

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BEAR LAKE.

PRESTON-MONTPELIER IRRIGATION
COMPANY, a corporation,

Plaintiff,

vs.

DINGLE IRRIGATION COMPANY, a cor-
poration; Grinnett-Black Otter
Irrigation Company, a corporation;
Peg Leg Island Irrigation Company, a
corporation; West Fork Irrigation
Company, a corporation; Ream-Crockett
Irrigation Company, a corporation;
Pugnire Livestock & Land Company, a
corporation; Continental Life Insur-
ance Company, a corporation; Ole
Transtrum; Carrie Hill; J.A.C. Nielson;
John A. Jensen; Oron Quayle; Thomas
Quayle; George Parker; Edw. LaRocco;
John O. Miller; Ezra J. Phelps; George
A. Sparks; Hyrum Esterholdt, and Joseph
Esterholdt,

Defendants

DECRE E

This cause came on regularly for trial on the 4th
day of August, 1923, John A. Bagley, Esquire, and D. C. Kutz,
Esquire, appearing as attorneys for the plaintiff Preston- Montpelier
Irrigation Company, a corporation, and John A. Bagley, Esquire, appearing
as attorney for Oron Quayle, Thomas Quayle, George Parker, Edw. LaRocco,
John O. Miller, Ezra J. Phelps, and George A. Sparks, defendants and cross-
complainants; and D. C. Kutz, Esquire, appearing as attorney for the
Continental Life Insurance Company, a corporation, Ole Transtrum, Carry
Hill, J. A. C. Nielson and John A. Jensen, defendants and cross-complain-
ants; and A. B. Gough, Esquire, appearing as attorney for Dingle Irrigation
Company, a corporation, Peg Leg Island Irrigation Company, a corporation,
Grinnett Black Otter Irrigation Company, a corporation, and the Pugnire
Livestock & Land Company, a corporation, defendants and cross-complainants;
Ross W. Bates, Esquire, appearing as attorney for the Ream-Crockett Irriga-
tion Company, a corporation, defendants and cross-complainants; and Jesse P.
Rich, Esquire, appearing as attorney for the West Fork Irrigation Company,
a corporation, defendants and cross-complainants and Darwin Haddock, Esquire,
appearing as attorney for Hyrum Esterholdt and Joseph Esterholdt, defendants
and cross-complainants. Whereupon, the respective parties proceeded to
negotiate a settlement and adjustment of the issues raised by the complain-

ant and the answers of the defendants thereto and by the cross-complainants, and answers thereto and thereafter, to-wit: On the 4th day of August, 1923, a stipulation of facts was entered into, signed and filed herein, which it was agreed between the parties, that it should be and the same is hereby adopted as the findings of fact herein, and the court, from the stipulation and findings of fact- being fully advised in the premises and conclusions of law being waived:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the respective parties hereto be, and each of them is hereby awarded the quantity of water hereinafter specified with date of priority and for the irrigation of lands as herein- before set forth, such water to be directed from the several points of diversion as herein after stated, all rights herein decreed to be either what is hereinafter designated as a "Meadow Right" or an "Agricultural Right" and to be by the respective dates and particular years fixed as the date of priority:

PRESTON-MONTPELIER IRRIGATION COMPANY.

94-1

0895 1877-April 15th, what is designated in this decree as a "Meadow Right", 30 cubic feet per second from April 15th to July 1st of each year, to be reduced to 20 cubic feet per second from July 1st to September 30th of each year.

0896 1877 July 1st, what is designated in this decree as an "Agricultural Right", 18 cubic feet per second.

0897 1883- April 15, what is designated in this decree as an "Agricultural Right", 28.6 cubic feet per second.

0898 1884- April 15th, what is designated in this decree as an "Agricultural Right" 5.3 cubic feet per second.

All of said waters to be diverted from Bear River through a ditch diverting therefrom at a point located at or near thirty-six rods South and twelve rods East from the Northwest corner of Section Eight in Township Fourteen South, Range Forty-four East of the Boise meridian, to be used upon 3200 acres of land described as follows:

Commencing at the Southeast corner of the Southwest Quarter of Section Six (6), in Township Fourteen (14), South, of Range Forty-five (45), East B. M., run thence West to Bear River; Thence North westerly down the meanderings of Bear River to the Southwest corner of the Northwest Quarter of the Southwest Quarter of Section Ten (10), in Township Thirteen (13) South of Range Forty-four (44) East, B.M. Thence East Fifty (50) chains more or less to the Preston and Montpelier Canal; Thence South and Southwesterly up and along the meanderings of said canal to the place of beginning.

Also, the South half of the Northwest Quarter and the North half of the Southwest Quarter of Section Ten (10), Township Thirteen (13) South Range Forty-four (44) East B. M. containing Thirty Two Hundred (3200) acres.

DINGLE IRRIGATION COMPANY:

0899 1880- April 15th what is designated in this decree as an "Agricultural Right", 20 cu. feet per second.

11 0900 1883- April 15th, what is designated in this decree as an "Agricultural Right", 11 cu. ft. per second.

11 0901 1884- April 15th, what is designated in this decree as an "Agricultural Right", 8 cu. feet per second.

All of said waters to be diverted from Bear River through a ditch diverting therefrom at a point located at or near the East line of the Southeast Quarter of Section Seventeen, Township Fourteen South, Range Forty-four East of the Boise Meridian to be used upon 1721 acres of land described as follows, to-wit:

Commencing at the Southeast corner of the Northeast Quarter of Section 14 in Township 14 South of Range 44 East of Boise Meridian, run thence West 10 chains; thence North 40 chains; thence north 88°20' west 3 chains; thence north 17°40' west 10 chains; thence north 14° west 18 chains; thence north 9°20' east 12 chains; thence north 3° west 10 chains; thence north 19°20' west 18 chains; thence south 88°20' east 23 chains; thence south 1 chain; thence north 87° east 3.50 chains; thence south 1.30 chains; thence south 84°20' east 18 chains; thence north 87°20' E. 11 chains; thence north 38°10' east 2 chains; thence north 89°40' east 60 chains; thence south 27 chains; thence east 60 chains; thence north 3.50 chains; thence south 5.50 chains; thence south 15.50 chains; thence west 32 chains; thence south 42° east 20 chains; thence south 76°40' east 5 chains; thence south 58° east 3 chains; thence south 75° east 13 chains; thence south 53°50' east 28 chains; thence south 6 chains to the Dingle Company canal, from which the point of diversion at Bear river bears south 40°50' east 5 chains, from which said point on the canal along the meanderings of canal, to wit, south 76° west 36 chains; thence south 35°20' west 14.10 chains; thence south 82° west 24 chains; thence north 72°20' west 9 chains; thence north 65°40' west 11 chains; thence south 87°40' west 10 chains; thence north 80°40' west 25.50 chains; thence north 42° west 15 chains; thence north 75°15' west 13 chains; thence south 57°30' west 10 chains; thence south 21° west 11 chains; thence south 38° west 62 chains; thence north 48 chains to beginning. Containing 1721 acres.

PEG LEO ISLAND IRRIGATION COMPANY: (Rocky after)

1 0902 1878- April 15th, what is designated in this decree as an "Agricultural Right", 8 cubic feet per second.

1 0903 1883- April 15th, what is designated in this decree as an "Agricultural Right", 6.5 cubic feet per second.

1 0904 1884- April 15th, what is designated in this decree as an "Agricultural Right", 3 cubic feet per second.

All of said waters to be diverted from Bear River through a ditch therefrom at a point located at or near the Southeast Quarter of Section Seven, Township Fourteen South, Range Forty-four East of the Boise Meridian, to be used upon 266.5 acres of land, described as follows, to-wit:

The Southwest quarter of the Northeast quarter and Lot 2 in Section 8, Township 14 South, and the Southwest quarter of the Southeast quarter and the Southeast quarter of the Southwest quarter of Section 35, Township 13 South, all in Range 44 East Boise Meridian, containing 160 19/100 acres.

Also the Southeast quarter of the Southwest quarter of Section 1 in Township 14 South, Range 44 East Boise Meridian, containing 40 acres. Also, commencing at a point 14 rods North and 12 rods West from the Southeast corner of the Northeast quarter of the Southeast quarter of Section 8, in Township 14 South, Range 44 East of Boise Meridian, running thence West 7 rods; thence North 39 rods; thence East 18 rods; thence South 13 rods; thence West 11 rods; thence South 36 rods; to place of beginning, containing 2 1/2 acres, more or less. 26 W.D. 2-18-46

Also, commencing at a point 28 rods North from the Southwest corner of Section 1, in Township 14 South, Range 44 East Boise Meridian, running thence East 8 rods; thence North 40 rods; thence West 8 rods; thence South 40 rods to place of beginning, containing 2 acres of land.

