

1892
IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR
THE COUNTY OF CUSTER.

IN THE MATTER OF THE PETITION OF THE BOARD OF DIRECTORS OF BIG LOST RIVER IRRIGATION DISTRICT, AN IRRIGATION DISTRICT ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF IDAHO, FOR THE EXAMINATION, APPROVAL, AND CONFIRMATION OF CERTAIN PROCEEDINGS FOR THE ANNEXATION OF CERTAIN LANDS TO SAID DISTRICT, OF CERTAIN PROCEEDINGS FOR THE EXCLUSION OF CERTAIN LANDS FROM SAID DISTRICT, OF ALL PROCEEDINGS CONNECTED WITH THE FORMULATION AND ADOPTION OF A PLAN OF OPERATIONS FOR SAID DISTRICT, OF ALL PROCEEDINGS IN CONNECTION WITH THE ASSESSMENT AND APPORTIONMENT OF BENEFITS BY REASON OF THE CARRYING OUT OF SUCH PLAN THE COST OF WHICH IS REPRESENTED BY ITS FIRST ISSUE, FIRST SERIES BONDS IN THE AMOUNT OF \$238,500.00 ISSUED FOR THE PURCHASE OF IRRIGATION WORKS AND WATER RIGHTS, OF ALL PROCEEDINGS CONNECTED WITH THE AUTHORIZATION, ISSUANCE AND SALE OF SAID BONDS, AND OF ALL MATTERS IN CONNECTION WITH OR RELATED TO ANY OF THE ABOVE MENTIONED PROCEEDINGS.

MAIL



JUDGMENT AND DECREE

The above entitled petition came on regularly to be heard in open court at Challis, Custer County, Idaho, on Monday, the 6th day of January, 1936, at two o'clock P. M. of said day at the Court Room of said Court, before the Honorable Guy Stevens, District Judge, on the petition of Roy C. Pearson, Manning Sutton and L. H. Evans, constituting the Board of Directors of BIG LOST RIVER IRRIGATION DISTRICT, an Irrigation District duly organized and existing as such under the laws of the State of Idaho, praying for the examination, approval and confirmation of certain proceedings for the annexation of certain lands to said District; of certain proceedings for the exclusion of certain lands from said District; of all proceedings connected with the formulation and adoption of a plan of operations for said District; of all proceedings in connection with the Assessment and Apportionment of Benefits by reason of the carrying out of such plan, the cost of which is represented by its First Issue, First Series Bonds in the amount of \$238,500.00 issued for the purchase of irrigation works and water rights; of all proceedings connected with the authorization, issuance and sale of said bonds, and of all matters in connection with or related to any of the above mentioned proceedings,

George L. Ambrose, Esquire, appearing as counsel for the petitioners, and Margaret Judd, J. R. Pence and Tri-State Lumber Company, a Corporation, successors to Gem State Lumber Company, who presented on October 15, 1935, oral protests to the Board of Directors of the said Big Lost River Irrigation District against the apportionment of any costs against their respective lands under the aforesaid proceedings instituted by said Board of Directors for the setting up of the Assessment and Apportionment of Benefits under the said bond issue of \$238,500.00, not appearing in person or by counsel within the time allowed by law, to demur, answer or otherwise plead to said petition, and no other person or party interested in the subject matter of said petition adverse to said petitioners, appearing or having demurred to or answered said petition within the time allowed by law or at all; and it appearing to the Court that due and legal notice of the filing of the aforesaid petition and the hearing thereon had been duly given and published for the time and in the manner prescribed by law; and the default of each and every person or party interested in the subject matter of said petition who did not appear, demur, answer or otherwise plead in this cause having been duly entered herein January 6, 1936, by order of the Court.

WHEREUPON, documentary evidence and proof was offered and received in evidence on behalf of the petitioners and in support of the said petition. And the Court having heard and examined all the evidence and proofs produced herein, and the records, papers, files and exhibits in this action, and the said cause having been submitted to the Court for decision, and the Court having duly considered the same, and all matters and things in connection with

the filing of said petition and the hearing thereon appearing to the Court to be in all respects proper and legal, and being fully advised in the premises, and having thereupon made and delivered its Findings of Fact and Conclusions of Law in writing, which are herewith filed, and ordered that Judgment and decree of confirmation be entered in accordance therewith.

