

MEMO

TO: Water Rights Files
FROM: James Cefalo JRC
DATE: August 10, 2012
RE: Water Rights 13-152, 13-945, and 13-947

There have been a number of ownership changes filed on water rights 13-152, 13-945 and 13-947 in the last year. This memo is intended to set forth the history of the water rights based on the information available to the department at this time. It also explains how ownership changes have been and should be handled for these rights.

The following water rights were described in the 1920 Bear River Decree

- Entry 503 (Originally assigned 11-884, renumbered as 13-152)
Loren Mendenhall, Willis Mendenhall and Jacob Peterson
May 1, 1880 0.50 cfs Five Mile Creek
POU: "[F]or the irrigation of their lands hereinafter described near Deep Creek"
One-half to Willis Mendenhall
One-fourth to Jacob Peterson
One-fourth to Loren Mendenhall
- Entry 506 (Originally assigned 11-887, renumbered as 13-945)
Loren Mendenhall, Willis Mendenhall and Jacob Peterson
June 1, 1882 8.00 cfs Deep Creek
POD: West Cache Supplemental Canal (SE ¼ of Sec 7, T15S, R39E)
POU: "537 acres in Sections 19 and 20, Township 15 South, Range 38 East"
18/84ths to Willis Mendenhall
27/84ths to Jacob Peterson
39/84ths to Loren Mendenhall
- Entry 508 (Originally assigned 11-889, renumbered as 13-947)
Loren Mendenhall, Willis Mendenhall and Jacob Peterson
June 1, 1882 0.66 cfs Unnamed Springs in Sec 20, T15S, R39E
POU: "[F]or the irrigation of . . . lands hereinabove described near Deep Creek"
Split in equal proportions.

Error in Place of Use Description

The first item that should be addressed is the apparent error in the 1920 Decree. The 537-acre place of use for water right 13-945 is described as being located in Range 38 East. Because all three water rights rely on the POU description in 13-945, any error in the POU

description for 13-945 is extended by reference to 13-152 and 13-947. Sections 19 and 20 in Township 15 South, Range 38 East are located in the mountains. There is no way water from Five Mile Creek or Deep Creek could have been used in Range 38 East without pumping the water uphill a distance of five miles and hundreds of feet in elevation.

Based on the location of the points of diversion described in the 1920 Decree, it appears that the decreed place of use should have been in Range 39 East. Warranty deeds provided with the recent ownership changes trace ownership of certain property in Range 39 East back to Willis and Loren Mendenhall. The deeds confirm that Loren and Willis Mendenhall owned and farmed acres within Sections 19 and 20 in Range 39 East. **Therefore, for purposes of evaluating ownership changes for rights 13-152, 13-945, and 13-947, IDWR will assume that the place of use should have listed Range 39 East rather than Range 38 East.**

It should be noted, however, that the error in the decreed place of use cannot be fixed through an ownership change. The only way to correct the error from the decree is to file a water right transfer application, moving the water right place of use to the correct location. The water right places of use will remain listed in Range 38 East until transfers are filed to correct the places of use.

Number of Irrigated Acres

The 1920 Decree does not specify how many acres were irrigated by each of the three water users listed (Mendenhall/Mendenhall/Peterson). Each water user received a different mix of Deep Creek, Five Mile Creek, and unnamed spring rights. All of the rights in combination are good for 9.16 cfs and the irrigation of 537 acres. This amounts to about 0.017 cfs per acre. The number of irrigated acres available for each of the three parts of the original rights should be proportionate to the percentage of the total water associated with each original owner.

	W Mendenhall	Jacob Peterson	L Mendenhall	Total
Deep Creek Split	18/84ths	27/84ths	39/84ths	84/84
Deep Creek	1.71 cfs	2.57 cfs	3.72 cfs	8.00 cfs
Five Mile Creek	0.25 cfs	0.125 cfs	0.125 cfs	0.50 cfs
Springs	0.22 cfs	0.22 cfs	0.22 cfs	0.66 cfs
Total CFS	2.18 cfs	2.915 cfs	4.065 cfs	9.16 cfs
Proportionate Acres	128 acres	171 acres	238 acres	537 acres
Actual Acres	124 acres*	171 acres	242 acres	537 acres
CFS/Acre	0.018	0.017	0.017	0.017

*This is the total number of irrigable acres owned by Willis Mendenhall according to the deeds provided to the department.

Location of Irrigated Acres

In addition to the error in the place of use description, there is also some ambiguity about where the 537 irrigated acres are located. The 1920 Decree states the 537 irrigated acres are located somewhere within Sections 19 and 20 (an area of approximately 1280 acres).

The Bear River cuts through the middle of Section 20. 275 acres are located on the east side of the river, and would not have been irrigated with Deep Creek water. Deep Creek is located on the west side of the river. Approximately 225 acres in the southeast corner of Section 19 could not have been irrigated with water from Deep Creek because they are separated from Deep Creek by a deep ravine (the Five Mile Creek wash).

The Deep Creek water right states that water is diverted from Deep Creek through the "West Cache Supplemental Canal diverting therefrom in the Southeast quarter of Section 7." The West Cache Supplemental Canal is actually shown on the USGS quadrangle map. There are approximately 457 acres in Sections 19 and 20 between the West Cache Supplemental Canal and the Bear River. Evidence strongly suggests that these 457 acres were part of the 537 irrigated acres described in the decree.

In order to resolve the remaining ambiguity related to the location of the 537 acres, IDWR needed additional proof of property ownership for Willis Mendenhall, Jacob Peterson, and Loren Mendenhall. Some of this information has been provided with the various ownership changes described below.