Also, commencing at the Southwest corner of the Northeast Quarter of the Northwest Quarter of Section 12 Township 14 South Range 44 East of Boise Meridian, and running thence North 62 rods; thence East 108 rods; thence South 62 rods; thence West 108 rods to the place of beginning, containing 41 acres.

overlapping here

Also, commencing at the Northwest corner of the Northeast quarter of Section 12 Township 14 South, Range 44 East Boise Meridian, running thence East 160 rods; thence South 80 rods; Thence West 135 rods; Thence Northwest 61 rods; thence West 80 rods; thence Northeast 19 rods to place of beginning, containing 71 acres and 67 1/2 square rods. Also, commencing at a point 3 rods East from the Northwest corner of the Southeast quarter of the Northeast quarter of Sec. 2, Township 14 South, Range 44 East Boise Meridian, running thence South 80 rods; thence East 80 rods; thence North 80 rods; thence West 80 rods to place of beginning, containing 10 acres.

N 10° W
(W.P.D. - 1-23-46)

N 26° E
1-23-46

Also Lots 11 and 10 of Sec. 1 and Lot 1 of Sec. 2, Township 14 South, Range 44 East, Boise Meridian, containing 100 and 84/100 acres.

Also, commencing at the Southwest corner of the Southwest quarter of the Southeast quarter of Sec. 1, Township 14 South, Range 44 East of Boise Meridian, running thence East 55 and 65/100 rods; thence North 115 rods to Bear River; thence with the meanderings of Bear River in a Northwesterly direction to a point 115 rods North of said Section line; thence 115 rods to the South boundary line of the said Quarter section, containing 40 acres, more or less.

Also, commencing at a point 55 and 65/100 rods East of the Southwest corner of the Southwest Quarter of the Southeast Quarter of Sec. 1, Township 14 South, Range 44 East of the Boise Meridian, running thence East 27 and 60/100 rods; thence North 115 rods; thence 27.60 rods with the meanderings of Bear River; thence South to the South boundary line of said Section 115 rods, containing 20 acres, more or less.

Also, commence at a point 65 rods S. and 18 rods W. from the NE corner of the SE 1/4 of Sec. 2, Tp. 14 S. R. 44 E. B. M., and run thence S. along local line 16 rods, more or less to county road; thence W. along said highway 30 rods, more or less, to land now owned by C. H. Bridges; thence N. along local line 16 rods; thence E. 30 rods to place of beginning, containing 3 acres.

Also, commence at a point 1 rod W. from the SE corner of the NE 1/4 of Sec. 2 Tp. 14 S. R. 44 E. B. M., and run thence N. 59 rods, more or less, to the land heretofore sold by this grantor to Mary A. Lewis; thence W. 77 rods, more or less, to the E. line of the county road; thence S. along E. line of said highway 112 rods, more or less, to the land heretofore sold by said grantor to C. H. Bridges, being a point 28 rods from the SW corner of the NE 1/4 of the SE 1/4 of said Sec. 2; thence on a course bearing slightly south of east along a water ditch known as Samson Nate-Solk Ditch, a distance of 62 rods, more or less, to local line; thence nearly due N. on local line 60 rods, more or less; thence E. on local line 15 rods, more or less, to a point one rod W. of the E. line of said Section 2; thence N. 12 rods, more or less, to a point one rod directly W. from the place of beginning; thence E. one rod to the place of beginning.

Also a certain strip of land 40 rods wide and 80 rods long lying on the W. side of the NW 1/4 of the NW 1/4 of Sec. 1, Tp. 14 S. R. 44 E. B. M. containing 20 acres. Also a certain strip of land 32 rods wide and 60 rods long to be laid off of the West side of the SW 1/4 of the NW 1/4 of said Sec. 1, Tp. 14 S. R. 44 E. B. M. containing 15 acres. (12 acres) 11009 1-23-46

Also, commencing at the NE corner of the NW 1/4 of the SE 1/4 of Sec. 2, Tp. 14 S. R. 44 E. B. M., and running thence W. 93 1/2 rods; thence S. 20 rods; thence in a northeasterly direction in a straight line to a point which is 40 rods W. and 10 rods S. from the starting point; thence S. 8 rods; thence E. 12 rods; thence N. 4 rods; thence E. 28 rods; thence N. 8 rods; to the point of beginning, containing 7 acres and 50 square rods, more or less.

Also, commencing at a point 20 rods N. of the SW corner of Sec. 1 Tp. 14 S. R. 44 E. B. M., and running thence North 1 rod; thence E. 40 rods; thence N. 59 rods; thence E. 8 rods; thence N. 8 rods; thence W. 8 rods; thence North 72 rods; thence E. 40 rods; thence S. 140 rods; thence W. 80 rods to the place of beginning.

Also, commencing at a point 83 1/2 rods E. of the SW corner of the SW 1/4 of the SE 1/4 of Sec. 1, Tp. 14 S. R. 44 E. B. M., and running thence ~~N~~ E 76-3/4 rods to the SE corner of said Sec. 1; Thence N. 75 rods, more or less to Bear River; thence in a northwesterly course with the meanderings of said river to a point 115 rods N. of the S. line of said quarter section; thence S. 115 rods to the point of beginning, containing 50 acres, more or less.

Also, Commencing at a point 10 rods N. and 2 rods E. from the SW corner of the NE 1/4 of the SE 1/4 of Sec. 2, Tp. 14 S. R. 44 E. B. M., running thence N. 18 rods; thence Easterly along the Samson Nete main water ditch 20 rods; thence S. 18 rods; thence Easterly along the county road 19 rods to place of beginning, containing 11 acres and 11 1/2 square rods.

Also commencing at a point 21 rods E. and 12 rods N. of the SW corner of the NE 1/4 of the SE 1/4 of Sec. 2, Tp. 14 S. R. 44 E. B. M. and running thence Easterly along the county road 15 1/2 rods; thence N. 12 rods; thence westerly following Samson Nete main water ditch 15 1/2 rods or to a point 15 rods N. of the place of beginning; thence S. 16 rods to the place of beginning, containing one acre and 7 1/2 square rods.

Commencing at a point 1380 feet East and 1485 feet North of the Southwest corner of Section 2 in Township 14 South of Range 44 East of the Boise Meridian and running thence South 792 feet; thence East 2640 feet; thence North 759.5 feet; thence North 76 degrees 30' West 376 feet; thence South 26 degrees West 165 feet to the North bank of Black Otter Slough; thence Westerly along North bank of said slough 1300 feet, more or less to a point which is 924 feet East of the point of beginning; thence West 924 feet to the place of beginning, containing 48.72 acres of land be there more or less. Together with all water rights thereunto belonging.-----

Also, commencing at a point one thousand three hundred and twenty(1320) feet East and one hundred and thirty-two(132) feet south of the northwest corner of the southeast quarter section two (2) township fourteen(14) S. R. 44 E.B.M., running thence South nine hundred and forty (940) feet; thence North 82 degrees West four hundred and forty four (444) feet; thence north 8 degrees 10' west three hundred and two (302) feet; thence north 29 degrees 45' west four hundred (400) feet; thence north 13 degrees 15' west one hundred and seventy eight (178) feet; thence east one hundred and ninety eight (198) feet; thence north sixty-six (66) feet; thence east four hundred sixty-two (462) feet to place of beginning, containing eleven and 15/100 (11.15) acres of land be there more or less. Together with all water rights thereunto belonging.-----

Subdivision, Lot 3; Section 1; Township 14; Range 44; acres agricultural land 38;

Subdivision, 4094; Section 1; Township 14; Range 44; acres agricultural land 21;

Section 1; Township 14; Range 44; Acres Agricultural land 20;

Section 1; Township 14; Range 44; acres agricultural land 5;

Section 12; Township 14; Range 44; acres agricultural land 2;

55 acres in Sec. 1 Tp. 14 S. R. 44 E. B. M. standing of record in the name of Sorren Sorensen.

30 acres in Sec. 1 Tp. 14 S. R. 44 E. B. M. standing of record in the name of Talmage Nete, containing 86 1/2 acres.

The above listing taken to include all of 5 1/2 NW 1/4,
all agr. land in NE 1/4 SW 1/4, & all land in NW 1/4 SW 1/4 +
SW 1/4 SW 1/4 not previously Taken. - Deshler + Irons - 2-20-46

38
21
20
5
55
30
169

REAM-CROCKETT IRRIGATION COMPANY.

11 0905 1877- April 15th, what is designated in this decree as a
"Meadow Right".
~~11 0906~~ April 15th-July 1st, 30 cubic feet per second
~~11 0907~~ July 1st - Sept. 30th, 20 cubic feet per second

11 0908 1884- April 15th, what is designated in this decree as an
"Agricultural Right". 19.5 cubic feet per second.

