

37-A-2

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

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ADELBERT L. POTTER ET AL,  
PLAINTIFFS,  
VS.  
JOSEPH R. PATTERSON ET AL,  
-----DEFENDANTS-----

Transfers Noted #

D E C R E E.

The testimony in this case having been taken by Mr. E. H. Weaver, Referee, pursuant to stipulation and cause submitted for decision at the May 1914 term of said Court, held at Hailey, Blaine County, Idaho and the Court having made and filed its findings of fact and conclusions of law, and the Court being fully advised;

It is hereby ordered, adjudged and decreed that the several parties, plaintiffs and defendants herein named, do have judgement 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 the flow of one cubic foot per second, as prescribed by law, from Fish Creek and its tributaries, in the County of Blaine, State of Idaho, their priorities to date from the times hereinafter named to wit;

Allred, E. A. 11½ inches from March 30, 1883 for the irrigation of the following tract; commencing at a point 45 rods South of the North East corner of the NW¼, of the NE¼, Sec. 15, T. 1 S., R. 21 E., thence West 80 rods; thence South 22½ rods; thence East 80 rods; thence North 22½ rods to the place of beginning, containing 11½ acres, known as Tax Lot No. 765.

Allred, E. A.

50 inches from April 15, 1910, for the irrigation of  $S\frac{1}{2}$   $SW\frac{1}{4}$ , Sec. 34, T. 1 N., R. 22 E., and Lots 2 and 3, Sec. 3, T. 1 S., R. 22 E., containing 160 acres.

Boulton, Aaron

$11\frac{1}{2}$  inches from March 30, 1883 for the irrigation of the following tract; commencing at the North East corner of  $NW\frac{1}{4}$   $NE\frac{1}{4}$ , Sec. 13, T. 1 S., R. 21 E., running thence West 80 rods; thence South  $22\frac{1}{2}$  rods thence East 80 rods; thence North  $22\frac{1}{2}$  rods to the place of beginning, containing  $11\frac{1}{2}$  acres, known as Tax Lot 783.

Boulton, Aaron

100 inches from May 23rd 1910 for the irrigation of  $E\frac{1}{2}$   $NW\frac{1}{4}$ ,  $N\frac{1}{2}$   $SW\frac{1}{4}$ , Sec. 34, T. 1 N., R. 22 E., containing 160 acres.

Briggs, William G.

70 inches from March 30, 1883 for the irrigation of the following tract; commencing at the Southeast Corner of  $NW\frac{1}{4}$   $SE\frac{1}{4}$ , Sec. 13, T. 1 S., R. 21 E., running thence North 80 rods; thence West 60 rods; thence South 80 rods; thence East 60 rods to place of beginning, containing 30 acres, also Lot 1, Sec. 19, T. 1 S., R. 22 E., containing 40 acres.

Condie, G. A.

Trans # 887

100 inches from March 30, 1883 for irrigation of  $SE\frac{1}{4}$   $SE\frac{1}{4}$ , Sec. 14,  $SW\frac{1}{4}$   $SE\frac{1}{4}$ , Sec. 13,  $NW\frac{1}{4}$   $NE\frac{1}{4}$ , Sec. 24, T. 1 S., R. 21 E. containing 120 acres.

Condie, G. A.

100 inches from August 18, 1905 for the irrigation of  $SE\frac{1}{4} NW\frac{1}{4}$ ,  $E\frac{1}{2} SW\frac{1}{4}$ ,  $NW\frac{1}{4} SE\frac{1}{4}$  Sec. 7, T. 1 S., R. 22 E., containing 160 acres.

Campbell, Geo W.

120 inches from August 18, 1905 for the irrigation of  $S\frac{1}{2} NE\frac{1}{4}$ ,  $E\frac{1}{2} SE\frac{1}{4}$ , Sec. 7, T. 1 S., R. 22 E., containing 160 acres

Chidester, Willard D.

100 inches from May 15, 1906, for the irrigation of lots 2 and 3, Sec. 20,  $SE\frac{1}{4} SW\frac{1}{4}$ ,  $SW\frac{1}{4} SE\frac{1}{4}$ , Sec. 17, T. 1 S., R. 22 E., containing 160 acres.

Coates, Joseph

80 inches from May 15, 1903, for the irrigation of  $SW\frac{1}{4} NE\frac{1}{4}$ ,  $SE\frac{1}{4} SW\frac{1}{4}$ ,  $W\frac{1}{2} SE\frac{1}{4}$ , Sec. 27, T. 1 N., R. 22 E., containing 160 acres.

Coates, Paul

160 inches from January 16, 1909 for the irrigation of  $W\frac{1}{2} NE\frac{1}{4}$ ,  $W\frac{1}{2} SE\frac{1}{4}$ , Sec. 34, T. 1 N., R. 22 E., containing 160 acres.

Davis, Edward

130 inches from Sept. 15, 1905, for the irrigation of  $SW\frac{1}{4} SW\frac{1}{4}$ , Sec. 17,  $S\frac{1}{2} SE\frac{1}{4}$ , Sec. 18,  $SE\frac{1}{4} SW\frac{1}{4}$ , Sec. 18, T. 1 S., R. 22 E., containing 160 acres.

Davis, David T.

20 inches from May 5, 1909 for the irrigation of  $NE\frac{1}{4} SW\frac{1}{4}$ , Sec. 24, T. 2 N., R. 22 E., containing 40 acres.

Davis, Amy A.

25 inches from May 30, 1911 for the irrigation of  $W\frac{1}{2} SW\frac{1}{4}$ , Sec. 24, T. 2 N., R. 22 E., containing 80 acres.

Dilworth, J. G.

130 inches, from June 1st, 1908 for the irrigation of  $NE\frac{1}{4} SE\frac{1}{4}$ , Sec. 18,  $N\frac{1}{2} SW\frac{1}{4}$ , Sec. 17, T. 1 S., R. 22 E. and  $NW\frac{1}{4} SE\frac{1}{4}$ , Sec. 17, T. 1 S., R. 22 E. containing 160 acres.

