

WYW121773

MAR 27 1991

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
DONALD ALBRECHT, et al.,)
)
Defendants.)

C 79-113K

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By	Jolynn Coonce				County Clerk	
BY	<i>[Signature]</i>				Dep	

JUDGMENT RE: UNITED STATES AND

ROBERTA L. FORBES

THIS MATTER having come before the Court upon the Stipulation for Entry of Judgment between the Plaintiff, United States of America, and Defendant, Roberta L. Forbes, and the Court having read the Stipulation for Entry of Judgment and being fully advised in the premises thereof;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

1. That the Court approves and adopts the Stipulation for Entry of Judgment between the United States of America and Roberta L. Forbes, a copy of which is attached and incorporated herein by reference.

2. That Roberta L. Forbes was at the time of the initiation of this action and now is the owner of the following described lands that lie along the Snake River in Teton County, Wyoming:

All of Lot 6 and part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ and Lot 7 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 3, Township 42 North, Range 116 West, Teton County, Wyoming described as follows:

Beginning at a point on the east line of said Section 3, N01°11.2'W, 781.01 feet from the southeast corner of said Section 3 where found a 6" x 6" concrete post with copper plate inscribed "T42N R116W

S3	S2	S	
S10	S11	1966"	S

thence continuing N01°11.2'W, 1885.39 feet along said east line to the east one-quarter corner of said Section 3 where found a 2" steel pipe 36" long with brass cap inscribed "PHILIP G. MORTON RLS376 JACKSON WYO T42N R116W 1/4 S3/S2 1961"; thence N01°12.2' W, 66.66 feet along the east line of said Section 3 to the meander corner on the left bank meander line of the Snake River where found a 2" galvanized steel pipe with brass cap inscribed "PHILIP G. MORTON RLS376 JACKSON WYO T42N R116W

MC	1961"
S3	S2

Thence along the said meander line as follows: thence S58°02'W, 118.80 feet to Angle Point No. 8; thence S35°39'W, 660.66 feet to Angle Point No. 7; thence S28°50'W, 463.32 feet to Angle Point No. 6; thence S74°55'W, 603.24 feet to Angle Point No. 5; thence S49°49'W, 384.17 feet to a point and leave said meander line; thence S40°11'E, 455.14 feet perpendicular to said meander line between Angle Point No. 4 and 5, to a point on the west line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$; thence N89°41.3'E, 380.22 feet parallel to the south line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ to a point; thence S78°27'E, 973.97 feet to the Point of Beginning; each point marked by a steel T-shaped stake 24" long with metal cap inscribed "SURVEY POINT DO NOT DISTURB RLS164"; each Angle Point marked by a 2" galvanized steel pipe with brass cap appropriately inscribed; the base bearing for this survey is the east line of the NE $\frac{1}{4}$ of Section 10, T42N, R116W being N01°15.4'W.

3. That judgment is hereby entered quieting all right, title and interest in Roberta L. Forbes to the lands lying between the property described in Paragraph 2 above and the thread of the Snake River, subject to all conditions and reservations contained in the original patents from the United States.

4.(a) That judgment is hereby entered confirming a grant to the United States from Roberta L. Forbes and her successors in interest of a recreational easement, subject to the uses and limitations set forth in subparagraph (b) below, to the lands lying between the thread of the Snake River and a fixed line on Exhibit A, which Exhibit A is attached hereto and incorporated herein by reference.

(b) The recreational easement hereby adjudged to the United States is for public use for recreational purposes and is defined as follows:

(1) Recreational uses are limited to boating, rafting, fishing, hiking, picnicking and other similar activities; mining, use of firearms, hunting, construction of facilities or structures, overnight camping, and fires are not permitted. In the event that the United States attempts to expand or expands the uses permitted under the recreational easement, the easement shall be subject to termination.

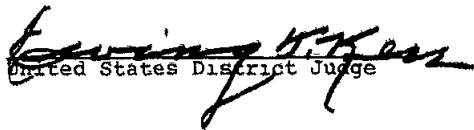
(11) Access to the easement shall be by means of the river bed, such as by boating, rafting or wading. In the event the United States seeks to acquire by condemnation access over the lands described in Paragraph 2 or 3 above, to use the recreational easement, the easement shall be subject to termination.