11 0909 1885- April 15th, what is designated in this decree as an
"Agricultural Right". 12.8 cubic feet per second.

All of said waters to be diverted from Bear River through a ditch known as the Ream-Crockett ditch therefrom at a point located at or near South 61°17' East 5385 feet from the Northwest corner of Section 17, Township Fourteen South, Range Forty-five East of the Boise Meridian, to be used upon 2500 acres of land.

Situated in the following sub-divisions:

Section Fourteen (14) of Township fourteen south (14 S.) Range Forty-four east (44 E.) Boise Meridian.

Section twenty-three (23) of Township fourteen south (14 S.) Range forty-four east (44 E.) Boise Meridian.

The east one-half (E $\frac{1}{2}$); the southwest one-quarter (SW $\frac{1}{4}$); and the south one-half of the northwest one-quarter (S $\frac{1}{2}$ of NW $\frac{1}{4}$) of Section fifteen (15) all in Township fourteen south (14 S.) Range forty-four east (44 E.) Boise Meridian.

The east one-half (E $\frac{1}{2}$); the east one-half of the West one-half (E $\frac{1}{2}$ of W $\frac{1}{2}$); the east one-half of the West one-half of the southwest one-quarter (E $\frac{1}{2}$ of SW $\frac{1}{4}$), all in Section 26, of Township fourteen south (14 S.), Range forty-four east (44 E.), Boise Meridian.

Lots 1 (1), Two (2) and three (3) of Section thirty-five (35) of Township fourteen south (14 S.), Range forty-four east (44 E.) Boise Meridian.

The southeast one-quarter of the Northeast one-quarter (SE $\frac{1}{4}$ of NE $\frac{1}{4}$) of section sixteen (16) of township fourteen south (14 S.) Range forty-four east (44 E.) Boise Meridian.

Commencing at the northwest corner of section twenty-three (23) township fourteen south (14 S.), Range forty-four east (44 E.) Boise Meridian and running thence west eighty (80) rods, thence south two hundred forty (240) rods, thence east eighty (80) rods, thence south eighty (80) rods, thence east eighty (80) rods to the southwest corner of lot three (3) of said section twenty-three (23) thence north along the western boundary line of lots three (3), two (2) and one (1) and the northwest quarter of the northwest quarter of said section twenty-three (23) to point of beginning.

11 0908 GRIMMETT-BLACK OTTER IRRIGATION COMPANY:

~~11 0909~~ 1877- April 15th, what is designated in this decree as a
"Meadow Right".
~~11 0910~~ April 15th - July 1st...133.5 cubic feet per second.
~~11 0911~~ July 1st - September 30th .. 89 cubic feet per second.

All of said waters to be diverted from Bear River through the Black Otter Slough near the line between Sections Six and Seven, Township Fourteen South, Range Forty-four East of the Boise Meridian, and from said slough through two main ditches, one of which is known as the Grimmett Ditch, taken from said Slough in the Northwest Quarter of Section Eleven, Township Fourteen South Range Forty-four East of the Boise Meridian, and the other ditch taken from said Slough in the Northwest Quarter of Section Twelve, Township Fourteen South, Range Forty-four East of the Boise Meridian, and other smaller ditches and dams, said water to be used upon 4434.25 acres of land described as follows, to-wit:

Commencing at a point South 88°30' East 205 feet and South 8°10' West 355.8 and East 150 feet from the North quarter corner of Section 6 in Township 14 South, Range 44 East of Boise Meridian; which point is 150 feet East from the East bank of the Outlet canal of the Utah Power & Light Company, running thence in a southwesterly direction approximately 3180 feet to a point which is 710 feet South of the Northeast corner of Lot 9 of said Section 5; thence North 580.8 feet to quarter section line; thence East 1320 feet; thence in a Southeasterly direction, following boundary line of Lot 5 of Sec. 5 in Township 14 South, Range 44 East Boise Meridian to the Southwest corner of the Northeast quarter (or the Southwest corner of the Northeast quarter) of the Southwest quarter of said Section 5; thence East 2540 feet; thence North 3366 feet; thence West 680 feet; thence North 312.5 feet; thence West 1980 feet; thence North 280.5 feet; thence West 2540 feet; thence South 354.75 feet; thence West 965 feet to place of beginning.

Also Lot 10 of Sec. 8 in Township 14 South, Range 44 East of Boise Meridian, containing 24.95 acres; and containing in all 458 acres, more or less.

Also commencing at the N. E. corner of the SW¹ of SE¹ of Sec. 32, Township 13 South, Range 44 East of Boise Meridian, and running thence South 68 rods; thence West 40 rods; thence South 29 rods; thence West 120 rods; thence North 81 rods; more or less, to Bird Slough; thence Easterly along said slough 94 rods, more or less, to intersection of subdivision line; thence East 66 rods, more or less, to place of beginning, containing 83 acres, more or less.

Also, beginning at the southeast corner of the Northwest Quarter of the Southwest Quarter of Sec. 32, Township 13 South, Range 44 East of Boise Meridian, and running thence North 60 rods, thence West 160 rods; thence South 60 rods; thence East 160 rods to place of beginning, containing 60 acres, more or less.

Also, commencing at the Northwest corner of the Southeast Quarter of the Southwest Quarter of Sec. 32 in Township 13 South, Range 44 East of Boise Meridian, and running thence South 15 rods to slough; thence Easterly along the meanderings of said slough 109 rods to a point where it intersects the subdivision line; thence West along said subdivision line 88 rods to the place of beginning, containing 4 acres and 64 square rods, more or less.

Also, the Southwest Quarter of the Northwest Quarter and West Half of the Southwest Quarter of Sec. 32, and the Southeast Quarter of the Southeast Quarter of Sec. 31; all in Township 13 South, Range 44 East of Boise Meridian, containing 160 acres. *overlaps itself 39 acres.*

Also Lot 6 in Sec. 5, Township 14 South, Range 44 East Boise Meridian, containing 20 acres; and Lot 1 in Sec. 8, Township 14 South, Range 44 East of Boise Meridian, containing 34 acres.

Also commencing 23 rods South from the Northwest corner of the Northeast Quarter of the Northeast Quarter of Section 8, Township 14 South, Range 44 East Boise meridian, thence South 57 rods; thence East 38 rods; thence North 57 rods; thence West 38 rods to the place of beginning, containing 13.5 acres, more or less.

Also beginning at a point 40 rods West of the Southwest corner of the Northwest quarter of the Northwest Quarter of Section 9, Township 14 South, Range 44 East of Boise meridian, and running thence South 25 rods; thence West to the West line of Lot 2 of Sec. 8 of said Township and Range; thence in a Northwesterly direction following the West line of said Lot 2; thence North to the Northwest corner of said Lot 2; thence East on forty line to place of beginning.

Also, commencing at the Northeast corner of Lot 2, Section 5, Township 14 South, Range 44 East of Boise Meridian, and running thence South 36 rods; thence West 40 rods; thence North 36 rods; thence East 40 rods to place of beginning. Also, commencing at the Southeast corner of the Southeast Quarter of Section 32, Township 13 South, Range 44 East of Boise Meridian, and running thence North 4 chains; thence West 10 chains; thence South 10 chains; thence West 10 chains; thence South 4 chains; thence East 20 chains; thence North 10 chains to place of beginning, containing 18 acres, more or less. Also commencing at a point 10 chains West and 4 chains North from the Southeast corner of the Southeast Quarter of Sec. 32 Township 13 South, Range 44 East of Boise meridian, and running thence North 10 chains; thence West 10 chains; thence South 10 chains; thence East 10 chains to the place of beginning, containing 10 acres, more or less. Also, commencing at the Southwest corner of Sec. 33, Township 13 South, Range 44 East Boise Meridian, and running thence North 64 rods; thence East 40 rods; thence South 104 rods; thence West 40 rods; thence North 40 rods to place of beginning, containing 26 acres,

overlap

Also, commencing at a point 10 chains South from the Southeast corner of the Southeast Quarter of Sec. 32, Township 13 South, Range 44 East of Boise Meridian, and running thence West 20 chains; thence South 10 chains; thence East 20 chains; thence North 10 chains to the place of beginning, containing 20 acres, more or less. Also commencing at a point 10 chains West from the Southeast corner of Section 32, Township 13, South, Range 44 East of Boise Meridian, and running thence North 4 chains; thence West 10 chains; thence South 10 chains; thence East 10 chains; thence North 6 chains to place of beginning, containing 10 acres, more or less.

