



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

April 25, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

UDELL J ROBERTS
2767 HWY 36
OVID ID 83254

RE: Change in Ownership for Water Right No. 11-46

Dear Interested Party:

Our letter of November 22, 2005 (copy enclosed) explaining reasons why the department was unable to process your ownership change request, and giving you the possibility of options so that an ownership change could be accomplished remains unanswered.

Therefore, I am returning the notice of change in water right ownership request. Issuance of a refund in the amount of \$25.00 for fees paid is in process. A copy of your ownership change request information will be kept in our files for reference.

If you have any questions regarding this matter, please call me at 208-287-4945.

Sincerely,

Darla Block
Technical Records Specialist

Enclosure(s)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

MAY 27 2003

Department of Water Resources

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List **just** the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
11-46					

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a **USDA Farm Service Agency AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former
Owner/Claimant(s)

David M. King
Deceased

4. New Owner/Claimant(s)

Udell J. Roberts
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

2767 HWY 36

City, State and ZIP Code

Ovid Id. 83254

New Telephone Number

208 945-2056

5. Date you acquired the property

Dec. 15. 1952

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Wesley J. Roberts
(include title if applicable) _____

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by <u>J. Mann</u>	Date <u>5/27/03</u>	Fee <u>\$25.00</u>
Received by <u>J. Mann</u>	Date <u>5/27/03</u>	Receipt No. <u>0069251</u>
Processed by _____	AJ Date _____	WR _____ Date _____

Warranty Deed

THIS INDENTURE, made the 21st day of January, in the year of our Lord, one thousand nine hundred and Fifty Eight between David Roberts and Lottie H. Roberts, husband and wife. of Logan, County of Cache, State of Utah parties of the first part, and Udell Roberts, and Afton E. Roberts husband and wife Liberty. County of Bear Lake, State of Idaho, the part Y. of the second part:

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Five Thousand Eight hundred and twenty DOLLARS, lawful money of the United States of America to them in hand paid by the said part Y. of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold, aliened, remised, released, conveyed and confirmed, and by these presents do GRANT, BARGAIN, SELL, ALIEN, REMISE, RELEASE, CONVEY and CONFIRM unto the said part Y. of the second part, and to his heirs and assigns forever, all that certain piece or parcel of land, situated in the County of Bear Lake, State of Idaho, and known and described as follows, to-wit:

Together with all and singular the tenements, hereditaments and appurtenances thereof, belonging, or in any wise appertaining, and the rents, issues and profits thereof, and also all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity of the said part 1.B.S of the first part, of, in or to said premises, and every part and parcel thereof, with the appurtenances.

1/21/58

The South ⁸ quarter of the Northeast quarter, and the West Half of the Northwest quarter of the Southwest quarter of Section Three (3), in Township 13 South, Range 43 East of the Boise Meridian, containing 60 acres of land.

Also, a tract of land beginning at a point 3.73 chains West from the Northeast corner of the Northwest quarter of Section 9, in Township 13 South, Range 43 East of the Boise Meridian and running thence West 5.12 chains; thence South 19 degrees 30' West 23.53 chains to ditch; thence South 48 degrees 30' E. 4.75 chains; thence North 20 degrees 30' East 27.08 chains to place of beginning, containing 11.62 acres of land, more or less.

Also, Commencing at a point 1320 feet East and 1320 feet North from the Southwest corner of Section 3 in Township 13 South, Range 43 East, Boise Meridian, and running thence North 1979 feet; thence East 100 feet; thence North 1295 feet; thence North 36° West 160 feet; thence North 465 feet, to the Northwest corner of the Northeast quarter of the Northwest quarter of said Section 3; thence East 892 feet; thence South 12°30' East 460 feet; thence South 33°05' West 809 feet; thence South 9° 38' West 1098 feet; thence South 18°20' East 258 feet; thence South 24° 50' East 232 feet; thence South 13°04' East 407 feet; thence South 73°35' East 161 feet; thence South 6° West 765 feet; thence West 731 feet to the place of beginning and containing 54.36 acres more or less.