WHEREFORE, by reason of the Law and the Findings of Fact and Conclusions of Law aforesaid,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:-

I.

That due and legal notice of the filing of the petition herein for the judicial examination, approval and confirmation of the proceedings herein referred to was duly given and published by the Clerk of this Court, pursuant to the order of this Court, for the time and in the manner required by the statutes of Idaho, in relation to such proceedings.

II.

That the default of each and every party and person interested in the subject matter of the petition herein, has been heretofore duly entered and the order heretofore made, relating to such defaults, is hereby confirmed.

III.

That each and every of the proceedings taken and had by Big Lost River Irrigation District relating to the exclusion of certain lands from said District, by order of the Board of Directors of said District June 9, 1925, as set forth and described in petition on file herein was regularly and legally done, had, made, determined and entered at the proper time and in the proper manner and order, and in full and strict compliance with the statutes and laws of the State of Idaho applicable thereto, and they are hereby ratified, approved and confirmed; that said lands were properly and legally excluded from said District by order of the Board of Directors of said District of date June 9, 1925, and said lands since the date of said order excluding them have not been and are not now within said Irrigation District or a part thereof. The lands so excluded are situated in Custer County, State of Idaho, and are described as follows, to-wit:-

The South Half of the Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$), Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$), Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 8, Township 6 North, Range 25 East Boise Meridian;

Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 8, Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) and the North Half of the Northeast Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$), Section 17, Township 6 North, Range 25 East Boise, Meridian;

Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 17, the West Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$), Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$), and Tax #2, Section 18, Township 7 North, Range 24 East Boise Meridian;

The North Half of the Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$), North Half of the Southwest Quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$), Section 9, Township 6 North, Range 25 East, Boise Meridian;

South Half of the Southeast Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$), South Half of the Southwest Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$), Section 9, Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) Fract. Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Fract. Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 16, Township 6 North, Range 25 East Boise Meridian;

South Half of the Southwest Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$), Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 1, Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$), Section 2, Township 6, North, Range 24 East Boise Meridian.

IV.

That each and every of the proceedings taken and had by Big Lost River Irrigation District relating to the exclusion of certain lands from said District by orders of the Board of Directors of said District February 21st, 1930, and August 11, 1934, as set forth and described in petitioners' petition on file herein, were regularly and legally done, had, made, determined and entered at the proper time and in the proper manner and order, and in full and strict compliance with the statutes and laws of the State of Idaho applicable thereto, and they are hereby ratified, approved and confirmed; that said lands were properly and legally excluded from said District by orders of the Board of Directors of said District of date February 21, 1930 and August 11, 1934, and said lands since the date of said order excluding them have not been and are not now within said Irrigation District or a part thereof ~~axxa~~ except as a portion thereof may have been reannexed to said District under the proceedings hereinafter set forth. The lands so excluded are situated in Butte and Custer Counties, State of Idaho, and are described as follows, to-wit:

BUTTE COUNTY, IDAHO.

East Half of the Northwest Quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$), Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 16, West Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$), and the Northwest Quarter (NW $\frac{1}{4}$) of Section 17, Township 4 North, Range 26 East Boise Meridian;

Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 16, Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 17, Township 4 North, Range 26 East Boise Meridian;

Lot 24 in Block 8 of the Original Town of Arco, Butte County, Idaho;

Lots 7 and 8, in Block 14 of the Original Town of Arco, Butte County, Idaho;

Northwest Quarter (NW $\frac{1}{4}$) Section 17, and South Half of the Southeast Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$) of Section 7, Township 3 North, Range 27 East Boise Meridian;

North Half of the Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$) Section 7, Township 3 North, Range 27 East Boise Meridian;

Lot 16, Block 2 of the First Addition to the Town of Arco, Butte County, Idaho;

