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Farmers Co-operative Ditch Company,
a corporation,

Plaintiff,

v.

Riverside Irrigation District,
Limited, et al., (said action being
commonly known as the Boise River
Priority Suit.)

Defendants,

Adolph Bahler,

Intervenor.
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JUDGMENT AND DECREE.
FILED
And Entered
A. M. H. / S. P. M.
MAR 25 1925
J. A. DUNBAR, Clerk
J. A. Dunbar
DEPUTY.

THIS CAUSE, came on regularly for trial upon the answer and cross-complaint of the above named intervenor, the said intervenor appearing in person and by his counsel Cavanah, Blake and MacLane, said intervenor having been heretofore, by consent of all parties to this action and by the order of this Court, permitted to intervene in this action and file herein his answer and cross-complaint and asked to proceed with the trial, all of the parties to said suit having heretofore, under stipulation, answered and denied the allegations of said answer and cross-complaint of said intervenor, and the several parties being before the Court, all present consented to the hearing of the evidence in the above entitled cause.

WHEREUPON, witnesses were sworn and testified in behalf of said intervenor, and documentary evidence introduced, and no other evidence was introduced by any of the parties to said cause upon said hearing, upon the said answer and cross-complaint of said intervenor, the evidence being closed, the cause was submitted to the Court for its consideration and decision, and the Court having filed its findings

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in intervention are sustained and that the matters so alleged and proved are sufficient in law to entitle the said intervenor, Adolph Bahler, to the relief prayed for in his said answer and cross-complaint in intervention; that said intervenor is the owner of the lands described in his said answer and cross-complaint in intervention, and that he is entitled to the use of water in the Boise River and its tributaries in the amount claimed in his said answer and cross-complaint in intervention; and it further appearing that all the material allegations in said answer and cross-complaint in intervention are true, and that said intervenor has a priority of right to the use of 40 inches of water from the Boise River from April 1st, 1865, and, also, a priority of ~~the~~ right to the use of 40 inches of the water from April 1st, 1870, and the Court having been fully advised in the premises,

It is ordered, adjudged and decreed, that the lands hereinafter described are arid in character and require the artificial application of water to render them valuable for agricultural purposes;

That the quantity of water required for the successful cultivation and irrigation of said lands, measured at the intake of the Canal or ditch of the "Bubb Canal" on the Southernly bank of Boise River and where such bank is intersected by the line between Township 3 North of Range 2 East and Township 3 North of Range 3 East, is one inch of water per acre.

That the above mentioned one inch of water per acre is understood to be in the same status as the one inch of water per acre in the judgement rendered in the above entitled action, on or about January 19, 1906, and is subject to such modifications and temporary orders as this Court may make for

the said intervenor, Adolph Bahler, be, and he is hereby, awarded the use of the water of the Boise River and the tributaries thereof, subject to the above modifications, of 40 inches of water of said River from April 1st, 1865, and, also, of 40 inches of water of said River from April 1st, 1870, to be carried through the Canal or ditch known as the said "Bubb Canal", and diverted from Boise River at the point of the intake of said Canal at a point on the Southerly bank of said Boise River near where such bank is intersected by the line between Township 3 North of Range 2 East and Township 3 North of Range 3 East, and running thence in a Westerly direction along the South bank of said River to a point in Section 24, Township 3 North of Range 2 East about 80 rods North from the South line of said Section and running thence in a Westerly direction about two miles, in the quantities of 80 inches of water, measured under a four inch pressure, and upon the following described lands situated in the County of Ada, State of Idaho:

The Southeast Quarter of the Northwest quarter and Lots 5 and 6; and all that portion of Lot 3 lying North of what is known as the Ridenbaugh Canal, being about five and one-half acres, all situated in Section 30, Township 3 North of Range 3 East, Boise Meridian.

It is further ordered, adjudged and decreed, that the said answer and cross-complaint in intervention and all pleadings filed in this case be, and the same are hereby, amended to conform to the facts as found by the Court herein. Done in open Court this

25 day of March, A.D. 1925.


District Judge.