Also, Commencing at a point 8.85 chains West and S. 19°30' West 23.53 chains from the Northeast corner of the Northwest quarter of Section 9, Township 13 South, Range 43 East, Boise Meridian, run thence S. 48°30' East 4.75 chains; thence S. 20°30' West 29.15 chains to the center of Liberty Creek, thence following the meanderings of the center of the creek in a Northwesterly direction to a point N. 63° 15' East 3.80 chains; thence N. 19° 30' East 30.30 chains, to place of beginning, containing 12.17 acres of land, more or less.

✓ Also, from the Southeast corner of Section 4, Township 13 South, Range 43 East, Boise Meridian in Idaho, run East 1.42 chains; thence N. 30° 19' E. 9.80 chains; thence N. 17° 39' E. 4.10 chains to the real place of beginning; running thence S. 17° 39' W. 4.10 chains; thence S. 30° 19' W. 9.80 chains; thence West 20.87 chains; thence N. 35° 45' E. 2.57 chains; thence N. 61° 45' E. 3.00 chains; thence N. 12° 00' E. 1.00 chains; thence N. 11° 30' W. 2.00 chains; thence N. 35° E. 7.48 chains; thence East 18.60 chains, more or less, to the place of beginning, containing 23½ acres, be there more or less.

Together with any and all water and water rights thereunto belonging or in anywise appertaining, particularly 4 shares of stock in the East Liberty Water Ditch.

Also, Commencing at a point on the Southwesterly line of the right of way of the County road, (commonly known as the East Liberty road) which said point is approximately 229 feet South 52 degrees 30' East off a point which is 3.05 chains East of the NW corner of the NE¼ of Section 9, Twp. 13 South, Range 43 East of Boise Meridian, in Idaho, and running thence North 52 degrees 30' West, along said Southwesterly line of said Highway, 44 feet; thence South 37 degrees 30' West 36 feet; thence South 52 degrees 30' East 44 feet; thence North 37 degrees 30' East 36 feet to the place of beginning, containing Four hundredths of an acre, more or less.

✓ Also, a tract of land Commencing at a point 3.73 chains West of the Southeast corner of the Southwest quarter of Section 4, Township 13 South, Range 43 East of the Boise Meridian and running thence West 5 chains; thence North 19 degrees 30' E. 7.65 chains; thence along county road South 52 degrees 30' E. 4.90 chains; thence South 19 degrees 30' W. 4.34 chains to place of beginning and containing 2.70 acres.

Also, a tract of land beginning at a point from the Northeast corner of the Northwest quarter of Section 9, in Township 13 South, Range 43 East of the Boise Meridian and running thence West 5.12 chains; thence South 19 degrees 30' West 23.53 chains to ditch; thence South 48 degrees 30' E. 4.75 chains; thence North 20 degrees 30' East 27.08 chains to place of beginning, containing 11.62 acres of land, more or less.

Also, Commencing at a point 1320 feet East and 1320 feet North from the Southwest corner of Section 3 in Township 13 South, Range 43 East, Boise Meridian, and running thence North 1979 feet; thence East 100 feet; thence North 1295 feet; thence North 36° West 160 feet; thence North 465 feet, to the Northwest corner of the Northeast quarter of the Northwest quarter of said Section 3; thence East 892 feet; thence South 12°30' East 460 feet; thence South 33°05' West 809 feet; thence South 9° 38' West 1098 feet; thence South 18°20' East 258 feet; thence South 24° 50' East 232 feet; thence South 13°04' East 407 feet; thence South 73°35' East 161 feet; thence South 6° West 765 feet; thence West 731 feet to the place of beginning and containing 54.36 acres more or less.

Also, Commencing at a point 8.85 chains West and S. 19°30' West 23.53 chains from the Northeast corner of the Northwest quarter of Section 9, Township 13 South, Range 43 East, Boise Meridian, run thence S. 48°30' East 4.75 chains; thence S. 20°30' West 29.15 chains to the center of Liberty Creek, thence following the meanderings of the center of the creek in a Northwesterly direction to a point N. 63° 15' East 3.80 chains; thence N. 19° 30' East 30.30 chains, to place of beginning, containing 12.17 acres of land, more or less.

Also, from the Southeast corner of Section 4, Township 13 South, Range 43 East, Boise Meridian in Idaho, run East 1.42 chains; thence N. 30° 19' E. 9.80 chains; thence N. 17° 39' E. 4.10 chains to the real place of beginning; running thence S. 17° 39' W. 4.10 chains; thence S. 30° 19' W. 9.80 chains; thence West 20.87 chains; thence N. 35° 45' E. 2.57 chains; thence N. 61° 45' E. 3.00 chains; thence N. 12° 00' E. 1.00 chains; thence N. 11° 30' W. 2.00 chains; thence N. 35° E. 7.48 chains; thence East 18.60 chains, more or less, to the place of beginning, containing 23½ acres, be there more or less.