Also, commencing at a point 4 chains North from the Southeast corner of the Southeast Quarter of Section 32, Township 13 South, Range 44 East of Boise Meridian, and running thence North 20 chains; thence West 10 chains; thence South 20 chains; thence East 10 chains to place of beginning, containing 20 acres. Also, commencing at a point 24 chains North from the Southeast corner of the Southeast Quarter of Section 32, Township 13 South, Range 44 East of Boise Meridian, and running thence North 10 chains; thence West 10 chains; thence South 10 chains; thence East 10 chains to place of beginning, containing 10 acres. Also commencing at a point 10 chains West and 15 chains and 50 links South from the Northeast corner of the Southeast Quarter of Sec. 32, Township 13 South, Range 44 East of Boise Meridian, and running thence West 10 chains; thence South 10 chains; thence East 10 chains; thence North 10 chains to place of beginning, containing 10 acres.

Commencing at the Southeast corner of the Northeast Quarter of Sec. 4, Township 14 South, Range 44 East of Boise Meridian, and running thence North 30 rods; thence East $17\frac{1}{2}$ rods to center of Black Otter Slough; thence North and East following the windings of said Slough for a distance of 160 rods, more or less; thence North 6 rods; thence following the windings of said Slough West a distance of 70 rods; thence North 21 rods to township line; thence West on said line 70 rods and 3 feet, more or less, to William Quayle's line; thence South 45 rods; thence West 231 rods; to West line of said Section 4; thence South 115 rods to quarter corner; thence East 320 rods to place of commencement, containing 270 acres, more or less. Also, beginning at a point 40 rods North of the Northeast corner of the Southeast Quarter of Sec. 31, Township 13 South, Range 44 East of Boise Meridian, and running thence West 160 rods; thence South 80 rods; thence East 65 rods; thence South 40 rods; thence East 95 rods; thence North 120 rods to place of beginning, containing $103\frac{3}{4}$ acres, save and except therefrom a strip containing 7.72 acres from said above tract sold to Bear River Water Company, and for a particular description of said strip reference is made to page 625 of Deed Book 6, records of Bear Lake County, Idaho.

Also, commencing at a point in the center of a deep slough 80 chains East along quarter section line and 3 chains and 80 links South along eight section line from the Northeast corner of the NE $\frac{1}{4}$ of Section 33 Township 13 South, Range 44 East of Boise Meridian, and running thence South along eight section line 51 chains and 10 links; thence West along eighth section line 4 chains and 63 links; thence North 34 minutes East 49 chains and 50 links; thence along center of said slough 4 chains and 33 links to the place of beginning, containing 23 acres and 5 square rods. Also, commencing at the SE corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 33, Township 13 South, Range 44 East of Boise Meridian, and running thence East 36 rods; thence North 180 rods to Peg Leg Slough; thence Westerly along said Slough 55 rods, more or less, to half quarter government line; thence South along said line 194 rods to place of beginning, containing 43 acres.

Also, the Southeast Quarter of the Northeast Quarter and Lots numbered two, three and four of Sec. 8 and Lot numbered one of section seventeen, Township 14 South, Range 44 East, B. M., 127.05 acres.

Also, the East half of the Northeast quarter, and the Northeast quarter of the Southeast quarter of Sec. 33, and the Northwest quarter of the Southwest quarter of Sec. 34, all in Township 13 South, Range 44 East of Boise Meridian, containing 160 acres, excepting therefrom the following tract, to-wit: (Commencing at the Southwest corner of the Northeast quarter of the Southeast quarter of Sec. 33 in Township 13 South, Range 44 East of Boise Meridian, and running thence East 36 rods; thence North 180 rods to Peg Leg Slough; thence Westerly along said Slough 55 rods, more or less, to half quarter government line; thence South along said line 194 rods to the place of beginning, containing 43 acres, more or less. Repeated item)

Also, beginning at a point on the East boundary line of the Utah Power & Light Company's canal right-of-way, and on the South boundary line of Township 13 South, Range 44 East of Boise Meridian, which point is South 88°30' East 456.4 feet from the South corner of Sec. 31, Twp. 13 South R. 44 E. B. M., thence S. 4°28' East 169.7 feet to a point of curve; thence on a 1703' curve to the left, for a distance of 188 feet to a point $21\frac{1}{2}$ rods South of Township line; thence

error in land description
acres own on entire land

East 840 feet, more or less, to local line; thence North 1674 feet; thence West 240 feet, more or less, to local corner; thence North 660 feet; thence West 800 feet, more or less, to east line of said right-of-way; thence South 4°28' East along said right-of-way 1991 feet to point of beginning, containing 46.75 acres, more or less.

Also, beginning at quarter section corner between sections 5 and 8 in Township 14 South, Range 44 East Boise Meridian, and running thence East 1320 feet; thence South 379½ feet to a ditch; thence East along said ditch 585 feet to a corner of fence; thence North 8°15' West 1715 feet to corner of fence; thence West 1659 feet; thence South 1360 feet to point of beginning, which is a quarter corner between said sections 5 and 8, containing 58 acres, more or less.

Also, the Northwest quarter of Sec. 11 in Township 14 South, Range 44 East of Boise Meridian, containing 160 acres.

Also commencing at the Northwest quarter of the Southwest quarter of Sec. 11 in Township 14 South, Range 44 East of Boise Meridian, and running thence East 120 rods; thence South 160 rods; thence West 120 rods; thence North 160 rods to place of beginning, containing 120 acres.

Also the South half of the Southeast quarter and the South half of the Southwest quarter of Sec. 9, in Township 14 South, Range 44 East of Boise Meridian, Bear Lake County, Idaho, containing 160 acres, excepting therefrom 40 acres heretofore deeded to the Utah Power & Light Company. Also the North half of the Northwest quarter of Sec. 16, in Township 14 South, Range 44 East of Boise Meridian, containing 80 acres.

Also commencing at a point 36 rods South from the Northeast corner of the Southeast quarter of Sec. 9 in Township 14 South, Range 44 East of Boise Meridian, running thence South 25 rods; thence East 320 rods; thence North 25 rods; thence East 320 rods to the place of beginning, containing 50 acres.

Also, the South half of the Northwest quarter and the South half of the Northwest quarter of Sec. 9 in Township 14 South, Range 44 East of Boise Meridian, containing 160 acres.

Also, the Northeast quarter of the Northeast quarter of Sec. 9 in Township 14 South, Range 44 East of Boise Meridian, containing 40 acres.

Also the Northwest quarter of the Northeast quarter of Sec. 9 in Township 14 South, Range 44 East of Boise Meridian, containing 40 acres.

Also the Northeast quarter of Sec. 10 in Township 14 South, Range 44 East of Boise Meridian, containing 160 acres, excepting therefrom 60 acres heretofore deeded to the Utah Power & Light Company.

Also the Southeast quarter of Section 10 in Township 14 South, Range 44 East of Boise Meridian, containing 160 acres.

Also, commencing at a point 23 rods South from the Northeast corner of the Northwest quarter of Sec. 9, Township 14 South, Range 44 East of Boise Meridian, and running thence West 208 rods; thence South 57 rods; thence East 2 rods; thence South 55 rods; thence East 40 rods; thence North 55 rods; thence East 160 rods; thence North 57 rods to place of beginning, containing 85 acres, more or less.

Also, Commencing at the Northeast corner of the Southwest quarter of Sec. 11, Township 14 South, Range 44 East of Boise Meridian, U. S. Survey, in Idaho, running thence West 40 rods; thence South 160 rods; thence East 40 rods; thence North 160 rods to place of beginning, containing 40 acres.

Also, the Southwest quarter of Sec. 10, Township 14 South, Range 44 East Boise Meridian, containing 160 acres.

Also, Lot 1, the SE¼ of the SE¼ of Sec. 4, Tp. 14 S., R. 44 E. B. M., containing 80 acres; also Lot 2, Commencing at the NW corner of Sec. 9, Tp. 14 S., R. 44 E. B. M., running thence E. 160 rods; thence S. 23 rods; thence W. 160 rods; thence N. 23 rods to place of beginning, containing 23 acres. Also, Lot 3, Commencing at the SE corner of the NE¼ of the SW¼ of Sec. 4, Tp. 14 South, R. 44 E. B. M., running thence West 80 rods; thence N. 20 rods; thence E. 80 rods; thence S. 20 rods to place of beginning, 10 acres.

Also, Lot 4, Commencing at the NE of the SE¼ of the SE¼ of Sec. 5, Tp. 14 S., R. 44 E. B. M., running thence West 45 rods; thence S. 103 rods; thence E. 45 rods; thence N. 103 rods to place of beginning, 29 acres.

