

INSTRUMENT NO. 6981.

RECEIVED

OCT 11 2005

Boo 336

Department of Water Resources

Owner at time

OF Muir vs.

Allison Decree

THIS INSTRUMENT, Made this Eighteenth day of February in the year of our Lord Nineteen Hundred and Eighteen, between Elza Harvey and Martha F. Harvey, his wife, of the County of Washington, State of Idaho, the parties of the first part; and Earl H. Harvey of the County of Washington, State of Idaho, the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of One Dollar and other valuable consideration, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part and to his heirs and assigns forever, all the following described real estate, situated in Adams County, State of Idaho, to-wit:-

All that part of the South east Quarter of Section Thirty-four in Township Seventeen North of Range One, West of the Boise Meridian, and bounded and described as follows, to-wit:-

Commencing at the north east corner of the South east Quarter of said Section Thirty four and running thence South along the East line of said Section Thirty four, Five hundred and seven feet; thence West at right angles Seventeen hundred and eighty-one feet, more or less, to the Right of Way of the Pacific and Idaho Northern Railroad; thence Northerly along the East line of said Right of Way, Five Hundred Twenty and one-half feet, more or less, to the North line of the said South east Quarter of said Section Thirty four; thence East along the North line of said South east Quarter of said Section Thirty four, Sixteen Hundred and Fifty nine feet, more or less, to the place of beginning, containing 20 acres.

Together with Six and one-half miner's inches of the waters of Mill Creek, being a portion of the said waters heretofore adjudicated to said South east Quarter of said Section Thirty four under the Decree of the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Washington, which decree is recorded in Book B of Judgments at page 464 of the records of said Washington County said Six and one-half inches of water being the proportionate share of the waters so adjudicated, and all dams, ditches, flumes and irrigation works of whatever nature used upon, connected with, or in anywise appertaining to the lands herein conveyed.

This conveyance is made subject to a mortgage on said premises for the sum of \$600.00 and interest thereon executed to one Rosa Konzer, which said mortgage said party of the second part assumes and agrees to pay as a part of the consideration.

These deeds  
show that the  
Spahr and Deseret  
Sheep Co. lands  
were separate  
before the Muir  
vs. Allison Decree.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property as well in law as in equity of the said parties of the first part;

TO HAVE AND TO HOLD All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever.

And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said parties of the first part, and their heirs and against all and every person and 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.

Signed, sealed and delivered  
in the Presence of  
ELZA HARVEY (SEAL)  
MARTHA F. HARVEY (SEAL)

- - - - -

- - - - -

U.S.I.R.-Documentary  
\$1.00 cancelled.  
2/17/18 E.H.

- - - - -

State of Idaho )  
: SS  
County of Washington. )

On this 18th day of February in the year 1918, before me, J. L. Richards, a Notary Public in and for said county and state, personally appeared Elza Harvey and Martha F. Harvey, his wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

SEAL  
\* \* \* \* \*

Notary Public  
- - - - -  
J. L. Richards,  
Notary Public,  
Residing at Weiser, Idaho.

My commission expires Sept 18, 1919.

Recorded at the request of Jesse L. Richards at 10 minutes past 9 o'clock  
A.M. this 27th day of February A. D. 1918.  
Fees \$1.40  
E. C. Smith, Recorder.

26-2-1918

THIS INDENTURE, Made this Sixth day of June in the year of our Lord one thousand nine hundred and Fifty Seven between WILLIAM H. SPAHR, whose name is sometimes written on instruments of record as "William H. Spahr" and LUCY J. SPAHR, husband and wife, of Council County of Adams State of Idaho, the parties of the first part, and JOHN P. JACOBS and MARY T. JACOBS, husband and wife, of Council County of Adams State of Idaho the parties of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of THREE THOUSAND AND NO/100 DOLLARS, 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, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all the following described real estate, situated in the County of Adams, State of Idaho, to wit:

All that part of the Southeast Quarter of Section Thirty-four (34) in Township Seventeen (17) North, Range One (1) West, Boise Meridian, particularly described as follows, to-wit:

Commencing therefor at the Northeast corner of the Southeast Quarter of said Section, Township and Range and running thence South along the East line of said Section 34, a distance of 507 feet; thence West, at right angles, 1781 feet, more or less, to the right of way of the Pacific & Idaho Northern Railway (now Union Pacific Railroad); thence northerly, on and along the easterly line of said railway right of way, 521½ feet, more or less, to the North line of said Southeast Quarter of Section 34; thence East, along the North line of said Southeast Quarter of said Section 34, 1659 feet, more or less, to the point and place of beginning, containing approximately 20 acres, but Subject, However, to the right of way of U. S. Highway 95, as now established upon and along the East line of said Section 34, and together with all water and water rights, ditches and ditch rights and irrigating works of whatever nature, used upon, connected with or in anywise appurtenant to said premises including, under "Order Granting Transfer" No. 884 of the Department of Reclamation of the State of Idaho, under date of May 29th. 1957, the right to use for the irrigation of the before described premises, to the First day of July of each year, waters of Mill Creek, in respective amounts and of respective priorities, as follows, to-wit:

5.5 miners inches under priority of May 1, 1884, and

4.75 miners inches under priority of May 1, 1889,

such last described water and water rights, by the terms and provisions of said Order No. 884, Granting Transfer of Water Rights, being appurtenant from and after July First of each year for irrigation of lands other than the premises hereby conveyed unto second parties.

INTERNAL REVENUE STAMPS ATTACHED AND CANCELLED \$3.30

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity of the said parties of the first part:

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever. And the said parties of the first part, and their heirs, 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 and 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.

Signed, Scaled and Delivered  
in Presence of \_\_\_\_\_

William H. Spahr  
Lucy J. Spahr

(SEAL)  
(SEAL)

STATE OF IDAHO,        )  
                          ) ss.  
County of Adams        )

On this 6th day of June in the year 1957, before me Carl H. Swanstrom, a Notary Public in and for said State, personally appeared WILLIAM H. SPAHR and LUCY J. SPAHR, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(NOTARIAL SEAL)

Carl H. Swanstrom  
Notary Public  
Residing at Council, Idaho

Recorded at the request of Adams County Abstract Company at 05 minutes past 1 o'clock P. M. on the 26th day of September, 1957.

Anna Mink Schwartz, Recorder  
By Claire A. Perkins, Deputy

Fee \$2.00

9-26-57

## DEED RECORD, No. 12

INSTRUMENT NO. 17641

Book 12  
P. 450

THIS INDENTURE, Made this sixth day of December in the year of our Lord one thousand nine hundred and twenty nine, between EARL NEWTON HARVEY of Council

County of Adams State of Idaho the party of the first part, and WILLIAM H. SPHAR of Council County of Adams State of Idaho the party of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of TEN and No/100 (and other valuable consideration) DOLLARS, lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all of the following described real estate, situated in the County of Adams, State of Idaho, to-wit:

All that part of the Southeast Quarter of Section Thirty-four (34) in Township Seventeen (17) North of Range One (1) West, Boise Meridian particularly described as follows, to-wit: Commencing therefor at the Northeast corner of the Southeast Quarter of said Section, Township and Range and running thence South along the East line of said Section 34, a distance of 507 feet; thence West at right angles 1781 feet, more or less, to the right-of-way of the Pacific & Idaho Northern Railway; thence Northerly along the East line of said right-of-way 521½ feet, more or less, to the North line of said Southeast Quarter of Section 34; thence East along the North line of said Southeast Quarter of said Section 34, 1659 feet, more or less, to the place of beginning, containing twenty (20) acres, together with 6½ inches of the waters of Mill Creek, being a portion of the waters heretofore adjudicated to the said Southeast Quarter of said Section 34 under decree of the District Court of the Seventh Judicial District of the State of Idaho in and for Washington County, recorded in Book B of Judgments at page 464, records of Washington County, Idaho, and conveying and intending to convey the proportionate part of said waters so adjudicated to the whole of said lands and premises which are actually appurtenant to these lands and premises.