Together with any and all water and water rights thereunto belonging or in anywise appertaining, particularly 4 shares of stock in the East Liberty Water Ditch.

Also, Commencing at a point on the Southwesterly line of the right of way of the County road, (commonly known as the East Liberty road) which said point is approximately 229 feet South 52 degrees 30' East off a point which is 3.05 chains East of the NW corner of the NE¼ of Section 9, Twp. 13 South, Range 43 East of Boise Meridian, in Idaho, and running thence North 52 degrees 30' West, along said Southwesterly line of said Highway, 44 feet; thence South 37 degrees 30' West 36 feet; thence South 52 degrees 30' East 44 feet; thence North 37 degrees 30' East 36 feet to the place of beginning, containing Four hundredths of an acre, more or less.

Also, a tract of land Commencing at a point 3.73 chains West of the Southeast corner of the Southwest quarter of Section 4, Township 13 South, Range 43 East of the Boise Meridian and running thence West 5 chains; thence North 19 degrees 30' E. 7.65 chains; thence along county road South 52 degrees 30' E. 4.90 chains; thence South 19 degrees 30' W. 4.34 chains to place of beginning and containing 2.70 acres.

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Also, commencing at the NW corner of the NE¼ of NW¼ of Sec. 3 in Tp. 13 S. of R. 43 E.B.M. in Idaho; running West 255 feet; thence S. 11°24' E. 129 feet; thence S. 36° E. 409 feet; thence North 1409 feet to the place of beginning and containing 1.36 acres more or less.

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

IN WITNESS WHEREOF, The said part ies of the first part have hereunto set thair hand s and seal s the day and year first above written.

Signed, Sealed and Delivered in the Presence of

David Roberts (SEAL)
Lottie H. Roberts (SEAL)

United States of America

STATE OF IDAHO
County of Bear Lake | ss.

On this 21st day of January in the year of our Lord one thousand nine hundred and Fifty Eight before Me, John B. Hoge a Notary public, within and for said County and State personally appeared David Roberts and Lottie H. Roberts, husband and wife, personally known to me to be the person s whose name s are subscribed to the within instrument, and duly acknowledged to me that they executed the same.

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

John B. Hoge
Notary Public for Idaho
Residing at Paris, Idaho

*My Commission Expires
25 June 1958*

No. _____	
Warranty Deed	
TO _____	
Dated _____ 19____	
DEPT. OF COUNTY RECORDER	
STATE OF IDAHO m. 92544	
County of Bear Lake	
I hereby certify that this instrument was <u>filed for record at the request of</u> <u>David Roberts</u> at <u>26</u> minutes past <u>2</u> o'clock <u>P.</u> m. this <u>28</u> day of <u>February</u> A. D. 19 <u>58</u> , in my office, and duly recorded in Book <u>36</u> page <u>10</u> at _____ <u>Anna P. Hoge</u> County Recorder. <u>Becky H. Hoge</u> Deputy. Fee - \$ <u>1.00</u> Presented to and platted by me this _____ day of _____ 19____ Assessor.	

THIS INDENTURE, Made the 15 day of December, in the year of our Lord, one thousand nine hundred and Fifty-two between DAVID and LOTTIE ROBERTS (Husband and wife) of Liberty, County of Bear Lake, State of Idaho, parties of the first part, and UDELL ROBERTS of Liberty, County of Bear Lake, State of Idaho, part.V. 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 consideration ADJUDICATED lawful money of the United States of America to them in hand paid by the said part.V. of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold, aliened, remised, released, conveyed and confirmed, and by these presents do GRANT, BARGAIN, SELL, ALIEN, REMISE, RELEASE, CONVEY, and CONFIRM unto the said part.V. of the second part, and to his heirs and assigns forever, all that certain piece or parcel of land, situated in the County of Bear Lake, State of Idaho, and known and described as follows, to-wit:

Commencing at a point 40 feet N. 54°11' W. and 83 feet N. 37°30' E. from the SE Corner of the SW 1/4 of section 4, in Township 13 South of Range 43 East of the Boise Mer. in Idaho and running thence S. 37°30' W. 231 feet; thence N. 55°02' W. 163 feet; thence N. 20°28' E. 248 feet; thence S. 52°30' E. 236 feet to the place of beginning and containing 1.09 acres more or less.

