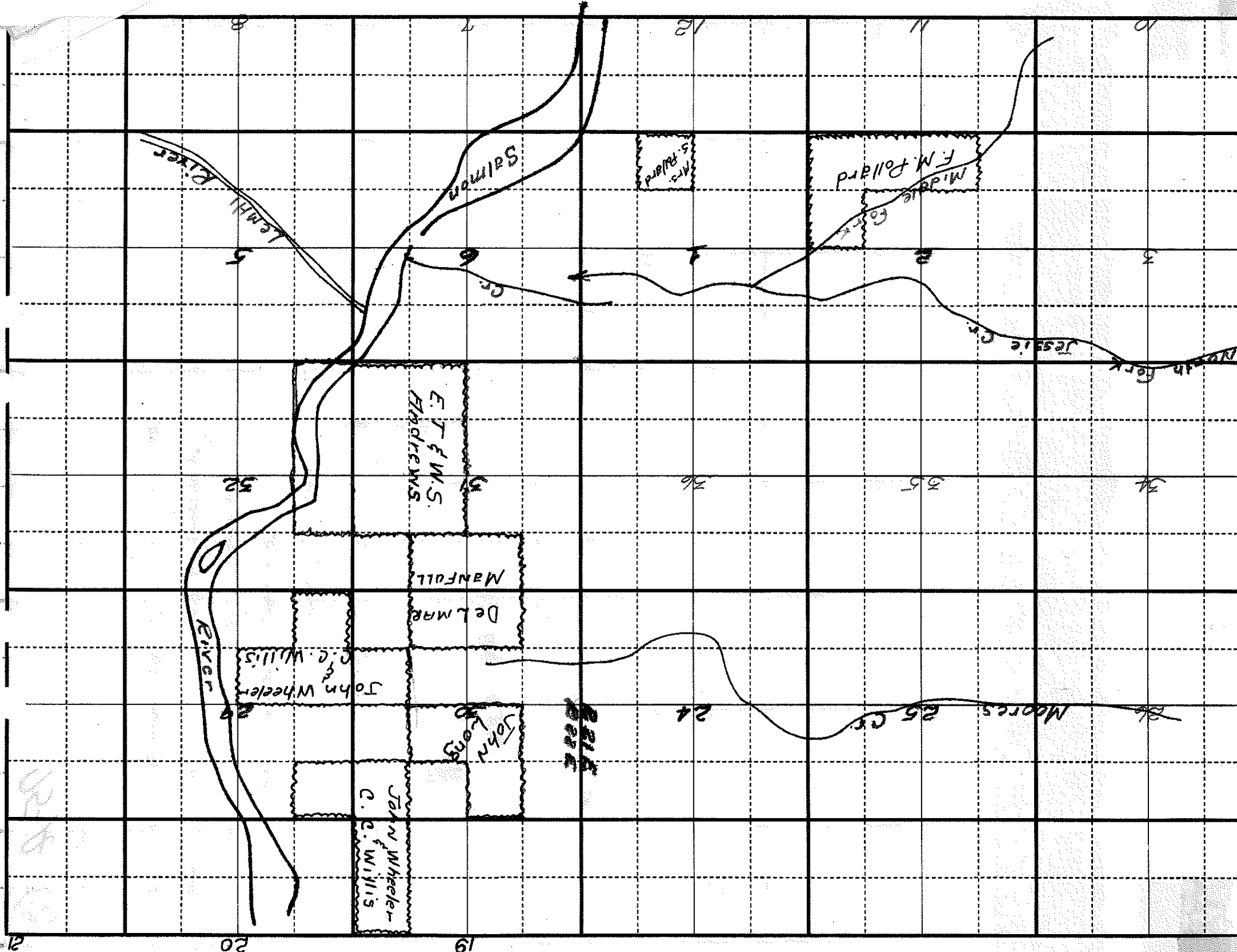
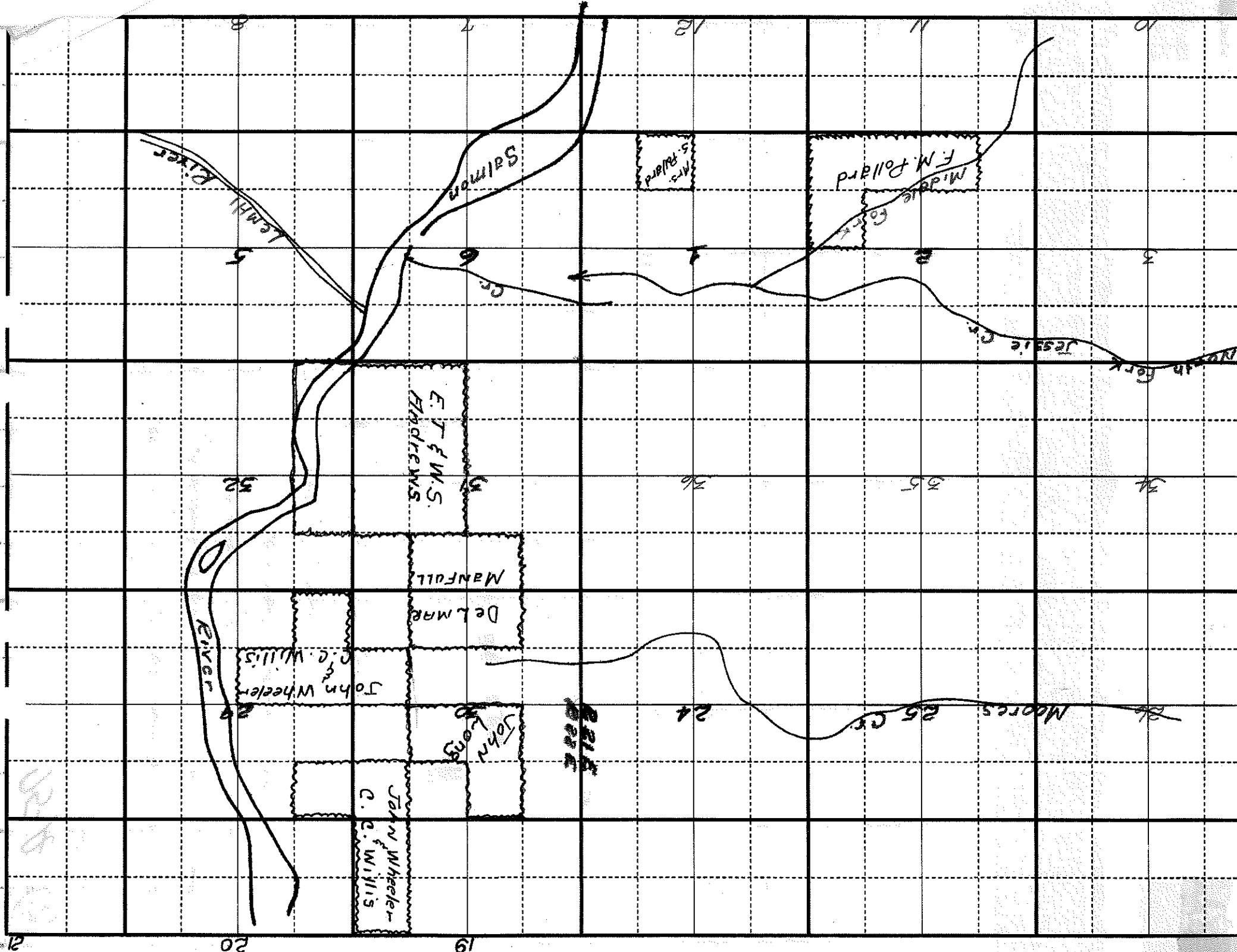
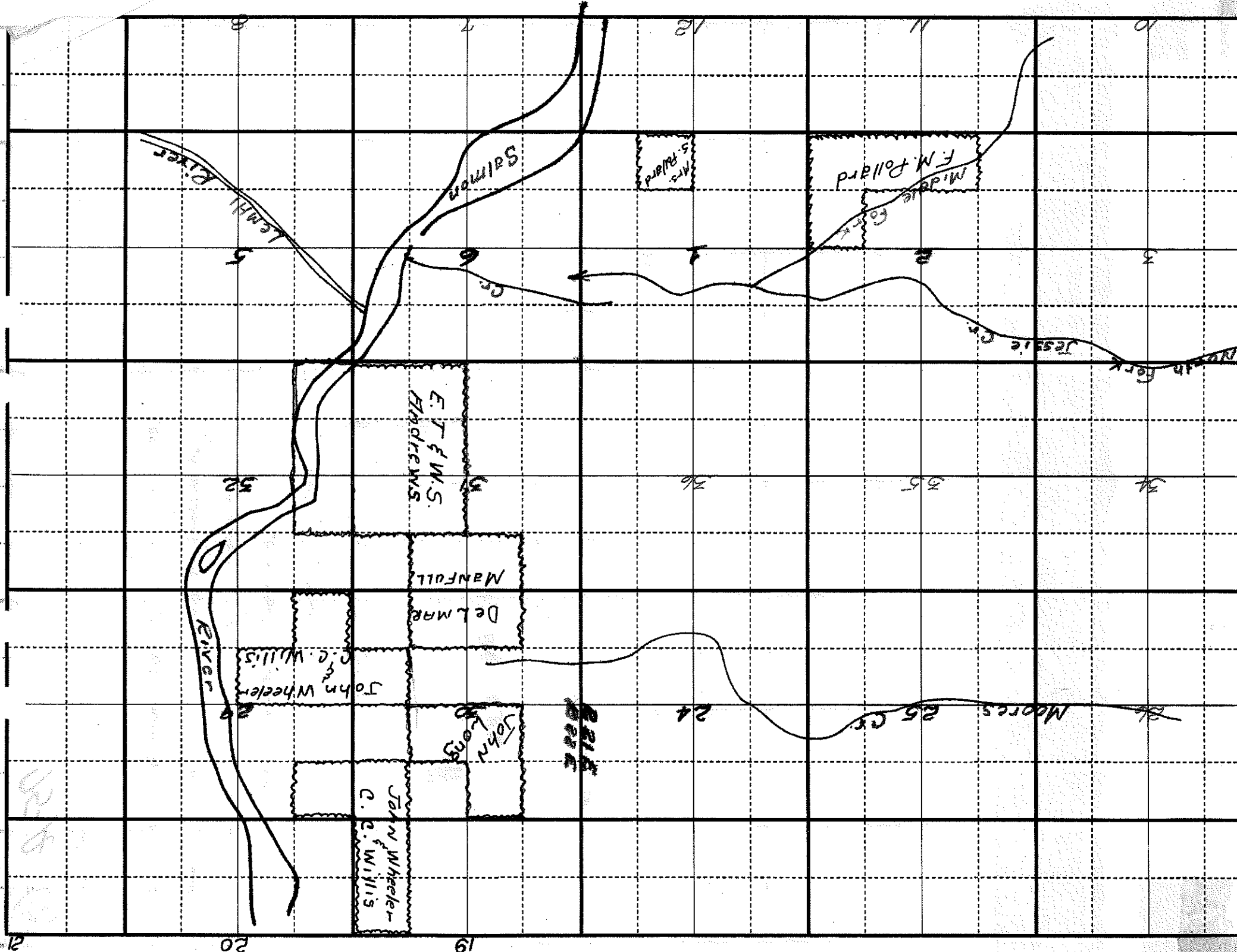
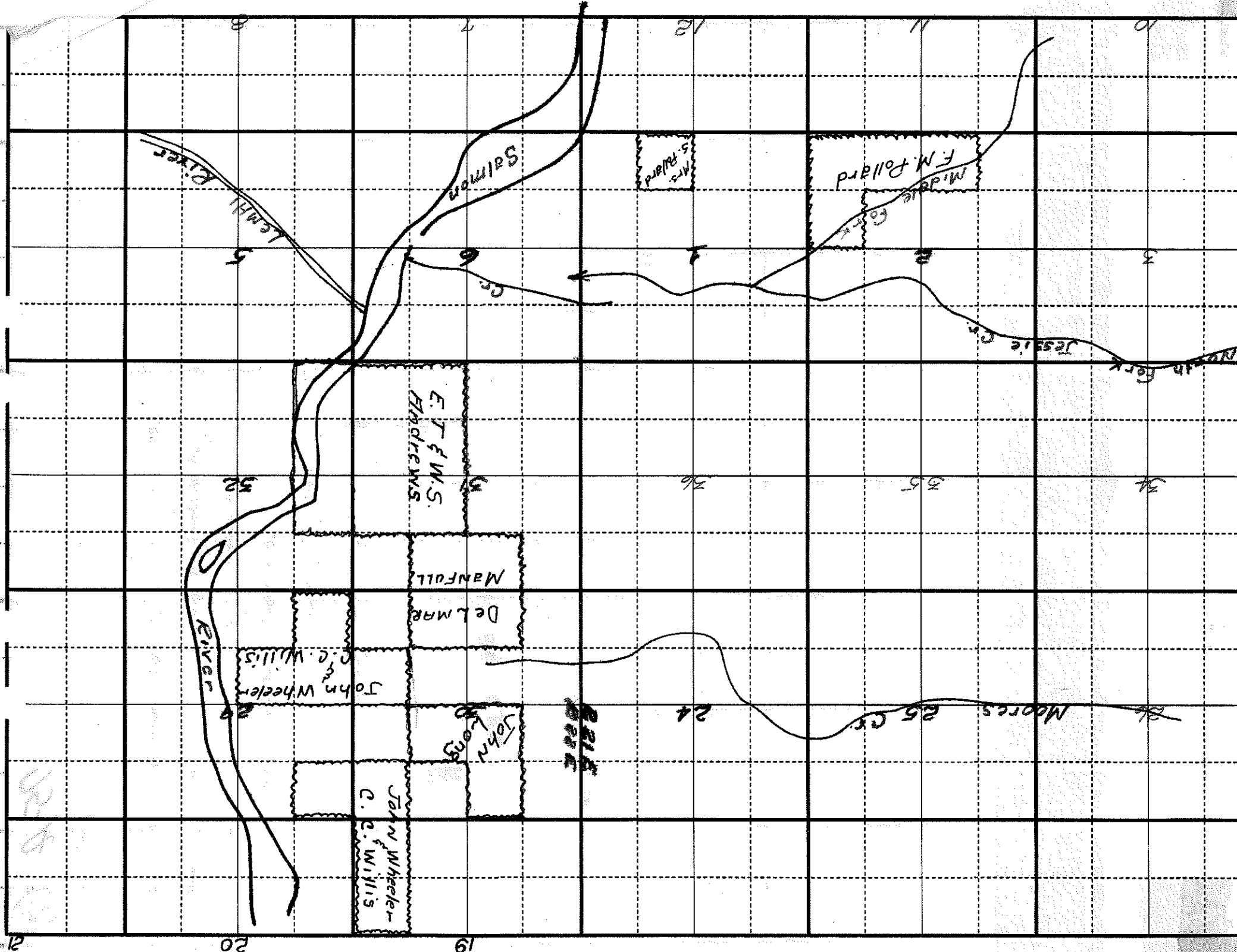
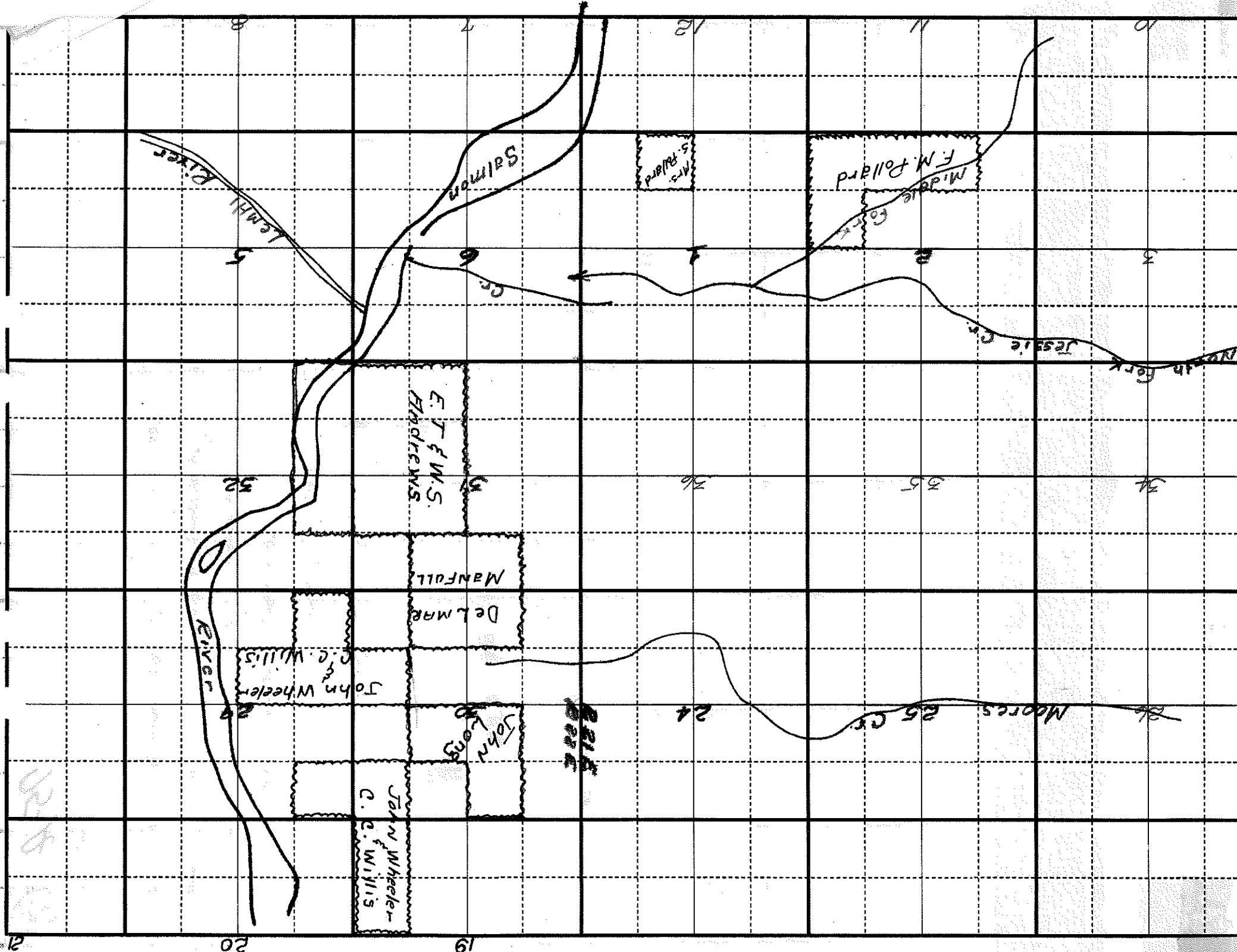
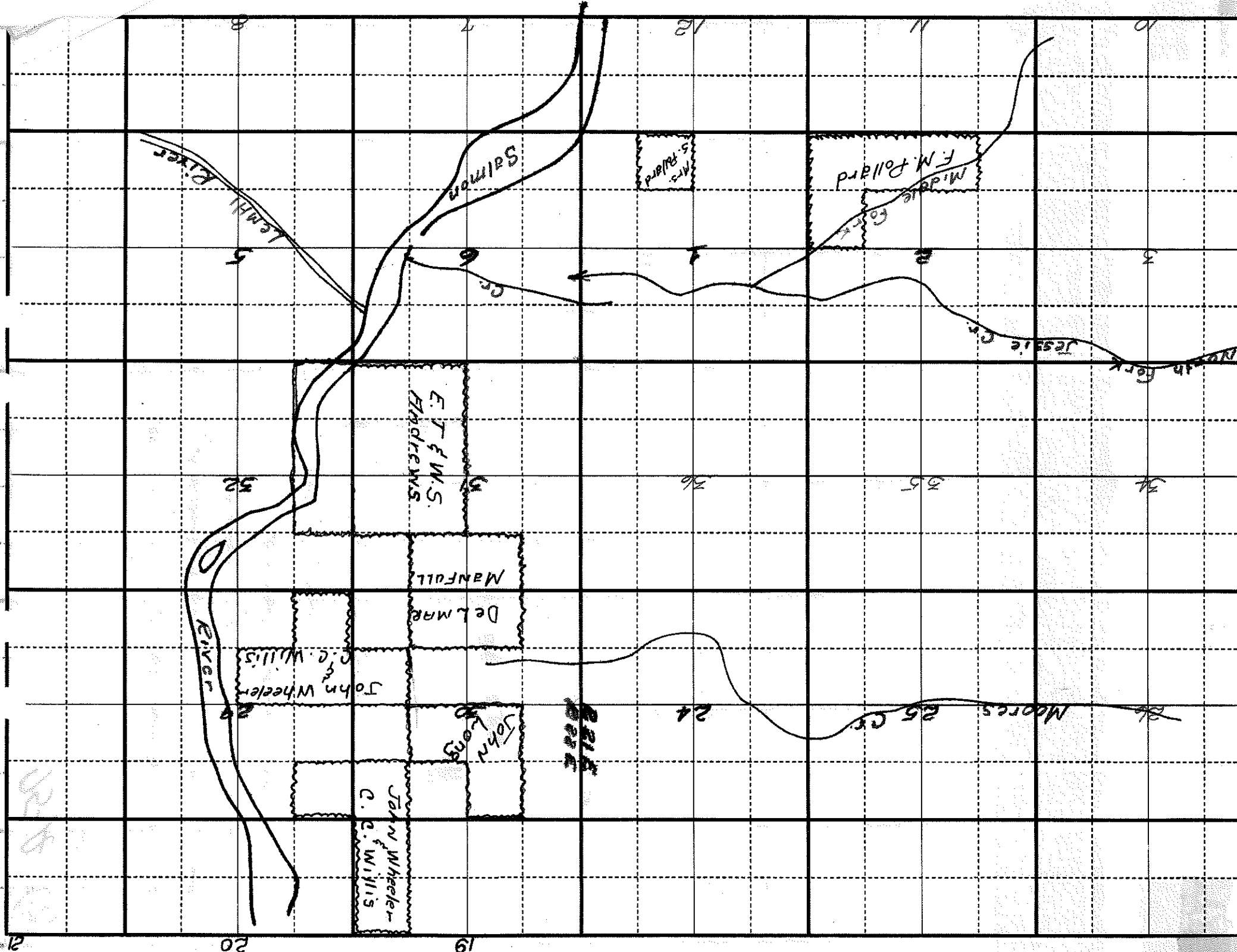
