

② #6 - Corral Creek

COPY
(Typed 10-27-54)

37-A

In the District Court of the Fourth Judicial District
of the
State of Idaho, in and for the County of Lincoln.

S.C. Frost, et al.,
Plaintiffs

vs.

Alturas Water Company, et al.,
Defendants

DECREE

Little Wood River only

This cause coming on to be heard this 6th day of October, 1909, upon the report of F. J. Cowen, Referee heretofore appointed for the purpose of taking the testimony and making recommendations as to Findings of Fact, Conclusions of Law and Decree, to be entered herein, and the said F. J. Cowen having filed his report of the testimony taken, and his recommendations as to Findings of Fact, Conclusions of Law, which have heretofore been adopted, and the respective plaintiffs and defendants and cross-complainants appearing herein by their respective counsel, and the court being fully informed and advised in the premises, and having ordered that judgment be entered in accordance with the Report and recommendations of the said Referee, Wherefore, by reason of the law and the Report and Findings of Fact and Conclusions of Law aforesaid,

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

MAY 28 1936

of Big Wood River and its tributaries, situated in the counties of Blaine and Lincoln, State of Idaho, their priorities to date from the times hereinafter named, to wit:

(For Little Wood River only) Above Silver Creek.
Water District No. 11-a

<i>Adamson, Margaret</i>					<i>L.W.R.C. Co. shares</i>
Ainsworth, James	80 inches	Apr. 15, 1884.	✓	Little Wood River	
" "	80 "	June 20, 1883.	✓	" " "	
Ainsworth, J. L.	20 "	Apr. 15, 1884.	✓	" " "	
" "	8 "	May 15, 1883.	✓	" " "	
Ainsworth, Joseph	72 "	May 15, 1883.	✓	" " "	
" "	70 "	Apr. 15, 1884.	✓	" " "	
Albrethson, Albert	110 "	May 1, 1883.	✓	" " "	
" "	50 "	July 9, 1886.	✓	" " "	
" "	50 "	Apr. 1, 1889.	✓	" " "	
" "	20 "	June 30, 1889.	✓	" " "	
" "				Little Wood River Canal Company shares.	

.....

Arthur, Edward B. and John B.	100 inches	May 15, 1883.	✓	Little Wood River	
----------------------------------	------------	---------------	---	-------------------	--

.....

Berry, George	30 inches	May 31, 1897.	✓	Little Wood River	
" "	90 "	May 31, 1898.	✓	" " "	

.....

Brooks, James E.	100 inches	May 1, 1883.	✓	Little Wood River	
" " "	35 inches	Apr. 1, 1886.	✓	" " "	

.....

MAY 28 1896

Cameron, Ed.

Little Wood River Canal Company shares.

Carey, James . . . 80 inches May 15, 1884

L.W.R. (Also shares in L.W.R.C Co.)

Cherry, James 125 inches Apr. 15, 1894.

Little Wood River. (Also shares in Little Wood River Canal Co.)

Coates, George 30 inches Apr. 1, 1882.

Little Wood River

" " 97 1/2 " Apr. 1, 1883.

" " "

Cooper, Joseph 160 " Dec. 1, 1892.

" " "

Dix, Everett 150 " Apr. 26, 1894.

" " "

Edwards, John B. 160 " May 31, 1884.

" " "

" " " 80 " May 1, 1893.

" " "

Edwards, Sarah A. 115 " May 1, 1893.

" " "

Eldredge, F. H. 100 " May 12, 1893.

" " "

Eldredge, Irvin E. 25 " Nov. 30, 1882.

" " "

Eldredge, Martin 30 " May 12, 1893.

" " "

Evans, B. B. 80 " May 12, 1893.

Little Wood River (Also shares in Little Wood River Canal Co.) Little Wood River

Evans, Hattie 15 " Apr. 1, 1883.

Little Wood River (Also shares in Little Wood River Canal Co.)

" " 60 " Apr. 1, 1884.

Gooding, Frank R. 72 " May 15, 1883.

Little Wood River

Gooding, Frank R. 110 " June 10, 1884.

