

WARRANTY DEED

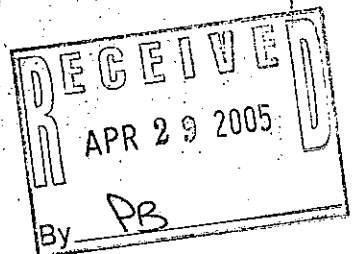
47-348

This instrument, made this 18th day of February, 1976, by and between MERLE G. ROBINSON and CLARA ELENA ROBINSON, husband and wife, of Freedom, Bonneville County, Idaho, the parties of the first part, and NICK W. ROBINSON and JANENE ROBINSON, husband and wife, as tenants by the entireties, of Freedom, Bonneville County, Idaho (Mailing address: Freedom, Wyoming 83120), the parties of the second part,

WITNESSETH, That the parties of the first part for and in consideration of the sum of Ten Dollars and other good and valuable consideration, in lawful money of the United States of America, to them in hand paid by the parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the parties of the second part, Nick W. Robinson and Janene Robinson, husband and wife, as tenants by the entireties, and to their heirs and assigns forever, all the following described real estate situated in the County of Bonneville, State of Idaho, to-wit:

Beginning at a point on the West boundary line of the $S\frac{1}{2}NW\frac{1}{4}$ of Section 28, T 4 S, R 46 E of the Boise Meridian, County of Bonneville, State of Idaho, that is 735 feet South of the Northwest Corner of said $S\frac{1}{2}NW\frac{1}{4}$ and running thence South, along said West boundary line and along the West boundary of the $NW\frac{1}{4}SW\frac{1}{4}$ of said Section 28, a distance of 1905 feet, more or less, to the South boundary line of said $NW\frac{1}{4}SW\frac{1}{4}$, thence East, along said South boundary line, 80 rods, more or less, to the East boundary line of said $NW\frac{1}{4}SW\frac{1}{4}$, thence North, along said East boundary line and the East boundary line of the $SW\frac{1}{4}NW\frac{1}{4}$ of said section, 2440 feet, more or less, to a point 200 feet South of the North boundary line of said $SW\frac{1}{4}NW\frac{1}{4}$, thence West, on a line parallel to said North boundary line, 1148 feet, more or less, to a point 200 feet South and 172 feet East of the Northwest Corner of the $S\frac{1}{2}NW\frac{1}{4}$ of said Section, thence South 535 feet, on a line parallel to the West boundary line of said $S\frac{1}{2}NW\frac{1}{4}$, thence West 172 feet to the point of beginning; and ALSO,

The South 14 rods of the $NE\frac{1}{4}SW\frac{1}{4}$ of Section 28, T 4 S, R 46 E of the Boise Meridian, County of Bonneville, State of Idaho.



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

To have and to hold, all and singular the above-mentioned and described premises together with the appurtenances unto the parties of the second part, and to their heirs and assigns forever.

And the parties of the first part, and their heirs, shall and will warrant and by these presents forever defend the premises in the quiet and peaceable possession of the parties of the second part, their heirs and assigns, against the parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming the same, shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals, this 18th day of February, 1976.

Merle G. Robinson
Merle G. Robinson

Clara Elena Robinson
Clara Elena Robinson

STATE OF Wyoming :
COUNTY OF Lincoln : ss.

The foregoing instrument was acknowledged before me by Merle G. Robinson and Clara Elena Robinson, husband and wife, this 12th day of March, 1976.

Witness my hand and official seal.

Max C. Robinson
NOTARY PUBLIC

MAX C. ROBINSON, Notary Public
My Commission Expires July 29, 1976

commission expires

DEED OF DISTRIBUTION
BY PERSONAL REPRESENTATIVE

THIS DEED, made by Janene Robinson, as personal representative of the estate of Nick Robinson, deceased, Grantor, to Janene Robinson, Grantee, whose address is Freedom, Wyoming.

