

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: **A29-04492**
Date Received: 4/18/1990
Receipt No: E013303
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: JOAN B MARTIN 208-776-9906
Address: 255 PORTNEUF AVE
LAVA HOT SPRINGS ID 83246
OR
Name: FLOYD L WALDEN 208-776-5504
Address: 255 PORTNEUF AVE
LAVA HOT SPRINGS ID 83246

2. Date of Priority: DEC 31, 1914

3. Source: GROUNDWATER Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	38E	21	SE	SE	SE	1	BANNOCK

5. Description of diverting works:
PUMP & PIPELINE, WELL & SPRING.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.750		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
MINERAL BATHS, HEATING, & CULINARY USES FOR THE RIVERSIDE HOTEL.

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	38E	21	SE	SE	1	COMMER	

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:
29-04492

14. Remarks:

GROUNDWATER BEING DIVERTED IS HOT WATER SOURCE.
ADDITIONAL P/U & P/D DESCRIPTION: BLOCK 1, HALLS 1ST
ADDITION TO CITY OF LAVA HOT SPRINGS.
DBA RIVERSIDE INN
OWNERSHIP CHANGE 8/24/90/JT
*
PROOF OF PRIORITY RECEIVED 30MAR95, ABR***

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 _____ 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): *John R. Maeder* Date: 3-30-95

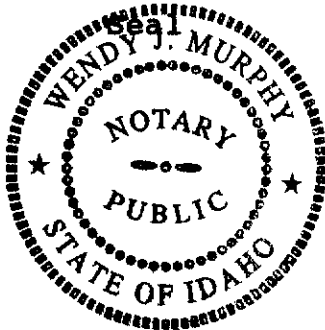
Date: _____

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State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 30th day
of March 19 95

Wendy J. Murphy
Notary Public



Residing at Idaho Falls
My Commission Expires 6/23/2000

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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: A29-04492
Date Received: 4/18/1990
Receipt No: E013303
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FLOYD L. (DUKE) WALDEN 208-776-5504
Address: 255 PORTNEUF AVE.
LAVA HOT SPRINGS, ID 83246

OR
Name: JOAN B. MARTIN 208-776-9906
Address: 255 PORTNEUF AVE.
LAVA HOT SPRINGS, ID 83246

2. Date of Priority: APR 10, 1918

3. Source: GROUNDWATER Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	38E	21	SE	SE		1	BANNOCK

5. Description of diverting works:
PUMP & PIPELINE, WELL & SPRING.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.750		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
MINERAL BATHS, HEATING, & CULINARY USES FOR THE RIVERSIDE HOTEL.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	38E	21	SE	SE	1	COMMER	

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:

29-04492

14. Remarks:

GROUNDWATER BEING DIVERTED IS HOT WATER SOURCE.
ADDITIONAL P/U & P/D DESCRIPTION: BLOCK 1, HALLS 1ST
ADDITION TO CITY OF LAVA HOT SPRINGS.
DBA RIVERSIDE INN
OWNERSHIP CHANGE 8/24/90/JT

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 _____ 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): _____ Date: _____
_____ 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 _____

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: A29-04492
Date Received: 5/17/1990
Receipt No: E013303
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ~~WILLIAM M. PAPANIKOLAS~~ *Walden c/o* 801-583-5346
Address: 761 SOUTH 1100 EAST
SALT LAKE CITY, UT 84102

2. Date of Priority: APR 10, 1918

3. Source: GROUNDWATER Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	38E	21	SE	SE	SE	1	BANNOCK

5. Description of diverting works:
PUMP & PIPELINE, WELL & SPRING.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.750		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
MINERAL BATHS, HEATING, & CULINARY USES FOR THE RIVERSIDE HOTEL.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	38E	21	SE	SE	1	COMMER	

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:
29-04492

14. Remarks:

GROUNDWATER BEING DIVERTED IS HOT WATER SOURCE.
ADDITIONAL P/U & P/D DESCRIPTION: BLOCK 1, HALLS 1ST
ADDITION TO CITY OF LAVA HOT SPRINGS.
DBA RIVERSIDE INN

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 _____ 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): _____ Date: _____
_____ 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 _____

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

A29-04492

Date Received

4-18-90

Receipt Number

E013303

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

APR 18 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) William M. PAPANIKOLAS DBA Riverside Inn Phone (801) 583-5346
Mailing Address 761 South 1100 East, SLC, UT Zip 84102

2. Date of Priority (Only one (1) per claim) April 10, 1918

3. Source of water supply (a) ground water (hot water)
which is tributary to (b) Pontneuf River

4. a. Location of existing point of diversion is: Township 9S Range 38E Section 21,
SE 1/4 of SE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of BANNOCK

Additional points of diversion if any: Block 1, Hall's 1st addition to city, Lava Hot

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

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

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

ending point is: Township _____ Range _____ Section _____, _____ 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.

pump and pipeline, well and spring, 3 hp pump (jet)
with 2" line about 25' to building from spring and well.