Little Wood River

MAY 28 1996

Quiver, George	100 inches	Apr. 1, 1892.	Little Wood River (Also shares in Little Wood River Canal Co.)
.....			
Harris, Perry	80 "	Apr. 26, 1893.	Little Wood River (Also shares in Little Wood River Canal Co.)
Harris, Susannah	40 "	Apr. 22, 1893.	Little Wood River. (Also shares in Little Wood River Canal Co.)
.....			
Hartwell, Orville	50 inches	Apr. 1, 1888.	Little Wood River
.....			
Howard, Mrs. E.	120 "	June 1, 1894.	Little Wood River.
.....			
Kelly, David	140 "	May 31, 1883.	Little Wood River. (Also shares in Little Wood River Canal Co.)
Kelly, Sidney, Sr.	30 "	Apr. 1, 1882.	Little Wood River.
" " "	97½ "	Apr. 1, 1883.	" " "
" " "			(Also shares in Little Wood River Canal Co.)
.....			
Lawson, Martin	15 inches	Aug. 1, 1880.	Little Wood River
" "	80 inches	Apr. 1, 1881.	" " "
.....			
Little Wood River Canal Company	1600 "	Apr. 15, 1893.	" " "
"	8400 "	Sept. 2, 1899.	" " "
.....			
McCarter, Orla J.	100 "	Apr. 1, 1882.	Little Wood River. (Also shares in Little Wood River Canal Co.)
.....			

MAY 28 1996

Parke, Albert	80 inches	May 12, 1893. ✓	Little Wood River
Parke, Thompson	110 "	May 5, 1883. ✓	" " " (Also shares in Little Wood River Canal Co.)
.....			
Payne Brothers	109 "	Apr. 1, 1882. ✓	Little Wood River.
" "	40 "	June 10, 1883. ✓	" " "
" "			(Also shares in Little Wood River Canal Co.)
.....			
Pettigrew, Joseph M.	100 "	Apr. 15, 1886. ✓	Little Wood River.
.....			
Phippen, Almon			Shares in Little Wood River Canal Company.
Phippen, A.S.	100 "	Dec. 1, 1886 ✓	Little Wood River. (Also shares in Little Wood River Canal Co.)
Phippen, Clarence			Shares in Little Wood River Canal Company.
Phippen, Mary S.	100 "	May 26, 1883 ✓	Little Wood River. (Also shares in Little Wood River Canal Co.)
.....			
Purdum & Purdum	(Ice-pond)		Little Wood River
.....			
Ranson, Sarah A.	65 "	May 2, 1884. ✓	Little Wood River (Also shares in Little Wood River Canal Co.)
.....			
Rawson, W. F.	60 "	May 30, 1881. ✓	Little Wood River.
" " "	60 "	May 30, 1882. ✓	" " "
" " "			(Also shares in Little Wood River Canal Co.)
.....			
Richards, S. P.			Shares in Little Wood River Canal Company.
.....			

MAY 28 1896

Simpson, W. D.	110 inches	June 22, 1881.	Little Wood River. (Also shares in Little Wood River Canal Co.)
.....			
Smith, Joseph A.	35 inches	May 1, 1881.	Little Wood River.
" " "	80 inches	Apr. 1, 1882.	" " "
" " "			(Also shares in Little Wood River Canal Co.)
Smith, Lafayette	30 inches	Apr. 1, 1891.	Little Wood River. (Also shares in Little Wood River Canal Co.)
Stanfield, Heber	190 inches	Apr. 1, 1885.	Little Wood River.
" " "	10 "	Apr. 1, 1884.	" " "
Stanford, Thomas C. and Cyrus J.	25 "	Dec. 1, 1881.	" " "
Do.	100 "	Apr. 1, 1882.	" " "
.....			
Taylor, Goodwin P.	75 inches	May 15, 1883.	Little Wood River.
" " "	80 "	May 15, 1880.	" " "
" " "	30 "	Apr. 1, 1884.	" " "
.....			
Vance, Martha E.	100 "	May 15, 1884.	" " "
.....			
Vaughn, William R.	160 "	June 1, 1884.	Little Wood River.
.....			
Ward, Augusta M.	65 "	June 2, 1899.	Little Wood River.
" " "	40 "	June 2, 1882.	" " "
.....			
Wilde, Benjamin C.	50 "	Apr. 1, 1888.	Little Wood River. (Also shares in Little Wood River Canal Co.)
Wilde, Emanuel	90 "	Apr. 5, 1894.	Little Wood River
Wilde, W. H.			Shares in Little Wood River Canal Company.
.....			

That the users of water from the so-called dry streams, (to-witt Breck's Creek, Bullion Creek, Burgess Creek, Camp Creek, Chimney Creek, Corral Creek, Cow Creek, Groy Creek, Deer Creek, Dry Creek, Dyer Creek, Early Creek, Elk Creek, Greenhorn Creek, Guy Hollow, Hix's or Boardman's or Sheep Creek, Indian Creek, Lansing Creek, Little Deer Creek, Little Wood River above its junction with Silver Creek, Minnehaha Creek, Monumental Creek, Muldoon Creek, Rock Creek, Smidt Creek, Soldier Creek, Spring Creek, Three Mile Creek or Four Mile Creek, Upper Malad River, Warm Springs Creek near Hailey, West Fork of Rock Creek, and Willow Creek,) are entitled to their various amounts and priorities, as among themselves as of the respective dates and amounts hereby awarded, regardless of the rights of the users of waters of the main stream and other streams involved in this action; and that the appropriators and users of water from other streams are not entitled to have the waters of said dry streams continue to flow down to where their channels unite with the streams into which they empty.