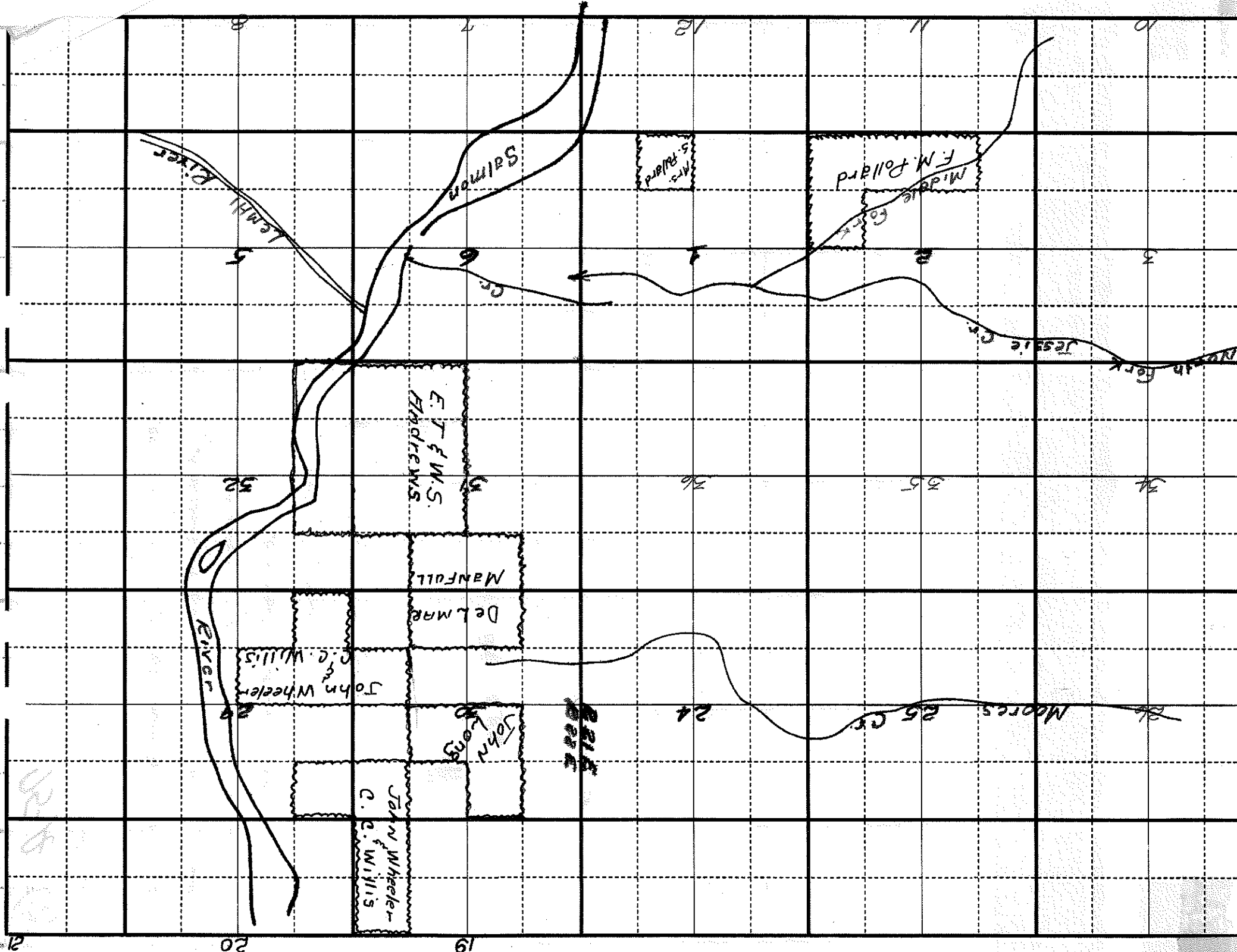
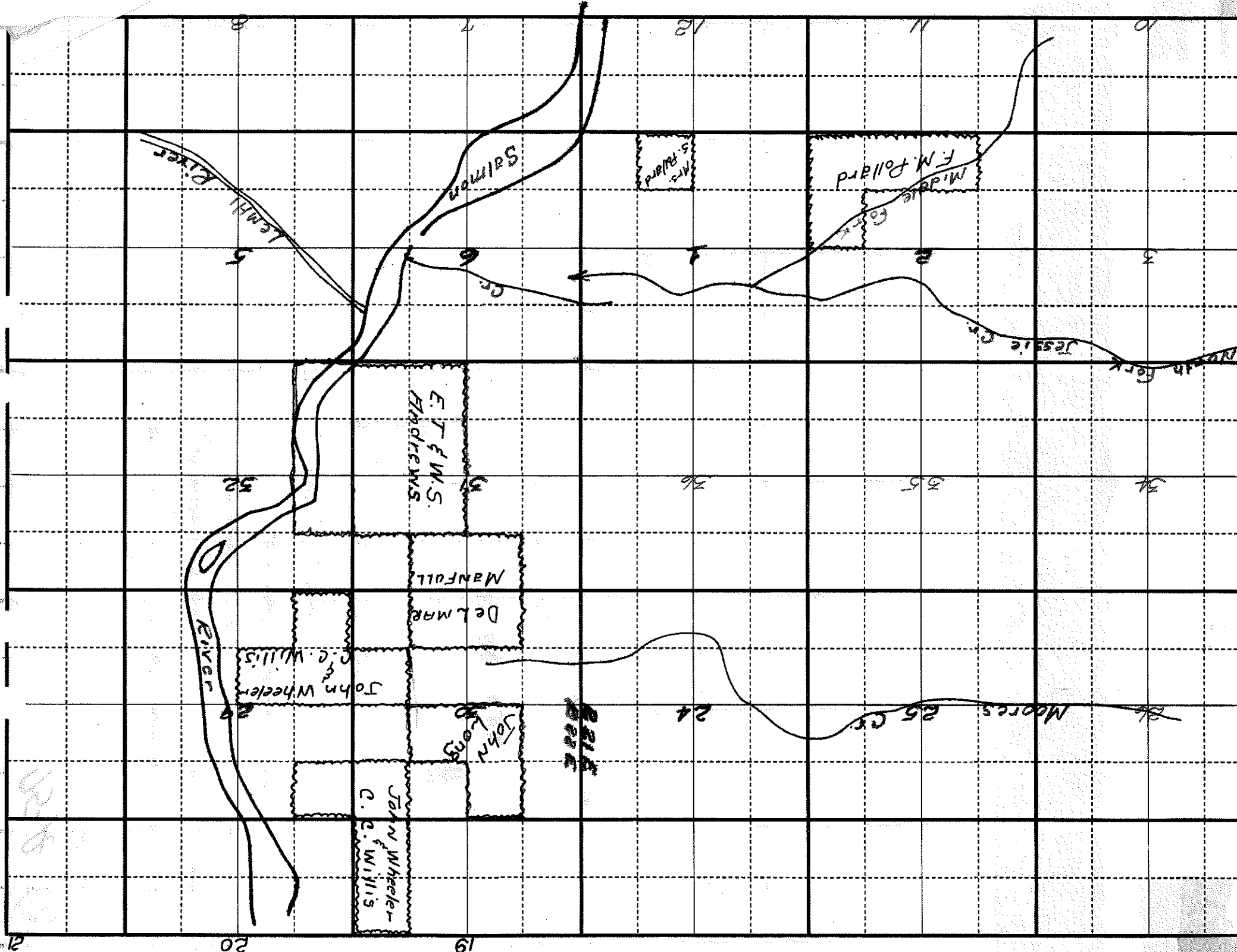
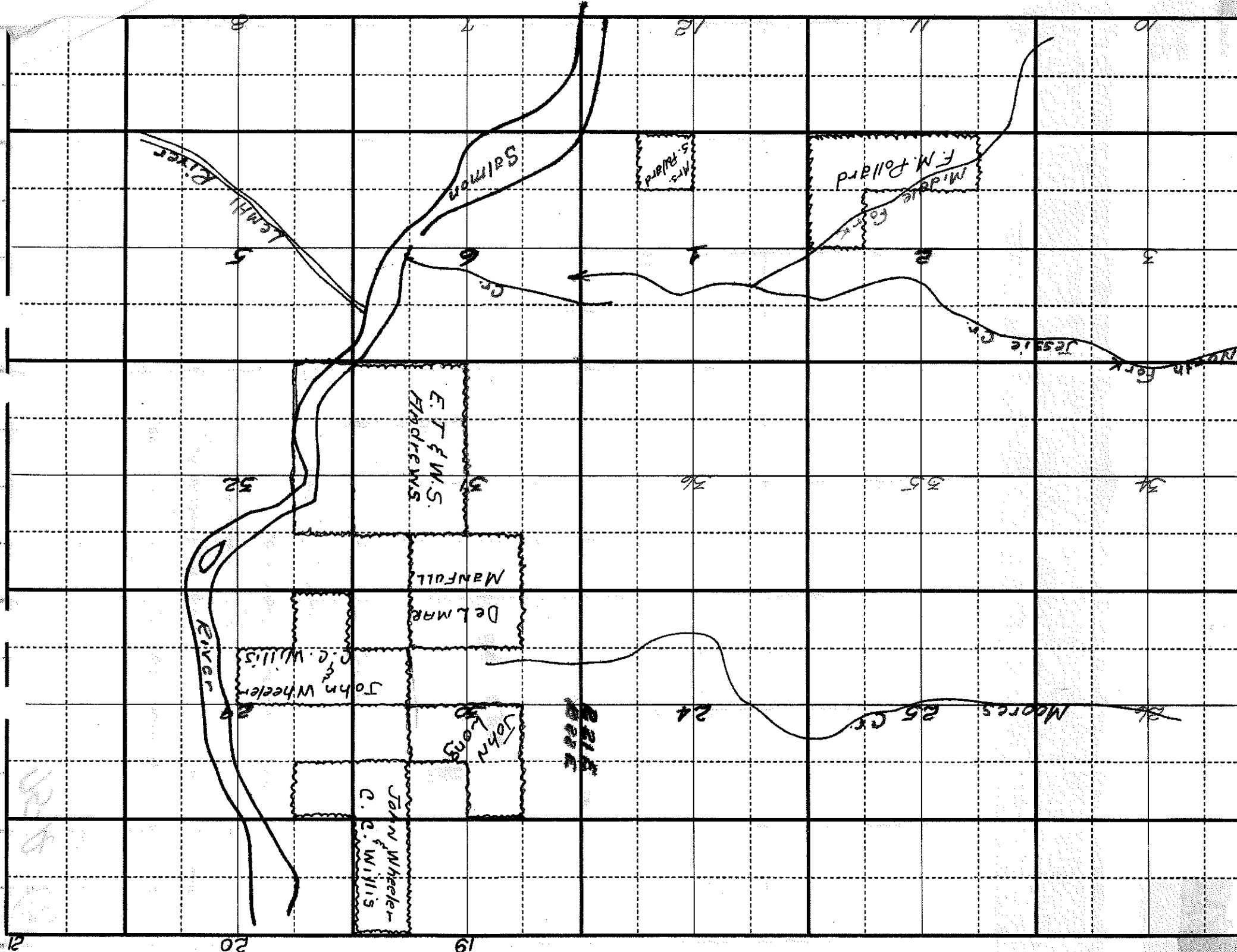
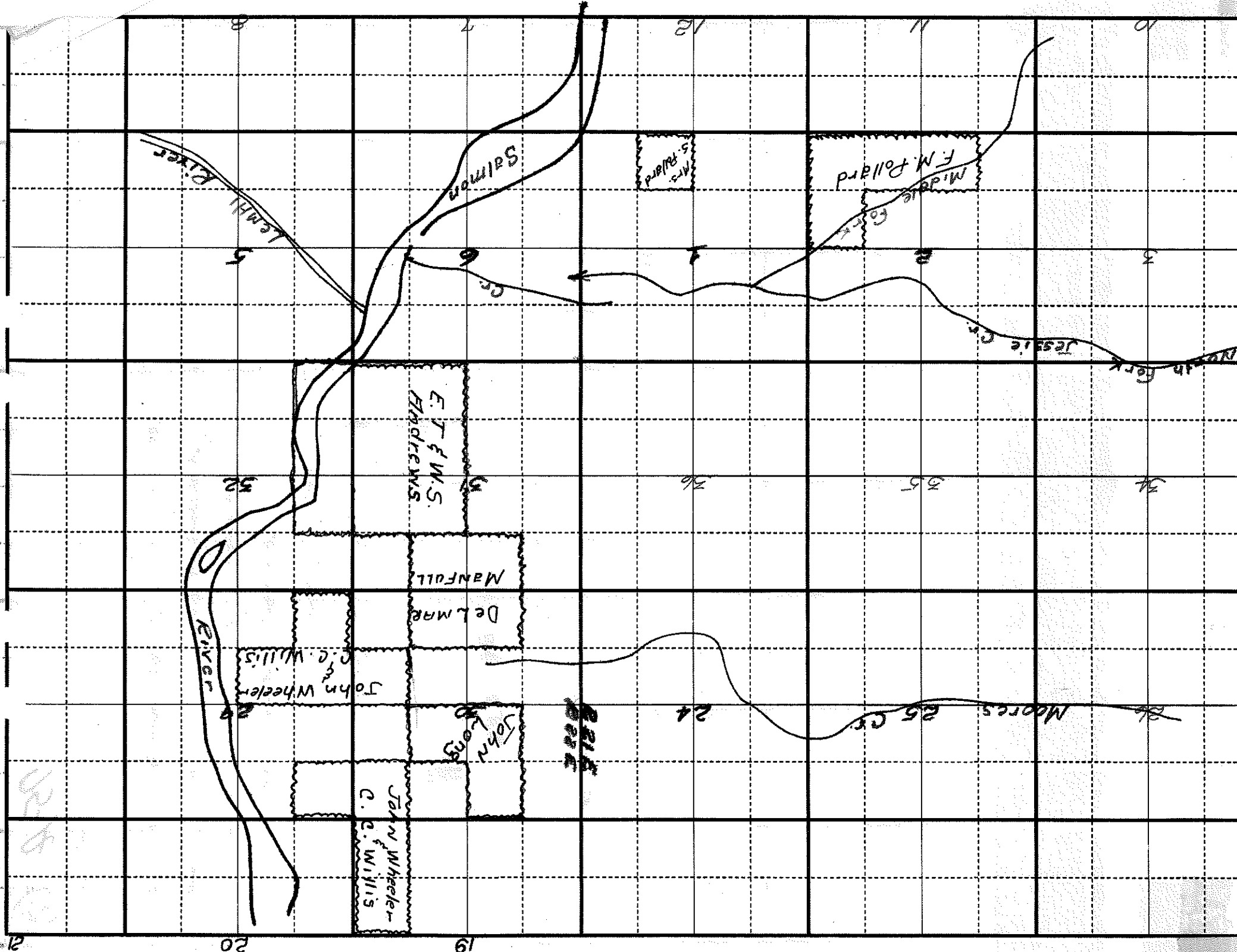
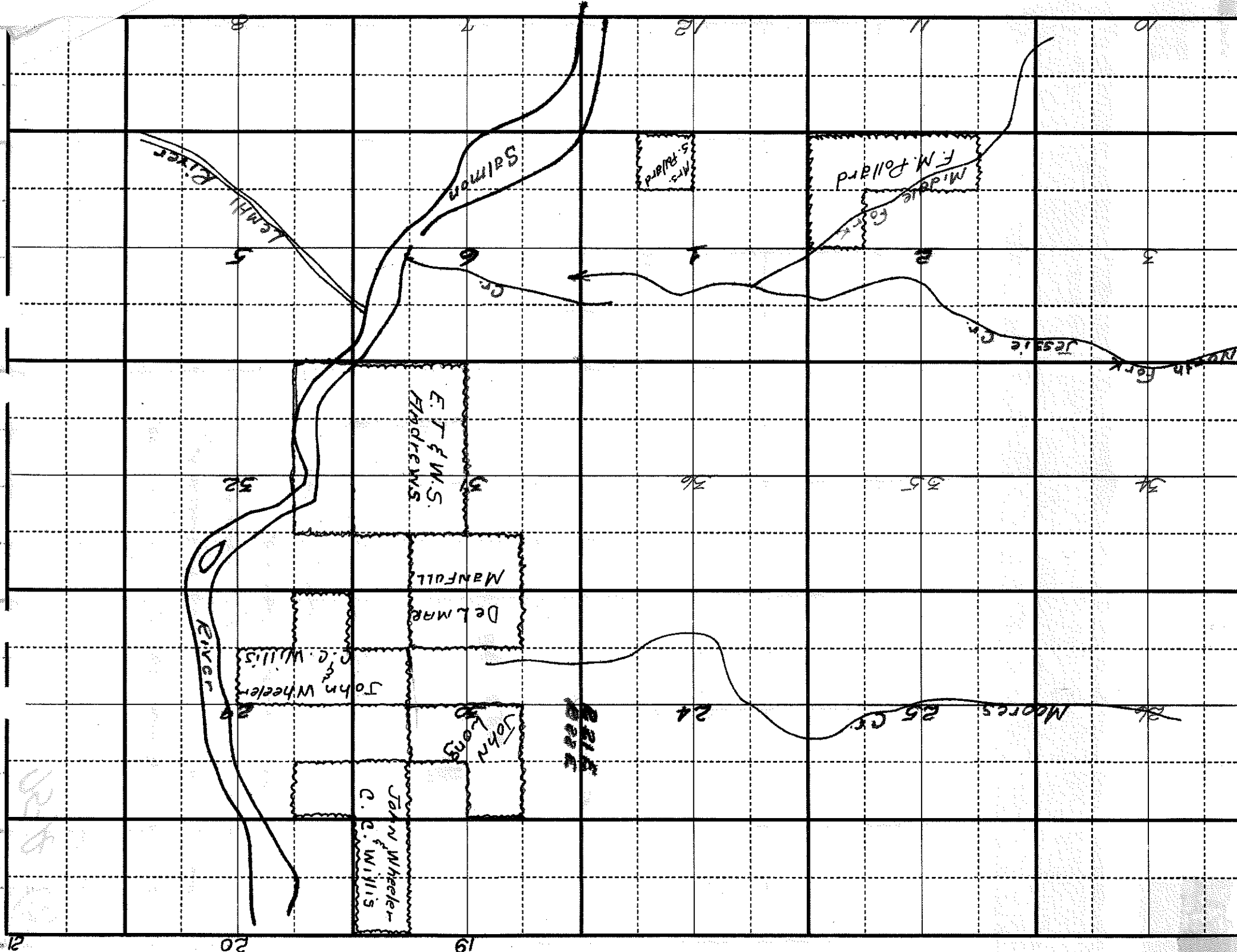
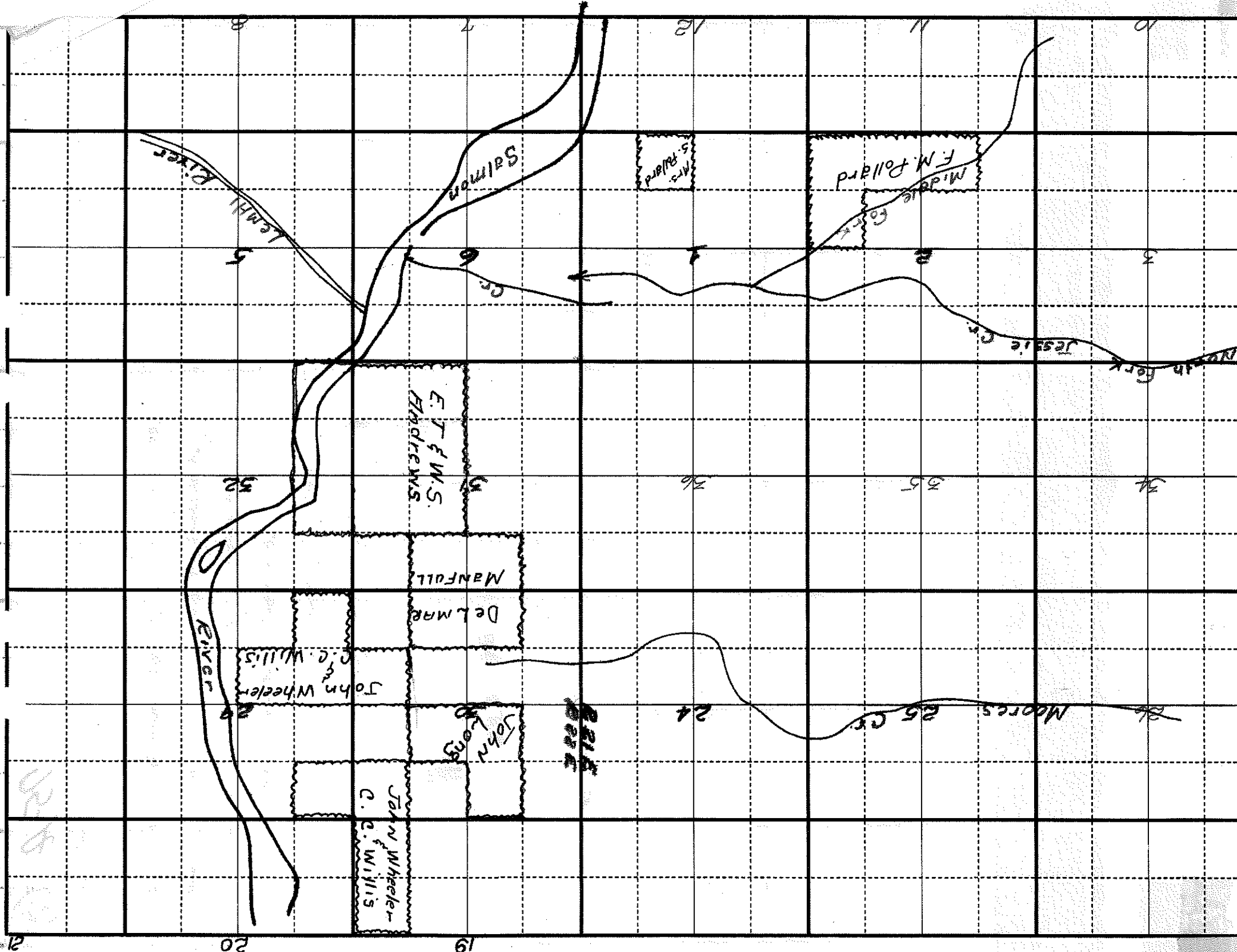
