

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUSTMENT
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-02469
Date Received: 3/29/1990
Receipt No: C015998
Received By: _____

APR 02 1991

APR 5 1991

Department of Water Resources
Western Regional Office

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CITY OF CHUBBUCK
Address: 5160 YELLOWSTONE
CHUBBUCK, ID 83202 208-237-2400

2. Date of Priority: MAR 10, 1963

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	34E	34	NW	SW			BANNOCK

5. Description of diverting works:
DEEP WELL SUBMERGED TURBINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	3.800		2752.88

7. Total Quantity Appropriated is:
3.800 C.F.S. (and/or) 2752.88 A.F.A.

8. Total consumptive use is 2752.8 Acre Feet Per Annum.

9. Non-irrigation uses:
MUNICIPAL WATER, 2000 HOUSEHOLDS, 8700 POPULATION

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	34E	34				MUNI	
06S	34E	2				MUNI	
		3				MUNI	
		4				MUNI	

A29-02469

Page 1

Date: 10/15/90

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A2902469

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	34E	9			MUNI	
		10			MUNI	
		11			MUNI	

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
A29-07624, A29-02385, A29-02413

14. Remarks:
PLACE OF USE IS WITHIN THE CITY LIMITS OF CHUBBUCK.

15. Basis of Claim: LICENSE

Water Right Number: 30842

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____, Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
_____, Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

City of Chubbuck

CLAIM IDENT. NO.

A29-02469

DATE RECEIVED

3-29-90

CR # CO15998

AMOUNT \$

YES

NO

Required Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO *
2. Is a priority date entered? ☒ YES ☐ NO *
- Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO *
- See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO *
3. (a) Is a source entered? ☒ YES ☐ NO *
- (b) Is a tributary to entered? (if required) ☐ YES ☒ NO N/A
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO *
5. Is there a description of the diverting works? ☒ YES ☐ NO
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO *
- Is the period of use included? ☒ YES ☐ NO
- Is a quantity claimed for each use? ☒ YES ☐ NO *
7. Is a total quantity claimed entered? ☒ YES ☐ NO
8. If required is a consumptive use entered? ☐ YES ☒ NO N/A
- Is the consumptive use correct? ☐ YES ☒ NO N/A ?
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☒ YES ☐ NO N/A *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO
12. Is the ownership of p.u. checked? ☒ YES ☐ NO
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☒ YES ☐ NO N/A
15. Is the basis of the claim indicated? ☒ YES ☐ NO
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☐ YES ☒ NO N/A
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO *
20. Is the fee enclosed correct? ☒ YES ☐ NO Exempt *
21. If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO N/A
22. Should this claim be data entered? ☒ YES ☐ NO

Claim checked by:

CA

Date:

5-25-90

Claim must be returned to claimant:

(Yes)

(No)

Claimant must be notified of modifications:

(Yes)

(No)

Receipt Prepared by:

Claim data entered by:

Sent to claimant by:

Date:

Date:

Date:

Checked by:

Date:

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Comments:

\$ 430 ee

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

**IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM**

CIVIL CASE NUMBER: 39576

Ident. Number

A29-02469

Date Received

3-29-90

Receipt Number

C015998

**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

RECEIVED
MAR 29 1990

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) City of Chubbuck Phone (208) 237-2400Mailing Address 5160 Yellowstone Chubbuck, Idaho Zip 832022. Date of Priority (Only one (1) per claim) March 10, 19633. Source of water supply (a) Groundwater

which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 5S Range 34E Section 34,
NW 1/4 of SW 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of BannockAdditional points of diversion if any: None

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Deep well submerged turbineInstalled December 21, 1962Casing diameter 16" to 160' then 12-3/4" to 250'Capacity enlarged from 1.11 cfs to 3.78 cfs on April 7, 1977**MICROFILMED****NOV 13 1992**

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)/yr

For Municipal purposes from Jan 1 to Dec 31 amount 3.80 or 2752.88

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.80 (cfs) and/or (b) 2752.88 (acre feet)

8. Total consumptive use claimed is 2752.88 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Municipal water, 2000 households, 8700 population

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
6S	34E	2									M	M	M	M					~~160~~
		3	M			M	M	M	M	M	M	M	M	M	M	M	M	M	~~560~~
		4				M								M	M	M	M	M	~~240~~
		9	M	M	M	M													~~160~~
		10	M	M	M		M	M	M	M	M	M	M	M		M			~~480~~
		11	M	M	M	M	M	M	M	M									~~320~~
5S	34E	34									M	M	M	M			M		~~200~~