That Fred W. Fator and Adam Ifland are entitled to 320 inches of the waters of Silver Creek, as of a prior and exclusive right, so long as they maintain their certain dam and prevent the waters of Silver Creek from wasting through the Picabo Lake or sink-holes.

That R. F. Buller and Rosa B. Buller are entitled to 400 inches of water in their swamp ditch, as of a prior and exclusive right, so long as they maintain their said swamp ditch, and continue to develop that amount of water therein.

That M. S. Lawson be and he is hereby awarded the right to use a certain amount of the waters of Silver Creek, during the high water season, or at such other times as the waters of said stream are not in use for irrigating

MAY 28 1996

purposes, sufficient to fill his said reservoir described in the Findings herein.

That the Alturas Water Company be and it is hereby awarded the right to the use of a certain amount of the waters of Indian Creek, sufficient to fill its water pipes of their present ten inches in diameter capacity, and that it is entitled to the use of such right during the winter season of each and every year when it is unable to obtain its decreed right of 100 inches through the so-called Riley ditch, and that the increased amount above the 45 inches awarded to it in the decree in the case of Caldwell, et al., vs. Tucker, et al., shall date from the first day of August 1907.

It is further ordered, Adjudged and Decreed that the respective parties, plaintiffs and defendants, in the various actions named in the Findings herein, to-wit: N. R. Woodworth, et al., vs. Frank Anthony, et al., George H. Abbott, et al., vs. William B. Reedy, et al., E. W. Moore and Thurston Hutchins, as firm of Moore and Hutchins, vs. James McGowan, et al., A. Caldwell and Alturas Water Company vs. S. M. Tucker, et al., and John W. Dwyer and John A. Boggs vs. E. S. Vorley, et al., -- they and their successors in interest, be and they are hereby awarded the right to the use of the waters of Big Wood River and its tributaries, and the various dry streams named in said decrees, to the extent that they are respectively awarded such use in the various actions and decrees to which they are parties, respectively; but that this right shall not be construed to be a double appropriation of the waters of said streams, and wherein the said parties are reawarded such amounts in this decree, they and their successors in interest, respectively, shall be entitled to the use of only one of such rights, to-wit; either the right named in said decrees, or the right otherwise awarded in this decree.

MAY 28 1906

It appearing to the court herein that the necessary costs, expenses and disbursements incurred in connection with the taking of the testimony in this action, and in the preparation and filing of the decree herein, together with the necessary costs and expenses of the distribution of the waters of said stream for the season of 1909, amount to the sum of approximately \$2700.00, in addition to the amounts heretofore paid by the respective parties to this action, and that there is filed herewith a tabulated statement apportioning such costs as near as may be among the various claimants and decreed rights in this action,

It is Therefore Further Ordered, that the various parties, plaintiffs, and defendants herein, pay to the Clerk of this court the respective amounts set opposite their names in the said statement, for which execution may issue herein.

And it is Further Ordered, that none of the parties hereto, or their successors in interest, shall be entitled to the use of any water under the terms of this decree until the respective amounts as assessed in said statement shall be paid into court.

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

Dated at Pocatello, Idaho, December 13, 1909.

/s/ Alfred Budge
Presiding Judge.

MAY 28 1996

TITLE OF CASE

C. W. Moore & Thurston Hutchins

vs

James McGowan et al

SOURCE Corral Creek trib to Camas Creek

PAGE

WATER DIST. 37A

COUNTY Camas

JUDICIAL DIST. Fourth

JUDGE G. O. Stockalager

DATE OF DECREE 3-16-1898

RECORDED

IN BOOK NO.

AT PAGE NO.

FILE NO.

