

T4090 EGBERT

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4090
WATER RIGHT NO(S). 31-00049B/31-00050B/31-00051B

4090
RECEIVED
NOV 10 1993
Department of Water Resources
Eastern District Office

This is to certify that: RICHARD A EGBERT LTD PARTNERSHIP
PO BOX 9
TETONIA ID 83452

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 31-00049B :			
STOCKWATER	04/15 to 12/25	0.06 CFS	4.7 AF
Priority: 12/10/1884			
Right No. 31-00050B :			
STOCKWATER	04/15 to 12/25	0.06 CFS	4.7 AF
Priority: 04/01/1885			
Right No. 31-00051B :			
STOCKWATER	04/15 to 12/25	0.06 CFS	4.7 AF
Priority: 04/01/1885			

SOURCE

CAMAS CREEK

TRIBUTARY OF

MUD LAKE

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 25, Township 11N, Range 38E
NENE , Sec. 35, Township 11N, Range 38E
NWNE , Sec. 35, Township 11N, Range 38E
CLARK County

PLACE OF USE: STOCKWATER

TWN RGE SEC

10N 38E	9	NENW
11N 38E	33	SWNW

CONDITIONS/REMARKS:

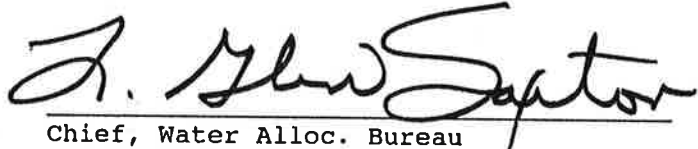
1. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

TRANSFER NO. 4090
WATER RIGHT NO(S). 31-00049B/31-00050B/31-00051B

CONDITIONS/REMARKS:

2. Use of water under this water right will be regulated by the watermaster of State Water District No. 31.
3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
5. Right Nos. 31-00049B, 31-00050B and 31-00051B when combined shall not exceed a total combined diversion rate of 0.06 cfs, nor a total combined annual volume of 4.7 afa.
6. The change in place of use authorized under Transfer No. 3837 and reflected on Transfer No. 4090 shall be accomplished by June 10, 1995.
7. Single point of diversion located on or near the line between NENE and NWNE, S35, T11N, R38E.
8. Stockwater use is for 400 range cattle or 3,000 sheep.

Dated this 18th day of November, 1993.


Chief, Water Alloc. Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

Department of Water Resources
Eastern District Office

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant Richard A. Egbert Limited Partnership Phone 456-2645
Post Office address Box 9, Tetonia Id 83452

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Better distribution of stockwater. Allows use of smaller pipe to deliver water, and keep stock away from stream bank.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|-----------------|---------------------|--------------------|-------------------|-----------------------------|
| <u>31-00049</u> | <u>Dec 10, 1884</u> | <u>0.06</u> | <u>Stockwater</u> | <u>4/15</u> to <u>12/25</u> |
| <u>31-00050</u> | <u>Apr 1, 1885</u> | <u>0.06</u> | <u>Stockwater</u> | <u>4/15</u> to <u>12/25</u> |
| <u>31-00051</u> | <u>Apr 1, 1885</u> | <u>0.06</u> | <u>Stockwater</u> | <u>4/15</u> to <u>12/25</u> |
2. Total amount of water being transferred 0.06 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Camas Creek tributary to Mud Lake
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	35	11N	38E	Clark	} Only one point of diversion within this legal 2 nd point of diversion
		NW	NE	35	11N	38E	Clark	
		SE	SE	25	11N	38E	Clark	

5. Lands irrigated or place of use: NO CHANGE

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
10N	38E	9					S												
11N	38E	33						S											

Total acres _____

PART 1

6. General Information:

a. Description of diversion system Two diversion structures to pipeline to storage tanks to
stock troughs for stockwater

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? ☒ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

NONE

d. Remarks:

The proposed change will facilitate stock watering without increasing the amount
of water.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 31-00049 Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 3837 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Camas Creek tributary to Mud Lake