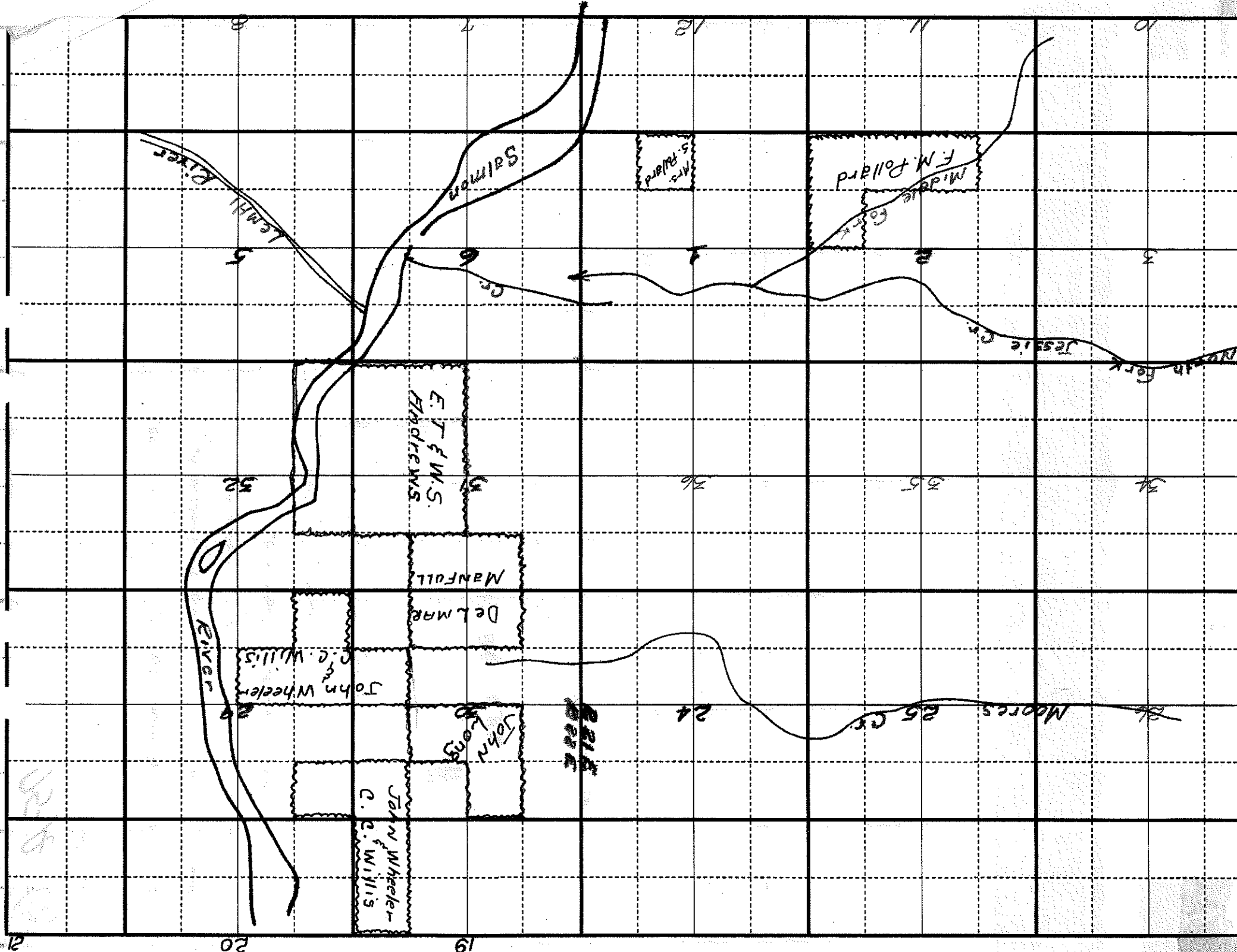
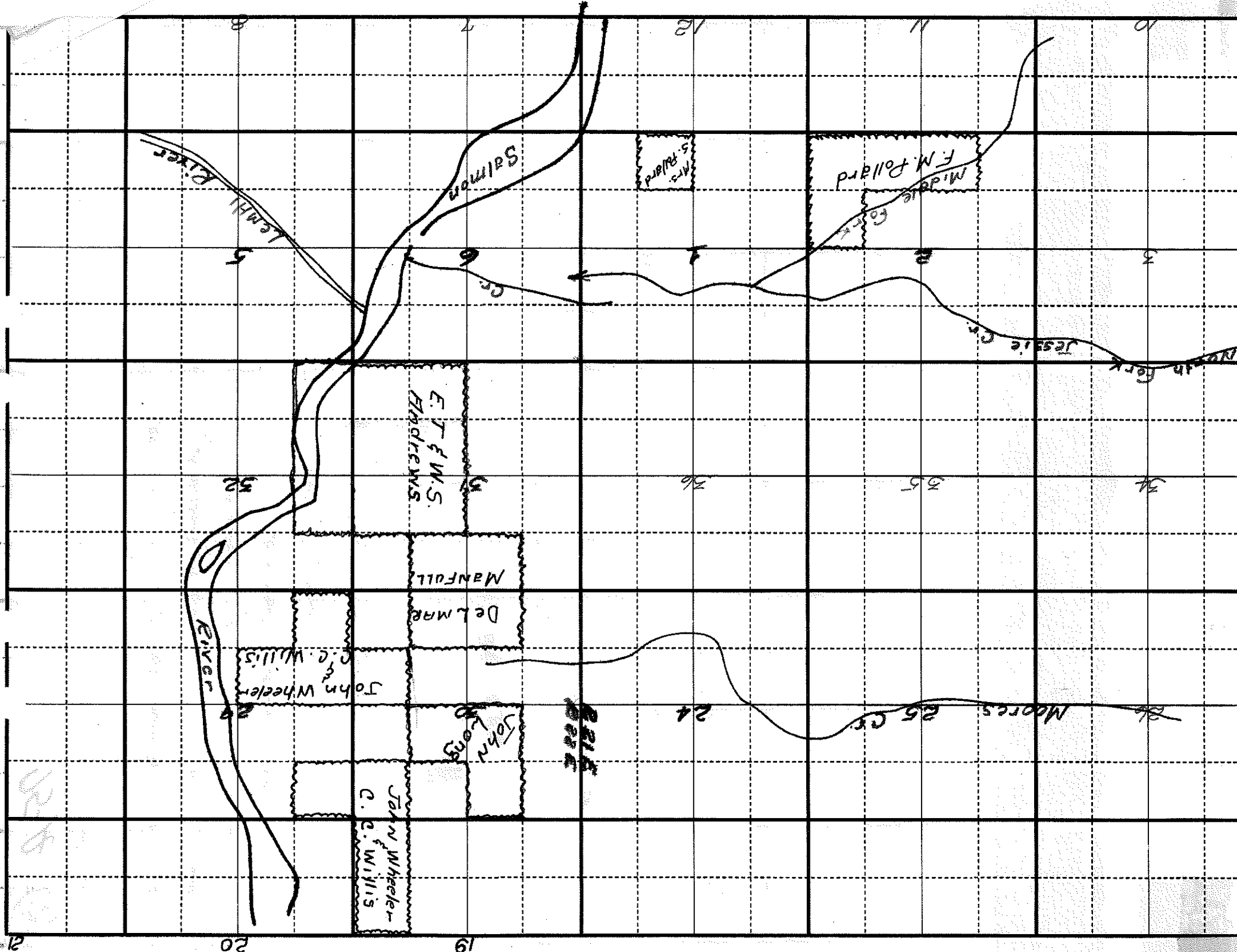
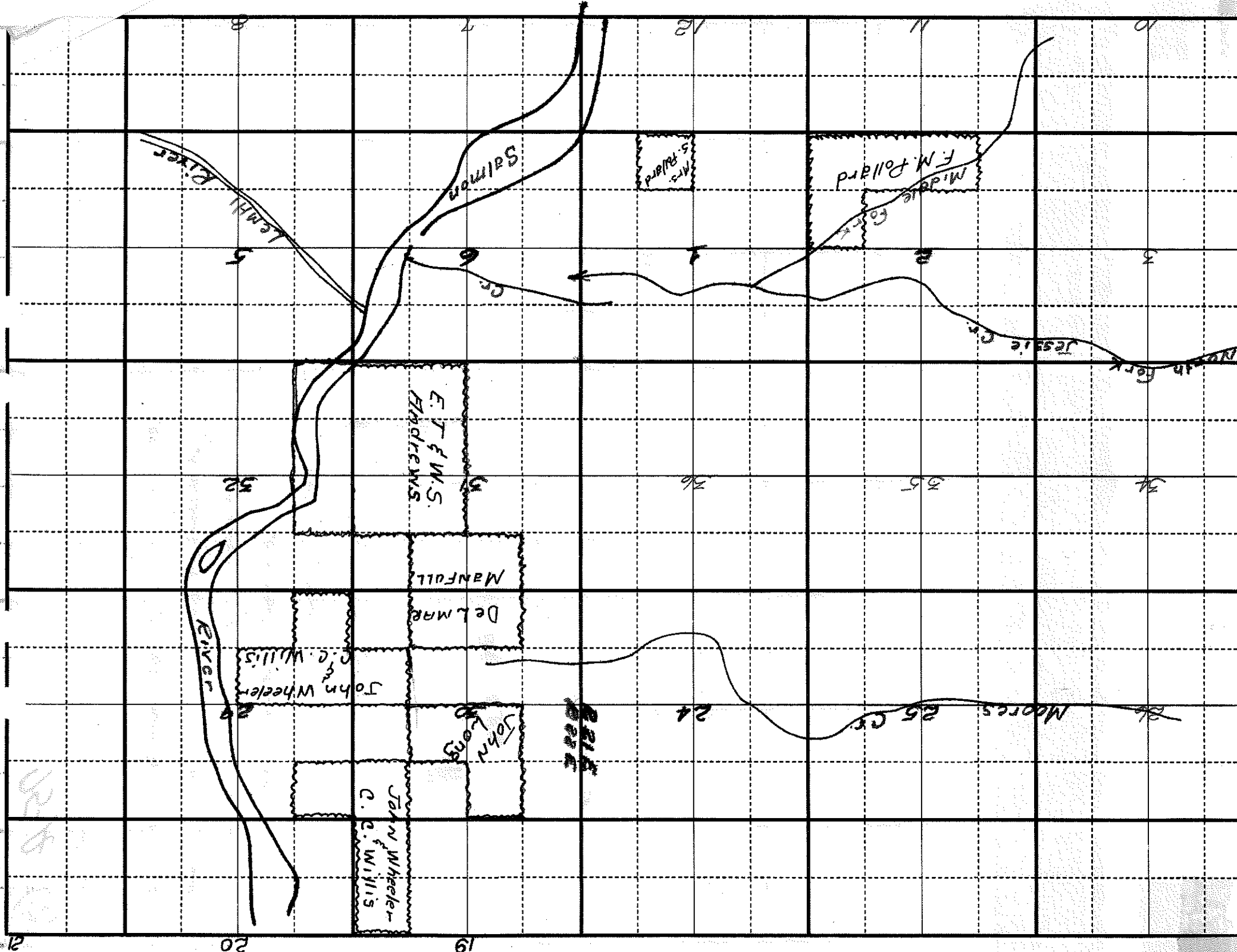
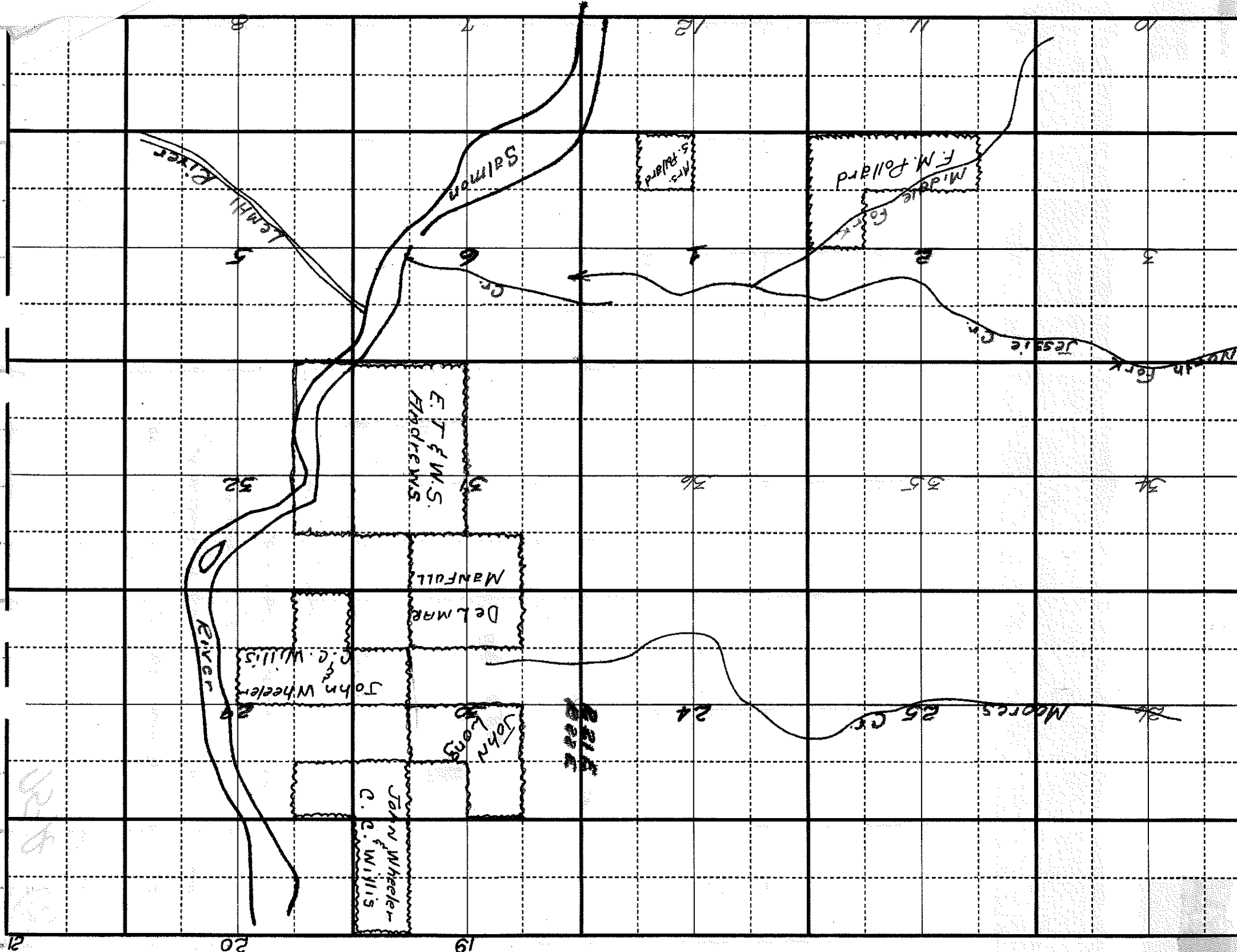
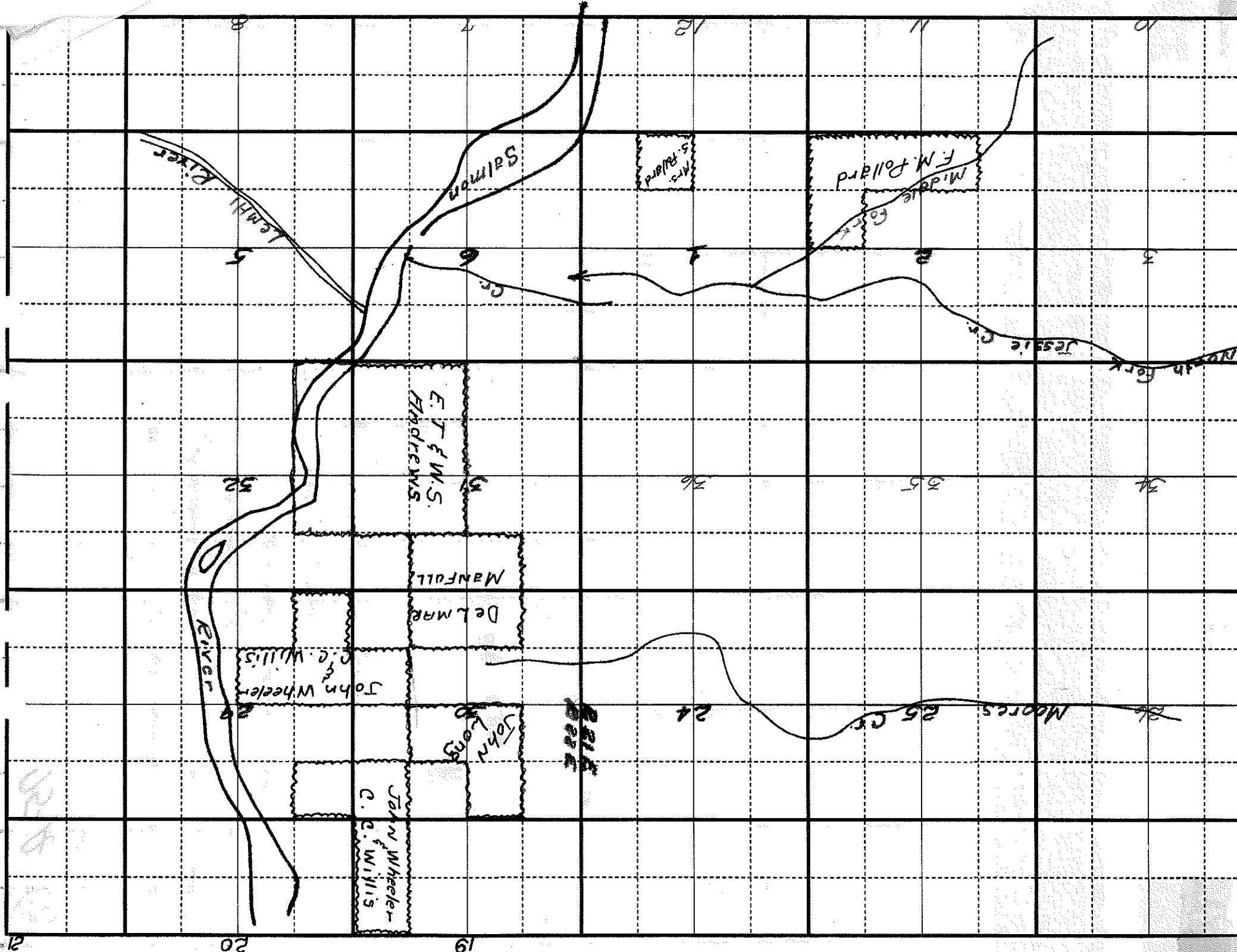
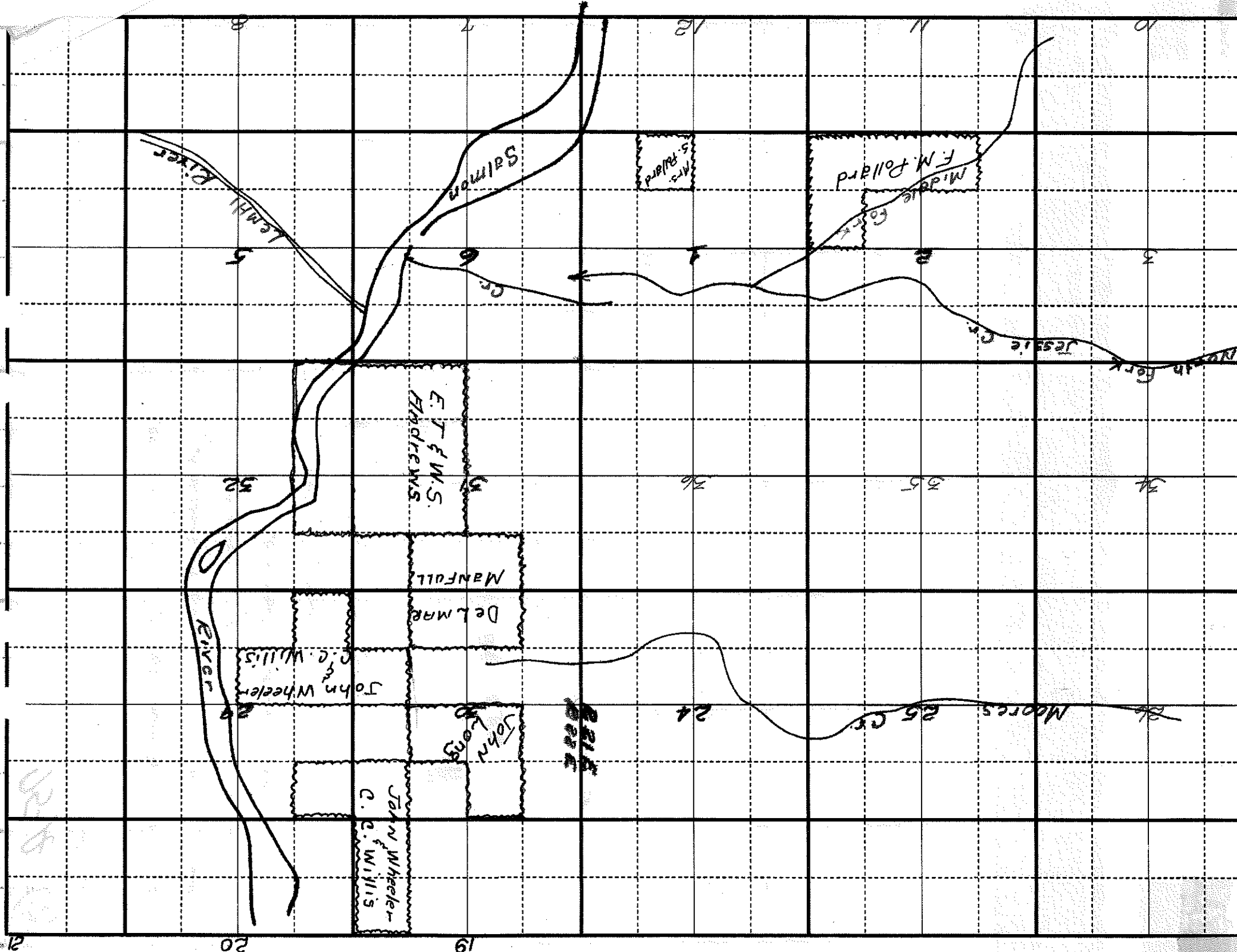
