

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF CANYON.

Farmers' Cooperative Ditch Company, (a corporation)

Plaintiff,

vs.

D E C R E E.

Riverside Irrigating District, Limited, (a corporation)

et al,

Defendants.

Farmers' Cooperative Ditch Company (a corporation)

Plaintiff,

vs.

DECREE

Riverside Irrigating District, Limited, (a corporation), The Siebenberg Cooperative Ditch Company, Limited (a corporation), Frank Gilbert, T. W. Boone, Prior Bennett, Thomas Andrews, E. Ray Boudinot, I. H. Tucker, C. E. J. Peterson, William McKnett, Fred J. Niesel, Neil McCarron, Michael Gilbride, Lower Boise Ditch Company, (a corporation), E. H. Stockton, W. E. Venderpool, D. D. Campbell, William Foss, Smith Stockton, John Atkins, Ben Foss, John Foss, D. W. McConnell, John Levy, John Mammen, Bird Rowman, (substituted for W. W. Rowman Jr.), D. Mumford, E. E. Johnson, E. Carlisle, Charles Allen, J. De Kan, Robert McFaire, Frederick Ode, Eureka Ditch Company, (a corporation), J. Holand, Thomas J. Palmer and Noah W. Palmer (substituted for Lillian Potter, Administratrix of the Estate of L. D. Potter, deceased, Susan E. Potter, Thad. E. Potter, Alisha Potter, Lillian Potter, Ida Potter, James Baker), C. W. Cooper, Pioneer Dixie Ditch Company (a corporation), William C. Young, Lizzie Young, Estella C. Young, W. W. Kirkpatrick, S. H. Mitchell, L. F. Cook, Triphenia Jobe, administratrix of the estate of J. W. Jobe, deceased, Triphenia Jobe, Charlotte Skonrod, _____ Skonrod, her husband, Minta Lund and Frank Lund, her husband, William Jobe and Alice Jobe, Edith Jobe and Germinna Jobe, miners, A. Holcomb, George Milner, George Hess, John Thomas, H. F. Whitney, Emma E. Lee, Edwin Curtis, Eureka Water Company, (a corporation), William Simpson, William Lewis, Huston Frost, Elijah Frost, George Georrich, E. W. Trannan, William Frost, Adam Schindler, Pioneer Irrigation District, (a corporation), Franklin Ditch Company, (a corporation), Canyon County Water Company, (an association), Francis A. Phelps and Frances Phelps husband and wife, John D. Rutledge, James Hartley, Joseph Wilson, Daniel Westerson, Jerry Steffle,

James Harvey, Jacob Alchenberger, Peter Watkins, A. J. Bress-
hairs, C. G. Myers, John Langford, F. M. Ryals, Frank Hart, Mrs A.
Woods, A. Blessinger, Dan Shuee, S. W. Mitchell, T. Cheneworth, W. F.
Foster, Mrs Perkel, Milt McIntyre, Perry Shafer, Hiram Payne, Jacob
Fowler, (sub. for John Steele), J. C. Baldwin, Charles Palmer, E. F.
Swalley, S. McDowell, Mrs E. J. McDowell, J. T. Dickson, Amos Prosser,
William Snodgrass, (sub. for Thomas D. Martin), B. A. Shaw, (sub. for
A. T. Thornton), Frank Hart (sub. for Joseph E. Weeks), James M. Stew-
art, Eliza Everett, (sub. for Phelps Everett), W. A. Fowler, State of
Idaho, Snyder & McDowell, William Spielman, T. C. Creason, Ed. Bullock
J. H. McGrath, Middleton Mill Ditch Company, (a corporation), Middle-
ton Canal Company, (a corporation), Middleton Water Company, (a corpor-
ation), Levi Smith, Charlotte Calhoun and David Calhoun her husband,
Lizzie Everett and P. J. Everett her husband, Mrs E. J. Linder and
A. V. Linder her husband, Jesse Wilson, New Union Ditch Company, (a
corporation), New Dry Creek Ditch Company, (a corporation), Farmers'
Union Ditch Company, (a corporation), Boise Valley Irrigation Ditch
Company, (a corporation), John Utter, Stephen Utter, Josephine E.
Gallagher, administratrix of the estate of J. H. Gallagher, (sub. for
J. H. Gallagher), Charles Rein, William Eubb, Barber Lumber Company,
(sub. for I. E. Costen), The Nampa & Meridian Irrigation District,
(sub. for The Boise City Irrigation & Land Company), Settlers' Canal
Company, Limited, (a corporation), New York Canal Company, Limited,
(a corporation), A. Rossi, T. F. Ridenbaugh, F. E. Johnson, Kate Per-
rault and Joseph Perrault her husband, Boise City Canal Company, (a
corporation), Jacobs Canal Company, Limited, (a corporation), (sub.
for Boise Pacific Transit Company), The Canyon County Irrigation Company
Limited, (a corporation), Denver & Idaho Land Company, (a corporation)
Thomas Davis, T. C. Catlin, Pelette Pace, C. C. Havird, Draper &
Wells, James E. Graham, Frank E. Graham, William Gilbert, Martha Row-
man, C. W. Cess, Allen V. Webster, William P. Kennedy, Frank L. Leon-
ard, Wana E. Leonard, J. S. A. Manville, Estate of Albert Sherwin,
Martha E. McCarthy, W. C. Goodman and Dora C.

J. H. Allen, Edgar Dilley, W. M. Boss, Isaac Pedal, Julia Emmen,
Nasen Creek Ditch Company, (a corporation), E. J. Dunning, Peter
Neaves, Mary G. Devle, Edward M. Hart, L. E. Gray, Heirs of Edward and
Mary Clark, John Cecil, Thomas M. Atkins, E. W. Conway, Isham Jorlin,
Seneca Jorlin, Andrew J. Jorlin, Francis M. Jorlin, Joseph Gable,
Susie Campbell, J. T. Farber, (sub. for James Farber), C. E. Hutchin-
son, Johnsen, T. A. Black, (sub. for Ira T. Acney), American
Ditch Association, (a corporation), Charles P. Miller, L. E. Graham,
W. S. Cobb, E. F. Short, Leemis L. Heseley, C. E. Taylor, South
Valley Mutual Irrigation Company, (sub. for William Eubb, Alexander Mc-
Pherson and L. Carrie McPherson, Annie H. Pegart, (sub. for Fredner
Adams and Wilfred Adams), Bruce Call, Samuel P. Canfield, Charles
Pain and Jene Vech, Mathew Case, Jacob Bingham, Canyon Ditch Company,
(a corporation), (sub. for W. E. Campbell and Fred Canham), J. T.
Varyan,

Defendants.

In the above entitled cause the default of the non-answering defendants having been duly entered, to-wit;

Frank Gilbert, William McKnett, Neil McCarron, Michael Gilbride, Lower Boise Ditch Company, H. F. Vanderpool, John Atkins, Ben Ross, John Ross, D. K. McConnel, H. Carlyle, J. Bowman, E. M. Kirkpatrick, S. H. Mitchell, L. F. Cook, Triphenia Jobe, administratrix of the estate of J. H. Jobe; William Jobe, Alice Jobe, Edith Jobe and Corrinna Jobe, (minors) A. Holcomb, George Milner, George Hess, John Thomas, H. N. Whitney, Edwin Curtis, Kate Perrault, Henry Ott and John Doe et al, L. F. Graham, M. S. Cobb and O. F. Short;

and said cause having been regularly tried and submitted to the court for its decision, and the court having considered the evidence and being fully advised in the premises, makes and files its findings of fact, ^{and conclusions of law} and directs judgment to be entered in accordance therewith.

Whereupon it is ordered, adjudged and decreed as follows;

1. That each and every of the tracts of land described in the complaint, answers and cross-complaints in this action as belonging to the several parties, or tributary to the canals of certain parties plaintiff and defendant herein, are arid in character and require the artificial application of water to render them valuable for agricultural purposes.
2. That the quantity of water required for the successful irrigation and cultivation of said lands, measured at the intake of the respective ditches under a four inch pressure, is one inch per acre for bench lands, and one and one-tenth inch per acre for bottom lands.
3. That the quantity of water to which each of the parties to this action is entitled under this decree, shall be measured at the point or points of diversion thereof.
4. It is further ordered, adjudged and decreed that none of the parties hereto, or their successors in interest, shall have a right to the use of the waters of Boise River herein awarded, except for a beneficial purpose; and that whenever the beneficial use has ceased, such party or parties shall cease to divert and have no right to divert the said waters; that each and every of the parties hereto, their servants, attorneys, employees, privies and successors in interest, are hereby enjoined and restrained from

ence with or diversion or use of the waters of said Boise River, except as provided in this decree, whenever such interference, diversion or use would in any manner interfere with the quantity of water awarded by this decree to any of the other parties to this action.