Willis Mendenhall Portion

IDWR was provided copies of three critical deeds relating to the Willis Mendenhall portion of the rights. The first deed is a Deed of Administrator from October 1919 for the Estate of George M. and Celestia Mendenhall. (Instrument No. 13052, Attachment 1) George and Celestia Mendenhall were presumably Willis's father and mother. 132 acres in Sections 19 and 20 were conveyed to E. Taft Benson. Approximately 8 acres of the 132 acres described in the deed lie east of the west bank of the Bear River. **Therefore, only 124 irrigable acres are associated with the 1919 Deed of Administrator.**

The second deed is a 1922 Quit-Claim Deed from Willis Mendenhall to E. Taft Benson, wherein Willis Mendenhall conveyed to Benson all of his interest in all of the water rights listed in the 1920 Decree. (Instrument No. 16836, Attachment 2) The deed specifically mentions water rights from Deep Creek and Five Mile Creek, but does not mention the unnamed springs. However, the deed does refer to pages 111 and 112 of the 1920 Decree, on which all three of the water rights are described.

The third deed is a 1922 Warranty Deed from E. Taft Benson to Wilbert Fife. (Instrument No. 16836, Attachment 3) The deed covers the same 132 acres described in the 1919 Deed of Administrator. The deed also specifically refers to the Five Mile Creek water right (entry 503 in the 1920 Decree) and the Deep Creek water right (entry 506 in the 1920 Decree). This third deed is very helpful because it ties together the Willis Mendenhall portion of the rights with the 132 acres (124 irrigable acres) purchased by E. Taft Benson.

It should be noted that there was an additional 80 acres described in all three of the deeds described in this section. The additional 80 acres was located in the NENE and SENE of Section 30, T15S, R39E. These acres fall outside of the water right place of use for the three rights set forth in the 1920 Bear River Decree.

Ownership changes have been completed on multiple portions of the Willis Mendenhall right because the deeds available to the department clearly identify the land that was owned by Willis Mendenhall and establish a chain of title from Willis Mendenhall to the current owners. Parts of these rights are still in the name of Willis Mendenhall because the respective property owners have not filed ownership changes.

Loren (or Lorin) Mendenhall Portion

Deeds have been provided to the department showing that Loren and Elvira Mendenhall purchased two pieces of property in 1911. Neither of the 1911 deeds specifically refer to water rights. The first deed, dated January 9, 1911, conveyed 268 acres within Sections 19 and 20, T15S, R39E from Louisa Mendenhall to Loren Mendenhall. (Instrument No. 18415, Attachment 4) Of the 268 acres described, only 200 appear to have been irrigable. The remaining 68 acres were on a steep hillside to the west of the West Cache Supplemental Canal or were east of the west bank of the Bear River.

The second deed, dated January 9, 1911, conveyed 20 acres in the south half of the SESW of Section 20, T15S, R39E from Junius and Sylvia Jensen to Elvira Mendenhall (Loren's wife). (Instrument 18414, Attachment 5) A subsequent deed from 1943 confirms the joint ownership of the 20-acre parcel by Loren and Elvira Mendenhall. (Instrument 75412, Attachment 6)

A 1946 deed shows that Loren Mendenhall also owned 26 acres in the SENW of Section 20 at some point prior to 1946. (Instrument 75211, Attachment 7) It appears Loren and Elvira Mendenhall likely owned 246 acres that could have been irrigated in Section 20. This is very close to the 238 acres which represent the proportionate share of acres based on the total amount of water associated with the Loren Mendenhall portion of the three water rights.

In 1943, Loren and Elvira Mendenhall conveyed a portion of their property, the south half of the SESW of Section 20 (20 acres), to William and Dorothy Mendenhall. (Instrument No. 75412, Attachment 6) The deed specifically stated that it included "12/84 of a decreed water right coming from Deep Creek." This conveyance represents a "consolidation" of the water rights. The Mendenhall to Mendenhall deed resulted in three inches per acre on the 20-acre parcel. In order to accomplish this type of change to the water rights, a transfer application must be filed by the current owner, Florence Buxton.

The department has additional deeds pertaining to the 20-acre parcel in the south half of the SESW of Section 20. In 1954, the parcel was conveyed by William and Dorothy Mendenhall to CR and LaZelle Anderson. In 1955, the parcel was conveyed by CR and LaZelle Anderson to Clifford Egbert. In 1960, the parcel was conveyed by CG and Mary Egbert to Alfred and Ella Mae Lloyd. In 1967, the parcel was conveyed by Alfred and Ella Mae Lloyd to Ardella Davis. In 1969, the parcel was conveyed by Ardella Davis to Frank Mitchell. Also in 1969, the parcel was conveyed by Frank Mitchell to Marvin and Linda Archibald. In 1977, the parcel was conveyed through quitclaim deed by Linda Archibald to Marvin Archibald. In 1983, the parcel was conveyed by Marvin Archibald to Clair and Florence Buxton. In 1993, Florence Buxton became the sole owner of the parcel as a result of

the settlement of Clair Buxton's estate. All of these conveyance documents (except the 1967 deed from Lloyd to Davis) specifically refer to the 12/84 share of the Deep Creek water right. Ms. Buxton also appears to own an 8.3% share (20 acres/242 acres) of Loren Mendenhall's portion of the Five Mile Creek and unnamed springs water rights.

On March 8, 1946, Loren and Elivra Mendenhall conveyed to Eldon Bingham the south 26 acres in the SENW, the SWNE, and the north 68 acres of the NESW and NWSE of Section 20. (Instrument 75211, Attachment 7) In total the 1946 deed conveyed approximately 134 acres. 52 acres of the 134 acres described were located east of the west bank of the Bear River and could not have been irrigated with Deep Creek or Five Mile Creek water. That leaves 82 irrigable acres covered under the deed.