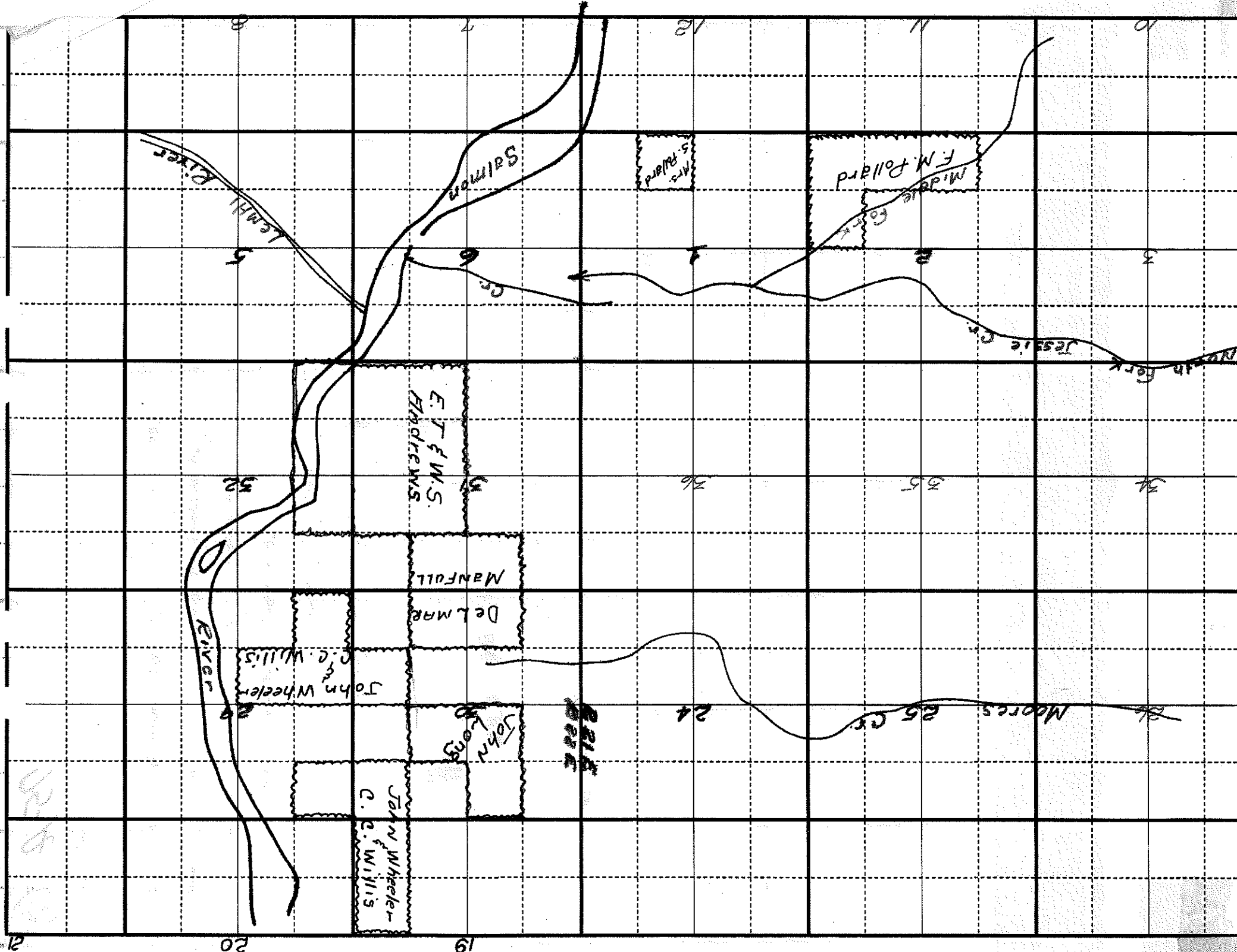
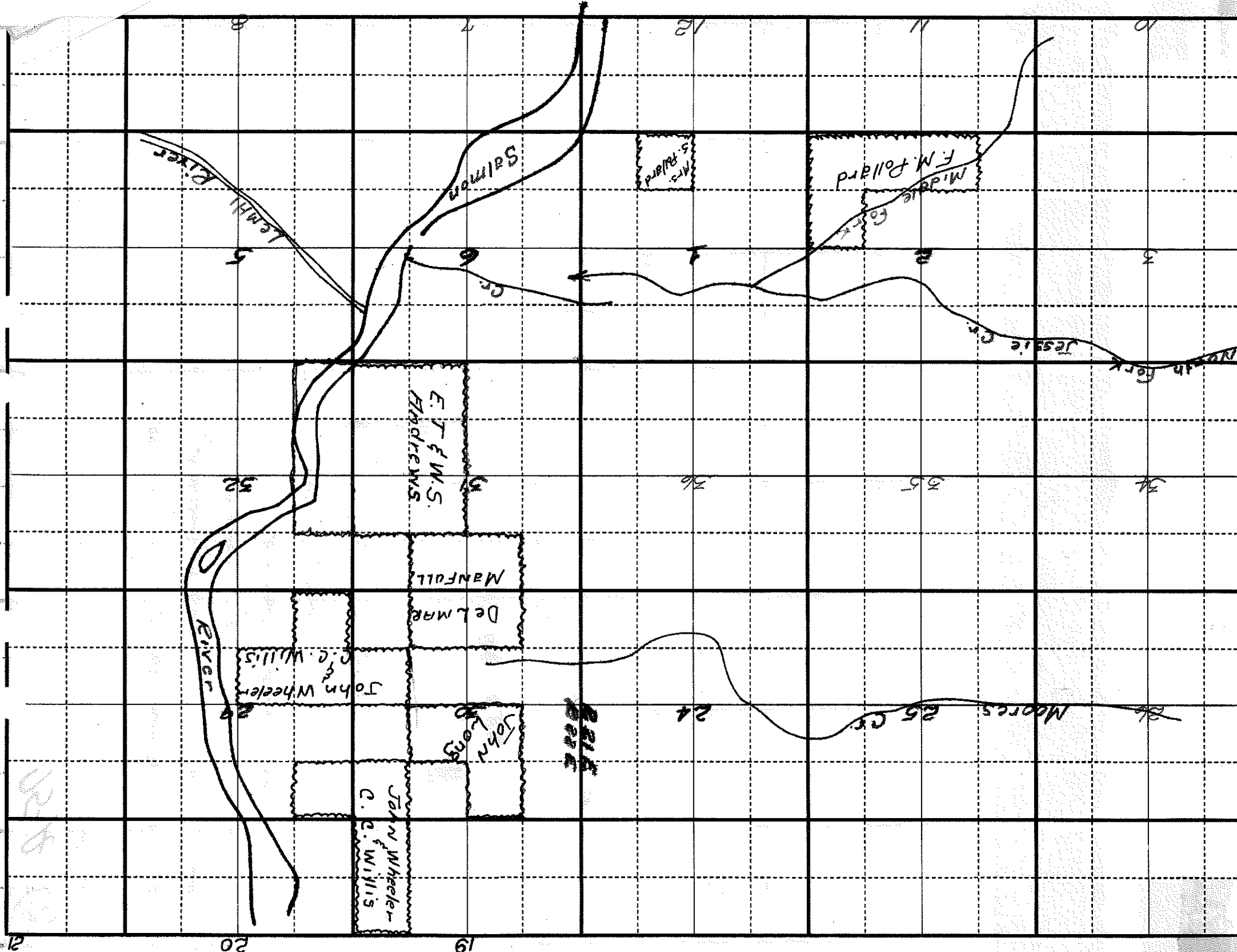
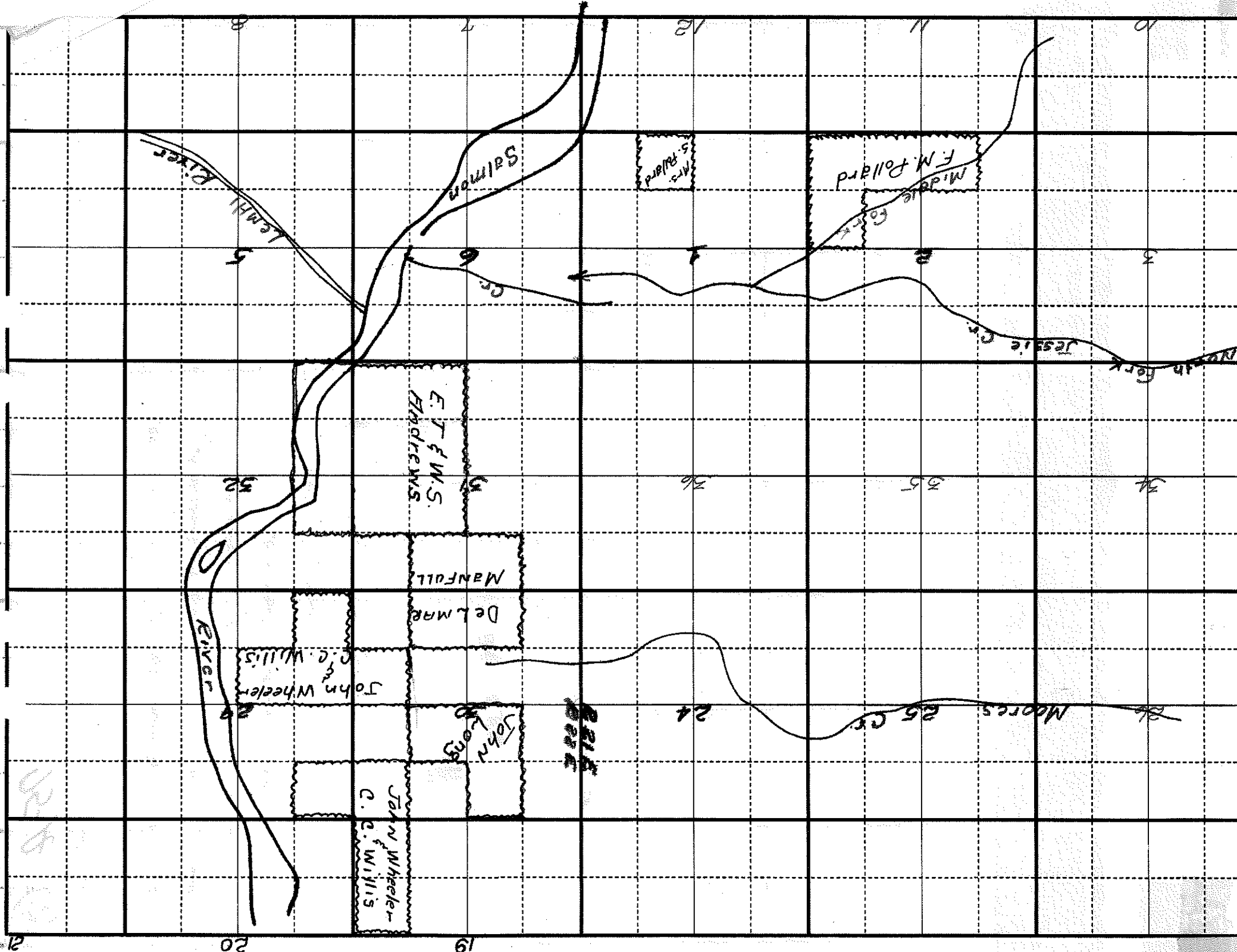
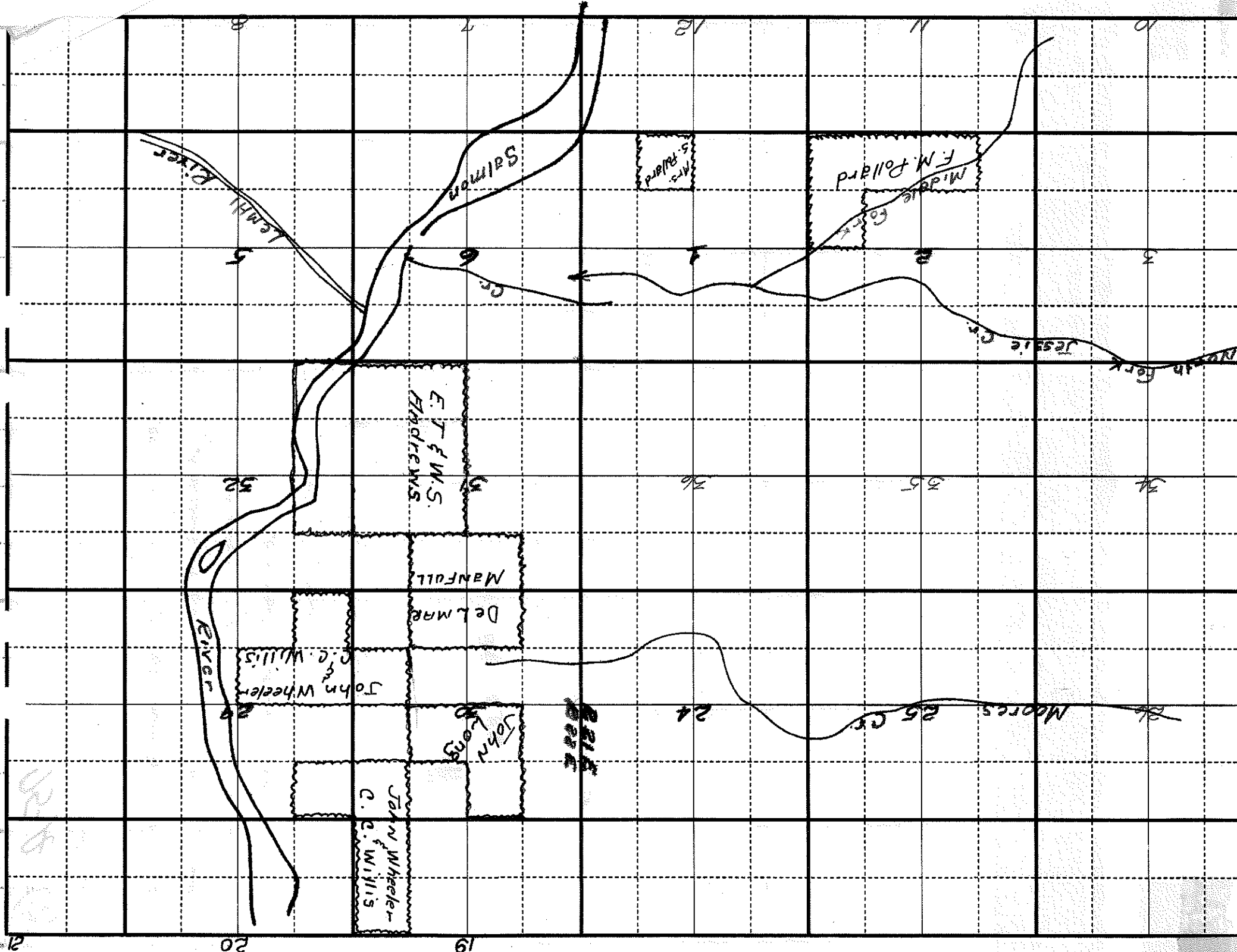
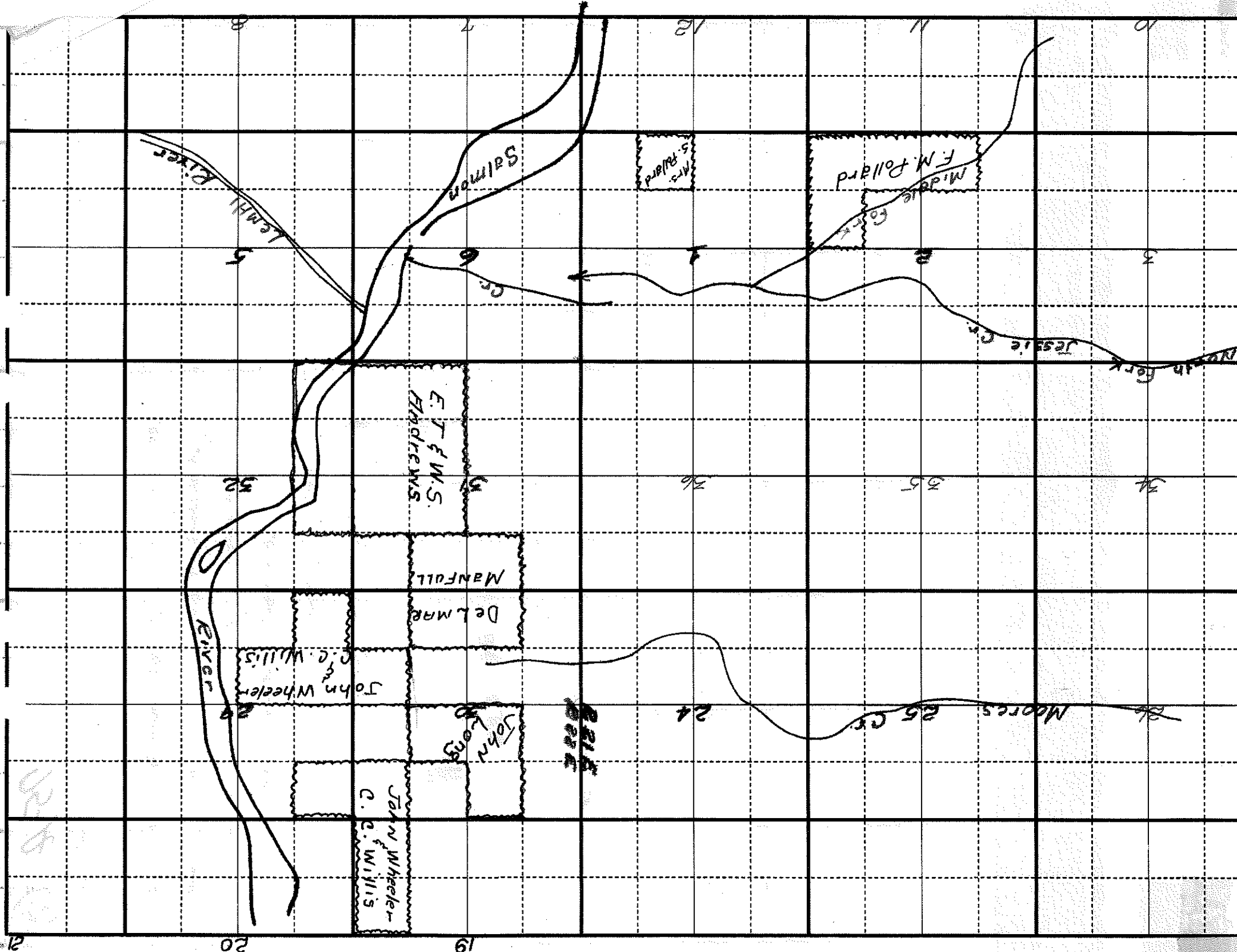
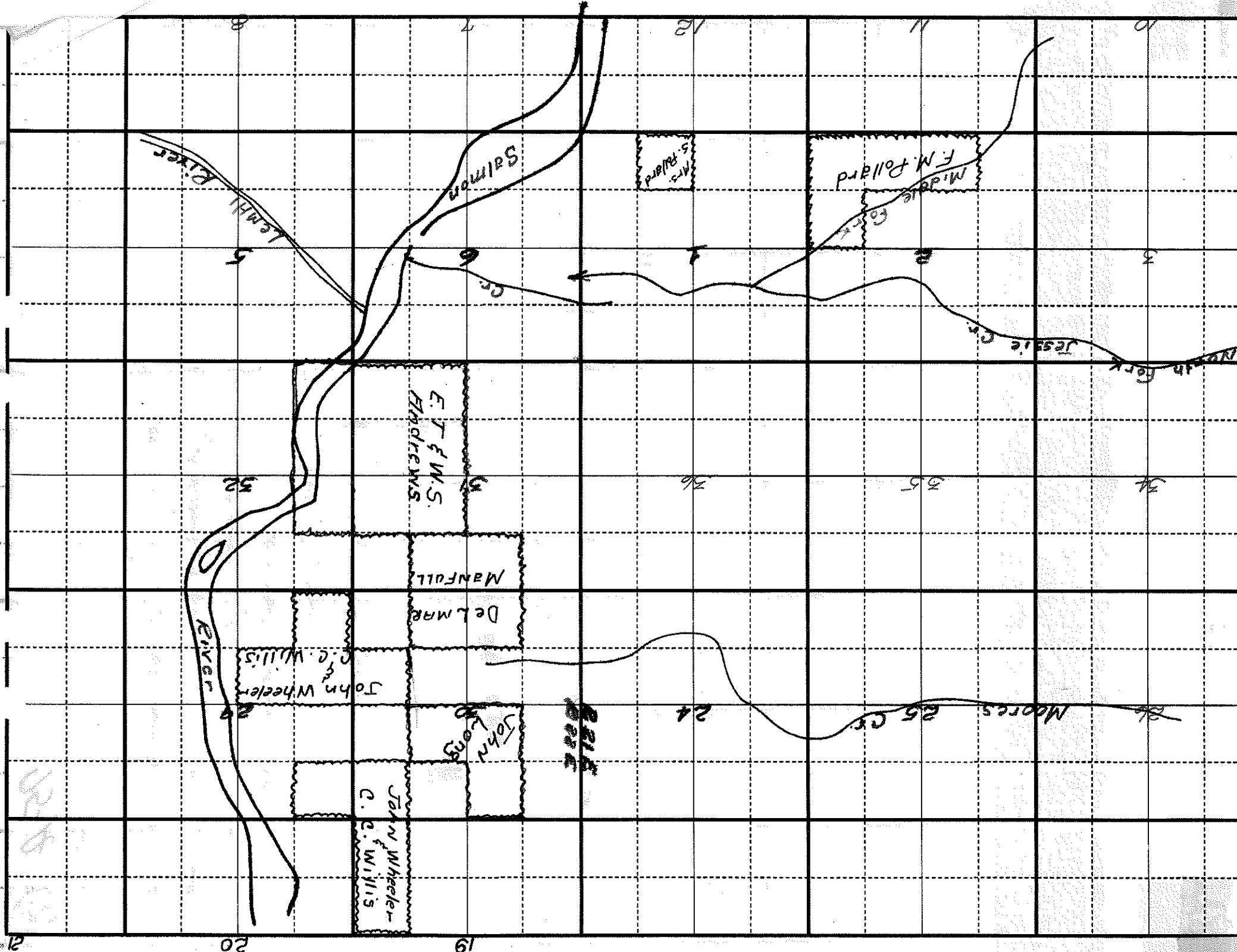