Evins, Geo. W.

80 inches from August 18, 1905, 40 inches from July 25, 1907, and 200 inches from January 16 1909 for the irrigation of  $S\frac{1}{2} SE\frac{1}{4}$ , Sec. 8,  $E\frac{1}{2} NW\frac{1}{4}$ ,  $NE\frac{1}{4}$  of Sec. 17, T. 1 S., R. 22 E. containing 320 acres.

37-1178

37-1179

Eldridge, Ira

160 inches from March 30th 1883 for the irrigation of  $S\frac{1}{2} SW\frac{1}{4}$ , Sec. 13,  $NE\frac{1}{2} NW\frac{1}{4}$ , Sec. 24, T. 1 S., R. 21 E., containing 160 acres.

Fuller, Joseph S.

40 inches from June 15, 1906 for the irrigation of  $E\frac{1}{2} SE\frac{1}{4}$ , Sec. 12,  $NE\frac{1}{2} NE\frac{1}{4}$ , Sec. 13, T. 2 N., R. 22 E, and Lot 3, Sec. 7, T. 2 N., R. 23 E., containing 160 acres.

Gifford, Alma

25 inches from May 1, 1907, for the irrigation of  $N\frac{1}{2} NW\frac{1}{4}$ ,  $N\frac{1}{2} NE\frac{1}{4}$ , Sec. 9, T. 1 S., R. 22 E., containing 160 acres.

Hammer, S. L.

$11\frac{1}{2}$  inches from March 30, 1883 for the irrigation of the following tract: Commencing at a point  $67\frac{1}{2}$  rods South of North East corner of  $NW\frac{1}{4} NE\frac{1}{4}$ , Sec. 13, T. 1 S., R. 21 E.,

Thence West 80 rods; thence South  $22\frac{1}{2}$  rods;  
thence East 80 rods; thence North  $22\frac{1}{2}$  rods;  
to the place of beginning, containing  $11\frac{1}{4}$   
acres.

Hale, Chas. E.

90 inches from August 18, 1905 for the irr-  
igation  $S\frac{1}{2}SE\frac{1}{4}$ ,  $SW\frac{1}{4}$ , Sec. 6, T. 1 S., R.  
22 E., containing 160 acres.

Jones, James

50 inches from May 15, 1908 for the irrigation  
of  $SE\frac{1}{4}NE\frac{1}{4}$ ,  $NE\frac{1}{4}SE\frac{1}{4}$ , Sec. 32,  $W\frac{1}{2}SW\frac{1}{4}$ , Sec. 33,  
T. 1 N., R. 22 E., containing 160 acres.

Knight, Vinson P.

20 inches from May 15, 1904 for the irrigation  
of  $SW\frac{1}{4}SW\frac{1}{4}$ , Sec. 4, T. 1 S., R. 22 E., contain-  
ing 40 acres.

Knutson, E. P.

$11\frac{1}{4}$  inches from March 30, 1883 for the irrig-  
ation of the following tract: Commencing at  
a point  $22\frac{1}{2}$  rods South of the Northeast cor-  
ner of  $NW\frac{1}{4}NE\frac{1}{4}$ , Sec. 13, T. 1 S., R. 21 E.,  
running thence West 80 rods; thence South  
 $22\frac{1}{2}$  rods, thence East 80 rods; thence North  
 $22\frac{1}{2}$  rods to the place of beginning, contain-  
ing  $11\frac{1}{4}$  acres.

Moore, R. R.

200 inches from January 16, 1909 for the irr-  
igation of  $NW\frac{1}{4}NW\frac{1}{4}$ ,  $S\frac{1}{2}NW\frac{1}{4}$ ,  $NE\frac{1}{4}SW\frac{1}{4}$ , Sec. 10,  
 $SE\frac{1}{4}NE\frac{1}{4}$ ,  $NE\frac{1}{4}SE\frac{1}{4}$ , Sec. 8,  $SW\frac{1}{4}NW\frac{1}{4}$ ,  $NW\frac{1}{4}SW\frac{1}{4}$   
Sec. 9, T. 1 S., R. 22 E., containing 320 acres.

McDougal, Isabella

100 inches from East Fork of Fish Creek from  
June 1, 1884 for the irrigation of  $SW\frac{1}{4}SE\frac{1}{4}$   
Sec. 2,  $N\frac{1}{2}NE\frac{1}{4}$ ,  $NE\frac{1}{4}NW\frac{1}{4}$ , Sec. 11, T. 1 N., R.

22 E., containing 160 acres.

McDougal, Isabella

37-1214

25 inches from East Fork of Fish Creek from June 1, 1884 and 25 inches from Fish Creek from June 1, 1884 for the irrigation of  $W\frac{1}{2}$   $NW\frac{1}{4}$  Sec. 1, T. 1 N., R. 22 E., containing 80 acres.

McDougal, Isabella

40 inches from Fish Creek from June 1, 1885 for the irrigation of  $SE\frac{1}{4}NW\frac{1}{4}$ ,  $NE\frac{1}{4}SW\frac{1}{4}$  Sec. 11, T. 1 N., R. 22 E., containing 80 acres.

McDougal, Isabella

37-1215

50 inches from East Fork of Fish Creek from June 1, 1885 and 80 inches from Fish Creek from June 1, 1885 for the irrigation of Lot 1  $SE\frac{1}{4}NE\frac{1}{4}$ ,  $E\frac{1}{2}SE\frac{1}{4}$  Sec. 2, T. 1 N., R. 22 E., containing 160 acres.

McDougal, Isabella

20 inches from East Fork of Fish Creek from June 1, 1902 for the irrigation of  $N\frac{1}{2}SW\frac{1}{4}$ ,  $SE\frac{1}{4}NW\frac{1}{4}$ ,  $NW\frac{1}{4}SE\frac{1}{4}$ , Sec. 1, T. 1 N., R. 22 E., containing 80 acres.

