



*Grain & Elevator Co. v. McCammon Ditch Co. et al.*, Case No. 2203 in the District Court of the Fifth Judicial District of the State of Idaho (hereinafter "Decree"). True and correct copies of the Decree and the IDWR Adjudication Claims Proof Reading Reports for these water rights are attached as Exhibit "A" and "A-1," respectively.

4. As president of the McCammon Ditch Company I have personal knowledge, and am aware from corporate records, of the injury suffered by shareholders of the McCammon Ditch Company due to the failure of other waterusers in Water District 29 to comply with the directives of the Decree and the Order dated October 5, 1990 (hereinafter "Order") entered by the Director of the Idaho Department of Water Resources (hereinafter "IDWR"). A true and correct copies of the Order is attached hereto and incorporated herein as Exhibit "B."

5. In my capacity as president of McCammon Ditch Company, I have contacted IDWR a number of times and requested that the Order and Decree be enforced according to their terms. Nothing has been done by IDWR in response to my requests. The corporate records also show that other officers and directors of McCammon Ditch Company have made the same requests to no avail.

6. Sometime after the June 1, 1991, deadline set in the Order, I discovered that IDWR had granted the Portneuf-Marsh Valley Canal Co. a two-year extension of time in which to install a measuring device at the Portneuf Reservoir. This measuring device was required under the Order so that a staff gauge-storage relationship can be established for proper delivery of storage water. At first, I was under the impression that the request for an extension had not yet been granted and I wrote a letter to the Director of IDWR

formally protesting any extension of the June 1, 1991, deadline set under the Order. A true and correct copy of my letter dated September 7, 1991, is attached hereto and incorporated herein as Exhibit "C." IDWR's response to my letter is set forth in a letter dated September 19, 1991, attached hereto and incorporated herein as Exhibit "D." IDWR had given this extension of time without notice to other waterusers in Water District 29 and without an opportunity to be heard on the matter. A true and correct copy of IDWR's letter dated January 25, 1991, to the Portneuf-Marsh Valley Canal Co. is attached hereto and incorporated herein as Exhibit "E."

7. The Portneuf-Marsh Valley Canal Co. never has complied with the Order, even with the two-year extension granted by IDWR. True and correct copies of correspondence from IDWR documenting the some of the reasons given for noncompliance are attached hereto and incorporated herein as Exhibit "F."

8. I have contacted the watermaster for Water District 29 and have been unable to obtain information about when measuring devices will be installed.

9. IDWR is aware of this ongoing noncompliance and also is aware that compliance is critical to the proper delivery of water by the watermaster. True and correct copies of correspondence from IDWR documenting these facts are attached hereto and incorporated herein as Exhibit "G."

DATED this 30 day of January, 1996.

  
Byron K. Allen

SUBSCRIBED AND SWORN to before me this 30 day of January, 1996.

(SEAL)

  
\_\_\_\_\_  
NOTARY PUBLIC for Idaho  
Residing at: Pocatello  
Commission Expires: 4/9/97

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have this 12 day of February, 1996, served the foregoing Petition for Enforcement of Decree and Order upon all parties of record in this proceeding, by mailing a copy thereof by U.S. Mail, first class, properly addressed with postage prepaid to the following:

Portneuf Marsh Valley Canal Co.  
ATTN: Erwin Gilbert  
Virginia, Idaho 83234

Portneuf Irrigating Company  
ATTN: Roger Johnson  
3369 East U.S. Highway 30  
McCammon, Idaho 83250

Arlin G. Olson  
Watermaster District 29  
P.O. Box 644  
Lava Hot Springs, Idaho 83246

By:   
\_\_\_\_\_

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

UNION GRAIN & ELEVATOR COMPANY, a  
corporation, Plaintiff,  
vs.  
McCAMMON DITCH COMPANY, a corporation,  
Et al., Defendants.

FINDINGS OF FACT  
AND  
CONCLUSIONS OF LAW

THIS CAUSE came on regularly for trial on the 26th day of September, 1931, before the Honorable John C. Rice, Judge of the Seventh Judicial District of the State of Idaho, presiding as Judge of the above entitled court, sitting without a jury, a jury having been expressly waived by the respective parties.

And the court having previously fixed the time and place for the hearing of the cause, and having caused the Clerk of the court to give notice in writing to the attorneys of record for all the parties to said action prior to the date set for the hearing of the same:

Messrs. Standrod & Standrod appeared on behalf of the plaintiff, Union Grain and Elevator Company, a corporation;

Messrs. Merrill & Merrill appeared on behalf of the following defendants and cross complainants, and their successors in interest, to-wit: A. J. Butterfield, Joseph Purvis and William F. Purvis (sometimes spoken of as Purvis Brothers), J. A. Eldredge, Joseph E. Corbett, J. Fred Corbett, E. F. Shore (successor to James Buckindorf,) J. Bellu and C. Moriotto, Commodore Earl Moss, Karl D. Houtz, Thomas Hallinan, John T. Symons, George John, George A. Whitworth, F. A. Reed, James H. Byington, William R. Godfrey, A. A. Rowsell, Walter Rowsell, S. A. Rowsell, and J. A. Rowsell, John Potter, M. Lucinda Byington, George Harrison, John H. Avery, Clarence Avery, J. A. Avery, Lee Merrick, Nephi Hemenway, George Harrison Maughan and John Raymond Maughan, George Harrison Maughan, John Raymond Maughan and Joseph Howard Maughan, First National Bank of Ogden, Charles Romriell, Archie Lish, A. B. Cheney, Ray Lish and Lester Romriell, Albert Lish, Village of McCammon, Idaho, Ameziah Henson, Brigham R. Green and Crson D. Robbins, Royal T. Hale, Samuel Orgill, G. H. Romriell, Portneuf Irrigating Company, a corporation, McCammon Ditch Company, a corporation;

Messrs. Black & Baum and Messrs. Merrill & Merrill appeared on behalf of the following defendants and cross complainants, towit: Portneuf Marsh Valley Canal Company, a corporation; Dempsey Irrigating Company, a corporation; Topaz Irrigation Company, a corporation; McCammon Ditch Company, a corporation; Fish Creek Irrigation Company, a corporation;

Messrs. Black & Baum appeared on behalf of the defendant, George Goodenough;

Exhibit A

H. B. Thompson, Esq., appeared on behalf of the Oregon Short Line Railroad Company, a corporation;

Jones, Pomeroy & Jones appeared on behalf of the defendant and cross complainant, Noah Reese; and

Isaac McDougall, esq., also appeared on behalf of the defendant, Portneuf Marsh Valley Canal Company, a corporation;

There being no further appearances either in person or by attorneys;

Witnesses were sworn and examined on behalf of the plaintiff and the defendants, and documentary evidence was offered and received by and on behalf of the respective parties, and the testimony closed. Arguments were submitted by the respective counsel and the cause was finally submitted to the court for decision upon the limited issues directed by the Supreme court of the state of Idaho in said action, numbered 5207, and dated April 26th, 1930, reported in Volume 49, page 274 of "Idaho Reports", which directions are as follows:

"The judgment is therefore reversed and the cause remanded for a new trial upon the limited issues of the appropriation to which appellant is entitled and the capacities of the mill."

#### FINDINGS OF FACT.

The court therefore finds as to the said limited issues as follows:

##### 1.

The court finds that at the first trial of the action before this court, the trial court made and entered complete findings of fact and conclusions of law defining the rights to the waters of the Portneuf River and its tributaries, which said findings of fact and conclusions of law were filed in said court by the Clerk thereof on the 4th day of December, 1922 and are fully set forth in the original transcript in said action from folios 2438 to 3203, in Volume 3-4 of said transcript;

That upon stipulation of counsel for the respective parties at the present trial of said action, the entire transcript in said action was admitted in evidence for the present trial and to be used by this court for such purposes as this court deemed necessary in reaching its decision.

That the above-entitled court rendered its judgment in accordance with the said findings of fact and conclusions of law at the first trial aforesaid on the 4th day of December, 1922, which judgment was filed on said last named date by the Clerk of said Court and was recorded in Book 6 of Judgments at Page 17 of the records of Bannock County, Idaho. From this first judgment an appeal was taken to the Supreme Court of the State of Idaho by the complainant and was by said Supreme Court reversed and remanded to the trial court with instructions to permit the parties to produce additional evidence to show the extent of the right of the plaintiff (appellant) prior to the time the capacity of the mill was enlarged and prior to the time that subsequent appropriators acquired their rights, which decision of said Supreme Court was rendered July 22nd, 1925, and is found in Volume 41 "Idaho Reports" at page 216;

The cause was sent back from the Supreme Court to the District Court on this limited issue and was again heard by the trial court and decided by said court; from this judgment plaintiff again appealed to the Supreme Court of Idaho, and the cause was again reversed and sent back to the trial court for a new trial upon the limited issues of the appropriation to which the plaintiff (appellant) is entitled and the capacities of the mill.

During all the litigation involved in the first and second trial of said action by this court, there has been no effort and no proof offered upon the part of any of the litigants to change the rights of the defendants as found by the trial court in its decision above referred to; but all the litigants seem to have acquiesced and feel satisfied with the first judgment so rendered.

In view of this fact, the court at the present trial feels warranted in adopting and approving the findings of fact and conclusions of law so determined by the trial court at the first trial of said action, and does hereby approve and adopt the same as the findings of fact and conclusions of law upon which to base its judgment, except as to the rights of the plaintiff to the use of the waters of the Portneuf River for the operation of the flour mill in question and for the further purpose of correcting some apparent errors appearing on the face of the record, all of which exceptions and findings are hereinafter fully set forth.

##### 2.

The court now further finds, that the Portneuf River the right to the use of the water of which is in this cause involved, is a tributary of the Snake River, rising in Bannock County, State of Idaho, and flowing in a southerly direction and westerly direction to the point of entrance in said Snake River in Power County, State of Idaho. The rights to the use of said stream involved in this action lie wholly within Bannock County, Idaho, extending from the reservoir of the Portneuf Marsh Valley Irrigating Company at the head of said river with all the tributaries of said river to the property of the plaintiff, Union Grain & Elevator Company, in the Village of McCammon, Idaho, which is the furthestmost diversion point down the stream entering into the controversies involved in this action.

#### PORTNEUF RIVER.

##### 3.

That the Union Grain & Elevator Company, a corporation, hereinafter called the plaintiff, herein substituted as plaintiff for the original plaintiff, the Idaho Rose Milling Company, a corporation, was on the day of , 19 , at the time it received

conveyance of the property hereinafter described, a corporation duly organized and existing under and by virtue of the laws of the State of Utah, and had complied with the laws of the State of Idaho with reference to foreign corporations doing business therein.

4.

That the said plaintiff, it and its predecessors in interest, now is, and for more than thirty years last past, have been in the possession and entitled to the possession of that certain grist or flouring mill commonly known as the H. O. Harkness Roller Mills, situated within the Village of McCammon, Blaine County, State of Idaho, and the following described lands on which said mill is located, to-wit:

Commencing at corner number one, from which the closing corner of the line between sections one and twelve in township nine (9) South of range thirty-six (36) East of the Boise Meridian in Idaho lies north twenty-seven degrees and thirty minutes west eleven hundred and fifty-six (1156) feet (on the left bank of Portneuf River); thence run South, Sixty-four degrees and forty-five minutes west sixty-seven and one-half (67½) feet, to corner number two; thence south, twenty-two degrees and thirty minutes east, forty-seven and one-half feet to corner number three; thence south sixty-seven degrees and thirty minutes west, fifty-six and one-half (56½) feet to corner number four; thence south nine degrees and forty-five minutes west, twenty-five (25) feet to corner number five; thence south twenty-two degrees and thirty minutes east, two hundred twenty (220) feet to corner number six; thence north sixty-seven degrees and thirty minutes east, two hundred fourteen and one-tenth (214.1) feet to corner number seven; thence north thirty-seven degrees and thirty minutes west, three hundred and one and eighty-one hundredths (301.81) feet to the place of beginning, containing in all one (1) acre, more or less.

5.

That on the first day of July, 1892, the said plaintiff and its predecessors in interest constructed a canal, conduit or flume from a point on the West bank of the Portneuf River in said County and State, in the northwest quarter of Section twelve (12) Township nine (9) South, Range 38, E.B.M., from the Northwest corner of Section twelve (12) Township and range aforesaid, the point of diversion bears South fifty-three degrees East twenty-eight hundred ninety feet, which said canal, conduit or flume was and now is of sufficient capacity to carry and conduct therein to said mill and turbine wheel constructed in said mill, 58.27/feet of water per second of time.

6.

That the plaintiff, and its predecessors at the time of its appropriation of said water, to-wit: July 1st, 1892, diverted at the said point of intake by means of said conduit, canal or flume 58.27 cubic feet per second of time of the waters of the said Portneuf River, for the purpose of producing and generating power to run and operate said mill and the machinery and elevators therein and connected therewith, and for the purpose of generating electricity with which to light said mill and mill premises and has ever since continuously used said amount of water during each and every year, and at all times during each and every year used said quantity of water which was and is necessary for the successful operation of the said mill, the said mill being at all times of the capacity of producing one hundred fifty (150) barrels of flour per day or for twenty-four hours.

The above findings 2,3,4,5, and 6 to take the place of and be in lieu of Findings 1, 2, 3, 4, and 5 of the Findings first found by this court at the first trial of said action before mentioned.

7.

The court further finds at folios 2772-2775 of the Findings of Fact in the transcript of said action above referred to in defining the rights of Lee Merrick, one of the defendants, the said rights are determined to be of April 1st, 1880 "1/5 cubic foot, (10 miners inches)" and of July 1st, 1881 "1/5 cubic foot (10 miners inches)" and the judgment, which is numbered paragraph 127 of the transcript, aforesaid, follows such finding. Counsel for the said Lee Merrick has furnished the court with the stipulation of counsel filed in said action at the first trial as aforesaid, by the terms of which it was agreed that the said defendant, Lee Merrick, should have 2/5 cubic feet, and that the amount designated in said finding and judgment is an error and should be corrected so as to state the true amount of water to which the said defendant is entitled.

8.

The court further finds that the trial court at the said first trial, in describing the lands of the defendant, George Goodenough, in said Findings of Fact and Judgment, made and error in the description, which reads as follows:

The Southeast quarter of the Northeast quarter (SE¼NE¼) and the East half of the Southeast quarter (E½SE¼) of Section 36, Township 8 South, Range 36 East of the Boise Meridian,

when it should read,

The Southeast quarter of the Northeast quarter (SE¼NE¼) and the East half of the Southeast quarter (E½SE¼) of Section 35, Township 8 South, Range 36 East of the Boise Meridian,

and that the said Findings of Fact and Judgment should be altered so as to give the true description of the said lands.

FROM the foregoing Findings of Fact, the court now finds as CONCLUSIONS OF LAW, as follows:

1.

That the Union Grain & Elevator Company, a corporation, is entitled to the use of 58.27 cubic feet per second of time of the continuous flow of the waters of the said Portneuf River, said right to date from the 1st day of July, 1892, for the purpose of generating power to run and operate its mill, machinery and elevators therein and connected therewith, and for the purpose of generating electricity with which to light its mill and mill premises, its point of diversion to be through its conduit or flume diverting water from the Portneuf River at a point on the West bank of said river, in Bannock County, State of Idaho, in the Northwest quarter of Section 12, Township 9 South, Range 36 E.B.M., from the Northwest corner of Section 12, Township and Range aforesaid, the point of diversion bears South fifty-three degrees East, 2890 feet. Its said mill being what is known as the Harkness Roller Mills, situated within the Village of McCammon, Bannock County, State of Idaho, on the following described lands:

Commencing at corner number one, from which the closing corner of the line between sections one and twelve in township nine (9) south of range thirty-six (36) East of Boise Meridian in Idaho, lies north, twenty-seven degrees and thirty minutes west, eleven hundred and fifty-six (1156) feet (on the left bank of Portneuf River); thence run South Sixty-four degrees and forty-five minutes west, sixty-seven and one-half (67½) feet, to corner number two; thence South, twenty-two degrees and thirty-minutes east, forty-seven and one-half (47½) feet to corner number three; thence South, sixty-seven degrees and thirty minutes west, fifty-six and one-half (56½) feet to corner number four; thence south nine degrees and forty-five minutes west, twenty-five (25) feet to corner number five; thence south, twenty-two degrees and thirty minutes east, two hundred and twenty (220) feet to corner number six; thence north sixty-seven degrees and thirty minutes east, two hundred fourteen and one-tenth (214.1) feet, to corner number seven; thence North thirty-seven degrees and thirty minutes west, three hundred and one and eighty-one hundredths (301.81) feet to the place of beginning, containing in all one acre more or less.

The said water so used to be returned to the channel of the Portneuf River immediately below the mill.

The said Conclusion of Law to take the place of and be in lieu of Conclusion of Law number 2, found at folios No. 2857 to 2862 of the original transcript of said action hereinbefore mentioned.

2.

That the said Lee Merrick is entitled to the use at all times during the irrigation season of .4 cubic feet per second of time (20 miners inches), of the waters of said Dempsey Creek, the right of appropriation to date from the 1st day of April, 1880; and is also entitled to the use of .4 cubic foot per second of time (20 miners inches) of the waters of said Dempsey Creek, the right of appropriation to date from the 1st day of July, 1881; and is also entitled to the use of .3 cubic feet per second of time (15 miners inches) of the water of said Dempsey Creek, the right of appropriation to date from the 1st day of April, 1882, for the irrigation of the following described lands:

½ NW¼ Sec. 32, SE¼SE¼ Section 29, T 9 S, R. 38 E.B.M., the point of diversion for the said .4 cubic feet per second of time being through a ditch having intake North fifty-three degrees East, 1550 feet from the SW corner of Sec. 4, T. 10 S.R. 38 E.B.M., and the point of diversion for the said .4 cubic feet per second of time (right of July 1st, 1881), and for the .3 cubic feet per second of time, being in Lot 4 of Sec. 4, T. 10, S.R. 38 E.B.M.; and also by means of a ditch having intake near where Dempsey Creek crosses the line between Townships 9 and 10 S.R. 38 E.B.M.

The said Conclusion of Law to take the place and be in lieu of Conclusion numbered 144, found at folios No. 3128 and 3129 of the original transcript of said action hereinbefore mentioned.

3.

That the said George Goodenough is entitled to the use at all times during the irrigation season of 1.72 cubic feet per second of time of the waters of said Portneuf River, for the irrigation of land in the Southeast quarter of the Northeast quarter, and the East half of the Southeast quarter, Section 35, Township 8 South, Range 36 E.B.M., the point of diversion being through said Lewis-Goodenough Ditch diverting water from said Portneuf River at the point described in the foregoing Findings of Fact, the right of appropriation to date from the 1st day of July, 1902.

The said Conclusion of Law to take the place and be in lieu of Conclusion numbered 63, found at folio No. 2990 of the original transcript of said action hereinbefore mentioned.

4.

And judgment is directed to be entered accordingly.

DONE in open District Court, this the 6th day of August, 1932.

John C. Rice  
District Judge.

FILED  
Grace L. Hall  
Clerk, Auditor & Recorder  
Bannock County, Idaho  
Anna Keefe, Dep  
Aug 8 1932 3 44 PM  
Book 11 of Judgments, page 198

2203

IN THE DISTRICT COURT  
OF THE FIFTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO IN AND FOR THE COUNTY OF BANNOCK

UNION GRAIN & ELEVATOR COMPANY, a corporation  
Plaintiff,

-vs-

McCannon Ditch Co., a corporation, Defendants

McCannon Ditch Company, a corporation; Portneuf Irrigating Company, a corporation; Sunnyside Ditch Company, a corporation; Topaz Irrigation Company, a corporation; Dempsey Irrigation Company, a corporation; Toponoe Canal Company, Limited, a corporation; Portneuf-Marsh Valley Canal Company, Limited, a corporation; Portneuf-Marsh Valley Irrigation Company, a corporation; Oregon Short Line Railroad Company, a corporation; Elizabeth Kinport, Administratrix of the estate of Harry B. Kinport, deceased; George Goodenough, William Lewis, Edward Murphy, C. C. Peoples, Charles West, A. J. Knollin, W. A. Hibner, Andrew Cutler, W. A. Barron, George Romriell, Frank Warner, John Symons, Joseph Simons, S. J. Palmer, W. W. Cooper, John Hall, Moe White, Willard Bell, Patrick Bell, J. F. Dunn, Charles J. McGuinn, Leslie Gillett, and Fish Creek Irrigating Company, a co-partnership composed of John Hall, Charles J. McGuinn, Frank C. Potter, J. F. Dunn and J. A. Eldredge,

Defendants.

The following parties were upon application of the attorneys for the plaintiff, by reason of the statute in such cases made and provided, afterwards brought in as parties defendant in order that a complete determination of the controversy could be had, to-wit:

Roy Faulkner, Kepler Sessions, Thomas J. Hipper, Stephen Grimm, George John, Emmel Byington, Frank Reed, Smith Ranch (Donald Monson and R. Monson), Charles Byington, James Byington, Noah Reese, Tom Hallinan, George A. Whitworth, J. T. Gittens, George Lewis, Joseph Cutler, Thomas E. Orgill, John Gooch, Fred Johnson, Ira Call, C. V. Call, Chris Call, Carl Loveland, Josiah Loveland, David Butterfield, Andrew Butterfield, Osmond Call, Earl Holbrook, Chester Call Estate (Sarah Call, Administratrix), Arthur Naylor, Bryant Perkins, Farley Jensen, Forest Cornelison, West Side Canal Co., a corporation, I. E. Thompson, Ben D. Jensen, George Brangham, Jas. A. Eldredge, John Gooch, Robert Redford, Alma Hogan, Joseph Purvis, Dave Butterfield, Thomas J. Hipper, Thomas J. Hipper, M. Whitworth, John Whitworth, Neal Williams, J. Buckindorf, J. F. Corbett, Peter Zadron, Joseph Smith, Earl Moss, E. J. Dolbeer, Hall City Ditch, a co-partnership composed of C. J. McGuinn, Rebecca Warner, A. W. Hall, John Hall Estate, Thomas F. Terrell, Mrs. J. G. Bristol, Lesli Sharp, Lew White, Leslie Bowden, James Kofoed, David Aslett, James C. Allen, Mrs. Anna Norton, Lee Merrick, Rebecca Warner, John Potter, George Harrison, A. M. Boyce, J. H. Maughn, G. H. Maughn, F.D. Jagnent, Nephi Hemmingway, F. V. Briscoe, Clarence Avery, John N. Avery, John Byington, W. R. Godfrey, Alonzo Avery, Jesse Avery, J. M. Jensen, W. Leo Jensen, Claud Jensen, Arthur Roswell, H. A. Weddell, Ray Bloxum, Charles Strom, Joseph Bell, Herbert Byington, John Ramsey, H. K. Ward, C. F. Potter, Adrian Campbell, Ira Byington, Alfred Baker, Charley Bell, Ernest Byington, D. A. Monroe Martin, O. K. Ruum, A. A. Kofoed, Tom Harper, Brady Stolpe, Spencer Godray, A. B. Cheney, Bert Lish, Archie Lish, James Higgins, John M. Fairchilds, Foster, Edward Wilmore, Edgar Beebe, James T. Benson, Arthur Popront, Ray Keiley, James Roddy, George Chapman, D. E. Merrick, L. S. Wight, Leo Hansen, Reuben Hansen, Nephi Liljenquist, H. Hawkes, R. L. Redford, Earl Lloyd, Daniel Lloyd, Nels Hogan, Alma Hogan, William Higginson, Robert Higginson, George Higginson, Thomas Hatch, Margaret Hatch, Administratrix estate of R. Hatch, Donald Monson, Charles Miles, Chesterfield Reservoir & Canal Company, a corporation.

J U D G M E N T

This Cause came on regularly for trial on the 26th day of September, 1931, before the Honorable John C. Rice, Judge of the Seventh Judicial District of the State of Idaho, presiding as Judge of the above entitled court, sitting without a jury, a jury having been expressly waived by the respective parties.

And the court having previously fixed the time and place for the hearing of the cause, and having caused the Clerk of the court to give notice in writing to the attorneys of record for all the parties to said action prior to the date set for the hearing of the same;

Messrs. Standrod & Standrod appeared on behalf of the plaintiff, Union Grain and Elevator Company, a corporation;

Messrs. Merrill & Merrill appeared on behalf of the following defendants and cross complainants, and their successors in interest, to-wit: A. J. Butterfield, Joseph Purvis and William F. Purvis (sometimes spoken of as Purvis Brothers), J. A. Eldredge, Joseph E. Corbett, J. Fred Corbett, E. F. Shore (successor to James Buckindorf), J. Bellu and O. Morietto, Commodore Earl Moss, Earl D. Houtz, Thomas Hallinan, John W. Symons, George John, George A. Whitworth, F. A. Reed, James H. Byington, William R. Godfrey, A. A. Rowse, Walter Rowse, S. A. Rowse and J. A. Rowse, John Potter, M. Lucinda Byington, George Harrison, John N. Avery, Clarence Avery, J. A. Avery, Lee Merrick, Nephi Hemmingway, George Harrison Maughan and John Raymond Maughan, George Harrison Maughan, John Raymond Maughan and Joseph Howard Maughan, First National Bank of Ogden, Charles Romriell, Archie Lish, A. B. Cheney, Ray Lish and Lester Romriell, Albert Lish, Village of McCannon, Idaho, Ameziah Henson, Broghan R. Green and Orson D. Robbins, Royal T. Hale, Samuel Orgill, G. H. Romriell, Portneuf Irrigating Company, a corporation, McCannon Ditch Company, a corporation;

Messrs. Black & Baum and Messrs. Merrill & Merrill appeared on behalf of the following defendants and cross complainants, to-wit: Portneuf Marsh Valley Canal Company, a corporation; Dempsey Irrigating Company, a corporation; Topaz Irrigation Company, a corporation; McCannon Ditch Company, a corporation; Fish Creek Irrigation Company, a corporation;

Messrs. Black & Baum appeared on behalf of the defendant, George Goodenough;

W. B. Thompson, Esq., appeared on behalf of the Oregon Short Line Railroad Company, a corporation;

Jones, Pomeroy & Jones appeared on behalf of the defendant and cross complainant, Noah Reese; and

Isaac McDougall, Esq., also appeared on behalf of the defendant, Portneuf Marsh Valley Canal Company, a corporation;

There being no further appearance either in person or by attorneys;

Thereupon witnesses were sworn and examined on behalf of the plaintiff and defendants herein, and documentary evidence was offered and received by and on behalf of the respective parties, and the testimony closed. Arguments were submitted by the respective counsel and the cause was finally submitted to the court for its decision, and the court having duly considered all testimony, the arguments of counsel and being fully advised in the premises, has made and adopted its Findings of Fact and Conclusions of Law, and order judgment to be entered in accordance therewith.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED: That the Union Grain & Elevator Company, the plaintiff is entitled to and that it have at all times during each and every year hereafter, the right to use and the use continuously of fifty-eight and twenty-seven hundredths (58.27) cubic feet per second of time of the waters of the said Portneuf River hereinafter described for the purpose of producing and generating power to operate its flour mill known as the McCannon Mill situated as hereinafter more fully described, and the machinery and elevators therein and connected therewith, and for the purpose of generating electricity to light the said mill and mill premises, its right to the use of said waters to date from the 1st day of July, 1892; the said waters to be diverted through the canal, conduit, mill race or flume conveying the said water from the said Portneuf River to the penstock and water wheel whereby the power for running the machinery and elevators and for generating electricity is produced, the said diversion of said water being from a point on the west bank of the said Portneuf River in the Northwest quarter of Section twelve (12), Township nine (9) South, Range 36 E.B.M., from the Northwest quarter of Section twelve (12), township and range aforesaid, the point of diversion bears South fifty-three (53) degrees East, twenty-eight hundred ninety (2890) feet. The said mill being situated on the following described lands:

Commencing at corner number one, from which the closing corner of the line between sections one and twelve in Township nine (9), South of Range thirty-six (36) East of Boise Meridian in Idaho, lies north twenty-seven degrees and thirty minutes west, eleven hundred and fifty-six (1156) feet (on the left bank of Portneuf River); thence run South sixty-four degrees and forty-five minutes west, sixty-seven and one-half (67 1/2) feet, to corner number two; thence South, Twenty-two degrees and thirty minutes east, forty-seven and one-half (47 1/2) feet to corner number three; thence south sixty-seven degrees and thirty minutes west, fifty-six and one-half (56 1/2) feet to corner number four; thence South nine degrees and forty-five minutes west, twenty-five (25) feet to corner number five; thence South, twenty-two degrees and thirty minutes east, two hundred and twenty (220) feet, to corner number six; thence North sixty-seven degrees and thirty minutes East, two hundred fourteen and one-tenth (214.1) feet to corner number seven; thence North thirty-seven degrees and thirty minutes West, three hundred and one and eighty-one one-hundredths (301.81) feet to the place of commencing, containing in all one acre more or less.