5. It is further ordered, adjudged and decreed that the complaint, answers and cross-complaints and all pleadings filed in this cause be and the same are hereby amended to conform to the facts as found by the court herein.

6. That each of the parties to this action or their predecessors in interest, whose rights are adjudicated by this action, did respectively appropriate and divert from the Boise River the quantities of water hereinafter stated, and on the dates respectively as hereinafter stated, such water being estimated and measured under a four inch pressure and did respectively appropriate and divert such quantities of water for a beneficial use, and that ever since said dates of the several appropriations such water has been by said parties and their grantors and predecessors in interest so diverted and used.

7. That the following named parties, parties to this action, are entitled to the use of the waters of Boise River upon the lands mentioned and described in the complaint and cross-complaints and answers herein, in the following amounts and from the following dates, to-wit;

I.

That the defendant THOMAS DAVIS be and is hereby awarded the use of the waters of Boise River, diverted from a point on the north bank of said river about one mile east of the east line of the original townsite of Boise City, Idaho, through what is commonly known as the Jacobs Canal, for use upon lands lying in Secs. 10 and 11, T. 3 N. R. 2 E. B.M., in the following amount from the following date;

110 inches, from June 1, 1864; and hereby designated as Right No. 1

That the defendant Thomas Davis be and is hereby awarded the use of said waters diverted from a point on the south side of said river in NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 9, T. 3 N. R. 2 E. B.M., through what is known as the Davis Canal, for use upon lands in Secs. 5, 6, 31 and 32, T. 3 N. R. 2 E. B.M., in the following amount from the following date;

670 inches, from June 1, 1886, and hereby designated as Right No. 94.

That the defendant Thomas Davis be and is hereby awarded the use of said waters diverted from said river at a point in NW $\frac{1}{4}$ of Sec. 9, T. 3 N. R. 2 E. B.M., through what is known as the Davis private ditch, for use upon SE $\frac{1}{4}$ of Sec. 5 and SE $\frac{1}{4}$ of Secs 8 and 9, all in T. 3 N. R. 2 E. B.M., in the following amount from the following date;

27 inches, from June 1, 1891; And hereby designated as Right No. 119

And adjudged to pay \$56.49 costs, in addition to the costs incurred by him.

II.

JACOBS CANAL COMPANY, Limited, a corporation.

That the defendant the Jacobs Canal Company, Limited, be and it is hereby awarded the use of the waters of Boise River, diverted from a point on the north side of said river about one mile east of the east boundary line of the original townsite of Boise City, Idaho, through what is commonly known as the Jacobs Canal, for use upon the town lots and lands lying under said canal in Secs. 4, 9, 10, 11, 13, 14, T. 3 N. R. 2 E. B.M., in the following amount from the following date;

1000 inches, from June 1, 1864; and hereby designated as Right No. 2

And adjudged to pay \$70.00 costs, in addition to the costs incurred by

be and it is hereby awarded the use of the waters of Boise River, diverted from said river at a point near the farm of Davis & Hart, Sec 13, T. 4 N. R. 1 W. B.M., for use upon the lands lying under its canal system, in the following amounts from the following dates;

640 inches, from June 1, 1864; and hereby designated as Right No. 3

1685 inches, from June 1, 1871; and hereby designated as Right No. 54.

850 inches, from June 1, 1891; and hereby designated as Right No. 120.

And adjudged to pay \$222.25 costs, in addition to the costs incurred by it.

IV.

That the defendant THOMAS ANDREWS be and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point in SE $\frac{1}{4}$ of Sec. 25 and in SW $\frac{1}{4}$ of Sec. 30, T. 5 N. R. 5 W. B.M., for use upon the SE $\frac{1}{4}$ of SE $\frac{1}{4}$, SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 23, E. $\frac{1}{2}$ of SE $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$, NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$, E. $\frac{1}{2}$ of NW $\frac{1}{4}$, and lot 2, Sec. 22, all in T. 5 N. R. 5 W. B.M., in the following amounts from the following dates;

165 inches, from June 1, 1864; and hereby designated as Right No. 4.

300 inches, from June 1, 1865; and hereby designated as Right No. 29.

65 inches, from June 1, 1870; and hereby designated as Right No. 31.

45 inches, from June 1, 1888; and hereby designated as Right No. 104.

175 inches, from June 1, 1891; and hereby designated as Right No. 121.

And adjudged to pay \$52.50 costs, in addition to the costs incurred by him.

V.

That the defendants T. C. CATLIN and POLETTE MACE be and they are hereby awarded the use of the waters of Boise River, diverted from a point on the south bank of said river, on Lot 5, Sec. 17, T. 4 N. R. 1 E. B.M., for use on their lands on Eagle Island, Ada County, Idaho, in the following amounts from the following dates;

143 inches, from June 1, 1864; and hereby designated as Right NO. 5.

393 inches, from June 1, 1871; and hereby designated as Right No. 52.

And adjudged to pay \$37.52 costs, in addition to the costs incurred by them.

VI.

That the defendant T. C. CATLIN be and he is hereby awarded the use of the waters of Boise River, diverted near the center of the NE $\frac{1}{4}$ of Sec. 18, T. 4 N. R. 1 E. B.M., through what is known as the Davis & Hart ditch, for use upon lands lying under said ditch on Eagle Island, Ada County, Idaho, in the following amount from the following date;

165 inches, from June 1, 1864.

VII.

That the defendant C. C. HAVIRD be, and he is hereby awarded the use of the waters of Boise River, diverted at a point on the south side of said river in SE 1/4 of NE 1/4 of Sec. 5, T. 3 N. R. 2 E. B.M., through the Thurman Mill Slough or ditch, for use upon 160 acres of land situated in sections 25 and 26, T. 4 N. R. 1 E. B.M., in the following amount from the following date;

165 inches, from June 1, 1864. and hereby designated as Right No. 7. And be adjudged to pay \$11.55 costs, in addition to the costs incurred by him

VIII.

That the defendant, the PIONEER DIXIE DITCH COMPANY, a corporation be, and it is hereby awarded the use of the waters of Boise River, diverted from a point on the south side of said river near the center of NE 1/4 of NW 1/4 of Sec. 20, T. 4 N. R. 3 W. B.M., for use upon the lands lying under its canal system, in the following amounts from the following dates;

1000 inches, from Sept. 1, 1864. And hereby designated as Right No. 8.

1772 inches, from June 1, 1869. And hereby designated as Right No. 45. And be adjudged to pay \$194.04 costs in addition to the costs incurred by it

VIII. IX

That the defendant the SIEBENBERG COOPERATIVE DITCH COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the north bank of said river near the center of the NW 1/4 of Sec. 15, T. 4 N. R. 3 W. B.M., for use upon the lands lying under its canal system, in the following amount from the following date;

671 inches, from June 1, 1865. And hereby designated as Right No. 9.

And be adjudged to pay \$46.97 costs, in addition to the costs incurred by it.

(9)

X.

That the defendant ALLEN V. WEBSTER be, and he is hereby awarded the use of the waters of Boise River, diverted from a point on said river in SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 5, T. 3 N. R. 2 E. B.M., through what is known as the Thurman Mill Slough, for use upon lots 5, 6, 7 and 11, and NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 22, T. 4 N. R. 1 E. B.M., excepting therefrom a piece of land commencing at the SE corner of NW $\frac{1}{4}$ of SE $\frac{1}{4}$ and running thence west 12.32 chains, thence north 28 chains, thence south $42\frac{3}{4}$ degrees east 10.92 chains, thence east 5 chains, thence south 20 chains to place of beginning, in the following amounts and from the following dates;

60 inches, from June 1, 1865; and hereby designated as Right No. 10.
45 inches, from June 1, 1882; and hereby designated as Right No. 78.

And be adjudged to pay \$7.35 costs, in addition to the costs incurred by him.

XI.

That the defendant J. F. YARYAN be, and he is hereby awarded the use of the waters of Boise River, diverted from a point on said river in SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 5, T. 3 N. R. 2 E. B.M., through what is known as the Thurman Mill Slough, for use upon lot 8, Sec. 23, T. 4 N. R. 1 E. B.M., in the following amount from the following date;

33 inches, from June 1, 1865; and hereby designated as Right No. 11.

For use upon the following described tract of land; commencing at SE corner of NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 22, T. 4 N. R. 1 E. B.M., running thence west 12.32 chains, thence north 28 chains, thence south $42\frac{3}{4}$ degrees east 10.91 chains, thence east 5 chains, thence south 20 chains to place of beginning, in the following amount from the following date;

35 inches, from June 1, 1872; and hereby designated as Right No. 55.

