

DEED RECORD.

Instrument No. 53.

THIS INDENTURE, Made the Tenth day of September in the year of our Lord one thousand nine hundred and two (1902) between Joseph H. Byington and Rosetta Byington his wife of Downey, County of

Bannock, State of Idaho, the part Y of the first part, and

Amos Neff of Hill Creek, County of Salt Lake, State of Utah, the part Y of the second part.

WITNESSETH: That the said part Y of the first part, for and in consideration of the sum of Two Thousand Dollars,

lawful money of the United States of America, to him in hand paid by the said part Y of the second part, the receipt whereof is hereby acknowledged, do hereby by these presents grant, bargain, sell and convey and confirm unto the said part Y of the second part and to his heirs and assigns forever: All that certain lot piece or parcel of land, situate, lying and being in the County of Bannock, and State of Idaho, bounded and more particularly described as follows, to wit:

Commencing at a point thirty five (35) rods east of the north-west corner of the north-west quarter of South East quarter of Section numbered three (3) in Township twelve (12) South of Range thirty-seven (37) East of Boise Meridian in Idaho, and running thence east on quarter section line one hundred and twenty five (125) Rods, thence South eighty (80) Rods, thence east eighty (80) Rods, thence South Eighty (80) Rods thence West one hundred and sixty (160) Rods, thence north eighty (80) Rods, thence west eighty (80) Rods, thence North fifty (50) Rods, thence North easterly forty (40) Rods, thence north thirteen (13) Rods to place of beginning and containing in all one hundred and fifty five and three tenths acres (155.3) all being in Sections 2 and 3 in Township twelve (12) South of Range thirty seven (37) east of Boise Meridian in Idaho.

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

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

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

Signed, sealed and delivered in the presence of

Wm. F. Fisher,

Wm. Clagg,

Joseph H. Byington,

Rosetta Byington,

STATE OF IDAHO,

County of Bannock ss. On this Tenth day of September in the year 1902 before me, William F. Fisher, a Notary Public, in and for said County, personally appeared

Joseph H. Byington and his wife Rosetta Byington, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same, and on this 10th day of September in the year 1902, before me the officer above described, personally appeared Rosetta Byington wife of said Joseph H. Byington, known to me to be the person whose name is subscribed to the within instrument, described as a married woman; and upon an examination without the hearing of her husband, I made her acquainted with the contents of the instrument, and thereupon she acknowledged to me that she executed the same, and that she does not wish to retract such execution.

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

William F. Fisher,

(L. S.)

(SEAL)

Notary Public.

My Commission expires Dec. A. D. 1902.

Recorded at the request of Bannock Abst. Co. this 26th day of March, A. D. 1903, at 21 minutes past 2 o'clock A. M.

E. C. Gallett, Recorder.

Fee \$1.50

By D. H. Campbell, Deputy.

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)

Fred C. Caldwell,
Notary Public.

Recorded at request of Bannock Abst. Co. at 10.52 o'clock A.M. March 28th 1905.

By D. H. Campbell,
Deputy.

E. C. Gallet,
Recorder.

Instrument No. 89.

Fee \$1.50

Deed to Water and Water Right.

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THIS INSTRUMENT:

Made the 25th day of March A.D. 1905, between Joseph H. Byington and Rosetta Byington, his wife, of Downey, in the County of Bannock and State of Idaho, parties of the first part, and Amos Hoff, of Mill Creek, County of Salt Lake in the State of Utah, party of the second part,

WITNESSETH:

That the said parties of the first part, for and in consideration of the sum of One (\$1.00) dollar, and other good and 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, do by these presents, Grant, demise, release and forever Quitclaim unto the said party of the second part, and to his heirs and assigns, all that certain water and water right, situated and being in the County of Bannock and State of Idaho, particularly described as follows, to wit: Three and one-fifth (3, 1/5) cubic feet per second of time of the waters of Marsh Creek diverted at a point near the South line of the North West Quarter (1/4) of the North West Quarter (1/4) of Section Eleven (11), in Township Twelve (12) South of Range Thirty-Seven (37) East of the Boise Meridian in Bannock County, State of Idaho, and conducted thence in a North Westerly direction by means of a ditch Three feet wide at the bottom, three feet and six feet wide at the top to the lands formerly owned by the grantor herein and now owned by the said grantee, to wit: The South West Quarter (1/4) of the South West Quarter of Section Two (2), and the East half of the South East Quarter (1/4) and the North West Quarter (1/4) of the South East Quarter (1/4), of Section Three (3), in Township Twelve (12) South of Range Thirty-seven (37) East of the Boise Meridian in Idaho, together with the right to use said water upon the lands last above described,

Which said water was located and diverted by means of said described ditch by John Kyle during or about the year 1873 and used continuously by him up to the time of the purchase of the same by the grantor herein, to wit: some time during the year 1907, and said water and ditch have been in continuous use by the grantor herein since said year 1907 up to the present time, but which said water right has not been recorded by the said grantor Joseph H. Byington or the said John Kyle in said Bannock County.

Together with all and singular, the tenements, hereditaments and appurtenances, thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof.

To have and to hold all and singular the said premises together with the appurtenances unto the said party of the second part, and to his heirs and assigns forever, either to said water, water rights, and the ditch whereby said water is conveyed to and upon the lands described herein.