(11) The recreational easement is non-exclusive, and does not prevent any compatible use of the lands described in Paragraph 3 by the Defendant or her successors, such as recreational uses, or the public or private construction of levees or flood control facilities, or extraction of minerals not reserved to the United States, subject to the land use and zoning laws of Teton County.

(1v) The public use of the recreational easement does not include the right of access to the levees or the upland river banks.

5. That in accordance with the aforesaid stipulation the Defendant, Roberta L. Forbes, is hereby awarded \$1,500.00.

DATED this 27 day of May, 1988.


United States District Judge

TETON COUNTY
CERTIFIED A TRUE COPY
William C. Beaman
Clerk
By Deborah A. Nelson
Deputy Clerk

EXHIBIT A

Re: United States vs. Roberta L. Forbes
Case No.: C-79-113K

The recreation easement granted by the Defendant to the United States in Paragraph 4(a) hereof includes the lands lying between the thread of the Snake River and a fixed line as follows:

Beginning at a point on the North boundary of Section 3, T. 42 N., R. 116 W., from which the closing corner of Sections 2 and 3 bears S. 89°08'E., 12.26 chains distance, thence:

S. 53°27' W., 4.14 chains,
S. 37°42' W., 2.41 chains,
S. 21°19' W., 4.76 chains,
S. 13°58' W., 4.46 chains,
S. 16°28' W., 5.19 chains,
S. 49°55' W., 2.69 chains,
S. 80°51' W., 1.97 chains,
S. 54°55' W., 3.13 chains,
S. 20°41' W., 0.12 chains,
S. 11°10' W., 3.66 chains,
S. 12°37' E., 4.12 chains,
S. 7°13' E., 2.64 chains,
S. 24°09' W., 4.40 chains,
S. 47°47' W., 5.10 chains,
S. 68°25' W., 4.19 chains,
S. 67°43' W., 0.93 chains,
S. 42°58' W., 0.38 chains,
S. 57°22' W., 2.38 chains,
S. 4°23' W., 2.87 chains,
S. 1°13' E., 6.42 chains,
S. 16°21' W., 3.09 chains,
S. 3°33' W., 1.57 chains,
S. 39°14' W., 1.41 chains,
S. 1°57' W., 3.75 chains,
S. 11°35' W., 5.23 chains,
S. 17°58' W., 14.98 chains,

to a point on levee in Section 10, from which the meander corner of Sections 3 and 10 on the left bank of Snake River bears N. 78°09'E., 11.34 chains distance,

where said fixed line intersects the Defendant's riparian lands as described in Paragraph 3 hereof.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	C79-113K
)	
DONALD H. ALBRECHT, et al.,)	
)	
Defendants.)	

STIPULATION FOR ENTRY OF JUDGMENT BETWEEN THE UNITED STATES
OF AMERICA and ROBERTA L. FORBES

The Plaintiff, the United States of America, by and through Richard A. Stacy, United States Attorney for the District of Wyoming, and its counsel of record, John E. Lindskold, attorney, Department of Justice, and Defendant, Roberta L. Forbes, by and through her attorney, Floyd R. King of King & King, enter into this Stipulation for Entry of Judgment to settle all factual and legal disputes pertaining to these parties arising from the above-referenced lawsuit.

1(a). This action is a civil action brought by the United States of America to quiet title in the United States to 108 separate parcels of unsurveyed public lands which were allegedly omitted from the original surveys of T. 40 and 41 N., R. 117 W., and T. 40, T. 41 and T. 42 N., R. 116 W., 6th P.M., Teton County, Wyoming.