For use upon the SE $\frac{1}{4}$ and lot 10 of Sec. 22, T. 4 N. R. 1 E. B.M.,

XII.

That the defendants JAMES L. GRAHAM, FRANK N. GRAHAM and WILLIAM GILBERT, be, and they are hereby awarded the use of the waters of Boise River, diverted from a point on said river near the SE corner of NW 1/4 of NE 1/4, Sec. 21, T. 4 N. R. 1 E. B.M., for use upon Lots 2 and 3 in NW 1/4 NE 1/4 and NE 1/4 NW 1/4, and lot 1 in NE 1/4 of NE 1/4, Sec. 20, and lots 3 and 4 in N. 1/2 NW 1/4, Sec. 21, all in T. 4 N. R. 1 E. B.M., in the following amount and from the following date;

220 inches, from June 1, 1865, and hereby designated as Right No. 12. And be adjudged to pay \$15.40 costs, in addition to the costs incurred by them.

XIII.

That the defendant the EUREKA WATER COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the south side of said river easterly of what is now the farm of William Simpson in Sec. 23, T. 4 N. R. 1 W. B.M., for use upon the lands lying under its canal system, in the following amount and from the following date;

1666 inches, from June 1, 1865, and hereby designated as Right No. 13. And be adjudged to pay \$116.62 costs, in addition to the costs incurred by it.

XIV.

That the defendant the NEW UNION DITCH COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the north bank of said river on Lot 2, Sec. 23, T. 4 N. R. 1 E. B. M., for use upon the lands lying under its canal system, in the following amount and from the following date;

668 inches, from June 1, 1865, and hereby designated as Right No. 14. And be adjudged to pay \$48.16 costs, in addition to the costs incurred by it.

XV.

That the defendant the BOISE VALLEY IRRIGATION DITCH COMPANY, a corporation, be, and it is hereby awarded the use of the waters

XVI

That the defendants W. H. RIDENBAUGH and A. ROSSI be, and they are hereby awarded the use of the waters of Boise River, diverted at a point on the south side of said river in Sec. 24, T. 3 N. R. 2 E. B. M., for use upon lands situated in T. 3 N. R. 2 E. B.M., in the following amount from the following date;

460 inches, from June 1, 1865; and hereby designated as Right No. 16.

For use for manufacturing and general power purposes, in the following amount from the following date;

13200 inches, from June 1, 1865; and hereby designated as Right No. 17.

And it is hereby ordered that said quantity of water so awarded for manufacturing and general power purposes shall be used for such purposes only, and after such use shall be returned to Boise River.

And be adjudged to pay \$962.50 costs in addition to the costs incurred by them.

XVII

That the defendant THE SENECA & IDAHO LAND COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted from said river near the head of what is known as the Ridenbaugh Mill Ditch, in Sec. 15, T. 3 N. R. 2 E. B.M., for use upon the E. 1/2 of SW 1/4 of Sec. 15, T. 3 N. R. 2 E. B.M., in the following amount from the following date;

40 inches, from June 1, 1865; and hereby designated as Right No. 18.

And be adjudged to pay \$2.80 costs in addition to the costs incurred by it.

XVIII

That the defendant MARTHA BOWMAN be, and she is hereby awarded the use of the waters of Boise River, diverted from said river at a point in NW 1/4 of SE 1/4, Sec. 12, and SE 1/4 of Sec. 2, T. 4 N. R. 4 W. B M, through what is known as the Center Point Ditch, for use upon lots 2, 3 and 4 and NE 1/4 of SW 1/4, Sec. 31, T. 5 N. R. 4 W. B.M., in the following amount and from the following date;

144 inches, from June 1, 1865; and hereby designated as Right No. 19.

And be adjudged to pay \$10.08 costs in addition to the costs incurred

~~XXII.~~ XIX.

That the defendant BIRD BOWMAN be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point in NW 1/4 of SE 1/4, Sec. 12, and SE 1/4 of Sec. 2, T. 4 N. R. 4 W. B.M., through what is known as the Center Point Ditch, for use upon lots 5, 6 and 7, NW 1/4 SE 1/4, Sec. 32, T. 5 N. R. 4 W. B.M., and lots 4 and 5 and N. 1/2 of SE 1/4, Sec. 31, T. 5 N. R. 4 W. B. M., in the following amount from the following date;

320 inches, from June 1, 1865, and hereby designated as Right No. 20 And be adjudged to pay \$22.40 costs in addition to the costs incurred by her.

~~XXI.~~ XX.

That the defendant G. W. GESS be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point in NE 1/4 of SE 1/4, Sec. 12, and SE 1/4 of Sec. 2, T. 4 N. R. 4 W. B.M., through what is known as the Center Point Ditch, for use upon the NE 1/4 of SE 1/4, Sec. 32, and lots 6 and 7 in sec. 33, T. 5 N. R. 4 W. B.M., in the following amount from the following date;

145 inches, from June 1, 1865, and hereby designated as Right No. 21. And be adjudged to pay \$10.15 costs in addition to the costs incurred by him.

~~XXI.~~

That the defendant ROBERT McGUIRE be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point in NW 1/4 of SE 1/4 of Sec. 12, and SE 1/4 of Sec. 2, T. 4 N. R. 4 W. B.M., through what is known as the Center Point Ditch, for use upon the S. 1/2 of SE 1/4, S. 1/2 SW 1/4, NE 1/4 SE 1/4, Sec. 32, Lots 6 and 7 and SW 1/4 of SW 1/4 of sec. 33, and lot 4, Sec. 4, T. 5 N. R. 4 W. B.M., and lot 1 in Sec. 5, T. 4 N. R. 4 W. B. M., in the following amount, from the following date;

160 inches, from June 1, 1865. and hereby designated as Right No. 22. And be adjudged to pay \$11.20 costs in addition to the costs incurred by him.

XXII.

That the defendant C. W. COOPER be, and he is hereby awarded, the use of the waters of Boise River, diverted from said river at a point in NW 1/4 of SE 1/4 of Sec. 12, and SE 1/4 of Sec. 2, T. 4 N. R. 4 W. B.M., through what is known as the Center Point Ditch, for use upon the SE 1/4, Sec. 11, T. 4 N. R. 4 W. B.M., and lots 6, 7 and 8, and SW 1/4 of NW 1/4 of Sec. 12, T. 4 N. R. 4 W. B.M., in the following amount and from the following date;

160 inches, from June 1, 1865; and hereby designated as Right No. 23. And be adjudged to pay \$11.20 costs in addition to the costs incurred by him.

XXIII.

That the defendant J. D. ROLAND be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point near the center of the S. 1/2 of SW 1/4 of Sec. 7, T. 4 N. R. 3 W. B. M., through what is known as the Center Point Ditch, for use upon the S. 1/4 of NE 1/4 and SE 1/4 of NW 1/4 of sec. 11, T. 4 N. R. 4 W. B.M., in the following amount and from the following date;

120 inches, from June 1, 1865; and hereby designated as Right No. 24. And be adjudged to pay \$8.40 costs in addition to the costs incurred by him.

XXIV.

That the defendants BRAPER & WELLS be, and they are hereby awarded the use of the waters of Boise River, diverted from said river at a point

for use upon the

in the following amount and from the following date;

197 inches, from June 1, 1865, and hereby designated as Right No. 25. And be adjudged to pay \$13.79 costs in addition to the costs incurred by them.

~~XXV.~~ XXV.

That the defendant THOMAS J. PALMER be, and he is hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river near the center of S. 1/2 of SW 1/4 of Sec. 7, T. 4 N. R. 3 W. B.M., through what is known as the center Point Ditch, for use upon lands situated in T. 4 N. R. 4 W. B.M., in the following amount and from the following date;

80 inches, from June 1, 1865; and hereby designated as Right No. 26. And be adjudged to pay \$5.60 costs in addition to the costs incurred by him.

XXVI.

That the defendant NOAH W. PALMER be, and he is hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river near the center of the S. 1/2 of SW 1/4 of sec. 7, T. 4 N. R. 3 W. B.M., through what is known as the Center point Ditch, for use upon lands situated in T. 4 N. R. 4 W. B.M., in the following amount and from the following date;

79 inches, from June 1, 1865; and hereby designated as Right No. 27. And be adjudged to pay \$5.53 costs in addition to the costs incurred by him.

XXVII.