That the said Plaintiff, the Union Grain & Elevator Company, have at all times during the irrigation season, the use of .14 cubic feet per second of time of the waters of said Portneuf River, its right to the use of the same to date from the 1st day of July, 1902, which said waters shall be used upon and become appurtenant to the lands owned by said plaintiff in Lot 1, Section 12, Township 9 south, Range 36 E.B.M., the said waters to be diverted through what is known as the Lewis-Goodenough Ditch diverting from the Portneuf River on the North bank in Lot one (1), Section twelve (12), Township nine (9) South, Range 36 E.B.M.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED: That the following named persons and corporations, defendants and cross-complainants in this action, have the right to the use of the waters of the said Portneuf River, and the tributaries thereof, and springs, the sources of said tributaries, such amount and amounts of water, continuously, during and throughout the irrigating season of each and every year and from the date of appropriation and priority, with the point of diversion and means of diversion as set forth in the following schedule, to-wit:

PORTNEUF RIVER

NAME OF CLAIMANT and DATE OF PRIORITY.	AMOUNT IN SEC. FEET.	POINT OF DIVERSION AND PLACE OF USE
1. HIBNER, Julia 1883-April 14	2.32 c.f.s.	Said water to be diverted through Hibner Ditch Number 2, (Knollia-Tompson Ditch), which diverts from the Portneuf River in the Southwest quarter of the Southwest quarter, Section 19, Township 6 South, Range 39 East; and from the Southwest corner of Section 19, the point of diversion bears north 41 degrees 30 minutes East, 1285 feet, for the irrigation of 116 acres of land located in the South half of the Southwest quarter, the Southwest quarter of the Southeast quarter, Section 19, Township 6 South, Range 39 East; the Northeast quarter of the

- Northwest quarter, the Northwest quarter of the Northeast quarter; the Southwest quarter of the Northeast quarter; the Southeast quarter of the Northwest quarter, Section 30, Township 6 South Range 39 East.
2. SESSIONS, Kepler. ✓ 1.54 c.f.s.  
1903. Sept. 26
- Said water to be diverted through Hibner Ditch No. 2. (Knollin-Toponce Ditch), last above described for the irrigation of 77 acres of land in the Southeast quarter of the Northeast quarter; the Northeast quarter of the Southeast quarter, Section 30, Township 6 South, Range 39 East; the Southwest quarter of the Northwest quarter; and the Northwest quarter of the Southwest quarter, Section 29, Township 6 South, Range thirty-nine (39) East.
3. KNOLLIN, A. J. ✓ 3.99 c.f.s.  
1913 Apr. 15.
- Said water to be diverted through Hibner Ditch No. 2 (Knollin-Toponce Ditch) last above described, for the irrigation of 80 acres of land in the West half of the Southwest quarter, Section 9; 39.5 acres in the Southeast quarter of Southwest quarter, Section 9; 80 acres in the East half of the Southeast quarter, Section 8; all in Township 7 South, Range 39 East. This Canal, the Hibner No. 2, or the Knollin-Toponce Ditch, may be used for carrying water of Toponce Creek in addition to the River water, subject to the rights of Julia Hibner, and Kepler Sessions. The water for this ditch is delivered through a syphon of the Portneuf-Marsh Valley Irrigation Company's dam to the point of diversion described above.
4. HIBNER, Julia ✓ .36 c.f.s.  
1881. May 1.
- Said water to be diverted through Hibner Ditch No. 3, which diverts from the Portneuf River in the Southwest quarter of the Southwest quarter of Section 19, Township 6 South, Range 39 East. From the Southwest corner of Section 19, the point of diversion bears North, 48 degrees 45 minutes East, 732 feet, for the irrigation of 18 acres of land in the South half of the Southwest quarter, Section 19, Township 6 South, Range 39 East.
5. KNOLLIN, A. J. ✓ 1.13 c.f.s.  
1881, May 1.
- Said water to be diverted through Hibner Ditch No. 4, which diverts from the Portneuf-Marsh Valley Irrigation Company's drainage canal, in the Northwest quarter of the Southeast quarter of Section 30; from the East quarter corner of Section 30, the point of diversion bears West, 3410 feet. Point of diversion is a dam across the Portneuf-Marsh Valley Irrigation Company's canal, for the irrigation of 56.76 acres of land, located as follows; the Northeast quarter of the Southwest quarter, Section 30, 17 acres; the South half of the Southwest quarter, Section 30, 15.2 acres; the North half of the Northwest quarter, Section 31, 24.56 acres, all in Township 6 South, Range 39 East.
6. HIBNER, Julia. ✓ .31 c.f.s.  
1881. May 1.
- Said water to be diverted through Hibner Ditch No. 5, which diverts from the Portneuf River, in the Southwest quarter of the Northwest quarter of Section 30, Township 6 South, Range 39 East. From the Northwest corner of Section 30, the point of diversion bears south 40 degrees, 5 minutes EAST, 1755 feet, for the irrigation of 15.4 acres in the South half of the Northwest quarter, Section 30, Township 6 South, Range 39 East.
7. KNOLLIN, A. J. ✓ .24 c.f.s.  
1881. May 1. (12 inches)
- Said water to be diverted by means of a dam across the Portneuf River, which diverts in Lot 3, Section 30, Township 6 South, Range 39 East. The point of diversion bears East 870 feet from the West quarter corner of Section 30, Township 6 South, Range 39 East, for the irrigation of 12 acres in Lot 3, and the northeast quarter of the Southwest quarter, Section 30, Township 6 South, Range 39 East.
8. KNOLLIN, A. J. ✓ .75 c.f.s.  
1881. May 1.
- Said water to be diverted through Knollin Ditch No. 1, which diverts from the Portneuf Marsh Valley Irrigation Company's drainage Canal in the Northwest quarter of the Northeast quarter, Section 31, Township 6 South, Range 39 East. From the North quarter corner of Section 31, the point of diversion bears South 30 degrees thirty (30) minutes East, 560 feet, for the irrigation of 37.36 acres in the West half of the Northeast quarter; the Southeast quarter of the Northwest quarter, Section 31, Township 6 South, Range 39 East.

Sub-irrigated land lying between the Portneuf River and the Portneuf Marsh Valley Irrigation Company's drainage canal.

9. HIBNER, Julia ✓ .64 c.f.s. For the irrigation of 9.28 acres in the North half of the Northwest quarter; and 23 acres in the Southeast quarter of the Northwest quarter, Section 30, Township 6 South, Range 39 East.  
1881. May 1
10. KNOLLIN, A. J. ✓ 1.03 c.f.s. For the irrigation of 18 acres in the Northeast quarter of the Southwest quarter, Section 30, Township 6 South, Range 39 East, and 33.3 acres in the Southeast quarter of the Southwest quarter, same Section, Township and Range.  
1881. May 1.
- These lands were formerly irrigated by ditch having same location as the Portneuf-Marsh Valley Irrigation Company's drainage canal. Should these lands cease to sub, due to change of location of above described canal, or for any other reason, the owner may divert the water to the said lands, from the canal or the river from such point or points as the land may be advantageously watered, from date of priority, May 1st, 1881.
11. GOOCH, John O. Jr. ✓ 3.77 c.f.s. Said water to be diverted through the Gooch-Johnson Ditch No. 1, otherwise known as West Ditch, from the Portneuf Marsh Valley Irrigation Company's drainage canal, which diverts in the Northwest quarter of the Northeast quarter Section 31, Township 6 South, Range 39 East. From the South quarter corner of Section 30, Township 6 South, Range 39 East, the point of diversion bears South 33 degrees East 1245 feet, for the irrigation of 5.48 acres in the South half of the North half of the Southeast quarter Section 31, Township 6 South, Range 39 East; 36.6 acres in the Southeast quarter of the Southeast quarter, section 31, Township 6 South, Range 39 East; 40 acres in Lots 1 and 2, Section 5, Township 7 South, Range 39 East; 63 acres in the West half of the Southeast quarter, Section 5, Township 7 South, Range 39 East; 43.32 acres in the South half of the Southwest quarter of Section 31, township 6 South, Range 39 East.  
1880. Apr. 15
12. KNOLLIN, A. J. ✓ .96 c.f.s. Said water to be diverted through the Gooch-Johnson Ditch No. 1, otherwise known as West Ditch, last above described, for the irrigation of 3.32 acres in the East half of the Southeast quarter, Section 5, Township 7, Range 39 East; 11.68 acres in the North half of the Southeast quarter, Section 31, Township 6 South, Range 39 East; 32.83 acres in the Northeast quarter of Section 31, Township 6 South, Range 39 East.  
1880. April 15.
13. LOVKLAND, C. H. ✓ .16 c.f.s. Said water to be diverted through the Gooch-Johnson Ditch No. 1, otherwise known as West Ditch, last above described, for the irrigation of 8.24 acres of land in the Northwest quarter of the Southwest quarter, Section 33, Township 6 South, Range 39 East.  
1880, April 15
14. GOOCH, John O. Jr. ✓ 4.0 c.f.s. Said water to be diverted through the Gooch-Johnson Ditch No. 1, otherwise known as West Ditch, last above described, for the irrigation of 50 acres of land in the North half of the Southwest quarter, Section 5, Township 7 South, Range 39 East.  
1880. April 15
15. KNOLLIN, A. J. ✓ .18 c.f.s. Said water to be diverted through Gooch-Johnson Ditch no. 2, which diverts in the Southwest quarter of the Northeast quarter of Section 31, Township 6 South, Range 39 East. From the South quarter corner of Section 30, the point of diversion bears south 7 degrees 35 minutes East 2330 feet, for the irrigation of 7 acres of land in the North half of the North half of the Southeast quarter, Section 31, Township 6 South, Range 39 East; and 2 acres in the Southwest quarter of the Northeast quarter, same Section, Township and Range.  
1880 Apr. 15.
16. GOOCH, John O. Jr. ✓ 1.97 c.f.s. Said water to be diverted through the said Gooch-Johnson Ditch No. 2, last above described, for the irrigation of 18.68 acres of land in the South half of the Northwest quarter of the Southeast quarter; and 40 acres of land in the Southwest quarter of the Southeast quarter of Section 31, Township 6 South, Range 39 East; 40 acres in Lots 3 and 4, Section 5, Township 7 South, Range 39 East.  
1880 Apr. 15.
17. ELDREDGE, J. A. ✓ 2.35 c.f.s. Said water to be diverted through Gooch-Eldredge Ditch, which diverts from the Portneuf River in the Northwest quarter of the Southwest quarter, Section 5, Township 7 South, Range 39 East. From the Northwest corner of Section 5, the point of diversion bears South 34 degrees and 10 minutes East, 2155 feet, for the irrigation of 117.52 acres of land in the Southwest quarter of the Northeast quarter; the East half of the Southwest quarter, the West half of the Southwest quarter, Section 6, Township 7 South, Range 39 East.  
1888. Sept 1
18. GOOCH, John O. Jr. ✓ 1.77 c.f.s. Said water to be diverted through Gooch-Eldredge Ditch, last above described, for the irrigation of 88.8 acres of land in the Southwest quarter of Section 5; the Northwest quarter of the Northwest quarter, Section 6; The Southeast quarter of the Northwest quarter, Section 8, all in Township 7, South, Range 39 East.  
1888. sept 1

19. A. J. KNOLLIN, ✓ 1.95 c.f.s.  
1888. Sept. 1. Said water to be diverted through the said Gooch-Eldredge Ditch, last above described, for the irrigation of 97.4 acres of land in the Northeast quarter of the Northwest quarter; the North half of the Northeast quarter, the Southeast quarter of the Northeast quarter Section 8, Township 7 South, Range 39 East.
20. PURVIS BROTHERS ✓ .14 c.f.s.  
1888. Sept. 1. Said water to be diverted through the said Gooch-Eldredge Ditch, last above described, for the irrigation of 7.04 acres of land in the Southwest quarter of the Northwest quarter, Section 8, Township 7 South, Range 39 East.  
The above defendants are also allowed the right to maintain a dam across the Portneuf River, located at a point of diversion above described, of sufficient height to divert the water so decreed.
21. NIPPER, Thomas J. ✓ 3.84 c.f.s.  
1889. Oct. 18. Said water to be diverted through Nipper Ditch, which diverts from the Portneuf River in the Southeast quarter of the Southwest quarter, Section 6, Township 7, South, Range 39 East. From the South quarter corner of Section 8, the point of diversion bears North 29 degrees and 15 minutes West, 1130 feet, for the irrigation of 29 acres of land in the Northwest quarter of the Southwest quarter, Section 17; 5 acres in the Southwest quarter of the Southwest quarter, Section 17; 59.52 acres in the West half of the Northwest quarter, Section 20; 27.24 acres in the East half of the Northeast quarter, Section 19; 33.4 acres in the Northwest quarter of the Southwest quarter, Section 20; 38.1 acres in the Northeast quarter of the Southeast quarter, Section 19, all in Township 7, South, Range 39 East.
22. NIPPER, Thomas J. ✓ 3.43 c.f.s.  
1887 May 1 Said water to be diverted by means of Nipper Dam across Portneuf River, which diverts water from the river at the point where the North line of the South half of the South half, Section 17, Township 7, South, Range 39 East, crosses said River, for the irrigation of 20.46 acres of land in the East half of the Southeast quarter of Section 18; 34.04 acres in the East half of the Northeast quarter, Section 19; 35.16 acres in the Southwest quarter of the Northeast quarter; Section 19; 41.3 acres in Lots 2 and 3, Section 19; 40.9 acres in the North half of the Southeast quarter, Section 19, all in Township 7 South, Range 39 East.
23. SYMONS, John W. ✓ .30 c.f.s.  
1889 July 1 Said water to be diverted through the Dempsey and Topaz Canals. The Dempsey and Topaz Canals have a common heading from the River, the Topaz being a continuation of the Dempsey. The Dempsey Canal diverts in the Northeast quarter of the Southwest quarter of Section 28, Township 8 South, Range 38 East. From the South quarter corner of Section 28, the point of diversion bears North 34 degrees west, 2130 feet, for the irrigation of land described as follows: Beginning at the Northeast corner of Lot 2, Section 4, Township 9 South, Range 38 East, running thence South 69 rods; thence West at right angles 160 rods to the East bank of Portneuf River; thence running North following the meandering of said East bank of said River to the North line of Lot 3; running thence East on the Township line to the point of beginning, being the North 69 rods of Lots 2 and 3, Section 4, Township 9 South, Range 38 East.
24. WHITWORTH, Geo. A. ✓ .40 c.f.s.  
1889 July 1 Said water to be diverted through the said Dempsey and Topaz Canals, last above described for the irrigation of 20 acres of land in the West half of the Southeast quarter, Section 4, Township 9 South, Range 38 East.
25. JOHN, George ✓ .70 c.f.s.  
1888 May 1 Said water to be diverted through the said Dempsey and Topaz Canals, last above described, for the irrigation of that portion of land of Lot 2, and the Northeast quarter of the Northeast quarter, Section 9, Township 9 South, Range 38 East, lying East of the O.S.L.R.R. right of way.
26. WARNER, Cordelia .10 c.f.s.  
1880 April 1 Said water to be diverted through the said Dempsey and Topaz Canals, last above described for the irrigation of 5.3 acres of land lying in Lot 4, the Southwest quarter of the Northeast quarter, Section 4, Township 9 South, Range 38 East, bounded on the East by the Dempsey Canal, and on the West by the right of way of the O.S.L.R.R.
27. DEMPSEY IRRIGATING COMPANY and TOPAZ IRRIGATION COMPANY.  
1888 April 18 32 c.f.s.  
1907 Jan. 14 7.5 c.f.s. Said water to be diverted through the said Dempsey and Topaz Canals, last above described for the irrigation of lands under the Dempsey and Topaz Canals, described as follows: 65.2 acres in Lots 1 and 2, the East half of the Southwest quarter Section 10, Township 9 South, Range 38 East; 103.24 acres in Lots 1, 2, 3, and 4, Section 22, Lot 3, Section 15, and the Southwest quarter of the Southeast quarter, Section 32, Township 9 South, Range 38 East; 11.1 acres in the Northwest quarter of the Northeast quarter, Section 28, above Township and Range; 31.45 acres in Lot 2, Section 21; 7 acres in the Northeast quarter of the Northwest quarter, Section 28; 63 acres in Lots 2, 3 and 6, Section 9, and the Northwest quarter of the Southeast quarter, Section 9; 11.64 acres

in the West half of the Northwest quarter, Section 10; 5.66 acres in the Southeast quarter of the Northwest quarter, Section 28; 65 acres in the South half of the Northeast quarter, Section 29, and the Southwest quarter of the Northwest quarter, Section 28; 17.1 acres in the North half of the Northeast quarter, Section 29; 29 acres in the Northwest quarter of the Northwest quarter, Section 28; 14.7 acres in Lots 1 and 2, the Southwest quarter of the Northwest quarter, and the North half of the Southwest quarter, Section 15; 20.76 acres in Lot 1, Section 16; 4.76 acres in the Northeast quarter of the Northwest quarter, Section 15; 66.45 acres in Lots 1 and 3, Section 21; 8 acres in Lot 10, Section 22; 3.6 acres in the Northeast quarter of the Southeast quarter, Section 22; 125 acres in the South half of the Southwest quarter, Section 28, the Northwest quarter of the Southwest quarter, Section 28, the North half of the Southeast quarter, Section 29; 15.3 acres in the Southeast quarter of the Southeast quarter, Section 22; 5 acres in the Northwest quarter of the Southeast quarter, Section 22; 158.2 acres in Lot 4, the Southwest quarter of the Southwest quarter, Section 21, and Lots 1 and 2, the South half of the Southeast quarter, Section 20, Township 9 South, Range 38 East.

TOPAZ IRRIGATION COMPANY CANAL, a continuation of the Dempsey Canal. This canal also diverts water of Dempsey Creek in the Northwest quarter of the Northwest quarter, Section 33, Township 9 South, Range 38 East. From the Northwest quarter of Section 33, the point of diversion from Dempsey Creek bears South 44 degrees East, 1340 feet.

1883 April 1  
(Source Dempsey Creek)

13.44 a.f.s. Said water to be diverted through the said Topaz Irrigation Company Canal, last above described, for the irrigation of 90 acres in Lots 1 and 2, Section 19, Township 9 South, Range 38 East, the Northeast quarter of the Northeast quarter, Section 30, Township 9 South, Range 38 East, the East half of the Northwest quarter of the Northeast quarter, Section 30, Township 9 South, Range 38 East, 144.44 acres in Lots 5 and 6, Section 24, Township 9 South, Range 37 East, the North half of the Northeast quarter, Section 25, Township 9 South, Range 27 East, Lot 3, Section 19, Township 9 South, Range 38 East; 58.84 acres in Tract of East half of the Northwest quarter, Section 30, Township 9 South, Range 38 East;

87.88 acres in the West half of the Northeast quarter, Section 27, Township 9 South, Range 37 East, the Northeast quarter of the Northeast quarter, Section 27, Township 9 South, Range 37 East, the South half of the Southeast quarter, the South half of the Southwest quarter, the Lots 6, 7, and 8, Section 22, Township 9 South, Range 37 East, the East half of the Northwest quarter, Section 27, Township 9 South, Range 37 East; 45.77 acres in the West half of the Northwest quarter of the Northeast quarter, Tract of the Northeast quarter of the Northwest quarter, Section 30, Township 9 South, Range 38 East, and Tract to River, Section 19, Township 9 South, Range 38 East; 25.24 acres in the West half of the Northwest quarter, Section 26, Township 9 South, Range 37 East, and the Southeast quarter of the Northeast quarter, Section 27, Township 9 South, Range 37 East; 159.40 acres in the South Half of the Southwest quarter, and Lots 7 and 8 of Section 33, Township 9 South, Range 37 East; 24.08 acres in the North half of the Northeast quarter, the Northeast quarter of the Northwest quarter, Section 26, and Tract in corner of Sections 23, 24, 25 Township 9 South, Range 37 East; 22.90 acres in Tract of the Southeast quarter of the Southeast quarter, Section 23, Township 9 South, Range 37 East; 36.48 acres in Lot 5, Section 22, Township 9 South, Range 37 East; 86.44 acres in the South half of the Northeast quarter, the Southeast quarter of the Southwest quarter, the Southeast quarter of Section 30, Township 9 South, Range 38 East; 76.84 acres in Lot 7, the South half of the Southwest quarter, Section 24, Township 9 South, Range 37 East, and the Northwest quarter of Section 25, Township 9 South, Range 37 East; 44.36 acres in the West half of the Northwest quarter, Section 30, Township 9 South, Range 38 East; 75 acres in Lots 5 and 6, Section 23, Township 9 South, Range 37 East, and the South half of the Southeast quarter of Section 23, Township 9 South, Range 37 East; 73.88 acres in the South half of the Northwest quarter of Section 29, Township 9 South, Range 38 East; 92.47 acres in Lots 1 and 2, Section 29, Township 9 South,

Range 38 East, and Lot 3, Section 20, Township 9 South, Range 38 East.

The lands above described as being irrigated through the Dempsey and Topaz Canals, are entitled to a total of one (1) inch to the acre from all sources from which water is derived for their irrigation under this judgment; and where such lands receive water from other sources, than the Main Channel of the Portneuf River through the Dempsey and Topaz Canals, water shall be delivered to these lands through the private ditches and canals during the irrigating season, unless lack of sufficient water from such private ditches and canals makes it impossible to deliver said one (1) inch to the acre, then, in that case, the total of One (1) inch to the acre shall be diverted through the Dempsey Canal, above described.

28. Symons, John W. ✓ .80 c.f.s.  
1902 July 14
- Said water to be diverted through a ditch having an intake North 30 degrees 39 minutes East, 2110 feet, from the South west corner of Section 28, Township 8 South, Range 38 East, for the irrigation of land in the South west quarter of Section 33, Township 8 South, Range 38 East.
29. WHITWORTH, George A. ✓  
1889 July 1 2.20 c.f.s.
- Said water to be diverted through a ditch having its intake on the West bank of the Portneuf River near the Northeast corner of Lot 4, Section 9, Township 9 South, Range 38 East, for the irrigation of 110 acres in Lots 4 and 5, and the East half of the Northwest quarter of Section 9, Township 9 South, Range 38 East.
30. WHITWORTH, George A. ✓  
1889 July 1 1.4 c.f.s.
- Said water to be diverted through a ditch having its intake on the East bank of the Portneuf River, in Lot 3, Section 4, Township 9 South, Range 38 East, for the irrigation of 40 acres in Lot 5, Section 4, Township 9 South, Range 38 East; and that portion of the West half of the Southeast quarter of said Section 4 which lies West of the O.S.L.R.R. Company's right of way; and approximately 30 acres in Lot 10 in said Section 4, to which said last mentioned tract water is conveyed by means of a flume crossing the Portneuf River in Lot 9 of said Section 4, Township 9 South, Range 38 East.
31. JOHN, George ✓  
1889 May 1 .50 c.f.s.
- Said water to be diverted by means of the Durfee Ditch having its intake near the Northwest corner of Lot 1, Section 9, Township 9 South, Range 38 East, for the irrigation of approximately 25 acres in said Lot 1, lying West of the O.S.L.R.R. Company's right of way.
32. HARNER, Cordelia 1.50 c.f.s.  
1890 April 1
- Said water to be diverted through a ditch having its intake about 20 rods South of the North line of Section 4, and from the East bank of the Portneuf River in Section 4, Township 9 South, Range 38 East, for the irrigation of lands lying between the River and the O.S.L.R.R. Company's right of way in Lot 4, Section 4, Township 9 South, Range 38 East.
33. HALLINAN, Thomas 1.2 c.f.s.  
1889 May 1
- Said water to be diverted through the Durfee Ditch, having its intake near the Northwest corner, Lot 1, Section 9, Township 9 South, Range 38 East, for the irrigation of land in Lots 2 and 3, Section 9, same Township and Range.
34. REED, F. A. .4 c.f.s.  
1889 July 1
- Said water to be diverted through a ditch having its intake on the East bank of the Portneuf River, in Lot 3, Section 4, Township 9 South, Range 38 East, for the irrigation of land in Lot 6, Section 4, Township 9 South, Range 38 East.
35. BYINGTON, Jas.H. .40 c.f.s.  
1902 July 14
- Said water to be diverted through a ditch having its intake on the West side of the Portneuf River, which point bears North thirty degrees and thirty minutes East, 2110 feet, from the Southwest corner of Section 28, Township 8 South, Range 38 East, for the irrigation of 20 acres in the West half of the West half of Section 4, Township 9 South, Range 38 East.
36. REESE, Noah 2.26 c.f.s.  
1889 July 1 (115 inches)
- Said water to be diverted through the Reese ditch. The point of diversion of the said Reese ditch bears South 83 degrees East, 1225 feet, from the Northeast corner of Section 16, Township 9 South, Range 38 East, for the irrigation of 10 acres, of land in Lot 1; 10.2 acres in the Southwest quarter of the Northwest quarter, 30 acres in the North half of the Southwest quarter, 4.5 acres in Lot 2, all in Section 15, Township 9 South, Range 38 East; 20.3 acres in Lot 1 Section 16, Township 9 South, Range 38 East.
37. LAVA IRRIGATION COMPANY 20.5 c.f.s.  
1904 February 11
- Said water to be diverted through the Lava Irrigation Company's canal, which diverts water from the Portneuf River in Lot 3, Section 10, Township 9 South, Range 38 East; from the Southwest corner of Section 10, the point of diversion bears North 3 degrees East, 2130 feet, for

the irrigation of land under the Company's canal, described as follows: 45.1 acres in Lot 5, Section 20; 12 acres in the Southwest quarter of the Northwest quarter Section 20; 36.92 acres in the Northeast quarter of the Northeast quarter, 40.16 acres in the Northeast quarter of the Northwest quarter, Section 20, and the Southeast quarter of the Southwest quarter of Section 17; 86.63 acres in Lot 7, and the Southeast quarter of the Northwest quarter, Section 20; 45.8 acres in Lots 8 and 9, Section 20; 50.75 acres in the Northwest quarter of the Northeast quarter, and the North half of the Southwest quarter of the Northeast quarter, Section 20; 39.85 acres in the South half of the Southwest quarter of the Northeast quarter, and lot 6, Section 30; 71.2 acres in the North half of the Northwest quarter, Section 21; 50.48 acres in the South half of the Southeast quarter, Section 17; 12 acres in Lots 4 and 5, and the Northwest quarter of the Southeast quarter of Section 19; 31.8 acres in Lots 6 and 7, Section 19; 104.8 acres in Lots 4 and 5, Section 15; and the Northeast quarter of the Southeast quarter, and the East half of the Northeast quarter, Section 16; 50 acres in Lots 7 and 8, Section 21; 17.2 acres in Lot 6, Section 21; 42.7 acres in Lot 5, Section 21; 3.9 acres in the Northwest quarter of the Northeast quarter of Section 21; 52.8 acres in the South half of the Northeast quarter and the Northeast quarter of the Northeast quarter of Section 21; 53.6 acres in the South half of the Southwest quarter, Section 16; 35.3 acres in the Southeast quarter of the Northwest quarter, Section 21; all in Township 9 South, Range 38 East.