Total number of acres irrigated ~~520~~ 2120

11. In which county (ies) are lands listed above as place of use located? Bannock

12. Do you own the property listed above as place of use? Yes _____ No X
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
Three other city wells, described in accompanying requests or None ()

14. Remarks: The City of Chubbuck is a Municipal Corporation of the State of Idaho.

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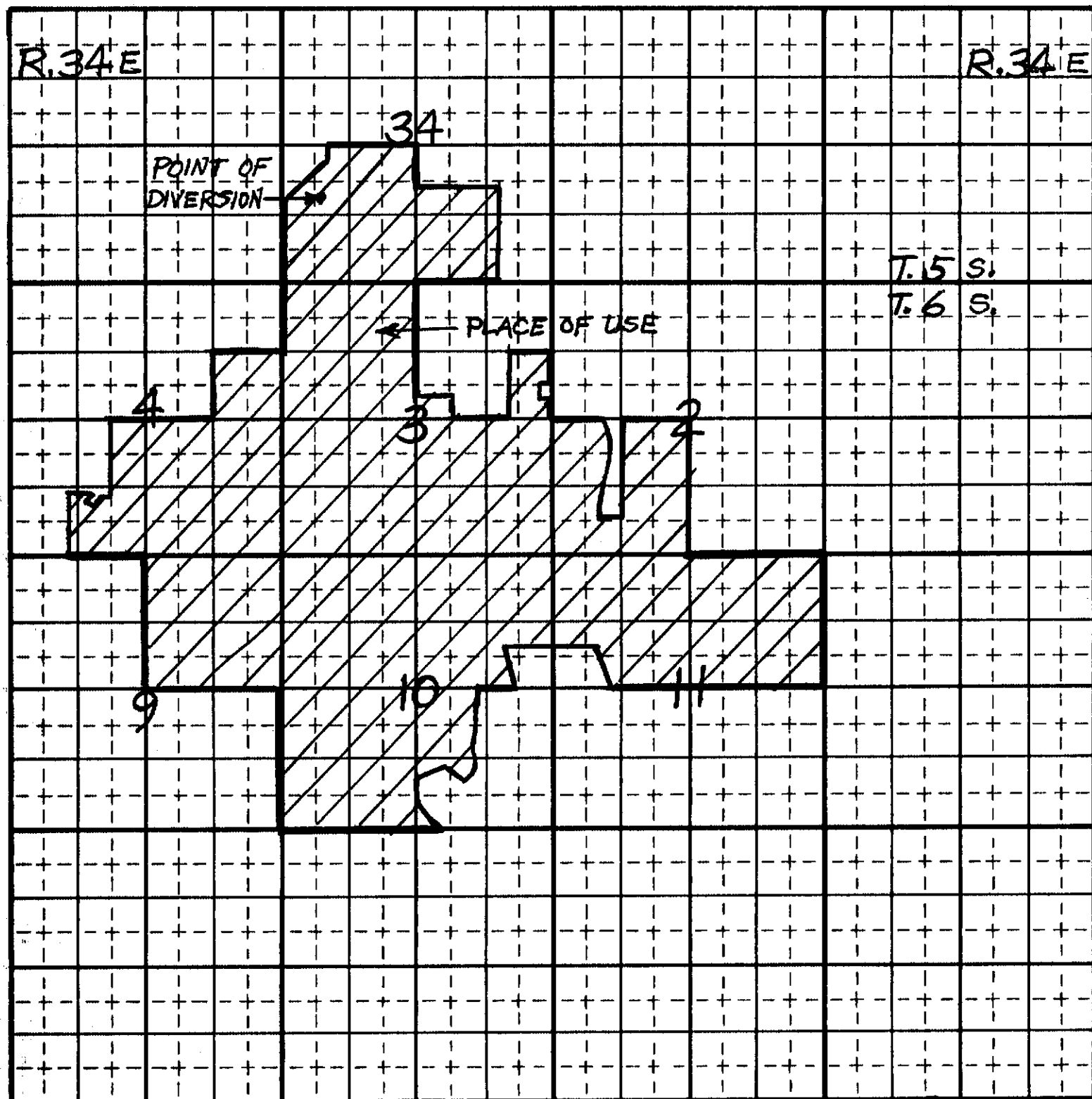
NOV 13 1992

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



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Last Name _____

Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____

Decree _____

If applicable provide IDWR Water Right Number 30842/29-2469

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) John O. Bate Date 3/20/90

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Mayor

_____ Title

of The City of Chubbuck , that I have signed the foregoing

Organization

document in the space below as _____ Mayor of The City of Chubbuck

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent John O. Bate

Title and Organization _____ Mayor Date 3/20/90

State of Idaho/or _____)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 20th day of March 19 90

SEAL

Notary Public Bruce C. Conlin

Residing at 4857 Hawthorne, Chubbuck, Idaho

My Commission Expires Oct. 19, 1990 83202

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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NOV 19 1992

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

MEMO TO SRBA CLAIM FILE NO.A29-02469

CLAIMANT'S NAME: CITY OF CHUBBUCK _____ DATE: 10/10/90 _____

EMPLOYEE: Marci Sterling _____

Total quantity claimed is different than water right quantity. Amount on
claim - 3.80 cfs; amount on water right - 1.11 cfs.