WHEREAS, Grantor is the qualified personal representative of said estate, filed as Probate Number 1319, in Bonneville County, Idaho; and

WHEREAS, Grantee is entitled to distribution of the hereinafter described real property;

THEREFORE, for valuable consideration received, Grantor conveys and releases to Grantee one-half undivided interest in the following described real property in Bonneville County, Idaho:

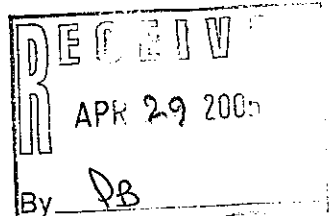
PARCEL 1:

One-half undivided interest in real property located in Bonneville County, Idaho, consisting of approximately 80 acres, to-wit:

1320' Beginning at a point on the West Boundary line of the S1/2NW1/4 of Section 28, Township 4 South, Range 46 East of the Boise Meridian, County of Bonneville, State of Idaho, that is 735 feet South of the Northwest Corner of said S1/2NW1/4 and running thence South, along said West boundary line and along the West boundary of the NW1/4SW1/4 of said Section 28, a distance of 1905 feet, more or less, to the South boundary line of said NW1/4SW1/4, thence East, along said South boundary line, 80 rods, more or less, to the East boundary line of said NW1/4SW1/4, thence North, along said East boundary line and the East boundary line of the SW1/4NW1/4 of said section, 2440 feet, more or less, to a point 200 feet South of the North boundary line of said SW1/4NW1/4, thence West, on a line parallel to said North boundary line, 1148 feet, more or less, to a point 200 feet South and 172 feet East of the Northwest Corner of the S1/2NW1/4 of said section, thence South 535 feet, on a line parallel to the West boundary line of said S1/2NW1/4, thence West 172 feet to the point of beginning; and ALSO,

231' The South 14 rods of the NE1/4SW1/4 of Section 28, Township 4 South, Range 46 East of the Boise Meridian, County of Bonneville, State of Idaho, Subject to mortgages.

Together with improvements.



PARCEL 2:
One-half undivided interest in real property
located in Bonneville County, Idaho, consisting of
approximately 40 acres, to-wit:

The Northwest Quarter of the Southeast Quarter
of Section 28, Township 4 South, Range 46 East of the
Boise Meridian, containing 40.138 acres of land, more
or less. Excepting and reserving therefrom a one-half
undivided interest in all oil, gas, mineral, geo-
thermal, brine and steam rights associated with the
property.

Handwritten:
of record
over

Together with improvements.
with all appurtenances.

The remaining one-half undivided interest in the above
property was already owned by Janene Robinson because the
property was community property of Janene Robinson and Nick
Robinson. Therefore, by virtue of this conveyance, Janene
Robinson now owns all interest in this property.

Executed this 17 day of September, 1980.

Janene Robinson
Personal Representative of
the estate of Nick Robinson,
deceased.

STATE OF IDAHO)
) ss.
County of Bonneville)

On the 17 day of September, 1980, before me, a
Notary Public, appeared Janene Robinson, known to me to be the
person whose name is subscribed to the within Deed of Distribution
by Personal Representative, as personal representative of the
estate of Nick Robinson, and acknowledged to me that she executed
the same as such personal representative.

[Signature]
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My commission expires: Life

2 - DEED OF DISTRIBUTION

RECORDED	NOV 21 1980
INDEXED	NOV 21 1980
915-69	
402	

Handwritten:
Notary Public
Idaho

Case No. 2885

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF BONNEVILLE

Franklin Lindholm,

Plaintiff,

-vs-

Gilbert Ivie, Emma F. Barber, and
H. P. Barber,

Defendants,

and James S. Miller, Carl Erickson,
J. D. McGavin, J. M. Brower, W. P.
Robison and E. A. Spackman,

Additional Defendants,

ORDER AND AMENDED DECREE.