That the defendant J. N. TUCKER be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point in the SE 1/4 of Sec. 25, and SW 1/4 of Sec. 30, T. 5 N. R. 5 W. B.M., for use upon the SW 1/4 of Sec. 24, NE 1/4 of NW 1/4 and lots 4, 5 and 6 of sec. 25, T. 5 N. R. 5 W. B.M., in the following amount and from the following date;

350 inches, from June 1, 1865; and hereby designated as Right No. 28. And be adjudged to pay \$24.50 costs in addition to the costs incurred by him.

XXVIII.

That the defendants JOSEPH PERRAULT and RICHARD Z. JOHNSON be, and they are hereby awarded the use of the waters of Boise River, diverted from a point on the north bank of said river about four miles above Boise City, through what is known as the Walling, or Boise Valley Water Ditch, for use upon the town lots and lands lying under said ditch for irrigating and domestic purposes, in the following amount and from the following date;

2500 inches, from May 1, 1866; and hereby designated as Right No 30.

And that said defendants be awarded, for power purposes only, the use of said waters in the following amount from the following date, and it is hereby ordered that the quantity of water so awarded for power purposes shall be used for such purposes only, and after such use shall be returned to Boise River;

10000 inches, from July 1, 1877; and hereby designated as Right No 66
And be adjudged to pay \$875.00 costs in addition to the costs incurred by them.

~~XXIX.~~ XXXIX.

That the defendant WILLIAM P. KENNEDY be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point in the SW 1/4 of Sec. 17, T. 4 N. R. 1 W. B.M., for use upon the E. 1/2 of NE 1/4 and lot 1 of Sec. 13, and SE 1/4 of SE 1/4 of Sec. 12, T. 4 N. R. 2 W. B.M., in the following amount and from the following date;

130 inches, from June 1, 1866; and hereby designated as Right No 31
And be adjudged to pay \$9.10 costs in addition to the costs incurred by him.

~~XXX.~~ XXXX.

That the defendants FRANK L. LEONARD, EDNA E. LEONARD, J. S. D. MANVILLE and ESTATE OF ALBERT SHERWIN, be and they are hereby awarded the use of the waters of Boise River, diverted from a point on the south side of said river in Sec. 15, T. 3 N. R. 2 E. B.M., at a point a short distance east of the NW corner of said section; also at a point on Sec. 9, a short distance west of said section corner, and also a short distance below on said Section 9, all in T. 3 N. R. 2 E. B.M., for use upon an irregular shaped tract of land in Lot 6, and W. 1/2 of SE 1/4 of Sec. 9, T. 3 N. R. 2 E. B.M., and an irregular tract in the N. 1/2 and the SE 1/4 of Sec. 9, T. 3 N. R. 1 E. B.M., in the following amount and from the following date;

XXXI.

That the defendant, THE BOISE CITY CANAL COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on said river above the city of Boise for use on the lands lying under its canal system, in the following amount from the following date;

1903 inches, from June 1, 1866; and hereby designated as Right No. 33. And be adjudged to pay \$133.21 costs in addition to the costs incurred by it.

XXXII

That the defendant THE FRANKLIN DITCH COMPANY, a corporation, be and it is hereby awarded the use of the waters of Boise River, diverted at a point on the William Frest farm in Sec. 18, T. 4 N. R. 1 W. B.M., for use upon the lands lying under its canal system, in the following amounts from the following dates;

770 inches, from July 3, 1866; and hereby designated as Right No. 34.

1380 inches, from Oct. 29, 1880; and hereby designated as Right No. 77. And be adjudged to pay \$150.50 costs in addition to the costs incurred by it.

XXXIII.

That the defendant THE CANYON COUNTY WATER COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the north bank of said river near where the east line of Canyon County intersects said north bank, for use upon the lands lying under its canal system, in the following amount from the following date;

3790 inches, from June 1, 1867; and hereby designated as Right No. 36. And be adjudged to pay \$265.30 costs in addition to the costs incurred by it.

XXXIV.

That the defendant MARTHA E. MCCARTHY be, and she is hereby awarded the use of the waters of Boise River, diverted at a point on the south side of said river on SE 1/4 of NE 1/4, Sec. 5, T. 3 N. R. 2 E. B.M., through what is known as the Thurman Mill Slough or ditch, for use upon lands lying under said ditch, in the following amount from the following date;

XXXV.

That the defendants H. D. GOODMAN and DORA GOODMAN be, and they are hereby awarded the use of the waters of Boise River, diverted from a point on said river in SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 5, T. 3 N.R. 2 E. B.M., through what is known as the Thurman Mill Ditch or slough, for use upon lands situated in Secs. 31 and 32, T. 4 N. R. 2 E. B.M., in the following amount and from the following date;

185 inches, from June 1, 1868; and hereby designated as Right No. 37. And be adjudged to pay \$12.95 costs in addition to the costs incurred by them.

XXXVI.

That the defendant T. T. JOHNSON be, and he is hereby awarded the use of the waters of Boise River, diverted at a point in the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 12, and SE $\frac{1}{4}$ of Sec. 2, T. 4 N. R. 4 W. B.M., for use upon the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, NE $\frac{1}{4}$ of SW $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$, and lots 2 and 3 in Sec. 3, T. 4 N. R. 4 W. B.M., in the following amount from the following date;

160 inches, from June 1, 1868; and hereby designated as Right No. 38. And be adjudged to pay \$11.20 costs in addition to the costs incurred by him.

XXXVII.

That the defendants C. B. ROSS, C. H. ALLEN, EDGAR DILLEY and W. H. ROSS, be and they are hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river near the NE corner of Sec. 21, through what is known as the Haas canal, for use upon lands in Secs. 16, 17, 20 and 21, T. 5 N. R. 5 W. B.M., in the following amount from the following date;

427 inches, from June 1, 1868; and hereby designated as Right No. 39. And be adjudged to pay \$29.89 costs in addition to the costs incurred by them.

XXXVIII.

That the defendant S. S. GRAY be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point at the head of the Middleton Mill ditch, on NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 13, T. 4 N. R. 1 W. B.M., for use upon the N. $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 10, T. 4 N. R. 1 W. B.M., in the following amount and from the following date;

XXXIX

That the defendant JOHN MAMMON be, and he is hereby awarded the use of the waters of Boise River, diverted at a point on the south side of said river in Sec. 25, T. 5 N. R. 5 W. B.M., for use upon the N. $\frac{1}{2}$ of SE $\frac{1}{4}$ and lots 8 and 9 in Sec. 26, and lots 7 and 8 in Sec. 25, T. 5 N. R. 5 W. B.M., in the following amount from the following date;

90 inches, from June 1, 1869. and hereby designated as Right No. 41

That said defendant John Mammon is also hereby awarded the use of the waters of said river, diverted at a point in the NW corner of Sec. 36, T. 5 N. R. 5 W. B.M., for use upon the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ and lots 5 and 6 in Sec. 26, and lots 1, 2 and 3 in Sec. 27, and lots 7 and 8 in Sec. 25, and N. $\frac{1}{2}$ of SE $\frac{1}{4}$ and lots 8 and 9 in Sec. 26, all in T. 5 N. R. 5 W. B.M., in the following amount and from the following date;

210 inches, from June 1, 1878; and hereby designated as Right No. 68

And be adjudged to pay \$21.00 costs in addition to the costs incurred by him.

XL.

That the defendant Isaac BEDAL be, and he is hereby awarded the use of the waters of Boise River, diverted from a point on the south side thereof in SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 5, T. 3 N. R. 2 E. B.M., through what is known as the Thurman Mill slough or ditch, for use upon lands lying under said ditch, in the following amount and from the following date;

80 inches, from June 1, 1869; and hereby designated as Right No. 42

And be adjudged to pay \$5.60 costs in addition to the costs incurred by him.

XLI.

That the defendant FREDERICK ODE be, and he is hereby awarded the use of the waters of Boise River, diverted from a point in NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 12 and SE $\frac{1}{4}$ of Sec. 2, T. 4 N. R. 4 W. B.M., through what is known as the Center Point Ditch, for use upon lots 8 and 9, Sec. 33 and lots 5, 6 and 7, Sec. 34, T. 5 N. R. 4 W. B.M., and lot 1, Sec. 4,

T. 4 N. R. 4 W. B.M. in the following amount from the following date;

180 inches, from June 1, 1869 and hereby designated as Right No. 43

And be adjudged to pay \$12.60 costs in addition to the costs incurred by him.

(19)

Sec. 26, all in T. 5 N. R. 5 W. B.M., in the following amount from the following date;

425 inches, from June 1, 1869; and hereby designated as Right No. 44.

And be adjudged to pay \$29.75 costs, in addition to the costs incurred by him.

XLIII.