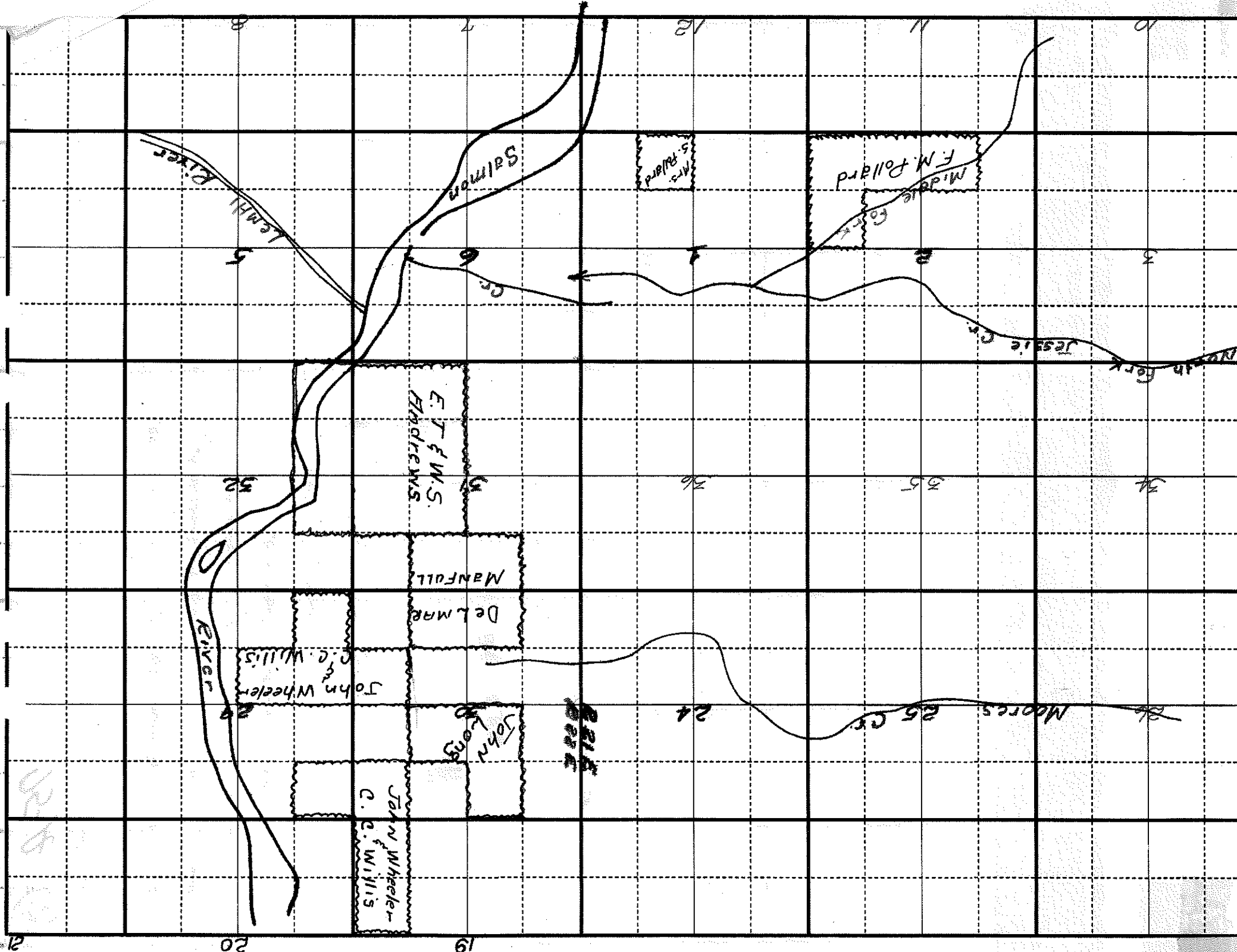
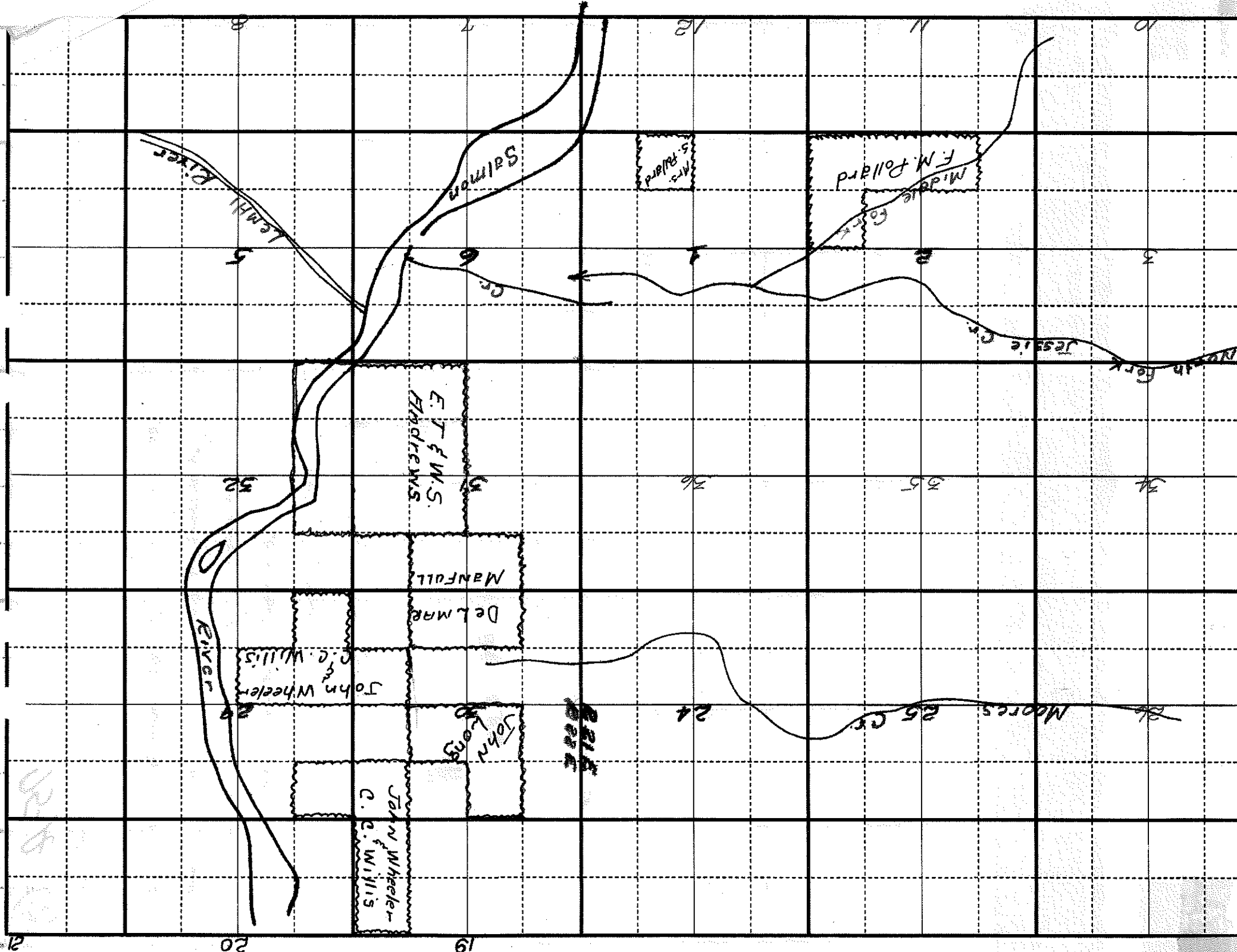
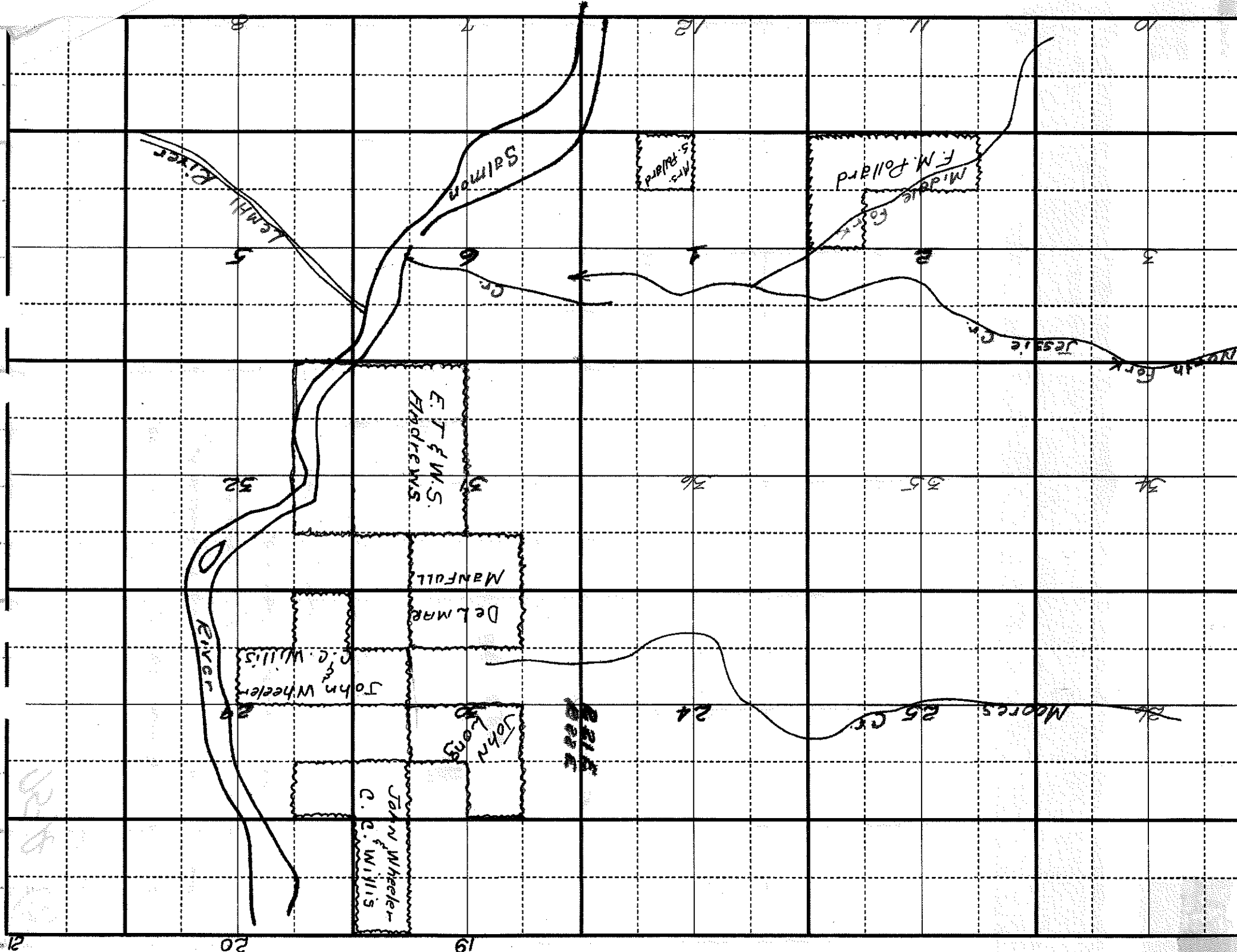
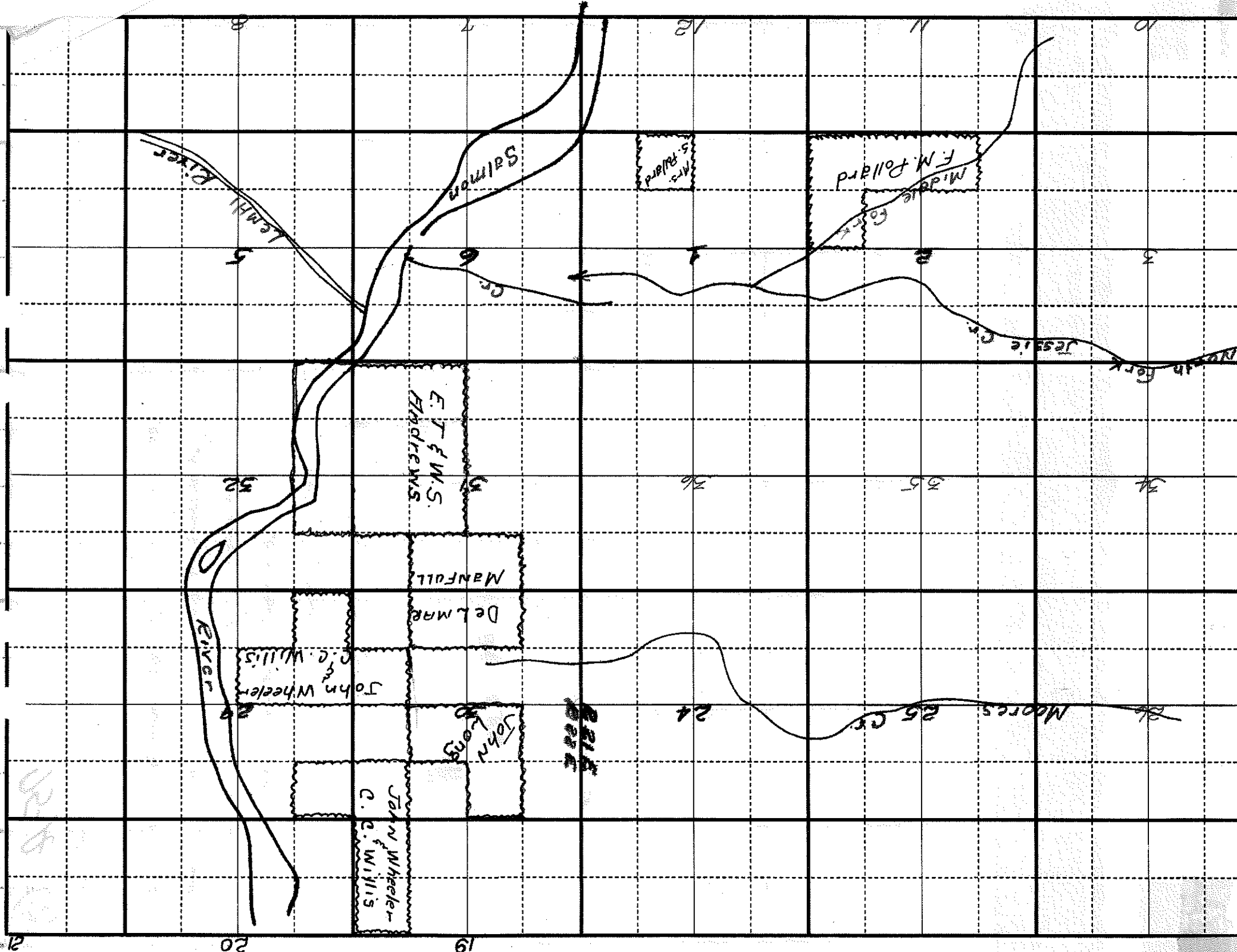
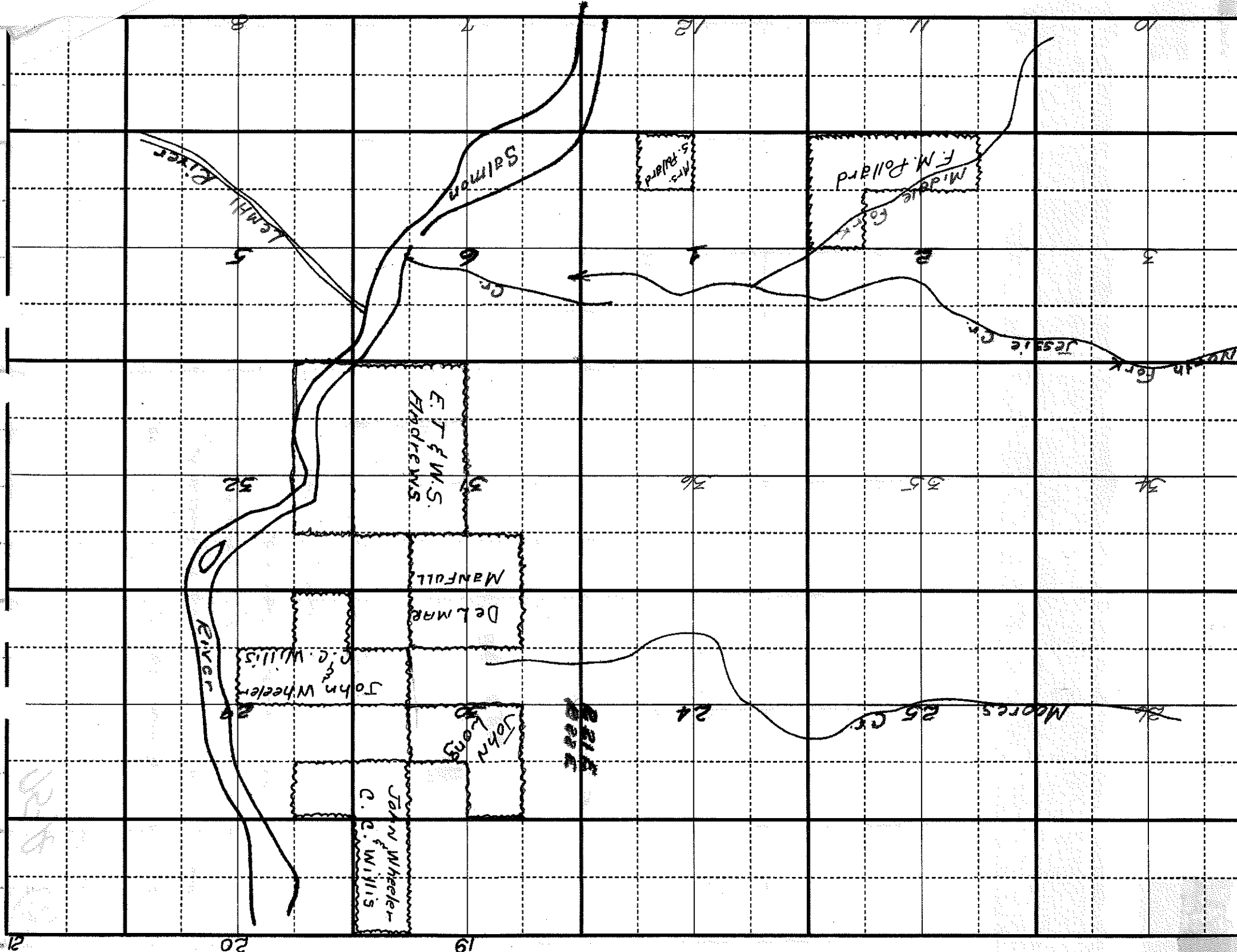
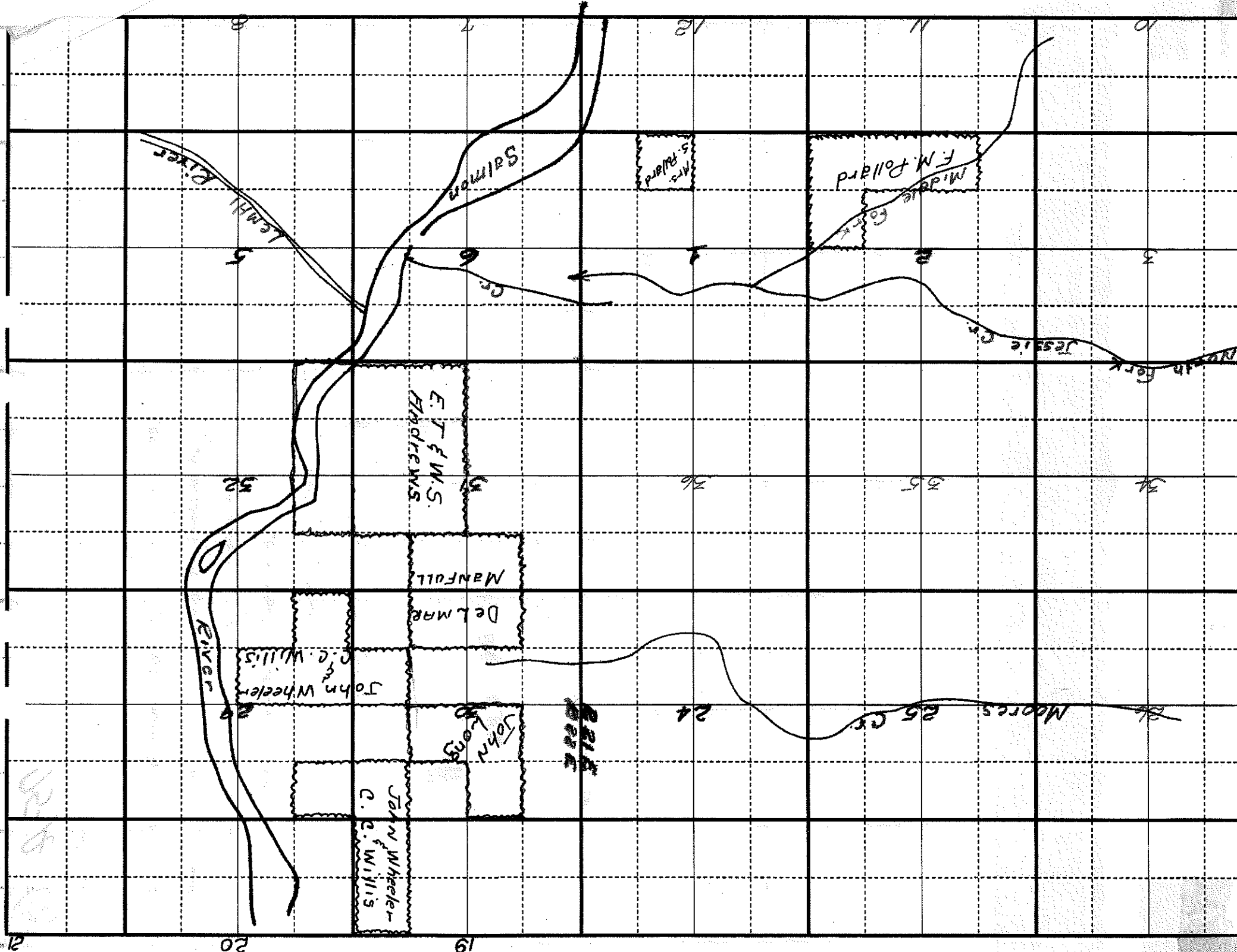