The defendants Emma F. Barber, H. P. Barber, James S. Miller, Carl Erickson, and J. M. Brower having filed a motion asking the Court to make certain amendments in the decree entered in the above entitled case on or about the 2nd day of March, 1929, and which decree is recorded in Book 7 of Judgments at page 424, Records of Bonneville County, and said motion coming on for hearing, the 26th day of August, 1929, pursuant to notice and the order of the Court; James S. Byers representing the plaintiff Franklin Lindholm was present, and O. A. Johannesen representing the petitioning defendants; and said attorneys consenting to the Court that the amendments asked for in the aforesaid motion should be made; and the Court term in which the said decree was entered, having not been adjourned, and six months not having elapsed since the entry of the aforesaid decree:

It is hereby ordered and adjudged, that the motion of the said-named petitioning defendants be, and the same is hereby granted and allowed;

24B

MAY 15 1996

And it is in like manner ordered and decreed, that the original decree entered in the above entitled action be, and the same is hereby amended so that paragraph two of the decree, wherein the Court decreed the waters of Murphey Creek to the defendants Emma F. Barber and H. P. Barber be, and the same is amended by the addition of the following:

"That the waters herein decreed to the aforesaid land, from Murphey Creek, shall not exceed one miner's inch of water for each acre of land, hereinabove described."

And that immediately preceding the last paragraph of said decree there shall be and thereto hereby added the following:

"It is ordered, adjudged and decreed, that the term 'inches' hereinabove used as the unit of measurement, is the standard miner's inch, and fifty inches are equivalent to a flow of one cubic foot per second, as prescribed by the laws of Idaho".

It is further ordered, adjudged and decreed, that the said decree entered by this Court and as now amended, shall read as follows, and as so amended, the said decree shall be the decree of the Court in said action:

"It is further ordered, adjudged and decreed: That all of the waters of what is known as Murphey Creek, the same being a creek flowing into what is known as Jack Knife Creek, which latter creek is a tributary of Salt River, be and the same are hereby decreed to H. P. Barber and Emma F. Barber for use upon the West Half of the

Southwest quarter, the Southeast quarter of the Southwest quarter and Southwest quarter of the Southeast quarter of Section 21, the Northwest quarter of the Northeast quarter, the North Half of the Northwest quarter of Section 28, and the North-

MAY 15 1996

east quarter of the Northeast quarter of Section 29, township 4 south, Range 46, East Boise Meridian with the date of priority as of May 14th, 1885. That the waters herein decreed to the aforesaid land from Murphey Creek, shall not exceed one Miner's inch of water for each acre of land hereinabove described.

That no part of the said waters of Murphey Creek are considered as any part of the waters of Jack Knife Creek hereinafter decreed.

It is further ordered, adjudged and decreed: That the waters of Jack Knife Creek, excluding the aforesaid waters of Murphey Creek, be decreed as follows:

220 inches of waters of said Creek with the priority date of May 15th, 1885, to James S. Miller, for use upon 220 acres of lots 1, 2, 3, and 4 in Section 22, Township 4 South, Range 46 East Boise Meridian, Bonneville County, Idaho and the West half of the Southeast quarter and the Northeast quarter of the Southeast quarter, lots 3 and 4, Section 33, Township 36 North, Range 119 West, P. M., Lincoln County, Wyoming.

130 inches of the waters of said Creek with the priority date of May 15th, 1885, to Carl Erickson, for use upon 130 acres of Lots 2, the Southeast quarter of the Northwest quarter, the East Half of the Southwest quarter of Section 26 Township 4 South, Range 46 East Boise Meridian;

MAY 15 1996

80 inches of the water of said Creek, with the priority date of May 15th, 1885, to James M. Brower, for use upon 80 acres of Lots 1 and 2 in Section 27 and lots 3 and 4 in Section 34, Township 4 South, Range 46, East Boise Meridian.