Also beginning at a point 80 rods due east from the Southwest corner of Section 9, Township 4 North, Range 26 East Boise Meridian, and running thence due north 160 rods; thence due east 140 rods; thence due south 160 rods; thence due west 140 rods to place of beginning, containing 140 acres less 1 $\frac{1}{4}$ acres for school house site;

Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) Section 19, West Half of the Southeast Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$), Section 19, East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$), Section 19, Township 4 North, Range 26 East Boise Meridian;

Northeast Quarter (NE $\frac{1}{4}$) Section 13, Township 3 North, Range 26 East Boise Meridian, Lots 1 and 2, Section 7, East Half of the Northwest Quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$) Section 7, Township 3 North, Range 27 East Boise Meridian;

Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) Section 19, Township 4 North, Range 26 East Boise Meridian;

East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$), East Half of the Northwest Quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$), Section 11, Township 4 North, Range 26 East Boise Meridian;

South Half of the Southwest Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$) Section 8, Township 3 North, Range 27 East Boise Meridian;

East Half of the Southeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$), East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$), Section 8, Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) Section 17, Township 4 North, Range 26 East Boise Meridian.

CUSTER COUNTY, IDAHO

Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) and the West Half of the Northwest Quarter (W $\frac{1}{2}$ NW $\frac{1}{4}$), Section 21, Tax No. 1, and Tax No. 2, being in the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) and the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$), Section 20, Township 7 North, Range 24 East Boise Meridian;

Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) Section 8, and Tax No. 4, being the South Half of the Southwest Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$) Section 5, less 2.25 acres, all in Township 6 North, Range 25 East Boise Meridian;

Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Tax No. 1, being a portion of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$), and the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$), and the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$), and the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), all in Section 27, Township 7 North, Range 24 East Boise Meridian;

East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$), the West Half of the Southeast Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$), Section 31, Township 7 North, Range 25 East Boise Meridian;

North Half of the Northeast Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$), Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$), Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$), Section 6, Township 6 North, Range 25 East Boise Meridian;

Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$), South Half of the Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$), Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$), East Half of the Northwest Quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$), and Tax No. 1 and Tax No. 2, the same being the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) and the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$), respectively, all in Section 31, Township 7 North, Range 25 East Boise Meridian.

North Half of the Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$) and North ~~25~~ rods of the Southwest Quarter (SW $\frac{1}{4}$), Section 26, Township 7 North, Range 24 East, Boise Meridian.

7.

That each and every of the proceedings taken and had by Big Lost River Irrigation District relating to the annexation of certain lands to said District by order of the Board of Directors of said District May 1st, 1934, as set forth and described in petitioners' petition on file herein, were regularly and legally done, had, made determined and entered at the proper time and in the proper manner and order, and in full and strict compliance with the statutes and laws of the State of Idaho, applicable thereto, and they are hereby ratified, approved and confirmed; that said lands were properly and legally annexed to said District by order of the Board of Directors of said District May 1st, 1934, and said lands since said date have been and now are a part of said Irrigation District and within its boundaries as fully and to every intent and purpose as if the said lands had been included therein in the original organization of said District. The lands so annexed are situated in Butte and Custer Counties, State of Idaho, and are described as follows, to-wit:

Northwest Quarter (NW $\frac{1}{4}$) of Section 17; and South Half of the Southeast Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$) of Section 7, Township 3 North, Range 27 East Boise Meridian, Butte County.

South Half of the Southwest Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$) of Section 6, Township 3, North, Range 27 East Boise Meridian, Butte County;

Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$), South Half of the Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$), Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$), East Half of the Northwest Quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$), and Tax No. 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), and Tax No. 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 31, Township 7 North, Range 25 East Boise Meridian, Custer County;

East half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$),
East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$), Section

31, Township 7 North, Range 25 East Boise Meridian, Custer County;

Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 8; South half of the Southwest Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$) of Section 5, less 2.28 acres conveyed to Troy D. Smith, Township 6 North, Range 25 East Boise Meridian, Custer County;

Southwest Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 19, Township 4 North, Range 26 East Boise Meridian, Butte County;

Northwest Quarter (NW $\frac{1}{4}$) Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$), Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$), Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$), of Section 38, Township 7 North, Range 24 East Boise Meridian, Custer County.

