

RECEIVED

NOV 08 2005

Department of Water Resources

Jeffrey S. and Brenda G. Howard
2035 Council Cuprum Road
Council, ID 83612

November 2, 2005

Mr. Craig L. Saxton
Idaho Department of Water Resources
SRBA State
P.O. Box 83720
Boise, ID 83707-9815

RE: Evidence of Priority Date
Water Right No: 67-4129A

Dear Mr. Saxton:

Per your letter dated August 30, 2005, we are responding to the request for evidence of a priority date of water rights for the real property located at 2348 Orchard Road, Council, Idaho 83612.

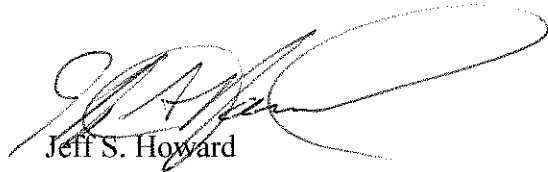
Attached are the following documents:

1. **Affidavit from Herbert Woods:** Mr. Woods is 92 years old and has lived on Orchard Road over 60 years. As indicated by the affidavit, he has stated that there has been natural seepage on said property for more than sixty years and that there has been no change to the rate, flow or direction in all of that time.
2. **Abstract of Title:**
 - a. May 22, 1889: Declaration of Homestead filed by William A. Norcross.
 - b. August 4, 1891: Patent granted by the United States of America for water rights, mineral rights, etc.
 - c. August 12, 1889: Deed to George W. Farliegh
 - d. February 1, 1895: Deed to John F. F. Brewster – water rights, irrigating ditches, etc. (Page 9)
 - e. August 16, 1905: Deed to B.W. Turnipseed – water rights, irrigating ditches, etc. (Page 13)
 - f. April 20, 1908: Deed to J. J. Allison – water rights, dams, etc. (Page 14)
 - g. March 18, 1909: Deed to R. T. Carter – water rights adjudicated by decree dated June, 1906, Permit No. 2067 (Page 18)
 - h. November 15, 1909: Deed to J. J. Allison – water rights Permit No. 2067 (Page 20)
 - i. February 1, 1911: Deed to C. E. Miesse – water rights Permit No. 2067 & Permit No. 6904 (Page 21)
 - j. January, 1912: Deed to Council Valley Orchards Limited – water rights Permit 2067. (Page 26)

- k. November 25, 1911: Water License No. 2067 – Grants a perpetual right dating from June 2, 1906. (Page 27)
- l. May 17, 1912: Deed to Charles N. Pritchard – water rights, ditches, etc. (Page 28)
- m. November 15, 1913: Water License No. 7653 – Authorizing water rights with a priority of July 3, 1911. (Page 34)
- n. July 29, 1921: Decree – Setting out water rights, amounts in Inches and dates of priority for each party involved in the litigation. (Page 35)

These documents should provide the necessary documentation to prove that water rights have been established on said property with a priority date of June 1906. If you have any questions or need anything further, please do not hesitate to contact me. Thank you, in advance, for your assistance.

Sincerely,



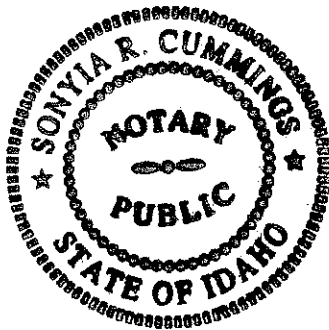
Jeff S. Howard

Encl: Affidavit
Abstract of Title

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO)
67-4129A)
STATE OF IDAHO)
COUNTY OF ADAMS)

AFFIDAVIT

HERBERT Woods BEING DULY SWORN,
DEPOSES AND SAYS: I HAVE LIVED IN OR AROUND ORCHARD RD,
COUNCIL, ID FOR OVER SIXTY YEARS AND HAVE FIRST HAND
KNOWLEDGE OF THE PROERTY LOCATED ON THE CORNER OF MISSMAN
AND ORCHARD ROADS. THE PROPERTY HAD BEEN PREVIOUSLY OWNED
BY EARL M. UPAH SINCE 1965 AND RALPH R. BASS PREVIOUS TO 1965. I
CAN ATTEST TO THE FACT THAT THERE HAS ALWAYS BEEN NATURAL
SEEPAGE (POSSIBLY A SPRING) ON THE PROPERTY NEAR THE HOUSE. THIS
ALSO HAS CAUSED THE BASEMENT OF THE HOUSE TO BE WET YEAR
ROUND AS THE WATER FLOWS DOWN THE PROPERTY TO A DITCH
ORCHARD ROAD. TO MY RECOLLECTION THERE HAS BEEN NO CHANGE TO
THE RATE, FLOW OR DIRECTION OF ANY WATER SOURCE ON THE
PROPERTY SINCE THE PROPERTY WAS ESTABLISHED.



Herbert Woods
(Signature)
Subscribed and sworn to before me this
day, 28th of October, 2005
Sonya R. Cummings
(Notary Public)
Residing at Mesa, Idaho
My Commission Expires 05/05/06

c a p t i o n

a b s t r a c t o f t i t l e

No. 6818

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

LOT 2 of BLOCK 3,
COUNCIL VALLEY ORCHARDS,
Adams County, Idaho.

ccccc

Prepared by
ADAMS COUNTY ABSTRACT COMPANY
Council, Idaho

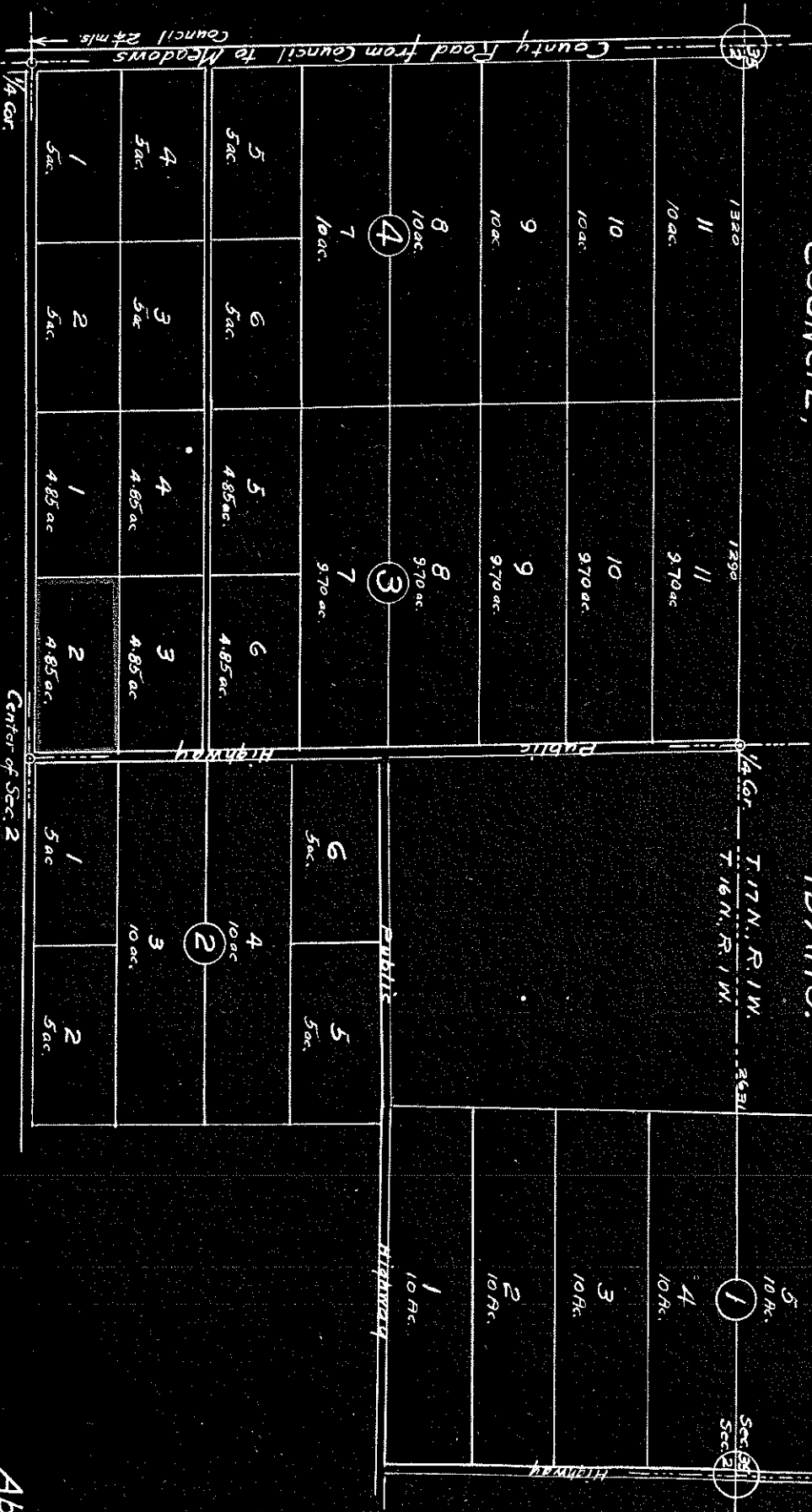
PLAT OF

COUNCIL VALLEY ORCHARDS ADAMS CO. IDAHO.

Scale: 1 inch = 600 ft.

Prepared by

ADAMS COUNTY ABSTRACT CO.,
COUNCIL, IDAHO.



The United States of America,
Certificate No. 1071,

to

William A Norcross.