160 inches of the waters of said creek, with the priority date of May 15th, 1885, to Franklin Lindholm, for use upon 160 acres in the South Half of the Northwest quarter, and the North Half of the Southwest quarter of Section 28, Township 4 South, Range 46, East Boise Meridian;

That the priorities decreed to James S. Miller, Carl Erickson, James M. Brower and Franklin Lindholm, for use upon the respective land shall be identical in point of time and neither of said persons shall have any priority over the others as to said waters;

160 inches of the waters of said Creek, with the priority date of May 15th, 1903, to E. A. Spackman, for use upon 160 acres of the West Half of the Northeast quarter, and the Southeast quarter of the Northeast quarter, and the Northeast quarter of the Southeast quarter of Section 29, Township 4 South, Range 46 East Boise Meridian;

160 inches of the waters of said creek, with the priority date of May 15th, 1903, to Emma F. Barber and H. P. Barber, for use upon 160 acres of the West Half of the Southwest quarter, and the Southeast quarter of the Southeast quarter, and the Southwest quarter of the Southeast quarter of Section 21, and the Northwest quarter

of the Northeast quarter, and the North Half of the Northwest quarter of Section 28, and the Northeast quarter of the Northeast quarter of Section 29, Township 4 South, Range 46, East Boise Meridian;

That the dates of priority to the water last described, decreed to E. F. Spackman, Emma F. Barber and H. P. Barber shall be identical in point of time and neither party shall have a priority over the other.

It is ordered, adjudged and decreed that the term "Inches" herein-before used as the unit of measurement, is the standard miner's inch and that fifty inches is equivalent to a flow of one cubic foot per second, as prescribed by the laws of Idaho.

It is further ordered, adjudged and decreed, that the undertaking given by the plaintiff in the action is hereby released and exonerated; that each party to this action shall pay his own costs.

Dated this 27th day of August, 1929.

C. J. Taylor

District Judge

Filed Aug. 29, 1929

Geo. Witt, Clerk

By H. Dennis, Deputy

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... and rights ... as between Franklin ...
Carl Erickson, J. M. Brower and James S. Miller shall be identical in time and right, and
neither shall have priority one over the other as to said waters.

That the undertaking given by the plaintiff in this case shall be ex-
onerated.

That this action, as to W. P. Robinson and J. D. McGavin may be dis-
missed, with the express understanding and agreement that their rights to the subject mat-
ter of this action have not been and are not to be adjudicated herein.

Each party hereto shall pay his own costs.

That the lands herein referred to, to which water is to be decreed, are
the respective lands of said parties, as described in their respective pleadings.

It is further stipulated that all exhibits in the case may be withdrawn
as soon as the decree is signed and filed in this case."

And the Court, therefore, having duly considered the evidence and the
law, and the stipulation as agreed upon in open court, and made a part of the record, and
believing that it is to the better interest of each and all of the parties that a decree
be entered in this cause in accordance with the terms and provisions of and the said stip-
ulation, and that such a decree will be fair and equitable to all of the parties; and the
Court being fully advised in the matter, does hereby adopt the terms and provisions of
the said stipulation entered into by and between the parties therein named, in lieu of
findings of fact and conclusions of law, and does hereby decree as follows:

It is hereby ordered, adjudged and decreed: That this action be and
the same is hereby dismissed as to the defendants W. P. Robinson, and J. D. McGavin, that
in as much as R. McGavin and Caroline McGavin have not been served with summons in this
action, and no appearance has been made by either of them, that this action be dismissed, as
to said R. McGavin and Caroline McGavin.

It is further ordered, adjudged and decreed: That all of the waters of
what is known as Murphey Creek, the same being a creek flowing into what is known as Jack
Knife Creek, which latter creek is a tributary of Salt River, be and the same are hereby
decreed to H. P. Barber and Emma F. Barber, for use upon the West Half of the Southwest
Quarter, the Southeast Quarter of the Southwest Quarter and the Northwest Quarter of the
Southeast Quarter of Section 21, the Northwest Quarter of the Northeast Quarter, the North
Half of the Northwest Quarter of Section 28, and the Northeast Quarter of the Northeast
Quarter of Section 29, Township 4 South, Range 46 East Boise Meridian, with the date of
priority as of May 14th, 1885. That no part of the said waters of Murphey Creek are con-
sidered as any part of the waters of Jack Knife Creek hereinafter decreed.