38. FAIRCHILD, Mrs. A. A. .60 c.f.s. Said water to be diverted by means of the Fairchild Pumping Plant. The point of diversion of the said Fairchild Pumping Plant bears North 31 degrees 3 minutes East, 3125 feet, from the Northwest corner of Section 27, Township 9 South, Range 37 East, to be used for the development of power for the irrigation of certain lands in Lot 4, Section 22, Township 9 South, Range 37 East.

39. FAIRCHILD, Mrs. A. A. .10 c.f.s. Said water to be diverted through the Fairchild Ditch, which diverts water furnished through a private pumping system called the Fairchild Pumping Plant, in Lot 4, Section 23, Township 9 South, Range 37 East. From the Southwest corner of Section 15, Township 9 South, Range 37 East, the point of diversion bears South 22 degrees East, 2930 feet, for the irrigation of five acres of land in Lot 4, Section 22, Township 9 South, Range 37 East.

40. PORTNEUF IRRIGATING COMPANY. 55 c.f.s. 1889 Mar. 27. Said water to be diverted through the Portneuf Irrigating Company's canal, which diverts water from the Portneuf River in the Southeast quarter of the Northwest quarter Section 22, Township 9 South, Range 37 East. From the Southwest corner of Section 22, the point of diversion bears North, 44 degrees 45 minutes East, 3550 feet. The water is carried from the point of diversion through a short stretch of canal, to the Portneuf-Marsh Valley Irrigation Company's Canal, through which it is delivered to points of diversion of the Company's laterals and main canals, diverting directly from the Portneuf-Marsh Valley Irrigation Company's main canal. The point of diversion of the main lateral, called the Portneuf Irrigating Company's Ditch, is located in the Northwest quarter of the Northeast quarter, Section 30, Township 9 South, Range 37 East. From the North quarter corner of Section 30, the point of diversion bears South 9 degrees, 30 minutes East, 1170 feet. The water entering the headgates of the Portneuf-Marsh Valley Irrigation Company's canal, shall be delivered free from transit, losses to the several laterals and the main canal above described. For the irrigation of 3236.7 acres located as follows: 5.4 acres in the Southwest quarter of the Northeast quarter, 20.7 acres in the Southwest quarter of the Southwest quarter of Section 36, Township 9 South, Range 36 East; 14.5 acres in the Southeast quarter of the Northwest quarter, 20.5 acres in the Northeast of the Southwest quarter, 73.5 acres in the South half of the Southwest quarter, Section 31, Township 9 South, Range 37 East; 24.6 acres in the Southeast quarter of the Southeast quarter, Section 36, Township 9 South, Range 36 East; 95 acres in Section 1, Township 10 South, Range 36 East; 532.6 acres in Section 6, Township 10 South, Range 37 East; 76.8 acres in the North half of the Northwest quarter, 75.2 acres in the North half of the Northeast quarter, .8 acres in Lot 2, Tract Lot 3, 33 acres in Tract in the Northwest quarter, and a Tract in the Northeast quarter, Section 7, Township 10 South, Range 37 East; 49.1 acres in the Southeast quarter, 24.8 acres in the Northeast quarter, 14.7 acres in the North half of the Northwest quarter of Section 35,

Township 9 South, Range 36 East; 12.1 acres in the East half of the Southwest quarter, 127 acres in the Southeast quarter, Section 25, Township 9 South, Range 36 East; 91.5 acres in the Southwest quarter of Section 30, Township 9 South, Range 37 East; 23.9 acres in the Northwest quarter of the Northeast quarter, 78 acres in the East half of the Northeast quarter, 21.6 acres in the Northeast quarter of the Southeast quarter, Section 36, Township 9 South, Range 36 East; 69.4 acres in the West half of the Northwest quarter, 5 acres in the Northeast quarter of the Northwest quarter, 40 acres in the Northwest quarter of the Southwest quarter, Section 31, Township 9 South, Range 37 East; 7.4 acres in a Tract in the Southwest quarter of the Southwest quarter, Section 19, Township 9 South, Range 37 East; 8 acres in a Tract in the Northwest quarter of the Northwest quarter, Section 30, Township 9 South, Range 37 East; 12.5 acres in Lot 6, 39.6 acres in Lot 7, 7.5 acres in Lot 8, Section 20, Township 9 South, Range 37 East; 66.9 acres in the southwest quarter, 4.5 acres in the Northwest quarter of the Southeast quarter Section 17, Township 10, South, Range 37 East; 35 acres in the East half of the Southeast quarter, Section 18, 10.4 acres in a Tract in the Northwest quarter of the Northwest quarter, Section 20, 8.1 acres in a Tract in the Northeast quarter of the Northeast quarter, Section 19, 5 acres in the Southwest quarter of the Northeast quarter, Section 17, Township 10, South, Range 37 East; 75.7 acres in the West half of the Southeast quarter, 41.5 acres in the East half of the Southwest quarter, Section 18, Township 10 South, Range 37 East; 10.3 acres in the Southwest quarter of the Northeast quarter, 20.2 acres in the Northwest quarter of the Southeast quarter, 9 acres in the Northeast quarter of the southwest quarter, Section 26, Township 9 South, Range 38 East; 25.2 acres in the Northeast quarter of the Southwest quarter, 15.4 acres in the Southeast quarter of the Northwest quarter, Section 8, Township 10 South, Range 37 East; 12.2 acres in a Tract in the South half of the Northwest quarter, Section 30, Township 9 South, Range 37 East; 64.2 acres in a Tract in the Northeast quarter, 57 acres in a Tract in the North half of the Northwest quarter, Section 25, Township 9 South, Range 36 East; 46.6 acres in a Tract in the Northwest quarter, 26.6 acres in a Tract in the Southwest quarter of the Northeast quarter, 40 acres in the East half of the Southwest quarter, 38.8 acres in the Northwest quarter of the Southeast quarter; 40 acres in the Southeast quarter of the Northeast quarter, 36.3 acres in the Northeast quarter of the Southeast quarter Section 7, Township 10 South, Range 36 East; 40 acres in the Northwest quarter of the Southwest quarter, Section 8, Township 10 South, Range 36 East; 10 acres in a Tract in the Northwest quarter of the Northeast quarter, 12 acres in a Tract in the Northwest quarter, Section 30, Township 9 South, Range 37 East; 13.8 acres in Lot 9, 38 acres in the Southwest quarter of the Southeast quarter, 47.3 acres in a tract in the south half of the Southwest quarter, Section 19, Township 9 South, Range 37 East; 37 acres in a Tract in the west half of the Northwest quarter, 26.2 acres in the Northwest quarter of the Southwest quarter, Section 20, Township 10 South, Range 37 East; 13.1 acres in a tract in the East half of the Northeast quarter, 8.7 acres in a Tract in the Northeast quarter of the Southeast quarter, Section 19, Township 10 South, Range 37 East; 15.6 acres in a Tract in the South half of the Northwest quarter of Section 17, Township 10 South, Range 37 East; 17.2 acres in a Tract in Lot 8, 13.4 acres in a Tract in the Southwest quarter of the Southwest quarter, Section 20, 4.1 acres in Lot 5, Section 21, 4.9 acres in the West half of the Northwest quarter, Section 29, 10.5 acres in the Southeast quarter, of the Southwest quarter, 24.6 acres in a Tract in the West half of the Southwest quarter, 6.1 acres in a Tract in Lot 8, Section 20, 75.6 acres in a Tract in the Northwest quarter of Section 30, 32.3 acres and a Tract in the East half of the Northeast quarter, Section 25, Township 9 South, Range 37 East; 37.5 acres in a Tract in the North half of the Northwest quarter, Section 17, 3.3 acres in a Tract in the Northeast quarter of the Northeast quarter, Section 18, 43.1 acres in a Tract in the Northwest quarter, Section 17; Township 10 South, Range 37 East; 16 acres in Lot 5, Section 20, and Lot 6, Section 21, Township 9 South, Range 37 East; 21.4 acres in a Tract in the Northwest quarter of Section 17, 69.6 acres in a Tract in the East half of the Northeast quarter, Section 18, 71.8 acres in the West half of the Northwest quarter, Section 8, 30.4 acres in the West half of the Southwest quarter, Section 8, 12.4 acres in a Tract in the South half of the Southwest quarter, Section 8, 2.4 acres in the Southeast quarter of the Southeast quarter, Section 7, 52.7 acres in a Tract in the South half of the Southwest quarter, Section 9, 31.6 acres in a Tract in the Southeast quarter of the Southeast quarter, Section 7, 34.7 acres in a Tract in the South half of the Northwest quarter, 1 acre in a Tract in the Southwest quarter of the Northwest quarter, Section 17, Town-

ship 10 South, Range 37 East; 34.5 acres in the North half of the Northeast quarter, 5 acres in a Tract in the Northeast quarter of the Northwest quarter, Section 30, 42.7 acres in the Southeast quarter of the Southeast quarter, Lot 8 in Section 19, Tract in the Northeast quarter of the Northeast quarter, Section 30, and a Tract in Lot 8, Section 20, Township 9 South, Range 37 East.

**PORTNEUF-MARSH VALLEY CANAL COMPANY'S CANAL.** This canal diverts from the Portneuf River in Lot 7, Section 22, Township 9 South, Range 37 East. From the Southwest corner of Section 22, the point of diversion bears North 31 degrees and 30 minutes East, 3125 feet.

**TOPONCE FEEDER CANAL,** of the Portneuf-Marsh Valley Canal Company, diverts water from Toponce Creek to supply storage water in the reservation hereinafter described. This canal diverts water from Toponce Creek in the Southeast quarter of the Southeast quarter of Section 33, Township 6 South, Range 38 East. From the Northwest corner of Section 3, Township 7 South, Range 38 East, the point of diversion bears North 58 degrees and 40 minutes West, 393 feet.

**THE PORTNEUF-MARSH VALLEY CANAL COMPANY RESERVOIR AND DAM** is located in the following legal subdivisions: The dam proper is located in Lot 4, Section 19, Township 6 South, Range 39 East, and covers lands in Sections 11, 13, 14 and 24, Township 6 South, Range 39 East. The point of diversion of this dam, which is located across the channel of the Portneuf River, is in Lot 4, Section 19, Township 6 South, Range 39 East. From the Southwest corner of Section 19, the point of diversion bears North 41 degrees and 30 minutes East, 1285 feet.

The Drainage canal of said company begins at the outlet of impounding dam above described or in the Southwest quarter of the Southwest quarter, Section 19, and enters the Portneuf River at or about the North quarter corner of Section 26, Township 7 South, Range 38 East.

- 41. **PORTNEUF-MARSH VALLEY CANAL COMPANY**  
Normal Flow.  
1907 Dec. 18 176.85 c.f.s.  
1912 July 6

Storage water 16,410 Acre Feet. This being the capacity of the storage reservoir above described. This storage water to be delivered free from loss, from the reservoir to the point of diversion on the Portneuf River above described, for the Portneuf-Marsh Valley Canal Company's canal, through said Company's drainage canal, and the River channel.

- 42. **PORTNEUF-MARSH VALLEY CANAL COMPANY FEEDER CANAL FROM TOPONCE**  
1912 July 6 164.43 c.f.s.

During the non-irrigating season, that amount being the maximum capacity of said feeder canal, to supply storage water above listed. For the irrigation of 8842.4 acres of land located in the following legal subdivisions: The East half of the Southwest quarter, Section 5; the Northeast quarter of the Southeast quarter, the Northwest quarter of the Northeast quarter, the East half of the Northeast quarter, Section 17; the Northwest quarter of the Northeast quarter, the Southeast quarter of the Northwest quarter, the Southwest quarter of the Northeast quarter, the Northwest quarter of the Southeast quarter, Section 20; The East half of the Northwest quarter, the West half of the Northeast quarter, the East half of the Southwest quarter, the Southwest quarter of the Southwest quarter, Section 29; the Northwest quarter of Northwest quarter, the West half of the Southeast quarter, the East half of the Southwest quarter, the Northwest quarter of the Northeast quarter, the Northeast quarter of the Southeast quarter, the Southwest quarter of the Southwest quarter, the Southeast quarter of the Southeast quarter, the Northeast quarter of the Northwest quarter, the Southeast quarter of the Northwest quarter, Section 32; the West half of the Southeast quarter, the East half of the Southeast quarter, Section 31; all in Township 10 South, Range 37 East, the South half of the Southwest quarter, the Northeast quarter of the Southwest quarter, the Southwest quarter of the Northwest quarter, the Northwest quarter of the Southwest quarter, the Northwest quarter of the Northwest quarter, the Northeast quarter of the Northeast quarter, Section 6; the Southwest of the Northwest quarter, the Northwest quarter of the Southwest quarter, the Southeast quarter of the Southeast quarter, the Southwest quarter of the Southeast quarter, Section 5; the South half of the Southwest quarter, Section 4; the South half of the Southwest quarter, the North half of the Southwest quarter, the Northwest quarter of the Northwest quarter, Section 9, the Southwest quarter of the Southwest quarter, the North half of the Northwest quarter, the Southeast quarter of the Southeast quarter, the Northeast quarter, the West half of the Southeast quarter, the South half of the Northwest quarter, the Northeast quarter of the Southwest quarter, the Southeast quarter of the Southwest quarter, Section 3; the Northwest quarter of the Southeast quarter, the Northeast quarter of the Southwest quarter, the North half of the Northeast quarter, the South half of the Southeast quarter, the Southeast quarter, of the Southwest quarter, the Southeast quarter of the Northwest quarter, the West half of the Southwest quarter, the South half of the Northwest quarter, the South half of the Northeast quarter, the Northeast quarter of the Southeast

(Suitable measuring devices shall be installed on the Portneuf River above the flow line of the Portneuf-Marsh Valley Irrigating Company reservoir, and immediately below the dam of said reservoir, at which point the water comes into the reservoir, that the water released may be more accurately determined, in order that the normal flow of the Portneuf River may not be obstructed by the reservoir, with reference to the amount of water delivered through same during the irrigating season. No charge shall be made against the normal stream flow throughout this distance, the point of intake and the point of outlet of the reservoir.)



West half of the Southwest quarter, the West half of the Northwest quarter, Section 32; the northeast quarter of the Northeast quarter, the Southwest quarter of the Southeast quarter, the Northwest quarter of the Southeast quarter of the Northeast quarter, the Southeast quarter of the Southwest quarter, the Northeast quarter of the Southeast quarter, the Southeast quarter of the Southwest quarter, the West half of the Southwest quarter, the West half of the Northeast quarter, the West half of the Northwest quarter the East half of the Northwest quarter, a tract in the Northwest quarter of the Northeast quarter of the

Northwest quarter, Section 33; the East half of the Southwest quarter, a tract in the Southwest quarter of the Southeast quarter, a tract in the East half of the Northwest quarter of the Southwest quarter of the Section 34, all in Township 11 South, Range 37 East; the Northeast quarter of the Southeast quarter, Section 1; the Northwest quarter of the Northeast quarter, the Northeast quarter of the Northwest quarter, the East half of the Northeast quarter, Section 12; the South half of the Northeast quarter, the Southeast quarter of the Southwest quarter, the South half of the Southeast quarter, the Northeast quarter of the Southwest quarter, the North half of the Northeast quarter, Section 13; the South half of the Northeast quarter, the Northeast quarter of the Southeast quarter, Section 24, all in Township 11 South, Range 36 East; the Southwest quarter of the Northwest quarter the Northwest quarter of the Northwest quarter, the West half of the Northeast quarter, the Southeast quarter of the Northeast quarter, section 3; the North half of the Northeast quarter, the Southeast quarter of the Northeast quarter, the Northeast quarter of the Northwest quarter, Section 4; the Northeast quarter of the Southeast quarter, the Southeast quarter of the Northeast quarter, Section 5; All in Township 12 South Range 37 East;

The amount of water as above awarded does not limit the total amount which may hereafter be found as an amount to which the said Portneuf Marsh Valley Irrigation Company may be entitled, which, according to its permit would ultimately be 244.4 second feet. The additional amount over 176.65, up to the 244.4 second feet is conditioned upon the compliance with the terms of said permit, upon which the appropriation is based, the said permit having been issued by the State Engineer of the State of Idaho, and being numbered 8378, under the date of priority, December 18th, 1907, and the same is subject to the provisions of the laws of the State of Idaho, governing the issuance of water licenses by the Commissioner of Reclamation of said state.

43. SHURWAY, A.T. .80 c.f.s.  
1909 May 1

Said water to be diverted through the Cutler Ditch, which has its intake from the Portneuf River in Lot 1, Section 21, Township 9 South, Range 37 East. From the Northeast corner of Section 21, the point of diversion bears south 32 degrees West, 1970 feet, for the irrigation of lands in the Northeast quarter of the Northeast quarter, Lots 1, 2, 3, and 4, Section 21, Township 9 South, Range 37 East

44. GITTINS, J.T. .34 c.f.s.  
1896, May 1.

Said water to be diverted through the said Cutler Ditch last above described, for the irrigation of land in the Northwest quarter of the Northeast quarter of Section 20, Township 9 South, Range 37 East.

45. LEWIS, J. J. 1.22 c.f.s.  
1896 May 1

Said water to be diverted through the said Cutler Ditch last above described, for the irrigation of lands in the north half of the Northwest quarter and Lots 1, 2, and 3, Section 20, Township 9 South, Range 37 East.

46. MCCANNON DITCH COMPANY  
1889. June 11. 50 c.f.s.  
1901. June 28. 18.95 c.f.s.

Said water to be diverted through the McCannon Ditch Company's River in the Southwest quarter of the Northeast quarter, Section 21, Township 9 South, Range 37 East. From the South quarter corner of Section 21, the point of diversion bears North 22 degrees and 45 minutes East, 3020 feet, for the irrigation of 2447.57 acres of land in the legal subdivisions described as follows: the Southwest quarter, Lots 5, 6, and 7, the West half of the Southeast quarter, the East half of the Northwest quarter, Section 12; Section 13; the Southeast quarter of the Southeast quarter, the Southwest quarter of the Southeast quarter, the Northwest quarter of the Southeast quarter, the South half of the Southwest quarter and the Northeast quarter of the Southwest quarter, Section 14; a tract East of Marsh Creek in the Northeast quarter, and the East half of the Southeast quarter, Section 22; Section 23, Section 24; the West half of the Northeast quarter, the Northwest quarter, Section 25; the Northeast quarter, the

- Northwest quarter, the Southwest quarter, the Northwest quarter of the Southeast quarter, Section 26; Lot 3, the Southeast quarter of the Northeast quarter, the North half of the Northeast quarter, Section 27, all in Township 9 South, Range 36 East; Lots 6, 7, 8, 9, 10 and 11, Section 18, All that portion of Section 19 lying west and south of the Portneuf River; Lot 5 Section 20; Lots 5 and 6, Section 21, all in Township 9 South, Range 37 East.
17. HENSION, AMEZIAH  
1880, May 1 .70 c.f.s.  
Said water to be diverted through the Hale-Harkness Ditch. Two groups of Springs from the source of this ditch. One group is located North, 61 degrees EAST, About 700 feet, and the other group is located South 57 degrees West, about 1900 feet from the Northeast corner of Southeast quarter of Section 13, Township 9 South, Range 36 East, for the irrigation of land in the East half of the Northeast quarter, Section 14, Township 9 South, Range 36 East.
18. BRIGHAM R. GREEN and  
ERSON D. ROBBINS.  
1880, May 1. 2.0 c.f.s.  
Said water to be diverted through the Hale-Harkness Ditch last above described, for the irrigation of land in the Southeast quarter, Section 11, Township 9 South, Range 36 East.
19. HALE, ROYAL T.  
1880, May 1. 3.5 c.f.s.  
Said water to be diverted through the said Hale-Harkness Ditch last above described, for the irrigation of lands described as follows:  
Beginning at point on North boundary of section 12, Township 9 South, Range 36 East, B.M. at its intersection with West right of way line of the O.S.L.R.R., thence in Southeast direction along said West right of way line, to North 1/16 Section line of Section 12; thence West to West boundary of Section; thence South to West quarter corner of said Section 12; thence West to center quarter corner of Section 11, same Township and Range, thence North to North quarter corner of same Section; thence East on North Boundary of Section 11 and Section 12, to place of beginning, same comprising the Northeast quarter of Section 11; the Northwest quarter of the Northwest quarter of Section 12, and that portion of Lot 4, Section 12, lying West of West right of way line of the O.S.L.R.R. and containing 222.18 acres, more or less, Also beginning at corner No. 9 of Second Addition to Harkness Townsite, thence South 19 degrees 20 minutes East, 60 feet; thence South 70 degrees 40 minutes West 330 feet; thence South 19 degrees 20 minutes East, 320 feet, more or less to latitudinal center line of Section 12, Township 9 South Range 36 East, B.M., thence West on said center line of Section 12, to its intersection with line of Northwest boundary of Harkness Townsite, projected in a Southwesterly direction; thence North 70 degrees 40 minutes East, along said projected line to place of beginning, same being part of the South half of the Northwest quarter, Section 12, Township 9 South, Range 36 East, E.M. containing 3.52 acres more or less.
20. GREGILL, SAMUEL .40 c.f.s.  
1886 May 1  
Said water to be diverted through the said Hale-Harkness Ditch, last above described, for the irrigation of lands in Lot 10, Section 1; the South half of the Southeast quarter, and the Northwest quarter of the Southeast quarter, Section 2, Township 9 South, Range 36 East.
21. MCRIEILL, G. H. .40 c.f.s.  
1886 May 1  
Said water to be diverted through a private ditch having its intake from the Portneuf River in Lot 3, Section 19, Township 9 South, Range 37 East, for the irrigation of lands in Lots 1 and 2, the Northeast quarter of the Northeast quarter, Section 19, Lot 5, Section 18, all in Township 9 South, Range 37 East.
22. LEWIS, WILLIAM J.  
1902 July 1 1.0 c.f.s.  
Said water to be diverted through the Lewis-Goodenough Ditch, which diverts from the Portneuf River on the North Bank, in Lot 1, Section 12, Township 9 South, Range 36 East, for the irrigation of lands in Lots 5 and 6, Section 1, Township 9 South, Range 36 East.
23. MURPHY, ED. 1.0 c.f.s.  
1902 July 1  
Said water to be diverted through the Lewis-Goodenough Ditch last above described, for the irrigation of lands in Lot 4, Section 1, Township 9 South, Range 36 East, and the Southwest quarter of the Southwest quarter, Section 36, Township 8 South, Range 36 East.
24. GREGILL, THOMAS .14 c.f.s.  
1902 July 1  
Said water to be diverted through the Lewis-Goodenough Ditch, last above described, for the irrigation of land in Lot 7, Section 1, Township 9 South, Range 36 East.
25. GOODENOUGH, GEORGE  
1901 July 1 1.72 c.f.s.  
Said water to be diverted through the said Lewis-Goodenough Ditch, last above described, for the irrigation of land in the Southeast quarter of the Northeast quarter, and the East half of the Southeast quarter, Section 35, Township 8 South, Range 36 East.

56. C.S.L.R.R. COMPANY  
1882 July 1 .40 c.f.s.

O.S.L.R.R. Tank Water Supply. The point of diversion from the Portneuf River is located in Lot 7, Section 21, Township 9 South, Range 37 East. From the Northeast corner of Section 21, same Township and Range, the point of diversion bears Southwest 2100 feet, for culinary and domestic use.

SPRINGS AND UNNAMED STREAMS, TRIBUTARY  
TO PORTNEUF RIVER.

57. HIBNER, JULIA, ✓  
1882. Nov. 28. 1.22 c.f.s.  
(41,000 inches)

HIBNER SPRINGS. The location of the point of diversion from Hibner Springs, is in the Southwest quarter of the Northeast quarter, Section 19, Township 6 South, Range 39 East. From the East quarter corner of Section 19, the point of diversion bears North 81 degrees and 45 minutes West, 2520 feet, for domestic uses and the irrigation of 61.22 acres of land, located in the Northeast quarter of the Southwest quarter, the Northwest quarter of the Southwest quarter, the Northwest quarter of the Southeast quarter, the southwest quarter of the Southwest quarter, the Southeast quarter of the Southwest quarter, Section 19, Township 6 South, Range 39 East.

That the said Julia Hibner do also have the right to maintain the reservoir large enough to impound all the waters of said Hibner Springs for the uses aforesaid in addition to the constant flow of said springs.

58. WILLIAMS, CORNELIUS  
1904. April 19. .29 c.f.s.

UNNAMED STREAM. The point of diversion is in the Southeast quarter of the Southeast quarter, Section 13, Township 7 South, Range 38 East, for irrigation and domestic purposes, in the northeast quarter of the Northeast quarter, Section 14, Township 7 South, Range 38 East; and the South half of the Northwest quarter, Section 13, Township 7 South, Range 38 East.

TWENTY-FOUR MILE CREEK, TRIBUTARY TO THE PORTNEUF RIVER

CHESTERFIELD CANAL and RESERVOIR COMPANY'S CANALS. The said Company's reservoir is located in the Northeast quarter of the Southeast quarter, Section 18, Township 6 South, Range 39 East, across the channel of Twenty-four Mile Creek.

WEST SIDE CANAL, Diverts in the Northwest quarter of the Northwest quarter, Section 22, Township 6 South, Range 39 East. From the Southwest corner of Section 15, Township 6 South, Range 39 East, the point of diversion bears South 73 degrees 32 minutes East 986 feet.