4. Date or priority Dec 10, 1884

5. Water is used for the following purpose:

amount 0.06 cfs for Stockwater purposes from 4/15 to 12/25
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.06 cfs cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	35	11N	38E	Clark	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
10N	38E	9					S												
11N	38E	33						S											

Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 31-00050 Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 3837 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water Camas Creek tributary to Mud Lake

4. Date or priority April 1, 1885

5. Water is used for the following purpose:

amount 0.06 cfs for Stockwater purposes from 4/15 to 12/25
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.06 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	35	11N	38E	Clark	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
10N	38E	9					S												
11N	38E	33						S											

Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 31-00051 Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 3837 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Camas Creek tributary to Mud Lake

4. Date or priority Apr 1, 1885

5. Water is used for the following purpose:

amount 0.06 cfs for Stockwater purposes from 4/15 to 12/25
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____

6. Total amount of water under right 0.06 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	35	11N	38E	Clark	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
10N	38E	9					S												
11N	38E	33						S											

Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

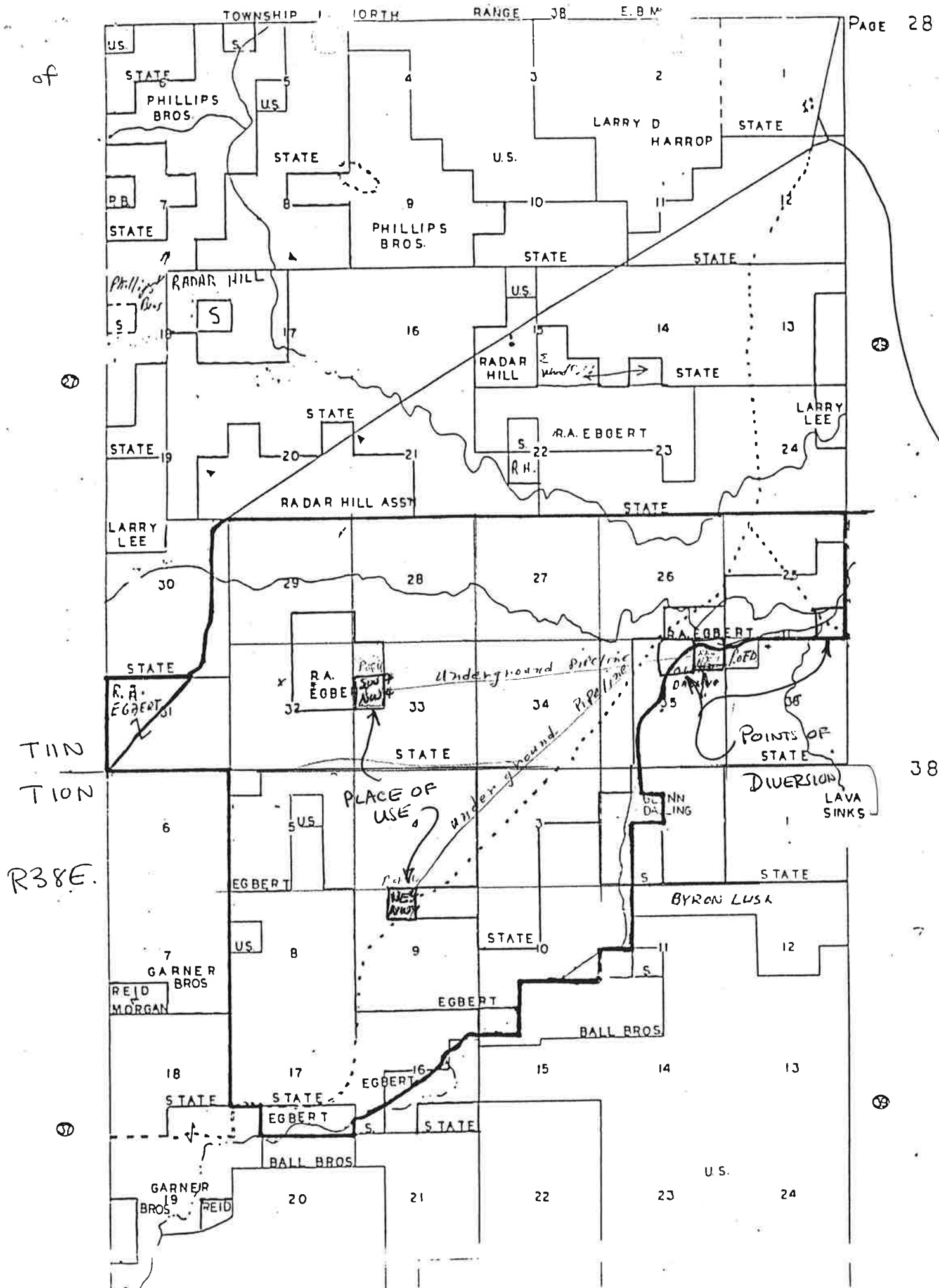
2. Point(s) of Diversion:

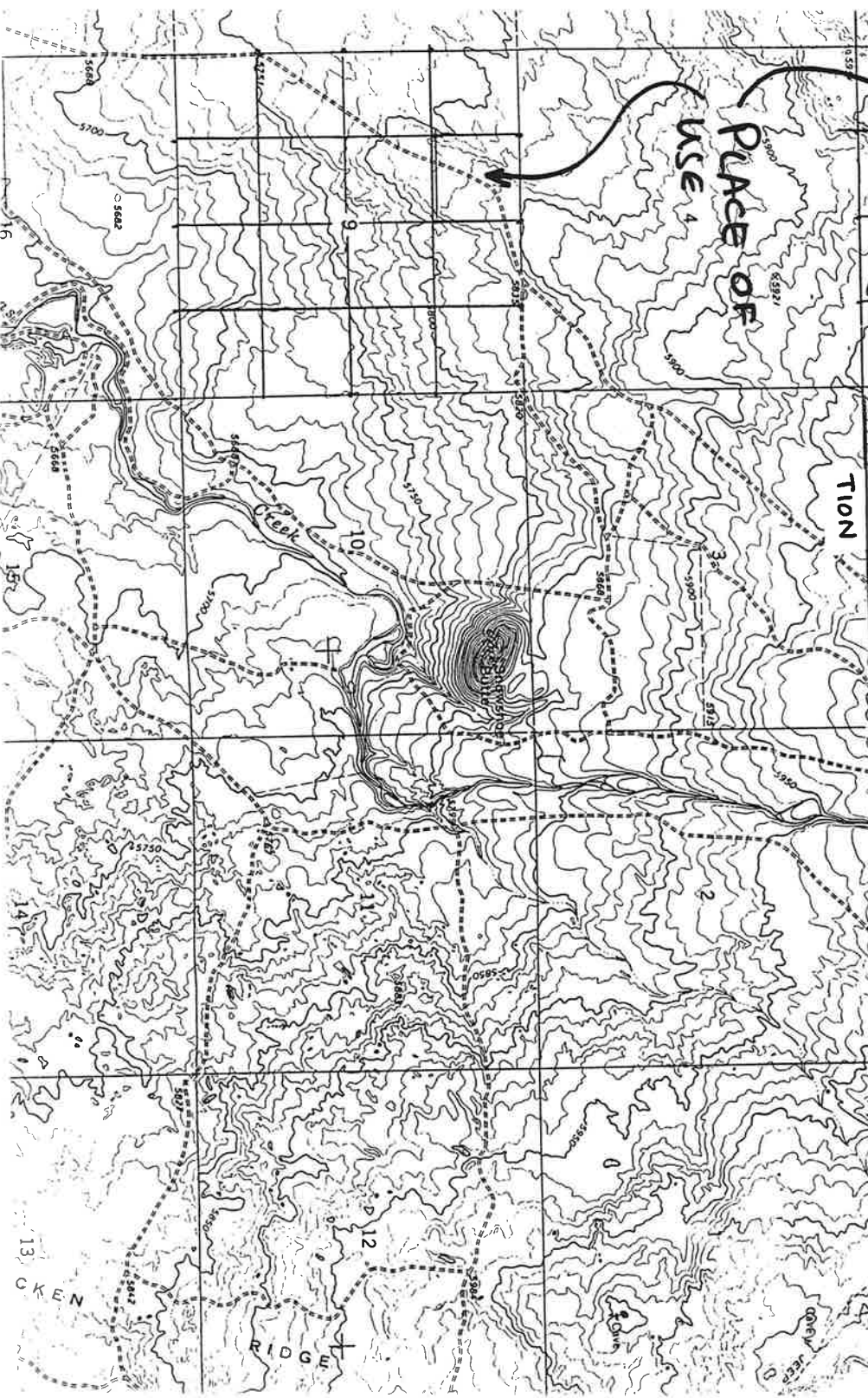
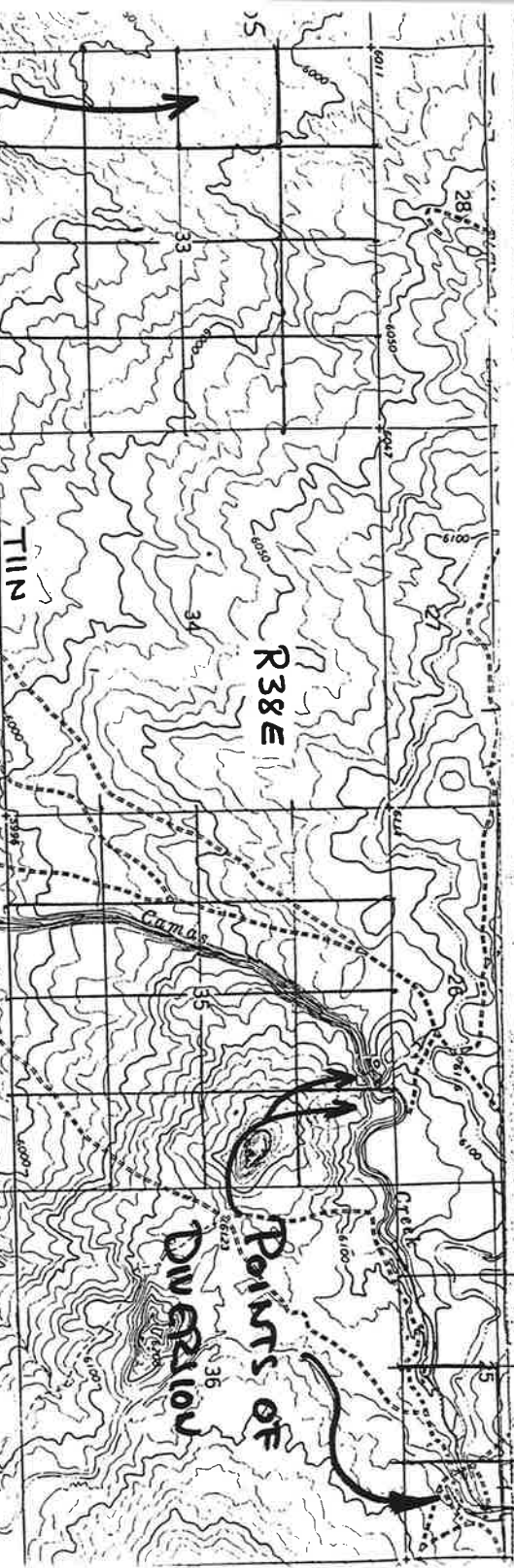