Also, Commencing at the NW corner of the NE¼ of Sec. 16, Tp. 14 S. R. 44 E. B. M., run thence S. 78 rods; thence E. 80 rods; thence N. 78 rods; thence W. 80 rods to place of beginning, containing 39 acres.

on our land

enclosed

53 acres overlap here

a twice
repeated
item.

about 25 acres
overlapped
on 91-1

Boone
overup
here

Also, the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 16 Tp. 14 S. R. 44 E. B. M., containing 40 acres.

Also, commencing at the NW corner of the SE $\frac{1}{4}$ of Sec. 11, Tp. 14 S.
R. 44 E. B. M., running thence S. 34 rods; thence 40 rods; thence N. 34 rods;
thence W. 40 rods to the place of beginning, containing 8 $\frac{1}{2}$ acres.

Also, the N_1^1 of the SR_1^1 , and the N_2^1 of the SR_2^1 of Sec. 9, Tp. 14 S.
R. 44 E. B. M., containing 160 acres.

Also the SE¹/₄ of the NE¹/₄, and lots numbered 2, 3 and 4 of Sec. 8, and the lot numbered 1 of Sec. 17, Tp. 14 S., R. 44 E., N. 4 M., 127 acres.

Also, commencing at a point 40 rods E. from the NW corner of Sec. 4, Tp. 14 S., R. 44 E. B. M., and running thence N. 80 rods; thence E. 120 rods; thence S. 125 rods; thence W. 120 rods; thence N. 45 rods to place of beginning, containing 93-3/4 acres.

The south half of the southeast quarter and the southeast quarter of the southwest quarter of section 33 township 13 South and the lot numbered 3 of section four in township fourteen south of 44 east of the Boise Meridian in Idaho containing 160 acres and 19/100 of an acre.

11 0952 WEST FORK LIVESTOCK & LAND COMPANY: 96-7

11 0952 1877- April 15th, what is designated in this decree as a "Meadow Right".

11 0952 April 15th - July 1st, 6.9 cubic feet per second.

11 0952 July 1st - September 30th, 4.6 cubic feet per second.

All of said waters to be diverted from Bear River through the ^{Pugmire} ditch about forty rods west of its intake out of the Gaste Slough, to be used upon 231.75 acres of land, described as follows, to-wit:

Commencing at the Northwest corner of Section 34, and running thence North 60 rods, more or less, to Bear River; thence following up the channel of said Bear River in a Southeasterly direction to its intersection with the North boundary line of said Section 34; thence East 40 rods, more or less, to the Northeast corner of the Northwest of said Section 34; thence South 80 rods; thence East 80 rods; thence South 80 rods; thence West 80 rods; thence South 13 rods, more or less, to center of Slough; thence Westerly along center of said slough 80 rods, more or less, to intersection of West boundary line of the Northeast quarter of the Southwest quarter of Section 34; thence North 10 rods, more or less, the half section line; thence West 35 rods, more or less, to center of Slough; thence following the meanderings of said Slough in a Northwesterly direction to its intersection with the West boundary line of said Section 34; thence North 12 rods, more or less, to a point which is 44 rods South from the Northwest corner of said Section 34; thence East 10.4 rods; thence North 44 rods; thence West 10.4 rods to the place of beginning, and containing 210 acres, more or less. All of which said land is in Township 13 South of Range 44 East of Boise Meridian, in Bear Lake County, Idaho; also,

Commencing at a point 156 feet South from the Northwest corner of the Southeast quarter of Sec. 34, Township 13 South Range 44 East Boise Meridian, and running thence North 156 feet; thence East 575 feet, more or less to East bank of Slough; thence Southwesterly down said Slough to the place of beginning, containing 3-3/4 acres of land, more or less; and also,

Commencing at the Northeast corner of the Southwest quarter of Section 34, Township 13 South Range 44 East of Boise Meridian, and running thence South 13 rods to center of Slough; thence Westerly along the center of the Channel of said Slough 158 rods; thence North 3 rods to quarter section line; thence East along said quarter section line 105 rods to place of beginning, containing 18 acres of land, more or less.

11 0959 WEST FORK IRRIGATION COMPANY: 97-7

11 0959 1877- April 15th, what is designated in this decree as a "Meadow Right".

April 15th - July 1st, 160 cubic feet per second.

July 1st - September 30th, 107 cubic feet per second.

All of said waters to be diverted from Bear River through a ditch known as the West Fork Canal, diverting from said Bear River at a point located at or near South 12°36' West 1411 feet from the Northeast corner of Section Five, Township Thirteen South, Range Forty-four East of the Boise Meridian, to be used upon 5330 acres of land situated in the following subdivisions:

The SW $\frac{1}{4}$ of Section 8; SE $\frac{1}{4}$, E $\frac{1}{2}$ of E $\frac{1}{2}$ of W $\frac{1}{2}$, and NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section Eighteen; Section Seventeen; S $\frac{1}{2}$ of Section Sixteen; E $\frac{1}{2}$ and E $\frac{1}{2}$ of W $\frac{1}{2}$ of Section 19; Section 20; Section 21; W $\frac{1}{2}$, and W $\frac{1}{2}$ of E $\frac{1}{2}$ of Section 22; Section 29; E $\frac{1}{2}$ and E $\frac{1}{2}$ of W $\frac{1}{2}$ of Section 30; NE $\frac{1}{4}$ and NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 31; N $\frac{1}{2}$ and about 80 acres in N $\frac{1}{2}$ of S $\frac{1}{2}$ of Section 32; and NW $\frac{1}{4}$, W $\frac{1}{2}$ of NE $\frac{1}{4}$, N $\frac{1}{2}$ of SW $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 33, all in Township 13 South, Range 44 East, of Boise Meridian.

CONTINENTAL LIFE INSURANCE COMPANY: 95-1 (Pugmire canal along G)

11 0960 1877 April 15th, What is designated in this decree as a "Meadow Right".

April 15th - July 1st, 6.6 cubic feet per second.

July 1st - September 30th, 4.4 cubic feet per second.

11 0961 April 1883- April 15th, what is designated in this decree as an "Agricultural Right", 1.7 cubic feet per second.

11 0962 1884- April 15th, What is designated in this decree as an "Agricultural Right", 3 cubic feet per second.

All of said waters to be diverted from Bear River by means of the Kent-LaRocco Ditch out of Casto Slough, the same being a branch of Bear River, at a point near the Northeast Corner of the Northwest Quarter of Section 2, Township 14 South, Range 44 East of the Boise Meridian, to be used upon 322 acres of land described as follows, to-wit:

Commencing at a point 11 rods East from the Northwest corner of Lot 4 in Section 3 Township 14 South of Range 44 East of the Boise Meridian, and running thence East 69 rods; thence South 130 rods; thence following the windings of Black Otter Slough West, North and East a distance of (25) rods; thence on a direct line North, crossing said Slough, a distance of 10 rods to the North side of said Slough; thence following the windings of said slough in a Westerly direction, 70 rods; thence North 21 rods to the place of beginning, containing 37.71 acres, more or less.

Also the Southeast quarter of Section 34, in Township 13 South Range 44 East of the Boise Meridian and the South Half of the Northeast Quarter and Lots 1 and 3 of Section 3 in Township 14 South of Range 44 East of the Boise Meridian, excepting therefrom the tract sold to the Utah Power & Light Company described as follows:

Commencing at the center of Section 3, Township 14 South, Range 44 East of the Boise Meridian, running thence North 15°45' East through the Northeast Quarter of said Section 3 and the Southeast Quarter of Section 34, Township 13 South Range 44 East of the Boise Meridian to the North line of said Southeast Quarter of said Section 34; thence East approximately 1044.4 feet to the East line of said Section 34; thence South 15°45' West through the Southeast quarter of said Section 34 and Northeast Quarter of said Section 3 to the South line of said Northeast quarter of said Sec. 3; thence West approximately 1044.4 feet to the place of beginning constituting a strip of land 1000 feet wide, 500 feet on each side of the center of main canal.

ORON QUAYLE:

- 75-2 (Preston-Montpelier Irrig Co.)
- 11 0943 1877- April 15th, what is designated in this decree as a "Meadow Right".
April 15th - July 1st, 1.6 cubic feet per second.
July 1st - September 30th, 1.2 cubic feet per second.
- 11 0944 1883- April 15th, what is designated in this decree as an "Agricultural Right, 1.7 cubic feet per second
- 11 0945 1884- April 15th, what is designated in this decree as an "Agricultural Right", .8 cubic feet per second.