McDougal, Isabella

40 inches from Fish Creek from June 1, 1887 for the irrigation of  $SE\frac{1}{4}NW\frac{1}{4}$ ,  $NE\frac{1}{4}SW\frac{1}{4}$ , Sec. 11, T. 1 N., R. 22 E., containing 80 acres.

McDougal, Isabella

30 inches from East Fork of Fish Creek from June 1, 1890 for the irrigation of  $SW\frac{1}{4}SW\frac{1}{4}$ , Sec. 1,  $NW\frac{1}{4}NW\frac{1}{4}$ , Sec. 12, T. 1 N., R. 22 E., containing 80 acres.

37-1180  
Norton, Lafayette M.

10 inches from May 15, 1908 and 50 inches from  
May 23, 1910 for the irrigation of SW $\frac{1}{4}$  NE $\frac{1}{4}$   
NE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$  SE $\frac{1}{4}$ . Sec. 33, T. 1 N., R. 22 E.,  
containing 160 acres.

Potter, Adelbert L.

40 inches from West Fork from April 10, 1905  
for the irrigation of N $\frac{1}{2}$  NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
Sec. 10, T. 1 N., R. 22 E., containing  
160 acres.

Phillips, John L.

50 inches from April 30, 1904 for the irriga-  
tion of SW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , Sec. 12, T. 1 S.,  
R. 21 E., containing 120 acres.

Phillips, Fred T.

130 inches from April 30th, 1903 for the irr-  
igation of Lots 2, 3, and 4, Sec. 7, Lots 5  
and 6, Sec. 18, T. 1 S., R. 22 E., containing  
acres.

Phillips, Fred T.

Trans. # 228

160 inches from March 30, 1883 for the irrig-  
ation of E $\frac{1}{2}$  NE $\frac{1}{4}$ , E $\frac{1}{2}$  SE $\frac{1}{4}$ , Sec. 12, T. 1 S., R.  
21 E., containing 160 acres.

Patterson, Joseph R.

Trans. # 212

125 inches from March 30, 1883 for the irrig-  
ation of N $\frac{1}{2}$  SW $\frac{1}{4}$ , Sec. 13, NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 13,  
(excepting a tract of land commencing at the  
South East corner of NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 13, running  
thence North 80 rods; thence West 60 rods,  
thence South 80 rods, thence East 60 rods to  
place of beginning) also SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 13,  
(excepting a tract commencing at the North East  
corner of said forty, running thence South 10  
rods; thence West 80 rods; thence North

10 rods; thence East 80 rods to place of beginning,) all in T. 1 S., R. 21 E., the tract of land owned by said Patterson containing 125 acres.

Patterson, Joseph R.

37-1181 X

5 inches from June 1st, 1898, and 55 inches from June 10th, 1910 for the irrigation of SE $\frac{1}{4}$  NE $\frac{1}{4}$ , NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 14, T. 1 S., R. 21 E., containing 80 acres.

Parks, Teresa

160 inches from March 30, 1883 for the irrigation of Lot 1, NE $\frac{1}{4}$  NW $\frac{1}{4}$ , N $\frac{1}{2}$  NE $\frac{1}{4}$ , Sec. 7, T. 1 S., R. 22 E., containing 160 acres.

Peterson, John

160 inches from August 18, 1905 for the irrigation of W $\frac{1}{2}$  SE $\frac{1}{4}$ , Sec. 5, N $\frac{1}{2}$  NE $\frac{1}{4}$ , Sec. 8, T. 1 S., R. 22 E., containing 160 acres.

Peterson, Arthur E.

130 inches from August 18, 1905 for the irrigation of E $\frac{1}{2}$  SW $\frac{1}{4}$ , Sec. 5, E $\frac{1}{2}$  NW $\frac{1}{4}$ , Sec. 8, T. 1 S., R. 22 E., containing 160 acres.

Peterson, John A.

250 inches from August 18, 1905 for the irrigation of SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 7, NE $\frac{1}{4}$  NW $\frac{1}{4}$ , NW $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NW $\frac{1}{4}$ , SW $\frac{1}{4}$  NE $\frac{1}{4}$ , NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 18, T. 1 S., R. 22 E., containing 280 acres.

Peterson, Levi S.

290 inches from August 18, 1905 for the irrigation of SW $\frac{1}{4}$  NE $\frac{1}{4}$ , NW $\frac{1}{4}$  SE $\frac{1}{4}$ , E $\frac{1}{2}$  SW $\frac{1}{4}$ , Sec. 6, W $\frac{1}{2}$  NW $\frac{1}{4}$ , Sec. 17, E $\frac{1}{2}$  NE $\frac{1}{4}$ , Sec. 18, T. 1 S., R. 22 E., containing 320 acres.



Sparks, Hyrum

155 inches from June 30, 1899 for the irrigation of  $E\frac{1}{2}NW\frac{1}{4}$ ,  $SW\frac{1}{2}NW\frac{1}{4}$ ,  $NW\frac{1}{4}SW\frac{1}{4}$ , Sec. 36, T. 2 N., R. 22 E., containing 160 acres.

Sparks, Hannah

110 inches from June 15, 1907 for the irrigation of  $SE\frac{1}{2}SE\frac{1}{4}$ , Sec. 26,  $S\frac{1}{2}SW\frac{1}{4}$ ,  $SW\frac{1}{2}SE\frac{1}{4}$ , Sec. 25, T. 2 N., R. 22 E., containing 160 acres.

Stinson, Alice J.

53 inches from April 21, 1905 from West Fork for the irrigation of  $SW\frac{1}{2}NW\frac{1}{4}$ ,  $W\frac{1}{2}SW\frac{1}{4}$ , Sec. 3,  $SE\frac{1}{2}NE\frac{1}{4}$ , Sec. 4, T. 1 N., R. 22 E., containing 160 acres.

Wolpert, B.

120 inches from March 30, 1883 for the irrigation of  $SE\frac{1}{2}SE\frac{1}{4}$ , Sec. 13,  $NE\frac{1}{2}NE\frac{1}{4}$ , Sec. 24, T. 1 S., R. 21 E., Lot 4, Sec. 18, T. 1 S., R. 22 E., containing 120 acres.