Note-This description does not contain any portion of the road.

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging, or in any wise appertaining, and the rents, issues and profits thereof, and also all the estate right, title, interest, property possession, claim and demand whatsoever, as well in laws as in equity of the said parties of the first part, of, in or to said premises, and every part and parcel thereof, with the appurtenances.

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances, unto the said part.V. of the second part, and to his heirs and assigns forever, and said parties of the first part, and their heirs, the said premises, in the quiet and peaceable possession of the said part.V. of the second part; his heirs and assigns against the said parties of the first part, and their heirs and against any and all persons whatsoever, 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

Sam V. Tunks

David Roberts' (SEAL)

Lottie Roberts (SEAL)

STATE OF IDAHO, } ss.
COUNTY OF BEAR LAKE }

UNITED STATES OF AMERICA

On this 31 day of December, in the year of our Lord one thousand nine hundred and Fifty-two before me Sam V. Tunks, Clerk of District Court within and for said County and State personally appeared David Roberts & Lottie Roberts, husband & wife personally known to me to be the persons whose names are subscribed to the within instrument, and duly acknowledged to me that they executed the same.

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

(SEAL)

Sam V. Tunks

Clerk of the District Court

Recorded at request of Udell Roberts at 3:30 o'clock P.M., this 31 day of December, A.D. 1952.

Sam V. Tunks

County Recorder.

Fees, \$ 1.25

Ruby Bretton, Deputy.

12/15/1952

the last described tract of land the following portion thereof to-wit:
(Commencing at a point 75 rods South of the Northwest corner of the Southwest quarter of Section 34, Township 12 South of Range 44 East of the Boise Meridian, and running thence North 208½ feet; thence East 208½ feet thence South 208½ feet, (To North line of J. W. Hoskins land); thence West 208½ feet to place of beginning)

Together with any and all water rights belonging to or having been used upon the above described land and described as 40 shares of stock in the Montpelier, Irrigation Company.

Also, Beginning at a point 75 links West of the Southeast Corner of Section 33, Twp. 12 South of Range 44 East of Boise Meridian, and running thence North 301½ feet to Ashley lot; thence West 264 feet along South side of Ashley Lot; thence North along West side of Ashley Lot 165 feet; thence North 88°40' West 604 feet; thence South 8.60 chains, more or less to Section line; thence East 868 feet more or less to point of beginning and containing 9.01 acres of land, together with 4 shares of stock in the Montpelier Irrigation Company of Montpelier, Idaho.

As a part of said purchase price the Party of the second part assumes and agrees to pay that certain mortgage loan in the sum of \$5800.00 to Utah mortgage Loan Corporation of Logan, Utah, with all interest thereon from and after January 1st, 1947, which mortgage covers said land and other property.

\$5.00 Cancelled Documentary Stamps affixed.

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 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 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 parties of the first part, and their heirs, and against all and every persons 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)
Levi Aland)
Levi Aland)

Elwood A. Hansen

Ethel Hansen

STATE OF IDAHO,
County of Bear Lake

ss.

On this 18 day of November in the year 1946, before me, a Notary Public in and for said State, personally appeared Elwood A. Hansen & Ethel Hansen Elwood A. Hansen and his wife, Ethel Hansen, 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)

My Commission expires
December 15, 1949.

Levi Aland
Notary Public, Montpelier, Idaho.

Recorded at the request of David Roberts; 1:00 P.M.; Feb. 6, 1948; Book 42 of Deeds at page 111.

By Ruby Baxton Deputy
Fee: \$1.80

Sam V. Tunks, Recorder.

No. 60494. WARRANTY DEED

THIS INDENTURE, Made this 22 day of November in the year of our Lord one thousand nine hundred and forty-seven, between David Roberts and wife, Lottie H. Roberts of Montpelier, County of Bear Lake, State of Idaho, the parties of the first part, and Udell J. Roberts and wife, Afton E. Roberts of Montpelier, County of Bear Lake, 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 Ten Thousand and no/100 - DOLLARS, 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 part. of the second part; and to their heirs and assigns forever, all of the following described real estate, situated in County of Bear Lake, State of Idaho, to-wit:

Commencing at a point 301½ feet North and 50 feet West from the South East corner of Section 33, in Township 12 South of Range 44 East of the Boise Meridian, and running thence West 264 feet; thence North 165 feet and thence East 264 feet; thence South 165 feet to the place of beginning and containing 1 acre of land more or less.