VI.

That each and every of the proceedings taken and had by Big Lost River Irrigation District relating to the formulation and adoption of a plan of operations whereby said District proposed to purchase those storage, flood water, and natural flow rights on Big Lost River and its tributaries, the Mackay Dam and storage reservoir, the Carey Act Project and the main diversion canal known as the Blaine Canal, all belonging to the Utah Construction Company, a Utah Corporation, and all other irrigation works and holdings of said Company in Butte and Custer Counties, Idaho; also certain water rights appurtenant to privately owned lands within said Carey Act Project, and if necessary the purchase of the lands to which such water rights were appurtenant as an incident thereto, at the estimated cost of said purchases and the carrying out of said plan of operations of the sum of \$238,500.00, as set forth and described in petitioners' petition on file herein, were regularly and legally done, had, made, determined and entered at the proper time and in the proper manner and order and in full and strict compliance with the statutes and laws of the State of Idaho applicable thereto, and they are hereby ratified, approved and confirmed.

VII.

That the agreements of loan entered into by Big Lost River Irrigation District and Reconstruction Finance Corporation and all covenants, stipulations and agreements entered into and becoming a part of such loan agreements and each and every of the proceedings had and taken by said District pursuant to said loan agreements, including the authorization of sale and negotiation of bonds of said District to Reconstruction Finance Corporation as set forth and described in the aforesaid "PETITIONERS' EXHIBIT 3", hereto attached and made a part hereof as aforesaid, were regularly and legally done, had, made, determined and entered at the proper time and in the proper manner and order, and in full and strict compliance with the statutes and laws of the State of Idaho applicable thereto, and they are hereby ratified, approved and confirmed.

VIII.

That each and every of the proceedings taken and had by Big Lost River Irrigation District relating to the authorization, issuance and sale of the First Issue, First Series Bonds of said District in the sum of \$238,500.00 par or face value as set forth and described in petitioners' petition on file herein, and in the minutes of the Board of Directors of said District of dates November 30th and December 3, 1933, fully set forth in "PETITIONERS' EXHIBIT 3", introduced in evidence and on file herein, which are hereby referred to and made a part hereof as fully and to all intents and purposes as if copied at length herein, were regularly and legally done, had, made, determined and entered at the proper time and in the proper manner and order, and in full and strict compliance with the statutes and laws of the State of Idaho applicable thereto, and they are hereby ratified, approved and confirmed.

IX.

That each and every of the proceedings taken and had by Big Lost River Irrigation District relating to the determination of benefits to the lands within said Irrigation District from the authorization and issuance of bonds over and upon the various tracts and subdivisions of lands within said District and the respective amounts of apportionment thereon and the special factors and considerations entering into said apportionment and the basic rules and regulations governing the use and distribution of water upon lands within said District, whereby the apportionment and distribution of benefits were had and made upon the lands in said District as set forth and described in petitioners' petition and "PETITIONERS' EXHIBIT 3" and in "PETITIONERS' EXHIBIT 13" introduced in evidence and on file herein, which are hereby referred to and made a part hereof as fully and to all intents and purposes as if copied at length herein, were just and equitable, and were regularly and legally done, had, made, determined and entered at the proper time and in the proper manner and order, and in full and strict compliance with the statutes and laws of the State of Idaho applicable thereto, and they are hereby ratified, approved and confirmed. That the lands covered by the aforesaid apportionment of benefits and distribution of costs are situated in Butte and Custer Counties, State of Idaho, and are more particularly described in "PETITIONERS' EXHIBIT 13" admitted in evidence and on file herein, which is hereby referred to and made a part hereof as fully and to all intents and purposes as if copied at length herein.

X.

That the said First Issue, First Series Bonds of Big Lost River Irrigation District in the sum of \$238,500.00 par or face value, and all interest thereon, constitute and are valid and legal bonds and valid indebtedness of said District; and that all the lands in said District are and shall remain liable to be assessed for the payment of said bonds and all interest thereon, except such lands as are set forth and described in the list and apportionment of benefits, the aforesaid "PETITIONERS' EXHIBIT 13", hereto attached and made a part hereof as aforesaid, which will not be benefited by the issuance of said bonds or by the irrigation works and proposed plan of operations of said District.