Welch, A. L.

Trans. # 229

160 inches from March 30, 1883 for the irrigation of  $E\frac{1}{2}NE\frac{1}{4}$ ,  $NE\frac{1}{2}SW\frac{1}{4}$ , Sec. 13, T. 1 S., R. 21 E., Lot 3, Sec. 18, T. 1 S., R. 22 E., containing 160 acres.

Ward, John

60 inches from May 18, 1904, for the irrigation of Lot 1, Sec. 4, T. 1 N., R. 22 E., Lot 1,  $N\frac{1}{2}SE\frac{1}{4}$ , Sec. 33, T. 2 N., R. 22 E., containing 160 acres.

783 Ward, John

80 inches from May 15th, 1905 for the irrigation of  $W\frac{1}{2}SW\frac{1}{4}$ , Sec. 27,  $SE\frac{1}{2}SE\frac{1}{4}$ , Sec. 28,  $NE\frac{1}{2}NE\frac{1}{4}$ , Sec. 33, T. 2 N., R. 22 E., containing 160 acres.

That defendants, E. A. Allred, Aaron Boulton, William G. Briggs, G. A. Condie, Ira Eldridge, S. L. Hammer, E. P. Knutson, Joseph R. Patterson, Fred T. Phillips, Teresa Parks, A. L. Welch and E. Wolpert as successors in interest of George W. Case as against Isabella McDougal as successor in interest of W. J. Crooks and John Cameron, are entitled, pro rata, to the amount of land owned by them as such successors, to 750 inches, measured under a four inch pressure of the waters of said Fish Creek; that the defendant Isabella McDougal is thereafter entitled to 100 inches of water measured as aforesaid of the waters of East Fork, a tributary of said Fish Creek, that said defendants, successors of said George W. Case, as aforesaid, are thereafter entitled to 150 inches of the waters of said Fish Creek in addition to said 750 inches, and 150 inches divided pro rata as aforesaid.

That each party hereto be, and he and his agents, servants, employees, successors, assigns and all others acting by, through or under him are hereby perpetually enjoined from in any manner interfering with the flow of the waters of Fish Creek, except as in this decree provided.

That each party hereto pay his own costs and expenses.

Done at Twin Falls, Idaho this 16th day of December, 1914.

EDWARD A. WALTERS

District Judge.

filed Dec. 22, 1914.  
W. F. Horne, Clerk.  
By L. A. Duvall, Deputy.

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STATE OF IDAHO )  
 )ss.  
County of Blaine,)

I, Cassie M. Russell, Clerk of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Blaine, do hereby certify that the foregoing is a full, true and correct copy of the original Decree in the above entitled action now on file in my office, and recorded in Judgment Book 7, Page 269.

Given under my hand and the seal of said Court in my office, at Hailey, this, the 18th day of May, A. D., 1926.

Attest: Cassie M. Russell, Clerk.

(SEAL)

By Geo A. McLeod, Deputy.

MAY 28 1926

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

31-A-2

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ADELBERT L. POTTER ET AL

PLAINTIFFS..

VS.

JOSEPH R. PATERSON ET AL

DEFENDANTS.  
-----

)  
) FINDINGS OF FACT

)  
) AND

)  
) CONCLUSIONS OF LAW  
)

That the following named plaintiffs and defendants, claimants of the use of water in said notion, respectively, are the owners, in the possession and entitled to the possession of the following described tracts of land, to-wit:-

Allred, E. A. Commencing at a point 45 rods South of the North East corner of the SW $\frac{1}{2}$  of the NE $\frac{1}{4}$ , Sec. 13, T. 1 S. Range 21 E. thence west 80 rods; thence South 22 $\frac{1}{2}$  rods; thence East 80 rods; thence North 22 $\frac{1}{2}$  rods to the place of beginning, containing 11 $\frac{1}{4}$  acres, known as the Tax Lot No. 765, the same being a part of the land originally acquired from the United States by George W. Case.

Allred. E. A. S $\frac{1}{2}$ . Sw $\frac{1}{4}$ . Sec. 34, T. 1 N., R. 22 E. and lots 2 and 3 Sec. 3. T. 1 S., R. 22 E., containing 160 acres.

Boulton Aaron. Commencing at the Northwest corner of NW $\frac{1}{4}$  NE $\frac{1}{4}$ . Sec. 13.. T. 1 S. R. 21 E. running thence west 80 rods, thence south 22 $\frac{1}{2}$  rods, thence east 80 rods; thence north 22 $\frac{1}{2}$  rods to place of beginning, containing 11 $\frac{1}{4}$  acres, known as Tax Lot No. 763, and being a part of the land originally

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acquired from the United States by George W. Case.

Boulton Aaron

E $\frac{1}{4}$ . NW $\frac{1}{4}$ . Sec. 34. T. 1 N. R. 22 E.  
containing 160 acres.

Briggs, William G.

Commencing at the South East corner of NW $\frac{1}{4}$  of SE $\frac{1}{4}$ . Sec, 13, T. 1 S., R. 21 E. Running thence North 80 rods; thence West 60 rods; thence South 80 rods; thence East 60 rods to place of beginning; containing 30 acres, also Lot 1, Sec. 19. T. 1 S. R. 22 E., containing 40 acres, and being a part of the land acquired from the United States by George W. Case.

Condie. G. A.

SE $\frac{1}{4}$ . SE $\frac{1}{4}$ , Sec. 14, SW $\frac{1}{2}$ . SE $\frac{1}{2}$ . Sec. 13, NW $\frac{1}{4}$ , NE $\frac{1}{4}$  Sec. 34. T. L S., R. 21 E. containing 120 acres, and being a part of the land acquired from the United States by George W. Case.

Condie. G. A.

SE $\frac{1}{2}$ . NW $\frac{1}{2}$ . E $\frac{1}{2}$ . SW $\frac{1}{4}$ . NW $\frac{1}{4}$ . SE $\frac{1}{4}$ . Sec. 7. T. 1 S. R. 22 E. containing 160 acres.