That the defendant the MASON CREEK DITCH COMPANY, a corporation, be and it is hereby awarded the use of the waters of Boise River, diverted at a point on the south bank thereof near the center of the east line of Sec. 16, T. 4 N. R. 2 W. B.M., for use upon the lands lying under its canal system, in the following amount from the following date;

1860 inches, from June 1, 1869; and hereby designated as Right No. 46

And be adjudged to pay \$130.20 costs in addition to the costs incurred by it.

XLIV.

That the defendant T. W. Boone be, and he is hereby awarded the use of the waters of Boise River, diverted at a point on the SE $\frac{1}{4}$ of Sec. 25, and SW $\frac{1}{4}$ of Sec. 30, T. 5 N. R. 5 W. B.M., for use upon the NE $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$, and lots 1, 2 and 3, Sec. 25, T. 5 N. R. 5 W. B.M., in the following amounts and from the following dates;

175 inches, from June 1, 1869; and hereby designated as Right No. 47.

110 inches, from June 1, 1874; and hereby designated as Right No. 59.

And be adjudged to pay \$19.95 costs in addition to the costs incurred by him.

XLV.

That the defendant W. J. HAMMING be, and he is hereby awarded the use of the waters of Boise River, diverted at a point near the middle of the east line of Sec. 17, T. 4 N. R. 1 E. B.M., by a canal running through a part of Secs. 17 and 18, T. 4 N. R. 1 E. B.M., for use upon lands lying under said canal, and situated on Eagle Island, Ada County Idaho, in the following amount and from the following date;

130 inches, from June 1, 1870; and hereby designated as Right No. 48.

XLVI.

That the defendants Frank Hart, B. F. Swalley, James M. Stewart, W. A. Fowler, J. C. Baldwin, Charles Palmer, J. H. McGrath, Eliza J. McDowell, S. McDowell, Amos Prosser, Elsa Everett, D. D. Shaw, J. W. Dickson, Jacob Fowler, William Snodgrass, State of Idaho, Snyder & McDowell, William Spielman, T. C. Creason and Ed Bullock, be and they are hereby awarded the use of the waters of Boise River, diverted from a point on the north bank thereof near the SE corner of NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 14, T. 4 N. R. 1 W. B.M., through what is known as the Pioneer canal, for use upon agricultural lands situated in Secs, 15, 16, 17, 18, 8, 9 and 10, all in T. 4 N. R. 1 W. B.M., in the following amount from the following date;

1286 inches, from June 1, 1879; and hereby designated as Right No. 49. And be adjudged to pay \$90.02 costs in addition to the costs incurred by them.

XLVII.

That the defendant the BARBER LUMBER COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the SE $\frac{1}{4}$ of lot 9, Sec. 33, T. 3 N. R. 3 E. B.M., for use upon lots 7, 8 and 9, and SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 33, lots 5 and 6 of Sec. 33, lot 1 of Sec. 32, also 10 acres in lot 2 of Sec. 32, and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 3, all in T. 3 N. R. 3 E. B.M., in the following amount and from the following date;

112 inches, from June 1, 1869; and hereby designated as Right No. 50. And be adjudged to pay \$7.84 costs in addition to the costs incurred by it.

XLVIII.

That the defendant PETER MEEVES be, and he is hereby awarded the use of the waters of Boise River, diverted at a point in the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 24, T. 3 N. R. 2 E. B.M., for use upon lands in parts of Secs. 14 and 23, T. 3 N. R. 2 E. B.M., in the following amount and

XLIX.

That the defendant MARY G. DAVIS be, and she is hereby awarded the use of the waters of Boise River, diverted at a point about the center of the NE $\frac{1}{4}$ of Sec. 18, T. 4 N. R. 1 E. B.M., for use upon lots 3 and 4 and the SW $\frac{1}{4}$ of Sec. 13, and lots 3 and 4 of Sec. 24, all in T. 4 N. R. 1 W. B.M., in the following amount and from the following date;

220 inches, from June 1, 1872; and hereby designated as Right No. 57.

And be adjudged to pay \$15.40 costs in addition to the costs incurred by her.

L.

That the defendant EDWARD N. HART be, and he is hereby awarded the use of the waters of Boise River, diverted at a point about the center of the NE $\frac{1}{4}$ of Sec. 18, T. 4 N. R. 1 E. B.M., for use upon the following described lands; beginning at SW corner of Sec. 13, T. 4 N. R. 1 W. B.M., and running thence east 517 feet, thence north 3960 feet, thence west 517 feet, thence south to place of beginning; also lots 9, 10, 11 and 12, and E $\frac{1}{2}$ of SE $\frac{1}{4}$, Sec. 14, all in T. 4 N. R. 1 W. B.M. in the following amount and from the following date;

165 inches, from June 1, 1872; hereby designated as Right No. 58.

And be adjudged to pay \$11.55 costs in addition to the costs incurred by him.

LI.

That the plaintiff, the FARMERS' COOPERATIVE DITCH COMPANY, a corporation, be and it is hereby awarded the use of the waters of Boise River, diverted at a point on the north side of said river, near what is known as the Caldwell bridge in Canyon County, Idaho, for use upon the lands lying under its canal system, in the following amounts from the following dates;

500 inches, from June 1, 1875; and hereby designated as Right No. 60.

1000 inches, from June 1, 1883; and hereby designated as Right No. 86.

2500 inches, from July 1, 1888; and hereby designated as Right No. 105.

4175 inches, from July 1, 1896; and hereby designated as Right No. 129.

LII.

That the defendants the heirs of EDWARD AND MARY CLARK, be and they are hereby awarded the use of the waters of Boise River, diverted from said river at a point opposite the upper end of Government Island ~~xxx~~ through what is known as the Thurman Mill Slough, for use upon the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ and lots 7 and 8, Sec. 20, T. 4 N. R. 1 E. B.M., in the following amount and from the following date;

115 inches, from June 1, 1876; and hereby designated as

Right No. 61.

And be ~~adjudged to~~ pay \$8.05 costs in addition to the costs incurred by them.

LIII.

That the defendant JOHN CECIL be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point opposite the upper end of Government Island, through what is known as the Thurman Mill Slough, for use upon the following described land; commencing at a point $\frac{1}{4}$ mile west of the NE corner of NE $\frac{1}{4}$ of Sec. 27, T. 4 N. R. 1 E. B.M., thence west 120 rods, thence south 249 feet, thence southeast along the brow of the hill 120 rods, thence north 669 feet to place of beginning, in the following amount and from the following date;

22 inches, from June 1, 1876; and hereby designated as Right No. 62;

And be adjudged to pay \$1.54 costs in addition to the costs incurred by him.

LIV.

That the defendant THOMAS H. AIKENS be, and he is hereby awarded the use of the waters of Boise River, diverted at a point in said river on Sec. 16, T. 4 N. R. 1 E. B.M., about 60 rods from the west line of said section and on or near the south line thereof, for use upon the south half of SE $\frac{1}{4}$, Sec. 17, T. 4 N. R. 1 E. B.M., and lots 6, 7, and 8 in said section, also an irregular shaped piece of ground in the SE

That said defendant THOMAS H. AIKENS is also, and he is hereby awarded the use of the waters of said river, diverted at a point near the center of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 15, T. 4 N. R. 1 E. B.M., for use upon the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 16, T. 4 N. R. 1 E. B.M., in the following amount and from the following date;

40 inches, from June 1, 1891; and hereby designated as Right No. 123.

And be adjudged to pay \$21.00 costs in addition to the costs incurred by him

LV.

That the defendant W. H. CONWAY be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point in the SW corner of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 16, T. 4 N. R. 1 E. B.M., for use upon lots 5 and 6 and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 16, T. 4 N. R. 1 E. B. M., in the following amounts and from the following dates;

45 inches, from June 1, 1877; and hereby designated as Right No. 64.

110 inches, from June 1, 1891; and hereby designated as Right No. 118.

And be adjudged to pay \$10.85 costs in addition to the costs incurred by him.

LVI.

That the defendant the MIDDLETON WATER COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the north bank of said river in SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 12, T. 4 N. R. 1 W. B.M., for use on the lands lying under its canal system, in the following amount and from the following date;

5704 inches, from June 1, 1877; and hereby designated as Right No. 65.

And be adjudged to pay \$399.28 costs in addition to the costs incurred by it.

LVII

That the defendant the NAMPA & MERIDIAN IRRIGATION DISTRICT, (substituted for defendant the Boise City Irrigation & Land Company) a corporation, be and it is hereby awarded the use of the waters of Boise River, diverted at a point on the south side of said river in Lot 6, Sec. 29, T. 3 N. R. 3 E. B.M., for use upon the lands lying under its canal system, in the following amounts, from the following dates;

8500 inches, from May 1, 1878; and hereby designated as Right No. 67.