The 1946 deed specifically identified a 27/84 share of the Deep Creek water right as part of the conveyance (2.57 cfs). This represents the remaining portion of the Loren Mendenhall portion of the Deep Creek right after the 1943 deed to William and Dorothy Mendenhall referenced above. The deed also included "all ditch and water rights of every kind and character, however evidenced, used upon said lands or belonging to the same." The conveyance, therefore, would have included the proportionate share of the other decreed water rights on the property.

Bingham Transfer

In 1961, Mr. Bingham filed a Transfer with the Idaho Reclamation Engineer, seeking to change the place of use for his 27/84ths portion of the Deep Creek water right. (Attachment 8) The transfer approval (T958) did not mention how many acres Mr. Bingham was allowed to irrigate with his portion of 11-887 (13-945). However, based on the Mendenhall to Bingham deed, Mr. Bingham's portion of the right would be limited to 82 acres. Transfer approval T958 described the following new place of use (all within T15S, R39E):

Section 20: 100 acres in the SENW, SWNE, NESW, and NWSE
Section 7: NWNE, S1/2NE, W1/2, N1/2SE, SWSE
Section 18: NWNE, N1/2NW

As a result of Transfer Approval T958, water right 11-887 was split into an A and B portion. The "B" portion of the right represented the portion owned by Mr. Bingham. The "A" portion of the right represented the remaining portion of the right. Mr. Bingham's portion of the right was re-numbered to be 13-945B, to coincide with the revised administrative basin designation for the area.

Mr. Bingham's portion of water rights 13-152 and 13-947 (Five Mile Creek and unnamed springs) were not included in Transfer 958. Those water rights appear to still be associated with the original 82-acre place of use. In order to prevent an enlargement, however, those rights could not have been used. Mr. Bingham could not have diverted and used 13-152 and 13-947 at the original place of use in addition to using 13-945B at the new place of use. It is unclear whether the Bingham portion of water rights 13-152 and 13-947 still represent valid,

deliverable water rights. If water right 13-945B is being used in its entirety, the Bingham portion of 13-152 and 13-947 must remain undiverted.

In 1965, Mr. Bingham applied for an additional water right from Deep Creek. Water right license 13-2264 was issued in 1973. The license described a 390-acre place of use, largely based on a beneficial use field exam. In January 1973, Mr. Bingham filed another application for permit for additional water from Deep Creek. License 13-7033 was issued in 1984 authorizing the irrigation of 378 acres. The irrigated acres under 13-7033 completely overlapped the irrigated acres authorized under 13-2264. The field examination for water right 13-7033 was completed in 1979.

A memo from the field examiner for 13-7033 states that the three water rights (13-945B, 13-2264, and 13-7033) were all diverted with the same pump and distributed to the irrigated acres through a common delivery system. The examiner noted that the map prepared for license 13-2264 represented the total acres being irrigated under all three of the water rights. The maps for 13-2264 and 22-7033 include an area of 67.3 acres that fall outside of the place of use description for 13-945B, as set forth in Transfer approval T958. These acres are located in the SENW, SWNE, SENE of Section 18 and the SWNW and NWSW of Section 17.

To calculate the amount of water available for licensing water right 13-7033, the field examiner assumed that the entire 2.57 cfs of water under 13-945B was being diverted through the common pump on Deep Creek and delivered to the acres in Sections 7 and 18. No mention is made of water being delivered to acres in Section 20. Evidence in the file, including maps and field reports, suggest that, as of 1979, Mr. Bingham was using all of the water under water right 13-945B in Sections 7 and 18.

In January 1989, Eldon and Betty Bingham conveyed to Kenneth and Patty Skousen all of the 82 irrigable acres described above, except for a 1-acre parcel generally located in the SENW of Section 20. The deed stated that the conveyance included all water rights pertaining to the property except Permit No. 13-7291 (used on Section 19).

In April 1993, the Skousen Family Trust conveyed to Darwin and Berna Smith property covering all of the 82 irrigable acres described above, except for the same one-acre parcel generally located in the SENW of Section 20. In December 1999, Darwin and Berna Smith conveyed to Craig and Suzanne Campbell property that covered all of the 82 irrigable acres described above, except for the same one-acre parcel. The deed from Smith to Campbell specifically referred to water rights 13-2175 and 13-2226.

To summarize, the evidence available to the department at this time suggests the Bingham portion of water right 13-945 (13-945B) is no longer associated with any of the parcels in Section 20. Transfer 958 created a permissible place of use, allowing Mr. Bingham to choose which 82 acres to irrigate with right 13-945B. It appears that as of 1979, 13-945B was only used on acres in Sections 7 and 18. Although portions of rights 13-152 and 13-947 are still associated with the old Bingham property in Section 20, to prevent an enlargement, unless other rights are associated with the property, these rights likely cannot be diverted.

Jacob Peterson Portion

The precise location of the Jacob Peterson portion of the water rights is unknown. No deeds have been provided to the department for this portion of the rights.

Additional Documents Required

The Willis Mendenhall portions of the rights are fairly straightforward and are easily traced to the present day. The Loren Mendenhall portions of the rights present a more difficult ownership history. Before the department is able to complete any ownership changes on the Loren Mendenhall portion of rights 13-152, 13-945 and 13-947, the following information must be provided:

1. Evidence (deeds) showing the location of the Jacob Peterson property.
2. A deed showing when Loren Mendenhall acquired the 26 acres in the SENW of Section 20.
3. Deeds tracing ownership from Eldon Bingham to Bosen Land & Livestock for the acres in Sections 7 and 18 (listed in Transfer 985).
4. Evidence showing how Deep Creek water has been historically (and recently) used by any person asserting ownership of Deep Creek rights. This evidence may be in the form of pumping records or affidavits.