EAST SIDE CANAL, diverts in the Northwest quarter of the Northwest quarter, Section 22, Township 6 South, Range 39 East. From the Southwest corner of Section 15, Township 6 South, Range 39 East, the point of diversion bears south 72 degrees 22 minutes East, 964 feet.

59. CHESTERFIELD CANAL  
and RESERVOIR CO.  
1882 August 8. 6.0 c.f.s.

(Storage water  
100 Acre Feet)  
Suitable measuring devices  
will be installed to measure  
the water in and out of the  
reservoir, that the normal  
flow of the stream, during  
the irrigating season may be  
undisturbed. No loss in the  
volume of the stream shall be  
charged against this stored  
water, between the points of  
entrance of the stream to the  
reservoir, and the point of  
exit.

For the irrigation of lands located under the said Company's Canals described as follows: The Southeast quarter of the Northeast quarter, the East half of the Southeast quarter, Section 19; the Northwest quarter of the Southeast quarter, the South half of the Southeast quarter, the Southwest quarter, Section 20; the Southwest quarter of the Southeast quarter, the Southeast quarter of the Southwest quarter; the West half of the Southwest quarter, Section 21; the West half, the Northwest quarter of the Northeast quarter, Section 28; the Southeast quarter of Section 29; the East half of the Northeast quarter, the Northwest quarter of the Northeast quarter, Section 32; Township 6 South, Range 39 East; the Northwest quarter of the Northwest quarter, Section 27; the East half of the Southeast quarter, Section 33, the Northwest quarter, the Southwest quarter of the Southwest quarter, the Southeast quarter of the Southwest quarter, Section 34, Township 6 South, Range 39 East; the Southwest quarter, the Southwest quarter of the Southeast quarter, Section 2; the Southeast quarter, Section 3; the Southeast quarter, and the North half of the Northeast quarter, Section 10; the West half of the Northeast quarter, Section 11, Township 7 South, Range 39 East.

CALLS WEST DITCH  
CALLS EAST DITCH  
HOLBROCK DITCH No. 1  
HOLBROCK DITCH No. 2

These ditches are all used in connection with the irrigation of the same lands.

CALLS WEST DITCH, Diverts from Twenty-four Mile Creek in the Southeast quarter of the Northeast quarter, Section 21, Township 6 South, Range 39 East. From the Northeast corner of Section 21, Township 6 South, Range 39 East, the point of diversion bears South 8 degrees and 30 minutes West, 2093 feet.

CALLS EAST DITCH, diverts from Twenty-four Mile Creek in the Northeast quarter of the Southeast quarter, Section 21, Township 6 South, Range 39 East. From the Southeast corner of Section 21, Township 6 South, Range 39 East, the point of diversion bears North 9 degrees and 10 minutes West, 1865 feet.

HOLBROCK DITCH No. 1, diverts from the said Creek in the Southeast quarter of the Southeast quarter, Section 23, Township 6 South, Range 39 East. From the Southeast

quarter of Section 28, Township 6 South, Range 39 East, the point of diversion bears North 82 degrees and 50 minutes West, 1636 feet.

HOLBROOK DITCH NO. 2, diverts from the said Creek in the Northwest quarter of the Northeast quarter, Section 33, Township 6 South, Range 39 East, from the North quarter corner of Section 33, Township 6 South, Range 39 East, the point of diversion bears South 70 degrees East, 1100 feet.

60. CALL, I. B.  
1882 August 8      6.0 c.f.s.      For the irrigation of 40 acres of land in the Southwest quarter of the Northeast quarter, Section 28, Township 6 South, Range 39 East.
- CALL, OSMOND  
For the irrigation of 114.28 acres of land in the West half of the Southeast quarter, the East half of the Northeast quarter, and the East half of the Southeast quarter, Section 28, Township 6 South, Range 39 East.
- MUIR, M. V. & S.  
For the irrigation of 5 acres in the Northwest quarter of the Northwest quarter, Section 33, Township 6 South, Range 39 East.
- CALL, OSMOND  
For the irrigation of 178.62 acres of land in the East half of the Northeast quarter, the East half of the Southeast quarter, Section 28, the Southwest quarter of the Northwest quarter, the West half of the Southwest quarter, Section 27, Township 6 South, Range 39 East.
- CORNEILSON, FOREST L.  
For the irrigation of 40 acres in the Northeast quarter of the Northeast quarter, Section 33 Township 6 South, Range 39 East.
- HOLBROOK, JONATHAN  
For the irrigation of 102 acres in the West half of the Northeast quarter, the Southeast quarter of the Northeast quarter, Section 33, Township 6 South, Range 39 East.  
That the said I. B. Call, Osmond Call, Jonathan Holbrook and Forest L. Corneilson have the right to inaugurate any equitable system of irrigation devised by them for securing higher efficiency of water, and that at all times when said waters are being distributed through Calls West Ditch under any system, the said M. V. and S. Muir shall have distributed to them 5 inches of water, or their proportionate quantity, in the event that there is not sufficient water available to give the other users in said ditch the maximum quantity to which they are respectively entitled.
6. MUIR, MY. and S.      2.0 c.f.s.  
May 1 1891  
Said water to be diverted from Twenty-four Mile Creek, a tributary of the Portneuf River, by means of the Muir Dams, three in number. Dam No. 1 is located across the channel of Twenty-four Mile Creek, in the Northwest quarter of the Southeast quarter, Section 33, about 250 yards South of the North line of said quarter section; Dam No. 2 is located in the Northwest quarter of the Southeast quarter of Section 33, 330 yards below the North line of said quarter section; Dam No. 3 is located in the Southeast quarter of the Southwest quarter, Section 33, all in Township 6 South, Range 39 East; 16 rods west of the East line of the Southeast quarter of the Southwest quarter, Section 33, above Township and Range, for the irrigation of 100 acres of land in the West half of the Northwest quarter, the West half of the Southeast, the East half of the Southwest quarter, Section 33, Township 6 South, Range 39 East.
- DAVIDS DITCH, is located in the Southeast quarter of the Southwest quarter, Section 33, Township 6 South, Range 39 East. From the South quarter corner of Section 33, said Township and Range, the point of diversion bears North 69 degrees and 15 minutes 1265 feet.
- UNNAMED SPRING arises in the Northwest corner of the Southeast quarter of the Southwest quarter, Section 33, Township 6 South, Range 39 East.
62. DAVIDS, A.C., Administrator of the Estate of J. A. DAVIDS Deceased.  
1891. April 30.      .80 c.f.s.      For the irrigation of 40 acres of land in the EAST half of the Southeast quarter, Section 32, Township 6 South, Range 39 East. The said amount of water to be made up of the entire flow of the above named spring, plus an addition amount from the channel of Twenty Four Mile Creek to equal the said .80 cubic feet per second of time, but in no case to exceed one (1) inch to the acre for the said 40 acres from both sources.
63. COOCH, JOHN C. Jr.  
1891. May.      .40 c.f.s.      For the irrigation of 20 acres of land in the Southwest quarter of the Southeast quarter and the Southeast quarter of the Southwest quarter, Section 32, Township 6 South, Range 39 East.
64. COOCH, JOHN C. Jr.  
1898 May 1st.      .40 c.f.s.      For the irrigation of 20 acres of land in the Southwest quarter of the Southeast quarter, Section 5, Township 7 South, Range 39 East.
65. ANGLIN, A. J.  
1891. July 1.      1.24 c.f.s.      For the irrigation of 62 acres of land in the Southwest quarter of the Southwest quarter, Section 32, Township 6 South, Range 39 East, and the Northeast quarter of the Southeast quarter, Section 5, Township 7 South, Range 39 East.

56. KNOLLIN, A.J. 1883 July 1. 1.75 c.f.s. Said water to be diverted through Knollin No. 3., or Eelford Ditch, which diverts water from Twenty-four Mile Creek in Lot 2, Section 4, Township 7 South, Range 39 East. From the North quarter corner, Section 4, Township 7 South, Range 39 East, the point of diversion bears South 64 degrees and 25 minutes East, 772 feet, for the irrigation of 88.25 acres of land in the Northwest quarter of the Southeast quarter, the Southwest quarter of the Southwest quarter, Section 4; the Southeast quarter of the Southeast quarter, Section 5, Township 7 South, Range 39 East.
57. KNOLLIN, A.J. 1881 July 1. .55 c.f.s. Said water to be diverted by means of the Knollin Dams, two in number. Two small dams located across the channel of Twenty-four Mile Creek, in the Northeast corner of Lot 2, Section 4, Township 7 South, Range 39 East, for the irrigation of 27.4 acres of land in Lot 2, Section 4, Township 7 South, Range 39 East.

TOPONOCE CREEK, TRIBUTARY TO THE FORTNEUF RIVER

58. BUTTERFIELD, A.J. 1907 June 10 .06 c.f.s. (3.1 inches) Said water to be diverted through the Butterfield Ditch, which diverts water from Toponoc Creek in the Southwest quarter of the Southeast quarter, Section 33, Township 6 South, Range 38 East. From the Northwest corner of Section 3, Township 7 South, Range 38 East, the point of diversion bears North 82 degrees and 30 minutes West, 1395 feet, for the irrigation of 3.1 acres of land in the South half of the Southeast quarter, Section 33, Township 6 South, Range 38 East.
59. BUTTERFIELD, A.J. 1914 April 1 .11 c.f.s. (5.4 inches) Said water to be diverted through the said Butterfield Ditch, last above described, for the irrigation of 2.4 acres of land in the Southwest quarter of the Southwest quarter Section 34, Township 6 South, Range 38 East.
70. BUTTERFIELD, A.J. 1907. July 15. .35 c.f.s. (17.16 inches) Said water to be diverted through the Jensen No. 7, sometimes called Jensen Ditch, which diverts from the channel of Toponoc Creek in the Southeast quarter of the Southeast quarter, Section 33, Township 6 South, Range 38 East. From the Northwest corner of Section 3, Township 7 South, Range 38 East, the point of diversion bears North, 43 degrees and 30 minutes EAST, 659 feet, for the irrigation of 17.63 acres of land in the Southeast quarter of the Southeast quarter, Section 33, and the West half of the Southwest quarter, Section 34, Township 6 South, Range 38 East.
71. BUTTERFIELD, A.J. 1911 June 15. .05 c.f.s. (2.24 inches) Said water to be diverted through the Jensen No. 7, sometimes called Jensen Ditch, last above described, for the irrigation of 2.24 acres of land in the West half of the Southwest quarter, Section 34, Township 6, South, Range 38 East.
72. JENSEN, PARLEY P. 1905. May 19. 1.0 c.f.s. Said water to be diverted through the Jensen No. 7, sometimes called the Jensen Ditch, last above described, for the irrigation of 49.9 acres of land in the North half of the Southwest quarter, the Southeast quarter of the Northwest quarter, the Northwest quarter of the Southeast quarter, Section 34, Township 6 South, Range 38 East.
73. JENSEN, BEN D. 1902. June 18. 1.88 c.f.s. Said water to be diverted through the West and Brangham Ditch, which diverts from Toponoc Creek in the Southeast quarter of the Southeast quarter, Section 33, Township 6 South, Range 38 East. From the Northwest corner of Section 3, Township 7 South, Range 38 East, the point of diversion bears North 42 degrees and 40 minutes East, 652 feet, for the irrigation of 33.2 acres of land in the Northeast quarter of the Northeast quarter; 15 acres in the Southeast quarter of the Northeast quarter; 30 acres in the Southwest quarter of the Northeast quarter, Section 34, Township 6 South, Range 38 East.
74. JENSEN, PARLEY P. 1902. June 13. .07 c.f.s. Said water to be diverted through the said West and Brangham Ditch, last above described, for the irrigation of 3 acres of land in the Northwest quarter of the Northeast quarter, Section 34, Township 6 South, Range 38 East.
75. BRANGHAM, GEORGE 1902. June 18. 1.75 c.f.s. Said water to be diverted through the said West and Brangham Ditch, last above described, for the irrigation of 73.3 acres of land in the Southwest quarter of the Southwest quarter, Section 36; and the North half of the Northwest quarter, Section 36, Township 6 South, Range 38 East.
76. SESSIONS, KRPLER 1906. July 1. .14 c.f.s.  
1907. July 1. .22 c.f.s.  
1908. July 1. .60 c.f.s.  
1909. July 1. .96 c.f.s.  
1910. July 1. .29 c.f.s.  
1913. July 1. .19 c.f.s.  
Total 2.4 c.f.s. Said water to be diverted through the said West and Brangham Ditch, last above described, for the irrigation of 100 acres of land in the North half of the Southwest quarter and the Southeast quarter of the Southwest quarter, Section 36, Township 6 South, Range 38 East.

77. WEST SIDE CANAL COMPANY. 13.14 c.f.s.  
1905. June 2.  
1913. April 1. 3.48 c.f.s.
- Said water to be diverted through the West Side Canal, a continuation of the West and Brangham Ditch. Point of diversion, see West and Brangham Ditch, for the irrigation of 692.6 acres of land described as follows: 32.6 acres in the Southwest quarter of the Northeast quarter, Section 26, Township 6 South, Range 33 East; 58 acres in the Northeast quarter of the Northeast quarter, Section 30; the Southeast quarter of the Southeast quarter, Section 19, Township 6 South, Range 39 East; 25 acres in the Northwest quarter of the Northwest quarter, Section 29; 30 acres in the Southwest quarter of the Northwest quarter, Section 29; the Southeast quarter of the Northeast quarter, Section 30; 60 acres in the West half of the Northeast quarter, the East half of the Northwest quarter, Section 32; 50 acres in the Northwest quarter of the Southwest quarter, the Southwest quarter of the Northeast quarter, the Southeast quarter of the Northwest quarter, Section 32; 40 acres in the Southeast quarter of the Northwest quarter, 32 acres in the Southwest quarter of the Northeast quarter, 80 acres in the East half of the Southwest quarter, 80 acres in the West half of the southeast quarter, 15 acres in the Southwest quarter of the Southwest quarter in Section 29, Township 6 South, Range 39 East. 40 acres in the South half of the Southwest quarter, Section 3, 35 acres in the West half of the Northwest quarter, Section 10; 15 acres in the Northeast quarter of the Northeast quarter; 60 acres in the South half of the Northeast quarter, 40 acres in the Southeast quarter of the Northwest quarter, Section 9, Township 7 South, range 39 East.
78. JENSEN, PARLEY P. .05 c.f.s.  
1905. May 19. (2.72 inches)
- Said water to be diverted through said Jensen Ditch No. 1, which diverts from Toponoe Creek, in the Southeast quarter of the Southwest quarter, Section 34, Township 6 South, Range 33 East. From the South quarter corner of Section 34, the Point of diversion bears north, 31 degrees and 40 minutes west, 1504 feet, for the irrigation of 2.72 acres of land, in the Northeast quarter of the Southwest quarter, Section 34, Township 6 South, Range 33 East.
79. JENSEN, PARLEY P. .27 c.f.s.  
1905. May 19. (13.4 inches)
- Said water to be diverted through Jensen Ditch No. 2, which diverts from Toponoe Creek, in the Northeast quarter of the Southwest quarter, Section 34, Township 6 South, Range 33 East. From the South quarter corner of Section 34, the point of diversion bears North, 3 degrees and 15 minutes West, 1850 feet, for the irrigation of 13.4 acres of land in the Northwest quarter of the Southeast quarter, Section 34, Township 6 South, Range 33 East.
80. JENSEN, PARLEY P. .21 c.f.s.  
1906. May 19. (10.5 inches)
- Said water to be diverted through Jensen Ditch No. 3, which diverts from Toponoe Creek, in the Northwest quarter of the Southeast quarter of Section 34, Township 6 South, Range 33 East. From the Southwest quarter corner of Section 34, the point of diversion bears North 8 degrees and 5 minutes East, 2220 feet, for the irrigation of 10.5 acres of land in the Northwest quarter of the Southeast quarter, Section 34, Township 6 South, Range 33 East.
81. JENSEN, BEN D. .40 c.f.s.  
1902 June 13
- Said water to be diverted through the Jensen Ditch No. 4, which diverts from Toponoe Creek, in the Southwest quarter, of the Northeast quarter, Section 34, Township 6 South, Range 33 East. From the North quarter corner of Section 34, the point of diversion bears South 13 degrees and 10 minutes East, 2692 feet, for the irrigation of 20 acres of land in the Southwest quarter of the Northeast quarter; the Southeast quarter of the Northeast quarter; the Northeast quarter of the Southeast quarter of Section 34, Township 6 South, Range 33 East.
82. JENSEN, BEN D. .74 c.f.s.  
1902 June 13
- Said water to be diverted through the Jensen Ditch No. 5 which diverts from Toponoe Creek in the Northwest quarter of the Southeast quarter, Section 34, Township 6 South, Range 33 East. From the South quarter corner of Section 34, the point of diversion bears North 26 degrees and 30 minutes East, 2032 feet, for the irrigation of 37 acres of land located in the Northeast quarter of the Southeast quarter, Section 34, Township 6 South, Range 33 East.
83. JENSEN, BEN D. .20 c.f.s.  
1902 June 13
- Said water to be diverted through Jensen Private Ditch (named on the map of the State Engineer as "North Fork of Toponoe"), which diverts in the Southeast quarter of the Northeast quarter, Section 34, Township 6 South, Range 33 East, from the East quarter corner of Section 34, Township 6 South, Range 33 East, the point of diversion bears North 76 degrees West, 1130 feet, for the irrigation of 10 acres of land in the Southeast quarter of the Northeast quarter, Section 34, Township 6 South, Range 33 East.

84. BRANTHAM, GEORGE  
1902 June 13 1.23 c.f.s. Said water to be diverted through the Brantham Ditch. The point of diversion is located in the Northeast quarter of the Northeast quarter, Section 34, Township 6 South, Range 33 East. From the Northeast corner of Section 34, the point of diversion bears South 5 degrees and 50 minutes West, 1328 feet, for the irrigation of 61.7 acres of land in the Northwest quarter of the northeast quarter, the North half of the Northwest quarter, Section 35, Township 6 South, Range 33 East.
85. TOPONCE CANAL CO. c.f.s.  
1902 June 17 1 p.m. 25.0 / 3 Said water to be diverted through Toponce Canal which diverts from Toponce Creek in the Southwest quarter of the Southeast quarter, Section 34, Township 6 South, Range 33 East. From the South quarter corner of Section 34, the point of diversion bears North 14 degrees and 15 minutes East, 2136 feet, for the irrigation of 1828.23 acres of land in the following legal subdivisions: 50 acres in the Northwest quarter of the northeast quarter, the Southeast quarter of the Northwest quarter, Section 11; the Southwest quarter of the Southeast quarter, Section 2; 152 acres in the Southwest quarter of the Southeast quarter, the East half of the Southwest quarter, Section 11; 160 acres in the East half of the Northeast quarter, Section 11; the West half of the Northwest quarter, Section 12; 152.95 acres in the South half of the Southeast quarter, Section 11; the Northwest quarter of the Northeast quarter, the Northeast quarter of the Northwest quarter, Section 12; 143.25 acres in the Lots 1 and 2 in the Southwest quarter of the Northeast quarter, the Southeast quarter of the Northwest quarter, the East half of the Southwest quarter, Section 12; the North half of the Northwest quarter, Section 13; 70 acres in the East half of the Southeast quarter, Section 11; the West half of the Southwest quarter, Section 12; 27 acres in the Southwest quarter of the Southeast quarter, Section 11; the West half of the Northeast quarter, the Southeast quarter of the Northwest quarter, Section 14; 152 acres in the East half of the Northeast quarter, Section 14; the South half of the Northwest quarter, Section 13; 149.32 acres in the South half of the Northeast quarter, Section 23; the South half of the Northwest quarter of Section 24; 96.83 acres in the West half of the Southeast quarter, the East half of the Southwest quarter, Section 14; 16.36 acres in the East half of the Southeast quarter, Section 14; 94.95 acres in the South half of the Section 13; 29 acres in the North half of the Northeast quarter, Section 11; the Northwest quarter of the Northwest quarter, Section 24; 40 acres in the southeast quarter, Section 24; 40 acres in the North half of the Southeast quarter, Section 23; the north half of the Southwest quarter, Section 24; 16.71 acres in the Northeast quarter of the Northwest quarter, Section 23; 100 acres in the Southeast quarter of the Northwest quarter, the East half of the Southwest quarter, the Southwest quarter of the Southeast quarter, Section 23; 16 acres in the southwest quarter of the Southwest quarter, Section 14; 2.6 acres in the North half of the Northeast quarter, the Southwest quarter of the Northeast quarter, Section 24; Northeast quarter of the Northwest quarter, Section 24 all in Township 7 South, Range 33 East, 135.16 acres in Lot 4, the Southwest quarter of the Southeast quarter, the Southeast quarter of the Southeast quarter, Section 13; Lots 1 and 2, the Northwest quarter of the Northeast quarter, the Northeast quarter of the Northeast quarter, Section 19, Township 7 South, Range 33 East.
86. NIPPER, THOMAS J. ✓  
1902 June 17 (noon) 2.5 c.f.s. Said water to be diverted through Gooch Ditch, which diverts from Toponce Creek in the Northwest quarter of the Southeast quarter, Section 34, Township 6 South, Range 33 East. From the South quarter corner of Section 34, the point of diversion bears North, 14 degrees and 45 minutes East, 2137 feet for the irrigation of 170 acres of land described as follows: 29 acres in Lot 2; 40 acres in the Southwest quarter of the Northeast quarter; 28 acres in Lot 3; 40 acres in the Northwest quarter of the Southeast quarter; 33 acres in the Northeast quarter of the Southeast quarter, Section 18, Township 7 South, Range 33 East.
87. PURVIS & WILLIAM J. ✓  
1902 June 17 (noon) 3.5 c.f.s. Said water to be diverted through the said Gooch Ditch, last above described, for the irrigation of 245 acres of land in the Southwest quarter, and part of the Southeast quarter of the Northeast quarter, Section 7; and part of the East half of the Northeast quarter, Section 13, Township 7 South, Range 33 East.  
1902 June 17 (noon) up to July 1 each year. 1.4 c.f.s.
88. ELDREDGE, J.A. ✓  
1902 June 17 (noon) 2.0 c.f.s. Said water to be diverted through the said Gooch Ditch, last above described, for the irrigation of 50 acres of land (tracts A & L), Lots 3 and 4, Section 7; 50 acres in part of Lots 1 and 2, and tract in the Southwest quarter of the Northeast quarter, Section 7, Township 7 South, Range 33 East.

89. MURVIE, JOSEPH ✓  
& WILLIAM F.  
1886 June 1. 4.2 c.f.s.  
Up to July 1 of each  
irrigation season.
- TOPONOE CREEK, SOUTH FORK, A DAM. The point of diversion is located in the Southwest quarter of the Northwest quarter, Section 8, Township 7 South, Range 39 East. From the Northeast corner of Section 17, Township 7 South, Range 39 East, said dam bears south 1920 feet, for the irrigation of 210 acres of land in the legal subdivisions described as follows:  
A tract in the Southeast quarter of the Northeast quarter, Section 7; the West half of the Southwest quarter, the Southwest quarter of the Northwest quarter, Section 8; a tract in the Northwest quarter, Section 17, Township 7 South, Range 39 East.
90. ALDREDGE, J.A. ✓  
1886 June 1 .80 c.f.s.  
up to JULY 1st of each  
irrigation season.
- Said water to be diverted by means of the dam last above described, diverting water from the South fork of Toponoe Creek, for the irrigation of 40 acres of land in the East half of the Southwest quarter, Section 8, Township 7 South, Range 39 East.
91. ALDREDGE, J. A. ✓  
Up to July 1st of each  
Ir.Sn.  
1883 April 15. .80 c.f.s.
- Said water to be diverted by means of a dam located at a point West 1980 feet, from the center of Section 31, Township 6 South, Range 39 East, B.M., and by means of another dam located at a point which bears South 22 degrees 30 minutes West 1370 feet, from the center of Section 1, Township 6 South, Range 39 East, B.M., for the irrigation of 40 acres of land located in Lot 3, and the East half of the Southwest quarter of Section 31, Township 6, Range 39 East.
- ALDREDGE, J.A. ✓  
1889 Apr. 15. 2.10 c.f.s.  
Up to July 1 of each  
irrigation season.
- Said water to be diverted by means of 5 dams, numbered from 1 to 5 inclusive. No. 1 is located in Lot 3, Section 36, Township 6 South, Range 38 East. From the center of Section 31, the point of diversion bears South 75 degrees and 45 minutes West, 3520 feet. No. 2 has its point of diversion South, 78 degrees and 30 minutes West, 3710 feet from the center of Section 31. No. 3 has its point of diversion South 80 degrees West 2690 feet, from the center of Section 31, No. 4 is located in Lot 3, Section 31, and from the center of Section 31, the point of diversion bears South, 71 degrees and 30 minutes West, 2710 feet. No. 5 is located in the South east quarter of the Southwest quarter, Section 31, and from the center of Section 31, the point of diversion bears South, 27 degrees and 30 minutes West, 2390 feet, for the irrigation of 105 acres of land in Lots 3 and 4 of Section 36, Township 6 South, Range 38 East; Lots 3 and 4 and the Southeast quarter of the Southwest quarter of Section 31, Township 6 South, Range 39 East; and Lot 1, Section 6, Township 7 South, Range 39 East.
- ALDREDGE, J.A. ✓  
1886 April 15. .60 c.f.s.  
Up to July 1 of each  
irrigation season.
- Said water to be diverted by means of a dam located at a point which bears South 34 degrees west 840 feet from the Northeast corner of Section 6, Township 7, South, Range 39 East, B.M., for the irrigation of 30 acres of land in Lot 1, and the East half of the Southeast quarter of Section 6, Township 7 South, Range 39 East B.M.
- ALDREDGE, J.A. ✓  
1889 April 15 .90 c.f.s.  
Up to July 1st of  
each irrigation season.
- Said water to be diverted by means of a dam located at a point which bears North 43 degrees 15 minutes West 1150 feet from the Southeast corner of Section 6, Township 7 South, Range 39 East, B.M., for the irrigation of 45 acres within the South half of the Southeast quarter of Section 6, and the Northeast quarter of Section 7, Township 7 South, Range 39 East, B.M.
- ALDREDGE, J.A. ✓  
1902 June 17. (12 o'clock M)  
.70 c.f.s.  
Up to July 1st of each irrigation season.
- Said water to be diverted by means of a dam located at a point which bears South 80 degrees 45 minutes West, 3110 feet, from the northeast corner of Section 7, Township 7 South, Range 39 East, for the irrigation of 35 acres of land lying within Lot 1, and the Northeast quarter of Section 7, Township 7 South, Range 39 East.
- ALDREDGE, J.A. ✓  
1902 June 17 .60 c.f.s.  
(12 o'clock M.)  
Up to July 1st of  
each irrigation season.
- Said water to be diverted by means of a ditch having its intake at a point which bears North 25 degrees 30 minutes West, 2660 feet, from the Southwest corner of Lot 4, Section 36, Township 6 South, Range 38 East, B.M., for the irrigation of 30 acres of land lying within Lot 3, Section 36, Township 6 South, Range 38 East, Lot 3, and the East half of the Southwest quarter of Section 31, Township 6 South, Range 39 East B.M.
- ALDREDGE, J.A. ✓  
1902 June 17 1.70 c.f.s.  
(12 o'clock M)  
Up to July 1st of  
each irrigation season.
- Said water to be diverted by means of a ditch having its intake at a point which bears North 49 degrees 15 minutes West, 1600 feet, from the South quarter corner of Section 36, Township 6 South, Range 38 East, for the irrigation of 85 acres of land lying within Lots 3 and 4, Section 36, Township 6 South, Range 38 East; Lot 4, and the Southeast quarter of the Southwest quarter of Section 31, Township 6 South, Range 38 East, and Lots 1, 2, and 3, Section 6, Township 7 South, Range 39 East.
- ALDREDGE, J. A. ✓  
1902 June 17 2.1 c.f.s.  
At 12 o'clock P.  
for the entire irrigation  
season of each and every  
year.
- Said water to be diverted by means of a ditch having its intake at a point which bears South 1000 feet from the South quarter corner of Section 36, Township 7 South, Range 38 East; for the irrigation of 105 acres of land

ELDREDGE, J.A. ✓  
1902 June 17 2.1 c.f.s.  
(12 o'clock Noon)  
Up to July 1st of  
each irrigation season.

lying within Lots 1, 2, 3, 4, and 5, and the Southeast quarter of Section 6, Township 7 South, Range 39 East.

