

which it appears that all the material facts stated in said Complaint in Intervention are true and sustained by competent evidence, and that the matters so alleged and proved are sufficient in law to entitle the intervenors, Guss A. Barth, Lester J. Shippy, Charles Jurries and James Finlay, and each of them, to the relief prayed for in said Complaint in Intervention.

That said intervenors are the owners of the respective pieces of land described in the Complaint in Intervention and hereinafter described; that said intervenors, and each of them, are entitled to the use of the water of the Boise River and its tributaries in the amount claimed in their Complaint in Intervention, and that the intervenors have priority of right to the use of the water of the Boise River and its tributaries and the Court being fully advised in the premises,

IT IS ORDERED, ADJUDGED AND DECREED, That the quantity of water required for the successful cultivation and irrigation of said lands, measured at the point where said ditches take water from the said Boise River, is one (1) inch per acre; that said one (1) inch per acre is understood to be in the same status as the one (1) inch per acre in the judgment entered in the above entitled action on January 19, 1906 and is

subject to such modifications and temporary orders as this Court may make for the above entitled cause.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED That the intervenor, Guss A. Barth, be and he is hereby awarded the use of the water of the Boise River and the tributaries thereof, subject to the above modifications from May 1, 1889, to be carried through a ditch taking water from the Boise River One Hundred Fifty (150) feet down the River from the point where Hultz Slough formerly took water from said River in the Southeast Quarter ($SE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$), Section Seventeen (17), Township Five (5) North of Range Five (5) West of the Boise Meridian, in Canyon County, Idaho, in the quantity of forty (40) inches of water, measured under a four (4) inch pressure, said forty (40) inches and the whole thereof to be appurtenant to and to be used upon the following described property, situated in Canyon County, Idaho, to-wit:

~~The Northwest Quarter ($NW\frac{1}{4}$) of the~~
~~Northwest Quarter ($NW\frac{1}{4}$), the Northeast~~
~~Quarter ($NE\frac{1}{4}$) of the Northwest Quarter~~
~~($NW\frac{1}{4}$), the Southeast Quarter ($SE\frac{1}{4}$) of the~~
~~Northwest Quarter ($NW\frac{1}{4}$), Section Seven-~~
~~teen (17), Township Five (5) North of~~
~~Range Five (5) West of the Boise Meri-~~
~~dian, containing One Hundred Twenty~~
~~(120) acres, more or less.~~

and the said intervenor, Guss A. Barth, be and he is hereby awarded the use of the water of the Boise River and the tributaries thereof, subject to the modifications, from June 1st, 1881, to be carried through a ditch taking water from Boise River at a point near the Southeast corner of the Southeast Quarter (SE $\frac{1}{4}$), Section Sixteen (16), Township Five (5) North of Range Five (5) West of the Boise Meridian, in Canyon County, Idaho, in the quantity of eighty (80) inches, measured under a four (4) inch pressure, said eighty (80) inches and the whole thereof to be appurtenant to and to be used upon the following described property situated in Canyon County, Idaho, to-wit:

The Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), and the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), Section Seventeen (17), Township Five (5) North of Range Five (5) West of the Boise Meridian,

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That the intervenor, Lester J. Shippy, be and he is hereby awarded the use of the water of the Boise River and the tributaries thereof, subject to the above modifications, from June 1st, 1881, to be carried through a ditch taking water from Boise River at a point near the Southeast corner of the Southeast Quarter (SE $\frac{1}{4}$), Section Sixteen (16), Township Five (5) North of Range Five (5)

West of the Boise Meridian, in Canyon County, Idaho, in the quantity of Sixty-five (65) inches, measured under a four (4) inch pressure, said Sixty-five (65) inches and the whole thereof to be appurtenant to and to be used upon the following described property situated in Canyon County, Idaho, to-wit:

The Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$), Section Sixteen (16), Township Five (5) North of Range Five (5) West of the Boise Meridian, and beginning at a point 80 rods South of the Northwest corner of said Section 16, Township and Range aforesaid; thence South 118 rods; thence Southeasterly to the Northeast corner of the Southwest forty of said Section 16 to a point intersecting the Boise River; thence North 160 rods; thence West 80 rods to the point of beginning.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED,

That the intervenor, Charles Jurries, be and he is hereby awarded the use of the water of the Boise River and the tributaries thereof, subject to the above modifications, from June 1st, 1881, to be carried through a ditch taking water from Boise River at a point near the Southeast corner of the Southeast Quarter (SE $\frac{1}{4}$), Section Sixteen (16), Township Five (5) North of Range Five (5) West of the Boise Meridian, in Canyon County, Idaho, in the quantity of seventeen (17) inches, measured under a four (4) inch pressure, said seventeen (17) inches and the whole thereof to be appurtenant to and to be used upon the following described property situated in Canyon County, Idaho, to-wit:


Beginning at the Southwest corner of Section Nine (9), Township Five (5) North of Range Five (5) West of the Boise Meridian; thence North on the section line 1320 feet; thence South 33°20' East 680 feet; thence South 68°35' East 522 feet; thence South 18°04' East 480 feet; thence South 22°26' West 145 feet to the South line of said Section 9; thence West 955 feet to the point of beginning, containing seventeen (17) acres, more or less.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That the intervenor, James Finlay, be and he is hereby awarded the use of the water of the Boise River and the tributaries thereof, subject to the above modifications, from June 1st, 1881, to be carried through a ditch taking water from Boise River at a point near the Southeast corner of the Southeast quarter (SE $\frac{1}{4}$), Section Sixteen (16), Township Five (5) North of Range Five (5) West of the Boise Meridian, in Canyon County, Idaho, in the quantity of forty (40) inches, measured under a four (4) inch pressure, said forty (40) inches and the whole thereof to be appurtenant to and to be used upon the following described property situated in Canyon County, Idaho, to-wit:

The Northwest Quarter (NW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$), Section Sixteen (16), Township Five (5) North of Range Five (5) West of the Boise Meridian.

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

Done in open Court this the 27th day of
February, 1928.


ED. E. BRYAN
District Judge.