IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

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FILED
11:20 A. M. P. M.
1951
S. S. FOOTE, CLERK
Joan Kelly
DEPUTY

KARL F. ROEDEL and OTTO W. ROEDEL, Plaintiffs,	:	
-vs-	:	J U D G M E N T
EDWIN B. KARN, Water Master, Defendant.	:	

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The above matter came on regularly to be heard in this court without a jury on the 4th day of June, 1951, upon the plaintiffs' complaint, the plaintiffs appearing by their attorney, Cleve Groome, and the defendant having been duly and regularly served with notice and process herein and he appearing not either in person or by attorney; and a non-military affidavit and order having been filed herein and a default having been duly and regularly entered against the defendant, witnesses were sworn and examined on behalf of the plaintiffs, and oral and documentary evidence having been introduced, the court being fully advised in the premises and having duly considered the same, and the court having arrived at his conclusions and having made and filed Finding of Facts and Conclusions of Law from which it appears that the plaintiffs are entitled to Judgment as prayed for in their Complaint;

NOW, THEREFORE, it is ORDERED, ADJUDGED and DECREED, and this does ORDER, ADJUDGE and DECREE, that the plaintiffs are the owners of the following described real estate situate in Canyon County, Idaho, containing approximately 160 acres of land, to-wit:

Twenty (20) and Lot Eight (8) of Section Seventeen (17), Township Four (4) North, Range Three (3) West of the Boise Meridian; the East Half of the Northeast Quarter of Section 20 and the Southwest Quarter of the Northwest Quarter and Lot Three (3) of Section Twenty-one (21) and all of Lot Nine (9), Section Seventeen (17), all in Township Four (4) North, Range Three (3), West of the Boise Meridian, excepting therefrom all that part thereof embraced in the following description, to-wit:

Beginning at the Northeast corner of Lot 10, Section 17; thence South along the East line of said Lot 10 and the East line of Lot 9 of said section, to the middle of the present channel of Boise River; thence in a Westerly direction along the present channel of said Boise River to the West line of the said Lot 9; thence North along the West line of the aforesaid Lots 9 and 10 to the Northwest corner of said Lot 10; thence East along the North line of said Lot 10 to place of beginning;

That the plaintiffs and their predecessors in interest have continually since the 1st day of May, 1873, diverted water from the natural flow of the Boise River to irrigate the said land of approximately 160 inches measured under a four inch pressure, and that the same has been continually applied to the said land for the beneficial purpose, that of irrigating the same, annually thereafter during the irrigation season; and

It is further ORDERED, ADJUDGED and DECREED, and this does ORDER, ADJUDGE and DECREE, that there shall be allowed to flow to the said land, diverted from the Boise River and its tributaries, for the use of the irrigation of the said land for the benefit of the plaintiffs and their successors in interest lawfully entitled thereto priority of 160 inches of water measured under a four inch pressure, dating from the 1st day of May, 1873 provided that this decree shall at all times be subject to the terms of the original decrees of the Boise River, as follows:

That certain decree entered by the Judge of the District Court of the Seventh Judicial District of the State of

Co-Operative Ditch Company, a corporation vs. Riverside Irrigation District Ltd., dated January 18, 1906, which is commonly referred to and known as the "Stewart Decree" of the natural flow of said river or stream; and subject also to the terms and conditions of that certain decree made and entered in the District Court of the Seventh Judicial District of the State of Idaho in and for the County of Canyon in the case of the Pioneer Irrigation District vs. American Ditch Association, et al., dated February 14, 1920, commonly known as the "Bryan Decree; in which decrees was adjudicated the priorities of the natural flow of the water and of the flood waters of the Boise River; and

It is hereby further ADJUDICATED and DECREED that the above named defendant as Water Master of the Boise River and his successors in office shall allow to flow to the said land of the plaintiffs for irrigation purposes and for the benefit of the plaintiffs herein and their successors in interest, who may be lawfully entitled thereto by virtue of the appropriation, in an amount of 160 inches of water per second measured under a four inch pressure, dating from the 1st day of May, 1875; and the said Water Master of the Boise River and his successors in interest shall distribute to them the said water in accordance therewith in the same manner and effect as thereof their said rights had been included in the said original decrees commonly known as the "Stewart Decree" and the "Bryan Decree" hereinabove referred to, and with the same priority as thereof contained in the said two original decrees.

Done in open court this 4th day of June, 1951.

Donald Anderson
District Judge

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Karl F. Roedel,
et al

— vs —

Edwin B. Karr,
Watermaster

Judgment

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