And the said party of the first part WARRANTS that said lands and premises are his sole and separate property, acquired before his marriage; that neither he, or any member of his family, occupies the same or any part thereof as a homestead for himself or family and that he has full and absolute right to deed and convey the same without the consent or signature of his wife.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said party of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever, and the said party of the first part, and his heirs, the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said party of the first part, and his heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

See Instrument  
No. 5740  
That 23.2 inches  
of water on  
34.9 acres  
plus 19.3 inches  
of water on  
34.3 acres  
remained on the  
described land  
or Derick's  
property.

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered                      Earl Newton Harvey (Seal)

in presence of - - - - -

State of Idaho                      )  
                                          ) ss  
County of Adams                    )

On this 6th day of December in the year 1929, before me Carl H. Swanstrom a Notary Public in and for said State, personally appeared Earl Newton Harvey known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

Carl H. Swanstrom

(NOTARIAL SEAL)

Notary Public for the State of Idaho,  
Residing at Council, Idaho.

Recorded at the request of W. H. Spahr at 2 o'clock P. M. this 7th day of March, 1930.  
Fees \$1.60

Matilda Moser, Recorder.

THIS INSTRUMENT, Made this 25th day of October in the year of our Lord one thousand nine hundred and sixteen, between C. A. Martin, and Hilda A. Martin husband and wife, of Council County of Adams State of Idaho, the parties of the first part, and The Deseret Sheep Company, (a corporation) of Boise County of Ada State of Idaho the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Seven thousand-five hundred DOLLARS lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to its successors and assigns forever, all the following described real estate, situated in \_\_\_\_\_ County of Adams, State of Idaho, to-wit:

All of the part of the S. E. 1/4 of Sec. 34 Twp 17 N. R. I. west B. M. as follows: Commencing at the S. W. corner of said quarter section, as the place of beginning and running thence north 2626 feet to a point, thence east 889 feet to a point on the west side of the right of way of the P. & I. N. Railroad as the same now crosses the said quarter section, thence southwesterly along the said right of way 2700.8, to a point on the south line of said quarter section, thence west along the said line 269 feet to the place of beginning, containing 34.2 acres more or less intending to convey all that part of said quarter section lying and being west of the said railroad right of way, also all of that part of the S. E. 1/4 of Sec. 34 described as follows, Commencing at a point 507 feet south of the N.E. corner of the S. E. 1/4 of said Sec. 34 Twp 17 N. R. I. West B.M., as the place of beginning, and running thence west 1781 feet to the point being on the east side of the right of way of the P and I.N. Railroad as the same crosses the said quarter section, thence in a southwesterly direction along said right of way 850.3 feet to a point, thence east 1977 feet to a point being on the east boundary line of said quarter section, thence north 806 feet to the place of beginning containing 34.7 acres more or less it being the intention by this description to convey all of the North 1/2 of the S. E. 1/4 of said section lying east of said Railroad right of way except 20 acres off the north end thereof, also 22.2 inches of water in the adjudicated water right of Margaret M. Krigbaum in and to the waters of Hill creek, also 7/13 interest in all ditches, and laterals flumes and dykes used to convey said water, and used in connection with the irrigation of said lands or any part thereof belonging to the parties of the first part, also all that part of the S. E. 1/4 of section 34, Twp 17 N. R. I. west B.M. commencing at a point 1213 feet south of the N.E. corner of the S. E. 1/4 of Sec. 34 said Twp and range thence running west 1977 feet to the east boundary line of the P and I. N. Railroad right of way through said tract, thence southwesterly along the said right of way to the south boundary of said S. E. 1/4 of the S. E. 1/4 of said section 34 said Twp and range the distance being 1350 feet, thence running east along the south boundary of said quarter section 950 feet thence running north 165 feet to a point, thence east 1321 feet to the east boundary of said quarter of said section, thence north along the east boundary line of said quarter 1148 feet to the place of beginning containing 59.3 acres more or less together with 19.3 inches of water from said adjudicated water right from the waters of Hill creek together with all ditches and irrigating works used to convey said water, being 60/129 interest therein: The intention of the grantors herein being to convey by this deed all of their interest in and to the said lands and premises being 128.2 acres, and 41.5 inches of water.