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A2904492



6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Commercial purposes from 1/1 to 12/31 amount .75 cfs or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .75 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) uses include hot water for bathing, soaking, recreation, all

10. Description of place of use: culinary uses and for heating the Riverside Inn. both indoors and outdoors

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	
9S	38E	21																C	

Total number of acres irrigated _____

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 ☐
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.
See Hot Springs claim by William PAPANIKOLAS 24-4493 or None ()

14. Remarks:

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Last Name PAPANIKOLAS Ident No. 24-4493

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☐

Decree ☐

If applicable provide IDWR Water Right Number 29-4492

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) Wm W Papak Date 4/12/90

Date ☐

For Organizations: I do solemnly swear or affirm that I am ☐

Title

of ☐ , that I have signed the foregoing

Organization

document in the space below as ☐ of ☐

Title

Organization

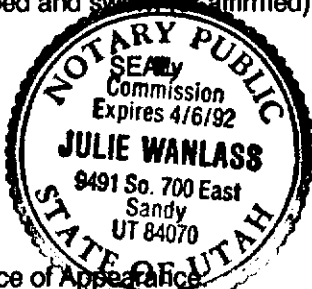
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent ☐

Title and Organization ☐ Date ☐

State of Idaho/or Utah)
County of Salt Lake) SS.

Subscribed and sworn (or affirmed) before me this 12th day of April 19 90



Notary Public Julie Wanlass

Residing at Sandy, Utah

My Commission Expires 4-6-92

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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Last Name PAPANIKOLAS Ident. Number ~~33696~~

Copies White-State, Yellow-Claimant



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

August 24, 1990

Floyd L. Walden
Joan B. Martin
255 Portneuf Ave.
Lava Hot Springs, ID 83246

RE: Change of Ownership on Notices A29-04492 and 04493

Dear Ms. Martin and Mr. Walden:

Pursuant to the Change in Ownership submitted for the above-referenced Notice(s) of Claim, the Department's records have been modified to reflect you as the new owner.

Please find enclosed a typed Notice(s) noting the change in claimant. Review the form(s) and if there are other corrections or questions feel free to contact this office.

If there are no questions or corrections, please keep this notice(s) for your records.

Respectfully submitted,

Ernest Carlsen
Adjudication Supervisor

EC:jt

Enclosure

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CHANGE IN OWNERSHIP

Page 1

This form is solely for purposes of notifying IDWR of a change in ownership of an adjudication claim.

[X] Water Right Number(s): A29-04492, A29-04493

[X] Name and Address of Former Claimant(s): WILLIAM M. PAPADIKGLAS

761 S. 1100 E.

SALT LAKE CITY, UT 84102

[X] New Claimant(s): FLOYD L. (DUKE) WALDEN OR
JOAN B. MARTIN

[X] New Mailing Address: 255 BOSTON AVE.
LAWA HOT SPRINGS, ID 83246

New Telephone Number: (208) 776-5304 (776-9906)

[X] Does the change in ownership result in a splitting of the water right claimed? yes ☒ no
If yes, then describe the portion of the water right that is now claimed by the new owner:

[X] Attach proof of ownership
Describe proof attached: WARRANTY DEED & TITLE INSURANCE
(Proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former claimant.)

[X] Signature of New Claimant(s): F. Duke Walden

Date: 8-24-90

RECEIVED

AUG 24 1990

Department of Water Resources
Eastern District Office

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NOV 13 1992

CHANGE IN OWNERSHIP

Page 2

[] Signature of Former Claimant(s): _____

Date: _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

After form has been completed, please return to the nearest IDWR office below:

WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705
(208) 334-2190

EASTERN REGIONAL OFFICE
150 SHOUP SUITE #15
IDAHO FALLS, IDAHO 83402
(208) 525-7161

STATE OFFICE
1301 N. ORCHARD ST.
STATEHOUSE MAIL
BOISE, IDAHO 83720
(208) 327-7906

SOUTHERN REGIONAL OFFICE
222 SHOSHONE STREET EAST
TWIN FALLS, ID 83301
(208) 734-3578

NORTHERN REGIONAL OFFICE
1910 NORTHWEST BLVD. SUITE 210
COEUR D'ALENE, IDAHO 83814
(208) 765-4639

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EXHIBIT "A"

