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Farmers Co-operative Ditch Company,
a corporation,

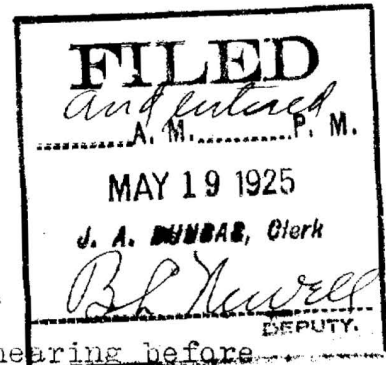
Plaintiff,

v.

Riverside Irrigation District,
Limited; Albert Lemp, Herbert
F. Lemp, John F. Lemp and Louise
Simonson, who have been substituted
as parties defendants in place of
the defendant John Lemp, deceased,
et al., (said action being commonly
known as the Boise River Priority
Suit.

Defendants.
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JUDGEMENT AND DECREE



THIS CAUSE, coming on regularly for hearing before
the Court upon the answers and cross-complaints of the defen-
dants Albert Lemp, Herbert F. Lemp, John F. Lemp and Louise
Simonson, who were substituted as parties defendants in the
place of John Lemp, deceased, who all appeared in person and
by their counsel Cavanah and Blake, said parties having been
heretofore, by consent of all parties to this action and by
order of this Court, permitted to be substituted in this cause
as parties defendants in the place of John Lemp, deceased, and
file herein their answers and cross-complaints and asked to
proceed with the trial, all the parties to said suit having
heretofore, under stipulation, answered and denied the allega-
tions of said answers and cross-complaints of said defendants
Albert Lemp, Herbert F. Lemp, John F. Lemp and Louise Simonson,
and the several parties being before the Court, all present
consented to the hearing of the evidence in the above entitled
cause.

WHEREUPON, Witnesses were sworn and testified in
behalf of said defendants Albert Lemp, Herbert F. Lemp, John
F. Lemp and Louise Simonson, and documentary evidence intro-
duced and no other evidence was introduced by any of the parties

dence being closed, the cause was submitted to the Court for its consideration and decision, and the Court having filed its findings of fact and conclusions of law from which it appears that the said defendants Albert Lemp, Herbert F. Lemp, John F. Lemp and Louise Simonson, since the filing, by the plaintiff, of the original complaint in this action have become the owners of the premises and water rights hereinafter mentioned and described, and were substituted as such defendants and cross-complainants in place of the defendant John Lemp, deceased, and that all of the material facts stated in said answers and cross-complaints are sustained, and that the matters so alleged and proved are sufficient in law to entitle the said defendants and cross-complainants Albert Lemp, Herbert F. Lemp, John F. Lemp, and Louise Simonson to the relief prayed for in their said answers and cross-complaints; that the said defendants are entitled to the use of water in the Boise river and its tributaries in the amounts claimed in their said answers and cross-complaints; and it further appearing that all the material allegations in said answers and cross-complaints are true, and that the said defendants and cross-complainants have a priority of right to the use of the water from Boise river, beginning at the times and as hereinafter stated, and the Court having been fully advised in the premises;

It is ordered, adjudged and decreed that all of 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 cultivation and irrigation of said lands, under a four inch pressure and measured at the intake of the ditches hereinafter mentioned and described, is one inch of

is understood to be in the same status as the one inch of water per acre in the judgement rendered in the above entitled action on or about January 19, 1906, and is subject to such modifications and temporary orders as this Court may make for the above entitled cause; and it is further ordered, adjudged and decreed that the said defendants Albert Lemp, Herbert F. Lemp, John F. Lemp be, and they are hereby, awarded the use of the waters of Boise river and the tributaries thereof, subject to the above modifications of 160 inches of water measured under a four inch pressure of the waters of said Boise river, beginning with the irrigation season of 1880, to be carried through that certain ditch with its point of diversion commencing at a point on the North side of Boise river in Canyon County, Idaho, and extending over and across Sections 30, 31 and 32 in Township 5 North of Range 4 West, Boise Meridian, in a northwesterly direction to and upon the lands of said defendants and cross-complainants Albert Lemp, Herbert F. Lemp and John F. Lemp, and to be used upon the following described said lands of said defendants, situated in Canyon County, Idaho, to wit:

Lot 10 in Section 25, Township 5 North Range 5 West, also Lots 8 and 9 in Section 30, and Lots 8, 9, and 10 in Section 31, Township 5 North Range 4 West and Lot 4 in Section 36, Township 5 North Range 5 West, Boise Meridian, all in Canyon County, Idaho.

II.

And it is further ordered, adjudged and decreed ~~that~~ the said defendant Louise Simonson ~~should~~ be, and she is hereby, awarded the use of the waters of Boise river and the tributaries thereof, subject to the above modifications of 300 inches of

through that certain ditch with its point of diversion commencing at a point on the East side of Eagle Island and extending over and across Sections 15, 16, 21 and 22, Township 14, North of Range 1 East of Boise Meridian, in Ada County, Idaho, in a northerly direction to and upon the said lands of the said defendant Louis Simonson, and to be used upon said lands situated in Ada County, Idaho, and described as follows, to wit:

Lots 5 and 6 in Section 15; Lots 7 and 8 in Section 16; Lot 1 in Section 21, and Lots 2, 3, and 4, in Section 22, all in Township 14 North of Range 1 East, Boise Meridian, Ada County, Idaho, containing approximately 299.14 acres.

III.

It is further ordered, adjudged and decreed that the said answers and cross-complaints of the said defendants, and all pleadings filed in this case, be, and the same are hereby, amended to conform to the facts as found by the Court herein.

Done in open Court this

11 day of ^{May} ~~March~~, A.D. 1925.

E. L. Pryor
District Judge.