Attachment 1

TO ALL TO WHOM THESE PRESENTS SHALL COME: GREETING:

WHEREAS, There has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Blackfoot, Idaho, whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862, "TO SECURE HOMESTEADS TO ACTUAL SETTLERS ON THE PUBLIC DOMAIN," and the acts supplemental thereto the claim of Mark F. Porter has been established and duly consummated, in conformity to law, for the Lot numbered three, the Northeast quarter of the South West quarter and the West half of the South West quarter of Section one in Township Sixteen South of Range forty East of Boise Meridian, in Idaho, containing one Hundred and fifty two acres and forty-seven Hundredths of an acre, according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General;

NOW KNOW YE, That there is, therefore, granted by the United States unto the said Mark F. Porter, the tract of land above described: TO HAVE AND TO HOLD, the said tract of land, with the appurtenances thereof, unto the said Mark F. Porter, 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.

IN TESTIMONY WHEREOF, I, Grover Cleveland, President of the United States of America, have caused these letters to be made Patent and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the seventeenth day of February, in the year of our Lord one thousand eight hundred and ninety seven, and of the Independence of the United States the one hundred and Twenty first.

(S E A L)

By the President; Grover Cleveland.

Recorded, Vol. 6 2 Page, 106.

By, I. A. Pugh, Acting Secretary.
L. Q. C. Iamar, Recorder of the General
Land Office.

STATE OF IDAHO, } ss;
County of Franklin }

I hereby certify that this instrument was filed for record at request of Frederick E. Porter, at 145 P. M. this 27th day of April, A. D. 1920, in my office.
Fees, \$1.00

Compared to

John A. T. Reed
Ex-Officio Recorder.

REF ID: A6862

DEED OF ADMINISTRATOR.

This Indenture made the 15th day of October, 1919, at Preston, Franklin County, Idaho, by and between Willard Boden, Sr., administrator of the estate of George M. Mendenhall and Celestia A. Mendenhall, deceased, party of the first part, and E. Taft Benson the party of the second part.

WITNESSETH: That whereas on the first day of August, 1919, the Probate Court of Franklin County, State of Idaho, in the matter of the estate of George M. Mendenhall and Elestia A. Mendenhall, deceased, then pending before said court and of which said court had full and lawful jurisdiction, made an order directing and authorizing the party of the first part herein to sell the real estate hereinafter particularly described, and personal

property mentioned, the same being the property of the said estate of George M. Mendenhall and Celestia A. Mendenhall, deceased, and the same being situate in the said County of Franklin; that said real estate was particularly described and specified in said order of sale; and which said order of sale is duly entered of record in said matter and is on file and of record in the office of the clerk of said court and is hereby referred to and made a part of this indenture;

AND whereas under and by virtue of said order of sale and pursuant to due and legal notice thereof as required by the laws of the State of Idaho, the said party of the first part did offer said real and personal property for sale, at private sale, and did receive bids or offers therefor in accordance with the authority and direction of the order of said court as aforesaid:

And whereas in obedience to said order and notice one bid for the sum of fifteen thousand five hundred Dollars was received and the bidder of said amount declared to be the successful bidder at such sale;

And whereas the said Court upon due and legal return of said proceedings under said order of sale, made by the party of the first part, on the 4th day of October, 1919, did on the 4th day of October, 1919, enter an order requiring all persons interested in said estate to show cause, if any they had why said sale should not be confirmed, and citing and directing all such persons, so disposed, to appear in said Court on the 15th day of October 1919, and state their objections thereto;

And whereas on the said hearing on October 15th, 1919, one E. Taft Benson filed a written bid for said property, offering to pay the sum of \$17,500.00 for said property, same being more than ten per cent more than the bid declared to be the best bid at the said sale; that thereupon the said Court accepted the bid of said E. Taft Benson and declared the property sold to him for said sum of \$17,500.00;

And whereas on the 15th day of October, 1919, said Court made an order confirming said sale to said E. Taft Benson and directing a conveyance of said property to be executed to the said party of the second part by the party of the first part, which said order of confirmation is now on file and of record in the office of the clerk of said Court and the same is hereby referred to and made a part of this indenture;

Now, therefore, the said party of the first part, pursuant to said order of confirmation, for and in consideration of the sum of \$17,500.00 lawful money of the United States to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said party of the second part, his heirs and assigns forever, all the right, title, interest and estate of the said George M. Mendenhall and Celestia A. Mendenhall, deceased, at the time of their deaths, and also all the right, title and interest that the said estate by operation of law or otherwise may have acquired or succeeded to since the death of said George M. Mendenhall and Celestia A. Mendenhall, in and to all those certain lots and pieces of land, and the personal property hereinafter mentioned, situate, lying and being in Franklin County, Idaho, and particularly described as follows, to-wit:

The Southeast quarter of the Southeast quarter of Section 19, and the Southwest quarter of the Southeast quarter of Section 20, in Township 18 South, Range 39 East of the Boise Meridian,

Also; Commencing at the Southeast corner of the Northwest quarter of the Southeast quarter of Section 20, Township and Range aforesaid, and running thence North 12 rods; thence West 160 rods; thence South 12 rods; thence East 160 rods; to the place of beginning.

Also: Commencing at the Northwest corner of the South half of the Southwest quarter of Section 20, same Township and Range; running thence East 160 rods; thence South 40 rods; thence West 160 rods; thence North 40 rods, to the place of beginning.

Also: The East Half of the Northeast quarter of Section 30, Township 15 South, Range 39 EAST of Boise Meridian, excepting therefrom the right of way heretofore deeded, and used by the West Cache Irrigation Company for its canal; together with all water rights thereunto belonging, or pertaining however evidenced.