Said water to be diverted by means of a ditch having its intake in Lot 4, Section 1, Township 7 South, Range 38 East, for the irrigation of 105 acres of land lying within Lots 4 and 5; and the South Half of the Southeast quarter of Section 6, and Lot 1, and the North Half of the Northeast quarter of Section 7, Township 7 South, Range 39 East.

TOPONCE CREEK, NORTH FORK, TRIBUTARY TO THE PORTNEUF RIVER

92. KNOLLIN, A.J. ✓  
1882 July 1 .42 c.f.s.  
(24 inches)  
1902 June 17 .72 c.f.s.  
at noon. (36 inches)  
1907 July 1 1.10 c.f.s.  
(55.24 inches)  
1908 July 1 2.68 c.f.s.  
(134.10 inches)  
1910 June 1 1.03 c.f.s.  
(54 inches)  
Total 8.06 c.f.s.

Said water to be diverted through Knollin ditch which diverts water from the North Fork of Toponce Creek, in the Northeast quarter of the Northwest quarter, Section 35, Township 6 South, Range 38 East. From the Northwest corner of Section 35, said Township and Range, the point of diversion bears South 71 degrees and 10 minutes East 1748 feet, for the irrigation of land described as follows: 5 acres in the Northeast quarter of the Southwest quarter; 10 acres in the Northwest quarter of the Southeast quarter, 5 acres Lot 3; 2 acres in the Southeast quarter of the Southwest quarter; 30 acres in the Southwest quarter of the Southeast quarter; 36 acres in Lot 4; all in Section 25, Township 6 South, Range 38 East; 33.4 acres in Lot 1; 33.4 acres in Lot 3; Section 36, Township 6 South, Range 38 East; 40 acres in Lot 2; 55.44 acres in the North half of the Northwest quarter, Section 31, Township 6 South, Range 39 East.

KING CREEK, TRIBUTARY TO THE PORTNEUF RIVER.

93. NIPPER, THOMAS J. ✓  
1902 June 17 (noon) 1.0 c.f.s.

Said water to be diverted through the Nipper Ditch which diverts from King Creek in the Southwest quarter of the Southwest quarter, Section 14, Township 7 South, Range 38 East. From the West quarter corner of Section 14, Township 7 South, Range 38 East, the point of diversion bears South 20 degrees East, 1680 feet, for the irrigation of 50 acres of land in the legal subdivision hereinafter described: Lot 4, the Southwest quarter of the Southeast quarter, the Southeast quarter of the Southeast quarter, section 18; Lots 1 and 2, the Northwest quarter of the Northeast quarter, the Northeast quarter of the Northeast quarter, the Southwest quarter of the Northeast quarter, Section 19, Township 7 South, Range 39 East.

94. WHITWORTH, MICHAEL ✓  
1902 June 18 .40 c.f.s.

Said water to be diverted through the Howarth Ditch No. 1, which diverts from King Creek in the Southwest quarter of the Southeast quarter, Section 14, Township 7 South, Range 38 East. From the South quarter corner of Section 14, Township 7 South, Range 38 East, the point of diversion bears North 3 degrees 45 minutes East, 480 feet, for the irrigation of 30 acres of land in the South half of the Northeast quarter, section 23; the South half of the Northwest quarter, Section 24, Township 7 South, Range 38 East.

95. KELLEY E. F. ✓  
1902 June 18 .40 c.f.s.

Said water to be diverted through the said Howarth Ditch No. 1, last above described, for the irrigation of 20 acres of land in the North half of the Southeast quarter, Section 23, and the North half of the Southwest quarter, Section 24, Township 7 South, Range 38 East.

96. WHITWORTH, JOHN T. ✓  
1902 June 17. .40 c.f.s.

Said water to be diverted through the Whitworth Ditch which diverts from Smith Creek in the Northeast quarter of the Southwest quarter, Section 11, Township 7 South, Range 38 East. From the West quarter corner of Section 11, Township 7 South, Range 38 East, the point of diversion bears South 73 degrees and 35 minutes East, 1998 feet, for domestic purposes and for the irrigation of 20 acres of land in the Southeast quarter of the Northeast quarter, Section 11, Township 7 South, Range 38 East.

PEBELE CREEK TRIBUTARY TO THE PORTNEUF RIVER

97. DENTON, ELIZABETH KINFORT  
1902 June 17 3.1 c.f.s.

Said water to be diverted through three ditches, one having intake North 40 degrees West, 1668 feet from South quarter corner, Section 9, Township 8 South, Range 38, E.B.M.; another having its intake North 58 degrees 45 minutes West, 1685 feet from East quarter corner, Section 9, Township 8 South, Range 38, E.B.M.; and another having its intake North 20 degrees West, 1650 feet, from South quarter corner of Section 9, Township 8 South, Range 38, E.B.M., for the irrigation of the East Half of the Northeast quarter, Section 9; the West half of the Northwest quarter, Section 10, Township 8 South, Range 38 E.B.M.

98. CORBETT, JOSEPH E.  
1902 June 25 3.17 c.f.s. Said water to be diverted through a ditch having intake North 16 degrees 35 minutes West, 671 feet, from the Southwest corner of Section 9, Township 8 South, Range 38 East E.M., and also through another ditch having intake 40 degrees West, 1688 feet, from the Southwest corner of Southeast quarter of said Section 9, Township 8 South, Range 38 E.B.M., for the irrigation of the East half of the Southeast quarter, and the Southwest quarter of the Southeast quarter of Section 4, and the Northwest quarter of the Northeast quarter, Section 9, Township 8 South, Range 38 E.B.M.
99. E. F. SHORE,  
Successor to  
BUCKENDORF, JAMES  
1878 June 25 3 c.f.s. Said water to be diverted through a ditch having intake North 40 degrees West 1688 feet from the Southwest corner of the Southeast quarter of Section 9, Township 8 South, Range 38 E.B.M.; and also through another ditch having intake North 27 degrees 15 minutes West 1531 feet from the Southwest corner of the Southeast quarter of Section 9, Township 8 South, Range 38 E.B.M.; and also through another ditch having intake in the Northeast quarter of the Southwest quarter of said Section 9, for the irrigation of the Southwest quarter of the Northeast quarter; the North half of the Southeast quarter, the South half of the Southeast quarter of Section 9, and the Northwest quarter of the Southwest quarter of Section 10, Township 8 South, Range 38 E.B.M.
100. CORBETT, J. FRED  
1906 June 5. .7 c.f.s. Said water to be diverted through a ditch having intake North 16 degrees 35 minutes West 671 feet from the Southwest quarter corner of Section 9, Township 8 South, Range 38 E.B.M.; and also through another ditch having intake 40 degrees West, 1688 feet from the Southwest corner of the Southeast quarter of said Section 9, same Township and Range, for the irrigation of the Southwest quarter of the Southwest quarter, of Section 3, Township 8 South, Range 38 E.B.M.
101. BELLU, J and  
MORICOTTO, C.  
1906 June 5. 1.2 c.f.s. Said water to be diverted through a ditch having intake at a point North 16 degrees 35 minutes West 671 feet from the Southwest corner of Section 9, Township 8 South, Range 38 E.B.M., for the irrigation of the Northwest quarter of the Southeast quarter; the East half of the Southwest quarter, the Southwest quarter of the Southwest quarter of Section 4, Township 8 South, Range 38, E.B.M.
102. SMITH, JOSEPH A.  
1907 Mar. 27. 3.6 c.f.s.  
1912 Jun. 1 1.4 c.f.s. Said water to be diverted through a ditch having intake North 27 degrees 15 minutes West, 1531 feet from the South quarter corner, Section 9, Township 8 South, Range 38 E.B.M., for the irrigation of the South half of the Northwest quarter, and the Southeast quarter of Section 21; the West half of the Northeast quarter and the East half of the Northwest quarter of Section 28, Township 8 South, Range 38 E.B.M.
103. COSS, COMODORE EARL  
1907 March 27 1 c.f.s. Said water to be diverted by means of a ditch, having intake North 27 degrees 15 minutes West, 1531 feet from the South quarter corner of Section 9, Township 8 South, Range 38 E.B.M., for the irrigation of the Southwest quarter of the Southwest quarter of Section 10; the West half of the Northwest quarter and the Northeast quarter of the Northwest quarter, Section 15, Township 8 South, Range 38 E.B.M.
104. HOUTZ, KARL D.  
1908 June 1. 2.5 c.f.s. Said water to be diverted through a ditch having intake West bank of Pebble Creek at a point in the Southwest quarter of the Southwest quarter of Section 36, Township 7 South, Range 37 E.B.M. for the irrigation of the East half of the Northwest quarter; the Southwest quarter of the Northeast quarter and the Northwest quarter of the Southeast quarter, Section 1, Township 8 South, Range 37 East B.M.
- FISH CREEK, TRIBUTARY TO THE PORTNEUF RIVER.
105. ASLETT, DAVID  
1898 Mar 1. 2.4 c.f.s. Said water to be diverted through a ditch, having intake South 6 degrees East 1920 feet from the Southwest corner of Section 30, Township 9 South Range 39 E.B.M.; and also through another ditch having intake South 14 degrees 30 minutes East 1400 feet, from the Southwest corner of said Section 30; and also through another ditch having intake North, 77 degrees 30 minutes East, 260 feet from the Southwest corner of said Section 30, and also through another ditch having intake North 52 degrees 30 minutes East 500 feet from the West quarter corner of said Section 30, for the irrigation of the South half of the Northwest quarter and the North half of the Southwest quarter, Section 30, Township 9 South, Range 39, E.B.M.
106. ASLETT, DAVID,  
1886 Mar 1. 1 c.f.s.  
Being  $\frac{1}{2}$  the flow of  
Pansy Spring and  
Spring Creek. Said water to be diverted in the Northeast quarter of Section 36, Township 9 South, Range 38 E.B.M., the same being Pansy Spring and Stream arising therefrom known as Spring Creek, for the irrigation of the Southwest quarter, the South half of the Northwest quarter, Section 30, Township 9 South, Range 39 E.B.M.

107. ASLETT, DAVID .9 c.f.s.  
1897 Mar. 1. Said water to be diverted at the said four points of diversion set forth in the four ditches above described through which he takes water, under the Fish Creek right of March 1, 1888; and also through a ditch having intake North 78 degrees WEST, 2880 feet from the West quarter corner of Section 31, Township 9 South, Range 39 E.B.M., for the irrigation of the South half of the Southeast quarter, Section 25, Township 9 South, Range 38 E.B.M.
108. ALLEN, J. C. Jr. 1 c.f.s.  
1898 Mar. 1. Said water to be diverted through two ditches taken out on opposite side of Fish Creek at point which bears North, 68 degrees 30 minutes West, 1928 feet from the West quarter corner of section 31, Township 9 South, Range 38 E.B.M.; also through another ditch taken out South 5 degrees East, 1090 feet, from the Southwest corner of section 30, Township 9 South, Range 39 E.B.M.; also through another ditch taken out at point which bears South 6 degrees East, 1920 feet from the Southwest corner of said Section 30; also through another ditch taken out at point which bears South, 14 degrees 30 minutes East, 1400 feet from the Southwest corner of said Section 30, for the irrigation of the East half of the Northeast quarter, Section 36, Township 9 South, Range 38 E.B.M. The West half of the Northwest quarter Section 31, Township 9 South, Range 39 E.B.M.
- ALLEN, J. C. JR. 1 c.f.s.  
1888 March 1. Being one-half the flow of Bansey Spring and Spring Creek. Said water to be diverted in the Northeast quarter of Section 36, Township 9 South, Range 38 E.B.M., the same being Bansey Spring and a stream arising therefrom known as Spring Creek, for the irrigation of the East half of the Northeast quarter, Section 36, Township 9 South, Range 38 E.B.M. The West half of the Northwest quarter of Section 30, Township 9 South, Range 39 E.B.M.
- The rights of David Aslett and J.C. Allen, Jr., to Bansey Spring and Spring Creek are of equal dignity and each of the parties is entitled to the entire flow of the creek and spring by rotation for consecutive periods of seven days.
109. KOFOED, JAMES W. 2.4 c.f.s.  
1897 Mar. 1. Said water to be diverted through a ditch taken out at a point which bears South 6 degrees East 1920 feet from the Southwest corner of Section 30, Township 9 South, Range 39 E.B.M.; and also through another ditch taken out at a point which bears South 14 degrees 30 minutes East 1400 feet from the Southwest corner of said Section 30, for the irrigation of the North half of the Northeast quarter, Section 25, Township 9 South, Range 38 E.B.M. excepting therefrom the following: Beginning at the Southeast corner of the Northwest quarter of the Northeast quarter, Section 25, thence North 28 rods, thence East 20 rods, thence South 28 rods, thence West 80 rods to point of beginning; also the North half of the Northwest quarter, Section 30, Township 9 South, Range 39 E.B.M., excepting therefrom the following: Beginning at the Southwest corner of the Northwest quarter of the Northwest quarter, said Section 30, thence East 94 rods, thence North 12 degrees 5 minutes 38 seconds West, 28.64 rods, thence West 88 rods, thence South 28 rods to place of beginning.
110. HELL, W. D. .5 c.f.s.  
1897 Mar. 1. Said water to be diverted through a ditch taken out at a point which bears North 78 degrees WEST, 2880 feet, from the West quarter corner, Section 31, Township 9 South, Range 39 E.B.M.; also through another ditch taken out at a point which bears South 31 degrees 30 minutes East, 1580 feet from the North quarter corner Section 25, Township 9 South, Range 38 E.B.M., for the irrigation of the Southwest quarter of the Northeast quarter, and the Northwest quarter of the Southeast quarter, Section 25, Township 9 South, Range 38, E.B.M.
111. Wight, L. S. .5 c.f.s.  
1894 Mar. 1. Said water to be diverted through a ditch taken out South 31 degrees 30 minutes East, 1580 feet from the North quarter corner, Section 25, Township 9 South, Range 38 E.B.M.; also through another ditch taken out South 13 degrees East, 1210 feet from the North quarter corner of said Section 25, for the irrigation of the West half of the Northwest quarter, and the North half of the Southwest quarter, Section 25, Township 9 South, Range 38 E.B.M.
112. FISH CREEK IRRIGATING COMPANY. 6 c.f.s.  
1893 Mar. 1. Said water to be diverted through a ditch taken out North 74 degrees West, 900 feet from the Northeast corner of Section 27, Township 9 South, Range 38 E.B.M., for the irrigation of lots 1, 2, 7, Section 21, Lot 6, Section 22, the Northeast quarter of the Northwest quarter, Section 26, Township 9 South, Range 38 E.B.M., Lot 1, the Southeast quarter of the Southeast quarter, Section 29, Lot 4, the Southwest quarter of the Southwest quarter, Section 31, Township 9 South, Range 38

- E.B.M. Lot 3, Section 20, the Northeast quarter of the Northwest quarter, Section 29, Township 9 South, Range 38 E.B.M. (Northeast quarter of the Northwest quarter being Government Lot 1). The Northwest quarter of the Northwest quarter, Section 28, the North half of the Northeast quarter, Section 29, Township 9 South, Range 38 East B.M.
113. IDAHO CONFERENCE OF THE  
METHODIST EPISCOPAL  
CHURCH.  
1889 June 1 .2 c.f.s. Said water to be diverted through the Fish Creek Irrigating Company's canal above described, for the irrigation of Lot 6, Section 22, Township 9 South, Range 38 E.B.M.
114. MARY ANN HALL as the  
owner of a life estate  
and JOHN W. PETER and  
ELIZABETH T. PETER, as  
owners of the remainder  
in fee.  
1889 June 1 .1 c.f.s. Said water to be diverted through the Fish Creek Irrigating Company's canal, last above described, for the irrigation of 80 feet off the South ends of Lots 11, 12, 13, 14 and 15 in Block 9, Townsite of Hall City, in the Village of Lava Hot Springs, more particularly described as follows: Beginning at the Southwest corner of said block, thence East 150 feet, thence North 80 feet, thence West 150 feet, thence South 80 feet to place of beginning.
115. FERRELL, THOMAS P.  
1889 June 1 .03 c.f.s. Said water to be diverted through the said Fish Creek Irrigating Company's canal last above described, for the irrigation of land described as follows: Commencing at the Northwest corner, Block 1, of the Townsite of Hall City, in Lava Hot Springs, thence East along the North line, Block 1, and continuing in a straight line to the Portneuf River, thence along meander line of Portneuf River Northwest, then West to intersection of River and First Avenue, as extended, thence South along East line, First Avenue to beginning point.
116. BRANDON, C. WATT  
1889 June 1 .02 c.f.s. Said water to be diverted through the said Fish Creek Irrigating Company's canal last above described, for the irrigation of land described as follows: Beginning at a point in South line of Section 21, Township 9 South, Range 38 E.B.M., 353.3 feet, West of Southeast corner said Section, thence West along South line said Section, 471.8 feet, thence North 529.7 feet, thence East 203.6 feet to Portneuf River, thence Southeast up said stream to a point due North of place of beginning, thence south 353.3 feet to place of beginning.
117. COOPER, W. W.  
1849 Mar. 1 2 c.f.s.  
1883 May 1 1.2 c.f.s. Said water to be diverted through a ditch taken out at point which bears South 59 degrees 25 minutes East, 1740 feet from the Northwest corner of Section 26, Township 9 South, Range 38 E.B.M., for the irrigation of Lots 1, 2, 3 and 4, and the Southwest quarter of the Southeast quarter, Section 22, Township 9 South, Range 38 E.B.M., and Lot 3, Section 15, Township 9 South, Range 38 E.B.M.
118. FRANK WARNER, FRANCIS  
HENRY WARNER, FLORENCE  
GRACE POTTER, KATHERINE  
TERESA WARNER, the  
heirs of CORA WARNER,  
deceased.  
1889 June 1 .8 c.f.s.  
1893 Mar. 1 .8 c.f.s. Said water to be diverted through a ditch taken out at a point which bears South 66 degrees 30 minutes East, 2070 feet from the Northwest corner of Section 26, Township 9 South, Range 38 E.B.M., for the irrigation of the Northeast quarter of the Northeast quarter, Section 27, the Northwest quarter of the Northwest quarter, Section 26, the Southeast quarter of the Southeast quarter, and the Northeast quarter of the Southeast quarter, Section 22, Township 9 South, Range 38 E.B.M.

DUMPSY CREEK, TRIBUTARY TO THE PORTNEUF RIVER

119. MCCREY, WILLIAM R.  
1881 May 1 .78 c.f.s.  
1882 May 1 .70 c.f.s. Said water to be diverted through a ditch having intake in the East half of the Northwest quarter, Section 9, Township 10 South, Range 38, E.B.M., also through another ditch having intake in the Northwest quarter of the Southeast quarter of Section 4, Township 10 South, Range 38 E.B.M.; also through another ditch having intake North 63 degrees East 1850 feet from the Southwest corner of section 4; also through two ditches in West Creek (tributary of Dumpsy Creek) in the Northeast quarter of the Southeast quarter, Section 5, Township 10 South, Range 38 E.B.M., for the irrigation of the Northeast quarter of the Northwest quarter, Section 9, Lots 3 and 4 and the Southwest quarter of the Northwest quarter, and the Northwest quarter of the Southwest quarter of Section 4, and the Northeast quarter of the Southeast quarter, Section 5, Township 10 South, Range 38 E.B.M.
120. HOWELL, A. A.  
HOWELL, WALTER  
HOWELL, S. A.  
HOWELL, J. A.  
1890 April 1 2 c.f.s.  
1890 April 10 .1 c.f.s. Said water to be diverted through a ditch having intake near where Dumpsy Creek crosses the line between townships 9 and 10 South (Byington-Herrick Ditch).
- Said water to be diverted through a ditch having intake South 34 degrees East, 1450 feet from the Northwest corner of the Southwest quarter, Section 33, Township 9 South, Range 38 E.B.M.; and also through a ditch having intake which bears South 35 degrees 40 minutes West, 1044 feet from the East quarter corner section 29, Township 9 South, Range 38 E.B.M., for the irrigation of the South half of the Southwest quarter, Section 28, Township 9

- South, Range 33 E.; also beginning at the Southeast corner of the Northwest quarter of the Southwest quarter of said Section 28, and running thence West 240 rods; thence North 13.3 rods; thence East 240 rods; thence South 13.3 rods to place of beginning. Also beginning at the Northeast corner of the Northwest quarter of the Southwest quarter of Section 28, and running thence South 66.7 rods; thence West 240 rods thence North 66.7 rods; thence East 240 rods to place of beginning.
121. POTTER, JOHN  
1880 April 1 .8 c.f.s.  
1919 May 1 .5 c.f.s.
- Said water to be diverted through a ditch having intake South 83 degrees East 1430 feet from the Northwest quarter of the Southwest quarter, Section 33, Township 9 South, Range 33 E.B.M.
- Said water to be diverted in the Northeast quarter of the Southeast quarter, Section 29, Township 9 South, Range 33 E.B.M., for the irrigation of the Southwest quarter of the Northwest quarter, Section 28, and the South half of the Northeast quarter, Section 29, Township 9 South, Range 33, E.B.M.
122. BYINGTON, M. LUCINDA  
1881 Aug. 1 .54 c.f.s.
- Said water to be diverted through a ditch having intake near where Dempsey Creek crosses the line between Townships 9 and 10 South, Range 33 E.B.M. (Byington-Merrick Ditch); also through another ditch having intake North 53 degrees East 1550 feet from the Southwest corner of Section 4, Township 10 South, Range 33 E.B.M. (Avery-Godfrey Ditch); also through another ditch having intake South 34 degrees West 640 feet from the Southwest corner of Section 33, Township 9 South, Range 33 E.B.M. (Avery-Hemenway Ditch), for the irrigation of the following described lands: Beginning at West 1-16 corner of South boundary of Section 33, Township 9 South, Range 33 E.B.M.; thence North along the 1-16 Section line 1029 feet, thence North 75 degrees 51 minutes West 734 feet, thence South 12 degrees 59 minutes West 1007.7 feet, along bed of Dempsey Creek; thence North 75 degrees 51 minutes West 1477 feet; thence South 13 degrees 36 minutes West 594 feet to the intersection with the South boundary of Section 32, Township 9 South, Range 33 E.B.M., thence Easterly along South boundary of Section 32 and Section 33, 2506 feet to point of beginning, being a portion of the Southwest quarter of the Southwest quarter Section 33, Township 9 South, Range 33 E.B.M. and the Southeast quarter of the Southeast quarter, Section 32, Township 9 South, Range 33 E.B.M. containing 36.10 acres, more or less.
123. HARRISON, GEORGE  
1930 April 1 .8 c.f.s.
- Said water to be diverted by means of a ditch having intake North 53 degrees East 1550 feet from Southwest corner of Section 4, Township 10 South, Range 33 E.B.M. (Avery-Godfrey Ditch), and also by means of a ditch having intake near where Dempsey Creek crosses the Township line between Townships 9 and 10, South, Range 33 E.B.M. (Byington-Merrick Ditch), for the irrigation of the North half of the Northwest quarter, Section 33, Township 9 South, Range 33 E.B.M., excepting a tract of land used as a cemetery.
124. AVERY, JOHN N.  
1881 April 1 .29 c.f.s.
- Said water to be diverted by means of a ditch having intake South 34 degrees west 640 feet from the Southwest corner of Section 33, Township 9 South, Range 33 E.B.M. (Avery-Hemenway Ditch); and also by means of a ditch having intake North 53 degrees East 1550 feet from the Southwest corner of Section 4, Township 10 South, Range 33 E.B.M. (Avery-Godfrey Ditch); and also by means of a ditch having intake near where Dempsey Creek crosses the line between Townships 9 and 10 South, Range 33 E.B.M. (Byington-Merrick Ditch), for the irrigation of the Southeast quarter of the Southeast quarter of Section 32, and the Southwest quarter of the Southwest quarter of Section 33, Township 9 South, Range 33 E.B.M., except the tract of land hereinbefore described belonging to E. Lucinda Byington.
125. AVERY, CLARENCE  
1881 July 1 .29 c.f.s.
- Said water to be diverted by means of a ditch having intake North 53 degrees East 1550 feet from the Southwest corner of Section 4, Township 10 South, Range 33 E.B.M. (Avery-Godfrey Ditch), and also by means of a ditch having intake South 34 degrees West 640 feet from the Southwest corner of Section 33, Township 9 South, Range 33 E.B.M. (Avery-Hemenway Ditch), for the irrigation of the Northeast quarter of the Southeast quarter of Section 32, Township 9 South, Range 33 E.B.M.
126. AVERY, J. A.  
1881 May 1 1 miner's inch  
1881 July 1 26 miner's inches  
1883 May 1 27 miner's inches
- Said water to be diverted through a ditch having intake in the East half of the Northwest quarter, Section 3, Township 10 South, Range 33 E.B.M.; also by means of 3 ditches having intakes in East Creek, a tributary of Dempsey Creek, as follows: (a) In Northwest quarter Northeast quarter Section 10; (b) In Northwest quarter Southeast quarter Section 4; (c) North 25 degrees, east