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RECEIVED
APR 18 1994

Department of Water Resources
Eastern District Office

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-02469
Date Received: 3/29/1990
Receipt No: C015998
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: CITY OF CHUBBUCK 208-237-2400
Address: PO BOX 5604
CHUBBUCK ID 83202-0006

2. Date of Priority: MAR 10, 1963

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	34E	34	NW	SW			BANNOCK

5. Description of diverting works:
DEEP WELL SUBMERGED TURBINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	3.800		2752.88

7. Total Quantity Appropriated is:
3.800 C.F.S. (and/or) 2752.88 A.F.A.

8. Total consumptive use is 2752.8 Acre Feet Per Annum.

9. Non-irrigation uses:
MUNICIPAL WATER, 2000 HOUSEHOLDS, 8700 POPULATION

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	34E	34				MUNI	
06S	34E	2				MUNI	
		3				MUNI	
		4				MUNI	

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	34E	9			MUNI	
		10			MUNI	
		11			MUNI	

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
A29-07624, A29-02385, A29-02413

14. Remarks:
PLACE OF USE IS WITHIN THE CITY LIMITS OF CHUBBUCK.
ADDRESS CHANGE REC'D 04/12/1994 SS.

15. Basis of Claim: LICENSE

Water Right Number: 30842

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NOV 13 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 14, 1994

CITY OF CHUBBUCK
PO BOX 5604
CHUBBUCK ID 83202-0006

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim No. A29-07624, A29-02469
A29-02385 & A29-02413
Change of Address Notification

Dear Claimant:

IDWR has received your notice of the change of address of the water right claims referenced above. Our records have been changed accordingly.

Sincerely,

Idaho Department of Water Resources
Adjudication Bureau

SO:region

ENCLOSURE
NOV 13 1996

City of Chubbuck

5160 Yellowstone Avenue

P.O. Box 5604

CHUBBUCK, IDAHO 83202-0006

(208) 237-2400

MAYOR

John O. Cotant

COUNCIL MEMBERS

Leroy S. Quick

Steven M. England

David A. Landon

W. Dean Wood



The City of Chubbuck would like to make you aware of their new mailing address. This new address is:

City of Chubbuck

P.O. Box 5604

Chubbuck, ID 83202

However, the City will still be receiving all packages and boxes through their address at 5160 Yellowstone.

Please make a note of this so we will be able to get your mail faster.

Sincerely,

Michelle Miller
Michelle Miller
Public Works Assistant

A29-02413-

-02385-

-02469/

-07624/

CITY160 A32023006 13/4 04/02/94
NOTIFY SENDER OF NEW ADDRESS
CITY OF CHUBBUCK
PO BOX 5604
CHUBBUCK ID 83202-0006



NOV 13 1990

X

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-04269
Date Received: 5/01/1990
Receipt No: E 013914
Received By: HWS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HOME ACRES WATER ASSN. 208-237-0155
Address: 1734 COTTAGE AVE.
POCATELLO, ID 83201

2. Date of Priority: SEP 01, 1945

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	34E	16	SE	NW			BANNOCK

5. Description of diverting works:
WELL, PUMP & LINES TO 5 HOMES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.020		
DOMESTIC	01/01	12/31	0.100		

7. Total Quantity Appropriated is:
0.100 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/2 HORSES, D/5 HOMES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	34E	16	SE	NW		STOCK	
			SE	NW		DOMEST	

A29-04269

Page 1

Date: 05/01/90

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NOV 13 1992

A2904269

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
FT. HALL IRRIG. SHARES

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not K wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *James P. Boye* Date: 5-1-90
Seck Date:

State of Idaho)
County of Bonneville) SS.