Beginning at a point 10 feet South and 90 feet East of the Northwest corner of Block 1, HALL'S FIRST ADDITION TO HALL CITY, BANNOCK COUNTY, IDAHO, and running thence South 100 feet; thence East 90 feet; thence North 100 feet; thence West 90 feet to the PLACE OF BEGINNING. Likewise that tract described as: Beginning at a point 60 feet West and 10 feet South of the Northeast corner of Block 1, HALL'S FIRST ADDITION TO HALL CITY, BANNOCK COUNTY, IDAHO, and running thence West 60 feet; thence South 90 feet; thence East 60 feet; thence North 90 feet to the PLACE OF BEGINNING. All within the incorporated limits of the VILLAGE OF LAVA HOT SPRINGS, BANNOCK COUNTY, IDAHO, as the same appears from the official plat recorded in the office of the County Clerk and recorded of BANNOCK COUNTY, IDAHO.

Commencing at a point 120 feet East of the Southwest corner of Block 1, HALL'S, FIRST ADDITION TO HALL CITY; thence North 110 feet, running parallel with Second Avenue East; thence East 30 feet, running parallel with Main Street; thence South 110 feet, running parallel with Second Avenue East to the North line of Main Street; thence West 30 feet, following the North line of Main Street, to the PLACE OF BEGINNING.

ALSO: Commencing at a point 210 feet East of the Southwest corner of Block 1, HALL'S FIRST ADDITION TO HALL CITY, BANNOCK COUNTY, IDAHO; thence running East along the North line of Main Street 30 feet; thence North parallel with the West line of Third Avenue East 110 feet to a 20 foot alley; thence West along the South side of said alley 30 feet; thence South parallel with Second Avenue East 110 feet to the POINT OF BEGINNING, as the same appears on the official plat thereof, filed in the office of the County Recorder of BANNOCK COUNTY, IDAHO, and being in the Village of Lava Hot Springs, Idaho.

ALSO: Commencing 90 feet West of the Southeast corner of Block 1, HALL'S FIRST ADDITION TO HALL CITY, within the incorporated limits of the town of Lava Hot Spring, as the same appears in the official plat thereof, filed and recorded in the office of the County recorder in said BANNOCK COUNTY; thence North 110 feet; thence West 60 feet; thence South 110 feet; thence East 60 feet, to the PLACE OF BEGINNING.



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WARRANTY DEED

90008908

For Value Received WILLIAM M. PAPANIKOLAS AND GILLIAN H. PAPANIKOLAS, Husband and Wife

the grantor s, do hereby grant, bargain, sell, and convey unto

Accepted and Approved By

JOAN B. MARTIN AND FLOYD L. WALDEN, Husband and Wife

the grantee s, whose current address is

212 Portneuf Ave., P.O. Box 127,
Lava Hot Springs, Idaho 83246

the following described premises, to-wit:

SEE ATTACHED EXHIBIT "A"

Grantors are assigning judification claims in a manner prescribed by Idaho Department of water resources.

Grantors are relinquishing any claims against water and mineral rights.

Subject to Reservations in United State and State Patents, existing and recorded rights of way and easements, zoning and building ordinances, use restrictions of record, if any and taxes and assessments as prorated between the parties hereto.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s, their heirs and assigns forever. And the said Grantor s do hereby covenant to and with the said Grantee s, that t he y the owner s in fee simple of said premises; that said premises are free from all incumbrances except as hereinabove set forth and that t he y will warrant and defend the same from all lawful claims whatsoever.

Dated:

July 11, 1990

William M. Papanikolas
WILLIAM M. PAPANIKOLAS

Gillian H. Papanikolas
GILLIAN H. PAPANIKOLAS

STATE OF IDAHO, COUNTY OF *Cannock*
On this *11th* day of July, 19 *90*,
before me, a notary public in and for said State, personally
appeared WILLIAM M. PAPANIKOLAS AND
GILLIAN H. PAPANIKOLAS

Notary Seal

known to me to be the person s who se name s are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Janice R. Cisneros
Notary Public
Residing at *Lava Hot Springs*, Idaho
Comm. Expires *5-14-1993*

90008908

NO.
RECORDED
FIRST AMERICAN TITLE
90 JUL 11 P445

526
LAVA HOT SPRINGS, IDAHO
FEE 6.00 BY *By*

INSTRUMENT NO.