Also, commencing at the Northwest corner of the Southwest quarter of Section 34, Township 12 South of Range 44 East of the Boise Meridian and running thence East 70 rods; thence South 96 rods; thence West 70 rods; thence North 96 rods to place of beginning and containing 42 acres of land, more or less, excepting therefrom a strip of land 2 rods in width along the West side of last mentioned tract, which is used as a public road.

Also, Commencing at a point 96 rods South of the Northwest Corner of the Southwest quarter of Section 34, in Township 12 South of Range 44 East of the Boise Meridian, and running thence East 70 rods; thence South 40 rods; thence West 70 rods; more or less to the intersection of Quarter section line; thence North along said quarter section line 40 rods to place of beginning, and containing 18 acres, more or less, Save and except from the last described tract of land the following portion thereof, to-wit: Commencing at a point 136 rods South of the Northwest corner of the Southwest quarter of Sec. 34, Township 12 South of Range 44 East of the Boise Meridian, and running thence North 208½ feet; thence

East 208½ feet thence South 208½ feet (to the North line of J. W. Hoskins land); thence West 208½ feet to pl. of beginning.

Together with any and all water rights belonging to or having been used upon the above described land and described as 40 shares of stock in the Montpelier, Irrigation Company.

Also beginning at a point 75 links West of the Southeast Corner of Section 33, Twp. 12 South of Range 44 East of the Boise Meridian, and running thence North 301½ feet to Ashley Lot; thence West 264 feet along South side of Ashley Lot; thence North along West side of Ashley Lot 165 feet; thence North 88 degrees 40' West 604 feet; thence South 8.60 chains, more or less to Section line; thence East 868 feet more or less to point of beginning and containing 9.01 acres of land, together with 4 shares of stock in the Montpelier Irrigation Company of Montpelier, Idaho.

As part of said purchase price, the Grantees herein assume and agree to pay that certain mortgage in the original amount of \$6800, reduced to \$5800, executed by Elwood A. Hansen and wife, Ethel E. Hansen, dated December 4th, 1945, recorded Dec. 10th, 1945 in book "19" of Mortgages on page 506, records of Bear Lake County, Idaho, which mortgage covers this property, and is in favor of Utah Mortgage Loan Corporation.

\$5.00 Cancelled Documentary Stamps affixed.

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 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 part 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.

David Roberts

Lottie H. Roberts

STATE OF IDAHO,)
County of Bear Lake) ss.

On this 26th. day of December in the year 1947, before me Fred J. Price, a Notary Public in and for said State, personally appeared David Roberts and wife, Lottie H. Roberts 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)

Fred J. Price
Notary Public for the State of
Idaho, Residing at Paris, Idaho.

Recorded at the request of David Roberts; 1:05 P.M.; Feb. 6, 1948; Book 42 of Deeds at page 112.

By Sam V. Tunks Deputy
Fee: \$1.80

Sam V. Tunks, Recorder.

No. 60518. WARRANTY DEED

THIS INDENTURE, Made the 1st day of May, in the year of our Lord one Thousand Nine hundred and Thirty seven between Eugene R. Arnell and Edna M. Arnell, his wife, Gertrude E. Owens and Preston B. Owens, her husband, Wm. Stanley Arnell and Lanore Arnell, his wife, Vera A. Updike and Clarence Updike, her husband, and Ralph G. Arnell, single, of St. Charles, Bear Lake county, state of Idaho, the parties of the first part, and Gilbert P. Arnell and Eldon G. Arnell, of St. Charles, Bear Lake county, 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 Thousand Sixty two and 50/100 Dollars 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, sold, aliened, remised, released, conveyed and confirmed, and by these presents do GRANT, BARGAIN, SELL, ALIEN, REMISE, RELEASE, CONVEY and CONFIRM unto the said parties of the second part, and to their heirs and assigns forever, all those certain pieces or parcels of land, situated in the County of Bear Lake, State of Idaho, and known and described as follows, to-wit:

Lot 7 in Block 24, Plat A, St. Charles Townsite Survey; Also beginning at the NW corner of said Lot 7 and running thence West 19 rods to Townsite line; Thence South 10 rods; Thence East 19 rods; Thence North 10 rods to place of beginning and containing 1 acre and 30 square rods, more or less. Also,

Beginning at the NE corner of Lot 6, Block 24, Plat A, St. Charles Townsite Survey, Bear Lake County, Idaho, and running thence West 39 rods; Thence South 10 rods; Thence East 39 rods; Thence North 10 rods to place of beginning, and containing 2 acres and 70 square rods of land, be there more or less. Also,

Commencing at a point 20 rods North from the SW corner of Lot 7 in Block 24 Plat A, St. Charles Townsite Survey, and running thence West 19 rods to West boundary line of St. Charles Townsite; Thence North 10 rods; Thence East 19 rods; Thence South 10 rods to place of beginning, containing 1 acre and 30 square rods of land. Also Lot 5 in Block 24 St. Charles Townsite Survey, in Bear Lake County, Idaho.

Together with all water and water rights belonging to or appertaining to all the above described land.

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THIS INDENTURE, Made the 1st day of July, in the year of our Lord one thousand nine hundred and 37, between Thomas C. King, who is the same person as T. C. King, and Ruella P. King, his wife, of Montpelier, County of Bear Lake, State of Idaho, part 1st of the first part, and David Roberts of Liberty, County of Bear Lake, State of Idaho, part 2nd of the second part:

WITNESSETH, That the parties of the first part, for and in consideration of the sum of Twenty-Five Hundred 00/100----- 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, have granted, bargained, sold, aliened, remised, released, conveyed and confirmed, and by these presents do GRANT, BARGAIN, SELL, ALIEN, REMISE, RELEASE, CONVEY and CONFIRM, unto the said party of the second part, and to his heirs and assigns forever, all that certain piece or parcel of land, situated in the County of Bear Lake, State of Idaho, and known and described as follows, to-wit:

A tract of land beginning at a point 3.73 chains West from Northeast corner of Northwest quarter of section 9, in Tp. 13S. R. 43 E. B. M.; running thence West 5.12 chains, thence South 19°30' West 23.53 chains to ditch, thence South 48°30' E. 4.75 chains, thence North 20°30' East 27.08 chains to place of beginning; containing 11.62 acres of land more or less.

Also a tract of land commencing at a point 3.73 chains west of the southeast corner of the southwest quarter of Section 4, Tp. 13 S. R. 43 E. B. M. and running thence west 5.00 chains, thence N. 19°30' E. 7.65 chains; thence along county road S. 52°30' E. 4.90 chains; thence S. 19°30' W. 4.34 chains to place of beginning and containing 2.70 acres.

Also, a tract of land commencing at a point 26.58 chains north from the southeast corner of the southwest quarter of section 4, Tp. 13 S. R. 43 E. B. M., and running thence north 9.08 chains, thence west 30.53 chains to middle of County road; thence S. 12° W. 8.57 chains; thence S. 14° E. 7.80 chains, thence S. 46° 10' E. 9.65 chains thence S. 52°30' E. 6.10 chains, thence N. 40° E. 23.10 chains to place of beginning, containing 54.80 acres.

Together with decreed water rights for said lands.

\$2.50 cancelled Documentary stamps affixed.

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereto belonging, or in any wise appertaining, and the rents, issues and profits thereof, and also all the estate, right, title, interest, property, possessions, claim and demand whatsoever, as well in law as in equity, of the said parties of the first part, of, in or to said premises, and every part and parcel thereof, with the appurtenances.

TO HAVE AND TO HOLD, All and singular, the said premises, together with the appurtenances, unto the said 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 any and all 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 hand and seal, the day and year first above written.

Water additions made before signing.

Chas E. Harris
Notary Public

Thos C. King (SEAL)

Ruella P. King (SEAL)

STATE OF IDAHO, }
COUNTY OF BEAR LAKE, } ss.

UNITED STATES OF AMERICA

On this 19th day of July, in the year of our Lord one thousand nine hundred and 37, before me, Chas. E. Harris, a Notary Public within and for said County and State, personally appeared Thomas C. King and Ruella P. King, his wife, personally known to me to be the persons whose names are subscribed to the within instrument, and duly acknowledged to me that they executed the same.