18542 inches, from August 20, 1888; and hereby designated as Right No 106

And be adjudged to pay \$1892.94 costs in addition to the costs incurred by it.

LVIII.

That the defendant JULIA MAMMON be, and she is hereby awarded the use of the waters of Boise River, diverted from said river at a point in NW corner of Sec. 36, T. 5 N. R. 5 W. B.M., for use upon the SE $\frac{1}{4}$ of SW $\frac{1}{4}$, and S. $\frac{1}{2}$ of SE $\frac{1}{4}$, and lot 7 in Sec. 26, T. 5 N. R. 5 W. B.M., in the following amount from the following date;

168 inches, from June 1, 1878; and hereby designated as Right No. 68.

And be adjudged to pay \$11.78 costs in addition to the costs incurred by her.

LIX.

That the defendant CHARLES ALLEN be, and he is hereby awarded the use of the waters of Boise River, diverted at a point at the NW corner of Sec. 36, T. 5 N. R. 5 W. B.M., for use upon lots 3 and 4 and NW 1/4 of NW 1/4 of Sec. 22, and lots 3, 4, 6, 7, 8 and 9 in NW 1/4 of SE 1/4 of Sec. 21, and lot 10 in Sec. 21, lot 5 in Sec. 22, lot 4 in Sec. 27, and NE 1/4 of NW 1/4 of Sec. 28, all in T. 5 N. R. 5 W. B.M., in the following amount and from the following date;

440 inches, from June 1, 1878; and hereby designated as Right No. 70. And be adjudged to pay \$30.80 costs in addition to the costs incurred by him

LX.

That the defendant R. H. STOCKTON be, and he is hereby awarded the use of the waters of Boise river, diverted from said river at a point in the SE 1/4 of Sec. 16, T. 5 N. R. 5 W. B.M., for use upon the E. 1/2 of NW 1/4 of Sec. 16, NE 1/4 of NE 1/4 of Sec. 17, S. 1/2 of SE 1/4, SE 1/4 of SW 1/4, NE 1/4 of SE 1/4 of Sec. 8, all in T. 5 N. R. 5 W. B.M., in the following amounts and from the following dates;

220 inches, from June 1, 1878.; and hereby designated as Right No. 71.

88 inches, from June 1, 1894., and hereby designated as Right No. 125.

And be adjudged to pay \$21.56 costs in addition to the costs incurred by him.

LXI.

That the defendant the NEW DRY CREEK DITCH COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise river, diverted from a point on the north bank of said river in SW 1/4 of SE 1/4 of sec. 24, T. 4 N. R. 1 E. B.M., for use upon the lands lying under its canal system, in the following amounts, from the following dates;

1566 inches, from June 1, 1879, and hereby designated as Right No. 72.

761 inches, from June 1, 1886, and hereby designated as Right No. 93.

393 inches, from June 1, 1888, and hereby designated as Right No. 97.
And be adjudged to pay \$190.40 costs in addition to the costs incurred by it.

LXII.

That the defendant D. MUMFORD be, and he is hereby awarded the use of the waters of Boise River, diverted from a point on said river in NW 1/4 of SE 1/4 of Sec. 12, and in SE 1/4 of Sec. 2, T. 4 N. R. 4 W. B.M., through what is known as the Center Point Ditch, for use upon the SW 1/4 of SE 1/4, NE 1/4 of SE 1/4, SE 1/4 of NE 1/4, and lot 1, Sec. 3, and NW 1/4 of SW 1/4, and lot 8, Sec. 2, all in T. 4 N. R. 4 W. B.M., in the following amount and from the following date;

200 inches, from June 1, 1879, and hereby designated as Right No. 73.

costs
And be adjudged to pay \$14.00^{costs} in addition to the costs incurred by him.

LXIII.

That the defendant SMITH STOCKTON be, and he is hereby awarded the use of the waters of Boise River, diverted from a point on said river in the SE 1/4 of Sec. 13, T. 5 N. R. 5 W. B.M., for use upon the SE 1/4 of NW 1/4, NE 1/4 of SW 1/4, NW 1/4 of SE 1/4 and SW 1/4 of NE 1/4 of Sec. 8, T. 5 N. R. 5 W. B.M., in the following amount from the following date;

88 inches, from June 1, 1880; and hereby designated as Right No. 74.

LXIV.

That the defendant Isham Joplin be, and he is hereby awarded the use of the waters of Boise River, diverted at a point in SE 1/4 of NE 1/4 of Sec. 5, T. 3 N. R. 2 E. B.M., through what is known as the Thurman Mill Slough, for use upon the E. 1/2 of SE 1/4 of Sec. 21, and SW 1/4 of SW 1/4 of Sec. 22, all in T. 4 N. R. 1 E. B.M., in the following amount and from the following date;

120 inches, from June 1, 1880, and hereby designated as Right No. 75. And be adjudged to pay \$8.40 costs in addition to the costs incurred by him.

LXV.

That the defendant JOSEPH GOBLE be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point in SE 1/4 of NE 1/4 of Sec. 5, T. 3 N. R. 2 E. B.M., through what is known as the Thurman Mill Slough, for use upon the SW 1/4 of SE 1/4 of Sec. 22, T. 4 N. R. 1 E. B.M., in the following amount from the following date;

45 inches, from Oct. 20, 1880, and hereby designated as Right No. 76. And be adjudged to pay \$3.15 costs in addition to the costs incurred by him.

LXVI.

That the defendant SUSIE CAMPBELL be, and she is hereby awarded the use of the waters of Boise River, diverted from said river at a point in SE 1/4 of NE 1/4 of Sec. 5, T. 3 N. R. 2 E. B.M., through what is known as the Thurman Mill Slough, for use upon the following described tract of land; commencing at the NE corner of Sec. 27, T. 3 N. R. 1 E. B.M., and running thence south along the section line between sections 26 and 27 in said township and range to the bottom of the foot of the bluff that runs east and west through the NE 1/4 of NE 1/4 of said section 27, running thence in a westerly direction, following the bottom or foot of said bluff to the west line of said NE 1/4 of NE 1/4 of said section 27, thence north along said line to the NW corner of said NE 1/4 of NE 1/4 of section 27, thence east

LXVII.

That the defendant J. T. BARBER be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point in SE 1/4 of NE 1/4 of Sec. 5, T. 3 N. R. 2 E. B.M., through what is known as the Thurman Mill Slough, for use upon lands lying under said ditch in Sec. 19, T. 4 N. R. 1 E. B.M., in the following amount and from the following date;

80 inches, from June 1, 1882, and hereby designated as Right No. 80. And be adjudged to pay \$5.60 costs in addition to the costs incurred by him.

LXVIII.

That the defendant SONORA JOPLIN is entitled to the use of the waters of Boise River, diverted from said river at a point in SE 1/4 of NE 1/4 of Sec. 5, T. 3 N. R. 2 E. B.M., through what is known as the Thurman Mill Slough, for use upon the NW 1/4 of SW 1/4, and S. 1/2 of S. W. 1/4, and SW 1/4 of SE 1/4 of Sec. 21, T. 4 N. R. 1 E. B.M. in the following amount from the following date;

170 inches, from June 1, 1882, and hereby designated as Right No. 81.

For use upon the following described tract; commencing at a point 30 feet south of the corral fence, thence south 69 degrees 30 minutes west 500.3 feet, thence south 315 feet to edge of bluff, thence south 76 degrees east 562 feet along the edge of bluff, thence north 29 degrees 30 minutes east 162 feet, thence north 29 degrees 45 minutes west 409 feet to place of beginning, in lot 3 of Sec. 15, T. 3 N. R. 2 E. B.M., in the following amount from the following date;

3 inches, from June 1, 1889, and hereby designated as Right No. 115.

For use upon lots 5 and 6, Sec. 21, T. 4 N. R. 1 E. B. M., in the following amount from the following date;

60 inches, from June 1, 1889, and hereby designated as Right No. 116.

And be adjudged to pay \$16.31 costs in addition to the costs incurred by her.

LXIX.

That the defendant S. W. HUTCHINSON be, and he is hereby awarded the use of the waters of Boise River, diverted from a point on said river in SE 1/4 of NE 1/4 of Sec. 5, T. 3 N. R. 2 E. B.M., through what is known as the Thurman Mill Slough, for use upon 20 acres of land situated in Sec. 14, T. 4 N. R. 1 E. B.M., in the following amount from the following date;

22 inches, from June 1, 1882.; and hereby designated as Right No. 82. And be adjudged to pay \$1.54 costs in addition to the costs incurred by him.