1(b). The United States and the Defendant acknowledge that this land title dispute, as well as other related litigation, has been ongoing for more than twenty years; that trial of this case was lengthy, taking place over the period of three months; that the district court made a ruling adverse to the United States on September 23, 1983; that the Court of Appeals for the Tenth Circuit has twice remanded the case for want of a final judgment and that there still is no final judgment; that this litigation has been lengthy and costly; and that there exists a strong possibility that absent a settlement, this litigation may continue for several more years. In view of the foregoing, the parties seek to bring about an end to this litigation and agree that the only logical means of promptly bringing this case to a final resolution and avoiding further litigation expenses is through a negotiated settlement.

2. The United States recognizes that the Defendant, Roberta L. Forbes, (hereinafter "Defendant"), was at the time of the initiation of this action the owner of the following described lands that lie along the Snake River in Teton County, Wyoming:

All of Lot 6 and part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ and Lot 7 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 3, Township 42 North, Range 116 West, Teton County, Wyoming described as follows:

Beginning at a point on the east line of said Section 3, N01°11.2'W, 781.01 feet from the southeast corner of said Section 3 where found a 6" x 6" concrete post with copper

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Thence along the said meander line as follows: thence S58°02'W, 118.80 feet to Angle Point No. 8; thence S35°39'W, 660.66 feet to Angle Point No. 7; thence S28°50'W, 463.32 feet to Angle Point No. 6; thence S74°55'W, 603.24 feet to Angle Point No. 5; thence S49°49'W, 384.17 feet to a point and leave said meander line; thence S40°11'E, 455.14 feet perpendicular to said meander line between Angle Point No. 4 and 5, to a point on the west line of said SE¼SE¼; thence N89°41.3'E, 380.22 feet parallel to the south line of said SE¼SE¼ to a point; thence S78°27'E, 972.97 feet to the Point of Beginning; each point marked by a steel T-shaped stake 24" long with metal cap inscribed "SURVEY POINT DO NOT DISTURB RLS164"; each Angle Point marked by a 2" galvanized steel pipe with brass cap appropriately inscribed; the base bearing for this survey is the east line of the NE¼ of Section 10, T42N, R116W being N01°15.4'W.

3. The United States of America hereby agrees and consents to the Court entering judgment in favor of the Defendant, quieting title to the lands lying between the property described in Paragraph 2 above and the thread of the Snake River, subject to all conditions and reservations contained in the original patents from the United States; which includes the lands identified in Exhibit B to the Complaint as part of Parcels 2, 3 and 4.

4. (a) The Defendant hereby agrees and consents to the Court entering judgment granting a recreational easement to the United States to lands lying between the thread of the Snake River and a fixed line defined on Exhibit "A" attached hereto, which lands comprise the bed of the river, including islands, sand and gravel bars and as identified in Exhibit B to the Complaint as Parcels 2, 3 and 4 described in Paragraph 3 above.

(b) The recreational easement to be granted to the United States is for public use for recreational purposes and is defined as follows:

(i) Recreational uses are limited to boating, rafting, fishing, hiking, picnicking and other similar activities; mining, use of firearms, hunting, construction of facilities or structures, overnight camping or fires are not permitted. In the event that the United States attempts to expand or expands the uses permitted under the recreational easement, the easement shall be subject to termination.

(ii) Access to the easement shall be by means of the river bed, such as by boating, rafting or wading. In the event the United States seeks to acquire by condemnation access over the lands described in Paragraph 2 above, to use the recreational easement, the recreational easement shall be subject to termination.

(iii) The recreational easement is non-exclusive, and does not prevent any compatible use of the lands described in Paragraph 3 by the Defendant or her successors, such as recreational uses, or the public or private construction of levees or flood control facilities, or extraction of minerals not reserved to the United States, subject to the provisions of Paragraph 5 below.

(iv) The public use of the recreational easement does not include the right of access to the levees or the upland river banks.

5. The Defendant, Roberta L. Forbes, agrees that the lands acquired by her under Paragraph 3 of the Stipulation for Entry of Judgment shall be subject to the land use and zoning laws of Teton County, Wyoming.

6. In consideration for the foregoing, the United States of America agrees to pay to the Defendant \$1,500.00.

The District Court may enter the judgment submitted herewith upon receipt of this Stipulation executed by the necessary parties.

DATED this 25th day of May, 1988.

Respectfully submitted,

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