P A T E N T

Dated August 4, 1891
Recorded Jan. 4, 1893
Book 1 Cash Entry Patents
Page 33

WHEREAS, William A Norcross, of Washington County Idaho Territory has deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Boise City, Idaho Territory, whereby it appears that full payment has been made by the said William A Norcross according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act making further provision for the sale of the Public Lands," and the Acts supplemental thereto, for the

The South east quarter of the North west quarter of Section Two in township sixteen North of Range one West of Boise Meridian in Idaho Territory containing --(with other lands not material to this abstract)--one hundred and sixty one acres and seventy four hundredths of an acre,

according to the Official Plat of the Survey of the said lands, returned to the General Land Office by the Surveyor General, which said Tract has been purchased by the said William A Norcross

NOW KNOW YE, That the United States of America, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, Have Given And Granted, and by these presents Do Give and Grant, unto the said William A Norcross and to his heirs, the said Tract above described; To Have and To Hold the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said William A Norcross and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

By the President: Benjamin Harrison

(S E A L)
United States
General Land Office

By Ellen Maryland Asst Secretary

I R Conwell Recorder of the
General Land Office.

Recorded Vol

(Transcribed from Book 5 Deeds, page 406, Records of Washington County, Idaho)

Wm A Norcross and Rosa
L Norcross his wife,

to

Wilson Bros.

M O R T G A G E

Dated May 18, 1889
Recorded May 27, 1889
Book A, Mortgages
Page 59
Amount \$331.40

First parties mortgage to second parties the SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 2, Twp. 16 N., R. 1 W. --(and other lands not material to this abstract) in Washington County, Territory of Idaho, to secure the payment of the principal sum of \$331.40 and interest thereon at 1 $\frac{1}{2}$ % per month.

William A Norcross

Rosa L Norcross

Acknowledged May 18, 1889 in Washington County, Territory of Idaho by William A Norcross and Rosa L his wife, before Norman H Camp, Justice of the Peace, Council Valley Precinct.

MARGINAL SATISFACTION AS FOLLOWS:

"We hereby acknowledge full and complete satisfaction of this mortgage and of the debt secured thereby.

Wilson Bros per R E Wilson

"Signed and acknowledged before me this 3d day of Dec 1889

O. M. Harvey"

(Transcribed from Book 1, Mtgs, page 794, Records of Washington County, Idaho)

William A. Norcross,

to

The Public.

DECLARATION OF HOMESTEAD

Dated May 22, 1889
Recorded June 22, 1889
Book 1, Misc. Record
Page 57

RECITES substantially that William A. Norcross certifies and declares that he is married, and at the time of making this declaration actually resides with his wife and two children on the lands and premises in Washington County, Idaho described as follows, to-wit:

SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 2, Twp. 16 North, Range 1 West of
Boise Meridian, (and other lands not material to this abstract)

That it is his intention to and he hereby does select and claim the said premises, the actual cash value of which he estimates to be \$1200.00, as a homestead.

William A. Norcross

Acknowledged June 22, 1889 by William A. Norcross before
Frank Harris, a Notary Public for Washington County, State
of Idaho. Seal.

William A. Norcross and Rosa
L. Norcross, Husband and wife,

to

J. F. F. Brewster.

M O R T G A G E

Dated July 8, 1889
Recorded July 25, 1889
Book A, Mortgages
Pages 66-67
Amount \$600.00

First parties mortgage to second party the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 2, Twp. 16 N. R 1 W. B.M. in Washington County, Territory of Idaho --(and other lands not material to this abstract)--to secure the payment of the principal sum of \$600.00 and interest at 8% per annum.

William A. Norcross (Seal)
Rosa L. Norcross (Seal)

Acknowledged July 11, 1889 by William A. Norcross and Rosa L. Norcross, his wife, before Norman H. Camp, Justice of the Peace, Council Valley Precinct, Washington County, Territory of Idaho.

(Transcribed from Book 2, Mtgs, page 34, Records of Washington County, Idaho)

J. F. F. Brewster,

to

William A. Norcross
and Rosa L. his wife.

SATISFACTION OF MORTGAGE

Dated August 20, 1889
Recorded Oct. 22, 1892
Book A, Satisfactions
Page 21

In consideration of the payment of the debt named therein I release the mortgage made by William A. Norcross and Rosa L. his wife, dated July 8th 1889 on the South East Quarter of the North West Quarter of Section 2, Township 16 North of Range 1 West of the Boise Meridian --(and other lands not material to this abstract)--to me which is recorded in Book 2 of Mortgages pages 34, 35, 36 of the records of Washington County.

Witnesses: C. A. Lawrence
Herbert B. Dodge

J.F.F.Brewster (Seal)

Acknowledged Aug. 20th, 1889 in Suffolk County, Massachusetts by J.F.F.Brewster, known to be the person whose name is affixed to the above release, before Chas. Hall Adams, Commissioner of Deeds of Idaho Territory. Seal.

(Transcribed from Book 1, Releases, page 174, Records of Washington County, Idaho)

William A. Norcross and
Rosa L. Norcross, his wife,

to

George W. Farleigh.

W A R R A N T Y DEED

Dated August 12, 1889
Recorded Aug. 14, 1889
Book A, Deeds
Page 154
Consideration \$600.00

Grant, bargain, sell and convey and confirm

All that certain piece or parcel of land, situate, lying and being in Council Valley, Washington County, Idaho Territory and being described as following:

Being the South East Quarter of the North West Quarter
--(and other lands not material to this abstract)--
of Section 2, Township 16, North, Range 1 West Boise
Meridian.

COVENANTS: Quiet and peaceable possession will warrant and defend against all lawful claims. And the said Rosa L. Norcross wife of the said William A. Norcross, hereby releases all her right of dower in and to said premises.

Witness: J. F. Morrison
Oscar Pressley

William A. Norcross (L.S.)

Rosa L. Norcross (L.S.)

Acknowledged August 12th, 1889, in Washington County, Idaho, by William A. Norcross and Rosa L. Norcross, his wife, known to be the persons whose names are subscribed to the within instrument (the said Rosa L. Norcross being examined without the hearing of her husband), before Norman H. Camp, a Justice of the Peace, Council Valley Precinct, Washington County, Territory of Idaho.

George W. Farleigh and Varian
E. Farleigh, Husband and wife,

to

John F. F. Brewster.

M O R T G A G E

Dated December 14, 1892
Recorded Jan. 4, 1893
Book A, Mortgages
Pages 173-174
Amount \$800.00

First parties mortgage to second party SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 2, Twp. 16
N. R. 1 W. B.M. in Washington County, Idaho (also other lands not mater-
ial to this abstract)--to secure the payment of the sum of \$800.00 and
interest at 10% per annum.

George W. Farleigh (Seal)
Varian E. Farleigh (Seal)

Acknowledged January 2, 1893 by George W. Farleigh and Var-
ian E. Farleigh, his wife, before W. D. Shaw, Notary Public
for Washington County, Idaho. Seal.

(Transcribed from Book 3, Mtgs. page 73, Records of Washington County, Idaho)

John F. F. Brewster,

to

George W. Farleigh
and wife.

SATISFACTION OF MORTGAGE

Dated February 14, 1895
Recorded Feb. 25, 1895
Book A, Satisfactions
Page 35

Hereby release the mortgage made by George W. Farleigh and wife to
me for the sum of Eight Hundred Dollars, dated December 14th 1892 and
recorded in Book 3 of Mortgages on page 73 of the records of Washington
County State of Idaho on the 4th day of January upon the following des-
cribed lands, situated in the County of Washington and State of Idaho
towit:

The South east Quarter of the North West Quarter of Section
Two(2) in Township Sixteen (16) North and Range One (1) West
of the Boise Meridian containing --(with other lands not mat-
erial to this abstract)--161.74 acres, according to U.S. Survey

and further certifies that said mortgage, together with the debt thereby
secured, is fully paid, satisfied and discharged.

Witnesses: Herbert R. Coe
Herbert B. Dodge

John F. F. Brewster

Acknowledged Feb. 14", 1895 in Suffolk County, Massachusetts by
John F.F.Brewster, known to be the person whose name is subscribed
to the within instrument, before John P.R.Sherman, Notary Public
for said Suffolk County, Massachusetts. Seal.

(Transcribed from Book 1, Releases, page 269, Records of Washington County, Idaho)

George W. Farleigh and
Varian E. Farleigh, hus-
band and wife,

to

John F. F. Brewster.

D E E D

Dated February 1, 1895
Recorded Feb. 6, 1895
Book A, Deeds
Page 362
Consideration \$1.00

Grant, bargain, sell and convey

All the following bounded and described real property, situated
in the County of Washington and State of Idaho.

The South East Quarter of the North West Quarter of
Section Two (2) in Township Sixteen (16) North of
Range One (1) West of the Boise Meridian containing
--(with other lands not material to this abstract)--
161.74 acres more or less according to the U. S. Gov-
ernment Survey.

Together with all water, water rights, irrigating ditches, aque-
ducts, canals, appropriations, franchises and privileges upon, leading
to, connected with or usually had and enjoyed in connection with said
premises and every part and parcel thereof (including dower and claim
of dower)

Witness: Sherwood Burr
S. C. Matteson

George W. Farleigh

Varian E. Farleigh

Acknowledged February 1, 1895 in Lane County, Oregon, by
George W. Farleigh and Varian E. Farleigh, husband and
wife, known to be the identical persons described in and
who executed the within instrument, (the said Varian E.
Farleigh, wife of the said George W. Farleigh being exam-
ined separate and apart from her said husband), before
Sherwood Burr, Notary Public for the State of Oregon. Seal.

John F. F. Brewster and
Martha C. Brewster, his
wife,

to

New England Mortgage Sec-
urity Company, of the
State of Connecticut.

D E E D

Dated October 30, 1895
Recorded Sept. 7, 1899
Book B, Deeds
Page 55

Consideration \$1.00 & OVC

Quitclaim

All their interest, claim and demand in and to the following
described real estate situated in the County of Washington, State of
Idaho, to-wit:

The Southeast quarter of the Northwest
quarter of section two in township sixteen
North of Range one West containing --(with
other lands not material hereto)--one hun-
dred and sixty one and 74/100 acres more or
less.

Together with all water, water rights, irrigating ditches, aque-
ducts, canals appropriation, franchises, and privileges upon, leading
to, or connected with or usually had and enjoyed in connection with
such premises and every part and parcel thereof.