All of said waters to be diverted from Bear River by means of the Kent-LaRocco Ditch out of the Casto Slough, the same being a branch of Bear River, at a point near the Northeast corner of the Northwest Quarter of Section 2, Township 14 South, Range 44 East of the Boise Meridian, to be used upon 160 acres of land, described as follows, to-wit:

The NE $\frac{1}{4}$ of Section 3, Township 14 South, Range 44 East, Boise Meridian, in Bear Lake County, Idaho. - This claim's land in right of way Rainbow Canal. & overlaps about 50a of 95-1

THOMAS QUAYLE:

- 75-3 (Preston-Montpelier Irrig Co.)
- 11 0946 1883- April 15th, what is designated in this decree as an "Agricultural Right. 1.1 cubic feet per second.
- 11 0947 1884- April 15th, what is designated in this decree as an "Agricultural Right" .2 cubic feet per second

All of said waters to be diverted from Bear River by means of the Kent-LaRocco Ditch out of Casto Slough, the same being a branch of Bear River, at a point near the Northeast corner of the Northwest Quarter of Section 2, Township 14 South, Range 44 East of the Boise Meridian, to be used upon 65 acres of land, described as follows, to-wit:

The W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 2, Township 14 South, Range 44 East of Boise Meridian, in Bear Lake County, Idaho.

GEORGE PARKER:

95-4 (Preston Municipal Spring Co.)

- 11 0948 1877-April 15th, what is designated in this decree as a "Meadow Right".

April 15th - July 1st, .3 cubic feet per second.

July 1st - September 30th, .2 cubic feet per second.

- 11 0949 1883-April 15th, what is designated in this decree as an "Agricultural Right", 1.8 cubic feet per second.

- 11 0940 1884-April 15th, what is designated in this decree as an "Agricultural Right", .8 cubic feet per second.

All of said waters to be diverted from Bear River by means of the Kent-LaRocco Ditch out of Castle Blough, the same being a branch of Bear River, at a point near the Northeast corner of the Northwest Quarter of Section 2, Township 14 South, Range 44 East of the Boise Meridian, to be used upon 80 acres of land, described as follows, to-wit:

W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 35, Township 13 South, Range 44 East, B. M., in Bear Lake County, State of Idaho, containing 80 acres.

✓ EDWARD LAROCCHI:

95-5 (Preston Municipal Spring Co.)

- 11 0921 1877-April 15th, what is designated in this decree as a "Meadow Right".

April 15th - July 1st, 2.25 cubic feet per second.

July 1st - September 30th, 1.5 cubic feet per second.

- 11 0922 1883-April 15th, what is designated in this decree as an "Agricultural Right", .5 cubic feet per second.

- 11 0923 1884-April 15th, what is designated in this decree as an "Agricultural Right", .1 cubic feet per second.

All of said waters to be diverted from Bear River by means of the Kent-LaRocco Ditch out of Castle Blough, the same being a branch of Bear River, at a point near the Northeast corner of the Northwest Quarter of Section 2, Township 14 South, Range 44 East of the Boise Meridian, to be used upon 105 acres of land, described as follows, to-wit:

The SE $\frac{1}{4}$ of NW $\frac{1}{4}$, and NE $\frac{1}{4}$ of SE $\frac{1}{4}$ and 25 acres in the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 3, Township 14 South, Range 44 East of Boise Meridian, in Bear Lake County, Idaho.

✓ OLA TRANSTRUM:

85-T • V

- 11 0924 1877-April 15th, what is designated in this decree as a "Meadow Right". (Sawyer Ditch)

April 15th - July 1st, 15 cubic feet per second.

July 1st - September 30th, 10 cubic feet per second.

All of said waters to be diverted from Bear River by means of the Huffer Ditch at or near a point where the South line of the Southeast Quarter of Section 31, Township 14 South, Range 45 East of the Boise Meridian intersects Bear River, to be used upon 500 acres of land described as follows:

NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12; SE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NW $\frac{1}{4}$, NW $\frac{1}{4}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of SE $\frac{1}{4}$, SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 11; SW $\frac{1}{4}$ of SE $\frac{1}{4}$, SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 2, Township 15 South, Range 45 E.B.M. } W 20 1-73-46

- 11 0925 1877-April 15th, what is designated in this decree as a "Meadow Right". (Sawyer Ditch)

April 15th - July 1st 18 cubic feet per second.

July 1st - September 30th, 8 cubic feet per second. X-1

All of said waters to be diverted from Bear River by means of ditches on each side of the river at or near the Northeast Corner of the Northeast Quarter of the Northeast Quarter of Section 11, Township 15 South, Range 45 East of the Boise Meridian, to be used upon 400 acres of land described as follows, to-wit:

SE $\frac{1}{4}$ of SE $\frac{1}{4}$, N $\frac{1}{2}$ of SE $\frac{1}{4}$, S $\frac{1}{2}$ of NE $\frac{1}{4}$, N $\frac{1}{2}$ of NE $\frac{1}{4}$, Section 2, S $\frac{1}{2}$ of SE $\frac{1}{4}$, N $\frac{1}{2}$ of SE $\frac{1}{4}$, S $\frac{1}{2}$ of NE $\frac{1}{4}$, N $\frac{1}{2}$ of NE $\frac{1}{4}$, Section 25; SE $\frac{1}{4}$ of SE $\frac{1}{4}$, NE $\frac{1}{4}$ of SE $\frac{1}{4}$, SE $\frac{1}{4}$ of NE $\frac{1}{4}$, NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 26; NW $\frac{1}{4}$ of SW $\frac{1}{4}$, SW $\frac{1}{4}$ of NW $\frac{1}{4}$, NW $\frac{1}{4}$ of NW $\frac{1}{4}$ in Section 1, Township 15 South, Range 45 E. B. M.

location according

OLA TRANSTNUM (Cont'd.)

- 11 0926 1880- April 15th, what is designated in this decree as a "Meadow Right",

April 15th - July 1st, 16.8 cubic feet per second.

July 1st - September 30th, 11.2 cubic feet per second.

All of said waters to be diverted from Bear River by means of a ditch at or near the Southwest corner of the Southeast Quarter of the Southeast Quarter of Section 26, Township 14 South, Range 45 East of the Boise Meridian, to be used upon 660 acres of land, described as follows, to-wit:

SW $\frac{1}{4}$ of NE $\frac{1}{4}$, SW $\frac{1}{4}$ of SE $\frac{1}{4}$, NW $\frac{1}{4}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NE $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, NE $\frac{1}{4}$ of NE $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$, SE $\frac{1}{4}$ of SE $\frac{1}{4}$, NW $\frac{1}{4}$ of SW $\frac{1}{4}$, SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 26, Township 14 South, Range 45 East B.M. SW $\frac{1}{4}$ of SE $\frac{1}{4}$, SE $\frac{1}{4}$ of SW $\frac{1}{4}$, SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 23, Township 14 South, Range 45 East, B.M. } WOD 1-23-46

- 11 0927 1880, April 15th, 1880, what is designated in this decree as a "Meadow Right".

April 15th - July 1st. 1.2 cubic feet per second.

July 1st - September 30th .8 cubic feet per second.

All of said waters to be diverted from Bear River by means of a dam known as the Ezra Phelps Dam located at or near the Southeast corner of the Southeast Quarter of Section 23, Township 14 South, Range 45 East of the Boise Meridian to be used on 40 acres of land, described as follows, to-wit:

- 11 0928 1880. FOURTH POINT OF DIVERSION, what is designated in this decree as a "Meadow Right".

SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, Township 14 South, Range 45 East B.M. X-3

- 11 0929 1885- April 15th, what is designated in this decree as an "Agricultural Right". 1.4 cubic feet per second.

All of said waters to be diverted from Bear River by means of the Nuffer Ditch at or near a point where the South line of the Southeast Quarter of Section 31 Township 14 South, Range 46 East of the Boise Meridian intersects Bear River, to be used upon 70 acres of land, described as follows:

Parts of northwest quarter of southeast quarter, southeast quarter southeast quarter Section 11, and parts of the northwest quarter northwest quarter and southeast quarter northwest quarter Section 12, Township 15 South Range 46 E. B. M. Assume 45° E WOD 1-23-46

- 11 0930 1885- April 15th, what is designated in this decree as an "Agricultural Right". .8 cubic feet per second.

All of said waters to be diverted from Bear River by means of a ditch on each side of the river at or near the Northeast Corner of the Northeast Quarter of the Northeast Quarter of Section 11, Township 15 South, Range 45 East of the Boise Meridian, to be used on 30 acres of land described as follows, to-wit:

Twenty acres in southeast quarter of northeast quarter and ten acres in northeast quarter of southwest quarter of Section two, Township 15 South, Range 46 East Boise Meridian. Assume 45° E WOD 1-23-46

✓ GAHRLE HILL 85-2

- 11 0931 1877- April 15th, What is designated in this decree as a "Meadow Right",

April 15th - July 1st, 6 cu. feet per second.