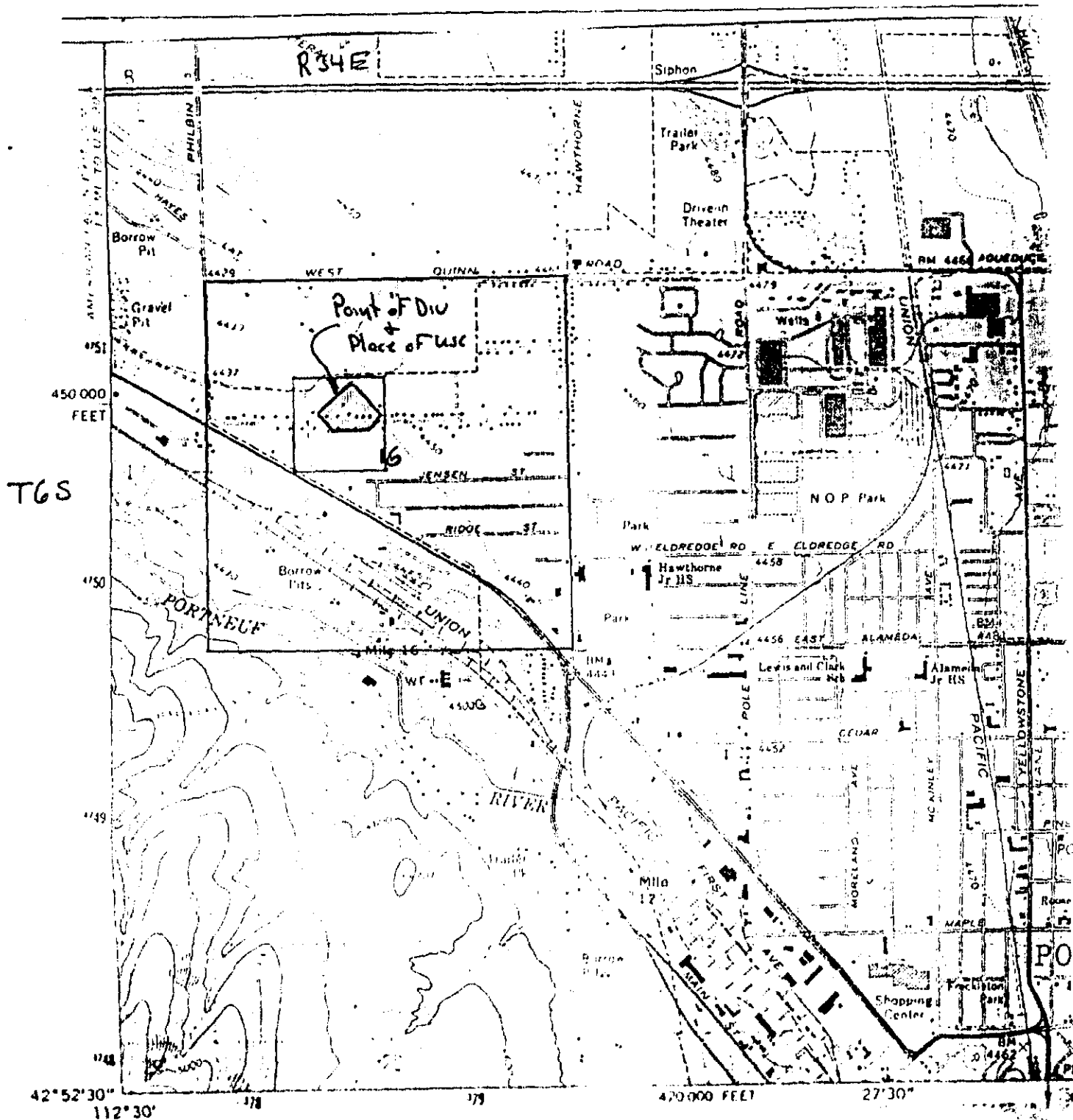
Subscribed and sworn (or affirmed) before me this 1st day
of May 19 90

Seal

Betty J. Thompson
Notary Public

Residing at BETTY J. THOMPSON, NOTARY PUBLIC
RESIDING AT 1110 S. 101 ST., IDAHO
My Commission Expires MY COMMISSION EXPIRES: 6-30-94

(B) Remarks



State of Idaho

County of Bannock

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this

7th

day of

May

19 82

(Claimant)

MICROFILMED

NOV 15 1992

Seal

MILTON E. ZENER
ATTORNEY AT LAW
POCATELLO, IDAHO

TRUST AGREEMENT.

