

BY Wm. Thompson CLERK
DEPUTY CLERK

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT

HENRY'S LAKE LODGE, INC.)

Plaintiff,)

vs.)

ALL UNKNOWN CLAIMANTS OF THE)
WATERS OF HOWE SPRINGS LOCATED)
IN THE SW 1/4 SW 1/4 OF SECTION)
34, TOWNSHIP 16 NORTH, RANGE 43)
EAST, BOISE MERIDIAN, AND THE)
WATERS OF AN UNNAMED CREEK FLOW-)
ING OUT OF PITTSBURG CANYON IN)
THE E. 1/2 E 1/2 OF SECTION 33,)
TOWNSHIP 16 NORTH, RANGE 43 EAST,)
BOISE MERIDIAN, ALL IN FREMONT)
COUNTY, IDAHO, AND ALL TRIBUTARIES)
OF THE NORTH FORK OF THE SNAKE)
RIVER,)

Defendants.)

Case No.

JUDGMENT AND DECREE
QUIETING TITLE TO
WATER RIGHTS

This cause having come on this day to be heard before the court, without a jury, upon application of plaintiff for a judgment and decree by default, and it appearing, and the court so finding that all defendants above named have been regularly served by process and have failed to appear or plead in the cause, and the default of each and every defendant has been duly entered according to law; that based upon evidence, both oral and documentary, introduced at the hearing; the court having made and filed herein Findings of Fact and Conclusions of Law; and the court concluding that Plaintiff is entitled to the relief prayed for in the complaint; and good cause appearing,

Meridian, and running thence South 48 degrees 10' East 320 feet; thence South 32 degrees 50' West 404 feet; thence Southeasterly along the highwater line of Henry's Lake to a point that is South 89 degrees 50' West 1106 feet from the Southeast corner of Section 33, Township 16 North, Range 43 East, Boise Meridian; thence South 63 degrees 38' East 788.5 feet; thence North 89 degrees 50' East 397 feet; thence North 0 degrees 27' East 345.5 feet; thence North 89 degrees 50' East 1320 feet; thence North 1320 feet; thence West 3611 feet to the point of beginning, less the highway right of way.

own in fee simple, are entitled to ownership and possession of, and are hereby decreed the following water rights:

21-0168

(a) One-half c.f.s. of the waters of Howe Springs located in the SW 1/4 SW 1/4 of Section 34, Township 16 North, Range 43 East, Boise Meridian, in Fremont County, Idaho, to use for domestic purposes and in the irrigation of the above described property with a priority date of September 15, 1904, at a point of diversion within said SW 1/4 SW 1/4 of Section 34, Township 16 North, Range 43 East, Boise Meridian, and this right includes within it State of Idaho water license no. 844, now renumbered on the records of the Idaho Department of Water Resources as License 21-2006.

21-0169

(b) One c.f.s. of the waters of an unnamed creek flowing from Pittsburg Canyon in Fremont County, Idaho, to use for domestic purposes, including watering of livestock, fish ponds, in the irrigation of the above described property, with a priority date of September 15, 1904, with points of diversion at various places within the SE 1/4 SE 1/4 of said Section 33, Township 16 North, Range 43 East, Boise Meridian.

2. That the claims of defendants as identified in the caption hereof, and of all that claim title under or through said

3. Defendants, and each of them, and all persons claiming under them defendants, or any of them, are hereby permanently enjoined from asserting any estate, right, title, lien or interest in or to said water rights or any part thereof.

JUDGMENT rendered this 4th day of June, 1979.

15/ Willard C. Burton

District Judge

Microfilm No. 359828

8th Day June 1979

At 3:45 O'Clock P. M.

DARLENE M. CALONGE

Fremont Co. Recorder

Fee \$ 3.00 Belva Hill Deputy

Recorded At Request of

Reggie Thatcher Andrews