This grant is subject to a mortgage upon said premises dated Dec. 21st 1915 executed by the parties of the first part to Richard DeArmond, C. M. Cunningham and David Dunbar, recorded in Book 5 at page 239 Mortgages of Adams County, Idaho; together with the accrued interest thereof, and all taxes due upon said premises which the said party of the second part hereby assumes and agrees to pay.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to its successors and assigns forever. And the said parties of the first part, and their heirs, and said premises in the quiet and peaceable possession of the said party of the second part, its successors and assigns, against the said parties of the first

These deeds  
show that the  
Deseret Sheep Co.  
and Spahr lands  
were separate

Owner at time of  
Muir vs. Allison  
Decree  
RECEIVED  
OCT 11 2005

Department of Water Resources

NOV 15 1935

Sold to  
DOP  
These d gates  
thead gater  
and no water  
and this part  
to the  
(see deed)  
Inst. No. 36753

Derie  
Land

Noted  
except  
30 acres  
off the  
north 1/4  
the Spahr  
property  
Instrument  
No. 36753  
and 6981

34.7  
acres  
22.2  
inches  
water  
59.3  
acres  
19.3  
inches  
water

part, and their heirs, and against all and every person and 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.

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF  
C. A. Martin (SUI)  
Hilda A. Martin (SEAL)

STATE OF IDAHO, )  
County of Adams ) ss.

On this 25th day of October in the year 1916 before me L. L. Burtenshaw, a Notary Public in and for said County, personally appeared C. A. Martin and Hilda A. Martin his wife known to me to be the persons whose name\_ are subscribed to the within instrument, and and acknowledged to me that they executed the same.

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

( S E A L )  
L. L. Burtenshaw  
Notary Public  
Adams County, Idaho.  
L. L. Burtenshaw  
Notary Public, for Adams County  
Idaho, residing at Council, Idaho;

Recorded at the request of L. L. Burtenshaw at 40 minutes past 9 o'clock A. M.,  
this 8th day of Dec. A. D. 1916

C. W. Holmes  
Ex-Officio Recorder

Fees, \$2.20

fg = u.c.

# WARRANTY DEED

For Value Received      CARL R. CHAPMAN and MARTHA CHAPMAN, husband and wife

the grantor s, do      hereby grant, bargain, sell and convey unto LARRY DERIE and JUNE DERIE,  
husband and wife,

the grantee s, the following described real estate situated in      Adams      County,  
State of Idaho, to-wit:

A parcel of land situated in the SE $\frac{1}{4}$  of Section 34, Twp. 17  
N, R 1 W, B.M. more particularly described as follows:

Commencing at the East  $\frac{1}{4}$  corner of Section 34; thence  
South 507.00 ft. along the east line of said Section  
to a point; thence S 89°28'27" W - 33.00 ft. to the  
west right of way line of U.S. Highway 95, and the true  
point of beginning; thence S 89°28'27" W parallel to the  
north line of said SE $\frac{1}{4}$  - 1738.01 ft. to a point on the  
east right of way line of the Union Pacific Railroad  
Company; thence S 13°41'48" W - 1542.55 ft. along the  
easterly right of way line of the Union Pacific Railroad  
Company; thence N 88°49'58" E - 2103.62 ft. to a point  
on the west right of way line of U.S. Highway 95; thence  
North along the right of way line of U.S. 95 and parallel  
to the east line of said SE $\frac{1}{4}$  - 254.48 ft.; thence West -  
330.00 ft.; thence North - 396.00 ft.; thence East -  
330.00 ft. to a point on the west right of way line of  
U.S. Highway 95; thence North along the right of way line  
of U.S. 95 and parallel to the east line of said SE $\frac{1}{4}$  -  
821.30 ft. to the true point of beginning, and containing  
62.361 acres.

