

FARMERS' CO-OPERATIVE DITCH COMPANY,
a corporation,

Plaintiff,

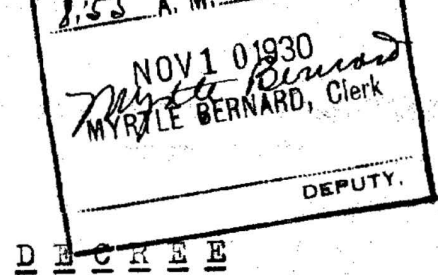
- vs -

RIVERSIDE IRRIGATION DISTRICT, LTD.,
et al,

Defendants,

WILLIAM MUSSER, MINNIE COUZENS and
JEREMIAH COUZENS, and ALBERT C.
BOWERMAN,

Intervenors.



This cause coming on regularly for hearing upon the answers and cross-complaints in intervention of William Musser, Minnie Couzens and Jeremiah Couzens, and Albert C. Bowerman (substituted for H. McClellan and Jessie McClellan), the said parties having heretofore, by consent of all parties to the above action, been permitted to intervene in this cause and file herein their respective answers and cross-complaints in intervention, and it having been stipulated that the allegations of the said cross-complaints in intervention were deemed to be denied, and the said Albert C. Bowerman having been duly substituted for his predecessors in interest, H. McClellan and Jessie McClellan, and witnesses having been sworn and testified, and documentary evidence having been introduced in behalf of said intervenors, and the Court having heretofore filed its findings of fact and conclusions of law herein,

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED, AS FOLLOWS:

I

That the lands hereinafter described are arid in character and require the artificial application of water thereon

that the quantity of water required for the successful cultivation and irrigation of said lands, measured under a four inch pressure, at the points of diversion hereinafter set forth, is one inch per acre, and that the above mentioned one inch per acre is understood to be in the same status as the one inch per acre provided for in the judgment made and entered in the above entitled cause on January 19, 1906, and is subject to such temporary orders and modifications as the Court may hereafter make for the above entitled cause.

III

That intervenor William Musser be, and he is hereby awarded the use of the waters of Boise River, diverted from said river through what is now known as the Lawrence and Kennedy ditch, at a point on the north bank of said river, in the SW $\frac{1}{4}$ of Section 17, Township 4 North, Range 1 West, Boise Meridian, for use upon the following described lands, situated in Ada County, Idaho, to-wit:

The SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ and a strip of land along the East side of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ 50 feet wide, commencing at the Northeast corner of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$; thence North 20 chains; thence West .7575 chains; thence South 20 chains; thence East .7575 chains to the place of beginning, all in Section 18, Township 4 North, Range 1 West, Boise Meridian, except a strip of land in said subdivision lying within the bed of Boise River, the balance of said land containing 115 acres,

to the amount of 115 inches, with a priority of June 1, 1866, hereby designated as Right No. 31A.

IV

That intervenors Minnie Couzens and Jeremiah Couzens be, and they are hereby awarded the use of the waters of the Boise River, diverted at the headgate of the Middleton Water Company, located on the north bank of said river in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 12, Township 4 North, Range 1 West, Boise Meridian, for

Commencing at the quarter section corner between Sections 7 and 18, Township 4 North, Range 1 West, Boise Meridian, and running thence South 20 chains to a stone; thence East 19.23 chains to a stone; thence North 11.81 chains to a stone; thence West 6.25 chains to a stone; thence South 1.81 chains to a point; thence West 3 chains to a point; thence North 10 chains to a point on the North boundary line of said Section Eighteen; thence West along the North boundary line of said Section Eighteen 9.98 chains, more or less, to the place of beginning, containing 31 acres,

to the amount of 30 inches, with a priority of June 1, 1866, hereby designated as Right No. 31B.

V

That intervenor Albert C. Bowerman be, and he hereby is, awarded the use of the waters of Boise River, diverted from said river through what is now known as the Lawrence and Kennedy ditch, at a point on the north bank of said river in the SW $\frac{1}{4}$ of Section 17, Township 4 North, Range 1 West, Boise Meridian, for use upon the following described lands, situated in Ada County, Idaho, to-wit:

Beginning at the section corner common to Sections 7, 12, 13 and 18 on the West line of Township 4 North, Range 1 West, Boise Meridian; thence North on the section line 8.41 chains to the center of the road; thence South 72°34' East 6.875 chains along the center of the road; thence South 0°30' West 9.91 chains; thence South 81°16' East 11.625 chains; thence South 0°13' East 34 chains; thence South 70°09' West 1.60 chains; thence North 68°05' West 6.40 chains; thence North 59°51' West 2.90 chains; thence North 30°16' West 2 chains; thence North 70°50' West 4 chains; thence North 83°36' West 2 chains; thence South 87°03' West 1.48 chains to the West line of said Section 18; thence North 32.80 chains along said West line to the place of beginning, containing 65 acres, more or less, but excepting therefrom that certain tract of land containing approximately 7 acres on the South side of said tract, conveyed to Canyon County Water Company, a corporation, by the predecessors in interest of intervenor, by deed recorded in Ada County, Idaho, in Book 114 of Deeds, at page 132, the North line of which said excepted tract is described as follows, to-wit:

Beginning at a point on the West line of Lot 2, Section 18, Township 4 North, Range 1 West, B.M., 31.425 chains (2095 feet) South of the Northwest corner of said Section 18; thence North 82°10' East 3.115 chains (205.6 feet); thence South 82°10' East 15.2275 chains (1005 feet) to the East line of said Lot 2,

to the amount of 55 inches, with a priority of June 1, 1866, hereby

of the said intervenors, William Musser, Minnie Couzens and Jeremiah Couzens, and H. McClellan and Jessie McClellan, predecessors in interest of intervenor Albert C. Bowerman, be amended to conform to the proofs of said intervenors.

Dated this 27 day of October, 1930.

E. L. Bryan
District Judge.