Campbell. Geo. W.

S $\frac{1}{2}$ . NE $\frac{1}{2}$ . E $\frac{1}{2}$ . SE $\frac{1}{4}$ . Sec. 7. T. 1 S., R. 22 E. containing 160 acres.

Chidester, Willard D.

Lots 2 and 3, Sec. 20, SE $\frac{1}{4}$ . SW $\frac{1}{4}$ . Sec. 17, T. 1 S., R. 22 E. containing 160 acres.

Coates, Joseph

SW $\frac{1}{4}$ . NE $\frac{1}{4}$ . SE $\frac{1}{4}$ . SW $\frac{1}{4}$ . W $\frac{1}{2}$ . SE $\frac{1}{4}$ . Sec. 27. T. 1 N. R. 22 E., containing 160 acres.

Coates, Paul

W $\frac{1}{2}$ . NE $\frac{1}{4}$ . W $\frac{1}{4}$ . SE $\frac{1}{4}$ . Sec. 34. T. 1 N., R. 22 E.

- containing 160 acres.
- Davis, Edward SW $\frac{1}{4}$ . SW $\frac{1}{4}$ . Sec. 17, S $\frac{1}{2}$ . SE $\frac{1}{4}$  Sec, 18, SE $\frac{1}{4}$ . SW $\frac{1}{4}$ . Sec. 18, T. 1 S. R. 22 E. containing 160 acres.
- ✓ Davis, David T. NE $\frac{1}{2}$ . SW $\frac{1}{4}$ . Sec. 24. T. 2 N., R. 22 E., containing 40 acres.
- ✓ Davis, Amy A. W $\frac{1}{2}$ . SW $\frac{1}{4}$ . Sec. 24. T. 2 N., R. 22 E., containing 80 acres.
- Dilworth J. G. NE $\frac{1}{4}$ . SE $\frac{1}{4}$ . Sec. 18, N $\frac{1}{2}$ . SW $\frac{1}{4}$ . Sec, 17, T.1 S. R. 22 E. and NW $\frac{1}{4}$ . SE $\frac{1}{4}$ . Sec 17, T. 1 S., R. 22 E. containing 160 acres.
- Evins. Geo. W. S $\frac{1}{2}$ . SE $\frac{1}{4}$ . Sec. 8, E $\frac{1}{2}$ . NW $\frac{1}{4}$ . NE $\frac{1}{4}$ . Sec. 17, T.1 S. R. 22 E. containing 320 acres.
- ✓ Eldridge, Ira S $\frac{1}{2}$ . SW $\frac{1}{4}$ . Sec. 13, N $\frac{1}{2}$ . NW $\frac{1}{4}$ , sec. 24, T.1 S. R. 21 E. containing 160 acres, the same being a part of the lands originally acquired from the United States by Geo. W. Case.
- ✓ Fuller, Joseph S. E $\frac{1}{2}$ . SE $\frac{1}{4}$ . Sec 12, NE $\frac{1}{4}$ . NE $\frac{1}{4}$ , Sec. 13, T. 2 N. R. 22 E. and Lot 3, Sec 7, T. 2 N, R. 22 E. containing 160 acres.
- Clifford, Alma N $\frac{1}{2}$ . NW $\frac{1}{4}$ . N $\frac{1}{2}$ . NE $\frac{1}{4}$ . Sec 9, T. 1 S. R. 22 E. containing 160 acres.
- Hammer, S. L. Commencing at a point 67 $\frac{1}{2}$  rods South of North East corner of NW $\frac{1}{4}$ . NE $\frac{1}{4}$ . Sec 13, T.1 S. R. 21 E. thence west 80 rods, thence 22 $\frac{1}{2}$  rods

thence East 80 rods; thence North  $22\frac{1}{2}$  rods; to the place of beginning, containing  $11\frac{1}{4}$  acres, the same being a part of the lands originally acquired from the United States by George W. case.

Hale Chas. E.

$S\frac{1}{2}$ .  $SE\frac{1}{4}$ .  $S\frac{1}{2}$ .  $SW\frac{1}{4}$ , Sec. 6. T. 13., R. 22 E. containing 160 acres.

Jones James

$SE\frac{1}{4}$ .  $NE\frac{1}{4}$ .  $NE\frac{1}{4}$ .  $SE\frac{1}{4}$ . Sec 32,  $W\frac{1}{2}$ ,  $SW\frac{1}{4}$ , Sec 33. T. 1 N., R. 22, E., containing 160 acres.

Knight Winson P.

$SW\frac{1}{4}$ .  $SW\frac{1}{4}$ . Sec. 4. T. 1 E. R. 22 E., containing 40 acres.

Knutson. E. P.

Commencing at a point  $22\frac{1}{2}$  rods South of the Northeast corner of  $NW\frac{1}{4}$ .  $NE\frac{1}{4}$ . Sec. 13, T. 1 S., R. 21 E. running thence West 80 rods; thence South  $22\frac{1}{2}$  rods, thence East 80 rods; thence North  $22\frac{1}{2}$  rods to place of beginning. containing  $11\frac{1}{4}$  acres, the same being a part of the lands originally acquired from the United States by George W. Case.

Moore, R. R.

$NW\frac{1}{4}$  /  $NW\frac{1}{4}$ .  $S\frac{1}{2}$ .  $NW\frac{1}{4}$ .  $NE\frac{1}{4}$ .  $SW\frac{1}{4}$ . Sec. 10.  $SE\frac{1}{4}$ .  $NE\frac{1}{4}$   $NE\frac{1}{4}$ .  $SE\frac{1}{4}$ . Sec. 8,  $SW\frac{1}{4}$ .  $NW\frac{1}{4}$ .  $NW\frac{1}{4}$ .  $SW\frac{1}{4}$ . Sec 9. T. 1 S. R. 22 E. containing 320 acres.

McDougal, Isabella

$SW\frac{1}{4}$ .  $SE\frac{1}{4}$ . Sec. 2.  $N\frac{1}{2}$ .  $NE\frac{1}{4}$ .  $NE\frac{1}{4}$ .  $NW\frac{1}{4}$ . Sec. 11, T. 1 N. R. 22 E. containing 160 acres.