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

(SEAL)

Chas. E. Harris
Notary Public
Montpelier, Idaho

Recorded at request of David Roberts at 10:10 o'clock A. M., this 20 day of July, A. D. 1937.

Sam V. Tunks

County Recorder.

Fee, \$ 1.00

Ad Williamson, Deputy.

7/1/37

INSTRUMENT No. 43644

THIS INDENTURE, Made the 28 day of November, in the year of our Lord one thousand nine hundred and Thirty-six, between David C. and Rose King husband and wife and Thomas C. and Ruella P. King husband and wife of Sharon and Montpelier, County of Bear Lake, State of Idaho, part 1st. of the first part, and David Roberts of Liberty, County of Bear Lake, State of Idaho, part 2nd. of the second part:

WITNESSETH, That the part 1st. 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 have in hand paid by the said part 2nd. of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold, aliened, remised, released, conveyed and confirmed, and by these presents do GRANT, BARGAIN, SELL, ALIEN, REMISE, RELEASE, CONVEY and CONFIRM, unto the said part 1st. of the second part, and to his heirs and assigns forever, all that certain piece or parcel of land, situated in the County of Bear Lake, State of Idaho, and known and described as follows, to-wit:

Commencing at a point 2.50 chains south from the South West Corner of the South East Quarter of the North East Quarter of Section 29 in Township 12 South of Range 43 East of the Boise Meridian in Idaho, and running thence North 21.53 chains to the foot of a dugway road; thence along said road as follows: N. 41° E. 2.70 chains, N. 32° 15' E. 5.77 chains, N. 47° 23' E. 14.30 chains; N. 19° E. 5.58 chains; thence East 1.95 chains; thence South 42.50 chains; thence West 20.00 chains to the place of beginning and containing 65.16 acres of land more or less

50¢ cancelled Documentary stamp affixed.

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereto belonging, or in any wise appertaining and the rents, issues and profits thereof, and also all the estate, right, title, interest, property, possessions, claim and demand whatsoever as well in law as in equity, of the said part 1st. of the first part, of, in or to said premises, and every part and parcel thereof, with the appurtenances.

TO HAVE AND TO HOLD, All and singular, the said premises, together with the appurtenances, unto the said part 2nd. of the second part, and to his heirs and assigns, forever, and the said part 1st. of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said part 2nd. of the second part, his heirs and assigns, against the said part 1st. of the first part, and their heirs, and against any and all persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said part 1st. of the first part have hereunto set their hands and seal, the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Levi Aland, Thos. C. King, Ruella Pearl King, David C. King, Rose M. King

STATE OF IDAHO, } ss. UNITED STATES OF AMERICA

On this 23 day of June, in the year of our Lord one thousand nine hundred and thirty-six, before me Levi Aland, a Notary Public in and for said County and State, personally appeared Thomas C. King and Ruella P. King, his wife, personally known to me to be the persons whose names are subscribed to the within instrument, and duly acknowledged to me that they executed the same, the day and year in this certificate above written.

(SEAL)

My Commission Expires Jan. 26, 1938.

Levi Aland
Notary Public
Montpelier, Idaho

Recorded at request of D. Hess, at 11:40 o'clock A.M., this 23 day of June, A. D. 1937

Fee, \$ 1.00

Sam V. Tunks, County Recorder

11/28/1936

Book 32 -
pg. 527

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WIT My hand and the Seal of this Court the 25th day of May, 1935.

(COURT SEAL)

M. G. Whitney
Probate Judge

STATE OF IDAHO,)
IN THE PROBATE COURT OF SAID COUNTY
County of Kootenai,)

I, M. G. WHITNEY, Probate Judge and Ex-Officio Clerk of the Probate Court in and for the County and State aforesaid, do hereby certify the within and foregoing to be a full, true and correct copy of the whole thereof, of Order Approving First and Final Account, and Decree of Distribution, In the Matter of the Estate of LAURA A. CLARK, deceased as the same appears of record and the files in my office in Book , on page

In TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal this 25th day of May, 1935.

(SEAL)

M. G. Whitney
Probate Judge and Ex-Officio
Clerk of the Probate Court.

Recorded at the request of Roger G. Wearne at 9 o'clock A. M. May 27th, 1935.