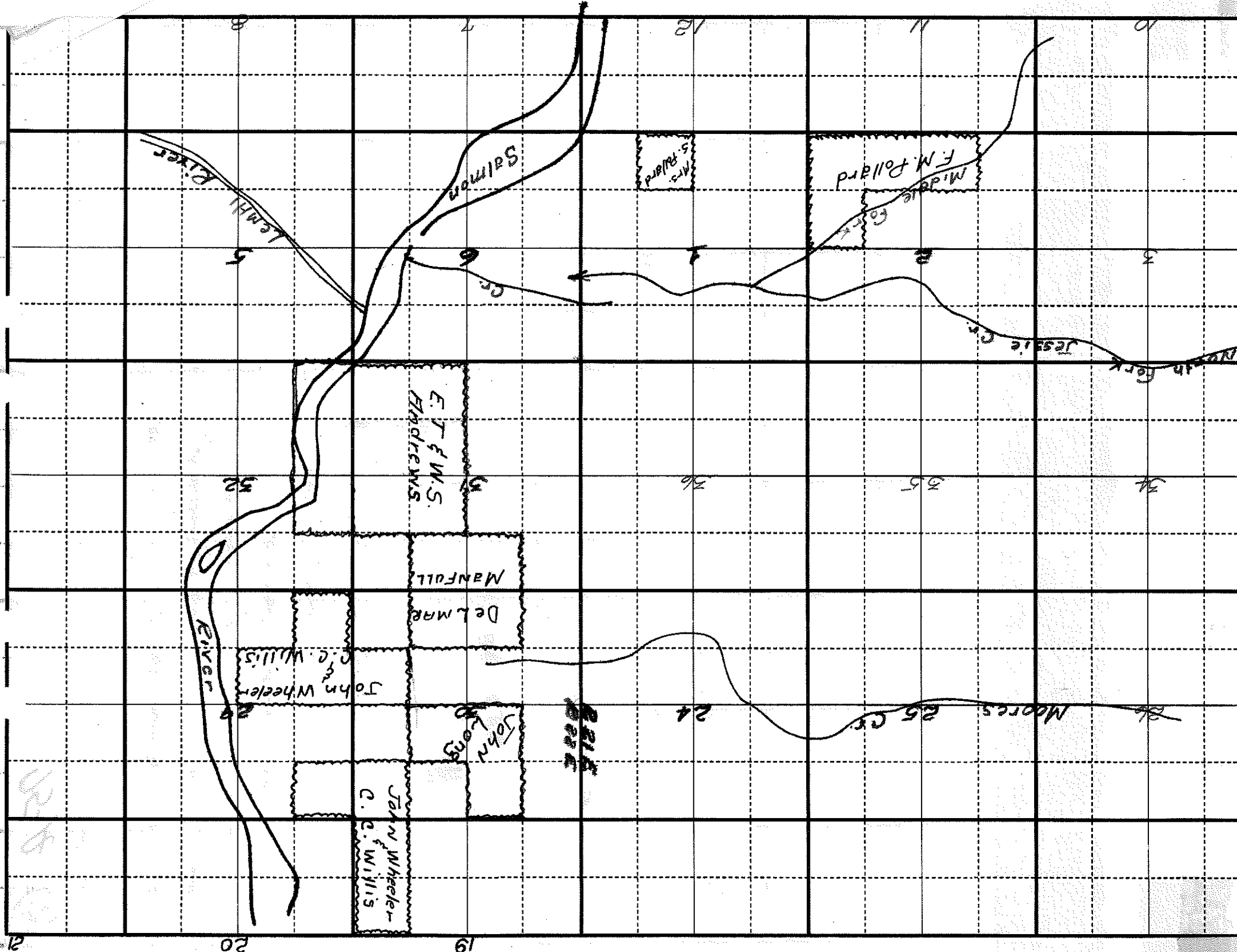
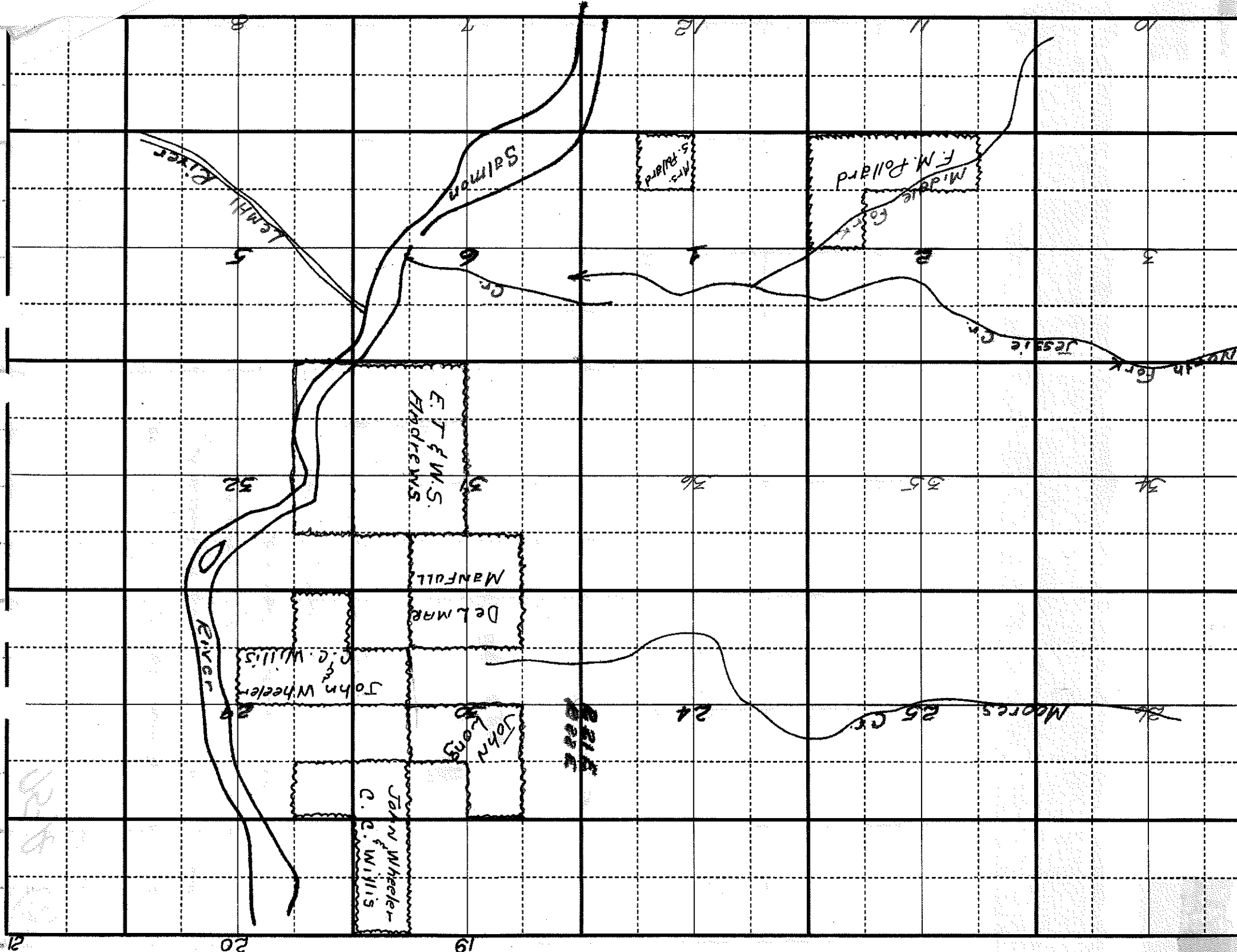
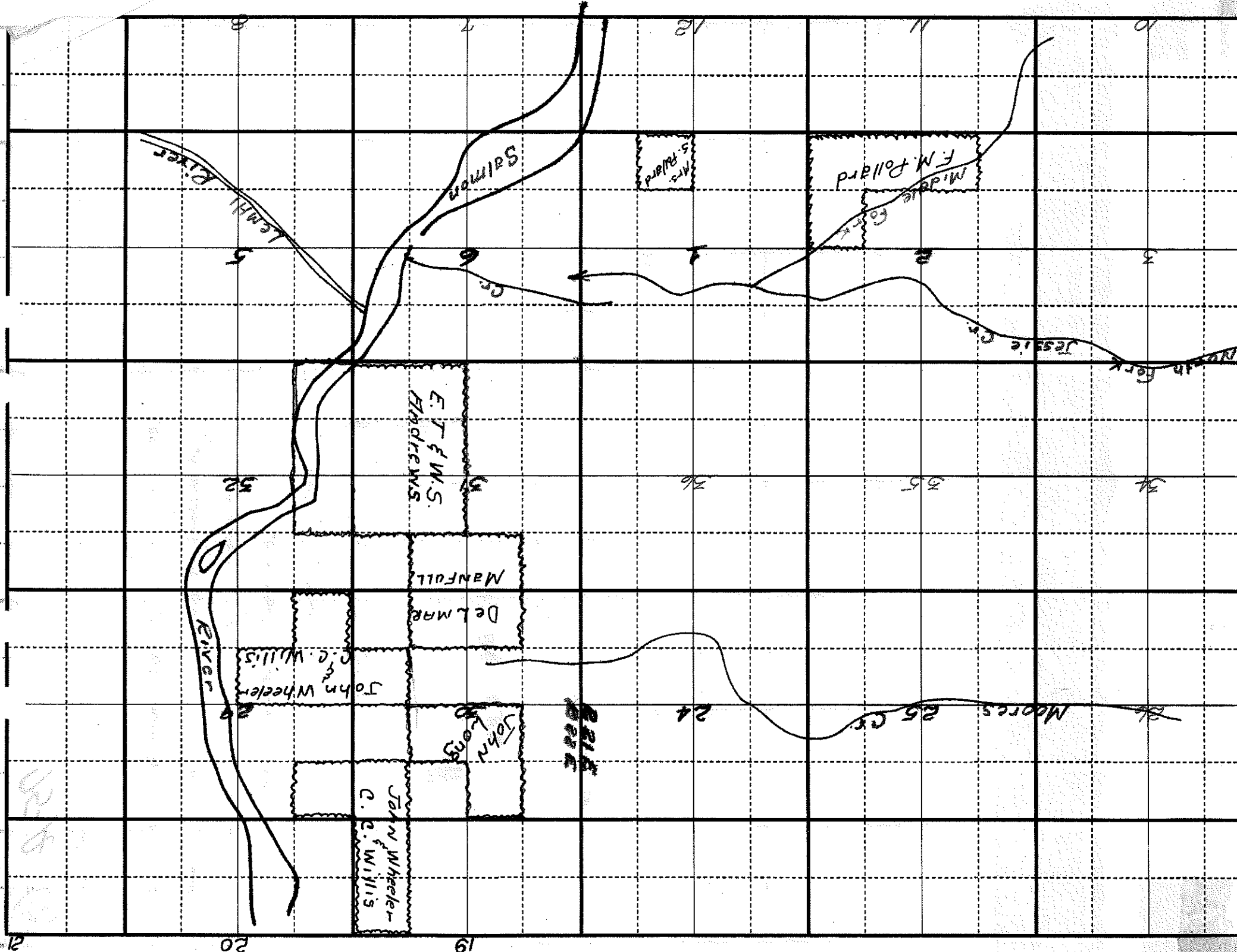
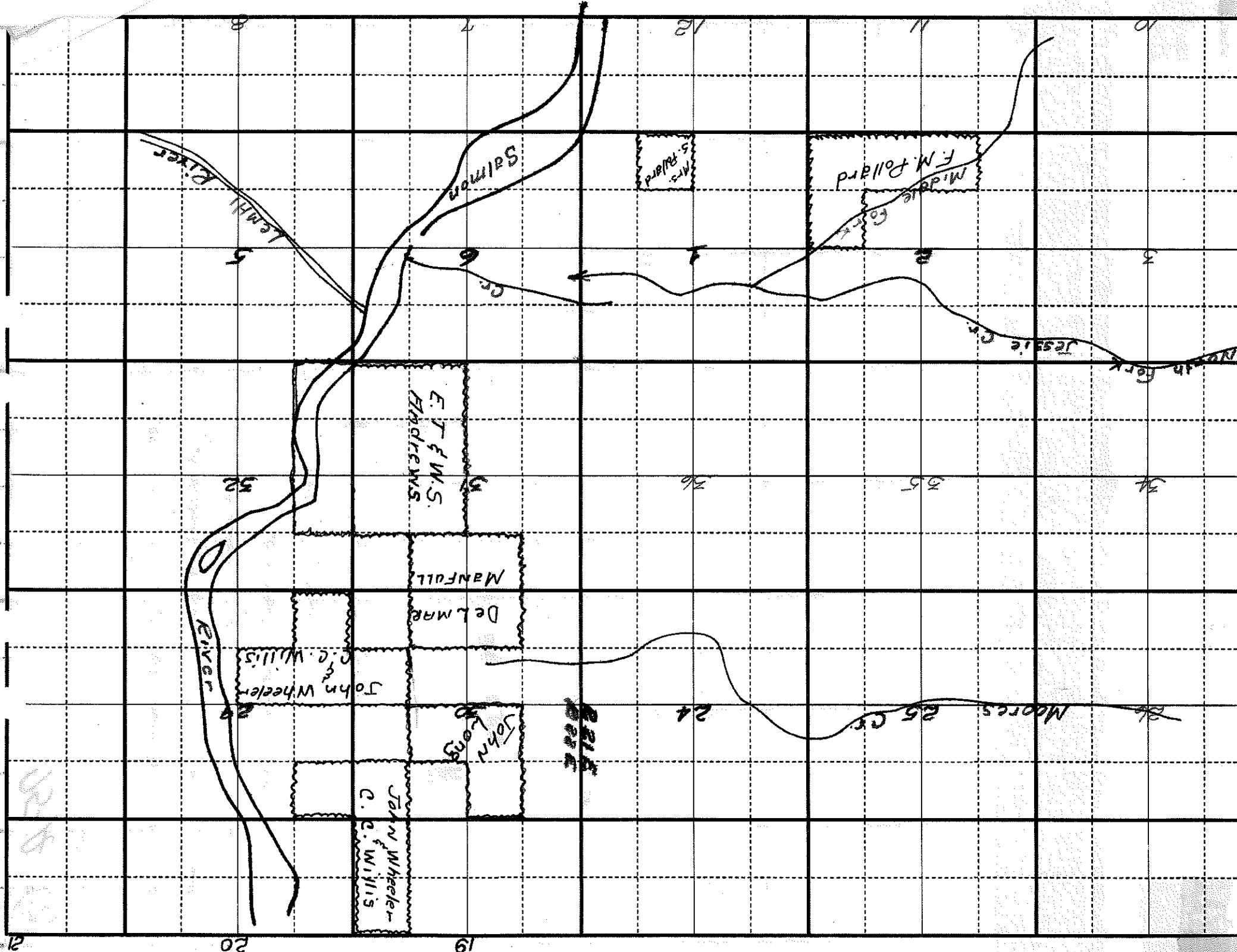
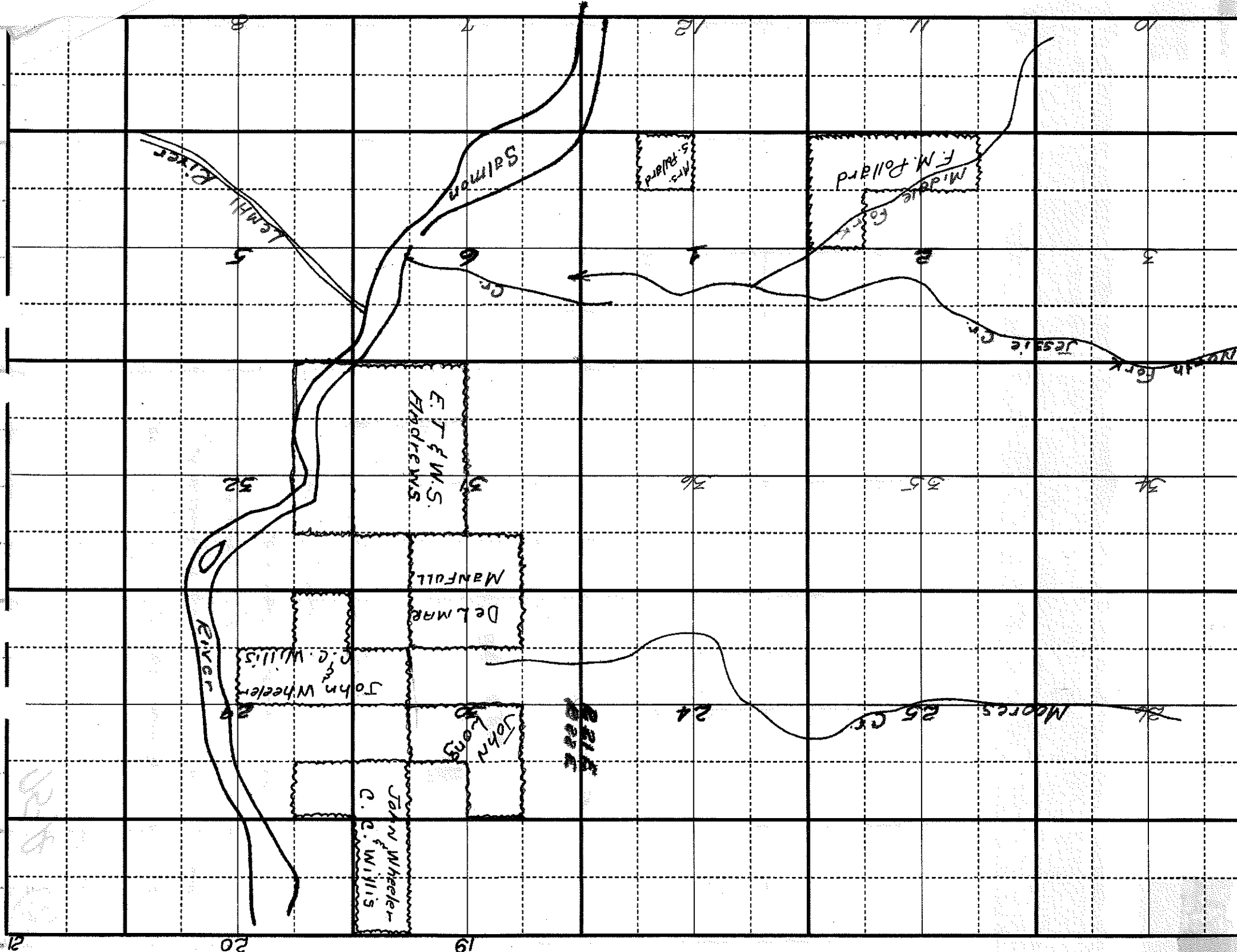
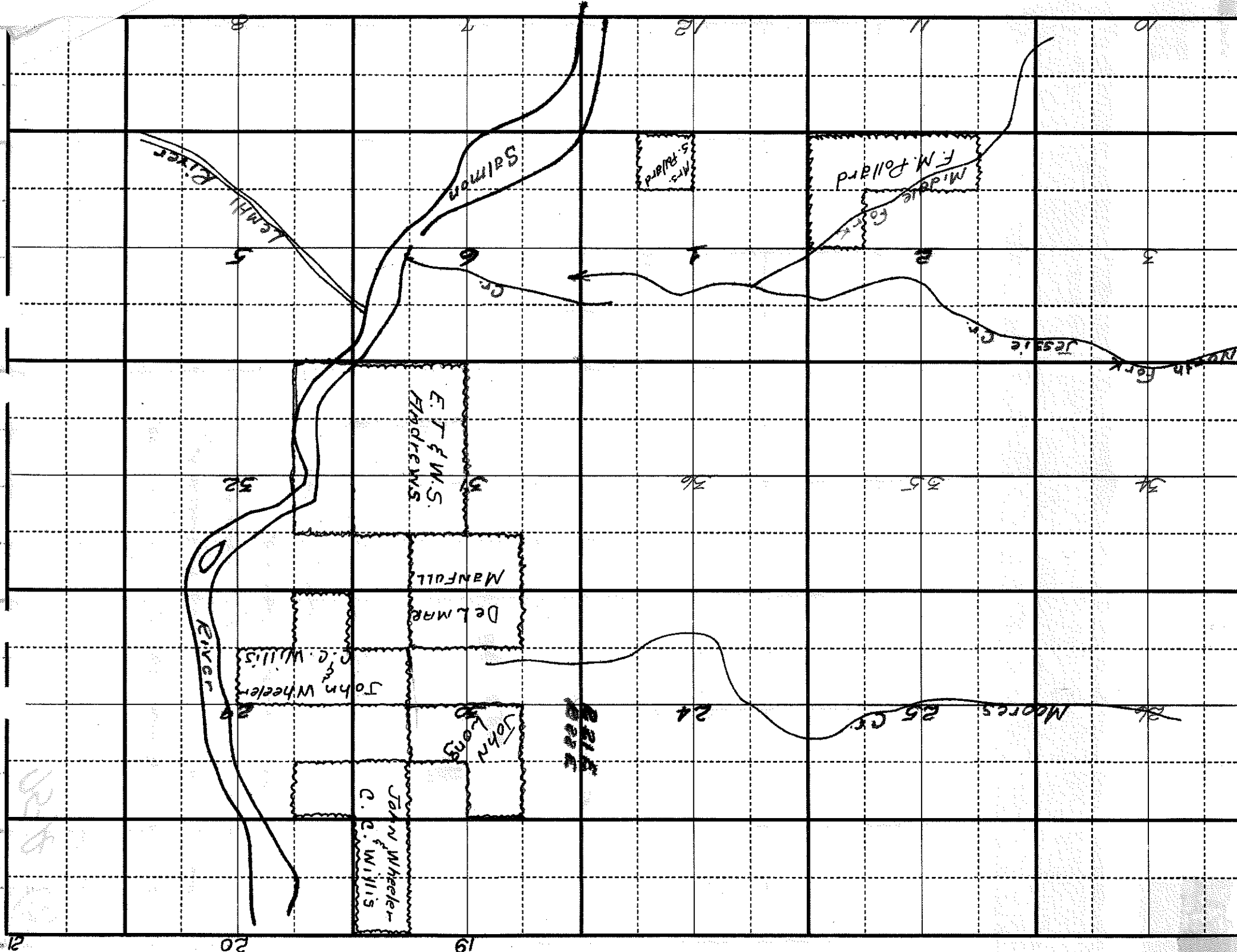