McDougal, Isabella

$\frac{1}{2}$ . NW $\frac{1}{4}$ . Sec 1, T. 1 N., R. 22 E.,  
containing 80 acres.

McDougal, Isabella.

SE $\frac{1}{4}$ . NW $\frac{1}{4}$ / NE $\frac{1}{4}$ . SW $\frac{1}{4}$ . Sec. 11, T. 1 N.  
R. 22 E. containing 80 acres.

McDougal, Isabella.

Lot 1, SE $\frac{1}{4}$ , NE $\frac{1}{4}$ , E $\frac{1}{2}$ / SE $\frac{1}{4}$ , Sec 2, T. 1 N.  
R. 22 E. containing 160 acres.

McDougal, Isabella.

N $\frac{1}{2}$ . SW $\frac{1}{4}$ . SE $\frac{1}{4}$ . NW $\frac{1}{4}$ . NW $\frac{1}{4}$ . SE $\frac{1}{4}$ . Sec 1,  
T. 1 N. R. 22 E. 80 acres.

McDougal, Is:

SE $\frac{1}{4}$ . NW $\frac{1}{4}$ . NE $\frac{1}{4}$ . NW $\frac{1}{4}$ . Sec 11, T. 1 N.  
R. 22 E. containing 80 acres.

McDougal, Isabella.

SW $\frac{1}{4}$ . SW $\frac{1}{4}$ . Sec 1, NW $\frac{1}{4}$ . NW $\frac{1}{4}$ . Sec 12,  
T. 1 N. R. 22 East, containing  
80 acres.

- Norton, Lafayette M. SW $\frac{1}{4}$ .NE $\frac{1}{4}$ . NE $\frac{1}{4}$ . SW $\frac{1}{4}$ .W $\frac{1}{2}$ . SE $\frac{1}{4}$ . Sec. 33. T. 1 N.,  
R. 22 E., containing 160 acres.
- Potter Adelbert L. N $\frac{1}{2}$ . NW $\frac{1}{4}$ . SE $\frac{1}{4}$ .NW $\frac{1}{4}$ . NE $\frac{1}{4}$ /SW $\frac{1}{4}$ . Sec. 10. T. 1 N.  
R. 22 E., containing 160 acres.
- Phillips, John L. SW $\frac{1}{4}$ .NE $\frac{1}{4}$ . W $\frac{1}{2}$ . SE $\frac{1}{4}$ . Sec 12, T. 1 S., R. 21 E.,  
containing 120 acres.
- Phillips, Fred T. Lots 2, 3, and 4, Sec 7, lots 5 and 6, Sec. 18  
T. L S..R. 22 E., containing acres.
- Phillips, Fred T. E $\frac{1}{2}$ .NE $\frac{1}{4}$ . E $\frac{1}{2}$ . SE $\frac{1}{4}$ / Sec. 12, T. 1 S., R. 21 E.,  
containing 160 acres, the same being a part  
of the lands originally acquired from the  
United States by George W. Case.
- Patterson Joseph R. N $\frac{1}{2}$ .SW $\frac{1}{4}$ . Sec. 13, NW $\frac{1}{4}$ .SW $\frac{1}{4}$ . Sec. 13. (excepting  
a tract of land commencing at the South East  
corner of NW $\frac{1}{4}$ .SE $\frac{1}{4}$ . Sec 13. running thence  
North 80 rods; thence West 60 rods; thence  
South 80 rods; thence East 60 rods; to place  
of begining.); also SW $\frac{1}{4}$ .NE $\frac{1}{4}$ . Sec 13.  
(excepting a tract commencing at the North  
east corner of said forty, running thence  
South 10 rods; thence West 80 rods, thence  
North 10 rods; thence East 80 rods to place  
of begining) all in T. 1 S., R. 21 E.,  
the tract of land owned by said Patterson.  
containing 125 aares, and being a part of the  
land originally acquired from the United States  
by George W. Case.

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Patterson, Joseph R. SE $\frac{1}{4}$ .NE $\frac{1}{4}$ . NE $\frac{1}{4}$ . SE $\frac{1}{4}$ . Sec. 14, T. 1 S., R. 21 E.  
containing 80 acres.

Parks, Teresa Lot 1, NE $\frac{1}{4}$ . NW $\frac{1}{4}$ . N $\frac{1}{2}$ . NE $\frac{1}{4}$ . Sec. 7. T. 1 S.  
R. 22 E. containing 160 acres, the same  
being a part of the lands originally  
acquired from the United States by George  
W. Case.

Patterson John W $\frac{1}{2}$ .SE $\frac{1}{4}$ . Sec. 5. N $\frac{1}{2}$ . NE $\frac{1}{4}$ . Sec. 8. T. 1 S.,  
R. 22 E. containing 160 acres.

Peterson Arthur E. E $\frac{1}{2}$ .SW $\frac{1}{4}$ . Sec. 5. E $\frac{1}{2}$ . NW $\frac{1}{4}$ . Sec. 8. T. 1 S.  
R. 22 E., containing 160 acres.

Peterson John A. SW $\frac{1}{4}$ .SE $\frac{1}{4}$ .Sec. 7. NE $\frac{1}{4}$ .NW $\frac{1}{4}$ . NW $\frac{1}{4}$ . NE $\frac{1}{4}$ . SE $\frac{1}{4}$ .NW $\frac{1}{4}$ ?  
SW $\frac{1}{4}$ . NE $\frac{1}{4}$ . NE $\frac{1}{4}$ . SW $\frac{1}{4}$ . NW $\frac{1}{4}$ . SW $\frac{1}{4}$ . Sec. 18, T. 1 S.  
R. 22 E., containing 280 acres.