3-1

WARRANTY DEED

90008939

THIS INDENTURE, made this 29th day of March in the year of our Lord, One Thousand Nine Hundred and Seventy-Eight, between the MARGUERITE W. CAREY TRUST, by John Carey and Albertha Western, Trustees, and the ESTATE OF MARGUERITE W. CAREY, DECEASED, by John Carey, Personal Representative, and John Carey, as an individual, Parties of the First Part, and DEXTER D. BRANTZEG and PEGGY J. BRANTZEG, husband and wife, of Blackfoot, County of Bingham, State of Idaho, the Parties of the Second Part: whose address is: The Riverside Inn, Lava Hot Springs, Idaho 83246

WITNESSETH: That the said Parties of the First Part, for and in consideration of the sum of EIGHTY THOUSAND AND NO/100 - - - (\$80,000.00) - - - DOLLARS, lawful money of the United States of America, to them in hand paid by the said Parties of the Second Part, the receipt whereof is hereby acknowledged does by these presents, Grant, Bargain, Sell and Convey and Confirm unto said Parties of the Second Part, and to their heirs and assigns forever: All those certain lots, pieces or parcels of land situate, lying and being in the County of Bannock, State of Idaho, bounded and more particularly described as follows, to-wit:

Beginning at a point 10 feet South and 90 feet East of the Northwest corner of Block 1, HALL'S FIRST ADDITION to Hall City, Bannock County, Idaho, and running thence South 100 feet; thence East 90 feet; thence North 100 feet; thence West 90 feet to the place of beginning, containing 9,000 square feet, more or less. Likewise, that tract described as: Beginning at a point 60 feet West and 10 feet South of the Northeast corner of Block 1, HALL'S FIRST ADDITION to Hall City, Bannock County, Idaho, and running thence West 60 feet; thence South 90 feet; thence East 60 feet; thence North 90 feet to the place of beginning, containing 5,400 square feet, more or less, all within the incorporated limits of the Village of Lava Hot Springs, Bannock County, Idaho, as the same appears from the Official Plat recorded in the Office of the County Clerk and Recorder of Bannock County, Idaho.

Together with an undivided one-fourth interest in one hot spring at the Southerly edge of the Portneuf River and a distance of approximately 75 feet in a Northeasterly direction from the hotel property hereinabove described.

Together with all the tenements, hereditaments, appurtenances, easements of every kind and character, all interest in any party wall or party walls used in connection with said property or to be used therewith, and all interest in and to the ground beneath the same, whether expressly mentioned herein or not, all water rights, including water rights represented by stock in companies or associations thereunto belonging or in anywise appertaining, and particularly all water rights, privileges, easements or uses belonging to and/or enuring to the benefit of the Grantors, and/or assignee of and successor in interest to one William R. Godfrey, to take and use all of the hot water required for private or business purposes in conducting the Riverside Hotel in the Village of Lava Hot Springs, Idaho, by, through and under a certain agreement made and executed on or about the 10th day of April, A. D. 1918, by and between James Hall of Lava Hot Springs, Idaho, Party of the First Part, and William R. Godfrey, therein named as W. R. Godfrey of the same place, as Party of the Second Part, and recorded on the 12th day of August, A. D. 1918, in the office of the County Clerk and Recorder of Bannock County, Idaho, in Book 2 of Leases, at Page 48 of the Records of said County.

Together with all right, title and interest of the Grantors in and to the said lease and agreement, as well as all water, water pipes, ditches, tanks, flumes, flood gates, pumping apparatus, boxes, conduits, and contrivances of every kind and character used in storing or conveying said water into or upon the premises hereinabove described, whether said contrivances be used upon or off the above-described premises, used in pumping and conveying said water in said agreement referred to, which said water, pipes, tanks, flumes, pumping apparatus, flood gates, boxes, conduits and contrivances are hereby declared to be appurtenant to the premises hereinbefore described.

Commencing at a point one hundred and twenty feet East of the

Southwest corner of Block One, HALL'S FIRST ADDITION TO HALL CITY; thence North one hundred and ten feet, running parallel with Second Avenue East; thence East thirty feet, running parallel with Main Street; thence South one hundred and ten feet, running parallel with Second Avenue East to the North line of Main Street; thence West thirty feet, following the North line of Main Street to the place of beginning, and containing three thousand three hundred square feet, within the incorporated limits of the Village of Lava Hot Springs, County of Bannock, and State of Idaho, as the same appears from the Official Plat thereof, filed and recorded in the Office of the County Recorder in said Bannock County.