Less the following described tract of land reserved as a cemetery: Beginning at a point 300 feet East of the Northwest corner of the Northeast quarter of the Northeast quarter of Section 30, Township 15 South, Range 39 East of Boise Meridian; and running thence South 150 feet; thence East 175 feet; thence North 150 feet; thence West 175 feet; to the place of beginning.

Two horses, two cows, one two year old heifer, one yearling heifer, one calf, one mower, one rake, one alfalfa cultivator, one pair bob sleds, one cream separator, one hay wagon.

\$17.50 U. S. I. R. Stamps attached and duly cancelled.)

Together with all the tenements, hereditaments, and appurtenances whatsoever to the same belonging or in anywise appertaining;

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

In witness whereof the said party of the first part has hereunto set his hand and seal the day and year first above written.

P. M. Condie,

Witness.

STATE OF IDAHO, }
County of Franklin } ss;

Willard Boden Sr.,
Administrator of the Estate of,
George M. Mendenhall and Celestia
A. Mendenhall, deceased.

On this 15th day of October, 1919, before me P. M. Condie a Notary Public in and for said County and State personally appeared Willard Boden, Sr. known to me to be the person whose signature is subscribed to the above and foregoing instrument, and who duly acknowledged the same as administrator and in behalf of the estate of George M. Mendenhall and Celestia A. Mendenhall, deceased, that he executed the same.

WITNESS my hand and official seal the day and year in this certificate first written.

(S E A L)

STATE OF IDAHO, }
County of Franklin } ss;

P. M. Condie,
Notary Public, Preston, Idaho.

I hereby certify that this instrument is filed for record at request of R. Taft Benson, at 9:20 A. M. this 27 day of April, A. D. 1920, in my office.

Fees, \$2.20

Compared *John A. H. H. H.*

Ex-Officio Recorder.

INST. NO. 13055

Nov. 28 1916

Blackfoot 010111

4-2003.

THE UNITED STATES OF AMERICA,

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, a Certificate of the Register of the Land Office, at Blackfoot, Idaho, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Elena S. Hansen, formerly Elena S. Porter, and the acts supplemental thereto, the claim of Elena S. Hansen, formerly Elena S. Porter, in conformity to law, for the lots one and two

Attachment 2

2

ing one hundred sixty acres.

according to the Official Plat of the Survey of said Land, returned to the General Land Office by the Surveyor General.

Now Know ye, That there is, therefore, granted by the United States unto the said David W. McLain, the tract of Land above described; TO HAVE AND TO HOLD, the said tract of Land with the appurtenances thereof, unto the said David W. McLain 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 rights 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.

IN TESTIMONY WHEREOF, I William McKinley, PRESIDENT OF THE UNITED STATES OF America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the Third day of July, in the year of our Lord one thousand eight hundred and ninety-seven, and of the Independence of the United States the one hundred and twenty-first.

(SEAL)

21561

BY THE PRESIDENT, William McKinley,

By F. M. McKeen, Secretary

C. H. Brush, Recorder of the General Land Office.

DEPARTMENT OF THE INTERIOR

GENERAL LAND OFFICE

Washington, D. C. Mar 10 1922.

I hereby certify that this photograph is a true copy of the patent record which is in my custody in this office.

(SEAL)

M. P. LeRoy, Recorder.

STATE OF IDAHO

COUNTY OF FRANKLIN-- ss

I hereby certify that this instrument was filed for record at the request of Crockett-Pack Co., at 2:05 P. M. this 15th day of March, A. D. 1922.

Fees. \$1.00

Compared. VML

INST. NO. 16835.

THIS INDENTURE Made this 9th day of March in the year of our Lord one thousand nine hundred and Twenty-two between Willis Mendenhall and Natalie Mendenhall/ of Dayton, County of Franklin, State of Idaho, the party of the first part, and E. T. Benson, of Logan, County of Cache, State of Utah, the party of the second part;

WITNESSETH, That the said party of the first part, for and in consideration of the sum of One DOLLARS, and other valuable considerations, Lawful money of the United States of America to him in hand paid by the said part.. of the second part, the receipt whereof is hereby acknowledged ha... REMISED, RELEASED, and forever QUIT-CLAIMED, and by these presents do REMISE, RELEASE and FOREVER QUIT-CLAIM unto

following described real estate situate in the County of Franklin and State of Idaho, and bounded and particularly described as follows, to wit:

All my right title and interest in and to the waters decreed to me in that certain suit in equity #203 wherein Utah Power & Light Co was Plff. and East Chance Canal Co et al defendants, recorded in Franklin Co in the Book No one of Judgments, pages 325 and more particularly described on pages 111 and 112, of said decree including all rights in Deep Creek, Five Mile Creek and in West Cache as in said decree set forth.

Together, with all and singular the tenements, hereditaments, and appurtenances therunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and ~~reversions~~, rents and profits thereof;

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

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

Signed, Sealed and delivered in the presence of
M. Jones,

Willie Mendenhall (SEAL)
Natalie Mendenhall (SEAL)

STATE OF IDAHO

COUNTY OF FRANKLIN-- SS

On this 9th day of Mch 1922, before me Arthur W. Hart, a Notary Public, in and for said County, personally appeared Willie Mendenhall, Natalie Mendenhall, ^{his wife} known to me to be the person whose names are subscribed to the within instrument, and acknowledged to me that they executed the same: and on this 9th day of March, 1922, before me the officer above described, personally appeared..... 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 an execution.

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

(SEAL)

Arthur W. Hart, N. P.
Preston, Ida.

STATE OF IDAHO

COUNTY OF FRANKLIN-- SS

I hereby certify that this instrument was filed for record at the request of Crockett-Pack Co., at 2:10 P. M. this 15th day of March, A. D. 1922.
Fees. \$1.20.

John A. R. Jones
Ex-officio Recorder.