- 700 feet from Southeast corner of the Southwest quarter, Section 4, Township 10 South, Range 38 E.B.M., for the irrigation of lands lying within the Southeast quarter of the Northwest quarter, the East half of the Southwest quarter; the Southwest quarter of the Southwest quarter, Section 4, Township 10 South, Range 38 E.B.M.
127. MERRICK, LK. Said water to be diverted through a ditch having intake North 53 degrees East, 1550 feet from the Southwest corner of Section 4, Township 10 South, Range 38 E.B.M.
- 1880 April 1. .4 c.f.s.
1881. July 1. .4 c.f.s. Said water to be diverted in Lot 4 of Section 4, Township 10, South, Range 38 E.B.M.
1882. April 1. .3 c.f.s. And in ditch having intake near where Dempsey Creek crosses the line between Townships 9 and 10 South, Range 38 E.B.M., for the irrigation of the East half of the Northeast quarter, Section 32; the Southeast quarter of the Southeast quarter, Section 29, Township 9 South, Range 38 E.B.M.
128. HEMELWAY, NETHI Said water to be diverted by means of a ditch, having intake in the Southwest quarter of Section 4, Township 10 South, Range 38 E.B.M.; also by means of another ditch having intake in Lot 4 of said Section 4, Township 10, South, Range 38 E.B.M.; also by means of a ditch having intake in the Southwest quarter of the Southwest quarter, Section 33, Township 9 South, Range 38 E.B.M., for the irrigation of the South half of the Northwest quarter, and the North half of the Southwest quarter, Section 33, Township 9 South, Range 38 E.B.M.
1851. April 1. 2.4 c.f.s.
1881. June 1. .8 c.f.s.
129. MAUGHAN BROTHERS, Said water to be diverted by means of ditch having intake North 53 degrees East, 1550 feet from the Southwest corner, Section 4, Township 10 South, Range 38 E.B.M., for the irrigation of the East half of the Southeast quarter, Section 30, Township 9 South, Range 38 E.B.M.
- George Harrison Maughan,  
John Raymond Maughan.
1885. Sept 4. .6 c.f.s.
1919. Dec. 31. .6 c.f.s.
130. MAUGHAN, George Harrison Said water to be diverted by means of a ditch having intake North 53 degrees East, 1550 feet from the Southwest corner Section 4, Township 10, South, Range 38 E.B.M., for the irrigation of the West half of the Southeast quarter; the Southeast quarter of the Southwest quarter, Section 30, Township 9 South, Range 38 E.B.M.
- John Raymond,  
Joseph Howard
1885. Sept 4. .6 c.f.s.
1919. Dec 31. .6 c.f.s.
131. JENSEN, E. C. Said water to be diverted at a point which bears South, 53 degrees EAST, 400 feet from the South quarter corner of Section 3, Township 10 South, Range 38 E.B.M.; also at a point which bears South, 48 degrees East, 190 feet, from the South quarter corner, Section 3, Township 10 South, Range 38 E.B.M.; also at a point which bears North 53 degrees West, 1200 feet from the outh corner, Section 3, Township 10 South, Range 38 E.B.M.; also at a point which bears north, 35 degrees EAST, 2100 feet from the South quarter corner of Section 4, Township 10 South, Range 38 E.B.M., for the irrigation of Lots 1, 2, and 3, and the South half of the Northeast quarter, the Southeast quarter and a strip of land, lying in the East half of the Northwest quarter, and the East half of the Southwest quarter, Section 4, Township 10, South, Range 38 E.B.M.
- 1892 May 1. 1.24 c.f.s.
132. JENSEN, J. M. Said water to be diverted at a point which bears South 53 degrees East, 400 feet from the South quarter corner, Section 3, Township 10 South, Range 38 E.B.M.; also at a point which bears South 48 degrees East, 190 feet from the South quarter corner of Section 3, Township 10 South, Range 38 E.B.M.; also at a point which bears North 53 degrees West, 1200 feet from the South quarter corner, Section 3, Township 10 South, Range 38 E.B.M., for the irrigation of the Southeast quarter of the Northwest quarter and the Southwest quarter of Section 3, Township 10 South, Range 38 E.B.M.
- 1893 April 15. .64 c.f.s.
133. COPAZ IRRIGATION CO. Said water to be diverted at a point South 44 degrees East 1390 feet from the Northwest corner of the Northwest quarter, Section 33, Township 9 South, Range 38 E.B.M., for the irrigation of the following described land:
- 1888 April 1 13.44 c.f.s.
- Township 9 South, Range 38 E.B.M.
- Section 29--Lots 1 and 2, the South half of the Northwest quarter, and the North half of the Southwest quarter,
- Section 30--The Northeast quarter, the Northwest quarter, the North half of the Southeast quarter,
- Section 19--The following lots: 1, 2, 3, and 4.
- Township 9 South, Range 37 E.B.M.
- Section 24--Lots 5, 6, and 7, the South half of the Southwest quarter.
- Section 25--The North half of the Northeast quarter, the North half of the Northwest quarter.
- Section 23--Lots 5, 6, 7 and 8, the South half of the Southeast quarter, the South half of the Southwest quarter.
- Section 26--The North half of the Northeast quarter, the Northwest quarter of the Northwest quarter.

- Section 27--The Northeast quarter of the Northeast quarter.  
Section 22--The Southeast quarter of the Southeast quarter, Lots 5, 6, 7 and 8.
134. MCGWINN, C. J.  
1896 April 15 .8 c.f.s. Said water to be diverted at a point South 35 degrees 40 minutes West 1044 feet from the East quarter corner of Section 29, Township 9 South, Range 38 E.B.M., for the irrigation of Lot 3 of Section 20; Lots 1 and 2 of Section 29, Township 9 South, Range 38 E.B.M.
135. WARNER, MRS. FRANK  
1931 August 1 .58 c.f.s. Said water to be diverted at a point South 88 degrees East 1430 feet from the West quarter corner of Section 33, Township 9 South, Range 38 E.B.M.; for the irrigation of the Northwest quarter of the Northwest quarter, Section 28, Township 9 South, Range 38 E.B.M.
136. FAGNANT, F. D.  
1931 August 1 .2 c.f.s. Said water to be diverted at a point North 53 degrees East 1550 feet from the Southwest corner, Section 4, Township 10 South, Range 38 E.B.M., the lateral from which said point divides into the Campbell-Fagnant Lateral into Campbell lateral in the Northwest quarter of the Northeast quarter, Section 32, Township 9 South, Range 38 E.B.M.
- 1894 Mar. 1. 1.2 c.f.s. Said water to be diverted through a ditch having intake 35 degrees 40 minutes West 1044 feet from the East quarter corner, Section 29, Township 9 South, Range 38 E.B.M., for the irrigation of the Southwest quarter and the South half of the Northwest quarter, Section 29; the East half of the Northwest quarter, and the Northwest quarter of the Northwest quarter, Section 32, Township 9 South, Range 38 E.B.M.
137. CAMPBELL, ADAM  
1894 March 1. .8 c.f.s. Said water to be diverted at a point North, 53 degrees East, 1550 feet from the Southwest corner of Section 4, Township 10 South, Range 38 East. The lateral from which said point divides in the Campbell-Fagnant lateral into Campbell lateral in the Northwest quarter of the Northeast quarter, Section 32, Township 9 South, Range 38 E.B.M., for the irrigation of the Northwest quarter of the Northeast quarter, Section 32, Township 9 South, Range 38 E.B.M.

EAST BOB SMITH CREEK, TRIBUTARY TO THE PORTNEUF RIVER.

138. HARPER, TOM  
1902. Nov. 1. .24 c.f.s. Said water to be diverted through a ditch having its intake East, 700 feet from the West quarter corner of Section 13, Township 9 South, Range 37 East, E.B.M. for the irrigation of land in Lots 3 and 4 and the South half of the Northwest quarter, Section 24, Township 9 South, Range 37 E.B.M.
139. KOFOED, A.A.  
1904. July 2. .70 c.f.s. Said water to be diverted through a ditch having its intake 700 feet from the West quarter corner of Section 13, Township 9 South, Range 37 E.B.M., for the irrigation of the following described lands:  
That portion of the North half of the Southwest quarter Section 13, Township 9 South, Range 37 E.B.M., described as follows: Beginning at the South 1/16 Section corner on the meridional center line of said Section 13, Township 9 South, Range 37 E.B.M., thence West along said South 1/16 Section line, 1450 feet to a point 136 feet west of the West 1/16 Section corner on the South 1/16 section line, thence North 700 feet, thence East 1450 feet more or less to a point on the meridional center line of said Section 13, 700 feet North of the South 1/16 Section corner on said meridional center line, thence South along the meridional center line of said Section 13, 700 feet to the place of beginning, also those portions of the South half of the Southwest quarter Section 13, and the North half of the Northwest quarter, Section 24, Township 9 South, Range 37 E.B.M. not hereinafter described as belonging to D. A. M. Martin.
140. MARTIN, D. A. K.  
1902 July 1 .80 c.f.s. Said waters to be diverted through the following described ditches:  
1903 Mar. 1 1.1 c.f.s. Through a ditch having its intake North 15 degrees West 1090 feet from the South quarter corner of Section 13, Township 9 South, Range 37 E.B.M. Through a ditch having its intake South 66 degrees 30 minutes East 1275 feet from the Northwest corner of Section 13, same Township and Range. Through a ditch having its intake South 54 degrees 20 minutes East 330 feet from the West quarter corner of said Section 13, same Township and Range.  
1903 Mar. 1 1.54 c.f.s. Through a ditch having its intake South 25 degrees East 700 feet from the West quarter corner, Section 13, same Township and Range.  
1903 Mar. 1 1.54 c.f.s. Through a ditch having its intake North 0 degrees East 960 feet from the Southwest corner of Section 13, same Township and Range.  
1903 July 2 1.0 c.f.s. (50 miner's inches) source being that certain spring which rises 700 feet East of the West quarter corner, Section 13, Township 9 South, Range 37 East.

Through a ditch having its intake 700 feet East of the West quarter corner of Section 13, same Township and Range.

For the irrigation of two parcels of land described as follows: Beginning at the South 1/16 Section corner on the Section line between Sections 13 and 14, thence South along Section line of Section 13 and 14, 262.5 feet, thence North 20 degrees and 34 minutes East 280.5 feet to the South 1/16 Section line of said Section 13, thence west along the 1/16 Section line of said Section 13, 98.5 feet to the place of beginning; also the Northeast quarter, the north half of the Southeast quarter, the Southeast quarter of the Southeast quarter, Section 14, Township 9 South, Range 37 East; Lots 1, 2, 3 and 4, the North half of the Northwest quarter, the North half of the Northeast quarter, Section 23, Township 9 South, Range 37 East; also that portion of the Northwest quarter Section 24, same Township and Range, described as follows: Beginning at the point on the Section line between Sections 23 and 24, Township 9 South, Range 37 East, at the intersection of the South line of the right of way of the State Highway, thence South along the Section line of Sections 23 and 24, 172 feet, more or less, to the North 1/16 corner on the said section line, thence East on the North 1/16 section line of Section 24, 397 feet to the South line of the Right of way of the State Highway, thence following the South line on right of way 440 feet, more or less, to the point of beginning; also the Southeast quarter of the Southwest quarter, Section 12, the Northwest quarter of the Northwest quarter, the South half of the Northwest quarter, and that portion of Section 13, Township 9 South, Range 37 East, described as follows: Beginning at a point on the meridional center line of said Section 13, 620 feet South to the center of said Section 13, thence due West 1450 feet, thence due South 700 feet, thence due West 1190 feet to the West boundary line of said Section, thence due North 1320 feet to the Northwest corner of said Section, thence due East 2640 feet to the center of said Section, thence due South 620 feet to the place of beginning.

WEST BOB SMITH CREEK, TRIBUTARY TO THE PORTNEUF RIVER

HARKNESS DITCH, diverts in the Southwest quarter of the Southwest quarter, Section 3, Township 9 South, Range 37 East. From the Southwest corner of Section 3, the point of diversion bears North 9 degrees and 5 minutes East, 810 feet.

The second point of diversion of Harkness Ditch is from Harkness Creek. This ditch diverts from Harkness Creek in the Northeast quarter of the Southeast quarter, Section 1, Township 9 South, Range 36 East. From the Southeast corner of Section 1, the point of diversion bears North 5 degrees West, 1500 feet.

141. 1 P.M. For the irrigation of 276 acres of land described as follows:  
1902 June 17 3.5 c.f.s. of the waters of Crystal Springs  
CRYSTAL SPRINGS, the same being the headwater of West Bob Smith Creek.

1902 June 17 (noon) 2.02 c.f.s. of the waters of Harkness Creek.

HANSEN, LEO

65 acres in the South half of the Southeast quarter Section 1; The Northeast quarter of the Northeast quarter, Section 12, Township 9 South, Range 36 East Lot 1, Section 12, Township 9 South, Range 36 East; and Lot 1, Section 7, Township 9 South, Range 37 East.

HANSEN, REUBEN

39 acres of land in Lot 1, Section 7, Township 9 South, Range 37 East, the Northeast quarter of the Northeast quarter, Lots 1 and 2, Section 12, Township 9, South, Range 36 East.

LILLENQUIST, WENZI

37 acres of land in Lots 1 and 2, Section 7, Township 9 South, range 37 East, the Northeast quarter of the Northeast quarter, Lot 2 Section 12, Township 9 South, Range 36 East.

LILLENQUIST, W. L.

35 acres of land in Lot 2, Section 7, Township 9 South, Range 37 East; Lots 2 and 3, Section 12, Township 9 South, Range 36 East.

LILLENQUIST, H. F.

47 acres of land in Lots 2 and 3, Section 7, Township 9 South, Range 37 East; and Lot 3, Section 12, Township 9 South, Range 36 East.

HANCO, H.

42 acres of land in Lots 3 and 4, Section 7, Township 9 South, Range 37 East; and Lot 3, Section 12, Township 9 South, Range 36 East.

HOWELL, J. W.

11 acres of land in Lot 1, Section 12, Township 9 South, Range 37 East.

The above parties last above mentioned, shall divert from the said Crystal Springs at all times during the irrigation season, such amount of water as when mingled with the waters of said Harkness Creek, shall make a total of 5.52 c.f.s. at the point of diversion on said Harkness Creek, and shall divert from said Crystal Springs no more than such amount. The said parties being at all times during the irrigation season, entitled to divert from said Crystal Springs and said Harkness Creek, the maximum amount of 5.52 c.f.s. The Harkness ditch diverts first from Crystal Springs and carries water over a divide, dropping contents into Harkness Creek, at a point  $\frac{1}{2}$  mile below the point where water is dropped into Harkness Creek, it is re-diverted by another ditch or a continuation of the Harkness Ditch, and distributed on the land.

142. CHENEY, A. B.  
1909 Jun. 1. .30 c.f.s. Said water to be diverted through the Cutler Ditch, which diverts from West Bob Smith Creek in the Northwest quarter of the Northeast quarter, Section 10, Township 9 South, Range 37 East. From the North quarter corner of Section 10, the point of diversion bears South 4 degrees and 30 minutes East, 510 feet, for the irrigation of 10 acres of land in the Northeast quarter of the Southwest quarter, Section 10, Township 9 South, Range 37 East.
143. FIRST NATIONAL BANK  
OF OGDEN.  
1909 July 1 .44 c.f.s. Said water to be diverted through said Cutler Ditch last above described, for the irrigation of 22 acres of land in the Southeast quarter of the Northeast quarter, the Northwest quarter of the Southeast quarter, Section 17, Township 9 South, Range 37 East.
144. LISH, R and  
ROMRIELL, LESLIE  
1913 June 1. .10 c.f.s. Said water to be diverted through the said Cutler Ditch, last above described, for the irrigation of 5 acres of land in the Northwest quarter of the Northwest quarter Section 15, Township 9 South, Range 37 East.
145. ROMRIELL, CHARLES  
1911, June 1. .10 c.f.s. Said water to be diverted through the said Cutler Ditch last above described, for the irrigation of 5 acres of land in the Southeast quarter of the Southeast quarter, Section 9, Township 9 South, Range 37 East.
146. GITTINS, JOHN T.  
1892, July 1. .22 c.f.s. Said water to be diverted through the said Cutler Ditch, last above described, for the irrigation of 11 acres of land, in Lot 4, and the Northwest quarter of the Northeast quarter, Section 20, Township 9 South, Range 37 East.
147. GITTINS, JOHN T.  
1892. July 1. .17 c.f.s. Said water to be diverted through the said Cutler Ditch last above described, for the irrigation of 8.6 acres of land in the Southwest quarter of the Southeast quarter, Section 17, Township 9 South, Range 37 East.
148. LEWIS, J. G.  
1892 July 1. .31 c.f.s. Said water to be diverted through the said Cutler Ditch last above described, for the irrigation of 15.5 acres of land in Lot 3, and the North half of the Northwest quarter, Section 20, Township 9 South, Range 37 East.
149. CHENEY, A. B.,  
1911 May 1. .14 c.f.s. Said water to be diverted through the Wilmore Ditch, which diverts from West Bob Smith Creek, in the Southwest quarter of the Northeast quarter, Section 10, Township 9 South, Range 37 East. From the East quarter corner of Section 10, the point of diversion bears West, 1670 feet, for the irrigation of 10 acres of land in the South half of the Southeast quarter, Section 10, Township 9 South, Range 37 East.
150. WILMORE, EDWARD  
1908 May 1. .112 c.f.s. (5.6 inches)  
1909 May 1. .098 c.f.s. (4.9 inches)  
1911 Jan 19. 1.4 c.f.s. (70 inches)  
Said water to be diverted through the said Wilmore Ditch last above described, for the irrigation of 114.4 acres of land on the Southeast quarter of the Northwest quarter, the Northeast quarter of the Southwest quarter, the Southeast quarter of the Southwest quarter, the Southwest quarter of the Southeast quarter, Section 14, Township 9 South, Range 37 East.
151. STOLPE, BRADY  
1902 June 20 .56 c.f.s. (28 inches)  
1909 June 1 .30 c.f.s. (15 inches)  
1915 July 1 .18 c.f.s. (9 inches)  
1916 July 1 .40 c.f.s. (20 inches)  
1917 July 1 .18 c.f.s. (9 inches)  
Said water to be diverted through the Stolpe Ditch, which diverts from West Bob Smith Creek in the Southwest quarter of the Northwest quarter, Section 15, Township 9 South, Range 37 East. From the Northwest corner of Section 15, the point of diversion bears South, 48 degrees and 45 minutes East, 3545, feet, for the irrigation of 81 acres of land in the Southwest quarter of the Southeast quarter, section 15, the Northwest quarter of the Northeast quarter, Lots 2 and 3, Section 22, Township 9 South, Range 37 East.
152. FAIRCHILD, MRS. A. A.  
1913. May 1 .10 c.f.s. (5 inches)  
Said water to be diverted through the said Stolpe Ditch, last above described, for the irrigation of 8 acres of land in Lot 4, Section 22, Township 9 South, Range 37 East.

153. LISH, ALBERT,  
1909 July 1. .162 c.f.s.  
(8.1 inches) Said water to be diverted through the said Stolpe Ditch, last above described, for the irrigation of 2 parcels of land amounting to 10 acres in the Northwest quarter of the Southeast quarter, Section 15, Township 9 South, Range 37 East.
154. GODFREY, SPENCER  
1902 July 1 .60 c.f.s.  
(30 inches) Said water to be diverted through the Higgins-Godfrey Ditch, which diverts from West Bob Smith Creek, in the Northwest quarter of the Northeast quarter, Section 15, Township 9 South, Range 37 East. From the Southwest corner of Section 10, Township 9 South Range 37 East, the point of diversion bears South 80 degrees East, 2660 feet, for the irrigation of 64 acres of land, located as follows: 10 acres in Lot 1, Section 22; 10 acres in the Southeast quarter of the Southeast quarter, Section 15; 24 acres in the Southwest quarter of the Southwest quarter, Section 14; 20 acres in the Northeast quarter of the Northeast quarter, Section 22, Township 9 South, Range 37 East.
155. CHENEY, A. B.  
1904 July 1. .06 c.f.s.  
(2 inches) Said water to be diverted through the Lish-Higgins Ditch, which diverts from West Bob Smith Creek in the Northeast quarter of the Northwest quarter, Section 15, Township 9 South, Range 37 East. From the Southwest corner of Section 10, the point of diversion bears South 65 degrees East 2850 feet for the irrigation of 3 acres of land in the Southeast quarter of the Northwest quarter, Section 15, Township 9 South, Range 37 East.
156. LISH, ALBERT  
1909 July 1 .30 c.f.s. Said water to be diverted through the said Lish-Higgins Ditch, last above-described, for the irrigation of 15 acres in the North half of the Southeast quarter, Section 15, Township 9 South, Range 37 East.
157. LISH, ARCHIE  
1910 Apr. 15. .20 c.f.s. Said water to be diverted through the said Lish-Higgins Ditch, last above described, for the irrigation of 10 acres of land in the Southwest quarter of the Northeast quarter, Section 15, Township 9 South, Range 37 East.
158. STOLPE, BRADY  
1909 July 1. .18 c.f.s.  
(9 inches) Said water to be diverted through the said Lish Higgins Ditch, last above described, for the irrigation of 9 acres in the Southwest quarter of the Southeast quarter, Section 15, township 9 South, Range 37 East.
159. CHENEY, A.B.  
1909 July 1 .20 c.f.s.  
1914 July 1 .16 c.f.s.  
1917 July 1 .04 c.f.s.  
(2 inches)  
1918 July 1 .04 c.f.s.  
(2 inches) Said water to be diverted through the Cheney Ditch, which diverts from West Bob Smith Creek in the Southeast quarter of the Northwest quarter of Section 15, Township 9 South, Range 37 East. From the Southwest corner of Section 10, the point of diversion bears South 85 degrees East, 3030 feet, for the irrigation of 22 acres of land in the Southeast quarter of the Northwest quarter, Section 15, Township 9 South, Range 37 East.

VILLAGE OF McCAMMON, PIPELINE FOR MUNICIPAL PURPOSES.

The pipe line which supplies the Village of McCammon, diverts from West Bob Smith Creek, or Crystal Springs, in the Southwest quarter of the Southwest quarter, Section 5, Township 9 South, Range 37 East. From the Southwest corner of Section 3, the point of diversion bears North 9 degrees and 5 minutes East, 810 feet.

160. VILLAGE OF McCAMMON  
1902. June 17. .50 c.f.s.  
(35 inches) To be used in the Village of McCammon, a municipality, for domestic, culinary, irrigation, fire and other purposes. This water is carried to the Village of McCammon, through a pipe line to a reservoir located on the hills to the North of said Village, from which it is piped to a stand-pipe (or tank) in the said municipality.

JOE WILLEY CREEK, TRIBUTARY TO TWENTY FOUR MILE CREEK.

CALL DITCH NO. 21, Diverts from Joe Willey Creek in the Southeast quarter of the Northeast quarter, Section 27, Township 6 South, Range 39 East. From the East quarter corner of Section 27, the point of diversion bears North 53 degrees and 25 minutes West, 952 feet.

CALL DITCH NO. 2, diverts from Joe Willey Creek in the Southwest quarter of the Southwest quarter, Section 27, Township 6 South, Range 39 East. From the Southwest corner of Section 27, the point of diversion bears North 61 degrees and 15 minutes East, 1210 feet.

161. CALL, CEMOND  
1897 May 1. .75 c.f.s.  
(37.5 inches) Said water to be diverted through the said Call Ditch No. 1, and Call Ditch No. 2, last above described, for the irrigation of 75 acres of land in the West half of the Southeast quarter, and the Southeast quarter, and the Southeast quarter of the Southwest quarter, Section 27, Township 6 South, Range 39 East.
162. HOLBROOK, JONATHAN  
1893 May 1. .19 c.f.s.  
(9.4 inches) Said water to be diverted through the said Call Ditch No. 1 and Call Ditch No. 2, last above described, for the irrigation of 9 3/8 acres of land in the Southeast quarter of the Northeast quarter, Section 33, Township 6 South, Range 39 East.
163. CORNELISON, FORREST L.  
1897 May 1. .06 c.f.s.  
(3.1 inches) Said water to be diverted through the said Call Ditch No. 1, and Call Ditch No 2, last above described, for the irrigation of 3 1/8 acres of land in the Northeast quarter of the Northeast quarter, Section 33, Township 6 South, Range 39 East.

The Court having found that 18-Mile Creek and Moss Canyon Creek are not tributaries to the Portneuf River,

IT IS FURTHER ORDERED, ADJUDGED AND DECREED: That the following named persons so far as their rights to the waters of said Creeks are concerned, be dismissed from this action, to-wit:

Frank Butterfield, Robert L. Redford, Alma Hogan, E. A. Madison, Margarette Hatch, Administratrix of the Estate of Ramon Hatch, Deceased, Nels Hogan, William Higgins, and Thomas Hatch.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED: That Sarah Harkness, Ernest Byington, John Byington, Charles Mills, Robert Redford, Charles Byington, C. F. Potter, Leslie Sharp, James Higgins, James Roddy, Alfred Baker, Chas. Bell, John Ramsey, Jesse Avelly, A. M. Boyce, Ray Bloxum, Mrs. N. Norton, Joseph Bell, Arthur Naylor, E. J. Dolbeer, H. A. Weddell, Stephan Grimm and Will Bowers, have no right, title, interest or claim in or to any of the waters of the Portneuf River, or its tributaries and sources, and the parties and each of them, their agents, servants, attorneys, successors in interest and assigns, are perpetually enjoined from diverting or using any of the water of the Portneuf River, or its tributaries and sources.

No costs or disbursements are allowed to any of the parties to this action, but each shall pay his, her or its own costs.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED: That when the natural flow of the streams, the water of which is awarded by this decree, is not sufficient to furnish all parties claiming water therefrom with the full amount of water awarded to them, then such water shall be distributed in accordance with the priorities as hereinbefore decreed, and if the water is insufficient to furnish all rights which are of equal dignity, then the available supply of water shall be distributed pro rata among such rights of equal priority.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED: That the Irrigation Season mentioned in this judgment shall be that portion of the calendar year beginning on the 15th day of April and closing on the 15th day of September, being a total of five months, or 152 days; that the term Acre Feet, as used in this judgment, means and shall mean, 43,560 cubic feet of water, or the amount necessary to cover one acre of land one foot in depth;

That the Inches referred to in this judgment is such an amount of water which will pass through an orifice one inch square under a four-inch pressure, each second of time, being the 1-50 part of a cubic foot per second;

That the term Cubic Foot per Second as used in this judgment, is and shall be one cubic foot of water passing a definite, fixed cross-section per second of time.

That all water awarded by this judgment shall be measured at the point of diversion, except where conditions make it impossible so to do. Where it is so impossible, measuring devices or measuring stations shall be located at the nearest feasible point below said point of diversion;

That all canals diverting in excess of 30 cubic feet of water per second, must install a standard type of automatic register to be passed upon by the Commissioner of Reclamations and subject to review by this Court;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED: That the water hereby awarded has been applied to a beneficial use and that the parties to said action are the owners of the lands, reservoirs, dams, and ditches, which by the terms of this judgment are referred to respectively as the lands upon which the water awarded to them has been used by means of said dams, ditches, reservoirs and other works.