It is further ordered, adjudged and decreed: That the waters of Jack
Knife Creek, excluding the aforesaid waters of Murphey Creek, be decreed as follows:

24-0003. 220 inches of waters of said Creek with the priority date of May 15th,
1885, to James S. Miller, for use upon 220 acres of Lots 1, 2, 3 and 4 in Section 22, Town-
ship 4 South, Range 46 East Boise Meridian, Bonneville County, Idaho, and the West Half of
the Southeast Quarter and the Northeast Quarter of the Southeast Quarter, lots 3 and 4, Sec-
tion 33, Township 36 North, Range 119 West P. M., Lincoln County, Wyoming.

24-0004 130 inches of the waters of said Creek with the priority date of May
15th, 1885, to Carl Erickson, for use upon 130 acres of Lot 2, the Southeast Quarter of the
Northwest Quarter, the East Half of the Southwest Quarter of Section 26, Township 4 South,
Range 46 East Boise Meridian;

T4S. R46E, Sec. 22
Lot 1, 2, 3 & 4

24-0005 80 inches of the waters of said Creek with the priority date of May 15th, 1885,

and 4 in Section 34, Township 4 South, Range 46 East Boise Meridian.

24-0006 160 inches of the waters of said creek, with the priority date of May 15th, 1885, to Franklin Lindholm, for use upon 160 acres in the South half of the Northwest Quarter, and the North Half of the Southwest Quarter of Section 28, Township 4 South, Range 46 East Boise Meridian;

*Note: 24-6 POU
does not change
in the amended
decree*

That the priorities decreed to James S. Miller, Carl Erickson, James M. Brower and Franklin Lindholm, for use upon the respective lands, shall be identical in point of time and neither of said persons shall have any priority over the other as to said waters;

24-0007 160 inches of the waters of said Creek, with the priority date of May 15th, 1903, to E. A. Spackman, for use upon 160 acres of the West Half of the Northeast Quarter, and the Southeast Quarter of the Northeast Quarter and the Northeast Quarter of the Southeast Quarter of Section 29, Township 4 South, Range 46 East Boise Meridian.

24-0008 160 inches of the waters of said creek with the priority date of May 15th 1903, to Emma F. Barber and H. P. Barber, for the use upon 160 acres of the West Half of the Southwest Quarter, and the Southeast Quarter of the Southeast Quarter, and the Southwest Quarter of the Southeast Quarter of Section 21, and the Northwest Quarter of the Northeast Quarter, and the North half of the Northwest Quarter of Section 28, and the Northeast Quarter of the Northeast Quarter of Section 29, Township 4 South, Range 46 East Boise Meridian;

That the dates of priority to the waters last described, decreed to E. F. Spackman, Emma F. Barber and H. P. Barber, shall be identical in point of time and neither party shall have a priority over the other.

It is further ordered, adjudged and decreed, that the undertaking given by the plaintiff in this action is hereby released and exonerated; that each party to this action shall pay his own costs.

Dated this 2nd day of March 1929.

C. J. Taylor, District Judge.

Filed Mar. 2, 1929.
Geo. Witt, Clerk.
By Alice K. Bale, Deputy.

Franklin Lindholm,

Plaintiff.

vs.

D E C R E E.

Gilbert Ivie, Emma F. Barber
and H. P. Barber,

Defendants,

and James S. Miller, Carl
Erickson, J. D. McGavin, J. M.
Brower, W. P. Robinson and E. A.
Spackman,

Additional Defendants.

This cause came on for hearing, pursuant to order of the Court, at Idaho Falls, Idaho, the 5th day of October, 1928. The Plaintiff and the defendants, Gilbert Ivie, H. P. Barber, James S. Miller, J. M. Brower, Carl Erickson and E. A. Spackman were present in person, and were also represented by their respective counsel; witnesses were duly sworn and testified for and on behalf of the respective parties, and other evidence was duly presented and admitted.

