Farmers Co-operative Ditch Company, a corporation,

Plaintiff,

v.

Riverside Irrigation District, Limited, et al., (said action being commonly known as the Boise River Priority Suit.)

Defendants,

S. Glee Hardies and Amelia Eisley (substituted in place of C. H. Foster, intervenor)

Intervenors.

Filed and Entered
A. M. P. M.
MAY 19 1925
J. A. DUNBAR, Clerk
B. L. Henrell
DEPUTY.

JUDGMENT AND DECREE.

THIS CAUSE, came on regularly for trial upon the answer and cross-complaint of the above named intervenor, C. H. Foster, the said intervenor appearing in person and by his counsel Cavanah, Blake and MacLane, said intervenor having been heretofore, by consent of all parties to this action and by the order of this Court, permitted to intervene in this action and file herein his answer and cross-complaint and asked to proceed with the trial, all of the parties to said suit having heretofore, under stipulation, answered and denied the allegations of said answer and cross-complaint of said intervenor, and the several parties being before the Court, all present consented to the hearing of the evidence in the above entitled cause, and since the submission of the evidence S. Glee Hardies and Amelia Eisley have become the owners of the premises and water rights as hereinafter stated, and an order of this Court having been made substituting the said S. Glee Hardies and Amelia Eisley in the place of the said C. H. Foster as defendants and intervenors herein,

WHEREUPON, Witnesses were sworn and testified in behalf of said intervenor, and documentary evidence intro-

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and cross-complaint of said intervenor, the evidence 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 all the material facts stated in said answer and cross-complaint in intervention are sustained and that the matters so alleged and proved are sufficient in law to entitle the said intervenors, S. Glee Hardies and Amelia Eisley, to the relief prayed for in their said answer and cross-complaint in intervention; that said intervenors are the owners of the lands described in their said answer and cross-complaint in intervention, and that they are entitled to the use of water in the Boise river and its tributaries in the amounts claimed in their said answer and cross-complaint in intervention and as hereinafter stated; and it further appearing that all the material allegations in said answer and cross-complaint in intervention are true, and that said intervenors have a priority of right to the use of 25 inches of water, beginning with the irrigation season of 1865, and, also, with priority to 50 inches more of said waters, beginning with the irrigation season of 1870, and, also, with priority of 42 inches more of said waters beginning with the month of March, 1889, as hereinafter stated, and the Court having been fully advised in the premises.

It is ordered, adjudged and decreed, that 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, measured at the intake of the Canal of ditch of the "Bubb Canal" on the south-

by the line between Township 3 North of Range 2 East and Township 3 North of Range 3 East, is one inch of water per acre.

That the above mentioned one inch of water per acre 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 case;

And it is further ordered, adjudged and decreed, that the said intervenor, S. Glee Hardies, be, and she is hereby, awarded the use of the water of the Boise river and the tributaries thereof upon the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼), Section 24, Township 3, North Range 2 East Boise Meridian, in Ada County, Idaho, subject to the above modifications, of 25 inches of water beginning with the irrigation season of 1865, and, also, with priority to 15 inches more of said waters beginning with the irrigation season of 1870, and the said Amelia Lisley is awarded the use of the water of said river and its tributaries upon the Northeast Quarter (NE¼) of the Southwest Quarter (SW¼), and Lots 5 and 6 in Section 24, Township 3 North Range 2 East, Boise Meridian, in Ada County, Idaho, with priority of 35 inches of said water beginning with the irrigation season of 1870, and also with priority of 42 inches more of said waters beginning with the month of March, 1889, and which said 77 inches of water is included in the decree heretofore entered herein, all of said waters herein awarded to said parties are to be carried through the Canal or ditch known as the said "Bubb Canal", and diverted from Boise river at the point of the intake of said Canal at a point on the southerly bank of said Boise river near where such bank is intersected

westerly direction along the South bank of said river to a point in Section 24, Township 3 North of Range 2 East about 80 rods North from the South line of said Section and running thence in a westerly direction about two miles, in the quantities aforesaid, of water measured under a four inch pressure, and upon the following described lands situated in the County of Ada, State of Idaho:

The Northwest Quarter (NW¼) of the Southwest Quarter (SW¼), Section twenty-four (24) Township 3 North Range 2 East, Boise Meridian, in Ada County, Idaho, also:

The Northeast Quarter (NE¼) of the Southwest Quarter (SW¼) of Lots 5 and 6 in Section 24, Township 3 North, Range 2 East, Boise Meridian, in Ada County, Idaho.

And it is further ordered, adjudged and decreed, that the use of the said water for said lands of said S. Glee Hardies and Amelia Eisley and the priorities thereof shall be allotted and governed by this decree.

It is further ordered, adjudged and decreed, that the said answer and cross-complaint in intervention 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 ~~April~~ May, A.D. 1925.

E. L. Bryan
District Judge.