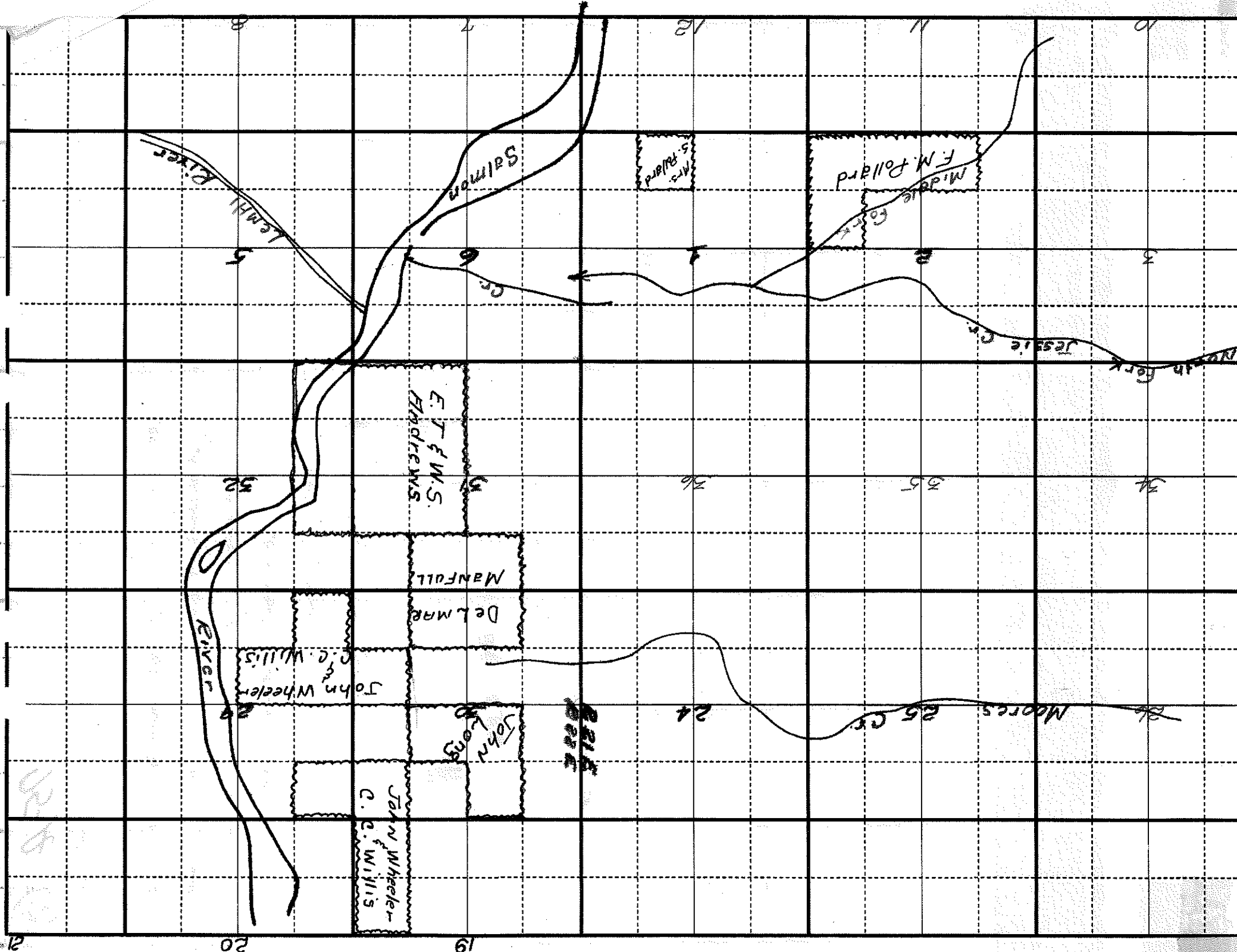
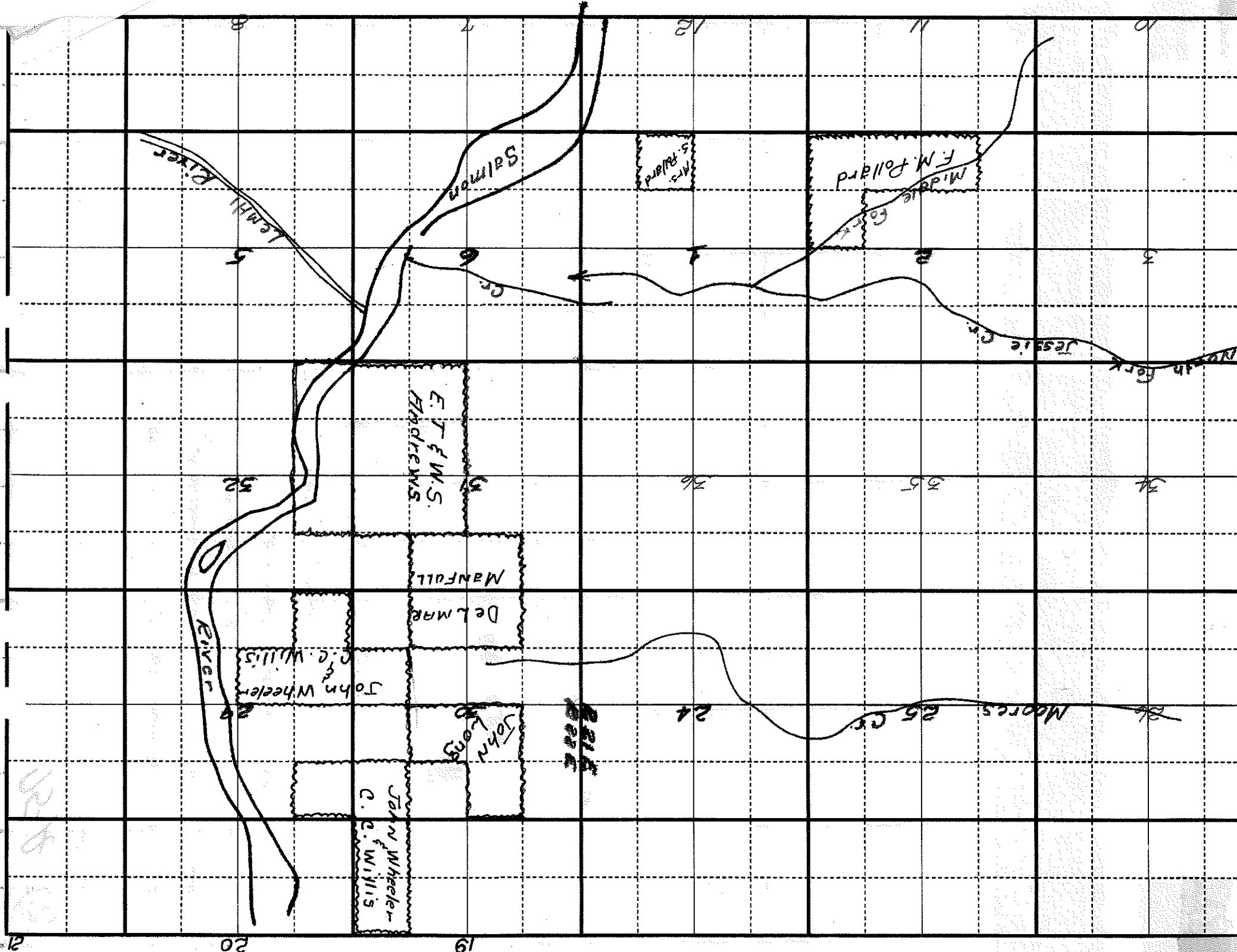
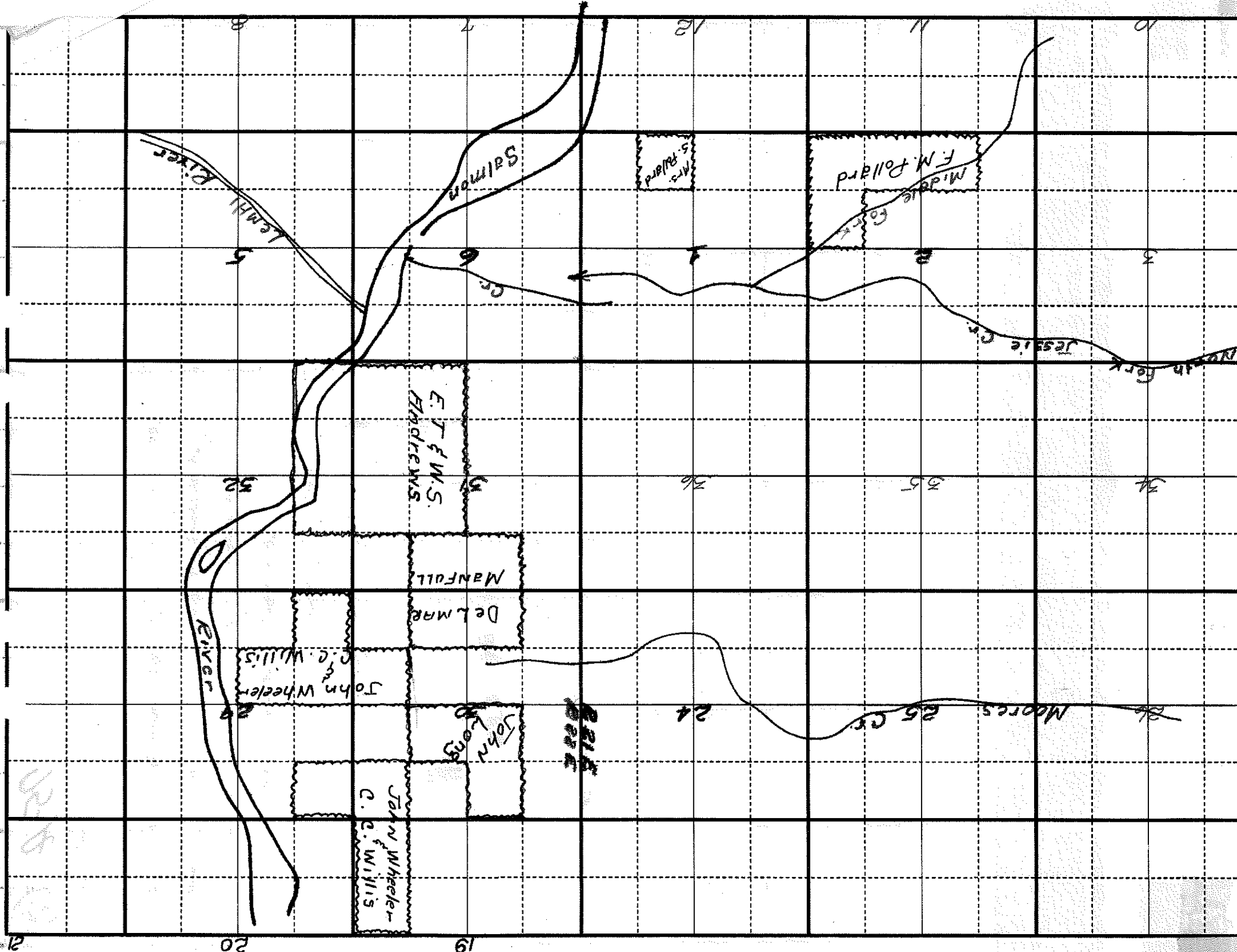
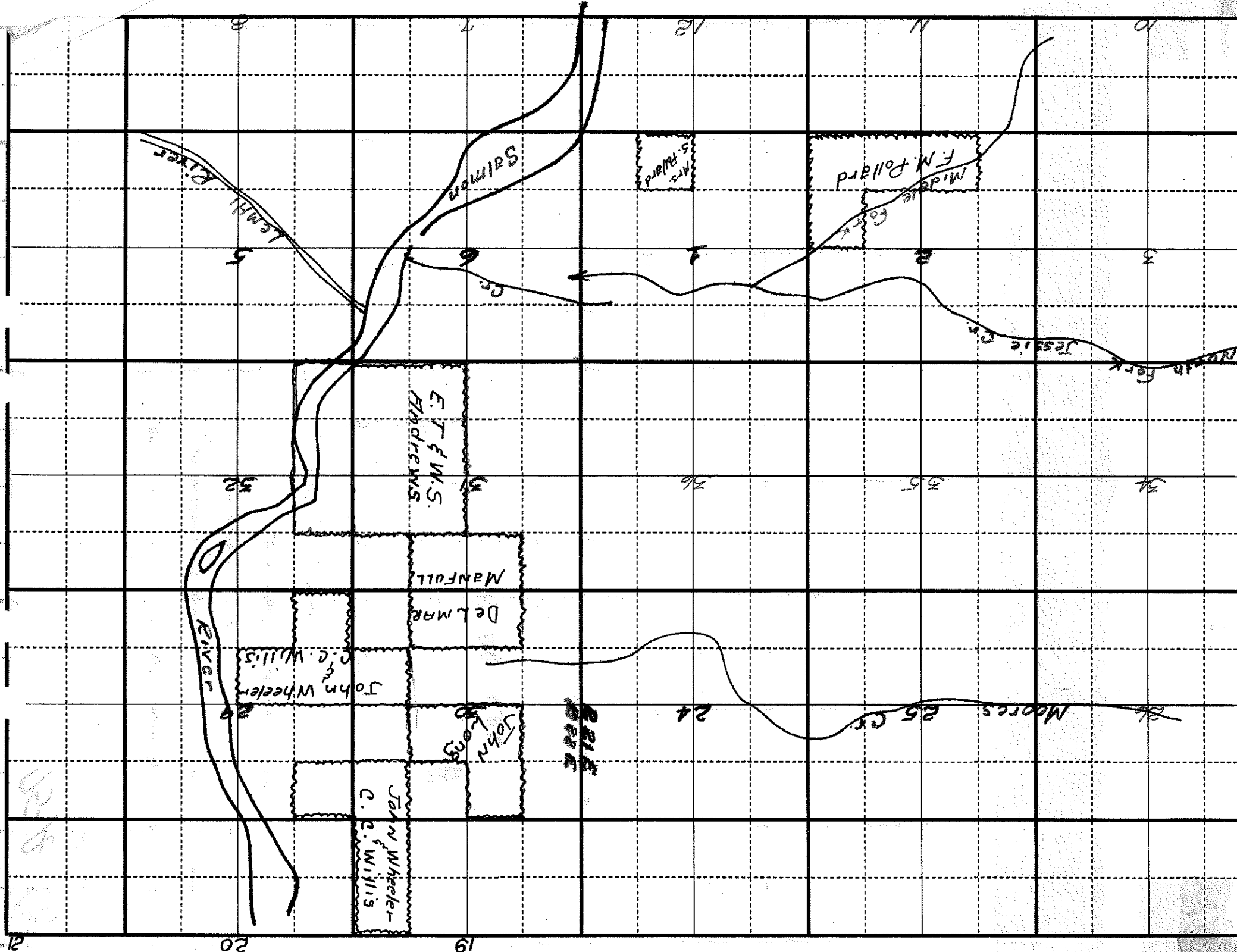
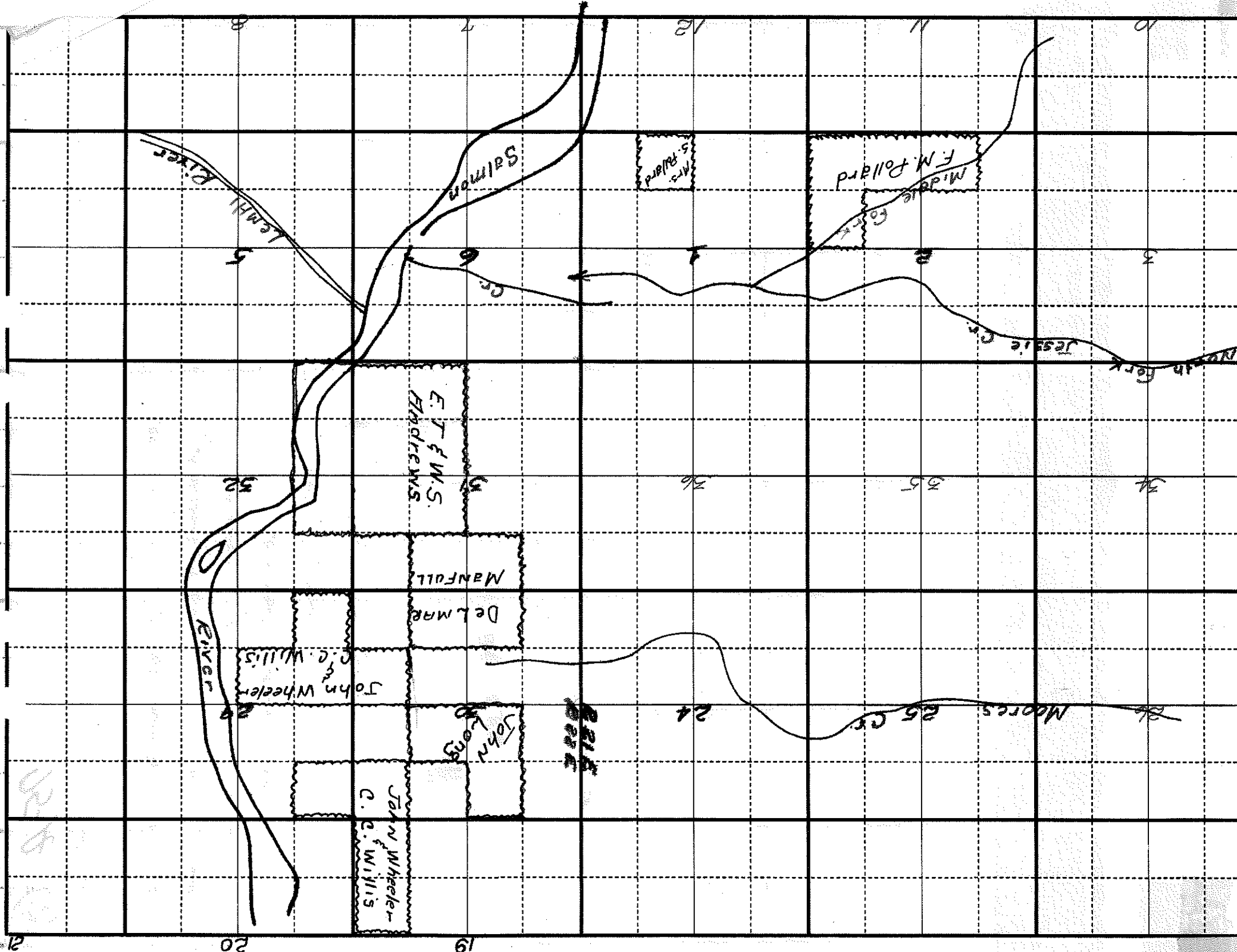
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33

