

Ed. L. Bryan

District Judge.

Filed and entered 4/6/20 at 2:30 P. M.,

L. C. Knowlton Clerk

By B. L. Newell Dep.

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

L. C. Knowlton Clerk.

COMPARED

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

LIZZIE HUCKBA AND WILLIAM HUCKBA

wife and husband, Plaintiffs,

vs.

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

Defendant.

JUDGMENT AND DECREE,

This cause came on for hearing in open court, on the 12th day of April 1920 Hays Martin Cameron & Hays, appearing for the plaintiffs and neither the defendant nor anyone else appearing either in person nor 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; and 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 of 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 nor any one else has appeared and defended against the rights claimed by the plaintiffs.

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

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 plaintiffs nor 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 parties shall cease to divert and have no rights to divert said waters.

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 ever since the date of such appropriation such water has been used by the plaintiffs 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;:-

Commencing at the quarter section corner common to sections nine (9) and sixteen (16) township four (4) north Range one (1) East of Boise Meridian, and running thence South $85^{\circ}34'$ West a distance of Seven and fifty and two-thirds ($7.50 \frac{2}{3}$) chains to a stone, thence North $0^{\circ}30'$ East a distance of 14.79 chains to a stone thence South $88^{\circ}58'$ East a distance of 7.44 chains to a stone thence South a distance of 13.45 chains to an iron pin, the place of beginning. Area, Ten and fifteen hundredths acres. in the following amount from the following date: inches from May 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."

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 plaintiffs, 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.

L. C. Knowlton, Clerk

B. L. Newell, Depty

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

L. C. Knowlton

Clerk

COMPARED

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

The Southern Idaho Conference Association
of Seventh Day Adventist a corporation,

Plaintiffs,

vs.

The Seventh Day Adventists Church of Caldwell Idaho, a corporation, if not dissolved, and doing business in the State of Idaho, otherwise the Trustees of said corporation, if not a corporation then the members of the association of The Seventh Day Adventists Church of Caldwell, Idaho, a corporation Seventh Day Adventists, a corporation, if not dissolved and doing business in the State of Idaho, otherwise the Trustees of said corporation if not a corporation, then the members of the Association of Seventh Day Adventists a corporation, if not dissolved, and doing business in the State of Idaho, otherwise the Trustees of said corporation and all the unknown owners of SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ Sec. 34, Twp. 4 N. R. 3 W. B. M., otherwise described as All of Block 52, Mountain View Addition to Caldwell, Idaho, as shown by the plat thereof now on file in the office of the Recorder of Canyon County, Idaho, and lots 4, 5, 6, 7, 8, and 9, Block 50 of Mountain View Addition to Caldwell, Idaho, as shown by the plat thereof now on file in the office of the County Recorder of Canyon County, Idaho.

DECREE.

Defendants.

This cause coming on regularly for hearing this the 12th day of April, 1920, Buckner & Warren, appearing for the plaintiff, and the defendants not appearing by counsel or otherwise, and it appearing to the court that summons was duly and regularly served upon the defendants, and each of them and the time for appearing and answering having expired, and the defendants and each of them having failed to appear and answer, and the default of the defendants and each of them for failing to appear and answer having been duly and regularly entered on the ___ day of April, 1920.

And it further appearing to the court that the plaintiff has filed, in this case, a bond, approved by this court as a condition before judgment is entered, to indemnify the defendants or either of them, except Caldwell Seventh Day Adventists if in the Military Service, against any loss or damage suffered by reason of any judgment, should said judgment be hereafter set aside in whole or in part;

And it further appearing from the evidence introduced free from legal objections and exceptions that the plaintiff is the owner in fee of the premises hereinafter mentioned and described.

WHEREFORE, by reason of the law and the premises aforesaid,

IT IS ORDERED, ADJUDGED AND DECREED, and this does order adjudge and decree, that the plaintiff, The Southern Idaho Conference Association, of Seventh Day Adventists a corporation have judgment as prayed for in their complaint on file herein against the said defendants and each and all of them; that all adverse claims of the defendants and each of them, and all persons claiming or to claim said premises, or any part thereof, through or under said defendants or any of them, are hereby adjudged and decreed to be groundless and invalid, and that plaintiff be and he is hereby adjudged and decreed to be the true and lawful owner of the land and premises described in the complaint and hereinafter described, and each and every part thereof;

That the title thereto is adjudged and decreed to be quieted against all claims, demands, or pretensions of said defendants and each of them are hereby enjoined and perpetually estopped from setting up any claim to said premises, or any part thereof.

That the said land and premises are situated in Canyon County, Idaho, and described as follows, to-wit:

Southwest quarter (SW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) Section Thirty four (34) Township four (4) north of Range three (3) West of the Boise Meridian, otherwise described as All of Block fifty two (52) Mountain View Addition to Caldwell, Idaho as shown by the plat thereof now on file in the office of the County Recorder of Canyon County, Idaho and Lots Four (4) five (5) six (6) Seven (7) Eight (8) and Nine (9) Block Fifty (50) Mountain View Addition to Caldwell Idaho, as shown by the plat thereof now on file in the office of the County Recorder of Canyon County, Idaho.

Done in open Court this 12 day of April, 1920.

Ed. L. Bryan, District Judge.

Filed and entered 4/13/20 at 11 A. M.

L. C. Knowlton, Clerk

B. L. Newell, Deputy

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

L. C. Knowlton

Clerk

COMPARED

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

Thomas A. King.