At the conclusion of the presentation of the case for the plaintiff and for the respective defendants and cross-complainants, the following stipulation was agreed upon, by and between the said parties and by their respective counsel, for and on behalf of their said respective clients, as shown by the aforesaid stipulation;

"Mr. Byers: It is stipulated and agreed by and between all of the parties to the above entitled cause, and that the Court may enter a decree conforming to the provisions of this stipulation, to which all parties hereby agree, as follows:

That James S. Miller, Carl Erickson, J. M. Brower and Franklin Lindholm shall be awarded the waters of Jack Knife Creek, each thereof one inch to the acre of the lands that they actually have irrigated, and under the ditch as shown by the evidence in this case. And it is stipulated and agreed that the amount each has under the ditch is as follows: and that the number of acres that each is entitled to have decreed to him, so as to have a decree of one inch to the acre therefor shall be as follows:

220 acres and 220 inches of water to James S. Miller;

130 acres and 130 inches of water to Carl Erickson;

80 acres of land and 80 inches of water to J. M. Brower;

160 acres of land and 160 inches of water to Franklin Lindholm;

All of said lands to be decreed said water as of the date of May 15th,

1885.

That E. A. Spackman shall be entitled to 160 acres of land and 160 inches of water;

That Emma F. and H. P. Barber shall be entitled to 160 acres of land and 160 inches of water;

As of the date of May 15th, 1903.

All of the waters above mentioned being the waters of Jack Knife Creek in Bonneville County, Idaho, and that such waters so decreed shall be exclusive of the waters of Murphey Creek.

That H. P. and Emma F. Barber shall be decreed all of the waters of Murphey Creek, as of the date of May 14th, 1885.

That the right of E. A. Spackman and Emma F. and H. P. Barber in and to the waters of Jack Knife Creek shall be identical in right and time, and neither shall have priority right one over the other.

T4S, R46E, Sec. 28,
S½ NW, N½ SW

5-15-1885

5-15-1903

5-14-1885

24-0005 80 inches of the waters of said Creek with the priority date of May 15th 1885, to James M. Brower, for use upon 80 acres of Lots 1 and 2 in Section 27, and Lots 3 and 4 in Section 34, Township 4 South, Range 46 East Boise Meridian.

24-0006 160 inches of the waters of said creek, with the priority date of May 15th, 1885, to Franklin Lindholm, for use upon 160 acres in the South half of the Northwest Quarter, and the North Half of the Southwest Quarter of Section 28, Township 4 South, Range 46 East Boise Meridian;

That the priorities decreed to James S. Miller, Carl Dickson, James M. Brower and Franklin Lindholm, for use upon the respective lands, shall be identical in point of time and neither of said persons shall have any priority over the other as to said waters;

24-0007 160 inches of the waters of said Creek, with the priority date of May 15th, 1903, to E. A. Spackman, for use upon 160 acres of the West Half of the Northeast Quarter, and the Southeast Quarter of the Northeast Quarter and the Northeast Quarter of the Southeast Quarter of Section 29, Township 4 South, Range 46 East Boise Meridian.

24-0008 160 inches of the waters of said creek with the priority date of May 15th 1903, to Emma F. Barber and H. P. Barber, for the use upon 160 acres of the West Half of the Southwest Quarter, and the Southeast Quarter of the Southeast Quarter, and the Southeast Quarter of the Southeast Quarter of Section 21, and the Northwest Quarter of the Northeast Quarter, and the North half of the Northwest Quarter of Section 28, and the Northeast Quarter of the Northeast Quarter of Section 29, Township 4 South, Range 46 East Boise Meridian;

That the dates of priority to the waters last described, decreed to E. F. Spackman, Emma F. Barber and H. P. Barber, shall be identical in point of time and neither party shall have a priority over the other.

It is further ordered, adjudged and decreed, that the undertaking given by the plaintiff in this action is hereby released and exonerated; that each party to this action shall pay his own costs.

Dated this 2nd day of March 1929.

C. J. Taylor, District Judge.

Filed Mar. 2, 1929.
Geo. Witt, Clerk.
By Alice K. Bale, Deputy.