- 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 presence of)

W. H. Hillman,
S. E. Byington,

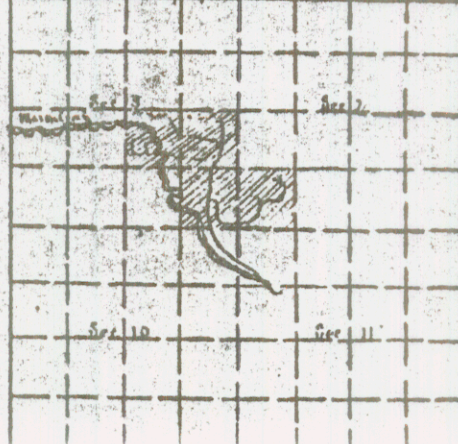
Joseph H. Byington, (Seal)
Rosetta Byington, (Seal)

STATE OF IDAHO, ss.
BANNOCK COUNTY.)

On this 27 day of March A.D. 1905, before me William Laurensen a Notary Public in and for Bannock County, State of Idaho, personally appeared Joseph H. Byington, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same; and on this 27 day of March, A.D. 1905, before me, the officer above described, personally appeared Rosetta Byington, wife of the said Joseph H. Byington, known to me to be the person whose name is subscribed to the within instrument, described as a married woman; and upon an examination without the hearing of her husband, I made her acquainted with the contents of the instrument, and thereupon she acknowledged to me that she executed the same and that she does not wish to retract such execution.

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) Commission Expires Dec. 3, 1905. *Wm. Laurensen, Notary Public.*



PLAT
Showing Canal and Point of diversion. General Direction, & c. of Waters of MARSH CREEK Appropriated by John Kyle about the year 1873 and Canal and Ditch constructed and waters diverted and used by him and by Joseph H. Byington (who purchased same from him in 1907) continuously up to the present time to irrigate the lands in the South West Quarter of the South West Quarter of Section 2 and the East half of the South East Quarter and the North West Quarter of the South East Quarter of Section 3, Twp. 12 S. R. 37 E. S. 4.

Diverted at a point near South line of North West Quarter of North West Quarter of Section 11 Twp. 12 S. R. 37 E. B. 1. Canal and Point of Diversion shown in Red.

Recorded at request of Bannock Abnt. Co. at 9:50 o'clock A.M. March 30th 1903.

By D.H. Campbell,

Deputy.

Fee

E.C. Gallet?

Recorder.

Instrument No. 92.

This Indenture, made the 30th day of March, in the year of our Lord one thousand nine hundred and three between O.A. Rice of Pocatello, Bannock County State of Idaho, the party of the first part, and Great Western Mining, Milling and Smelting Company, Limited, of same place the party of the second part, Witnesseth, that the said party of the first part, for and in consideration of the sum of One Thousand Seven Hundred and Fifty 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, SOLD, RELEASED, and FOREVER QUITCLAIMED, and by these presents do grant, bargain, sell, remise, release and forever quitclaim unto the said party of the second part, and to its successors and assigns, all of that certain mining claim, being fifteen hundred feet long by six hundred feet wide and situate in Fort Hall Mining District Bannock County State of Idaho and named and known as the "LUCKY BOY" vein or lode, the same being recorded in Book 2 of mining records at page 269, of the records of the office of the County Recorder of said Bannock County.

Together with all dips, spurs and angles, and also all thenotals, ores, gold and silver bearing quartz, rocks and earth therein; and all rights, privileges and franchises thereto incident, appurtenant and appurtenant, or therewith usually had and enjoyed; and, also, all and singular the tenements, hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the rents, issues and profits thereof; and, also, all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity, of the said party of the first part, of, in or to said premises and every part and parcel thereof, with the appurtenances.

To Have and to Hold, all and singular the said premises, together with the appurtenances and privileges thereto incident, unto the said party of the second part, its successors and assigns forever. It is expressly covenanted that it is intended hereby to convey any and all right, title, interest and estate which may hereafter be acquired to said premises, or any part thereof, by virtue of any patent which may hereafter be issued by the United States Government therefor under proceedings heretofore instituted in that behalf by the said party of the first or his grantors.

In Witness Whereof, The said party of the first part has herunto set his hand and seal the day and year first above written.

Signed, Sealed and delivered)
in the presence of)

O.A. Rice,

(Seal)

State of Idaho,)

(Ss.

County of Bannock.)

On this 30th day of March 1903, before me S.C. Winters a Notary Public, said County, personally appeared O.A. Rice, 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 herunto set my hand and affixed my official seal, the day and year in this certificate first above written.

S.C. Winters,

Notary Public.

(Seal)

Recorded at request of O.D. Hovey, at 4:20 o'clock P.M. March 30th 1903.

By D.H. Campbell,

Deputy.

Fee \$1.00

E.C. Gallet,

Recorder.

Instrument No. 117.

THIS INDENTURE, made this 15th day of March, 1902 between the OREGON SHORT LINE RAILROAD COMPANY, a corporation of the state of Utah, party of the first part, and Reuben J. Wlodrick of Bannock County, Idaho, party of the second part, WITNESSETH:

That the said party of the first part, for and in consideration of the sum of Thirty seven & 50/ (37.50) Dollars, to it in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, aliened, remise, released, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the said party of the second part his heirs and assigns forever, the following described real estate situate in the County of Bannock, State of Idaho, to-wit: the South one half of lots No. Five and Six (5&6) in Block No. Eleven (11) of the village of Soda Springs, as platted and recorded; together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining, and the rents, issues and profits thereof; and also all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity, of said party of the first part, of, in or to the said premises and every part and parcel thereof, with the appurtenances.

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances unto the said party of the second part, his heirs and assigns forever.

IN WITNESS WHEREOF, said party of the first part hath caused these presents to be sealed with its corporate seal and signed by its Vice President, and attested by its Secretary, the day and year first above written.

(CORPORATE SEAL)

In presence of

G.T. Brooks,

OREGON SHORT LINE RAILROAD COMPANY.

By W.D. Cornish,

Vice President.

Attest:

Alex. Miller,

Secretary.