

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

W. D. CHARTERS AND ELIZABETH
CHARTERS, husband and wife,
Plaintiffs,

vs

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

J U D G M E N T.

and

D E C R E E

This cause came on for hearing in open court, on the 26th day of January 1920, 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 of 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 plaintiff has 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 of 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 nor any one else has appeared and defended against the rights claimed by the plaintiffs.

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 Plaintiff are arid in character and require the application of irrigation water to render them valuable for agricultural purposes, and are what are commonly termed Boise River Bottom lands,

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 _____ inches per acre.

That the quantity of water to which the plaintiff is entitled under this decree shall be measured at its point of diversion from Boise River.

That the Plaintiff nor his successors in interest shall have a right to the use

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 ever since the date of such appropriation such water has been used by the plaintiff and predecessors in interest as so diverted and used.

That the plaintiff is entitled to the use of water of Boise River upon the lands mentioned and described in plaintiffs complaint and is hereby awarded the use of the waters of Boise River diverted at a point on the north side of said river in _____ Section 14 _____ Township 4 North, Range 1 East, Boise Meridian, in Ada County, Idaho, for use upon the following described lands in Ada County, Idaho:-

Northeasterly Thirty-seven and one-half ($37\frac{1}{2}$) acres out of the Northeast portion of that certain tract of land situated in the southwest Quarter ($SW\frac{1}{4}$) of Section nine (9) and Northwest Quarter ($NW\frac{1}{4}$) of Northwest Quarter ($NW\frac{1}{4}$) of Section Sixteen (16) all in Township Four (4) North, Range One (1) East B. M. lying South of the center of the Valley Road and adjoining the townsite of Eagle.

in the following amount from the following date;

_____ inches from May 1st, 1993

That the plaintiffs shall pay all costs arising under this section,

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."

That the number of inches of water per acre required for irrigation and hereby decreed, and the corresponding total number of inches of water hereby awarded shall be in accordance with the duty of water for Boise River Bottom lands as the same shall be hereafter determined in a suit for that purpose now pending in this Court entitled "Farmers Co-operative Ditch Company (a corporation), Plaintiff, vs Riverside Irrigation District Limited, a corporation, et als., Defendants." and when the duty of water is so determined in said suit, on motion of plaintiff, the blanks left in this decree for the insertion of the number of inches shall be filled and completed to accord with the duty of water as found in said suit.

Dated February 6th 1920

Ed. L. Bryan

District Judge.

Filed and entered 11:31 A. M., Feb. 6, 1920.

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.