LXX.

That the defendant JOHNSON be, and he is hereby awarded the use of the waters of Boise River, diverted from a point on said river in SE 1/4 of NE 1/4 of Sec. 5, T. 3 N. R. 2 E. B.M., through what is known as the Thurman Mill Slough, for use upon 20 acres of land situated in Sec. 14, T. 4 N. R. 1 E. B.M., in the following amount and from the following date;

22 inches, from June 1, 1882; and hereby designated as Right No. 83. And be adjudged to pay \$1.54 costs in addition to the costs incurred by him.

LXXI.

That the defendant ANDREW J. JOPLIN be, and he is hereby awarded the use of the waters of Boise River, diverted from a point on said river in SE 1/4 of NE 1/4 of Sec. 5, T. 3 N. R. 2 E. B.M., through what is known as the Thurman Mill Slough, for use upon the NE 1/4 of SW 1/4, and NW 1/4 of SE 1/4, and lots 7 and 8, Sec. 21, T. 4 N. R. 1 E. B.M., in the following amount and from the following date;

143 inches, from June 1, 1882, and hereby designated as Right No. 84.

And be adjudged to pay \$10.01 costs in addition to the costs incurred by him.

~~LXX~~

LXXII.

That the defendant JAMES L. GRAHAM be, and he is hereby awarded the use of the waters of Boise River, diverted from a point on said river on Lot 6, Sec. 22, T. 4 N. R. 1 E. B.M., for use upon the S. 1/2 of NW 1/4 and lot 5 of Sec. 20, T. 4 N. R. 1 E. B.M., in the following amount and from the following date;

110 inches, from June 1, 1882, and hereby designated as Right No. 85. And be adjudged to pay \$7.70 costs in addition to the costs incurred by him.

LXXIII.

That the defendant FRANCIS M. JOPLIN be, and she is hereby awarded the use of the waters of Boise River, diverted from a point on said river in SE 1/4 of NE 1/4 of Sec. 5, T. 3 N. R. 2 E. B.M., through what is known as the Thurman Mill Slough, for use upon the SE 1/4 of SW 1/4 of Sec. 22, T. 4 N. R. 1 E. B.M., in the following amount from the following date;

45 inches, from June 1, 1883, and hereby designated as Right No. 87. And be adjudged to pay \$3.15 costs in addition to the costs incurred by her.

LXXIV.

That the defendant W. A. BLACK be, and he is hereby awarded the use of the waters of Boise River, diverted from said river through the canal now owned by the Riverside Irrigation District, Limited, Canyon County, Idaho, for use upon the E. 1/2 of Sec. 8 and all of Sec. 9, T. 4 N. R. 4 W. B.M., in the following amount and from the following date; and hereby designated as Right No. 88.

600 inches, from June 1, 1883. And be adjudged to pay \$42.00 costs in addition to the costs incurred by him.

LXXV.

That the defendant the EUREKA DITCH COMPANY NO. 2 be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river near the SE corner of Sec. 12, T. 4 N. R. 4 W. B.M., for use upon the lands lying under its canal system, in the following amount and from the following date:

LXXVI.

That the defendant the PIONEER IRRIGATION DISTRICT, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted from said river at a point on the farm known as the William Frost farm in Sec. 18, T. 4 N. R. 1 W. B.M., through what is known as the Caldwell canal, for use upon the lands lying under its canal system, in the following amount and from the following date;

2655 inches, from June 1, 1884, and hereby designated as Right No. 90.

Also, diverted at a point on the south bank of said river opposite the lower part of Eagle Island, in Sec. 24, T. 4 N. R. 1 W. B.M., through what is known as the Phyllis canal, for use upon the lands lying under its canal system, in the following amounts, from the following dates;

10000 inches, from Sept. 1, 1890.; and hereby designated as Right No. 117.

2817 inches, from April 1, 1904.; and hereby designated as Right No. 135.
And be adjudged to pay \$1083.04 costs in addition to the costs incurred by it.

LXXVII.

That the defendant the RIVERSIDE IRRIGATION DISTRICT, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river near the center line of Sec. 20, T. 4 N. R. 3 W. B.M., for use upon the lands lying under its canal system, in the following amounts, from the following dates;

1000 inches, from June 1, 1884. and hereby designated as Right No. 91.

4000 inches, from May 1, 1893. and hereby designated as Right No. 124.

1000 inches, from Oct. 1, 1899. and hereby designated as Right No. 130.

3500 inches, from June 1, 1901. and hereby designated as Right No. 133.

And be adjudged to pay \$665.00 costs in addition to the costs incurred by it.

LXXVIII.

That the defendant the SETTLERS' CANAL COMPANY, Limited, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the south side of said river at the head of the Government Hay Reservation, in Sec. 9, T. 3 N. R. 2 E. B.M., for use on the lands lying under its canal system, in the following amounts from the following dates;

4953 inches, from Oct. 17, 1884. and hereby designated as Right No. 92.

3672 inches, from June 1, 1891; and hereby designated as Right No. 122. And be adjudged to pay \$603.75 costs in addition to the costs incurred by it.

LXXIX.

That the defendants WILLIAM C. YOUNG, LIZZIE YOUNG and ESTELLA YOUNG be, and they are hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river at or near the SE 1/4 of SW 1/4 of Sec. 10, T. 4 N. R. 3 W. B.M., through what is known as the Young ditch, for use upon lands lying under said ditch in sections 15 and 21, T. 4 N. R. 3 W. B.M., in the following amount from the following date;

200 inches, from Jan. 23, 1887. and hereby designated as Right No. 95. And be adjudged to pay \$14.00 costs in addition to the costs incurred by them.

LXXX.

That the defendant the AMERICAN DITCH ASSOCIATION, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river at or near the SE corner of SW 1/4 of Sec. 16, T. 4 N. R. 3 W. B.M., for use upon the lands lying under its canal system, in the following amount from the following date;

2390 inches, from Oct. 1, 1887. and hereby designated as Right No. 96.

And be adjudged to pay \$167.30 costs in addition to the costs incurred by it.

LXXXI.

That the defendant A. V. LINDER be, and he is hereby awarded the use of the waters of Boise River, diverted at a point near the center of SW 1/4 of SE 1/4 of Sec. 15, T. 4 N. R. 1 E. B.M., for use upon the SW 1/4 of NE 1/4, SE 1/4 of NW 1/4, NE 1/4 of SW 1/4, NW 1/4 of SE 1/4, and lot 2, all in Sec. 12, T. 4 N. R. 1 W. B.M., in the following amount from the following date;

200 inches, from June 1, 1888. hereby designated as Right No. 98. And be adjudged to pay \$14.00 costs in addition to the costs incurred by him.

LXXXII.

That the defendant LEVI SMITH be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point near the center of the SW 1/4 of SE 1/4 of Sec. 15, T. 4 N. R. 1 E. B.M., for use upon the E. 1/2 of SW 1/4 of Sec. 7, T. 4 N. R. 1 E. B.M., in the following amount from the following date;

65 inches, from June 1, 1888. hereby designated as Right No. 99. And be adjudged to pay \$4.55 costs in addition to the costs incurred by him.

LXXXIII.

That the defendant CHARLOTTE CALHOUN be, and she is hereby awarded the use of the waters of Boise River, diverted from said river at a point near the center of the SW 1/4 of SE 1/4 of sec. 15, T. 4 N. R. 1 E. B.M., for use upon the W. 1/2 of the SW 1/4, otherwise described as lots 3 and 4, Sec. 7, T. 4 N. R. 1 E. B.M., in the following amount from the following date;

70 inches, from June 1, 1888. hereby designated as Right No. 100. And be adjudged to pay \$4.90 costs in addition to the costs incurred by her.

LXXXIV.

That the defendant E. J. LINDER be, and he is hereby awarded the use of the waters of Boise River, diverted at a point near the center of the SW 1/4 of SE 1/4 of Sec. 15, T. 4 N. R. 1 E. B.M., for use on the E. 1/2 of SE 1/4 of sec. 12, T. 4 N. R. 1 W. B.M., in the following amount and

LXXXV.

That the defendant LIZZIE EVERETT be, and she is hereby awarded the use of the waters of Boise River, diverted from said river at a point near the center of the SW 1/4 of SE 1/4 of Sec. 15, T. 4 N. R. 1 E. B.M. for use upon the ^{E. 1/2 of} NE 1/4 of Sec. 12, T. 4 N. R. 1 W. B.M., in the following amount and from the following date;

60 inches, from June 1, 1888. hereby designated as Right No. 102. And be adjudged to pay \$4.20 costs in addition to the costs incurred by her.