Compared. 1922

INST. NO. 16826.

THIS INSTRUMENT, made this 31st day of January, in the year of Lord one thousand nine hundred and Twenty-two between E. Teft Benson and Burdette C. Benson his wife of the County of Cache, State of Utah, the parties of the first part, and Wilbert D. Fife of Preston, County of Franklin, State of Idaho, the party of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of Seventeen thousand five hundred Dollars, of the United States of America,

Attachment 3

following described real estate situate in the County of Franklin and State of Idaho, and located and particularly described as follows, to wit:

All my right title and interest in and to the waters decreed to me in that certain suit in equity #293 wherein Utah Power & Light Co was Plff. and Last Chance Canal Co et al defendants, recorded in Franklin Co in the Book No one of Judgments, pages 325 and more particularly described on pages 111 and 112, of said decree including all rights in Deep Creek, Five Mile Creek and in West Cache as in said decree set forth.

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

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

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

Signed, Sealed and delivered in the presence of
M. Jones,

Willis Mendenhall (SEAL)
Natalie Mendenhall (SEAL)

STATE OF IDAHO

COUNTY OF FRANKLIN-- SS

On this 9th day of March 1922, before me Arthur W. Hart, a Notary Public, in and for said County, personally appeared Willis Mendenhall, Natalie Mendenhall, known to me to be the person whose names are subscribed to the within instrument, and acknowledged to me that they executed the same; and on this 5th day of March, 1922, before me the officer above described, personally appeared..... 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 an execution.

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

(SEAL)

Arthur W. Hart, N. P.
Preston, Ida.

STATE OF IDAHO

COUNTY OF FRANKLIN-- SS

I hereby certify that this instrument was filed for record at the request of Crockett-Pack Co., at 2:10 P. M. this 15th day of March, A. D. 1922.
Fees. \$1.23.

John A. R. Jones
Ex-officio Recorder.

Compared, 1922

INST. NO. 16636.

THIS INSTRUMENT, made this 31st day of January, in the year of Lord one thousand nine hundred and Twenty-two between E. Taft Benson and Burielle C. Benson his wife of the County of Cache, State of Utah, the parties of the first part, and Wilbert D. Pife of Preston, County of Franklin, State of Idaho, the party of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of Seventeen thousand five hundred Dollars, of the United States of America,

2

to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all the following described real estate, situated in County of Franklin State of Idaho, to wit;

The Southeast quarter of the Southeast quarter of Section 19, and the Southwest quarter of the Southeast Quarter of Section 20, in Township 15 South, Range 39 East of the Boise Meridian.

Also: Commencing at the Southeast corner of the Northwest quarter of the Southeast quarter of Section 20, Township and Range aforesaid, and running thence North 12 rods; thence West 160 rods; thence South 12 rods; thence East 160 rods, to the place of beginning.

Also: Commencing at the Northwest corner of the South half of the Northwest quarter of Section 20, same Township and Range; running thence East 160 rods; thence South 40 rods; thence West 160 rods; thence North 40 rods, to the place of beginning.

Also: The East half of the Northeast quarter of Section 30, Township 15 South, Range 39 East of Boise Meridian, excepting therefrom the right of way heretofore deeded, and used by the West Cache Irrigation Company for its canal; together with all water rights therunto belonging or pertaining however evidenced.

Less the following described tract of land reserved as a cemetery: Beginning at a point 300 feet East of the Northwest corner of the Northeast quarter of the Northeast quarter of Section 30, Township 15 South, Range 39 East of Boise Meridian and running thence South 160 feet; thence East 175 feet; thence North 150 feet; thence West 175 feet to the place of beginning.

Said water rights was decreed in the District Court of the United States for the District of Idaho, Eastern Division as set forth in the Final Decree before Hon. F. S. Dietrich, District Judge, Case in Equity Number Two hundred three, filed July 14th, 1920, Book Number One of Judgements, page 225, W. D. Munnycolds, Clerk, by Earl Zanger Deputy, more particularly shown on pages 111 and 112 of said final decree, as follows:

#503 (FIVE MILE CREEK) -- Loren Mendenhall, Willis Mendenhall and 6 cubic feet per second ~~partes and~~ Jacob Peterson.

To be diverted and used by the above named parties for the irrigation of their lands near Deep Creek in the following proportions:

One half to Willis Mendenhall
One fourth to Jacob Peterson
One fourth to Loren Mendenhall.

#506 (DEEP CREEK AND TRIBUTARIES) -- Loren Mendenhall, Willis Mendenhall and Jacob Peterson.
8 cubic feet per second. To be diverted from said Deep Creek through the West Cache Supplemental Canal diverting its water in the Southeast quarter of section 7, Tp 15 South, Range 39 East for the irrigation of 537 acres in sections 19 and 20, Township 15 South, Range 39 East E. M. Said water to be divided among the above named parties as follows:

18/84 to Willis Mendenhall.
27/84 to Jacob Peterson.
39/84 to Loren Mendenhall.

(\$17.50 U.S. 1. 2. Stamps attached and duly cancelled.
TOGETHER with all and singular the tenements, hereditaments and appurtenances

therunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all debts, right, title and interest in and to the said property as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described prem-

272

3

uses, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming to claim the same shall and will WARRANT and by these presents forever DEFEND.

In Witness Whereof, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of E. Taft Benson, (SEAL)
Wm. M. Howell, Mrs. Burdette C. Benson, (SEAL)

STATE OF UTAH

COUNTY OF CANYON-- SS

On this thirty-first day of January, in the year 1922, before me Leo M. Squires, a Notary Public in and for said County, personally appeared E. Taft Benson and Burdette C. Benson, known to me to be the persons whose names subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(SEAL) My commission expires, 1-11-24.