MAY 2 8 1898

P.N.	D.N.	DECEDED OWNER	NAME	PRESENT OWNER	AMT. INCHES SEC. FT. □	PRIORITY	DIVERSION				REMARKS, LAND TO BE IRRIGATED, ETC.	C.T.
							SUBDIV.	SEC.	TWR	RG.		
37-0	0718	C. W. Moore & Thurston Hutchins			0.30 cfs	6-1-1881					Sec. 16 T. 1S R. 13E for stock & domestic	
37-	0719	"	"		2.70 cfs	6-1-1883					Sec. 16 T. 1S R. 13E for irrigation 4-1 to 7-10 each year	
	0720	James McGowan			1.00 cfs	6-13-1884					SW 1/4 Sec. 32 T. 1N R. 13E for irrigation, stock, & domestic	
	0176	"			1.00 cfs	6-1-1887					" "	
		(appears to be superceded by 37-0136)										
	0721	Thomas Carter			0.70 cfs	6-1-1888					NW 1/4 SW 1/4 Sec. 17; E 1/4 SE 1/4, NW 1/4 SE 1/4 Sec. 18 T. 1N R. 13E for irrigation, stock, domestic	
		(superceded by Frost Decree)										
	0135	Jonas Carter			0.50 cfs	6-1-1886					NE 1/4 SW 1/4, N 1/4 SE 1/4, SW 1/4 SE 1/4 Sec. 20 T. 1N R. 13E for irrigation, stock, domestic	
		(superceded by 37-0134)										
	0722	Wilson Carter			0.50 cfs	6-1-1884					E 1/4 NW 1/4, NW 1/4 NW 1/4 Sec. 20; SW 1/4 SW 1/4 Sec. 17 T. 1N R. 13E for irrigation, stock, domestic	
	0723	Mary L. Kempton			0.60 cfs	6-1-1886					W 1/4 SW 1/4 Sec. 5 T. 1S R. 13E for irrigation, stock, domestic	
		(superceded by 37-0455)										
	0724	H. L. McCarter			1.2 cfs	6-1-1884					NE 1/4 Sec. 31; S 1/4 NW 1/4, NW 1/4 NW 1/4, SE 1/4 NW 1/4 Sec. 32 T. 1N R. 13E for irrigation, domestic, stock	
		(superceded by 37-0454; no other number issued)										
		"			0.80 cfs	9-1-1883					Same P. U. as above but for irrigation until July 10 of each year	
		37-0128										
	0725	Joseph B. Jones			2.00 cfs	6-1-1882					NE 1/4 NW 1/4, NW 1/4 NE 1/4 Sec. 32; SE 1/4 SW 1/4, SW 1/4 SE 1/4 Sec. 29 T. 1N R. 13E for irrigation	
		37-0413										
	0726	John Wondershak			1.60 cfs	6-1-1882					SW 1/4 NE 1/4, SE 1/4 NW 1/4, NW 1/4 SE 1/4, NE 1/4 SW 1/4 Sec. 29 T. 1N R. 13E for irrigation, stock, domestic	
	0727	Robert W. Lansing			0.80 cfs	6-1-1886					S 1/4 NW 1/4, N 1/4 SW 1/4, SW 1/4 SW 1/4 Sec. 21 T. 1N R. 13E for irrigation, stock, domestic	
	0728	Charles Johnson			1.50 cfs	6-1-1883					SE 1/4 SE 1/4 Sec. 20; N 1/4 NE 1/4 Sec. 29 T. 1N R. 13E for irrigation, stock, domestic	
	0729	S. G. Haddin			0.60 cfs	5-25-1888					SE 1/4 SE 1/4 Sec. 5; E 1/4 NE 1/4 Sec. 8; SW 1/4 NW 1/4 Sec. 9 T. 1S R. 13E for irrigation, stock, domestic	
	0730	H. R. Clark			0.20 cfs	8-10-1885					W 1/4 SW 1/4 Sec. 29; E 1/4 SE 1/4 Sec. 30 T. 1N R. 13E for irrig	
		E.										
	0731	Sarah Clark	superceded by 37-0149		5.50 cfs	5-1-1888					SE 1/4 SW 1/4, SW 1/4 SE 1/4 Sec. 5; SE 1/4 Sec. 6; NE 1/4 Sec. 7; NW 1/4 Sec. 8 T. 1S R. 13E for irrigation until July 10	
		"			0.20 cfs	5-1-1888					"	
	0034	(superceded by 37-0149)	Babbington Jr.								Lots 2 & 3, SE 1/4 NW 1/4, NE 1/4 SW 1/4 Sec. 5 (132.35 ac):	
	0714	Thomas Babbington & Charles M.			0.20 cfs	6-1-1882					S 1/4 NE 1/4, N 1/4 SE 1/4 Sec. 5 T. 1S R. 13E for irrigation, stock & dom.	
	0034	(superceded by 37-0149)									" for irrigation until July 10	
	0733	Thomas Babbington & C. M. Babbington Jr.			1.60 cfs	6-1-1882					(see Frost Decree)	

0935

E R E N D

P.M. (see Frost Decree)

D.N. = DECREE NUMBER

C.T. = CUMULATIVE TOTAL