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Book 44, Page 542 # 882K

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THIS INDENTURE, Made the first day of December, 1921, between GEORGE G. CAMPBELL, a single man, and FRED E. CAMPBELL and VIOLET CAMPBELL, his wife, all of Lava Hot Springs, Bannock County, State of Idaho, parties of the first part, and the VILLAGE OF LAVA HOT SPRINGS, Bannock County, State of Idaho, a municipal corporation, duly organized under the laws of the State of Idaho, party of the second part, WITNESSETH:

That the said parties of the first part, for and in consideration of the sum of FORTY EIGHT THOUSAND TWO HUNDRED FIFTY (\$48,250.00) Dollars, in Water Works Bonds of said village at their par value, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents GRANT, BARCAIN, SELL, CONVEY and CONFIRM, unto the said party of the second part, and to its successors and assigns forever, the following property situated in Bannock County, Idaho, and particularly described as follows, to-wit:

The entire water works plant and system in and near the village of Lava Hot Springs, Bannock County, Idaho, with all of its incidents and appurtenances, including all water supplies and sources of water supply, water rights, franchises and distributing system, pipe lines, flumes and other conduits, all rights of way, permits, licenses, easements, reservoirs, reservoir sites, equipment, fixtures, tools, supplies and appliances, and particularly including the following:

The entire distributing system, including pipes and piping, with all their connections, in the village of Lava Hot Springs, Idaho, used for distributing and furnishing water to said village and the inhabitants thereof, together with all appurtenances of every kind and description.

That certain franchise granted by the County Commissioners of Bannock County, Idaho, to George G. Campbell and Fred E. Campbell, their heirs and assigns, by ordinances dated July 22, 1915, to construct, maintain and operate a system of pipe lines in, across and along the streets of the town of Hall City or Lava Hot Springs, for the conveyance of water for use by the inhabitants of said town.

That certain reservoir in the Northeast Quarter of Section 28, Township 9 South of Range 28 East of the Boise Meridian, and being about one-half mile south of the village of Lava Hot Springs; also the land upon which the same is situate, and described as follows:

Beginning at a point 1847.5 feet west and 1106.5 feet south of the northeast corner of said Section 28, and running ~~thence~~ west 90.38 feet; thence south one degree 7 minutes East 180.75 feet more or less to the south line of the north half of the Northeast Quarter of said section; thence east on said south line 180.75 feet; thence north ~~one~~ 1 degree 7 minutes west 180.75 feet; thence west 90.37 feet to the place of beginning.

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Also that certain water right conveyed to the parties of the first part by W.W.Cooper and Delania Cooper, his wife, by deed dated April 21, 1919, said water right being the right of the continuous use of twenty-five inches per second of time of the waters of Fish Creek, Bannock County, Idaho, which said deed is duly recorded in the office of the Recorder of Bannock County, Idaho, in Book 38 of Deeds, at page 62 thereof, said water being the waters of certain springs tributary to Fish Creek, and same being a part of the water decreed to said W.W.Cooper by decree of the District Court of the Fifth Judicial District of the State of Idaho, Bannock County, in the case of W.W.Cooper et al. vs. Patrick Harkins et al. made and entered March 10th 1902; the right to the use of said water dating from March 1st 1899.

Also all that certain pipe line or supply line and conduit running from the present head house of said water system of said first parties near the village of Lava Hot Springs, through the Northeast Quarter of Section 28, the Northwest Quarter of the Northwest Quarter of Section 27, the Southwest Quarter of Section 22, Lot 6, the Southeast Quarter of Section 22, the South half of the South half of Section 23, the North half of the North half of Section 24, the Southwest Quarter of the Southwest Quarter of Section 24, and the North half of the Northwest Quarter of Section 25, all in Township 9 South of Range 38 East of the Boise Meridian, to the diversion and intake works situate on or near the Northwest Quarter of said Section 25, together with all connections, diversion works and all other works used in connection with said supply line, or pipe line and conduits.

Also all easements and rights of way, permits, governmental or otherwise, and franchises, for the construction, operation and maintenance of the above mentioned supply line, pipe line and conduits, intake and diversion works through or across any of the lands hereinabove described.

Also all choses in action, ~~accounts and bills receivable~~, tools, appliances, maps and plats, fixtures, pipes, pipe lines, connections, valves and supplies of all kinds now used by the parties of the first part in connection with the water works system owned and operated by them at Lava Hot Springs, and any and all property, property rights, water, water rights, reservoirs, reservoir sites, easements, permits, franchises, rights of way, pipe lines, conduits and other property, real, personal or mixed, now owned by said parties of the first part, or either of them, and used by them in connection with or as a part of or for the convenient operation of the waterworks plant and appurtenances at and near Lava Hot Springs, Bannock County, Idaho.

The parties of the first part expressly reserve from the operation of this grant the following described property, all of which is situated in Bannock County, Idaho:

All that certain supply line or pipe line and conduit running from said village of Lava Hot Springs southerly and easterly from said village through the East half of Section 28, the Southwest Quarter of Section 27, the Northeast Quarter of Section 33, the North half of Section 24, and the Northwest Quarter of Section 25, all in Township 9 South of Range 38 East of the Boise Meridian to the so-called Sublett Spring in the Northwest Quarter of said Section 25, together with all connections, diversion works and all other works used in connection with said supply line or pipe line and conduits; and also all easements and rights of way, permits and franchises for the construction and operation and maintenance of the last above mentioned supply line or pipe line,

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intake and diversion works through or across any of the lands last above mentioned.

Also that certain water right in and to the waters of Sublett Spring, which said spring is situate in the Northwest Quarter of Section 35, Township 9 South of Range 20 East of the Boise Meridian, said water right being represented by water permit No. 7589 and water license No. 7609, issued by the State Engineer of the State of Idaho, August 8th 1911, and September 28th 1912, respectively.

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

To have and to hold, all and singular, the above granted premises, with the appurtenances, unto the said party of the second part, its successors and assigns forever.

And the said parties of the first part, for their heirs, executors, and administrators, do covenant, grant and agree to and with the said party of the second part, its successors and assigns, the said premises, in the quiet and peaceable possession of the said party of the second part, its successors and assigns, against the 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.

George G. Campbell (SEAL)
Fred H. Campbell (SEAL)
Violet Campbell (SEAL)

Witness:

R. D. [Signature]



STATE OF IDAHO)
BANNOCK COUNTY) SS.

On this 6 day of December, 1921, before me, Bennett [Signature], a Notary Public in and for said county and State, personally appeared George G. Campbell, a single man, and Fred H. Campbell, and Violet Campbell, his wife, 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.

Bennett [Signature]
Notary Public, State of Idaho.
Residence, Postville, Bannock
County, Idaho.