That all rights herein awarded to the plaintiff and several defendants and cross-complainants, are for the beneficial uses specified, and none of the parties hereto, or their successors in interest, whether heirs, executors, administrators, successors or assigns shall have the right to divert any of the waters of the said Portneuf River, its tributaries and sources, except for beneficial use, and whenever such use has ceased, such party or parties shall cease to divert, and shall have no right to divert, the said waters, or any part thereof, and each and every of the parties hereto, their servants, attorneys, employees and successors in interest as aforesaid, are hereby enjoined and restrained from any and all interference with or diversion or use of the said waters, except in the manner, and to the extent, and for the purposes provided in this judgment, whenever such interference, diversion or use would in any manner interfere with the diversion or use of the water awarded by this judgment to any of the other parties to this action;

That the parties hereto and their successors in interest shall install and maintain suitable and efficient headgates, controlling works and measuring devices at their respective points of diversion, and all water herein allotted and decreed shall be measured at said points of diversion. Said works and devices shall be built and installed in accordance with plans and specifications to be approved by the state official charged with the duty of supervising the distribution of water, (subject to review by this Court). All such devices shall be of such design as to accurately register the amount of water so diverted, and in case of ditches diverting more than 30 cubic feet per second, automatic measuring and registering devices shall be installed and shall at all times be subject to the inspection of any party to this action, or to any public officials or water masters having jurisdiction over the distribution and diversion of water, and no dam or other obstruction to the natural flow of the stream shall be maintained as to divert water from the channel of the stream, except through ditches, canals or other works, provided with such headgates, control works and measuring devices, except as in this judgment provided; and each of the parties hereto shall be perpetually enjoined from diverting from the channel of the said Portneuf River, or its tributaries or source any water through any ditch, conduit, or other devices not provided with such headgates, control works and measuring devices; provided, that in case of diversions through pipes for power purposes or otherwise, measuring devices may be dispensed with where the quantity of water diverted may be otherwise determined by other means of calculation.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the persons and corporations herein mentioned to whom rights are decreed, are the persons and corporations owning and having such rights as of date of the original decree herein, to-wit: of the 29th day of June, 1921, and that any assignees, grantees, heirs, devisees, and successors in interest of such parties, shall be deemed to have been substituted as parties to this action, and this decree shall establish the rights of such assignees, grantees, heirs, devisees and successors in interest the same as if they were named herein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED: That this Court retain jurisdiction of this cause for one year from the date of the signing of this decree for the following purposes:

1. To make corrections for clerical errors, inadvertances and omissions in the rights decreed.
2. To review and amend the provisions of this judgment fixing, if necessary, the limits of the irrigation season, and further reducing the amount of water which may be shown during actual operation of the River, its tributaries and sources, to be in excess of the amount actually necessary for the successful production of crops.

Done in open District Court, this, the 6th day of August, 1932.

John C. Rice  
DISTRICT JUDGE.

FILED  
Grace L. Hall  
Clerk, Auditor & Recorder  
Bannock County, Idaho  
Anna Keefe, Dep  
Aug 9 1932 3 45 PM  
Book 11 of Judgments, page 202.

9675

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF  
IDAHO, IN AND FOR THE COUNTY OF BANNOCK,

ETHEL STITES,  
Plaintiff  
vs.  
HARVEY STITES,  
Defendant.

DECREE OF DIVORCE

This cause came on regularly to be heard on this 22nd day of December, 1931, upon the complaint of the plaintiff herein, taken as confessed by the defendant for failing to answer the said complaint, and C. O. Benting, attorney at law, appearing for the plaintiff, and no appearance having been made by the defendant, and no one appearing for him, the court did proceed to hear the evidence submitted on the part of the plaintiff in support of the allegations of the complaint; and it appearing to the time that the defendant, Harvey Stites, had been duly and legally served with summons, by personal service within the County of Bannock, and had made no appearance in the said case, and that the allegations of the complaint are true;

Now, therefore, it is ordered, adjudged and decreed, that the marriage between the plaintiff, Ethel Stites, and the defendant, Harvey Stites, be and the same is hereby dissolved, and the said plaintiff and the defendant, and each of them, be and they are absolutely released from all obligations thereof.

It is further ordered, adjudged and decreed, that the plaintiff, Ethel Stites, have her maiden name restored, and her name hereafter shall be and is Ethel Strong.

Done this 22nd day of December, 1931.

FILED  
Grace L. Hall  
Clerk, Auditor & Recorder,  
Bannock County, Idaho.  
Anna Keefe, Deputy  
Dec. 22, 1931 3 11 P M  
Book 11, Judgments, Page 232

Robert M. Terrell  
JUDGE OF THE DISTRICT COURT

A15808NP  
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIMS PROOF READING REPORT

Old (D) Number -

12/04/95 15:24:34  
Page 1

Water Right Number - A29-00057

Prefix Translation: ADJUDICATION CLAIM

Last Name -

Address -

\*\*\* C - CURRENT OWNER \*\*\*  
MC CAMMON DITCH CO LTD

1 - C/O LYNDON GREEN PRES  
2 - 1791 E 16TH ST  
3 -  
City- MC CAMMON  
Phone - 208-254-3494

State- ID Zip- 83251

Priority Date - 06/11/1889

Region - 15 EASTERN

Stage - D - DECREED

Status -

Source - PORTNEUF RIVER

Tributary - SNAKE RIVER

Twn Rng Sec Tract Lot RFlg County

( 5 ) BANNOCK

Point of Diversion -

Diversion Name

Code Description Period From Period To Water Use Diversion Rate Diversion Volume

01 - IRRIGATION

03/15

11/15

50.000

+ - Total Div. Rate - + - Total Div. Volume - + - Total Div. Capacity - + - Total Consumptive Use - + - KW Usage - +

50.000

6500.0

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
09S	36E	12	SW NW		30.6	01	IRRIGATION	( 5 )	BANNOCK
09S	36E	12	NE SW		13.3	01	IRRIGATION	( 5 )	BANNOCK
09S	36E	12	NW SW		9.0	01	IRRIGATION	( 5 )	BANNOCK
09S	36E	12	SW SW		6.0	01	IRRIGATION	( 5 )	BANNOCK
09S	36E	12	SE SW		19.0	01	IRRIGATION	( 5 )	BANNOCK
09S	36E	12	NW SE		4.0	01	IRRIGATION	( 5 )	BANNOCK
09S	36E	12	SW SE		10.4	01	IRRIGATION	( 5 )	BANNOCK
09S	36E	13	NE NE		15.7	01	IRRIGATION	( 5 )	BANNOCK
09S	36E	13	NW NE		4.7	01	IRRIGATION	( 5 )	BANNOCK
09S	36E	13	SW NE		20.0	01	IRRIGATION	( 5 )	BANNOCK
09S	36E	13	SE NE		22.7	01	IRRIGATION	( 5 )	BANNOCK
09S	36E	13	NE NW		20.8	01	IRRIGATION	( 5 )	BANNOCK
09S	36E	13	NW NW		7.0	01	IRRIGATION	( 5 )	BANNOCK
09S	36E	13	SW NW		40.0	01	IRRIGATION	( 5 )	BANNOCK
09S	36E	13	SE NW		35.0	01	IRRIGATION	( 5 )	BANNOCK
09S	36E	13	NE SW		36.3	01	IRRIGATION	( 5 )	BANNOCK
09S	36E	13	NW SW		24.0	01	IRRIGATION	( 5 )	BANNOCK
09S	36E	13	SW SW		18.0	01	IRRIGATION	( 5 )	BANNOCK
09S	36E	13	SE SW		30.3	01	IRRIGATION	( 5 )	BANNOCK
09S	36E	13	NE SE		40.0	01	IRRIGATION	( 5 )	BANNOCK
09S	36E	13	NW SE		19.7	01	IRRIGATION	( 5 )	BANNOCK
09S	36E	13	SW SE		21.0	01	IRRIGATION	( 5 )	BANNOCK
09S	36E	13	SE SE		34.3	01	IRRIGATION	( 5 )	BANNOCK
09S	36E	14	SE NE		17.0	01	IRRIGATION	( 5 )	BANNOCK

Water right number - A29-00057

Prefix Translation: ADJUDICATION CLAIM

Twn	Ring	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
09S	36E	14	SW SW		2.5	01	IRRIGATION	(5) BANNOCK
09S	36E	14	NE SE		17.7	01	IRRIGATION	(5) BANNOCK
09S	36E	14	NW SE		10.0	01	IRRIGATION	(5) BANNOCK
09S	36E	14	SW SE		12.0	01	IRRIGATION	(5) BANNOCK
09S	36E	14	SE SE		28.5	01	IRRIGATION	(5) BANNOCK
09S	36E	22	NE NE		14.8	01	IRRIGATION	(5) BANNOCK
09S	36E	22	SE NE		39.9	01	IRRIGATION	(5) BANNOCK
09S	36E	22	NE SE		40.0	01	IRRIGATION	(5) BANNOCK
09S	36E	22	SE SE		24.8	01	IRRIGATION	(5) BANNOCK
09S	36E	23	NE NE		33.9	01	IRRIGATION	(5) BANNOCK
09S	36E	23	NW NE		12.0	01	IRRIGATION	(5) BANNOCK
09S	36E	23	SW NE		20.0	01	IRRIGATION	(5) BANNOCK
09S	36E	23	SE NE		40.0	01	IRRIGATION	(5) BANNOCK
09S	36E	23	NE NW		3.0	01	IRRIGATION	(5) BANNOCK
09S	36E	23	NW NW		29.7	01	IRRIGATION	(5) BANNOCK
09S	36E	23	SW NW		29.4	01	IRRIGATION	(5) BANNOCK
09S	36E	23	SE NW		5.3	01	IRRIGATION	(5) BANNOCK
09S	36E	23	NW SW		5.0	01	IRRIGATION	(5) BANNOCK
09S	36E	23	SE SW		10.0	01	IRRIGATION	(5) BANNOCK
09S	36E	23	NE SE		38.0	01	IRRIGATION	(5) BANNOCK
09S	36E	23	NW SE		18.0	01	IRRIGATION	(5) BANNOCK
09S	36E	23	SW SE		40.0	01	IRRIGATION	(5) BANNOCK
09S	36E	23	SE SE		38.0	01	IRRIGATION	(5) BANNOCK
09S	36E	23	NE NE		33.0	01	IRRIGATION	(5) BANNOCK
09S	36E	24	NW NE		9.0	01	IRRIGATION	(5) BANNOCK
09S	36E	24	SW NE		35.0	01	IRRIGATION	(5) BANNOCK
09S	36E	24	SE NE		30.0	01	IRRIGATION	(5) BANNOCK
09S	36E	24	NE NW		37.5	01	IRRIGATION	(5) BANNOCK
09S	36E	24	NW NW		28.6	01	IRRIGATION	(5) BANNOCK
09S	36E	24	SW NW		36.9	01	IRRIGATION	(5) BANNOCK
09S	36E	24	SE NW		40.0	01	IRRIGATION	(5) BANNOCK
09S	36E	24	NE SW		39.0	01	IRRIGATION	(5) BANNOCK
09S	36E	24	SW SW		31.0	01	IRRIGATION	(5) BANNOCK
09S	36E	24	SE SW		13.0	01	IRRIGATION	(5) BANNOCK
09S	36E	24	NE SW		36.5	01	IRRIGATION	(5) BANNOCK
09S	36E	24	SW SW		38.0	01	IRRIGATION	(5) BANNOCK
09S	36E	24	SE SW		29.0	01	IRRIGATION	(5) BANNOCK
09S	36E	24	NW SE		35.5	01	IRRIGATION	(5) BANNOCK
09S	36E	24	SW SE		40.0	01	IRRIGATION	(5) BANNOCK
09S	36E	25	NE NE		6.4	01	IRRIGATION	(5) BANNOCK
09S	36E	25	NW NE		20.0	01	IRRIGATION	(5) BANNOCK
09S	36E	25	SW NW		30.0	01	IRRIGATION	(5) BANNOCK
09S	36E	25	SE NW		21.0	01	IRRIGATION	(5) BANNOCK
09S	36E	25	NW NW		24.0	01	IRRIGATION	(5) BANNOCK
09S	36E	26	SE NE		38.0	01	IRRIGATION	(5) BANNOCK
09S	36E	26	NW NE		26.0	01	IRRIGATION	(5) BANNOCK
09S	36E	26	SW NE		26.5	01	IRRIGATION	(5) BANNOCK
09S	36E	26	SE NE		36.0	01	IRRIGATION	(5) BANNOCK
09S	36E	26	NW NE		15.5	01	IRRIGATION	(5) BANNOCK
09S	36E	26	SW NE		5.0	01	IRRIGATION	(5) BANNOCK
09S	36E	26	SE NW		6.0	01	IRRIGATION	(5) BANNOCK

Water right number - A29-00057

Prefix Translation: ADJUDICATION CLAIM

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
09S	36E	26	SE NW		9.0		01	IRRIGATION	( 5 ) BANNOCK
09S	36E	26	NE SW		4.0		01	IRRIGATION	( 5 ) BANNOCK
09S	36E	26	NW SE		16.0		01	IRRIGATION	( 5 ) BANNOCK
09S	36E	26	SW SE		22.0		01	IRRIGATION	( 5 ) BANNOCK
09S	36E	26	SE SE		21.0		01	IRRIGATION	( 5 ) BANNOCK
09S	36E	27	NE NE		31.0		01	IRRIGATION	( 5 ) BANNOCK
09S	36E	27	NW NE		40.0		01	IRRIGATION	( 5 ) BANNOCK
09S	36E	27	SW NE		21.4		01	IRRIGATION	( 5 ) BANNOCK
09S	36E	27	SE NE		19.0		01	IRRIGATION	( 5 ) BANNOCK
09S	36E	27	NE NW		12.0		01	IRRIGATION	( 5 ) BANNOCK
09S	36E	27	NW NW		6.5		01	IRRIGATION	( 5 ) BANNOCK
09S	36E	27	NE SE		10.0		01	IRRIGATION	( 5 ) BANNOCK
09S	36E	27	NW SE		15.0		01	IRRIGATION	( 5 ) BANNOCK
09S	36E	27	SW SE		39.0		01	IRRIGATION	( 5 ) BANNOCK
09S	37E	18	SE NW		5.0		01	IRRIGATION	( 5 ) BANNOCK
09S	37E	18	NE NW		28.0		01	IRRIGATION	( 5 ) BANNOCK
09S	37E	18	NW SW		37.0		01	IRRIGATION	( 5 ) BANNOCK
09S	37E	18	SW SW		39.8		01	IRRIGATION	( 5 ) BANNOCK
09S	37E	18	SE SW		23.0		01	IRRIGATION	( 5 ) BANNOCK
09S	37E	18	NE NE		23.5		01	IRRIGATION	( 5 ) BANNOCK
09S	37E	19	SE NE		33.0		01	IRRIGATION	( 5 ) BANNOCK
09S	37E	19	NW NW		40.0		01	IRRIGATION	( 5 ) BANNOCK
09S	37E	19	SW NW		30.0		01	IRRIGATION	( 5 ) BANNOCK
09S	37E	19	SE NW		31.0		01	IRRIGATION	( 5 ) BANNOCK
09S	37E	19	NW SW		32.0		01	IRRIGATION	( 5 ) BANNOCK
09S	37E	19	SW SW		30.0		01	IRRIGATION	( 5 ) BANNOCK
09S	37E	19	SE SW		40.0		01	IRRIGATION	( 5 ) BANNOCK
09S	37E	19	NE SE		22.0		01	IRRIGATION	( 5 ) BANNOCK
09S	37E	19	NW SE		16.0		01	IRRIGATION	( 5 ) BANNOCK
09S	37E	19	SW SE		40.0		01	IRRIGATION	( 5 ) BANNOCK
09S	37E	19	SE SE		22.0		01	IRRIGATION	( 5 ) BANNOCK
09S	37E	30	NW NE		8.0		01	IRRIGATION	( 5 ) BANNOCK
09S	37E	30	NE NW		8.0		01	IRRIGATION	( 5 ) BANNOCK
09S	37E	30	NW NW		8.0		01	IRRIGATION	( 5 ) BANNOCK

Total Acres: 2599.9

+ - - Diversion Means - CONCRETE/STEEL HEAD GATES DIVERT WATER INTO MC CAMMON DITCH.

+ - - Non-Irrigation Use - INCIDENTAL STOCKWATERING OF 1000 HEAD OF RANGE CATTLE

+ - - Other Rights for Same Use - 29-00058

+ - - - - - Remarks - - - - -  
No Remarks found.

Water right number - A29-00057

Prefix Translation: ADJUDICATION CLAIM

+ - - - - Old Water Right Numbers - - - - - +  
+ - - - - Old Water Right Numbers - - - - - +  
+ - - - - No Old Water Right Numbers found. - - - - - +

+ - - - - Conditions of Approval - - - - - +  
+ - - - - No Conditions of Approval found. - - - - - +

+ - - - - Decree Plaintiff - - - - - +  
UNION GRAIN & ELEVATOR CO. - - - - - +  
MCCAMMON DITCH CO. ET. AL. - - - - - +  
+ - Decree Date - - +  
12/04/1922

+ - - - - Audit Fields - 03/22/90 VERNER 04/01/94 THOMPSON 03/29/95 POST-STD

+ - - - - Comments - - - - - +  
+ - - - - No Comments Found - - - - - +

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +  
Court Report Filing - 00/00/0000 - Field Inspection Made - 00/00/0000 - Civil Case Number - - - - - 39576  
Objection Filed Date - 00/00/0000 - Field Inspection Flag - 00/00/0000 - Old Case Number - - - - -  
Response Filed Date - 00/00/0000 - Verified Date - 00/00/0000 - Old Judicial District - - - - -  
Claim Received Date - 03/22/1990 - Last Amended Date - 00/00/0000 - Temporary Right - - - - - P  
Proof Due Date - 00/00/0000 - Proof Made Date - 00/00/0000 - Water District - - - - - 29  
Licensed Date - 00/00/0000 - Receipt Number - E012492 - Federal/State Indicator - - - - - S  
Claims Tape Error Flag - - - - - Y - Presumption Flag - - - - - D  
Fee Exempt Flag - - - - - - - POU Ownership Flag - - - - -  
Name Connector - - - - - Notice of Error Flag - - - - -

Water Right Number - A29-00058  
 Prefix Translation: ADJUDICATION CLAIM  
 Old (D) Number -  
 \*\*\* C - CURRENT OWNER \*\*\*  
 MC CAMMON DITCH CO LTD  
 1 - C/O LYNDON GREEN PRES  
 2 - 1791 E 16TH ST  
 3 -  
 City- MC CAMMON  
 Phone - 208-254-3494  
 State- ID Zip- 83251

Priority Date - 06/28/1901  
 Region - 15 EASTERN  
 Stage - D - DECREED  
 Status -

Source - PORTNEUF RIVER  
 Point of Diversion -  
 Diversion Name - SNAKE RIVER

Twn Rng Sec Tract Lot RFlg County  
 09S 37E 21 SW SW NE ( 5 ) BANNOCK

Code Description Period From Period to Water Use Diversion Rate Diversion Volume  
 01 - IRRIGATION 03/15 11/15 18.950

Total Div. Rate - 18.950  
 Total Div. Volume - 18.950  
 Total Div. Capacity - 6500.0  
 Total Consumptive Use - 18.950  
 KW Usage -

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
09S	36E	12	SW NW		30.6	01 IRRIGATION	01	IRRIGATION	( 5 ) BANNOCK
09S	36E	12	NE SW		13.3	01 IRRIGATION	01	IRRIGATION	( 5 ) BANNOCK
09S	36E	12	NW SW		9.0	01 IRRIGATION	01	IRRIGATION	( 5 ) BANNOCK
09S	36E	12	SW SW		6.0	01 IRRIGATION	01	IRRIGATION	( 5 ) BANNOCK
09S	36E	12	SE SW		19.0	01 IRRIGATION	01	IRRIGATION	( 5 ) BANNOCK
09S	36E	12	NW SE		4.0	01 IRRIGATION	01	IRRIGATION	( 5 ) BANNOCK
09S	36E	12	SW SE		10.4	01 IRRIGATION	01	IRRIGATION	( 5 ) BANNOCK
09S	36E	13	NE NE		15.7	01 IRRIGATION	01	IRRIGATION	( 5 ) BANNOCK
09S	36E	13	NW NE		4.7	01 IRRIGATION	01	IRRIGATION	( 5 ) BANNOCK
09S	36E	13	SW NE		20.0	01 IRRIGATION	01	IRRIGATION	( 5 ) BANNOCK
09S	36E	13	SE NE		22.7	01 IRRIGATION	01	IRRIGATION	( 5 ) BANNOCK
09S	36E	13	NE NW		20.8	01 IRRIGATION	01	IRRIGATION	( 5 ) BANNOCK
09S	36E	13	NW NW		7.0	01 IRRIGATION	01	IRRIGATION	( 5 ) BANNOCK
09S	36E	13	SW NW		40.0	01 IRRIGATION	01	IRRIGATION	( 5 ) BANNOCK
09S	36E	13	SE NW		35.0	01 IRRIGATION	01	IRRIGATION	( 5 ) BANNOCK
09S	36E	13	NE SW		36.3	01 IRRIGATION	01	IRRIGATION	( 5 ) BANNOCK
09S	36E	13	NW SW		24.0	01 IRRIGATION	01	IRRIGATION	( 5 ) BANNOCK
09S	36E	13	SW SW		18.0	01 IRRIGATION	01	IRRIGATION	( 5 ) BANNOCK
09S	36E	13	SE SW		30.3	01 IRRIGATION	01	IRRIGATION	( 5 ) BANNOCK
09S	36E	13	NE SE		40.0	01 IRRIGATION	01	IRRIGATION	( 5 ) BANNOCK
09S	36E	13	SW SE		19.7	01 IRRIGATION	01	IRRIGATION	( 5 ) BANNOCK
09S	36E	13	SE SE		21.0	01 IRRIGATION	01	IRRIGATION	( 5 ) BANNOCK
09S	36E	13	SW SE		34.3	01 IRRIGATION	01	IRRIGATION	( 5 ) BANNOCK
09S	36E	14	SE NE		17.0	01 IRRIGATION	01	IRRIGATION	( 5 ) BANNOCK

Water right number - A29-00058

Prefix translation: ADJUDICATION CLAIM

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
09S	36E	14	SW SW		2.5	01	IRRIGATION	( 5) BANNOCK
09S	36E	14	NE SE		17.7	01	IRRIGATION	( 5) BANNOCK
09S	36E	14	NW SE		10.0	01	IRRIGATION	( 5) BANNOCK
09S	36E	14	SW SE		12.0	01	IRRIGATION	( 5) BANNOCK
09S	36E	14	SE SE		28.5	01	IRRIGATION	( 5) BANNOCK
09S	36E	22	NE NE		14.8	01	IRRIGATION	( 5) BANNOCK
09S	36E	22	SE NE		39.9	01	IRRIGATION	( 5) BANNOCK
09S	36E	22	NE SE		40.0	01	IRRIGATION	( 5) BANNOCK
09S	36E	22	SE SE		24.8	01	IRRIGATION	( 5) BANNOCK
09S	36E	23	NE NE		33.9	01	IRRIGATION	( 5) BANNOCK
09S	36E	23	NW NE		12.0	01	IRRIGATION	( 5) BANNOCK
09S	36E	23	SW NE		20.0	01	IRRIGATION	( 5) BANNOCK
09S	36E	23	SE NE		40.0	01	IRRIGATION	( 5) BANNOCK
09S	36E	23	NE NW		3.0	01	IRRIGATION	( 5) BANNOCK
09S	36E	23	NW NW		29.7	01	IRRIGATION	( 5) BANNOCK
09S	36E	23	SW NW		29.4	01	IRRIGATION	( 5) BANNOCK
09S	36E	23	SE NW		5.3	01	IRRIGATION	( 5) BANNOCK
09S	36E	23	NW SW		5.0	01	IRRIGATION	( 5) BANNOCK
09S	36E	23	SE SW		10.0	01	IRRIGATION	( 5) BANNOCK
09S	36E	23	NW SE		38.0	01	IRRIGATION	( 5) BANNOCK
09S	36E	23	SW SE		18.0	01	IRRIGATION	( 5) BANNOCK
09S	36E	23	SE SE		40.0	01	IRRIGATION	( 5) BANNOCK
09S	36E	23	SW SE		38.0	01	IRRIGATION	( 5) BANNOCK
09S	36E	24	NE NE		9.0	01	IRRIGATION	( 5) BANNOCK
09S	36E	24	NW NE		33.0	01	IRRIGATION	( 5) BANNOCK
09S	36E	24	SE NE		37.5	01	IRRIGATION	( 5) BANNOCK
09S	36E	24	NW NE		30.0	01	IRRIGATION	( 5) BANNOCK
09S	36E	24	SE NE		35.0	01	IRRIGATION	( 5) BANNOCK
09S	36E	24	NW NW		28.6	01	IRRIGATION	( 5) BANNOCK
09S	36E	24	SE NW		36.9	01	IRRIGATION	( 5) BANNOCK
09S	36E	24	NW SW		40.0	01	IRRIGATION	( 5) BANNOCK
09S	36E	24	SE SW		39.0	01	IRRIGATION	( 5) BANNOCK
09S	36E	24	NW SW		31.0	01	IRRIGATION	( 5) BANNOCK
09S	36E	24	SE SW		36.5	01	IRRIGATION	( 5) BANNOCK
09S	36E	24	NW SW		38.0	01	IRRIGATION	( 5) BANNOCK
09S	36E	24	SE SE		29.0	01	IRRIGATION	( 5) BANNOCK
09S	36E	24	NW SE		35.5	01	IRRIGATION	( 5) BANNOCK
09S	36E	24	SE SE		40.0	01	IRRIGATION	( 5) BANNOCK
09S	36E	25	NW NE		6.4	01	IRRIGATION	( 5) BANNOCK
09S	36E	25	NE NW		20.0	01	IRRIGATION	( 5) BANNOCK
09S	36E	25	NW NW		30.0	01	IRRIGATION	( 5) BANNOCK
09S	36E	25	SW NW		21.0	01	IRRIGATION	( 5) BANNOCK
09S	36E	25	SE NW		24.0	01	IRRIGATION	( 5) BANNOCK
09S	36E	26	NE NE		38.0	01	IRRIGATION	( 5) BANNOCK
09S	36E	26	NW NE		26.0	01	IRRIGATION	( 5) BANNOCK
09S	36E	26	SE NE		26.5	01	IRRIGATION	( 5) BANNOCK
09S	36E	26	NW NE		36.0	01	IRRIGATION	( 5) BANNOCK
09S	36E	26	SE NW		15.5	01	IRRIGATION	( 5) BANNOCK
09S	36E	26	NW NW		5.0	01	IRRIGATION	( 5) BANNOCK
09S	36E	26	SE NW		6.0	01	IRRIGATION	( 5) BANNOCK

Water right number - A29-00058

Prefix Translation: ADJUDICATION CLAIM

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
09S	36E	26	SE NW		9.0	01	IRRIGATION	( 5) BANNOCK
09S	36E	26	NE SW		4.0	01	IRRIGATION	( 5) BANNOCK
09S	36E	26	NW SE		16.0	01	IRRIGATION	( 5) BANNOCK
09S	36E	26	SW SE		22.0	01	IRRIGATION	( 5) BANNOCK
09S	36E	26	SE SE		21.0	01	IRRIGATION	( 5) BANNOCK
09S	36E	27	NE NE		31.0	01	IRRIGATION	( 5) BANNOCK
09S	36E	27	NE NE		40.0	01	IRRIGATION	( 5) BANNOCK
09S	36E	27	NW NE		21.4	01	IRRIGATION	( 5) BANNOCK
09S	36E	27	SE NE		19.0	01	IRRIGATION	( 5) BANNOCK
09S	36E	27	NE NW		12.0	01	IRRIGATION	( 5) BANNOCK
09S	36E	27	NW NW		6.5	01	IRRIGATION	( 5) BANNOCK
09S	36E	27	NE SE		10.0	01	IRRIGATION	( 5) BANNOCK
09S	36E	27	NW NW		15.0	01	IRRIGATION	( 5) BANNOCK
09S	37E	18	SW NW		39.0	01	IRRIGATION	( 5) BANNOCK
09S	37E	18	SE NW		5.0	01	IRRIGATION	( 5) BANNOCK
09S	37E	18	SE NW		28.0	01	IRRIGATION	( 5) BANNOCK
09S	37E	18	NE SW		37.0	01	IRRIGATION	( 5) BANNOCK
09S	37E	18	NW SW		39.8	01	IRRIGATION	( 5) BANNOCK
09S	37E	18	SE SW		23.0	01	IRRIGATION	( 5) BANNOCK
09S	37E	19	SE NE		23.5	01	IRRIGATION	( 5) BANNOCK
09S	37E	19	SE NE		33.0	01	IRRIGATION	( 5) BANNOCK
09S	37E	19	NE NW		40.0	01	IRRIGATION	( 5) BANNOCK
09S	37E	19	NW NW		30.0	01	IRRIGATION	( 5) BANNOCK
09S	37E	19	SW NW		31.0	01	IRRIGATION	( 5) BANNOCK
09S	37E	19	SE NW		32.0	01	IRRIGATION	( 5) BANNOCK
09S	37E	19	NE SW		30.0	01	IRRIGATION	( 5) BANNOCK
09S	37E	19	NW SW		40.0	01	IRRIGATION	( 5) BANNOCK
09S	37E	19	SW SW		40.0	01	IRRIGATION	( 5) BANNOCK
09S	37E	19	SE SW		22.0	01	IRRIGATION	( 5) BANNOCK
09S	37E	19	NE SE		16.0	01	IRRIGATION	( 5) BANNOCK
09S	37E	19	NW SE		40.0	01	IRRIGATION	( 5) BANNOCK
09S	37E	19	SW SE		22.0	01	IRRIGATION	( 5) BANNOCK
09S	37E	30	NW NE		8.0	01	IRRIGATION	( 5) BANNOCK
09S	37E	30	NE NW		8.0	01	IRRIGATION	( 5) BANNOCK
09S	37E	30	NW NW		8.0	01	IRRIGATION	( 5) BANNOCK
Total Acres:					2599.9			

+ - - Diversion Means - CONCRETE/STEEL HEAD GATES DIVERT WATER INTO MC CAMMON DITCH.