28

JUL 31 1996





9
May 14, 1973

Re: Water Rights on Jesse Creek--Water District 75-A

Mr. Guy R. Miller
P. O. Box 1438
Salmon, Idaho 83467

Dear Mr. Miller:

A review of the decreed water rights on Jesse Creek, indicates that the City of Salmon is the owner of all or part of the following rights:

- 75-0016 - 100 miner's inches, priority 1867, originally decreed to E. T. Andrews and W. S. Andrews.
- 75-0018 - 15 miner's inches, priority 1867, originally decreed to John Long.
- 75-0019 - 60 miner's inches, priority 1868, originally decreed to John Wheeler, and C. C. Willits.

Apparently, the City of Salmon also owns some of the other decreed rights on Jesse Creek, since the rights above total 175 inches of the 300 inches referred to in your letter.

Mr. Virgil Schofield is the watermaster on Jesse Creek for the 1973 irrigation season and could show you the remainder of the water rights owned by the city.

As you know, water rights are delivered to users in order of priority; with the older rights being filled before rights that date later in time. Enclosed is an abstract of the decreed rights on Jesse Creek that may be of some value to you.

If this office or our Eastern District Office at 240 South Holmes Avenue in Idaho Falls can be of further assistance to you, please contact us.

Sincerely,

L. Glen Saxton
Adjudication Section

LGS:kss
Enclosure

cc: Norm Young

JUL 27 1996

7 May 11, 1973

Box 1438

Salmon, Idaho 83467

RECEIVED
MAY 14 1973

Idaho Dept. of Water Administration

Dear Mr. Hingaison,

I am writing in regards to the water right to the ranch known as the old Oliver ranch described as follows:

T21N, R21E8M: Sec. 1: 5 $\frac{1}{2}$, Sec. 2: E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 11: NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 12: N $\frac{1}{2}$ NW $\frac{1}{4}$.

Due to a shortage of water this year there has been much concern on my part about how much water is decreed to whom.

I have gone to the Lemhi County Court House and the Salmon City Hall to try to find out exactly where I stand on my water rights. From the records I have found that I have a decreed water right of 5 cubic feet per second, that was recorded in 1894, then I found another for 135 decreed inches recorded in 1886.

But for some reason I can not find the city water rights yet they have shut off my water and said only after they take 300 inches of water can I start to take my water.

I have been the only one on the creek to have a legal weir until the city put in a gage on their pipe this year to correctly measure water.

JUL 31 1973

I would appreciate very much if you would look into this matter as soon as possible. My place needs water desperately if I am not able to get water on it soon I will loose my whole grain and hay crop.

Thank you for your time.

Sincerely,

Ray R. Miller
Sr.

RECEIVED
JUL 31 1998

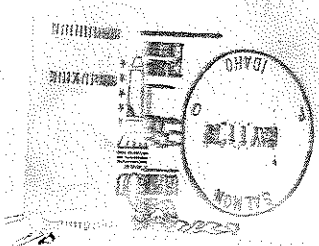
RECORDED

JUL 31 1936

RECEIVED

CERTIFIED
No. 838019
MAIL

Mr. R. Keith Hingerson, Dept. Director
Idaho Dept. of State Communications
Capitol Building
Boise, Idaho



Ray R. Miller
P.O. Box 1438
Salmon, Idaho