ALSO: Commencing at a point 210 feet East of the Southwest corner of Block 1, HALL'S FIRST ADDITION TO HALL CITY, Bannock County, Idaho; thence running East along the North line of Main Street 30 feet; thence North parallel with the West line of Third Avenue East 110 feet to a 20-foot alley; thence West along the South side of said alley 30 feet; thence South parallel with Second Avenue East 110 feet to the point of beginning, as the same appear on the Official Plat thereof filed in the Office of the County Recorder of Bannock County, Idaho, and being in the Village of Lava Hot Springs, Idaho.

ALSO: Commencing 90 feet West of the Southeast corner of Block 1, HALL'S FIRST ADDITION TO HALL CITY, within the incorporated limits of the Town of Lava Hot Springs, as the same appears in the official Plat thereof, filed and recorded in the Office of the County Recorder in said Bannock County; thence North 110 feet; thence West 60 feet; thence South 110 feet; thence East 60 feet, to the place of beginning.

Together with personal property found in Bill of Sale of even date.

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the said Parties of the Second Part, and to their heirs and assigns forever and the said Parties of the First Part, and their heirs and assigns, warrant the said premises in the quiet and peaceable possession of the said Parties of the Second part, their heirs and assigns against the said Parties of the First Part, and their heirs and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said Parties of the First Part have hereunto set their hands and seals the day and year first above written.

MARGUERITE W. CAREY TRUST

By Albertha L. Western
Albertha Western, Trustee

By John Carey
John Carey, Trustee

ESTATE OF MARGUERITE W. CAREY

By John Carey
John Carey, Personal Representative

John Carey
John Carey, for himself

3-3

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

90008939

On the 7 day of ^{April}~~March~~, 1978, personally appeared before me ALBERTHA WESTERN, one of the Trustees of the Marguerite W. Carey Trust, the signer of the above instrument, who duly acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

(SEAL)

[Signature]
Notary Public for Utah
Residing at [Signature], Utah
My Commission Expires: 3-3-80

Notary Seal

STATE OF OREGON)
 : ss.
COUNTY OF DESCHUTES)

On the 29 day of March, 1978, personally came before me, a Notary Public in and for said County and State, the within John Carey, as an individual, as Trustee of the Marguerite W. Carey Trust, and as Personal Representative of the Estate of Marguerite W. Carey, Deceased, to me personally known as the individual described in and who executed the foregoing instrument, and acknowledged to me that he executed the same freely and voluntarily for the uses and purposes therein mentioned.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first in this, my certificate, written.

(SEAL)

[Signature]
Notary Public for Oregon
Residing at Bend, Oregon
My Commission Expires: 1-14-81

90008939

NO. RECORDED
FIRST AMERICAN TITLE
'90 JUL 12 AM 1:14

Notary Seal

526
90 15

March 28, 1995

To whom it may concern:

I, Elma Godfrey Schultz, am the daughter of William Godfrey who built the Riverside Inn, 255 Portneuf, Lava Hot Springs, Idaho. The hotel was built in 1914-1915. My father utilized natural hot water from a spring and from groundwater on the hotel property. The hot water was used for bathing, for heating the hotel, and for the benefit of hotel guests. I lived in the hotel in 1915, when I was in the second grade. At that time the hot mineral water was piped into the hotel for use in the mineral baths and to heat the hotel. The spring on the edge of the river was utilized by the hotel only. To my knowledge the Terrell property next door to the hotel never shared a spring with the hotel or on hotel property.

Elma Schultz
Elma Schultz

Dated MARCH 28, 1995.

STATE OF Idaho
County of Bannock

} ss.

On this 28th day of MARCH, in the year
of 1995, before me (Robert D. Bergendorf, Notary
Public), personally appeared ELMA SCHULTZ,
known to me and proved to me
on the oath of _____, to be the person
whose name is subscribed to THIS INSTRUMENT, and
acknowledged to me that she (or they) executed the same.

Robert D. Bergendorf
Notary Public
Residing at LAVA HOT SPRINGS, IDAHO
MY Commission Expires: FEB 28, 1999

RECEIVED
MICROFILMED
MAR 30 1995
NOV 13 1990
Department of Water Resources
Eastern District Office