Peterson, Levi S. SW $\frac{1}{4}$ .NE $\frac{1}{4}$ . NW $\frac{1}{4}$ .SE $\frac{1}{4}$ . E $\frac{1}{2}$ . SW $\frac{1}{4}$ . Sec 8, W $\frac{1}{2}$ . NW $\frac{1}{4}$ .  
Sec. 17, E $\frac{1}{2}$ . NE $\frac{1}{4}$ / Sec. 18, T. 1 S., R. 22 E.  
containing 320 acres.

Sparks Hyrum E $\frac{1}{2}$ / NW $\frac{1}{4}$ . SW $\frac{1}{4}$ / NW $\frac{1}{4}$ . NW $\frac{1}{4}$ . SW $\frac{1}{4}$ / Sec. 36. T. 2 N.  
R. 22 E., containing 160 acres.

Sparks Hannah SE $\frac{1}{4}$ . SE $\frac{1}{4}$ . Sec. 26. S $\frac{1}{2}$ . SW $\frac{1}{4}$ . SW $\frac{1}{4}$ . SE $\frac{1}{4}$ . Sec 25,  
T. 2 N/. R. 22 N. Containing 160 acres.

Stinson Alice J. SW $\frac{1}{4}$ / NW $\frac{1}{4}$ / W $\frac{1}{2}$ . SW $\frac{1}{2}$ . Sec. 3, SE $\frac{1}{4}$ / NE $\frac{1}{4}$ . Sec 4.  
T. 1 N., R. 22 E. containing 160 acres.

Welch. A. L.

$E\frac{1}{2}/ NE\frac{1}{4}. NE\frac{1}{4}. SW\frac{1}{4}. Sec. 13, T. 1 S., R. 21 E.$   
Lot 3, Sec 18, T. 1 S., R. 22 E. containing  
160 acres, the same being a part of the lands  
originally acquired from the United States  
by George W. Case.

Wolpert. D.

$SE\frac{1}{4}. SE\frac{1}{4}. Sec. 13, NE\frac{1}{4}. NE\frac{1}{4}. Sec. 24. T. 1 S.$   
R. 21 E. Lot 4, Sec. 18. T. 1 S, R. 22 E.,  
containing 120 acres, the same being a part  
of the lands originally acquired from the  
United States by George W. Case.

Ward. John

Lot, 1. Sec. 4. T. 1 N., R. 22 E., Lot 1,  
 $N\frac{1}{2}. SE\frac{1}{4}. Sec. 33. T. 2 N., R. 22 E.,$  containing  
160 acres.

Ward. John

$W\frac{1}{2}. SW\frac{1}{4}. Sec. 27/ SE\frac{1}{4}. SE\frac{1}{4}/ Sec. 28. NE\frac{1}{4}. NE\frac{1}{4}.$   
Sec. 33. T. 2 N. R. 22 E. containing 160 acres.

2. That all of the said lands are arid in character, and require the artificial application of water thereto before they can be successfully cultivated and profitable crops of agricultural products raised thereon.

3. That for the irrigation of their respective tracts of land, and for domestic and other purposes, the said claimants and their predecessors in interest, appropriated, on the respective dates set opposite their names, of the waters of Fish Creek and its tributaries, in Blaine County, Idaho, the respective amounts of water set opposite each name and at the respective times, as follows, to-wit

Allred, E. A.	11 $\frac{1}{4}$ inches.	✓	Mar. 30, 1883
Allred, E. A.	50	" ✓	Apr. 15, 1910
Boulton, Aaron	11 $\frac{1}{4}$	" ✓	Mar. 30, 1883
Boulton, Aaron	100	" ✓	May, 23, 1910
Briggs, William G.	70	# ✓	Mar. 30, 1883
Condie, G. A.	100	" ✓	Mar. 30, 1883
Condie, G. A.	100	" ✓	Aug. 18, 1905
Campbell, Gep. W.	120	" ✓	Aug. 18, 1905
Chidester, Willard. D.	100	" ✓	May 15, 1906
Coates Joseph	80	" ✓	May 15, 1903
Coates, Paul	160	" ✓	Jan 16, 1909
Davis, Edward.	130	" ✓	Sep, 15, 1905
Dilworth, J. G.	130	" ✓	June 1, 1908
Davis, David T.	20	" ✓	May 5, 1909
Davis Amy A.	25	" ✓	May 30, 1911
Ewins, Geo. W.	40	" ✓	July 25, 1907
Ewins, Geo. W.	200	" ✓	Jan. 16, 1909
Ewins, Geo. W.	80	" ✓	Aug. 18, 1905
Eldridge, Ira.	160	" ✓	Mar. 30, 1883
Fuller, Josphe S.	40	" ✓	June 15, 1906
Clifford, Alma	25	" ✓	May 1, 1907
Hammer S. L.	11 $\frac{1}{4}$	" ✓	Mar. 30, 1883
Hale, Charles E.	90	" ✓	Aug. 18, 1905
Jones, James.	50	" ✓	May 15, 1908
Knutson, E. P.	11 $\frac{1}{4}$	" ✓	Mar. 30, 1883
Knight, V. P.	20	" ✓	May 15, 1904
Moore, R. R.	200	" ✓	Jan, 16, 1909
McDougal, Isabella	100 ✓	" from E. Fork of Fish Cr.	June 1 1884
	25 ✓	" " " " " "	June 1 1884
	25	" " Fish Creek	June 1 1884
	40	" " " "	June 1 1885
	50 ✓	" " E. Fork of Fish Cr	June 1 1885
	80	" " Fish Creek	June 1 1885
	20 ✓	" " E. Fork of Fish Cree	June 1 1902
	40	" " Fish Creek	June 1 1887
	30 ✓	" " E. Fork of Fish Cr.	June 1 1890
Norton, Lafayette M.	10	" ✓	May 15, 1908
Norton, Lafayette M.	50	" ✓	May 23, 1910
Potter, Adelbert L.	40	" ✓	Apr. 10, 1905

