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Department of Water Control

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

HARLO B. RIGBY and
ELSIE G. RIGBY, his wife,
Plaintiffs,

vs.

LYNN CRANDALL, Watermaster of
Water District No. 36 of the
State of Idaho,
Defendant.

FINDINGS OF FACT, CONCLUSIONS

OF LAW, JUDGMENT AND DECREE.

NUMBERED 447

This cause came on for hearing this 15th day of August,
1960, in chambers of the above entitled court, at Rexburg, Idaho,
before the Honorable Willard C. Burton, District Judge. Ray W.
Rigby, Attorney at Law, Rexburg, Idaho, appeared with and on behalf
of the Plaintiffs. The Defendant did not appear either in person
or by counsel, and neither he nor his successor, Henry C. Eagle,
has filed anypleading in this action. No person has appeared to
object to the granting of the prayer of Plaintiffs' complaint.
Documentary and other evidence was submitted to the court on behalf
of Plaintiffs; and the court, being fully informed as to the facts
and the law, now FINDS, CONCLUDES, ADJUDGES and DECREES as follows:

FINDINGS OF FACT

As Findings of Fact, the court finds as follows:

1. That at the time of the filing of the complaint and
amended complaint, the Defendant, Lynn Crandall, was the duly
elected, qualified and acting watermaster of Water District No. 36
of the State of Idaho; that he was duly served with summons in this
action, together with a copy of the complaint; that thereafter, the

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

Jacob R. Arnsberger,)
Plaintiff,)
vs.)
John Empey, as Watermaster)
of Water District No. 36,)
of the State of Idaho,)
Defendant.)

JUDGMENT AND DECREE.

This cause having been submitted to the Court for consideration and decision; and the Court having theretofore made its findings of fact and conclusions of law, it is ordered that judgment be entered in accordance therewith.

1 223 WHEREFORE, by reason of the law and the finding aforesaid, it is ordered, adjudged and decreed that plaintiff is the owner of and entitled to the use of three hundred inches, or six cubic feet per second of time, of the waters of the South Fork of Snake River; that plaintiff's right to the use of said water is hereby determined and confirmed; that plaintiff's priority/^{right} to the use of said water is fixed as of June 1st, 1891; and that plaintiff's right to the use of said water is adjudged to be appurtenant to the following described real estate, to-wit: the Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) and Lots Three (3) and Four (4) of Section Twenty-six (26) Township Four (4) North, Range Forty (40) East Boise Meridian, and the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) and Lot One (1) of Section Twenty-seven (27) Township Four (4) North, Range Forty (40) East Boise Meridian.

Done in open Court this 31st day of January 1920.

James G. Gwinn,

District Judge.

Filed for record at the request of Bennett and McCall, January 31st, 1920.

S. D. Farnsworth, Recorder.

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STATE OF IDAHO

COUNTY OF FREMONT)

SS.

I, S. D. Farnsworth Auditor & Recorder of the above named County and State, do hereby certify the foregoing and attached instrument to be a full true and correct copy of the original Judgment and Decree in the cause of Jacob R. Arnsberger, Plaintiff, vs. John Empey, as Watermaster of Water District No. 36, of the State of Idaho, Defendant, as it appears of record in Book "E" of Judgment Records at Page 1, of Fremont County Records.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 12th day of March, 1920.

S. D. Farnsworth
Auditor & Recorder.

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