Witnesses: Herbert B. Dodge
Herbert R. Coe

John F. F. Brewster (Seal)

Martha C. Brewster (Seal)

Acknowledged October 30th, 1895 by John F. F. Brewster and
Martha C. Brewster his wife, personally known to be the
identical persons whose names are subscribed to the within
and foregoing deed as grantors, before John P. R. Sherman,
Notary Public for Suffolk County, State of Massachusetts.
Seal.

John F F Brewster and Martha C Brewster, his wife,

to

The New England Mortgage Security Company, of the State of Connecticut.

QUIT CLAIM DEED

Dated October 24, 1901
Recorded May 28, 1903
Book B, Deeds
Page 620

Consideration \$1.00 & OVC

Quit claim

All their interest, claim and demand in and to the following described real estate situated in the County of Washington, and State of Idaho, to-wit:-

The South east quarter of the North west quarter of Section Two (2) in Township Sixteen (16) North of Range one (1) West, containing --(with other lands not material to this abstract)--one hundred and Sixty one and 74/100 acres more or less,

together with all water, water rights, irrigating ditches, aqueducts, canals, appropriations, franchises and privileges upon, leading to, connected with or usually had and enjoyed in connection with said premises and every part and parcel thereof.

And the said Martha C Brewster hereby relinquishes all her right of dower in the above described premises.

This deed is made to correct an error which exists in the acknowledgment of a former deed made by first parties to second party and dated October 30th, 1895.

Witnesses: Minnie Harron
Joseph E Mooney

John F F Brewster

Martha C Brewster

Acknowledged Oct. 24th, 1901 in Suffolk County, Massachusetts by John F F Brewster and Martha C Brewster, known to be the persons whose names are subscribed to the within instrument, described as a married woman and upon examination without the hearing of her husband, before Joseph E Mooney, Notary Public for Suffolk County, State of Massachusetts.
Seal.

The New England Security Co.,

and

B. W. Turnipseed.

A G R E E M E N T

Dated April 20, 1903
Recorded May 27, 1903
Book A, Bonds for Deed
Pages 158-159
Consideration \$525.00

RECITES substantially that first party agrees to sell, and second party agrees to buy, the lands in Washington County, State of Idaho, described as follows, to-wit:

SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 2, Twp. 16 _ of Range 1 W. B. M. -- (and other lands not material to this abstract)

for the sum of \$525.00 on which said second party has paid the sum of \$150.00, the balance being payable in annual installments of \$125.00 each, with accrued interest at 8% per annum.

The New England Mortgage Security Co.

By W. G. Bosworth Owner

B. W. Turnipseed Purchaser

(Transcribed from Book 1, Bonds for Deed, page 386, Records of Washington Co., Idaho)

The New England Mortgage
Security Company, of the
State of Connecticut,

to

B. W. Turnipseed.

W A R R A N T Y DEED

Dated August 16, 1905
Recorded Aug. 29, 1905
Book D, Deeds
Page 198
Consideration \$525.00

Grant, bargain, sell, convey and confirm

The real estate in the County of Washington and State of Idaho
described as follows towit:

The South East Quarter of the North West Quarter of
Section Two (2) Township Sixteen (16) North of Range
One (1) West of the Boise Meridian and containing^o--
(with other lands not material to this abstract) ---
One Hundred Sixty One and 74/100 acres, more or less
according to the U. S. Government Survey

together with all water, water rights, irrigating ditches, aqueducts,
canals, appropriations, franchises and privileges upon, leading to,
connected with or usually had and enjoyed in connection with said prem-
ises and every part and parcel thereof.

The intention being to convey hereby an absolute title in fee to
said real estate.

COVENANTS: Free from encumbrances; has full right, power and authority
to sell same; will warrant and defend the title against all
lawful claims, excepting taxes for 1903 and subsequent years.

In Witness Whereof the said party of the first part has hereunto
set its hand and affixed its corporate seal the day and year first here-
in written.

The New England Mortgage Security Co.

Witnesses: David S. Rogers
Herbert B. Dodge

By W. G. Bosworth President.

(CORPORATE SEAL)

Acknowledged Aug. 16, 1905 in New York County, N.Y. by the New
England Mortgage Security Company by W. G. Bosworth its President,
personally known to be the identical person who executed the fore-
going deed, that he is the President of said Company, that the
seal attached is the corporate seal of said Company, that said
deed was signed and sealed in behalf of said Company under the au-
thority conferred upon him by its by laws and as the voluntary
act and deed of said corporation, before M.L. Seamsns, Notary Pub-
lic for Kings County, State of New York, with certificate filed
in New York County. Seal.

(Transcribed from Book 16 Deeds, page 485, Records of Washington County, Idaho)

B W Turnipseed and C M
Turnipseed, husband and
wife,

to

J J Allison.

W A R R A N T Y D E E D

Dated April 20, 1908
Recorded April 21, 1908
Book E, Deeds
Page 343
Consideration \$3100.00

Grant, bargain, sell, convey and confirm

The following described real estate, situate in the County of
Washington, State of Idaho, to-wit:

The South east quarter of the North west quarter of
Section Two (2) Township Sixteen (16) North of Range
One (1) West, Boise Meridian, containing --(with other
lands not material to this abstract)--one hundred
sixty-one and 74/100 acres more or less;

also all water, water rights, dams, ditches, flumes and irrigating works
of whatever nature belonging to, used upon or in any wise appertaining
to said lands, including all the rights of said first parties under
Permit #2067, issued by the State Engineer, of the State of Idaho, for
the diversion of Two (2) second feet of water for irrigation and domes-
tic use on said lands, out of Mill Creek.

COVENANTS: quiet and peaceable possession will warrant and defend
against all lawful claims.

Witness: A. L. Freehafer
J. A. Carr

B. W. Turnipseed (Seal)

C. M. Turnipseed (Seal)

Acknowledged April 20th, 1908 in Washington County, Idaho,
by B W Turnipseed and C M Turnipseed, known to be the per-
sons whose names are subscribed to the within instrument,
before A. L. Freehafer, Notary Public in and for said Wash-
ington County, State of Idaho. Seal.

J J Allison and Charlotte F
Allison, husband and wife,

to

B.W. Turnipseed.

M O R T G A G E

Dated April 20, 1908
Recorded Apl. 22, 1908
Book B, Mortgages
Page 301
Amount \$1500.00

First parties mortgage to second party the SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 2, Twp. 16 N., Range 1 West of Boise Meridian, in Washington County, Idaho, containing --(with other lands not material to this abstract)--161.74 acres, more or less (also water rights), to secure the payment of a promissory note of even date for the principal sum of \$1500.00 and interest thereon at 9% per annum.

J J Allison (Seal)
Charlotte F Allison (Seal)

Acknowledged April 20th, 1908 by J J Allison and Charlotte F Allison, before A L Freehafer, Notary Public for Washington Co., Idaho. Seal.

(Transcribed from Book 10 Mtgs, page 484, Records of Washington County, Idaho)

B. W. Turnipseed,

to

First Bank of Council
Limited.

ASSIGNMENT OF MORTGAGE

Dated December 2, 1908
Recorded Apl. 26, 1910
Book A, Assignments
Page 97
Consideration \$1500.00

Does by these presents grant, bargain, sell, assign, transfer and set over a certain indenture of Mortgage bearing date the 20th day of April A. D. 1908 made and executed by J. J. Allison and Charlotte F. Allison husband and wife, mortgagors to B. W. Turnipseed mortgagee, recorded in Book 10 of Mortgages page 484 of the Records in the office of the County Recorder of the County of Washington, State of Idaho.

Together with the note therein described and the money due and to grow due thereon with interest as therein provided, and in case of payment to discharge the same as fully as the said first party might or could do if these presents were not made.

B. W. Turnipseed

Witness: L. D. Hill
A. L. Freehafer

Acknowledged December 2nd, 1908 in Washington County, Idaho, by B. W. Turnipseed, known to be the person whose name is subscribed to the within instrument, before A. L. Freehafer, Notary Public in and for said Washington County, Idaho. Seal.

(Transcribed from Book 4, Assignments, page 160, Records of Washington Co., Ida.)

The First Bank of Council Ltd.,
a corporation of Idaho with
principal place of business at
Council therein,
to

SATISFACTION OF MORTGAGE

Dated May 5, 1910
Recorded May 6, 1910
Book A, Satisfactions
Page 425

J. J. Allison and Charlotte F.
Allison, husband and wife.

Does hereby certify and declare that a certain mortgage, bearing date the 20th day of April A. D. 1908 made and executed by J. J. Allison and Charlotte F. Allison, husband and wife, the parties of the first part therein, to B. W. Turnipseed the party of the second part therein and recorded in the office of the County Recorder of Washington County, Idaho on the 22nd day of April 1908, in Book 10 of Mortgages at page 484 and assigned by said party of the second part to the First Bank of Council, Ltd on the 2d day of December 1908, said assignment being recorded in the office of the County Recorder of the County of Washington, State of Idaho in Book 4 of Assignments on page 160 on the 26th day of April A. D. 1910, together with the debt thereby secured is fully paid, satisfied and discharged.

IN WITNESS WHEREOF said First Bank of Council, Ltd, has caused these presents to be signed in its name by its President and its corporate seal to be affixed, attested by its Cashier, this 5th day of May 1910-.

First Bank of Council Ltd

Attest: H. M. Jorgens
Cashier

Frank E. Brown President

(CORPORATE SEAL)

Acknowledged May 5th, 1910 in Washington County, Idaho, by Frank E. Brown, known to be the President of the corporation that executed the within instrument, that such corporation executed the same, before A. L. Freehafer, Notary Public for said Washington County, State of Idaho. Seal.

John J Allison and Char-
lotte F Allison, his wife,

to

Ernest V Orford.