Together with all water, water rights, ditches and ditch  
rights appurtenant thereto and in anywise belonging, including  
but not limited to 41.6 inches of water in Mill Creek and any  
waste water crossing the property and flowing into the existing  
upper pond.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,  
their heirs and assigns forever. And the said Grantors do hereby covenant to and  
with the said Grantees, that they are the owners in fee simple of said premises; that said  
premises are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated this 11 day of July, 19 80

Carl R. Chapman

Martha Chapman

Deeds for Derie  
See 34

STATE OF IDAHO, COUNTY OF Washington  
On this 11 day of July, 1980,  
before me, a notary public in and for said State, personally  
appeared CARL R. CHAPMAN and  
MARTHA CHAPMAN, husband  
and wife,

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

Residing at Weiser  
Comm. Expires  
Notary Public  
, Idaho

STATE OF IDAHO, COUNTY OF Adams

I hereby certify that this instrument was filed for record at  
the request of June Derie

at 10 minutes past 10:00 o'clock a.m.,  
this 1st day of June  
1981, in my office, and duly recorded in Book 34M  
of Deeds at page 375.

Esther Stover

Ex-Officio Recorder

By

Fees \$ 2.00

Mail to:

Larry & June Derie

Deputy.

Warranty Deed

Indexed

WARRANTY DEED

For value received CARL R. CHAPMAN and MARTHA R. CHAPMAN, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto LARRY DERIE and JUNE DERIE, husband and wife, the Grantees, whose address is Star Route, Council, Idaho 83612, the following described premises in Adams County, Idaho, to wit:

See attached Exhibit "A".

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the Grantees that they, the Grantors, are the owners in fee simple of said premises; that the said premises are free from all encumbrances, and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 18 day of August, 1982.

Carl R. Chapman  
CARL R. CHAPMAN  
Martha J. Chapman  
MARTHA J. CHAPMAN  
Martha Jean Chapman

STATE OF IDAHO )  
County of Adams ) ss.

On this 18<sup>th</sup> day of Aug., 1982, before me, a Notary Public in and for the said State, personally appeared CARL R. CHAPMAN and MARTHA J. CHAPMAN, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

Ronald Shuman  
Notary Public for Idaho.  
Residing at Council, Idaho.

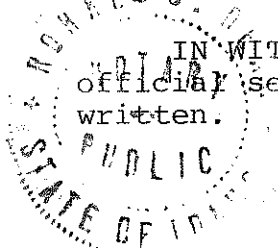


EXHIBIT "A"

A parcel of land lying and situated within the SE $\frac{1}{4}$  of Section 34, Township 17 North, Range 1 West of the Boise Meridian, more particularly described as follows:

Beginning at the Southeast corner of the SE $\frac{1}{4}$  of Section 34, Township 17 North, Range 1 West of the Boise Meridian;

Thence North, 165.00 feet along the east line of said SE $\frac{1}{4}$ ;

Thence S 89°26'45" W, parallel to the south line of said SE $\frac{1}{4}$ , 33.00 feet to the westerly right-of-way line of U.S. Highway 95 and the TRUE POINT OF BEGINNING;

Thence North, parallel to the east line of said SE $\frac{1}{4}$  and along the westerly right-of-way line of U.S. Highway 95, a distance of 478.12 feet;

Thence S 88°49'58" W - 2103.62 feet to a point on the easterly right-of-way line of the Union Pacific Railroad Company;

Thence S 13°41'48" W - 321.03 feet along the easterly right-of-way line of the Union Pacific Railroad to a point of curvature;

Thence continuing along the easterly right-of-way line of the Union Pacific Railroad a distance of 315.42 feet along a 2,814.79 foot radius curve left with a central angle of 6°25'14", and a long chord bearing S 10°29'11" W - 315.25 feet to a point on the south line of said SE $\frac{1}{4}$ ;

