

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

PIONEER DIXIE DITCH COMPANY,

Plaintiff,

DANIEL L. MUSSELMAN,
Water Master,

Defendant.

JUDGMENT

Civil No. 21207

FILED
A.M. 11:22 a.m.

AUG 4 1969

WALTER FRY, CLERK

DEPUTY

11 The above entitled matter came on regularly to be heard
12 before the above entitled Court without a jury on the 25th day of
13 July, 1969, upon the plaintiff's complaint, the plaintiff appearing
14 by its attorney, Donald E. Downen, of the firm of Gigray, Downen
15 & Morgan, and the defendant having been duly and regularly served
16 with process and having filed to appear and answer the plaintiff's
17 complaint filed herein and the time for answering having expired,
18 and no answer, a motion to dismiss having been filed, the default of
19 said defendant in the premises was duly entered according to law,
20 and the Court proceeded to hear said cause, witnesses were sworn and
21 examined on behalf of the plaintiff and evidence having been intro-
22 duced, the Court being fully advised in the premises and having duly
23 considered the same, and the Court having arrived at its conclusions
24 and having made and filed Findings of Fact and Conclusions of Law
25 from which it appears that the plaintiff is entitled to Judgment
26 as prayed for in its complaint;

27 NOW, THEREFORE, It is ORDERED, ADJUDGED and DECREED, and
28 this does ORDER, ADJUDGE and DECREE, that the stockholders and members
29 of the plaintiff, Pioneer Dixie Ditch Company, a corporation, are the
30 owners of the following described real estate situated in Canyon
31 County, Idaho, containing approximately 3,000 acres of land to-wit:

GIGRAY, DOWNEN & MORGAN
Attorneys at Law
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Section 18 South of the Boise River;
the Northwest Quarter of Section 20;
the Northwest Quarter of Section 19, and South Half of the Southwest Quarter
of Section 19;

the North Half of Section 19 less Southeast Quarter
of the Southeast Quarter of the Northeast Quarter
of Section 19;

the Northwest Quarter of Section 7 South of the Boise River;

All of which is located in Township 4 North,
Range 3 West of the Boise Meridian, Canyon
County, Idaho.

Section 13;

North Half, North Half of the Southwest Quarter,
North Half of the Southeast Quarter and the South-
east Quarter of the Southeast Quarter of Section 14;

South Half of Section 12 South of the Boise River;

The Southeast Quarter of the Southwest Quarter and
the South Half of the Southeast Quarter of Section 11;

Northeast Quarter of Section 24;

All of which is located in Township 4 North,
Range 4 West of the Boise Meridian, Canyon
County, Idaho;

Together with all water, water rights, and rights
of way for ditches, used in connection with the
irrigation of said premises.

That the plaintiff and its predecessors in interest has
continually since the 9th day of July, 1914, diverted water from the
natural flow of the Boise River to irrigate the said lands of approx-
imately 3,000 acres, 1,045 inches of water measured under a four inch
pressure, in addition to its previous right adjudicated in a decree
made and entered in the District Court of the Seventh Judicial Dis-
trict of the State of Idaho and for the County of Canyon in the case
of Farmers' Co-operative Ditch Company, a corporation, vs. Riverside
Irrigation District, Ltd., and dated January 18, 1906, which is
commonly referred to and known as the "Stewart Decree", and that the
same has been continually applied to the said lands for the beneficial
purpose, that of irrigating the same, annually thereafter during the

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IT IS HEREBY ORDERED, ADJUDGED and DECREED, and this does
decree, that there shall be allowed to flow to
the lands, diverted from the Boise River and its tributaries,
for the use of the irrigation of the said land for the benefit of
the plaintiff and its successors and interests, lawfully entitled
thereto, an additional priority of 1,045 inches of water measuring
under a 4 inch pressure, dated from the 9th day of July, 1914, pro-
vided that this decree is at all times subject to the terms of the
original decree of the Boise River, as follows:

That certain decree entered by the Judge of the District
Court of the Seventh Judicial District of the State of Idaho in and
for the County of Canyon in the case of Farmers' Co-operative Ditch
Company, a corporation vs. Riverside Irrigation District, Ltd.,
dated January 18, 1906, which is commonly referred to and known as
the "Stewart Decree" of the natural flow of said river or stream;
and subject also to the terms and conditions of that certain decree
made and entered in the District Court of the Seventh Judicial
District of the State of Idaho in and for the County of Canyon in
the case of the Pioneer Irrigation District vs. American Ditch Asso-
ciation, et al., dated February 14, 1929, commonly known as the
"Bryan Decree;" in which decrees were adjudicated the priorities of
the natural flow of the water and of the flood waters of the Boise
River; and

It is hereby further ADJUDICATED and DECREED that the
above named defendant as Water Master of the Boise River and his
successors in office shall allow to flow to the said lands of the
plaintiffs for irrigation purposes and for the benefit of the
plaintiffs herein and their successors in interest, who may be law-
fully entitled thereto by virtue of the appropriation, in an amount
of an additional 1,045 inches of water dated from the 9th day of
July, 1914, and the said Water Master of the Boise River and his

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persons in interest shall distribute to them the said water in accordance therewith in the same manner and effect as thereof their said rights had been included in the said decree commonly known as the "Ryan Decree" hereinabove referred to, and with the same priority as if the same had been included.

Done in open Court this 25th day of July, 1969.

Edward J. Dodge
District Judge

SWANN & MORGAN
ATTORNEYS AT LAW
SALT LAKE CITY, UTAH

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CLERK

Pioneer Ditch
Company

vs.

David L. Mueselman
Watermaster

W. J. Judy