M O R T G A G E

Dated June 24, 1910
Recorded June 28, 1910
Book B, Mortgages
Pages 623-624
Amount: \$5000.00

First parties mortgage to second party the S $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 2, Twp. 16
N., R. 1 W.B.M. (and water rights) in Washington County, Idaho, to se-
cure the payment of the principal sum of \$5000.00 and interest thereon
at 8% per annum.

John J Allison (Seal)
Charlotte F Allison (Seal)

Acknowledged June 25, 1910 by John J Allison and Charlotte
F Allison, his wife, before Edna L Hice, Notary Public for
Ada County, Idaho. Seal.

(Transcribed from Book 14, Mtgs, page 60, Records of Washington County, Idaho)

Ernest V. Orford,

to

John J. Allison and Charlotte
F. Allison.

SATISFACTION OF MORTGAGE

Dated February 28, 1911
Recorded Apl. 25, 1911
Book 1, Satisfactions
Page 35

Herby certify and declare that a certain mortgage, bearing date
the 24th day of June A.D. 1910, made and executed by John J. Allison
and Charlotte F. Allison the parties of the first part therein,
to Ernest V. Orford the party of the second part therein, recorded in
the office of the County Recorder of the County of Washington State of
Idaho, in Book 14 of Mortgages, on page 60 on the 28th day of June A.D.
1910, together with the debt thereby secured, is fully paid, satisfied
and discharged.

Ernest V. Orford (Seal)

Witness: O. H. Shoemaker

Acknowledged March 6th, 1911 in Owyhee County, Idaho, by
Ernest V. Orford, known to be the person whose name is
subscribed to the within instrument, before Robert T. Pim,
Notary Public in and for said Owyhee County, State of
Idaho. Seal.

J J Allison and Charlotte
F Allison, his wife,

to

R T Carter, as Trustee for
R T Carter and O M Carter.

W A R R A N T Y D E E D

Dated March 18, 1909
Recorded Mar. 20, 1909
Book E, Deeds
Page 561
Consideration: \$11,200.00

Grant, bargain, sell, convey and confirm

All the following described real estate situated in Washington
County, State of Idaho, to-wit:-

An undivided two-thirds interest in and to

The Southeast Quarter of the Northwest Quarter (S E 1/4
of N W 1/4) of Section Two (2) Township Sixteen (16)
North of Range One (1) West of Boise Meridian -- (and
other lands not material to this abstract)

Alson all water, water rights, ditches and irrigating works of
whatever nature belonging or pertaining to said lands, including water
rights as adjudicated by decree of the District Court of the Seventh
Judicial District of the State of Idaho, in and for the County of Wash-
ington, in the month of June, 1906, and all rights under Permit No. 2067
issued by the State Engineer of the State of Idaho, for the diversion
of Two (2) second feet of water for irrigation and domestic use on said
lands out of Mill Creek.

Subject to Mortgage of \$1500.00 to B W Turnipseed, dated April
20th, 1908, and Mortgage of \$300.00 to James M Young, dated April 15th,
1908, and taxes for the year 1909.

COVENANTS: Quiet and peaceable possession will warrant and defend
against all lawful claims.

Witness: W S Bruce

J. J. Allison (Seal)
Charlotte F Allison (Seal)

Acknowledged March 18th, 1909 in Ada County, Idaho, by
J J Allison and Charlotte F Allison, his wife, known to
be the persons whose names are subscribed to the within
instrument, before W S Bruce, Notary Public in and for
said Ada County, State of Idaho. Seal.

(Transcribed from Book 22 Deeds, page 122, Records of Washington County, Idaho)

O. M. Carter (unmarried),

to

R. T. Carter.

Q U I T C L A I M D E E D

Dated September 1, 1909

Recorded Feb. 9, 1910

Book F, Deeds

Page 298

Consideration: \$1000.00

Remise, release and forever quitclaim

All those certain lots, pieces or parcels of land situate, lying and being in County of Washington, State of Idaho bounded and particularly described as follows towit:

The South East Quarter of the North West Quarter
(S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$) of Section Two (2) Township
Sixteen (16) North of Range One (1), West of Boise
Meridian--(and other lands not material to this abstract)

also all water, water rights, ditches and irrigating works of whatever nature belonging or pertaining to said land, including the water rights as adjudicated by decree of the District Court of the Seventh Judicial District of the State of Idaho in and for the County of Washington in the month of June 1906 and all rights under permit No 2067 issued by the State Engineer of the State of Idaho for the diversion of Two (2) second feet of water for irrigation and domestic use on said lands out of Mill Creek, subject to existing mortgages.

Witness: O. O. Haga

O. M. Carter (Seal)

Acknowledged October 1st, 1909 in Ada County, Idaho, by
O. M. Carter, known to be the person whose name is subscribed to the within instrument, before Oliver O. Haga,
Notary Public in and for said Ada County, State of Idaho.
Seal.

R. T. Carter and Sallie
Carter (husband and wife),

to

J. J. Allison.

D E E D

Dated November 15, 1909
Recorded Apl 12, 1912
Book F, Deeds
Page 375
Consideration: \$10,000.00

Grant, bargain, sell and convey

All those certain pieces or parcels of land situate, lying and being in the County of Washington and State of Idaho, bounded and more particularly described as follows towit:

The South East Quarter of the North West Quarter
(S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$) of Section Two (2) Township
Sixteen (16) North of Range One (1) West of Boise
Meridian --(and other lands not material to this
abstract)

also all water, water rights, ditches and irrigation works of whatever nature belonging or pertaining to said land, including water rights as adjudicated by Decree of the District Court of the Seventh Judicial District of the State of Idaho in and for the County of Washington in the month of June 1906, and all rights under Permit No 2067 issued by the State Engineer of the State of Idaho for the diversion of Two (2) second feet of water for irrigation and domestic use on said lands out of Mill Creek.

It being understood first parties are the owners of only an undivided two thirds ($\frac{2}{3}$) interest in the property above described, and the same is conveyed, subject to all existing mortgages, claims and incumbrances, including taxes, all of which second party assumes and agrees to pay.

R. T. Carter (Seal)

Sallie Carter (Seal)

Acknowledged Dec. 3rd, 1909 in Audrain County, Missouri,
by R. T. Carter and Sallie Carter (husband and wife),
known to be the persons whose names are subscribed to the
within instrument, before C. A. Witherspoon, Notary Public
in and for said Audrain County, State of Missouri.
Seal.

(Transcribed from Book 26 Deeds, page 286, Records of Washington County, Idaho)

J. J. Allison and Charlotte
F. Allison, his wife,

to

C. E. Miesse.

W A R R A N T Y D E E D

Dated February 1, 1911
Recorded April 15, 1911
Book 1, Deeds
Page 20

Consideration \$24,000.00

Grant, bargain, sell, convey and confirm

All the following described real estate, situated in Washington
County, State of Idaho, to-wit:

S.E. $\frac{1}{4}$ of N.W. $\frac{1}{4}$ of Sec. 2, Twp. 16 N. Range 1 West B. M.--(And
other lands not material to this abstract)

together with all water, water rights, ditches, and irrigation works of
whatever nature belonging to or pertaining to said land, including
water rights as adjudicated by decree of the District Court of the
Seventh Judicial District of the State of Idaho, in and for the County
of Washington in the month of June, 1906, and all rights under Permit
No. 2067 issued by the State Engineer of the State of Idaho for the
diversion of two second feet of water for irrigation and domestic use
on said lands out of Mill Creek, excepting, however, one-half cubic
feet per second out of Permit No. 2067 heretofore sold by first parties;
and also all water rights evidenced by Permit No. 6904 issued by the
State Engineer of the State of Idaho.

COVENANTS: Quiet and peaceable possession will warrant and defend
against all lawful claims.

J J Allison Seal

Charlotte F. Allison Seal

Acknowledged February 1st, 1911 in Ada County, Idaho, by
J. J. Allison and Charlotte F. Allison, known to be the
persons whose names are subscribed to the within instru-
ment, before Edna L. Hice, Notary Public in and for said
Ada County, State of Idaho. Seal.

Charles E. Miesse and E.
Grace Miesse, husband and
wife,
to

J. J. Allison.

M O R T G A G E

Dated March 1, 1911
Recorded Apl. 15, 1911
Book 2, Mortgages
Pages 10-11
Amount: \$12000.00

First parties mortgage to second party the SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 2, Twp. 16 N. R. 1 W. B.M. -- (and other lands not material to this abstract) -- in Washington County, Idaho, to secure the payment of two promissory notes for the aggregate principal sum of \$12,000.00 and interest thereon at 8% per annum.

Charles E. Miesse (Seal)
E. Grace Miesse (Seal)

Acknowledged Feb. 24, 1911 by Charles E. Miesse, before M. Belle Carnahan, Notary Public for Cook County, Illinois. Seal.

Acknowledged March 1, 1911 by E. Grace Miesse before B.C. Strong, Notary Public for Los Angeles County, California. Seal.

J. J. Allison and Charlotte F.
Allison, his wife,

to

Charles E. Miesse and E. Grace
Miesse, husband and wife.

SATISFACTION OF MORTGAGE

Dated July 5, 1912
Recorded July 17, 1912
Book 1, Satisfactions
Page 194

Do hereby certify and declare that a certain mortgage, bearing date the first day of March A. D. 1911, made and executed by Charles E. Miesse and E. Grace Miesse husband and wife the parties of the first part therein, to J. J. Allison the party of the second part therein recorded in the office of the County Recorder of the County of Adams State of Idaho, in Book 2 of Mortgages, on pages 10 and 11 on the 15th day of April A.D. 1911, together with the debt thereby secured, is fully paid, satisfied and discharged.

Witness: B. Q. Pettenfill

J. J. Allison (Seal)
Charlotte F. Allison (Seal)

Acknowledged July 5th, 1912 in Ada County, Idaho by J. J. Allison and Charlotte F. Allison, his wife, known to be the persons whose names are subscribed to the within instrument, before Benj. Q. Pettengill, Notary Public for said Ada County, State of Idaho. Seal.

Book 1 of Plats, page 16
Recorded May 20, 1911

PLAT OF COUNCIL VALLEY ORCHARDS
ADAMS CO., IDAHO.