LXXXVI.

That the defendant JESSE WILSON be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point near the center of Sec. 15, T. 4 N. R. 1 E. B.M., for use upon the N. 1/2 of NW 1/4 and NW 1/4 of NE 1/4 of sec. 12, T. 4 N. R. 1 W. B.M., in the following amount and from the following date;

70 inches, from June 1, 1888. hereby designated as Right No. 103. And be adjudged to pay \$4.90 costs in addition to the costs incurred by him.

LXXXVII.

That the defendant CHARLES H. MILLER be, and he is hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river near where such bank is intersected by the line between township 3 north, range 2 east and township 3 north, range 3 east, through what is known as the Bubb canal, for use upon three acres of land situated in the NW 1/4 of sec. 23, T. 3 N. R. 2 E. B.M., in the following amount and from the following date;

3 inches, from May 1, 1889. hereby designated as Right No. 107. And be adjudged to pay \$0.21 costs in addition to the costs incurred by him.

LXXXVIII.

That the defendant LOOMIS L. HOSELEY be, and he is hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river, near where said bank is intersected by the line between township 3 north, range 2 east, and township 3 north, range 3 east, through what is known as the Bubb canal, for use upon one acre of land situated in the NW 1/4 of sec. 23, T. 3 N. R. 2 E. B.M., in the following amount and from the following date;

1 inch, from May 1, 1889. hereby designated as Right No. 108.
And be adjudged to pay \$0.07 costs in addition to the costs incurred by him.

LXXXIX.

That the defendants STEVE UTTER, JOHN UTTER and C. B. TAYLOR be, and they are hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river, near where said bank is intersected by the line between township 3 north, range 2 east, and township 3 north, range 3 east, through what is known as the Bubb canal, for use upon the SE 1/4 of NE 1/4, and NE 1/4 of SE 1/4, Sec. 23, and S. 1/2 of NW 1/4 and lots 7 and 8 in sec. 24, T. 3 N. R. 2 E. B.M., in the following amount and from the following date;

120 inches, from May 1, 1889, hereby designated as Right No. 109.
And be adjudged to pay \$8.40 costs in addition to the costs incurred by them.

XC.

That the defendant the SOUTH BOISE MUTUAL IRRIGATION COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted from a point on the south bank of said river near where such bank is intersected by the line between township 3 north, range 2 east, and township 3 north, range 3 east, through what is known as the Bubb canal, for use upon the NE 1/4 of SW 1/4 and lots 5 and 6 in Sec. 24, also all that portion of the SE 1/4 of sec. 15 lying south of what is known as the Ridenbaugh Mill Ditch, and all that portion of the NE 1/4 of Sec. 22 lying north of what

XCI.

That the defendant ESTATE OF J. H. GALLAGHER be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river, near where said bank is intersected by the line between township 3 north, 2 east, and township 3 north, 3 east through what is known as the Bubb canal, for use upon the NW 1/4 of Sec. 23, T. 3 N. R. 2 E. B.M., in the following amount and from the following date;

147 inches, from May 1, 1889, hereby designated as Right 111.
And be adjudged to pay \$10.29 costs in addition to the costs incurred by it.

XCII.

That ~~(represented for the defendant)~~ Annie H. Fogarty) be, and she is hereby awarded the use of the waters of Boise river, diverted from a point on the south bank of said river, near where said bank is intersected by the line between township 3 north, range 2 east, and township 3 north, range 3 east, through what is known as the Bubb canal, for use upon two and one-half acres of land situated in the NW 1/4 of Sec. 23, T. 3 N. R. 2 E. B.M., in the following amount and from the following date;

2-1/2 inches, from May 1, 1889. hereby designated as Right No. 112.
And be adjudged to pay \$0.18 costs in addition to the costs incurred by him.

XCIII.

That the defendant GRACE CALL be, and she is hereby awarded the use of the waters of Boise River, diverted from a point on the south bank of said river, near where said bank is intersected by the line between township 3 north, range 2 east, and township 3 north, range 3 east, through what is known as the Bubb canal, for use upon 5 acres of land, situated in the NW 1/4 of Sec. 23, T. 3 N. R. 2 E. B.M., in the following amount and from the following date;

5 inches, from May 1, 1889. hereby designated as Right No. 113

XCIV.

That the defendant SAMUEL H. CANFIELD be, and he is hereby awarded the use of the waters of Boise River, diverted from a point on the south bank of said river, near where said bank is intersected by the line between township 3 north, range 2 east, and township 3 north, range 3 east, through what is known as the Bubb canal, for use upon 2 acres of land in the NW 1/4 of Sec. 23, T. 3 N. R. 2 E. B.M., in the following amount and from the following date;

1-1/2 inches, from May 1, 1889. hereby designated as Right No. 114. And be adjudged to pay \$0.11 costs in addition to the costs incurred by him.

XCV.

That the defendant the FARMERS' UNION DITCH COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted from said river at a point where the east line of the Soldiers' Home land intersects Boise River, in Sec. 32, T. 4 N. R. 2 E. B.M., for use upon the lands lying under its canal system, in the following amount and from the following date;

5500 inches, from July 2, 1894. hereby designated as Right No. 126. And be adjudged to pay \$385.00 costs in addition to the costs incurred by it."

XCVI.

That the defendants CHARLES REIN and JANE KEOH be, and they are hereby awarded the use of the waters of Boise River, diverted from the south side of said river at a point about 75 yards below what is known as the Ridenbaugh main head-gate, for use upon the NE 1/4 of SE 1/4 of sec. 25, T. 3 N. R. 2 E. B.M., also lot 7, Sec. 30, T. 3 N. R. 3 E. B.M., in the following amount and from the following date;

50 inches, from May 1, 1895. hereby designated as Right No. 127. And be adjudged to pay \$3.50 costs in addition to the costs incurred by them.

XCVII.

That the defendant MATHEW CASEY be, and he is hereby awarded the use of the waters of Boise River, diverted from a point on said river in SE 1/4 of NE 1/4 of Sec. 5, T. 3 N. R. 2 E. B.M., through what is known as the Thurman Mill Slough, for use upon the W. 1/2 of NE 1/4 and E. 1/2 of NW 1/4 Sec. 27, T. 4 N. R. 1 E. B.M., in the following amount and from the following date;

33 inches, from July 1, 1895, hereby designated as Right No. 128. And be adjudged to pay \$2.31 costs in addition to the costs incurred by him.

XCVIII.

That the defendant the NEW YORK CANAL COMPANY, Limited, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river about 11 miles above Boise City, for use upon the lands lying under its canal system, in the following amount and from the following date;

10955 inches, from March 23, 1900, hereby designated as Right No. 131. And be adjudged to pay \$766.85 costs in addition to the costs incurred by it.

XCIX.

That the defendant the CANYON DITCH COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted from said river at a point at the SE corner of NE 1/4 of Sec. 16, T. 4 N. R. 3 W. B.M., for use upon the lands lying under its canal system, in the following amount from the following date;

500 inches, from May 17, 1900. hereby designated as Right No. 132.

Also, diverted from said river at a point on its right bank, at the head of the slough immediately south of the head-gate of the so-called Sebree canal, and immediately west of the so-called Caldwell wagon ~~brig~~ bridge across said river, in Canyon County, Idaho, for use upon the ~~land~~ lands lying under its canal system, in the following amount and from the following date;

277 inches, from Oct. 25, 1901. hereby designated as Right No. 133.

C.

That the defendants ADA COUNTY FARMERS' IRRIGATION COMPANY, A. H. EAGLESON & SONS, Limited, and ESTHER HALE, and neither of them, be awarded the use of any portion of the waters of Boise River, separate or apart from the appropriation thereof by the defendant the New York Canal Company, Limited, as found and decreed herein, but that whatever rights said defendants may have to the use of said waters be adjudged to be included in the right to the use of said waters herein allotted to said New York Canal Company, Limited.

It is further ordered, adjudged and decreed that the costs and disbursements of each party herein be paid by the party by whom such costs and disbursements were incurred, and that the costs of the State Engineer's examination, to-wit, the sum of \$10,804.60, be apportioned to the parties to this action who are allotted water herein, in the same proportion as water is allotted to them, that is to say, \$0.06709 for each inch so allotted, and that execution issue for said State Engineer's costs.

It is further ordered, adjudged and decreed that the expense incurred in preparing findings and decree herein and in filing and recording the same, to-wit, the sum of \$488.63, be apportioned to the parties to this action who are allotted water herein in the same proportion as water is allotted to them, that is to say, \$0.00291 for each inch so allotted.

Dated January 18 1906

John Stewart
Deputy