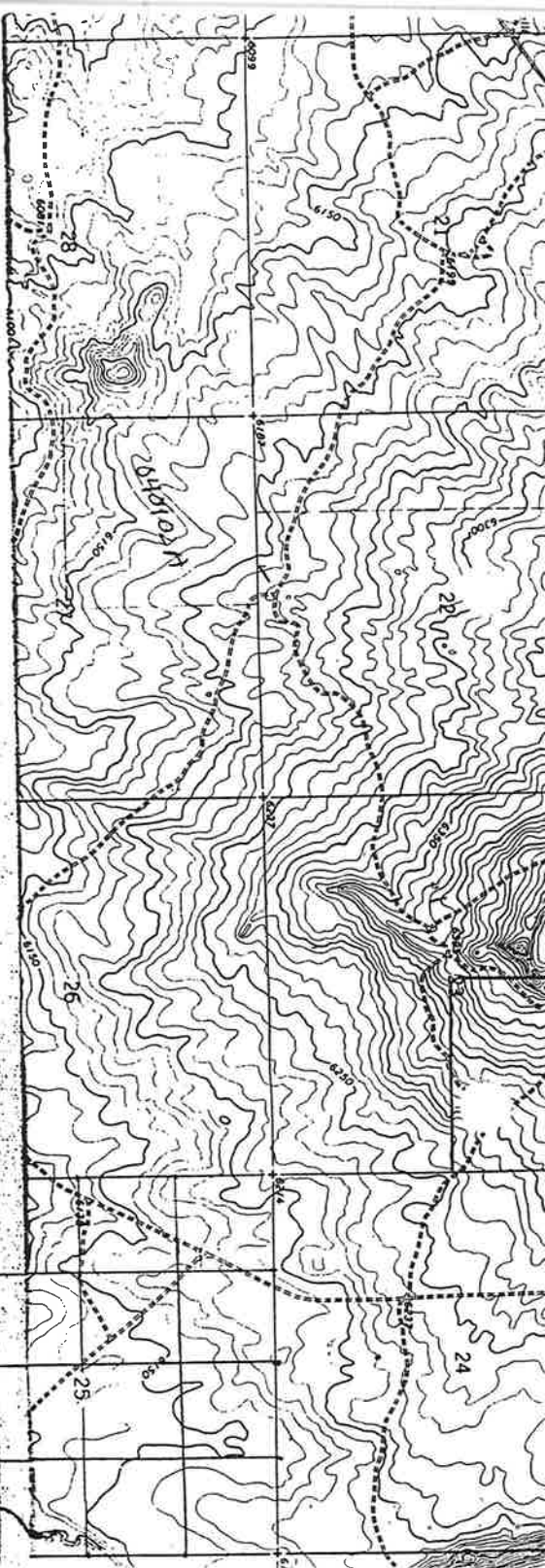
Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____





STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

SEE ATTACHED MAP

PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 5 day of November, 1992.

Richard A. Gilbert
(Signature of Applicant)

Alma Carly
(Notary Public)

My commission expires 2/26/96

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Assisted by KCW Received by KCW Date 5 NOV 1992 Protest filed by _____

Prelim. check by _____ Fee \$30.00 #E018065

Receipted by KCW Date 5 NOV 1992

Published in Teton Valley News Copies of protest forwarded by _____

Pub. dates 12-3, 10-92 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd. by RDC

Copy of transfer sent to lien holder _____

TAX MASTER INQUIRY

SCREEN 1

PARCEL KEY RP 08N36E100001 A TAX YEAR 90 CODE AREA 03700 BILL NUMBER 7838
NAME LARSEN, BLAINE & CONNIE LEGAL ALL SEC 10; LESS W2NE4; WEST
ADDRESS P.O. BOX 188 OF CAMAS CREEK & NW4SE4; WEST
HAMER, IDAHO 83425 OF CAMAS CREEK
TWP 8 NORTH RGE 36 EBM

MARKET VALUE	178,658	OPERATOR	1ST HALF	2ND HALF
HARDSHIP		BATCH	RHEA	
HOMEOWNER				26
NET MARKET VALUE	178,658	PAID UNDER PROTEST		
TAX AMOUNT	2,113.56	REVERSAL		
LESS:CIRCUIT		BANK CODE		
ADD :SPECIALS		PAYMENT CODE		H
NET TAX BILLED	2,113.56			
TAX CANCELLED				
SPEC CANCELED				

ACCOUNT TYPE: REMARKS:

PREVIOUS TAX KEY NEXT PARCEL NUMBER RP A
CMD 1 PARCEL MASTER CMD 3 TAX DUE CMD 13 NAME SEARCH CMD 14 ADD SEARCH

Pg. 1 of

TAX MASTER INQUIRY

SCREEN 1

PARCEL KEY RP 08N36E030000 A TAX YEAR 90 CODE AREA 03700 BILL NUMBER 7827
NAME LARSEN, BLAINE & CONNIE LEGAL LOT 1; SE4NE4; E2SE4;
ADDRESS P.O. BOX 188 SEC 3 TWP 8 NORTH RGE 36 EBM
HAMER, IDAHO 83425

MARKET VALUE	68,678	OPERATOR	1ST HALF	2ND HALF
HARDSHIP		RHEA		
HOMEOWNER		BATCH	26	
NET MARKET VALUE	68,678	PAID UNDER PROTEST		
TAX AMOUNT	812.50	REVERSAL		
LESS:CIRCUIT		BANK CODE		
ADD :SPECIALS		PAYMENT CODE	H	
NET TAX BILLED	812.50			
TAX CANCELLED				
SPEC CANCELED				

ACCOUNT TYPE: REMARKS:

PREVIOUS TAX KEY NEXT PARCEL NUMBER RP A
CMD 1 PARCEL MASTER CMD 3 TAX DUE CMD 13 NAME SEARCH CMD 14 ADD SEARCH

Tax Notices for original D/U prior to T 3827.

TAX MASTER INQUIRY

SCREEN 1

PARCEL KEY RP 08N36E100750 A TAX YEAR 90 CODE AREA 03700 BILL NUMBER 7839
NAME LARSEN, BLAINE & CONNIE LEGAL W2NE4; WEST OF CAMAS CREEK;
ADDRESS % VARIN, KEVAN TRUSTEE OF NW4SE4; WEST OF CAMAS CREEK;
LARSEN, BART L. & LEISHA TRUST SEC 10, TWP 8 NORTH RGE 36 EBM
P.O. BOX 188
HAMER, IDAHO 83425

MARKET VALUE	41,250	OPERATOR	1ST HALF	2ND HALF
HARDSHIP		BATCH	RHEA	
HOMEOWNER		PAID UNDER PROTEST		26
NET MARKET VALUE	41,250	REVERSAL		
TAX AMOUNT	488.02	BANK CODE		
LESS:CIRCUIT		PAYMENT CODE		H
ADD :SPECIALS				
NET TAX BILLED	488.02			
TAX CANCELLED				
SPEC CANCELED				

ACCOUNT TYPE: REMARKS:

PREVIOUS TAX KEY

NEXT PARCEL NUMBER RP

A

CMD 1 PARCEL MASTER CMD 3 TAX DUE CMD 13 NAME SEARCH CMD 14 ADD SEARCH

Pg of

WARRANTY DEED TO A WATER RIGHT

THIS INDENTURE, Made this 8th day of April, 1991, between BLAINE LARSEN and CONNIE LARSEN, his wife, of Hamer, Jefferson County, ID 83425, the parties of the first part, and RICHARD A. EGBERT LIMITED PARTNERSHIP, an Idaho limited partnership with its principal office at Teton, Teton County, Idaho, the party of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of One Hundred and No/100 Dollars, lawful money of the United States of America, to them in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold and by these presents, do grant, bargain, sell, convey and confirm unto the said party of the second part, its successors and assigns, forever, .18 c.f.s. of the waters of Camas Creek, Tributary to Mud Lake, more particularly described as follows:

<u>Right No.</u>	<u>Priority</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of use</u>	<u>Period of Use</u>
31-00049	12-10-1884	0.06	Stockwater	4/15 to 12/25
31-00050	04-01-1885	0.06	Stockwater	4/15 to 12/25
31-00051	04-01-1885	0.06	Stockwater	4/15 to 12/25

TOGETHER with all estate, right, title and interest in and to the said water rights, as well in law as in equity of the said party of the first part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described water rights unto the said party of the second part, and to its successors and assigns forever. And the said parties of the first part, and their heirs, the said