Know all men by these presents, that I, Charles H. Miesse of Chicago Illinois, am the owner of the following described lands, situated in Adams County, State of Idaho, to-wit: lots 1, 3, and 4, the S. half of the NW $\frac{1}{4}$, and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 2, T. 16 N., R. 1 W., B.M., also the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 35, T. 17 N., R. 1 W., B.M. containing 280 acres, and that I do hereby plat, lay out and subdivide the said described lands into lots, blocks, streets, boulevards and alleys to be known as (Council Valley Orchards, Limited), all as shown by this plat. And that I do hereby dedicate to the use of the public a right of way over and across the streets, boulevards and alleys shown on the accompanying plat, reserving to myself, my heirs and assigns, the right to erect and lay electric light, telegraph and telephone poles and wires, and to construct railways, whether operated by steam, electric or other power, and to construct canals and other conduits for carrying water over, on under, and across such streets, boulevards and alleys.

Charles E. Miesse

Acknowledged May 1st, 1911 in Cook County, Illinois by Charles E. Miesse, known to be the person described in and whose name is subscribed to and who executed the foregoing instrument, before Mary E. Painter, Notary Public for said Cook County, State of Illinois. Commission expires July 25, 1914. Seal.

I, Warren G. Swendsen, do hereby certify that the following is a correct description of the land included in the accompanying plat which has been platted and subdivided as shown by said plat, to-wit: lots 1, 3, and 4, the S $\frac{1}{2}$ of the NW $\frac{1}{4}$, and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 2 T. 16 N., R. 1 W., B.M., also the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 35, T. 17 N., R. 1 W., B. & M. known as (Council Valley Orchards, Limited), and that this plat has been prepared by actual survey made under my supervision and that the same is true and correct.

Warren G. Swendsen
Engineer.

J. J. Allison and Charlotte
F. Allison, husband and wife,

to

Charles E. Miesse and E. Grace
Miesse, husband and wife.

PARTIAL SATISFACTION OF
MORTGAGE

Dated January 30, 1912
Recorded Feb. 6, 1912
Book 1, Satisfactions

Page 135

Recites substantially that in consideration of the payment of the sum of \$50.00 to J. J. Allison of the first part by the said second parties, the said first parties hereby grant, release, quit claim and set over unto said second parties

Lot 2 of Block 3 of Council Valley Orchards as shown by the official plat of said Orchards filed May 20, 1911 in the office of the County Recorder of Adams County, Idaho

being a part of the lands covered by the mortgage made March 1st, 1911 by second parties herein to J. J. Allison and recorded April 15, 1911 in said County Recorder's office in Book 2 of Mortgages at pages 10 & 11, it being the intent that the lands hereby conveyed and released shall forever be discharged from the said mortgage and that the rest of the lands in the said mortgage specified shall remain to the said first parties herein as heretofore.

Witness: Edna L. Hice

J. J. Allison (Seal)

Charlotte F. Allison (Seal)

Acknowledged Feb. 2nd, 1912 in Ada County, Idaho by J. J. Allison and Charlotte F. Allison, his wife, known to be the persons whose names are subscribed to the within instrument, before Edna L. Hice, Notary Public in and for said Ada County, State of Idaho. Seal.

Charles E. Miesse and E.
Grace Miesse, his wife,

to

Council Valley Orchards Limit-
ed, a corporation of Idaho.

W A R R A N T Y D E E D

Dated July 3, 1911
Recorded July 10, 1911
Book 2, Deeds
Page 56
Consideration: \$1.00&OG&VC

CONVEY and WARRANT

The following described Real Estate, to-wit:

Lots One (1) Three (3) and Four (4) and the South half
of the Northwest quarter, and South West quarter of
North East quarter of Section two (2) Township Sixteen
(16) North Range One (1) West; and the South East quart-
er of the South East quarter of Section Thirty-five (35)
Township Seventeen (17) North Range One (1) West B. M.
situated in the County of Adams in the State of Idaho

hereby releasing and waiving all rights under and by virtue of the Home-
stead Exemption Laws of the State of Illinois and of Idaho subject how-
ever to two mortgages given to secure an aggregate indebtedness of Four-
teen Thousand Dollars (\$14000.00)

Witness: A. M. Wallsten

Charles E. Miesse (Seal)

E. Grace Miesse (Seal)

Acknowledged July 3rd, 1911 in Cook County,
Illinois by Charles E. Miesse and E. Grace
Miesse, his wife, known to be the persons
whose names are subscribed to the foregoing
instrument, before Francis A. Harper, Notary
Public for Cook County, State of Illinois.
Seal.

J. J. Allison and Charlotte
F. Allison, husband and wife,

to

Council Valley Orchards, a
corporation of Idaho.

W A R R A N T Y D E E D

Dated January --, 1912
Recorded Feby. 6, 1912
Book 1, Deeds
Page 148
Consideration \$1.00

Grant, bargain, sell, convey and confirm

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

All that certain ditch and water right described in Water License No. 2067, issued to grantor J. J. Allison by the State Engineer of the State of Idaho, on the 25th day of November, A. D., 1911, said Water License No. 2067 granting and being "a perpetual right, dating from June 2nd, 1906, to the use of Two cubic feet per second of the waters of Mill Creek, in the County of Adams (formerly in Washington County) and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the northeast corner of the Northeast Quarter of the Southeast Quarter of Section 36, Township Seventeen North, Range One West of the Boise Meridian, about eighty rods up Mill Creek from the point described above, and conducted to and upon

160 acres in the Northwest quarter of Section 2,
Township Sixteen North, Range One West of the
Boise Meridian,

for the purpose of irrigation and domestic use."

COVENANTS: Quiet and peaceable possession will warrant and defend
against all lawful claims.

J. J. Allison Seal
Charlotte F. Allison Seal

Acknowledged Feb. 2nd, 1912 in Ada County, Idaho, by J. J. Allison and Charlotte F. Allison, husband and wife, known to be the persons whose names are subscribed to the within instrument, before Edna L. Hice, Notary Public in and for said Ada County, State of Idaho. Seal.

State of Idaho, A. E. Robinson, State Engineer,

to

J. J. Allison.

WATER LICENSE No. 2067

Dated November 25, 1911
Recorded Feb. 6, 1912
Book A, Water Rights
Pages 221-222

RECITES Substantially that on June 18th, 1908, Benjamin W. Turnipseed, the holder of Permit No. 2067, covering the diversion of 2 cubic feet per second of the waters of Mill Creek in Washington County, Idaho with a priority of June 2, 1906, duly made proof of the completion of adequate works for such diversion, and certificate of the State Engineer was issued confirming such completion.

That on April 20th, 1908, said Benjamin W. Turnipseed transferred all his interest in and to said permit No. 2067 to J. J. Allison, who duly made proof on Sept. 10th, 1910 of the application to beneficial use of said water.

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I, hereby grant and confirm to J. J. Allison, the holder and owner of said Permit No. 2067, a perpetual right, dating from June 2nd, 1906, to the use of 2 cubic feet per second of the waters of Mill Creek, in the County of Washington, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the Northeast Corner of the Northwest quarter of the Southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$), Section 36, Township 17 North, Range 1, West of the Boise Meridian, about 80 rods up Mill Creek from the point mentioned above, and conducted to and upon

160 acres in the Northwest quarter (NW $\frac{1}{4}$), Section 2, Township 16 North, Range 1, West of the Boise Meridian,

for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and ^{the} seal of my office at Boise, Idaho, this 25th day of November, A. D. 1911.

A. E. Robinson
State Engineer.

(S E A L)
State Engineer of Idaho.

Recorded Nov. 25th, 1911, in Book 2 of Licenses page 983.

ARTICLES OF INCORPORATION

of the

COUNCIL VALLEY ORCHARDS, LTD.

KNOW ALL MEN BY THESE PRESENTS: That we, the undersigned, have this day voluntarily associated ourselves together for the purpose of forming a corporation under and by virtue of the laws of the State of Idaho; and we hereby certify

I. Name: Council Valley Orchards, Limited.

II. Purposes for which formed are (among other things) to purchase, acquire, own, hold, sell, transfer, mortgage, lease and dispose of real property of all kinds; to purchase, own, construct, sell, lease, operate, mortgage or otherwise acquire and dispose of ditches, canals, water rights or other waters for irrigation or other purposes necessary or desirable; to lend money and to give and take mortgages, and to do all things whatsoever necessary to be done in order to carry out the object, purposes and business of the corporation.

III. Place for the transaction of the principal business of the corporation shall be Council, Adams County, Idaho.

IV. Term of existence is fifty years from date of incorporation.

V. Number of directors shall be five

VI. Amount of capital stock shall be \$100,000.00 divided into 10,000 shares of the par value of \$10.00 each; amount of capital stock actually subscribed is \$100,000.00. (here follows list of names of subscribers, and the respective amounts subscribed by each)

VII. Directors to be elected for the term of one year at the first stockholders' meeting and thereafter at each succeeding annual meeting of the stockholders.

IN WITNESS WHEREOF, We have hereunto set our hands and seals this 17th day of May, in the year 1911.

Charles E Miesse	(Seal)
Winfield S Williams	(Seal)
Milton G Cage	(Seal)
John W Cage	(Seal)
E J Frawley	(Seal)

Acknowledged May 17, 1911 in Ada County, Idaho by the above-named signatories, known to be the persons whose names are subscribed to the within instrument, before James S. Bogart, Notary Public for said Ada County, State of Idaho. Seal.

Council Valley Orchards, Ltd.,
a corporation of Idaho,

to

Charles N. Pritchard.