+ - - Non-Irrigation Use - INCIDENTAL STOCKWATERING OF 1000 HEAD OF RANGE CATTLE

+ - - Other Rights for Same Use - 29-00057

+ - - - - - Remarks - - - - -  
No Remarks found.

Water right number - A29-00058

Prefix Translation: ADJUDICATION CLAIM

----- Old Water Right Numbers -----  
----- Old Water Right Numbers -----  
----- Old Water Right Numbers found. -----  
----- No Old Water Right Numbers found. -----  
----- Conditions of Approval -----  
----- No Conditions of Approval found. -----

----- Decree Plaintiff ----- +  
UNION GRAIN & ELEVATOR CO. MCCAMMON DITCH CO. ET. AL. +  
----- Decree Defendant ----- +  
----- Decree Date ----- +  
12/04/1922

----- Audit Fields - 03/22/90 VERNER 04/01/94 THOMPSON 03/29/95 POST-STD -----

----- Comments -----  
----- No Comments Found -----

----- Adjudication Rights Dates and Flags Area -----  
----- Court Report Filing ----- 00/00/0000 -----  
----- Objection Filed Date ----- 00/00/0000 -----  
----- Response Filed Date ----- 00/00/0000 -----  
----- Claim Received Date ----- 03/22/1990 -----  
----- Proof Due Date ----- 00/00/0000 -----  
----- Licensed Date ----- 00/00/0000 -----  
----- Claims Tape Error Flag ----- - -----  
----- Fee Exempt Flag ----- - -----  
----- Field Inspection Made ----- 00/00/0000 -----  
----- Field Inspection Flag ----- - -----  
----- Verified Date ----- - -----  
----- Last Amended Date ----- - -----  
----- Proof Made Date ----- 00/00/0000 -----  
----- Receipt Number ----- E012492 -----  
----- POU Ownership Flag ----- Y -----  
----- Name Connector ----- - -----  
----- Civil Case Number ----- 39576 -----  
----- Old Case Number ----- - -----  
----- Old Judicial District ----- - -----  
----- Temporary Right ----- P -----  
----- Water District ----- 29 -----  
----- Federal/State Indicator ----- S -----  
----- Presumption Flag ----- D -----  
----- Notice of Error Flag ----- - -----

*River Order*

960  
366

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF REQUIRING MEASURING DEVICES )  
)  
& ORDERING WATERMASTER CONTROL OVER ALL GATES, )  
)  
CONTROLLING WORKS AND OUTLET GATE CONTROLS ON ) ORDER  
)  
THE PORTNEUF RIVER AND ITS TRIBUTARIES WITHIN )  
)  
WATER DISTRICT 29 )

This matter having come before the Idaho Department of Water Resources (Department) as a result of a request from users within Water District 29, the Department finds as follows:

FINDINGS OF FACT

1. The rights to the use of the waters of the Portneuf River and its tributaries have been determined by a decree of the District Court of the State of Idaho in the case of Union Grain and Elevator Co. vs. McCammon Ditch Co., et al, dated August 6, 1932.
2. Water District 29, which includes the Portneuf River and its tributaries is an active water district under the laws of Title 42, Chapter 6, Idaho Code.
3. During low flow periods, the watermaster of Water District 29 must measure the flows diverted for the Portneuf River and its tributaries and regulate all diversions by setting the headgates and/or controlling works.

4. Not all of the diversions from the Portneuf River and its tributaries are equipped with adequate measuring devices, headgates and/or controlling works.

5. One tributary, Dempsey Creek, is regulated separately from the Portneuf River and may be excluded from the order.

#### CONCLUSIONS OF LAW

1. Section 42-701, Idaho Code, provides in part:

**42-701. Maintenance by appropriators--Procedure upon failure to maintain.--**The appropriators or users of any public waters of the state of Idaho shall maintain to the satisfaction of the department of water resources suitable headgates and controlling works at the point where the water is diverted, which shall be of such construction that it can be locked and kept closed by the watermaster or other officer in charge, and shall also be of such construction as to regulate the flow of water at the diversion point and such appropriator shall construct and maintain, when required by the department, a rating flume or other measuring device at such point as is most practical in such canal or ditch of the purpose of assisting the watermaster or department in determining the amount of water that may be diverted into said ditch from the stream. Plans for such headgates, rating flumes or other measuring devices shall be approved by the department of water resources: provided, that should any appropriator or user of the public waters of the state of Idaho neglect or refuse to construct or maintain such headgates, controlling works, or measuring devices, upon receiving ten (10) days' notice from the department of water resources within which to begin to remedy such defects as exist in accordance with said notice, then the department of water resources may order the duly qualified and acting watermaster of the water district to shut off and refuse to deliver at the point of diversion, the water claimed by such appropriator or user until he does construct and maintain such headgates, controlling works or measuring devices or remedy the defects which exist: provided, that such appropriators or users of the public waters of the state of Idaho shall be given a reasonable time within which to complete construction of such headgates, controlling works or measuring devices, depending on the size and extent thereof, when due diligence has been used in the prosecution of such work.

2. To properly distribute the waters of the Portneuf River and tributaries, the watermaster must measure flow and have complete control over all headgates and controlling works at all diversions, dams and reservoirs on the Portneuf River and tributaries. *Keyp*

3. Proper measuring devices, headgates and controlling works have not been installed on all diversions from the Portneuf River and tributaries.

4. Section 42-701, Idaho Code, authorizes the Department to order the installation of measuring devices, headgates and/or controlling works.

ORDER

IT IS THEREFORE, HEREBY ORDERED:

1. That all waterusers diverting water from the Portneuf River and tributaries, excluding Dempsey Creek, shall install measuring devices, headgates and/or controlling works of a type acceptable to the Department on or before June 1, 1991. Individual users diverting from a canal upstream from the main canal measuring device must install individual measuring devices.

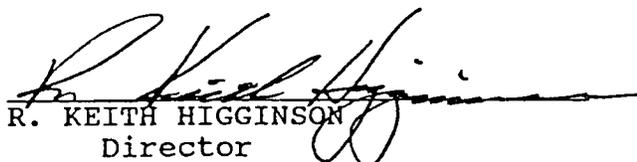
2. That the watermaster shall have complete control of all headgates and controlling works at all points of diversion including dams and reservoirs on the Portneuf River and tributaries.

3. Measuring devices shall be installed and located so that the inflow to and outflow from all reservoirs can be measured in such a manner that natural flow and storage water releases below the reservoirs can be determined. Specifically, a staff

gauge-storage relationship must be established by the owners of the Portneuf Reservoir.

4. No water from the Portneuf River and tributaries shall be delivered by the watermaster of Water District 29 after June 1, 1990, to any diversion that does not have adequate measuring devices, headgates and/or controlling works as determined by the watermaster.

Dated this 5<sup>TH</sup> day of October, 1990.

  
R. KEITH HIGGINSON  
Director

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece next to the article number.

I also wish to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

*Idaho Dept. of Water Resources  
Keith Heginson, Dir.  
1301 W. Orchard St.  
Boise, ID*

4a. Article Number

*P754 987 483*

4b. Service Type

- Registered       Insured  
 Certified       COD  
 Express Mail       Return Receipt for Merchandise

7. Date of Delivery

5. Signature (Addressee)

*SEP 13 1991*

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

*CLERK NO. 20*

PS Form 3811, October 1990

☆ U.S. GPO: 1990-273-861

**DOMESTIC RETURN RECEIPT**

United States Postal Service

Official Business



PENALTY FOR PRIVATE USE \$300

Print your name, address and ZIP Code here

*Mc Cammon Ditch Co  
10192 S. Hall Rd  
Mc Cammon, ID 83250*

September 7, 1991.

McCammon Ditch Company  
10192 So. Hall Rd.  
McCammon, ID 83250

Idaho Department of Water Resources  
Keith Higginson, Director  
1301 North Orchard Street  
Statehouse Mail  
Boise, ID 83720

Dear Mr. Higginson:

This is a formal protest to the extension of time allowed for Portneuf-Marsh Valley Irrigation Company to complete the survey of the Portneuf Reservoir and also any extension of the River Order, dated October 5, 1990, by IDWR, for compliance of suitable diversion works and measuring devices. It is the conclusion of the McCammon Ditch Company's Board of Directors that a reasonable time-frame has been allowed for both above mentioned items. We would also request a hearing with attendance by all of Water District 29.

We feel that there has been non-compliance and negligence on both the parts of Portneuf-Marsh Valley Irrigation and the Idaho Water Resources Board for not demanding a more timely resolve to the situation. As stated in the July 18, 1990, letter from Gary Spackman to the Eastern Region, the guage height-storage relationship is essential for watermaster control. He also stated that Dave Hollingshead of the Dam Safety Section had requested the establishment of a guage height-storage relationship for a long time; and that it is imperative for water distribution purposes and also important for proper safety analysis of the Portneuf Reservoir Dam. We are aware that Portneuf-Marsh Valley Irrigation Co. has requested an extension of two years to comply with the River Order, dated October 5, 1990, and that although a formal reply has not been made, the IDWR intends to grant this request. Therefore, we now request that no further extension be allowed and that all work be completed before the 1992 irrigation season.

We recommend that work begin immediately and the completion be no later than May 1, 1992.

If the above criteria is not met, we feel due to our crop losses in the past three years that we have no alternative but to approach the State Attorney General and also file legal claims against Portneuf-Marsh Valley Irrigation Company for losses.

Sincerely,



Byron Allen, President  
McCammon Ditch Company

cc: Tim Luke  
Gary Spackman



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

September 19, 1991

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Byron Allen  
McCammon Ditch Co.  
10192 So. Hall Rd.  
McCammon, ID 83250

Dear Mr. Allen:

I received a copy of your September 7, 1991 letter addressed to the Director and wish to provide you with a response of my own. The director has not had an opportunity to comment on your letter since he has been out of the office this past week and will not be returning until September 30. I believe I may owe the McCammon Ditch Company an apology for causing some confusion about the extension granted to Portneuf-Marsh Valley Canal Co. (PMV) for completing the reservoir storage-gauge height relationship survey.

Attached to this letter is a copy of correspondence from Gary Spackman to Thayne Thompson dated January 25, 1991. You will note from this letter that the Department has granted the two year extension to PMV. Unfortunately, a copy of Gary Spackman's letter was not in the Water District file which I had reviewed prior to visiting the McCammon area this summer. I was not aware that the Department had formally granted PMV's request via Mr. Spackman's letter of January 25, 1991. In my previous discussions with Howard Hall I believe I represented only that PMV requested a two year extension and that the Department had considered this request. I told Mr. Hall that I was not aware of any formal permission given to PMV, but that the Department may have given some verbal or other informal approval. I did not discuss this matter directly with Mr. Spackman upon my return to the office and thus did not advise you earlier about the status of the extension request. Again, I apologize for not following up on this matter earlier this summer.

I believe you have received notice that I will be in your area on October 9 and 10 to meet with water users about distribution concerns. I hope to complete a summary of some water delivery information by the time I visit. This summary may include some of the data which I received from Mr. Hall during my last visit. The summary may provide some insight about prior water distribution and may help address some of the questions which I received from Mr. Hall this summer.

Sincerely,

Tim Luke

Sr. Water Resource Spec.

cc: R. Keith Higginson  
Eastern Region  
Portneuf Marsh Valley Canal Co.  
Arlyn Olson



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 25, 1991

Portneuf-Marsh Valley Canal Co., Ltd.  
ATTN: O. Thayne Thompson, President  
Downey, ID 83234

RE: Development of Storage-Reservoir Elevation Relationship

Dear Mr. Thompson:

I am sorry for not responding earlier to your letter. A rigid hearing schedule and difficulty in discussing your proposal with administration has delayed my response.

We have reviewed your proposal, and recognize that our short notice does not allow the canal company to finance a survey of the reservoir, and also may present some physical difficulty, since the fall of the year may be the only time when the reservoir is low enough to survey. The Department is willing to grant an extension of two years. The storage-gauge height relationship must be established by the 1993 irrigation season. We will revise the prior order if this proposal is acceptable.

Your inability to finance the project, however, should not result in injury to other water users. During the interim, all questions regarding the amount of storage water delivered will be resolved against Portneuf-Marsh Valley Canal Co. until proper measuring devices are installed. In other words, the amount of water delivered to Portneuf Marsh Valley Canal Co. may be reduced because of uncertainty about distinguishing between storage flow and natural flow.

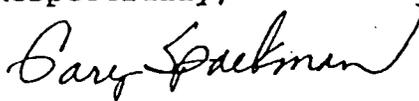
I anticipate that someone from the Department of Water Resources will spend considerable time with Arlin Olson when flows decline to a point that you must release storage water. I also anticipate some planning for distribution prior to release of storage.

You have requested names of engineering firms who could perform the surveying work. There are several good consulting engineering firms in Eastern Idaho. In addition, the survey may

Portneuf-Marsh Valley  
Page 2

be completed by photogrammetry with an airplane. I cannot recommend a particular firm to complete the work, however.

Respectfully,



GARY SPACKMAN, Manager  
Water Right Permits Section

GS:js

cc: Arlin Olson  
Eastern Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

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Phone: (208) 327-7900 FAX: (208) 327-7866

November 23, 1992

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

Ron Davidson, District Conservationist  
Soil Conservation Service  
1551 Baldy, Suite 2  
Pocatello, ID 83206

RE: Survey of Portneuf Reservoir; Water District No. 29

Dear Mr. Davidson:

I acknowledge receiving information you sent to me regarding the storage-elevation relationship of the Portneuf Reservoir.

I have reviewed the information you submitted. All the information was already contained in the records of the Department, except for the plan drawing of the Portneuf Reservoir. The data you submitted was prepared in 1941. In 1949, the dam was reconstructed, and additional storage was added. The Department also has some incomplete information compiled after the reconstruction. We have been unable to reconcile the data. I suspect when the dam was rebuilt or modified, that the gauge used as a reference in 1941 was replaced or its position modified.

Portneuf-Marsh Valley Canal Company knew about the Department's unsuccessful attempt to reconcile the data. Portneuf-Marsh Valley was notified of the attempt at the time the survey was requested approximately two years ago.

I have also reviewed the map prepared by the Bureau of Indian Affairs, and find that it is not sufficiently detailed to establish a stage-storage relationship.

I regret that a survey has not been completed. The deadline for completion is the beginning of the 1993 irrigation season. I am not sure at this juncture whether the canal company can realistically comply.

Respectfully,

A handwritten signature in cursive script that reads 'Gary Spackman'.

GARY SPACKMAN, Manager  
Water Right Permits Section

GS:js

cc: Portneuf-Marsh Valley Canal Co.  
Arline Olson, Watermaster



State of Idaho  
DEPARTMENT OF WATER RESOURCES

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CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

December 29, 1992

Ron Davidson, District Conservationist  
Soil Conservation Service  
1551 Baldy, Suite 2  
Pocatello, ID 83206

RE: Survey of Portneuf Reservoir; Water District No. 29

Dear Mr. Davidson:

I tried to telephone you over the past week to ten days, but was not able to find you in the office.

Ervin Gilbert of the Portneuf-Marsh Valley Canal Company called me in mid December, and said the SCS has agreed to survey the Portneuf Reservoir on or about January 18, 1993. Mr. Gilbert asked the Department of Water Resources to visit the site before the beginning of the project. He suggested Department personnel visit the site on January 7, 8, 15, or January 18 when the project is scheduled to begin.

I am concerned about whether the reservoir can be accurately surveyed in the middle of January. I lived in Soda Springs for several years, and saw weather conditions which would be prohibitive. Furthermore, although the reservoir may not be filling rapidly, there probably will be some water in the reservoir which will prevent a full survey, and the survey could be dangerous because of heavy snows, possible drifting, and ice and water mix. I cannot direct Portneuf-Marsh Valley to discontinue the survey. I believe the best window of opportunity, however, which was during September or October of this year, was missed. I will leave a determination of whether the survey can be conducted in January to SCS and Portneuf-Marsh Valley.

If SCS plans to proceed with the survey, perhaps the Department could review a work plan for the survey prior to any visit. I spoke to Dave Hollingshead of this office, who heads our Dam Safety Section, and he suggested the survey should be

Ron Davidson  
December 29, 1992  
Page - 2

accurate enough to determine storage to the nearest ten-acre feet. I feel establishment of two-foot contours would be sufficient accuracy for our purposes. For future level surveys, Alex Hudson P.E. (engineer for the reconstructed spillway), set a benchmark near the right abutment, which was used for a subsequent survey of the dam. If there is more information you need please contact me.

Respectfully,



GARY SPACKMAN, Manager  
Water Right Permits Section

GS:js

cc: Ervin Gilbert  
Portneuf-Marsh Valley Canal Company  
Eastern Region



# DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

July 18, 1990

Portneuf Irrigation  
c/o Douglas Freestone  
Arimo, ID 83214

Dear Mr. Freestone:

At the end of April, 1990, I traveled to Lava Hot Springs, and met with Arlin Olson, watermaster for Water District #29, Portneuf River. We discussed the various diversions on the Portneuf River from McCammon up to the headwaters. We also discussed possible implementation of a better method of accounting for the water delivered.

During our discussions, we identified approximately 20.0 cubic feet per second of water rights diverted out of the Portneuf River upstream from Lava Hot Springs which are not measured and not carefully monitored by the watermaster. These water rights are some of the oldest rights on the river. Regardless of priority, the watermaster cannot fairly distribute water without all parties who divert water being accountable for the amount of water that is diverted.

We also visited Portneuf Dam, and inspected the reservoir elevation measuring devices. Using a surveying level, I attempted to correlate the elevations on a staff gauge and inclined steel rail located on the upstream face of the dam to storage data. I conclude, after mathematical comparisons, that the relationship is not accurate. I do not have sufficient data, nor do I believe the limited data I have is accurate, to establish a gauge height-reservoir storage relationship.

The gauge height-storage relationship is essential for watermaster control. The watermaster must be able to measure on a staff gauge variations in the reservoir level, and compare the storage change with the 24 hour discharge from the parshall flume located below the dam. By comparing the numbers, the watermaster can then determine how much of the flow is natural flow and how much is storage. As of this date, the watermaster has not been able to determine the difference. I had hoped, by visiting the site, that I could establish the appropriate relationship. I was not able to.

In order for the watermaster to more accurately distribute water, the Department is contemplating issuance of an order that will: (1) Require the installation of measuring devices for all diversions of water on the Portneuf River and its tributaries, excluding Dempsey Creek, and (2) Require that the Portneuf-Marsh Valley Irrigation Company survey the Portneuf Reservoir at its low point this fall, and establish a staff gauge that can accurately determine the storage volume. Once these measuring devices are in place, the Department can assist the watermaster much better in accurately administering the water rights.

The reason for this letter is to forewarn you of the upcoming order, and grant you a chance to comment. Admittedly, the installation of the measuring devices, particularly the survey of the Portneuf Reservoir, will cost some money. It is, however, the responsibility of the person owning the storage, or owning a water right from the river, to install adequate measuring devices so that the watermaster can accurately deliver the water.

I understand that Dave Hollingshead of our Dam Safety Section has requested the establishment of a gauge height-storage relationship for a long time. It is imperative for water distribution purposes, and also important for proper safety analysis of the Portneuf Reservoir Dam.

Please respond to this office within thirty (30) days of the date of this letter, if you wish to comment. An order will be forthcoming shortly thereafter.

Respectfully,



GARY SPACKMAN, Manager  
Water Right Permits Section

GS:js

cc: Eastern Region  
Arlin Olson - Watermaster  
Dam Safety



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

July 19, 1991

McCammon Ditch Co.  
c/o Lyndon Green  
Mc Cammon, ID 83250

Dear Mr. Green:

Last week I visited the Portneuf River and assisted the watermaster, Arlin Olson, with several water distribution problems. This visit followed an earlier visit in late May when Mr. Olson showed me a number of diversions within Water District No. 29. Between the two visits I have found that a number of water users have not complied with the Department's October 5, 1990 Order and subsequent reminder notice concerning the installation of measuring devices on or before June 1, 1991. The latter notice dated March 22, 1991 reminded users that the watermaster can refuse to deliver water to those diversions which have not complied with the order.

Upon my visits and inventory of diversions and discussions with the watermaster, it appears that there are a handful of diversions which truly require measuring devices and headgate control, including diversions from the Upper Portneuf River and/or the Portneuf Marsh Valley-Downey Canal, and Toponce Creek diversions.

The need for more efficient control on the PMV-Downey Canal is obvious. On July 12, Mr. Olson and I measured the Portneuf River above the reservoir and found a natural flow of only 2.75 cfs. With such a low flow water rights on the PMV-Downey Canal below the Chesterfield Reservoir need to be reduced. Without measuring devices, it is difficult to allocate the remaining natural flow and ascertain that those diversions on the canal are not taking more water than they are entitled. This in fact was the case on July 12 since the two main diversions on the PMV-Downey Canal did not have measuring devices. On that day, Mr. Olson and I immediately advised the users diverting from the canal of the low flow conditions. I reminded both users that they were not in compliance with the Department's order and that they could be immediately shut down. As a temporary alternative, I advised both users that they together would be limited to running no more than ten sprinkler irrigation lines from the PMV-Downey Canal and that they should immediately install measuring devices.

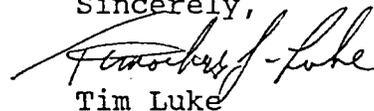
The situation on Toponce Creek is somewhat different. On July 11, the watermaster and I measured the supply above the diversions and determined that there was sufficient supply for diversion of all of the 1868 priority Toponce Indian rights. We assumed that this supply would probably decline over the next several weeks and that the remaining supply would have to be allocated among the 1868

users. Again, without measuring devices it would seem that allocating the remaining supply among the Toponce 1868 users would be difficult. The watermaster and several Toponce users have informed me that they have generally been able to allocate the water among themselves without measuring devices and limited control by the watermaster. However, on my last visit I received some questions from users throughout the water district concerning expansion of rights which divert from the main river and several tributaries, including Toponce Creek. With respect to such questions I believe that all Toponce users must install measuring devices.

With this letter I wish to provide notice that all diversions from the Portneuf River (including the Chesterfield Syphon), the PMV-Downey Canal and Toponce Creek must be fitted with adequate measuring devices on or before July 31, 1991. The watermaster will have cause to refuse delivery of water for any diversion where a measuring device has not been installed on or before July 31, 1991.

If you have questions concerning this matter, please feel free to contact me or Gary Spackman at 327-7900.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tim Luke".

Tim Luke

Sr. Water Resource Spec.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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CECIL D. ANDRUS  
GOVERNOR

August 22, 1991

R. KEITH HIGGINSON  
DIRECTOR

McCammon, ID 83250

Dear Mr. :

Last week I again visited the Portneuf River area and found that a number of water users had still not complied with the department's October, 1990 order and subsequent notices requiring measuring devices. My last letter of July 19, 1991 notified a number of users that measuring devices were to be installed on or before July 31, 1991. Our previous order and notices required that measuring devices were to be installed on or before June 1, 1991.

On my last visit during the week of August 12, I found that most of the users who were required to install measuring devices were not actually diverting any water at that time. Only a few users were still diverting water without any measuring devices. No action was taken to enforce the order since users were either not diverting water or were diverting within the limits of their right and/or according to the available natural flow. Although at that time I did not find any situations where users were diverting more water than they were entitled to divert, or diverting illegally or out of priority, I find that I must again remind some of the users that measuring devices are required. I am particularly concerned about any diversions on the Portneuf River above McCammon which still lack measuring devices. Given the storage releases from the reservoir, there is still potential at this time for main river diversions to be withdrawing natural flow that is not available to them.

In regards to tributary streams, it seems that at this point in the season that there are actually few diversions being made on these streams and that the available flows are not adequate to fill most of the earliest rights on the same streams. I do not believe that measuring devices are necessarily required at this late time of the season. However, unless previously excluded from the order, tributary diversions must be fitted with measuring devices before the next irrigation season.

With this letter, the department wishes to notify all users with diversions on the Portneuf River above the town of McCammon (excluding the Goodenough Ditch and including the PMV-Downey Canal near Chesterfield), that measuring devices must be installed on or before August 31, 1991. The watermaster and/or the department will refuse delivery of water to any user who does not have a measuring device installed after August 31, 1991. All users with diversions on tributary streams above McCammon are excused for the remaining

portion of the 1991 irrigation season from the requirement of installing measuring devices. All tributary diversions, unless already excluded by the department's order, must still install measuring devices for the 1992 irrigation season. Water will not be delivered to tributary users who fail to install measuring devices for the 1992 irrigation season. The department is presently considering whether to include Dempsey Creek in the order.

If you have questions concerning this matter, please feel free to contact me or Gary Spackman at 327-7900.

Sincerely,

Tim Luke  
Sr. Water Resource Spec.

cc: IDWR Eastern Region  
Arlin Olson