

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

Jacob Bingman and Arissa C. Bingman,
husband and wife,
Plaintiffs,

vs.

JUDGMENT AND DECREE.

A. V. Tallman, as Watermaster having
charge of the Distribution of the
Waters of Boise River,

Defendant.

This cause came on for hearing in open court on the 13th day of December, 1919, Martin & Cameron appearing for the plaintiffs and neither the defendant nor any one else appeared either in person or by attorney in opposition to the plaintiffs; the Court having heard all the evidence and proof adduced herein, and having examined the files, and duly considered the same, and being fully advised in the premises, and it appearing therefrom to the satisfaction of the Court:

1. That the summons in this action together with a copy of the complaint herein was duly and personally served upon the defendant in this action, and that said defendant has been duly and regularly summoned to answer the plaintiffs complaint in this action; that the time within which the said defendant may appear herein has expired, and that the defendant has made default in that behalf, and that the default of said defendant for not appearing and answering under plaintiffs complaint has been duly and regularly entered herein; that the plaintiffs have caused to be published for four weeks a notice of the pendency and purpose of this action in a newspaper, to wit, the Caldwell Tribune, as ordered by the Judge of this Court, which notice contained the title of this court and of this cause and the name of the stream, to wit, the Boise River in whose waters the plaintiffs claim an interest, with the date of priority claimed by plaintiffs and the date and short title of the decree heretofore entered fixing the permanent rights in the waters of Boise River; that the time fixed by the Court for the publication of said notice in its said order has expired and no interested party or any one else has appeared and defended against the rights claimed by the plaintiffs.

2. That the Court has made its findings of fact and conclusions of law and directed judgment to be entered in accordance therewith,

NOW, THEREFORE, On motion of Martin & Cameron, it is ordered, adjudged, and decreed as follows:

That the lands described in plaintiffs complaint as belonging to the plaintiffs are arid in character and require the application of irrigation water to render them valuable for agricultural purposes.

That the quantity of water required for the successful irrigation and cultivation of plaintiffs lands for which a water right is hereby decreed, measured at its point of diversion from Boise River is _____ inch per acre.

That the quantity of water to which the plaintiffs are entitled under this

That the pleadings herein be and the same hereby are amended to conform to the facts as found by the Court herein.

That the predecessors in interest of the plaintiffs did appropriate and divert from the waters of Boise River the quantity of water on the date hereinafter stated, such water being estimated and measured under a four inch pressure and did appropriate and divert such water for a beneficial use, and that ever since the date of such appropriation such water has been by the plaintiffs and their predecessors in interest so diverted and used.

That the plaintiffs are entitled to the use of the waters of Boise River upon the lands mentioned and described in their complaint, 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 the Southeast Quarter of the Northeast Quarter of Section Five, Township Three North, Range Two East Boise Meridian, through the Thurman Mill Slough or Ditch for use upon lands lying under the hill or bluff and extending Northward therefrom in the Northwest Quarter of the Southeast Quarter of Section Twenty, Township 4 North, Range 1 East of Boise Meridian, in Ada County, Idaho, in the following amount from the following date:

 inches from April 1st 1883.

That the plaintiffs shall pay all costs arising under this action.

That the said waters shall be distributed to the plaintiffs in the same manner as though they had had their rights included in that decree adjudicating the waters of Boise River, dated January 18, 1906, in that action in the District Court of the Third Judicial District of the State of Idaho in and for Canyon County, entitled "Farmers Co-operative Ditch Company (a corporation), Plaintiff, vs. Riverside Irrigation District, Limited, a corporation, et als., Defendants."

Dated December 13th, 1919.

Ed. L. Bryan
District Judge,

Filed and entered at 1:30 P. M. Dec. 13, 1919.

L. C. Knowlton, Clerk.

B. L. Newell, Deputy.

I hereby Certify that the foregoing is a full, true, and correct copy of the original decree filed in the above entitled action.

L. C. Knowlton Clerk.

COMPARED