Leo M. Squires, Notary Public

STATE OF IDAHO

COUNTY OF FRANKLIN-- SS

I hereby certify that this instrument was filed for record at the request of Crockett-Pack Co., at 2:16 P. M. this 15th day of March, A. D. 1922.

Fees. \$2.00

John A. McLeod
Ex-officio Recorder.

Compared, 2776

WARRANTY DEED

INSTRUMENT NO. 16982.

THIS INSTRUMENT, made the 14th day of March, in the year of our Lord one thousand nine hundred and 22 between Elizabeth Hawkes and her Husband, T. B. Hawkes of the County of Franklin and the State of Idaho, the parties of the first part, and Ephraim Bonworth of the County of Franklin and the State of Idaho, the party of the second part.

WITNESSETH: That the said parties of the first part for and in consideration of the sum of \$250.00 Two Hundred Fifty and no/100 Dollars lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents grant, sell, bargain, convey, and confirm unto the said party of the second part, and to his heirs and assigns forever all that certain lot, piece or parcel of land situated, lying and being in the County Franklin and state of Idaho, and bounded and described as follows, to-wit:

Commencing at a point fifteen hundred sixty-seven and five tenths (1567.5) feet South and Six hundred Twelve and Five tenths (612.5) feet West of the North-east corner of Section Twenty-seven (27) Township Fifteen (15) South Range Thirty-nine (39) East of the Boise Meridian, Idaho, thence running South One Hundred Fifty-eight and Five tenths (158.5) feet; thence West Fifty (50) feet; thence North One Hundred Fifty-

Attachment 4

DEED RECORD

INST. NO. 18415.

THIS INDENTURE, Made this 9th day of January in the year of our Lord one thousand nine hundred and eleven, between Mrs. Louisa Mendenhall, a widow, of Franklin, County of Oneida, State of Idaho, the part y of the first part, and Lorin Mendenhall of Praston, County of Oneida, State of Idaho, the part y of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Four Thousand Dollars, lawful money of the United States of America, to her in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, ha. s. granted, bargained and sold, and by these presents do. ss. grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all the following described real estate situated in Oneida County, State of Idaho, to-wit:

All my right, title and interest in and to the West half of the Northwest quarter of Sec. 20, and the NW quarter of the Southwest quarter of Sec. 20; and the Southeast quarter of the NE quarter of Sec. 19; and the SW quarter of the NE quarter of Sec. 20; and commencing at a point 12 rods North of the SE corner of the NW quarter of the SE quarter of Sec. 20, Tp. 15 S. R. 39 E. B. M. Idaho, and running thence West 160 rods; thence North 68 rods; thence East 160 rods; thence South 68 rods to the place of beginning. All in said township 15 South of Range 39 East of Boise Meridian, Idaho, and containing in all two hundred and sixty-eight (268) acres."

"This deed is subject to a mortgage due the Union Life Insurance Co. in the sum of \$1500, which the said Lorin Mendenhall hereby assumes with the interest thereon and agrees to the same off when due."

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

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

IN WITNESS WHEREOF, the said party of the first part ha. s. hereunto set her hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of

A. W. Hart

Wm. H. Mendenhall

Louisa Mendenhall (SEAL).

(SEAL).

(SEAL).

(SEAL).

STATE OF IDAHO, ss.
County of Oneida.

On this ninth day of January in the year 1911, before me, Arthur W. Hart, a Notary Public in and for said county, personally appeared Mrs. Louise Mendenhall, a widow,

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that s. he executed the same.

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

Arthur W. Hart,

Notary Public.

My (SEAL)
Commission Expires Jan. 10, 1912.

Filed for record this 15th day of April A. D. 1911 at 3 o'clock P. M.

John J. Evans,

Ex-Officio Recorder.

By Letitia Jones,

Ass't.

Deputy.

REFERENCE: BOOK 10 PAGE 54 OF DEEDS, ORIGINAL ONEIDA COUNTY RECORDS.

Attachment 5

DEED RECORD

INST. NO 18414.

THE CARPIS PRINTING CO., CALDWELL, IDAHO 18317-E

THIS INDENTURE, Made this 6th day of January in the year of our Lord one thousand nine hundred and eleven, between Junius C. Jansen and Sylvia L. Jansen of Preston County of Oneida State of Idaho the parties of the first part, and A. Elvira Mendenhall (married to Lorin) of Preston County of Oneida State of Idaho the party of the second part.

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

Commencing at a point 80 rods East of the Southwest corner of the South half of the Southwest quarter of Section 20 in Twp. 15 S. R. 39 East of the Boise Meridian, thence running East 80 rods; thence North 42 rods; thence West 80 rods; thence South 42 rods to place of beginning.

Said deed being subject to a \$600.00 mortgage held by H. A. Peterson and Co. of Logan, Utah.

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

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

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of

J. H. Larsen

Junius C. Jansen (SEAL).

Sylvia L. Jansen (SEAL).

(SEAL).

(SEAL).

STATE OF IDAHO, ss.
County of Oneida

On this 6th day of January in the year 1911, before me, J. H. Larsen, a Notary Public in and for said county, personally appeared Junius C. Jansen and his wife Sylvia L. Jansen

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

J. H. Larsen,

Notary Public.

(SEAL)
Commission Expires

Filed for record this 15th day of April A. D. 1911, at 2:50 o'clock P. M.

John J. Evans,

Ex-Officio Recorder.

By J. Jones, Jr.,

Deputy.

Attachment 6

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)

J. N. Larsen
Notary Public, Residing at Preston, Idaho

STATE OF IDAHO

COUNTY OF FRANKLIN--SS

I hereby certify that this instrument was filed for record at the request of Don A. Lundquist at 4-50 P.M. April 1st, 1946.