XI.

That each and every of the proceedings taken and had, and provisions made by the Board of Directors of said District for the levy and collection of annual assessments upon all of the lands upon which benefits were apportioned for the payment of interest on a principal of said bond issue in the sum of \$238,500.00, and for the establishment and maintenance of a "Safety Fund" to insure the payment thereof, as set forth and described in petitioners' petition on file herein and also in "PETITIONERS' EXHIBIT 3" admitted in evidence and on file herein, which is hereby referred to and made a part hereof as fully and to all intents and purposes as if copied at length herein, were regularly and legally done, had, made, determined and entered at the proper time and in the proper manner and order, and in full and strict compliance with the statutes and laws of the State of Idaho applicable thereto, and they are hereby ratified, approved and confirmed.

XII.

The officers of said Big Lost River Irrigation District are hereby directed, authorized and empowered to sell and deliver to Reconstruction Finance Corporation all of the said First Issue, First Series Bonds of said District in the sum of \$238,500.00, or so much thereof as may be necessary, for the par or face value thereof, together with all accrued interest thereon, and the sale and negotiation of said bonds is in all respects valid and legal and in full and strict compliance with the statutes and laws of the State of Idaho

applicable thereto, and said sale and delivery of said bonds to Reconstruction Finance Corporation is hereby ratified, approved and confirmed.

XIII.

That each and every of the acts and proceedings taken and had by said Big Lost River Irrigation District as set forth and described in petitioners' petition on file herein, were regularly and legally done, had, made, determined and entered at the proper time and in the proper manner and order, and in full and strict compliance with the statutes and laws of the State of Idaho applicable thereto, and are valid and binding upon said District and all lands included therein and affected thereby; and each and every of said acts and proceedings are hereby ratified, approved and confirmed.

Dated this 25th day of January, 1936.

STATE OF IDAHO)
COUNTY OF CUSTER) SS

I hereby certify that the foregoing is true and correct copy of the original in this office. *judgment of*

Guy Stevens
DISTRICT JUDGE

Date 2-29-36
Evanston Murch
Deputy

Filed this 10 day of Feb. A. D. 1936

Clerk

No. 1287

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF CUSTER

FRANCIS SAUNDERS,

Plaintiff

-vs-

DENNIE SAUNDERS,

Defendant.

D E C R E E

This cause coming on regularly to be heard and tried before Honorable Guy Stevens in open court at Challis, Custer County, Idaho, this 7th day of April, 1936, plaintiff appearing in person and by her attorney, Harold Holden, and the defendant not appearing either in person or by an attorney, upon said hearing it appearing to the said District Court that the defendant, Dennie Saunders, had been duly, regularly and personally served with summons together with a copy of the complaint in said action attached thereto upon the 18th day of Sept., 1935 and the defendant having failed to answer or demur to plaintiff's complaint on file in said action and the time allowed by law for answering having expired, and default of the said defendant having been duly and regularly entered herein, now on motion of Harold Holden, attorney for plaintiff, the cause was tried.

The plaintiff testified in her behalf and in support of her complaint and produced corroborating evidence as to facts alleged in her said complaint and the cause was submitted, and the court being fully advised as to the law and the facts finds that each and all of the allegations and averments in plaintiff's complaint are true and finds that the said defendant for more than two years next preceding the filing of said petition has been guilty of extreme cruelty towards the plaintiff and for reasons of such extreme cruelty the said plaintiff is entitled to have the marriage relations existing between the plaintiff and defendant set aside and held for naught and to be divorced from said defendant and to receive the community property of the parties hereto, hereinafter more particularly set out.

NOW THEREFORE IT IS HEREBY ORDERED, ADJUDGED AND DECREED That the bonds of matrimony heretofore and now existing between the plaintiff and defendant be and the same are hereby wholly dissolved and the parties freed from the obligations thereof.