

IN THE DISTRICT COURT OF THE TWELFTH JUDICIAL DISTRICT OF IDAHO

for The County of FREMONT

MARVIS J. MURDOCK and)
ELLEN MURDOCK, husband and)
wife,)

PLAINTIFFS)

vs.)

HENRY EAGLE, WATERMASTER,)
District 36, IDAHO)

D E C R E E

Department of Water Resources

SEP 09 1988

THIS CAUSE came on regularly to be heard before the Court, sitting without a jury, in Chambers, in the Courthouse at St. Anthony, Fremont County, Idaho, on this 18th day of August, 1965 at the hour of 10:00 o'clock A. M. of said day; Plaintiffs appearing in person and by their attorney, H. S. Forbush; and the defendant appearing not, either in person or by counsel, and it appearing to the Court, from the records and files in this action; that the defendant was regularly served with process, and that a Notice of Pendency of this action, containing such matter as are required by law, having been published in the Fremont County Chronicle News, a weekly newspaper published at St. Anthony, Fremont County, Idaho; and the Teton Valley News, a weekly newspaper published at Driggs, Teton County, Idaho; in accordance with the Order issued out of this Court on the 23rd day of July, 1965, and as required by law, and the time allowed by law for answering or appearing having expired, and the defendant or anyone for or on behalf of said defendant, having failed to appear or answer plaintiffs' complaint on file herein, and the default of said defendant having been duly and regularly entered, and the Court, having heard the evidence introduced by and on behalf of plaintiff and having duly considered the same, and being fully advised in the premises; and it appearing that each and all of the allegations in plaintiffs' complaint contained are true and correct.

NOW, THEREFORE, in consideration of the premises, and on motion of H. S. Forbush, Attorney for plaintiffs,

IT IS ORDERED, that the default of said defendant be, and it is hereby entered against said defendant; and

22-0683 IT IS ORDERED, ADJUDGED AND DECREED, that the plaintiffs, Marvis J. Murdock and Ellen Murdock, husband and wife, are entitled to, and are hereby awarded 100 miner's inches of the waters of Pole Creek with priority date of October 22nd, 1901; for the irrigation of their real property, described in plaintiffs' complaint, and more particularly described as follows, to-wit:

H.E. Survey No. 253, Comprising Tracts "A" and "B", embracing a portion of Sections

22 and 23 in Township 3 North of Range 45, E. B.M. Idaho, more particularly bounded and described as follows:

Beginning for the description of Tract "A" at corner No. 1, from which the quarter corner to said Sections 22 and 23 bear south 89°37 min, east 0.50 of a chain distant thence north 09° 37 Min. west 39.63 chains to corner No. 2; thence, South 10.40 chains to corner No. 3; thence south 70 degrees 57 min. east 37.12 chains to corner No. 4; thence South 28° 30 min. east 8.70 chains to corner No. 5; thence North 41 min. east 29.95 chains to corner No. 1, the place of beginning!

Beginning for the description of Tract "B" at corner No. 6; from which corner No. 5 of said Tract "A" bears north 28° 30 min. west 2.10 chains distant; thence, South 28° 30 min. east 5.30 chains to corner No. 7; thence, South 87° 37 min. east 13.64 chains to corner No. 8; thence north 33° 35 min. west 20.10 chains to corner No. 9; thence north 88° 14 min. west 4.95 chains to corner No. 10; thence South 41 min. west 11.63 chains to corner No. 6; the place of beginning; All located in Teton County, State of Idaho;

Containing 85.39 acres, according to the official plat of the survey of the said land, returned to the General Land Office by the Surveyor General; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the foregoing adjudication of water be made subject only to the decrees, in a certain action in the District Court of the Ninth Judicial District of the State of Idaho, in and for the County of Fremont, entitled "Hexberg Irrigation Company, et. al., Plaintiffs, vs. Teton Irrigation Canal Company, et. al., Defendants," dated and filed December 16th, 1910; in a certain action instituted in the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Twin Falls, entitled "Twin Falls Canal Company, Plaintiff, vs.

Charles N. Foster, et. al., Defendants," filed on the 20th day of June, 1913, and the amended decrees thereto, dated September 12th, 1916, and filed September 21st, 1916, and in a certain action, instituted in the United States District Court of Idaho, Eastern Division, entitled "Woodville Canal Company, a corporation, Plaintiff, vs. Clark and Edwards Canal Company, a corporation, et. al., Defendants, " dated the 25th day of June, 1929, and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That the defendant and all persons claiming by, through or under him, or either or any of his successors in office, and all persons claiming to have acquired any right or interest in or to or upon the said waters, hereinbefore Decreed, by through, or under any person whatsoever, except the Plaintiffs herein, be hereby enjoined and restrained from obstructing, or in any way interfering with the flow of said waters, through the ditches of the Plaintiffs.

Done in Chambers in the Court House at St. Anthony, Fremont County, Idaho, this 18th day of August, 1965.

STATE OF ALABAMA

Copy of Report:

I, John M. McKee, Clerk of the District
 Court and ex-officio Justice of the Peace, do hereby certify
 the above and return to the undersigned that
 same appears on the records of the District
 Court. Charles S. Fox
 Witness my hand and seal of said office this
 day of July, 1905.

WILLARD C. BURTON

JUDGE OF THE DISTRICT COURT

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