Fees \$1.20

C. L. Swenson, Ex-Officio Recorder

By Quentin A. Swenson Deputy

Compared

o o o o o o o o o o

INST. NO. 75412

WARRANTY DEED

THIS INDENTURE, made this 23rd day of July, in the year of our Lord one thousand nine hundred and forty-three between Lorin Mendenhall and wife, Elvira Mendenhall of Preston, County of Franklin, State of Idaho, the parties of the first part, and Wm. D. Mendenhall and his wife, Dorthey Mendenhall as Joint Tenants by entirety with full rights vested in the survivor and not as tenants in common, of Preston, County of Franklin, State of Idaho, the parties of the second part.

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

The South half of the Southeast quarter of the Southwest quarter of Section 20, Township 15 South, Range 39 East of the Boise Meridian, containing 20 acres.

Also 12/84 of a decreed water right coming from Deep Creek.

(\$0.55 U.S.I.R. Stamps attached and duly cancelled.)

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 said property, as well in law as in equity, of the said parties of the first part.

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

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered
in Presence of

Lorin Mendenhall (SEAL)

Elvira Mendenhall (SEAL)

J. N. Larsen

STATE OF IDAHO

COUNTY OF FRANKLIN--SS

On this 23rd day of July, in the year 1943, before me J. N. Larsen, a Notary Public in and for said State, personally appeared Lorin Mendenhall and his wife, Elvira Mendenhall

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(SEAL)

J. N. Larsen
Notary Public, Residing at Preston, Idaho

STATE OF IDAHO

COUNTY OF FRANKLIN--SS

I hereby certify that this instrument was filed for record at the request of
Wm. D. Mendenhall at 11-35 a.m. April 2nd, 1946.

C. L. Swenson, Ex-Officio Recorder

Fees \$1.20

By *Samuel A. Long* Deputy

Compared

o o o o o o o o o o

Attachment 7

property, as well as in law as in equity, to the party of the first part.

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

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

SIGNED, SEALED AND DELIVERED IN PRESENCE OF Myron E. Comish (Seal)

STATE OF IDAHO,
SS.
COUNTY OF FRANKLIN.

On this 16th day of February in the year 1946, before me J.N. Larsen a Notary Public in and for said State, personally appeared Myron E. Comish, single and unmarried. Known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

(SEAL)

J.N. Larsen, Notary Public
Residing at Preston, Idaho

STATE OF IDAHO,
SS,
COUNTY OF FRANKLIN.

I hereby certify that this instrument was filed for record at request of Clair Comish at 2:35 P.M. , March 8, 1946.

Fees; \$1.20

Cl L. Swenson, Ex-Officio Recorder
By Benjamin B. Murray Deputy

... COMPARED ...

Inst. No. 75211

WARRANTY DEED

THIS INDENTURE, Made this 8th day of March in the year of our Lord one thousand nine hundred and Forty-six between Lorin M. Mendenhall and wife, Elvira Mendenhall of the County of Franklin, State of Idaho , the parties of the first part, and Eldon B. Bingham of Preston, County of Franklin, State of Idaho the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Twelve Thousand Two Hundred and Fifty and NO/100 Dollars, Legal tender of the United States of America, to in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all the following described real estate, situated in County of Franklin, State of Idaho, to-wit:

Commencing at the southeast corner of the north west quarter of section twenty (20) Township fifteen (15) south , range thirty nine (39) east of the Boise Meridian, in Idaho, thence running west eighty (80) rods; thence North fifty-two (52) rods; thence east eighty (80) rods; thence south fifty two (52) rods, to the place of beginning, containing twenty six (26) acres.

The Southwest quarter of the Northwest quarter of Section 20, Township 15 South, Range 39 East of the Boise Meridian. Also, Commencing at the Northwest corner of the Northeast quarter of the Southwest quarter of Section 29, Township 15 South, Range 39 East of the

Boise Meridian, thence running East 160 rods; thence South 68 rods; thence West 160 rods; thence North 68 rods to the place of beginning.

TOGETHER with all tenements, hereditaments, and appurtenances belonging to the said lands hereby conveyed, and all ditch and water rights of every kind and character, however evidenced, used upon said lands or belonging to the same.

Also 27/84 of 8 cubic foot per second of the waters of Deep Creek as shown No. 506 of Decree, Utah Power Light Company, Plaintiff Vs. Last Chance Canal Company, limited, at all, Defendants, with priority June 1, 1882.

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

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

IN WITNESS WHEREOF, THE SAID parties of the first part have hereunto set their hands and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

H.B. Johnson

Elvira Mendenhall (seal)

Lorin M. Mendenhall (Seal)

STATE OF IDAHO,

SS.

COUNTY OF FRANKLIN.

On this 8th day of March, in the year 1946, before me J.N. Larsen a Notary Public in and for said County, Personally appeared Lorin M. Mendenhall and wife, Elvira Mendenhall known to me to be the persons whose names subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(Seal)

J.N. Larsen, Notary Public

My commission Expires May 1, 1949.

STATE OF IDAHO,

SS.

COUNTY OF FRANKLIN.

I hereby certify that this instrument was filed for record at the request of H.R. Bingham 2:45 P.M. March 8th 1946.

Fees: \$1.20

C.L. Swenson, Ex-Officio Recorder

By Leannette B. Drury Deputy

COMPALED

Inst. No. 75212

WARRANTY DEED

~~THIS INSTRUMENT Made this 8th day of March in the year of our Lord one thousand nine hundred and forty-six between Anna R. Wilde, A Widow of Mink Creek, County of Franklin, State of Idaho the party of the first part, and Neldon R. Wilde and Roma W. Wilde, husband and wife, to hold as joint tenants by the entireties and not as tenants in common, of Mink Creek, County~~