1 THIS AGREEMENT, Made and entered into this First
2 day of September, 1938, by and between Joseph E. Foxall and
3 Lydia Caroline Foxall, his wife, and Lorin J. Hatch and
4 Leatha Hatch, his wife, and P. L. Dayley and Bessie Dayley,
5 his wife, William L. Clezie and Mary Ann Clezie, his wife,
6 Harley J. Ward and Wanda Lee Ward, his wife, Merrill W.
7 Hammond and Sarah Hammond, his wife, M. E. Parkinson and
8 Enda Parkinson, his wife, Irene M. Brady, a widow, Hildroth
9 P. Anderson and Esther Anderson, his wife, W. O. Rhodes and
10 Elizabeth Rhodes, his wife, Alvin Schiess, Margaret M. Lee,
11 a widow, Joseph Dunn and _____ Dunn, his wife,
12 and E. F. Brockman and Corinne Brockman, his wife.

13 WITNESSETH:

14 WHEREAS, All parties to this agreement are owners of
15 certain tracts of land hereinafter fully described, and located
16 in First Addition to Home Acres Subdivision as the same is
17 shown on the recorded plat thereof filed and of record in the
18 Office of the County Recorder of Bannock County, State of Idaho.
19 That all of the property owned and occupied by the parties
20 hereto formerly belonged to Irene M. Brady, and is now being
21 sold on contract to the parties to this agreement. That in
22 connection with the development of the Subdivision herein
23 referred to, there was installed a water system, consisting
24 generally of a well, pump and connecting pipes running to all
25 of the property hereinafter described, which said water system
26 was installed by the said Irene M. Brady, the well and pump
27 used in connection with said water system being located within
28 said Subdivision upon land particularly described as follows,
29 to-wit:

30 Beginning at the southeast corner of Lot One (1)
31 Block One (1), of the First Addition to Home Acres
32 Subdivision, the same as is platted on the official
 plat thereof on file in the office of the County Re-
 corder, Bannock County, State of Idaho, running
 thence north along the east line of said Lot One (1)

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: AUG-22-1997

PAGE: A-5

RIGHT NUMBER: 29-04269

NAME & ADDRESS: HOME ACRES WATER ASSN
1734 COTTAGE AVE
POCATELLO ID 83201

JAMES A CLEZIE

SOURCE: GROUNDWATER

QUANTITY: 0.1 CFS

PRIORITY DATE: 09/01/1945

POINT OF DIVERSION: T06S R34E S16 SENW Within BANNOCK County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.02 CFS
	DOMESTIC S/2 HORSES, D/5 HOMES	01-01 12-31	0.1 CFS

PLACE OF USE: STOCKWATER Within BANNOCK County
T06S R34E S16 SENW

DOMESTIC Within BANNOCK County
T06S R34E S16 SENW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

CONTACT PERSON IS JAMES A. CLEZIE, SEC.

EXPLANATORY MATERIAL: BASIS OF CLAIM - STATUTORY CLAIM

*JAMES
Clezie - Lot 3, Bk 1, Home Acres 1ST Add.
Parcel # RPH01001600*

*Clezie, Richard - Lot 3, Bk 1, Home Acres 1ST Add.
Parcel # RPH01001400*

Verified by _____ Date: _____

Verification Source: _____

1 for a distance of fifteen (15) feet; thence at right
2 angles west for a distance of fifteen (15) feet;
3 thence at right angles south for a distance of fifteen
4 (15) feet to the south line of said Lot One (1);
5 thence at right angles east long the said south line
6 of said Lot One (1) for a distance of fifteen (15)
7 feet to the place of beginning, the same including
8 what is known as the pumping plant used for culinary
9 water purposes on said First Addition to Home Acres
10 Subdivision.

11 That prior to the making of this agreement, the said Irene M.
12 Brady conveyed all of her right, title and interest in and
13 to the above described land, together with the well, pumping
14 plant, pipes and other appurtenances of said water system to
15 H. F. Brookman, Merrill W. Hammond and Hildreth P. Anderson,
16 as trustees, for the use and benefit of the persons named
17 parties to this agreement and for the use and benefit of the
18 land occupied and being purchased by the said parties as here-
19 inafter described, it being the intention of the said Irene M.
20 Brady and all parties to this agreement that the right in and
21 to the said water system should be appurtenant to the land
22 and properties hereinafter described, and should not constitute
23 in anywise the property of the individuals named in this
24 agreement, or the trustees named in said deed, except for the
25 purposes hereinafter expressed, and that all rights to said
26 water system should go with and follow the title to the real
27 property hereinafter described in whomever title shall in the
28 future vest; and

29 WHEREAS, it is the desire of the parties to this
30 agreement to nominate and appoint the above named trustees to
31 act for them in the management and control of said water system,
32 and to make arrangements for the proper maintenance and manage-
ment of said water system;

33 NOW, THEREFORE, for and in consideration of the
34 mutual promises and agreements herein expressed by and between
35 the parties hereto, IT IS AGREED That the parties to this
36 agreement hereby nominate and appoint as trustees for the