W A R R A N T Y D E E D

Dated August 20, 1911

Recorded May 17, 1912

Book 2, Deeds

Page 253

Consideration \$2425.00

Grant, Bargain, Sell, Convey and Confirm

All that certain lot, piece, or parcel of land situate, lying and being in Adams County, State of Idaho, to-wit:

Lot 2 in Block 3 of the Council Valley Orchards as numbered and designated on the official plat of said Orchards now on file in the office of the County Recorder of said County, the same being a part of Lots 1, 3, and 4, the S. $\frac{1}{2}$ of the N.W. $\frac{1}{4}$ and the S. W. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of Section Two, Township 16 N., R. 1 W., B. M., and of the S. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of Section Thirty-five Tp. 17 N. R. 1 W., B. M., the said lot containing four & 85/100ths (4.85) acres (more or less);

and also all waters, water rights, ditches, dams, flumes, and irrigating works of whatever nature used upon, belonging to, or in any wise appertaining to said lands.

COVENANTS: Quiet and peaceable possession will warrant and defend against all lawful claims.

IN WITNESS WHEREOF, The said Council Valley Orchards, Ltd., by resolution of its Board of Directors, has caused its corporate name to be hereunto subscribed by its President and its duly attested corporate seal to be hereunto affixed by its Asst. Secretary, the day and year first above written.

COUNCIL VALLEY ORCHARDS, LTD.

Attest: M. E. Hogan, Asst. Secretary.

By C. E. Miesse, President.

(CORPORATE SEAL)

Acknowledged May 6th, 1912 in Cook County, Illinois by C. E. Miesse, known to be the President of the corporation that executed the foregoing instrument, that such corporation executed the same, before Mary E. Painter, Notary Public for the State of Illinois. Commission expires July 25, 1914. Seal.

Charles N. Pritchard and
Fannie M. Pritchard (his
wife),

to

Council Valley Orchards,
Limited, a corporation of
Idaho.

M O R T G A G E

Dated August 20, 1911
Recorded May 17, 1912
Book 2, Mortgages
Pages 168-169-170

Amount \$775.00

First parties mortgage to second party Lot 2 in Block 3 of the Council Valley Orchards, as numbered and designated on the official plat of said Orchards on file in the office of the County Recorder of Adams County, State of Idaho.

GIVEN to secure the payment of two promissory notes of even date herewith, one for \$625.00 and the other for \$150.00, the first of which is payable in two annual installments, on or before Jan. 1, 1915 and 1916, respectively, with interest at 6% per annum payable semi-annually on Jan. 1st and July 1st in each year until maturity; the second of said promissory notes is payable on or before Jan. 1, 1915, with interest at 6% per annum. Interest on both notes after maturity shall be 12% per annum. (Copy of note not set out)

Charles N. Pritchard (Seal)

Witness: Three

Fannie M. Pritchard (Seal)

Acknowledged April 11th, 1912 by Charles N. Pritchard and Fannie M. Pritchard before Archie G. Kennedy, Notary Public for DeKalb County and State of Illinois. Seal.

Council Valley Orchards, Co., (Ltd.)
a corporation of Idaho,

to

Adams County, State of Idaho.

RIGHT OF WAY DEED

Dated April 9, 1912
Recorded April 9, 1912
Book 2, Deeds
Page 235
Consideration \$1.00

Remise, release and forever quitclaim

All the following described real estate, situate in the County of Adams, and State of Idaho, and bounded and described as follows, to-wit:

A strip of land, for road purposes described as follows, to-wit: beginning at a point on the east boundary of the County road leading from Council to Meadows, $\frac{1}{2}$ mile south of the south boundary line of Township 17 N. R. 1, west B. M. and running thence east $\frac{1}{4}$ of a mile, thence north $12\frac{1}{2}$ feet, thence west $\frac{1}{4}$ of a mile, thence south $12\frac{1}{2}$ feet to the point of beginning, also the following described land for road purposes, a strip of land 25 feet wide, beginning at a point $\frac{1}{2}$ mile south of the south boundary line of said twp 17 N.R. 1 west B. M. and $\frac{1}{4}$ mile east of said present County road running from Council to Meadows aforesaid, the said point of beginning being the east boundary line of the said tract of land hereinbefore described, and running thence east $\frac{3}{4}$ of a mile, the said tract of land being $12\frac{1}{2}$ feet wide, on either side of the quarter line running east and west from said point of beginning.

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

COUNCIL VALLEY ORCHARDS, LTD.

Witness: L. L. Burtenshaw

By C. E. Miesse (Seal)
President.

Acknowledged April 9th, 1912 in Adams County, Idaho by C.E. Miesse, President of the corporation that executed the foregoing instrument, known to be the person whose name is subscribed thereto, that such Corporation executed the same, before L. L. Burtenshaw, Notary Public in and for said Adams County, State of Idaho. Seal.

Charles N. Pritchard and Fanny
M. Pritchard (his wife),

to

Chas. E. Miesse.

W A R R A N T Y DEED

Dated November 29, 1912
Recorded Dec. 17, 1912
Book 2, Deeds
Page 413
Consideration \$1.00 & OVC

Convey and Warrant

The following described Real Estate, to-wit:

Lot Two (2) in Block Three (3) of the Council Valley Orchards, as numbered and designated on the official plat of said Orchards now on file in the Office of the County Recorder of Adams County, State of Idaho, the same being a part of Lots, 1, 3 & 4, the S. $\frac{1}{2}$ of the N.W. $\frac{1}{4}$ and the S.W. $\frac{1}{4}$ of the N.E. $\frac{1}{4}$ of Sec. 2, T.P. 16 N., R. 1, W. B. M. and of the S. E. $\frac{1}{4}$ of the S.E. $\frac{1}{4}$ of Sec. 35, T. P. 17, N. R. 1, W. B. M., the said lot containing four & 85/100ths (4.85) acres (more or less);

also all water, water rights, ditches, dams flumes, and irrigating works of whatsoever nature used upon, belonging to or in anywise appertaining to said lands.

Subject to a mortgage for \$775.00 in favor of the Council Valley Orchards, dated August 20th, 1911.

Situated in the _____ of _____ in the County of Adams in the State of Idaho hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of this State of _____.

Charles N. Pritchard (Seal)

Fanny M. Pritchard (Seal)

Acknowledged Nov. 30th, 1912 in DeKalb County, Illinois, by Charles N. Pritchard and Fanny M. Pritchard, his wife, personally known to be the same persons whose names are subscribed to the foregoing instrument, before Margaret C. Wiltberger, Notary Public in and for said DeKalb County, State of Illinois. Seal.

Chas. E. Miesse and E. Grace
Miesse (his wife),

to

Fanny M. Pritchard.

W A R R A N T Y DEED

Dated November 29, 1912
Recorded Dec. 17, 1912
Book 2, Deeds
Page 414
Consideration \$1.00 & OC

Convey and Warrant

The following described Real Estate, to-wit:

Lot Two (2) in Block Three (3) of the Council Valley Orchards, as numbered and designated on the official plat of said Orchards now on file in the Office of the County Recorder of Adams County, State of Idaho, the same being a part of Lots 1, 3 & 4, the S. $\frac{1}{2}$ of the N.W. $\frac{1}{4}$ and the S. W. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of Sec. 2, T. P. 16 N., R. 1, W. B. M. and of the S. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of Sect. 35, T. P. 17, N., R. 1, W. B. M., the said lot containing four & 85/100ths (4.85) acres (more or less);

also all water, water rights, ditches, dams, flumes, and irrigating works of whatsoever nature used upon, belonging to or in anywise appertaining to said lands.

Situated in the County of Adams in the State of Idaho hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of this State of _____.

Subject to a mortgage for \$775.00 in favor of the Council Valley Orchards dated Aug. 20th, 1911.

Chas. E. Miesse (Seal)

E. Grace Miesse (Seal)

Acknowledged Dec. 6th, 1912 in Cook County, Illinois, by Chas. E. Miesse and E. Grace Miesse personally known to be the persons whose names are subscribed to the foregoing instrument, before Mary E. Coughlin, Notary Public in and for said Cook County, State of Illinois. Seal.

F. P. King, State Engineer
of the State of Idaho.

to

Charles H. Miesse and Philip
H. Schaff

CERTIFICATE OF COMPLETION OF WORKS

Dated November 15th, 1913

Recorded October 10, 1916

Book A of Water Rights

Page 255

This is to certify that Charles H. Miesse and Philip H. Schaff, of Council, County of Adams, and State of Idaho, the holders of Permit No 7653, issued upon Application No. 11000, bearing date of priority of July 3, 1911, authorizing the diversion of two (2) second feet of the waters of an unnamed stream, County of Adams, State of Idaho, for irrigation and domestic purposes, have fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use two (2) second-feet of the waters of an unnamed stream; that the point of diversion of said waters is at a point in the SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec 35, T. 17 N., R. 1 W. B. M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:

S $\frac{1}{2}$ of NW $\frac{1}{4}$ & Lots 2 and 3 and 4, Sec. 2, T.
16 N., R. 1 W. B. M., SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 35,
T. 17 N., R. 1 W. B. M., containing 240 acres.

Witness my hand this 15th day of November, A. D. 1913.

F. P. King

State Engineer of the State of Idaho.

State of Idaho,
F. P. King State Engineer

to

Charles E. Miesse and
Philip H. Schaff

WATER LICENSE NO. 7653

Dated November 15, 1913
Recorded Oct. 10, 1916
Book A of Water Rights
Page 256

RECITES Substantially that on December 23rd, 1912 Charles E. Miesse and Philip H. Schaff, the holders of Permit No. 7653, covering the diversion of 2 cubic feet per second of the waters of an unnamed stream in Adams County, Idaho, with a priority of July 3, 1911 duly made proof of the completion of adequate works for such diversion and of the application to beneficial use of said water;

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to Charles E. Miesse and Philip H. Schaff of Council, County of Adams, State of Idaho, the holders and owners of said Permit No. 7653, a perpetual right, dating from July 3, 1911, to the use of two (2) cubic feet per second of the waters of an unnamed stream, in the County of Adams and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 35, T. 17 N., R. 1 W. B. M. and conducted to and upon 220 acres, divided as follows:

40 acres in the SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 35, T. 17 N., R. 1 W. B. M.;
20 acres in Lot 2, 40 acres in Lot 3, 40 acres in Lot 4,
40 acres in SE $\frac{1}{4}$ of NW $\frac{1}{4}$ and 40 acres in SW $\frac{1}{4}$ of NW $\frac{1}{4}$, all in
Sec. 2, T. 16 N., R. 1 W. B. M.

for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho,
this 15th day of November A. D. Nineteen hundred and thirteen.