Thence N 89°26'45" E - 949.68 feet along the south line of said SE $\frac{1}{4}$ ;

Thence North, parallel to the east line of said SE $\frac{1}{4}$ , a distance of 165.00 feet;

Thence N 89°26'45" E, parallel to the south line of said SE $\frac{1}{4}$ , a distance of 1287.00 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO: 1. All liens, levies and assessments of the Flood Control District No. 3 of the State of Idaho. 2. All liens, levies and assessments of the Council Valley Rural Fire Protection District No. 1. 3. An easement over the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 34; (and other lands), dated September 6, 1940, to Mountain States Telephone and Telegraph Company by instrument recorded September 25, 1940 in Book 4 M of Miscellaneous on page 143, of the records of Adams County, Idaho. 4. An easement over the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 34, dated July 6, 1951, to Mountain States Telephone and Telegraph Company, recorded August 21, 1951, in Book 5 M of Miscellaneous on page 188, of the records of Adams County, Idaho.

WARRANTY DEED

For Value Received FRANK S. GALEY, JR. and GWENDOLYN R. GALEY, husband and wife, the grantors, do hereby grant, bargain, sell and convey unto IVAN S. PEARCE (a one half interest as his sole and separate property) and MONTY J. PEARCE (a one half interest as his sole and separate property), the grantees, the following described premises, in Adams County, Idaho, to wit:

PARCEL I:

All that part of Southeast Quarter Section 34, Township 17 North, Range 1 West, B.M., described as follows: Commencing at a point 507 feet South of Northeast corner of said Southeast Quarter of said Section 34, said township and range as a point of beginning of the tract hereby described and running thence West 1,781 feet to a point, on the East side of the right of way of Union Pacific Railroad Company as the same is now located over and across said Southeast Quarter; thence Southwesterly on and along the Easterly side of such railroad right of way, 830.3 feet to a point; thence East 1,977 feet to a point on the East line of said Southeast Quarter of said Section 34; thence North, on and along such East line, 806 feet to the point and place of beginning, containing 34.7 acres more or less, it being the intention, by this description, to describe and convey all the North Half of Southeast Quarter of said Section 34 lying East of said railroad right of way, except 20 acres off the North end thereof.

PARCEL II:

Also that part of the Southeast Quarter of said Section 34 said township and range described as follows: Commencing at a point 1,313 feet South of the Northeast corner of the Southeast Quarter of said Section 34 as the point of beginning of the tract hereby described, and running thence West 1,977 feet to the East boundary line of the right of way of the Union Pacific Railroad Company, as the same is now located over and across said Southeast Quarter; thence Southwesterly on and along the

Sec 34  
Deed

Easterly side of such railroad right of way, 1,350 feet to the South line of said Southeast Quarter of said Section 34; thence East on and along such South line, 950 feet; thence North 165 feet to a point; thence East 1,321 feet to the East line of said Southeast Quarter of said Section 34; thence North, on and along such East line, 1,148 feet to the point of beginning, containing 59.3 acres more or less; Township 17 North, Range 1 West, B.M.

Also: South Half Northwest Quarter, North Half Southwest Quarter, Northeast Quarter Northeast Quarter, Southwest Quarter Northeast Quarter, Northwest Quarter, Southeast Quarter, Section 35, Township 17 North, Range 1 West, B.M. and a certain tract or parcel of land described as follows: Commencing at the Southeast corner of the Northwest Quarter Southeast Quarter of said Section 35, said township and range, and running thence East 10 rods, thence North 160 rods, thence West 10 rods to the Northeast corner of the Southwest Quarter Northeast Quarter of said Section 35; thence South 160 rods to the point of beginning.

Sec 35

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, including all water and water rights, ditches and ditch rights owned or used in connection with said real property.

