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

Upper Big Wood River Water Users! Association, a corporation; Mutual Wood River Water Users! Association, a corporation; Big Wood Canal Company, a corporation,

Plaintiff

vs.

S. H. Chapman, Watermaster,

Defendant.

DECREE

This cause came on for hearing before Honorable H. F. Ensign,
Judge of the Above entitled Court, at Chambers, in Hailey, Idaho,
on the 9th day of August, 1922, and the Plaintiffs appeared by Paul S.
Haddock, one of their attorneys, and the defendant appeared not. Thereupon,
proof of service and of publication as required
by statute was made and the default of the defendant was thereupon
duly entered. Thereupon, the plaintiffs introduced testimony, and the
court, having seen and heard the evidence, finds that the allegations
of plaintiffs' complaint are true.

Court further finds that during the year 1920, the plaintiffs constructed certain ditches, dams and other devices for the purpose of diverting all of the waters of the Big Wood River by and around that portion of Big Wood River located in Blaine County, Idaho, known as "the dry beds", where great and continuous loss of the waters of said Big Wood River continually occured by reason of the same sinking and disappearing through gravel beds and subterranean outlets. That the canal so diverting the waters of Big Wood River, hereinafter called the "By-pass", has a capacity of from one hundred fifty (150) to two hundred (200) second feet and is sufficient in size to divert all of the waters of Big Wood River during its normal flow. The point of diversion of said "By-pass" is at a point in the Southeast Quarter of the Southwest quarter of Section 13, Township 1 North, Range 18 East, B. M., in Blaine County, Idaho, about one thousand (1,000) feet north of the Section

line between sections 13 and 24, of said Township and Range. The "By-pass" follows old Canal #55 in a Southerly direction about six thousand seven hundred (6,700) feet, thence through an enlargement of the Black ditch to the section line between Sections 25 and 36 of said Township and Range, thence west through a new constructed section to an old slough, a distance of about two thousand seven hundred (2,700) feet, thence in a southerly direction for about two thousand seven hundred (2,700) feet, where it empties into the main channel of Big Wood River.

That from and after the 1st day of September 1920, the plaintiffs have diverted the waters of Big Wood River through said "By-pass", and that by reason of so diverting said waters through said "By-pass", the plaintiffs have saved and developed a continuous flow of eighteen (18) second feet of the water of said Big Wood River, being the waters which formerly sank, disappeared and were wasted in and through the river beds known as the "dry beds".

It is therfore ordered, adjudged and decreed that the plaintiffs are the owners of sand entitled to the use of said eighteen (18) second feet of water of Big Wood River, being water saved and developed by said plaintiffs during the irrigation season of each year when the aforesaid "By-pass" is operated and that the various plaintiffs are entitled to the possession and use of the following 37-0892 proportions of said eighteen (18) second feet of water so saved and developed, to wit: The plaintiff, Upper Big Wood River Water Users Association is the owner of and entitled to the use of five hundred //-232 \mathcal{L}' fs sixty-one and six-tenths (561.6) inches thereof; that the plaintiff 37-0893 Mutual Wood River Users' Association is the owner of and entitled to the use of one hundred seventy-four and six-tenths (174.6) inches thereof; that 37-0894 the plaintiff Big Wood River Canal Company is the owner of and entitled to 3.276 CB the use of one hundred sixty-three and eight-tenths (163.8) inches thereof. $\it 30$ - $\it 08.95$ That the said waters so saved and developed as aforesaid is, during the winter months, stored for irrigation in the Magic Reservoir in Blaine County, Idaho, the said reservoir being part of the said Big Wood Canal Company's irrigation system, and that said waters, so saved and developed during that portion of the year other than the irrigation season is hereby decreed to be the property of said Big Wood Canal Company.

That the waters decreed to the plaintiffs herein are the sole and exclusive property of said plaintiffs as developed waters, regardless of the date of appropriation. That the date of appropriation and priority in and to said waters is the 1st day of September, 1920.

Dated this 28th day of August, 1922

H. F. Ensign,

District Judge

Judgment rendered August 9, 1922.

Filed: August 30, 1922

E. A. Bowler, Clerk

By Buelah Guymon, Deputy

State of Idaho)
County of Lincoln)

I, E. A. Bowler, Clerk of the District Court, and Ex-Officio Recorder in and for the County of Lincoln, State of Idaho, do hereby certify that the annexed is a full, true and correct copy of the decree now on file in my office, as the same appears on the Records of said Lincoln County, State of Idaho, in Book 5 of Judgments at page 292.

IN TESTIMONI WHEREOF, I have set my hand and affixed my official seal this 7th day of June, A. D. 1922.

E. A. Bowler, Clerk, Ex-Officio Recorder

By /s/ Venetta Albert, Deputy

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