(SEAL)
State Engineer of Idaho

F. P. King
State Engineer

Recorded July 29, 1921
Book 2, Judgments
Pages 111 to 170, incl.

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF WASHINGTON.

John T. Muir and Wm. H. Muir,
partners doing business under
firm name of Muir Brothers,

Plaintiffs,

vs.

D E C R E E

William Allison, Council Val-
ley Orchards, Limited, et al,

Defendants.

It is ordered, adjudged and decreed that the waters of the Weiser River and all of its tributaries be and the same are hereby decreed to the plaintiffs herein and to the various defendants and cross-complainants hereinafter named, in the following amounts and from the dates and in the order of priority hereinafter stated, each inch of water as hereinafter stated being the equivalent of one fiftieth of a cubic second foot flow, said waters to be diverted from the said Weiser River and its tributaries by the plaintiffs and defendants and cross complainants hereinafter named and through the ditches and from the various tributaries of the said Weiser River hereinafter named:

WATER ALLOTMENTS CONTAINING NAMES OF PARTIES, AMOUNTS ALLOTTED IN
INCHES WITH DATES OF PRIORITY

Names	Amounts in Inches	Dates
East Fork Weiser River East Fork Ditch		
Council Valley Orchards Company	110	July 1, 1905
Mill Creek (Con.)		
Council Valley Orchards	100	June 1, 1906
Unnamed Stream		
Council Valley Orchards	100	July 3, 1911

(and other parties, amounts allotted and dates of priority)

The said water allotted and decreed as aforesaid is for use upon the several tracts of land hereinafter set forth following the name of the party to whom such allotment is made.

COUNCIL VALLEY ORCHARDS: The Northwest Quarter (and other lands) all in Section 2, Township 16 North, Range 1 West Boise Meridian.

(and other parties and lands, the same not being under search in this abstract)

The waters herein allotted and decreed are to be appurtenant to and for use upon the lands of the plaintiffs and the said defendants and cross complainants which said lands are directly under and served with said water by and from the canals, ditches and tributary streams above mentioned.

It is also ordered in this decree that all persons to whom waters are herein decreed shall construct diversion works (irrigating heads to be the equivalent of $\frac{5}{8}$ of a miners' inch to the acre continuous flow) for the purpose of measuring in inches and second feet the water diverted, shall use such water for a beneficial use only, and shall not divert more water than is awarded under this decree unless such diversion does not interfere with the amount of water awarded to any of the other parties to this action.

It is also ordered that the foregoing allotments are made on the basis of $\frac{5}{8}$ of an inch to the acre, and whenever the water flow is insufficient to supply the various allotments on that basis, the latest appropriators in order of time shall be denied the use of said water, so that the supply to the prior users shall be maintained at $\frac{5}{8}$ of a miners' inch per acre.

Also ordered that the costs of trial incurred in this cause, amounting to the sum of \$6647.38 is to be collected from the various parties to this suit on the basis of 22.7¢ per miners' inch or fraction thereof herein allotted and decreed, and that such costs shall be a lien upon the allotments of water acquired hereunder, to be paid within sixty days of the date of this decree; and if not so paid, then the right to the use of water allotted under this decree shall be suspended until the officer in control of the water distribution as herein allotted shall have been notified by the Clerk of said Court that said costs have been paid.

A list of the parties, amount of water allotted to each, and the amount of costs assessed to each party, shows the following:

Names	Inches	Amt.	Pd.	Bal. Due
Council Valley Orchards	110	\$24.97	\$23.10	\$ 1.87
" " "	277	63.09	50.10	12.99

(and other parties and allotments, with amounts due thereon)

It is further ordered, that a copy of this decree, certified under his seal of office be transmitted by the Clerk of this Court to the Clerk of the district court of Adams County in which said County a portion of the real estate affected by this decree is situated.

Dated June 20, 1921.

Ed L Bryan Judge.

Filed and Entered June 21, 1921.

Frank E. Smith

Clerk District Court.

(Attached is CERTIFICATE of Frank E. Smith, Clerk of the District Court of the Seventh Judicial District of the State of Idaho, in and for Washington County, that the within and foregoing is a true and complete copy of the record of the Decree rendered in the above entitled court on June 20th, 1921, as the same appears of record in Book "E" of Judgments at pages 301 to 358, records of said Court. Under his Official Seal and dated July 27th, 1921.

Abstracter's Note:

The foregoing is an abstracted copy of the amended decree entered in the action of John T. Muir et al vs. Wm. Allison et al after appeal to the Supreme Court of the State of Idaho from the decree of the District Court in and for Washington County, Idaho dated May 9, 1918, a certified copy of which said decree last above referred to was recorded June 27, 1918 in the records of Adams County, Idaho on pages 471 to 530 inclusive of Book 1 of Judgments therein.

6K
C E R T I F I C A T E

Recorded March 21, 1934
Book 3 of Misc. Record
Page 419

STATE OF IDAHO)
County of Washington) ss.

I, FRANK E. SMITH, Clerk of the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Washington, hereby certify that the action entitled W. M. Muir et al vs. Alex Allison et al. (said case being an action to adjudicate the waters of the Weiser River and tributaries), was tried in Washington County and that all costs in said action due Washington County have been paid.

I further certify that several Executions, issued out of this Court to recover some of the balances of costs which were not paid at that time, have been lost or never returned to this office, the money collected on such Executions having been paid to the attorneys who advanced the costs, and for this reason I am unable to certify the amounts paid by the different litigants.

WITNESS My hand and the seal of said Court this 15th day of March, 1934.

(S E A L)
District Court
Seventh Judicial District
Washington County, Idaho.

Frank E. Smith

Clerk of the District
Court.

Mabel Martin, County Treasurer
and Ex-Officio Tax Collector of
Adams County, Idaho, (hereinafter
referred to as "Tax Collector"),

to

Adams County, State of Idaho.

T A X D E E D

Dated January 6, 1936
Recorded May 22, 1936
Book 14, Deeds
Pages 456 to 465 incl.
Consideration: \$12.70 (and
other sums for other tracts
not material to this abst.)

RECITES substantially that the lands hereinafter described were duly assessed in the names of the respective parties as hereinafter set out, for the year, or years, 1928, and/or, 1928 and 1929, and/or, 1928, 1929 and 1930, and/or, 1928, 1929, 1930 and 1931, and or for the year or years 1928, or 1929, or 1930, or 1931, as is hereinafter set forth in connection with each respective tract of land hereinafter described, which taxes were and are a lien upon said respective parcels of land, and are now delinquent and unpaid, and that one, or two, installment or installments of such delinquent tax charged against each respective tract of property hereinafter described, and payable as provided by Section 4, Chapter 93, Idaho Session Laws, regular session, 1936, is, or are, now unpaid, or is more than 12 months past due, as fully appears in connection with each respective parcel of land hereinafter described, and is unpaid.

That such delinquency was duly entered against said lands, on or before the first Monday in January, 1929, and on or before the first Monday in January, 1930, and on or before the first Monday in January, 1931, and on or before the first Monday in January, 1932, respectively on the Real Property Assessment Roll, which delinquency entries, under the provisions of Section 61-1009, Idaho Code, Annotated (3241, Idaho Compiled Statutes, 1919), operated as a tax sale of said respective parcels of property to said Tax Collector as a grantee in trust for Adams County, Idaho; that the said delinquency entries respectively stated all matters and things required by law to be stated therein.

That the said Tax Collector did heretofore issue, at the time and in the manner prescribed by law, a notice of such delinquency with respect to each tract of land hereinafter described, and that deed therefor would issue to Adams County, Idaho on Jan. 6th, 1936, and served the same on each respective property owner, being the person whose name is hereinafter set forth in connection with each respective parcel of property, as required by Section 61-1027, Idaho Code, Annotated, (or as required by said Section as amended by Chapter 32, Session Laws of Idaho for 1935), and at the same time said Tax Collector did send a further notice of such pending tax deed to each holder of a mortgage on said respective tracts of land who had filed request for such notice, by registered mail, all as more fully appears in connection with each respective tract of land hereinafter described and conveyed; that the said Tax Collector did file a written record of such service in the office of the County Recorder and Auditor of Adams County, Idaho.

24/400 - 2

That the said property has not been redeemed, and that the time for redemption has expired, and that the said Tax Collector, pursuant to law, and in consideration of the premises and of the respective sums of money set opposite the respective parcels of property hereinafter described, being the amount of taxes, interest and penalty for which said respective delinquency entries were respectively made, does grant, bargain, sell, convey and confirm unto the County of Adams, State of Idaho the following described lots, tracts or parcels of property situated in Adams County, Idaho, and in connection with each such respective description is set forth the name of the person to whom said property was assessed, the year or years for which assessed, the year or years for which said taxes became delinquent and delinquency entries made, the amount of the taxes, with interest and penalty, the date and manner of giving notice of pending tax deed and the person to whom or upon whom such notice was given or served, the name of any mortgage holder who had filed request for notice and to whom notice was given, and the number or numbers of semi-annual installments of one year's taxes which were not paid, or the time any one such installment is past due and unpaid, to-wit:

Lot 2, Block 3 Council Valley Orchards, assessed to F. M. Pritchard for years 1930 and 1931; delinquency entries made first Monday in January 1931 and 1932; total taxes and penalties for said years 1930, 1931, \$12.70 of which two semi-annual installments of one year's tax are past due; notice of pending tax deed issued September 17, 1934 and served on Wm. Marks the contract owner, by registered mail.