Subject to that certain mortgage in favor of John Hancock Insurance Mutual Life, Spokane, Washington, recorded October 9, 1956, in Book 16, Page 161, Document 36707, in the Office of the County Recorder of Adams County, Idaho, having a present unpaid balance in the amount of \$16,000.

And excepting from the property being conveyed hereby that certain parcel of the above described real property more particularly described as follows:

A parcel of land situated in Adams County, on the west side of U. S. Highway 95, and in the S.E.  $\frac{1}{4}$  of the SE.  $\frac{1}{4}$  of Section 34, Township 17 North, Range 1 West, B.M., Beginning at the East  $\frac{1}{4}$  Corner, Section 34, Township 17 North, Range 1 West, B.M., which is a Station 935+12.60 U.S. Highway 95, thence South 1328.60 feet

to a point on the section line which is a Station 921+84.0, U. S. Highway 95, thence West 33.0 feet to the Right of Way line of U. S. Highway 95, and the real point of beginning, thence West 330.0 feet to a point, thence South 396.0 feet to a point, thence East 330.0 feet to a point on the Right of Way line of U. S. Highway 95 33.0 feet West of Station 917+88.0, thence North 396.0 feet to the real point of beginning. Containing 3.0 acres.

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

Subject to all easements and rights of way of record or appearing on the land.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all incumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: December 27, 1971.

Frank S. Galey, Jr.  
Frank S. Galey, Jr.

Gwendolyn R. Galey  
Gwendolyn R. Galey

STATE OF IDAHO )  
                  ) ss.  
County of Ada )

On this 27th day of December, 1971, before me, a notary public in and for said State, personally appeared FRANK S. GALEY, JR. and GWENDOLYN R. GALEY, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

Dopp

## WARRANTY DEED

THIS INDENTURE, made this 15th day of November, 1955, between FRANK S. GALEY, Jr. And GWENDOLYN R. GALEY, husband and wife, of Council, County of Adams, State of Idaho, the parties of the first part and CECIL H. DOPP and ALDA A. DOPP, husband and wife, of Council, County of Adams, State of Idaho, the parties of the second part,

WITNESSETH, that the said parties of the first part, for and in consideration of the sum of TWO THOUSAND AND NO/100 Dollars lawful money of the United States of America, to them in hand paid by the parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold, and by these presents, do grant, bargain, sell and convey and confirm unto the said parties of the second part, and to their heirs and assigns, forever, all the following described real estate, situated in the County of Adams, State of Idaho, to-wit:

All of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Thirty-four (34), Township Seventeen (17) North and Range One (1) West Boise Meridian, described as follows: Commencing at the Southwest corner of said Southeast Quarter (SE $\frac{1}{4}$ ) of said Section Thirty-four (34), said Township and Range as the point of beginning of the tract hereby described and running thence North 2626 feet to a point; thence East 889 feet to a point on the West side of the right of way of the UPRR Co., as the same is now located over and across said Southeast Quarter (SE $\frac{1}{4}$ ); thence Southwesterly on and along the westerly side of such railroad right of way, 2700.8 feet to a point on the South line of said Southeast Quarter (SE $\frac{1}{4}$ ) of said Section Thirty-four (34); thence West on and along said South line 269 feet to the point and place of beginning, containing 34.2 acres more or less, and intending to describe and convey all that part of the Southeast Quarter (SE $\frac{1}{4}$ ) of said Section Thirty-four (34), said Township and Range, lying West of the right of way of the UPRR Co. Containing 34.2 acres, more or less.

Dopp  
property  
sold off  
Deseret  
property  
by Frank  
Galey.  
Nov. 15,  
1955  
No  
water  
rights  
included  
in this  
deed.

Internal Revenue stamps attached and canceled \$2.20.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder, and remainders, and rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises together with the appurtenances unto the parties of the second part, and to their heirs and assigns forever. And the said parties of the first part, and their heirs, 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 and 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.

Executed and Delivered in the Presence of

Frank S. Galey, Jr. (SEAL)  
Gwendolyn R. Galey (SEAL)