From West Fork

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Phillips, John L.	50 inches ✓	Apr. 30, 1904
Patterson, Joseph R.	125 " ✓	Mar. 30, 1883
Patterson, Joseph R.	5 " ✓	June 1, 1898
	55 " ✓	June 1, 1910
Phillips, Fred T.	160 " ✓	Mar. 30, 1883
Phillips, Fred T.	130 " ✓	Apr. 30, 1903
Parks, Teresa	160 " ✓	Mar. 30, 1883
Peterson, John	160 " ✓	Aug. 18, 1905
Peterson, Arthur E.	130 " ✓	Aug. 18, 1905
Peterson John A.	250 " ✓	Aug. 18, 1905
Peterson Levi S.	290 " ✓	Aug. 18, 1905
Sparks, Hyrum	155 " ✓	June 30, 1899
Sparks, Hannah	110 " ✓	June 15, 1907
Stinson Alice J.	53 " ✓	Apr. 21, 1905 From West Fork
Welch, A. L.	160 " ✓	Mar. 30, 1883
Wolpert, B.	120 " ✓	Mar. 30, 1883
Ward, John	60 " ✓	May 18, 1904
Ward, John	80 " ✓	May 15, 1905

4. That the rights to the use of the waters of said Fish Creek, at that time were litigated before the District Court of the Second Judicial District, in and for Alturas County, Idaho Territory, in the case of George W. Case vs. W. D. Hood et al, in which suit, judgment and decree was rendered as follows:

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT, IN AND FOR ALTURAS COUNTY, IDAHO TERRITORY.

GEORGE W. CASE

PLAINTIFF.

VS.

WILLIAM HOOD ET AL

DEFENDANTS.

JUDGMENT BY THE COURT.

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This case on regularly for trial on the 16th day of June, 1890, Angel & Sullivan and N. M. Ruick appearing on behalf of the

plaintiff and G. L. Waters, Esq. and F. E. Ensign Esq. appearing for the defendants Hood, Crooks and Cameron, the defendants John Loucks and Loucks having made default.

A trial by jury having been expressly waived in open court the same was tried before the court without a jury, whereupon witnesses on the part of the plaintiff and defendants were duly sworn and examined and documentary evidence introduced by respective parties, and the evidence being closed, the same was submitted to the court, for his consideration and decision, and now on this day, the court files his finding and decision in writing, and orders that judgment be entered herein in favor of the plaintiff in accordance therewith.

Wherefore, it is ordered, adjudged, and decreed that the plaintiff as against all of the defendants in said action is entitled to 750 inches, measured under a four inch pressure of the water of Fish Creek, described in his complaint. That the defendant, Crooks, is thereafter entitled to one hundred inches of water, measured under a four inch pressure of the waters of East Fork tributary of said Fish Creek. That the plaintiff is thereafter entitled to one hundred and fifty inches of the water of said Fish Creek in addition to said 750 inches and that the defendants and each of them be, and they are hereby restrained from the use of said water, except in accordance with the foregoing judgment and that the plaintiff have judgment against each and all of the defendants for his cost herein, taxed at \$188.32½ Dollars.

(Sgd.) Jas. H. Beatty.

Judge.

Dated June 23, 1890

5. That defendants herein, E. A. Allred, Aaron Boulton, William G. Briggs, G. A. Condie, Ira Eldridge, S. L. Hammer, E. P. Knutson, Joseph R. Patterson, Fred T. Phillips, Teresa Parks, A. L. Welch and B. Wolpert are the successors in interest of George W. Case in the ownership of the lands and water rights acquired by him, and defendant, Isabella McDougal is the successor in interest of said W. J. Crooks and John Cameron.

6. That said George W. Case filed upon the following described lands on the dates hereafter mentioned at the United States Land Office, Hailey, Idaho, To wit:-

SE $\frac{1}{4}$ .SE $\frac{1}{4}$ . Sec 14, W $\frac{1}{2}$ .SW $\frac{1}{4}$ . Sec.13. )	November 18, 1880
NW $\frac{1}{4}$ .NW $\frac{1}{4}$ . Sec 24, T. 1 S. R. 22 E. )	
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E $\frac{1}{2}$ . Sec. 13, E $\frac{1}{2}$ .SW $\frac{1}{4}$ . Sec, 13. )	March 24, 1883
NE $\frac{1}{4}$ .NW $\frac{1}{4}$ . Sec. 24. N $\frac{1}{2}$ .NE $\frac{1}{4}$ . Sec. 24. )	
T. 1 S., R. 21 E., Lots 3 and 4. )	
Sec. 18, Lot 1, Sec 19, T. 1 S., )	
R. 22 E. )	
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E $\frac{1}{2}$ . NE $\frac{1}{4}$ . E $\frac{1}{2}$ SE $\frac{1}{4}$ . Sec. 12, T. 1 S. )	May 24, 1883
R. 21 E. )	
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Lot 1, NE $\frac{1}{4}$ .NW $\frac{1}{4}$ .N $\frac{1}{2}$ .NE $\frac{1}{4}$ . Sec. 7 )	June 29, 1885
T. 1 S. R. 22 E. )	
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7. That said George W. Case was in the possession of and irrigating said lands in the year 1883 and prior to the survey of Township 1 South, Range 22 East.

AS CONCLUSIONS OF LAW.

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From the above facts the court finds;-

1. That the various plaintiffs and defendants, claimants to the use of the waters of Fish creek and its tributaries are entitled to the use of a continuous flow of such waters, to the amounts and as of dates set forth in said Findings for the

purposes therein enumerated.

2. That the judgment and decree rendered in the case of George W. Case Et Al Vs. W. D. Hood Et Al, referred to in the findings herein, is good and valid and in full force and effect. and as between themselves, the various parties hereto, who are the successors in interest of George W. Case. W. J. Crooks and John Cameron are bound by the provisions of said decree in the use of the waters of said Fish Creek.

3. That each party hereto, be enjoined and debarred from in any manner interfering with the flow of the waters in SAid Fish Creek or its tributaries, except as decreed herein.

4. That judgment and decree be entered herein in accordance herewith and that each party hereto pay his own costs.

Done at Twin Falls, Idaho. December 15, 1914.

Signed Edward A. Walters  
DISTRICT JUDGE.

MAY 28 1936