

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

Farmers' Co-Operative Ditch Company,
Limited, a corporation,

Plaintiff

vs

Riverside Irrigation District, Limited,
a corporation, et al., (said action being
commonly known as the Boise River Prior-
ity, Suit);

Defendants,

J U D G M E N T.

and

Roc. D. Helms, granted of the rights of
W.E. Parker Administrator, with the will
annexed of the Estate of James G. Kinkaid,
Deceased,

Intervenor.

This cause came on regularly for trial on the 8th day of July, 1918 Scatterday & VanDuyn appearing as counsel for the defendant, at which time they asked to proceed with the trial, the same being the day for the hearing and the making of the temporary order for the duty of water on Boise River, and several parties being before the Court, all present consented to the hearing of the evidence in the above entitled case. Whereupon witnesses on behalf of the intervenor were duly sworn and examined, and documentary evidence introduced.

Thereupon the trial of the case was adjourned to July 26, 1918 at which time Roc D. Helms appeared as a witness and asked to be made a party defendant, which request, not being prejudicial to the rights of any of the parties in the case, was granted, as he had acquired all the right of the estate of James G. Kinkaid, deceased, in and to the lands hereinafter described, and the water rights connected therewith. Further witnesses were duly sworn and examined and documentary evidence introduced by said defendant. The evidence being closed, the cause was submitted to the Court for its consideration and decision, and after due deliberation the Court finds and files its findings and decision in writing, and orders judgment to be

BY _____

Decree # XXVI

entered accordingly:

IT IS ORDERED, ADJUDGED AND DECREED, That the lands hereinafter described are arid in character and require the artificial application of water to render them valuable for agricultural purposes;

That the quantity of water required for the successful irrigation and cultivation of said lands, measured at the intake of the canal of the Riverside Irrigation District, for that portion irrigated from said canal and for that portion irrigated from Indian Creek, is one inch per acre, subject to the modification of the Court for 1918, and to be changed to conform to the duty established by the Court in the above entitled case;

That the above mentioned one inch per acre is understood to be in the same status as the one inch per acre in the judgment entered in the above-entitled case on January 18, 1906, and is subject to such modifications and temporary orders as this Court may make for the above entitled case.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That the complaint and cross-complaint, and all pleadings filed in this case, shall be and the same are hereby amended to conform to the facts as found by the Court herein;

63 0290 That the defendant and intervenor, [REDACTED] be and he is hereby awarded the use of the waters of Boise River, and the tributaries thereof, subject to the above modifications, from April 15, 1882, 118.7 inches to be used upon the following described lands, to-wit:

Lot 8 of Section 17, and the East half (E $\frac{1}{2}$) of the Northwest quarter (NW $\frac{1}{4}$) and the West half (W $\frac{1}{2}$) of the Northeast quarter (NE $\frac{1}{4}$) of Section 20, Township 4 North, Range 3, West of Boise Meridian, 118.7 inches to be carried through the Riverside canal and diverted at a point on the South side of Boise River, near the center line of Section 20, Township 4 North, Range 3 West of Boise Meridian, for use upon all the above described lands lying North of said Riverside canal, and ten acres lying South of said Canal, and 65 inches to be diverted from Indian Creek and conveyed to what is known as the "Old KinMaid Ditch", for

Riverside Canal -
10 AC (SW)
40 AC NW $\frac{1}{4}$
40 AC NE $\frac{1}{4}$
90 AC
- 118.7 inches

Indian Creek -
for 65 AC
lying south of
Riverside
Canal

By Maurice K. Eustace Deputy

irrigating 65 acres of the above described lands lying South of
the Riverside canal.

Dated this 26th day of July, 1918

Ed L. Bryan, District Judge.

Filed Aug. 26, 1918 at 10.32 O'Clock A.M.

L.C. Knowlton, Clerk

By Mary Caldwell, Deputy

7-99

Indexed; Compared.

STATE OF IDAHO, } ss.
County of Canyon }

* I, L. C. Knowlton, Clerk of the District Court and Ex-officio Recorder of the County of Canyon,
State of Idaho, do hereby certify that the foregoing copy of Judgment *

has been compared by me with the original, and that
it is a correct transcript therefrom, and of the whole of such original

Judgment as the same appears
of record in my office

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed my seal this 5
day of Sept 1918

L. C. Knowlton
Clerk of the District Court and Ex-Officio Recorder.

By Mary Caldwell Deputy.

By Mari K. Eustace Deputy