(and other tracts, parties to whom assessed, and for what year or years, date delinquency entries made, and dates Notice of Pending Tax Deed made and served, and on whom served, the same being immaterial to this abstract)

(OFFICIAL SEAL)

Mabel Martin
County Treasurer and Ex-Officio
Tax Collector of Adams County, Idaho.

Acknowledged March 3d, 1936 in Adams County, Idaho, by Mabel Martin, known to be the County Treasurer and Ex-Officio Tax Collector of Adams County, Idaho, and who executed the foregoing deed as such, that she executed the same as such officer, before Carl H. Swanstrom, Notary Public for the State of Idaho, residing at Council, Idaho. Seal.

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County of Adams, State
of Idaho,

to

John W. Hoover.

DEED OF COUNTY PROPERTY

Dated July 3, 1937
Recorded July 8, 1937
Book 15, Deeds
Pages 130-131
Consideration \$10.00

RECITES substantially: That on Feb. 8th, 1937, it was determined by order of the Board of County Commissioners of said Adams County that the hereinafter described property of said county was not necessary for its use and should therefore, pursuant to the provisions of Section 3423 Compiled Statutes of Idaho, as amended, be sold at public auction on April 14th, 1937; that after publication of notice of such sale on Mar. 5th, 1937 and until April 9th, 1937, being thirty days prior thereto, in The Adams County Leader, affidavit of which publication has been filed with said Board of County Commissioners, and at the time advertised for said sale the said land was sold to the second party herein, who was the highest bidder therefor, for the sum of \$10.00, which sum he has paid to the Treasurer of said Adams County.

In consideration, therefore, of the said sum thus paid, and pursuant to law, the first party herein does hereby grant, bargain, sell, convey and confirm unto said second party, all that certain tract or parcel of land situated in the County of Adams, State of Idaho, and more particularly described as follows:

Lot Two (2), Block Three (3) of Council Valley Orchards, as the same is platted and of record in the office of the County Recorder of Adams County, Idaho.

IN WITNESS WHEREOF, The Board of County Commissioners of said County has caused the name of said County to be hereunto subscribed by the chairman of said board, and the seal of said Board of Commissioners to be hereunto affixed.

Attest: Matilda Moser
County Auditor and ex-Officio
Clerk of the Board of County
Commissioners.

ADAMS COUNTY

By J. W. Frasier
Chairman, Board of County
Commissioners.

(OFFICIAL SEAL)

Acknowledged July 3rd, 1937, in Adams County, Idaho by J. W. Frasier, known to be the chairman of the Board of County Commissioners of said Adams County, that he executed the foregoing instrument as such officer, before J. L. Johnson, Probate Judge in and for said Adams County, State of Idaho. Seal.

IN THE DISTRICT COURT OF THE TENTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF IDAHO.

This cause came on for hearing before the Hon. Miles S. Johnson, District Judge, in open court at Grangeville, Idaho, on this 6th day of June, 1938, it appearing that personal service of summons has been had upon the defendant and the time for answering having expired and the defendant having failed to file any answer, or appearance herein either in person or by attorney, and the default of the said defendant being duly and regularly entered in the premises for such failure to appear and answer the plaintiff's complaint, and the evidence of the plaintiff both oral and documentary having been introduced and the evidence having been by the Court duly heard and considered and the Court being fully advised in the premises and finding and deciding that the allegations contained in the plaintiff's complaint are true, and that he is entitled to the relief prayed for in his said complaint.

IT IS HEREBY ORDERED, ADJUDGED And DECREED and this does so ORDER, ADJUDGE and DECREE that the bonds of matrimony existing between the plaintiff and defendant be and the same are hereby dissolved, and that the plaintiff and defendant are divorced.

AND IT IS FURTHER ORDERED, ADJUDGED and DECREED that subject to the further order of the Court as to allowance to the defendant for the care, support and maintenance of the two minor children of the plaintiff and defendant, that the agreement for property division, maintenance and support heretofore entered into by the parties hereto and introduced and marked in evidence on the trial of this cause as Exhibit 1, is approved and confirmed by the Court, and that the same is approved and confirmed and that the provisions thereof as therein made and set forth are binding upon each of the parties respectively, both as concerns the division of the property of the community of the plaintiff and defendant and the provisions for maintenance and support of the defendant by the plaintiff; and that the home, residence and property now used, occupied and possessed by the defendant and the two minor children in the city of Boise, Idaho, be and the same is hereby set apart to the defendant to have and to hold as her own sole and separate property and estate, together with the furnishings, furniture and personal property therein contained as provided in said property settlement above mentioned and referred to, subject to the express terms, covenants and agreements contained in the said property

agreement above referred to as Exhibit 1 and marked in evidence in this cause and action.

AND IT IS FURTHER ORDERED, ADJUDGED and DECREED that pursuant to the terms, covenants and agreements contained in said Exhibit 1, above referred to and running between the plaintiff and defendant, that all other property and estate of every kind and nature held, owned and possessed and acquired as community property and estate and as property of the community whether real, personal or mixed, be and the same, and every part and parcel thereof, is hereby set over unto the plaintiff to have and to hold as his sole and separate property and estate, together with the income, rents and profits thereof, therein and thereto.

(here follows paragraph relating to the care, custody and control, during their minority, of the two children of said marriage)

That the real property so set out to the plaintiff to have and to hold as his sole and separate property and estate, including all interest of the defendant therein, is situated in Adams County, State of Idaho, and is described as follows, to-wit:

Lot 2, Block 3, Council Valley Orchards. --(and other lands not material to this abstract)

(here follows legal description of real property set over to the defendant as her sole and separate estate, not material hereto)

Done in open court at Grangeville, Idaho, in said judicial district on the 6th day of June, 1938.

Entered and Filed Jun. 11, 1938,
Henry Telcher, Clerk of District Court,
By W. N. Knox, Deputy.

Miles S. Johnson District Judge

(CERTIFIED June 11th, 1938, under his official seal, by Henry Telcher, Clerk of said District Court, by W. N. Knox, Deputy, as a full and correct copy of the Decree of Divorce in the above-entitled action, as the same appears on file and of record on page 221 of volume 8 of Judgments, records of said court, together with the filing marks thereon)

John W. Hoover, not
married,

to

Charles V. Fry.

W A R R A N T Y DEED

Dated November 9, 1940
Recorded Feb. 1, 1941
Book 17, Deeds
Page 220
Consideration \$25.00

Grant, bargain, sell, convey and confirm

All the following described real estate situated in Council Valley
Orchards, County of Adams, State of Idaho, to-wit:

Lot Two (2) of Block Three (3) of the Council Valley
Orchards, as said lot is numbered and designated upon
the official plat of said Council Valley Orchards, on
file in the office of the County Recorder of Adams
County, Idaho.

COVENANTS: Quiet and peaceful possession will warrant and defend
against all lawful claims.

John W. Hoover (Seal)

Acknowledged Nov. 9th, 1940 in Adams County, Idaho, by John
W. Hoover, not married, known to be the person whose name
is subscribed to the within instrument, before Carl H. Swan-
strom, Notary Public for the State of Idaho, residing at
Council, Idaho. Seal.

Charles V. Fry and Elsie
G. Fry, husband and wife,

to

Ben W. Summers and Nora-
edith Summers, his wife.

W A R R A N T Y DEED

Dated March 25, 1946
Recorded Oct. 25, 1946
Book 20, Deeds
Page 129
Consideration: \$2125.00

Grant, bargain, sell, convey and confirm

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

Lot Two (2) of Block Three (3) of the Council Valley
Orchards tract and as said Lot is numbered and desig-
nated on the official Plat of said Council Valley Orch-
ards tract on file and of record in the office of the
County Recorder of Adams County, Idaho,

but subject to taxes, pro-rated to June 1st. of 1946.

COVENANTS: Quiet and peaceable possession will warrant and defend
against all lawful claims.

Charles V. Fry (Seal)

(\$2.75 U.S. I.R. Doc. Stamps
affixed and cancelled)

Elsie G. Fry (Seal)

Acknowledged March 25th, 1946 in Adams County, Idaho
by Charles V. Fry and Elsie G. Fry, husband and wife,
known to be the persons whose names are subscribed to
the within instrument, before Carl H. Swanstrom, Not-
ary Public for the State of Idaho, residing at Council,
Adams County therein. Seal.

CERTIFICATE No. 6818

ADAMS COUNTY ABSTRACT COMPANY, Bonded Abstracter, of Council, Idaho, HEREBY CERTIFIES that the foregoing Abstract of Title No. 6818, consisting of pages numbered from -1- to -45-, both inclusive, constitutes a correct abstract of all instruments filed or recorded in the office of the County Recorder of Adams County, Idaho, affecting the title to the lands in said Adams County described as follows, to-wit:

Lot 2 of Block 3 in Council Valley Orchards, Adams County, State of Idaho.

EXCEPTING, However, from the said records in the office of the County Recorder of Adams County, Idaho, the Affidavits and Returns of Tax collector made in connection with the foreclosure of tax liens for the years 1930 and 1931.

AND FURTHER CERTIFIES that there are no Judgments or Liens of any kind against any of the grantees therein named, as shown by the Judgment Docket of the District Court of the State of Idaho in and for Adams County, which are a lien upon the lands above described.

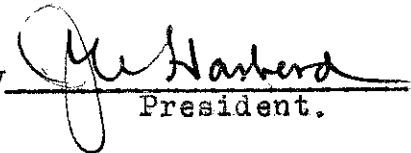
TAXES to and including the tax for the year 1949 have been paid in full (or cancelled) on the above-described lands.

THIS CERTIFICATE No. 6818 is made to BEN W. SUMMERS and NORA-EDITH SUMMERS, at the request of Carl H. Swanstrom, Esqre., Attorney-at-law, Council, Idaho.

IN WITNESS WHEREOF, Adams County Abstract Company, of Council, Idaho, has caused this certificate to be executed by its President and its official seal to be hereto affixed this 4th. day of February, A. D. 1950, at 8:00 o'clock A.M.

ADAMS COUNTY ABSTRACT COMPANY,

By


President.