July 1st - September 30, 4 cubic feet per second.

All of said waters to be diverted from Bear River by means of the Nuffer Ditch located at or near a point where the South line of the Southeast Quarter of Section 31, Township 14 South, Range 46 East of the Boise Meridian intersects Bear River, to be used upon 200 acres of land described as follows:

SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ Sec. 21, NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ Sec. 6, Township 15 South Range 46 E

- 11 0932 1877-April 15th, what is designated in this decree as a "Meadow Right".

April 15th - July 1st 1.5 cubic feet per second.

July 1st - September 30th, 1 cubic foot per second.

to such
ditch as
on mountain
side.

All of said waters to be diverted from Bear River by means of the Taylor Ditch located at or near the Southeast corner of the Northeast Quarter of the Southeast Quarter of Section 32, Township 15 South, Range 46 East of the Boise Meridian, to be used on 50 acres of land described as follows, to-wit:

NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ Section 32, Tp. 15 South Range 46.45

11 0933 1880. April 15th, What is designated in this decree as a "Meadow Right".

April 15th - July 1st, 3 cubic feet per second

July 1st - September 30th, 2 cubic feet per second.

(Nuffer Ditch)

11 0934 April 15th, 1885. What is designated in this decree as an "Agricultural Right".

1 cubic foot per second.

to be used
before
item

All of said waters to be diverted from Bear River by means of the Nuffer Ditch located at or near a point where the South line of the Southeast Quarter of Section 31, Township 14 South, Range 46 East of the Boise Meridian, intersects Bear River, to be used upon 150 acres out of the following land, described as follows, to-wit:

SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ Section 31, NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ Section 3, Township 15 S. Range 46

11 0935 1885. April 15th, What is designated in this decree as an "Agricultural Right". 1 cubic foot per second.

(Taylor Ditch)

All of said waters to be diverted from Bear River by means of the Taylor ditch located at or near the Southeast Corner of the Northeast Quarter of the Southeast Quarter of Section 32, Township 15 South, Range 46 East of the Boise Meridian, to be used on 50 acres, described as follows, to-wit:

NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 32, Township 15 South, Range 46 E.B.M.

11 0936 J. A. G. NIKLSON: 1877- April 15th, What is designated in this decree as a "Meadow Right".

April 15th - July 1st, 4.5 cubic feet per second.

July 1st - September 30th, 3.0 cubic feet per second.

11-23-46

11 0937 1880. April 15th, What is designated in this decree as a "Meadow Right".

April 15th - July 1st, 2.5 cubic feet per second.

July 1st - September 30th, 1.7 cubic feet per second.

(Nuffer Ditch)

11 0938 1885. April 15th, What is designated in this decree as an "Agricultural Right".

.8 cubic ft. per second.

All of said waters to be diverted from Bear River by means of the Nuffer ditch at or near the point where the South line of the Southeast Quarter of Section 31, Township 14 South, Range 46 East of the Boise Meridian intersects Bear River, to be used upon 275 acres of land, described as follows, to-wit:

The northwest quarter and the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 18, Lots 1 and 2, Section 7, Township 15 South, Range 46 East Boise Meridian.

JOHN E. JENSEN:

11 0939 1877- April 15th, what is designated in this decree as a "Meadow Right".

April 15th - July 1st, 7.5 cubic feet per second.

July 1st - Sept. 30th, 5 cubic feet per second.

11 0940 1885- April 15th, what is designated in this decree as an "Agricultural Right" .8 cubic feet per second.

All of said waters to be diverted from Bear River by means of a cut or ditch out of said river at or near the northwest corner of the southeast quarter of the northeast quarter of Section 26, Township 14 South, Range 46 East of the Boise meridian, to be used upon 290 acres, described as follows, to-wit:

East half of the Northeast quarter of Section 22, the northwest quarter of the southwest quarter and the west half of the northwest quarter and that part of the east half of the northwest quarter and the west half of the northeast quarter of Section 23, in Township 14 South, Range 45 E. B. M. that is situated on the west and south of the west channel of Bear River. Also the northeast quarter of the southwest quarter of Section 23, Township 14 South, Range 45, E. B. M. containing 320 acres, be there more or less. Excepting therefrom the right of way of the O.S.L. Railroad.

HYAUM ESTERHOLDT

84-T (Miller Ditch)

11 0941 1877- April 15th, what is designated in this decree as a "Meadow Right.

April 15th - July 1st, 1.2 cubic ft. per second.

July 1st - September 30th, .8 cubic ft. per second.

11 0942 1880- April 15th, what is designated in this decree as a "Meadow Right"

April 15th - July 1st, 3.68 cubic ft. per second.

July 1st - Sept. 30th, 2.45 cubic ft. per second.

11 0943 1885- April 15th, what is designated in this decree as an "Agricultural Right". .4 cubic ft. per second.

All of said waters to be diverted from Bear River by means of the Miller ditch, the point of diversion of which is located about 180 yards East from the northeast corner of Section 31, Township 14 South, Range 45 East of the Boise Meridian, to be used on 253 acres, described as follows, to-wit:

Commencing at a point 2840 feet west and 2640 feet north from the southeast corner of Section One (1) in Township Fifteen (15) south of Range forty-five (45) east of Boise Meridian, and running thence north 2640 feet; thence east 3674 feet to a point on the right bank of Bear River; thence following said river at the following angles and distances, to-wit: south 34°30' west 232 feet; thence south 19°30' east 174 feet; thence south 31°9' East 442 feet; thence south 53°56' east 405 feet; thence south 32°27' east 61 feet; thence south 63°49' east 105 feet; thence south 6°31' west 96 feet; thence south 63° west 190 feet; thence north 44°9' west 342 feet; thence north 51°54' west 171 feet; thence north 40°40' west 53 feet; thence north 48° west 72 feet; thence north 51°49' west 225 feet; thence North 71 degrees 14' West 398 feet; thence South 75 degrees 19' West 315 feet; Thence South 27 degrees 29' West 249 feet; Thence South 5 degrees 10' East 156 feet; Thence South 32 degrees 8' East 341 feet; thence South 8 degrees 19' East 117 feet; Thence South 21 degrees 25' West 96 feet; Thence South 38 degrees 9' West 80 feet; Thence South 68 degrees 51' West 76 feet; Thence North 64 degrees 37' West 153 feet; thence North 58 degrees 10' West 175 feet; thence North 19 degrees 55' West 263 feet; thence 59 degrees 44' West 200 feet; thence South 87 degrees 55' West 242 feet; thence South 54 degrees 15' West 340 feet; thence South 20 degrees 40' West 259 feet; thence South 79 degrees 55' West 68 feet; thence North 52 degrees 55' West 175 feet; thence North 39 degrees 19' West 170 feet; thence North 54 degrees 15' West 137 feet; thence North 76 degrees 19' West 306 feet; thence South 39 degrees 25' West 174 feet; thence South 7 degrees 34' East 307 feet; thence South 29 degrees 15' East 530 feet; thence South 53 degrees 3' East 315 feet; thence South 59 degrees 50' East 255 feet; thence South 28 degrees 24' East 85 feet; thence South 55 degrees 4' East 21 feet; thence South 12 degrees 55' East 42 feet; thence South 1 degree 22' East 171 feet; thence South 48 degrees 15' East 92 feet; thence North 69 degrees 40' West 164 feet; thence west 14065 feet to point of beginning and containing 133 1/2 acres of land more or less.

Also, the Southeast Quarter of the Northwest Quarter and the East one half of the Southwest Quarter of Section One (1) Township Fifteen (15) South Range forty-five (45) East Boise Meridian, containing one hundred and twenty acres of land more or less.

133

120

2 13

JOSEPH ESTERHOLDT:

(Miller Ditch & Nuffer Ditch)

11 0944 1877- April 15th, What is designated in this decree as a "Meadow Right".

April 1st - July 1st .9 cubic feet per second
July 1st - September 30th, .6 cubic feet per second

11 0945 1880- April 15th, What is designated in this decree as a "Meadow Right".

April 15th - July 1st 2.7 cubic feet per second.
July 1st - September 30th, 1.8 cubic feet per second.

All of said waters to be diverted from Bear River, water for 15 acres of the following described land being diverted from Bear River by means of the Miller ditch, the point of diversion of which is about 150 yards east from the Northeast corner of Section 31, Township 14 South, Range 45 East of the Boise Meridian; and water for 105 acres of the following described land being diverted from Bear River by means of the Nuffer Ditch at or near a point where the South line of the Southeast Quarter of Section 31, Township 14 South, Range 45 East of the Boise Meridian intersects Bear River; said water to be used on a total of 120 acres of land, described as follows, to-wit:

Beginning at a point on the South line of Section one (1) Township fifteen (15) South of Range forty-five (45) East of Boise Meridian, 225 feet West of the Southeast corner of Section one (1) where the West line of Oregon Short Line right-of-way intersects section line, running thence West 1425 feet; thence North 2640 feet; Thence East 330 feet; Thence South 1225 feet; Thence East 1320 feet; Thence South 348 feet, more or less to intersection with West boundary line of the O. S. L. Railway right-of-way; thence Southwesterly (S. 20 degrees 45') 648 feet, more or less, to jog in right-of-way fence; thence Southwesterly at right angles 335 feet to right-of-way; thence Southwesterly along right-of-way fence 304 feet to place of beginning, containing in all sixty acres more or less.

Together with all water rights thereunto belonging.

Also, commencing at a point sixteen hundred and fifty (1650) feet West from the Southeast corner of Section one (1), in Township fifteen (15) South of Range forty-five (45) East of the Boise Meridian and running thence West nine hundred and ninety (990) feet, more or less, to the Southwest corner of the Southeast Quarter of said Section one; thence North twenty-six hundred and forty (2640) feet; thence East nine hundred and ninety (990) feet; thence South twenty-six hundred and forty (2640) feet to the place of beginning and containing sixty acres of land, more or less, together with all water rights thereunto belonging and water and ditches used in the irrigation of said land.

EZRA J. PHELPS:

(Kellogg ditch)

11 0946 1877- April 15th, What is designated in this decree as a "Meadow Right".

April 15th - July 1st, 4.6 cubic feet per second.
July 1st - September 30th, 3.2 cubic feet per second.

11 0947 1888- April 15th, What is designated in this decree as an "Agricultural Right". 2 cubic feet per second.

All of said water to be diverted from Bear River, at a point described as follows:

and to be used on 260 acres of land, described as follows, to-wit:

The NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23, T. 14 S. R. 45 East Boise Meridian.

And that part of NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$, of Section 23, that lies North and East of the Old West channel of Bear River.

And that part NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 24, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 14, T. 13 S. R. 45 E. B. M. which lies West of the Phelps Canal and below said canal.

Containing in all 260 acres and all being in Bear Lake County, State of Idaho.

Cannot locate

All of said waters to be diverted from Bear River by means of a Dam known as the Ezra J. Phelps Dam located at or near the Southeast corner of the Southeast Quarter of Section 23, Township 14 South, Range 45 East of the Boise Meridian, to be used on 260 acres of land, described as follows, to-wit:

GEORGE A. SPARKS:

90-2 (Sloyd Ditch)

7107c
d-10-10
after 8049
Land Co. a
1887 decree
1887 Co. rights
17-10-1887
Spring.

11 1897- May 1st, What is designated in this decree as an "Agricultural Right". 3 cubic feet per second.

~~All of said water to be diverted from Bear River at a point described as follows, and~~

~~SW¹/₄, NW¹/₄, Section 23, NE¹/₄, Section 26, Township 14 South, Range 45 East Boise Meridian in Bear Lake County, State of Idaho, and to be used on 160 acres of land described as follows, to-wit:~~

All of said waters to be diverted from Bear River by means of a Dam known as the Ezra J. Phelps Dam located at or near the Southeast corner of the South East Quarter of Section 23, Township 14 South, Range 45 East, of the Boise Meridian, to be used on 160 acres of land, described as follows, to-wit:

SW¹/₄, NW¹/₄, Section 23; and, NE¹/₄, Section 26, Township 14 South, Range 45 East, B.M., in Bear Lake County, State of Idaho, containing 160 acres.

not provided for from Phelps Dam

JOHN C. MILLER:

84-2

11 1897- April 15th, What is designated in this decree as a "Meadow Right".

April 15th - July 1st 4.5 cubic feet per second
July 1st - September 30th 3.0 cubic feet per second.

11 1880- April 15th, What is designated in this decree to be a "Meadow Right".

April 15th - July 1st 4.5 cubic feet per second.
July 1st - September 30th 3.0 cubic feet per second.

11 1885- April 15th, What is designated in this decree to be an "Agricultural Right". 3.6 cubic feet per second.

All of said waters to be diverted from Bear River by means of the Miller Ditch, the point of diversion of which is about 150 yards East from the Northeast corner of Section 31, Township 14 South, Range 45 East of the Boise Meridian, to be used upon 480 acres of land described as follows:

E¹/₂NE¹/₄, NE¹/₄SE¹/₄, SW¹/₄, and SW¹/₄, Section 31, Township 14 South, Range 45 East Boise Meridian.

And E¹/₂SE¹/₄ Section 36, Township 14 South, Range 45 East B. M., all in Bear Lake County, State of Idaho.

11 1893 IT IS FURTHER ORDERED, ADJUDGED AND DECREED That there shall be allowed to pass by the Wardboro Dam in Bear River five cubic feet per second of water at all times for the use of the West Fork Irrigation Company for culinary and domestic purposes; and it is further understood and agreed that said West Fork Irrigation Company is to have a riparian right, inferior to the irrigation rights herein decreed, for forty cubic feet per second of water to be run through the canal at all times during the year except when needed for irrigation purposes.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That all of the above described lands are arid in character and require irrigation for their proper cultivation and for the profitable raising of crops thereon, and that the duty of water shall be fixed and determined at one and one-half (1½) miners inches per acre of water from April 15th to July 1st of each year, and at one (1)

miners inch per acre from July 1st to September 30th of each year for the lands designated as meadow lands, and for the lands designated as agricultural lands, it is agreed that the duty shall be one miners inch per acre through the irrigation season, except that it ^{adjudged & decreed} is stipulated that 500 acres of agricultural lands under the canal of the Dingle Irrigation Company and 400 acres of agricultural lands under the Preston-Montpelier Irrigation Company's Canal, and 400 acres of land under the Ream-Crockett Ditch have a gravelly sub-soil and require one and one-fourth ($1\frac{1}{4}$) miners inches per acre for their proper irrigation, which amount is to be decreed to said lands; it being further decreed that if within five years it is determined that said gravelly land does not need $1\frac{1}{4}$ miners inches per acre the same shall be reduced which in no event shall it be reduced ^{so as} /to give it less than one (1) miners inch per acre to such land, the Court retaining jurisdiction of this cause for said purpose.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That the lands herein classified as meadow lands or rights are understood to mean those lands along Bear River producing what is commonly called "wild hay" or "natural meadow grass", which lands must be flooded in order to produce crops, the water running over said lands and back into Bear River, which said meadow lands shall be subject to rights hereinafter specified in this decree.

The agricultural lands or rights as herein classified are intended to mean those lands which have been cultivated and irrigated for the production of crops. The acreage of said agricultural lands are hereby decreed and designated as follows: Preston-Montpelier Irrigation Company, 2200 acres; Dingle Irrigation Company, 1721 acres; Peg Leg Irrigation Company, 865.5 acres; Ream-Crockett Irrigation Company, 861 acres; Kent-LaRocco Ditch, 365 acres; It being adjudged and decreed that this is the number of acres designated as agricultural lands under this decree.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That if at any time between the 17th day of June and the 4th day of July of any year there shall not be sufficient water in Bear River to supply the above designated agricultural lands consisting of 6012.25 acres, then and in that event, there shall be taken from the lands or rights herein designated as meadow rights pro rata a sufficient amount of water ^{said} so that 6012.25 acres of agricultural land shall receive 75 per cent of the full amount of water herein decreed to said agricultural lands, and if after July 4th of any year there is not sufficient water in Bear River to supply said 6012.25 acres with the full amount of their decreed water right, then, and in that event, there shall be taken from the said meadow lands or rights a sufficient amount of water

to supply said 6012.25 acres of said agricultural lands to the full extent of their decreed rights.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED; That the Court shall retain jurisdiction, and jurisdiction is hereby reserved for a period of five years from the date hereof for the purpose of correcting said decree if it shall be made to appear to the court that there are errors in the description or amounts of land to which water has been decreed under this decree

IT IS FURTHER ORDERED, ADJUDGED AND DECREED , That each party pay his own costs herein.

Dated this 7th day of March, 1924.

ROBERT M. TERRELL
District Judge.

STATE OF IDAHO
COUNTY OF BEAR LAKE

I, J. S. Peterson, Clerk of the District Court of the Fifth Judicial District of Idaho, in and for Bear Lake County, do hereby certify that the within and foregoing is a full and true copy of the original Water Decree in the case of Preston-Montpelier Irrigation Company vs. Dingle Irrigation Company, et al duly filed in my office on the 7th day of March, 1924.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court at Paris, Idaho, this 8th day of July, 1924.

(SEAL)

J. S. PETERSON
Clerk