By Roger G. Wearne Deputy

Sam V. Tunks, Recorder

Fee \$3.00

No. 40598 +

STATE OF IDAHO)
County of Bear Lake,) ss

J. J. Sarbach being first duly sworn deposes and says: That he is well acquainted with David R. Sarbach, he being my brother. That the person named as David Sarbach, grantee, in that certain deed of record on page 505 of the Book of Deeds No. 31, of the records of Bear Lake County, Idaho, is the same person as said David R. Sarbach, also sometimes known as D. R. Sarbach.

John J. Sarbach

Subscribed and sworn to before me this 17th day of October, 1934.

(SEAL)

Chas. E. Harris
Notary Public

Recorded at the request of W. Smith Hoge at 10:10 o'clock A. M. May 31st, 1935.

By W. Smith Hoge Deputy

Sam V. Tunks, Recorder

Fee 20¢

No. 40599 +

STATE OF IDAHO,)
County of Bear Lake) ss

S. H. Rich of lawful age, being first duly sworn, deposes and says that he was well acquainted with Edward Burgoyne and his wife, Mary A. Burgoyne, during their life time, and knows of his own knowledge that prior to his death the said Edward Burgoyne conveyed practically all of his property to his said wife, the said Mary A. Burgoyne, as evidenced by that certain deed bearing date September 7th, 1901, and recorded in Book 10 of Deeds at page 403, records of Bear Lake County, Idaho.

That Sarah J. Williams is a daughter of said Edward Burgoyne and his wife, Mary A. Burgoyne; that said Sarah J. Williams and Milford Williams were husband and wife on the date first above mentioned and have been husband and wife ever since.

S. H. Rich

Subscribed and sworn to before me this 9th day of June A. D. 1930.

(SEAL)

Edwin L. McClave
NOTARY PUBLIC
Residence, Montpelier, Idaho

My commission Expires Mar. 8, 1932.

Recorded at the request of W. Smith Hoge at 10:15 o'clock A. M. May 31st, 1935.

By W. Smith Hoge Deputy
Fee 20¢

Sam V. Tunks, Recorder

No. 40639 IN THE PROBATE COURT OF BEAR LAKE COUNTY STATE OF IDAHO

IN THE MATTER OF THE ESTATE

OF

DAVID MORRIS KING, deceased.

DECREE OF SETTLEMENT OF ACCOUNT AND
FINAL DISTRIBUTION

T. C. KING, Executor of the last will of David Morris King, deceased, having on the 27th day of October, 1934, rendered and filed herein a full and complete account and report of his administration of said estate, which account was for final settlement, and the said T. C. King, having with said account filed and presented a petition for final distribution of said estate:

11/16/34

And the said account and petition coming on regularly to be heard, and proof having been made, to the satisfaction of the court, that the due and proper notice had been given of the settlement of said account, and the hearing of said petition in the manner and for the time heretofore ordered and directed by the court:

And it appearing that said account is in all respects correct, and it appears to the court from the evidence presented that there has been no money or other personal property belonging to said estate come into the hands of the Executor during his administration and that the costs of administration were paid out of personal funds by T. C. King, Frank King and David King; it further appears to the court that the terms of said will were carried out, as respects the personal property left by the deceased, by his wife, in the following manner;

That shortly after the death of David Morris, his wife Susanna King paid the debts of deceased then outstanding and that she thereafter distributed in the year 1910 the personal property, as follows:

To David King, a son, cash	\$500.00
To Frank King, a son, cash	\$500.00
To Mrs. J. F. Bunn, a daughter, cash	\$410.00
To Mrs. Elizabeth K. Smith, a daughter, cash	\$410.00
To Mrs. Isabelle K. Wood, a daughter, cash	\$410.00
To Mrs. Olive K. Rich, a daughter, cash	\$410.00
To Effie Derricott Butler, a granddaughter whose mother was dead, cash	\$410.00

The court finds that the distribution of said money occurred in 1910 and many years prior to the appointment of T. C. King as administrator, and that said distribution all as set forth in the Executor's account and report was in accordance with the terms of the last will of David Morris King, deceased.

That having been no one appear in person or otherwise to protest said account and report, or to file objections thereto, IT IS THEREFORE ORDERED that said account and report be and it is hereby settled and approved.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That the estate of said deceased in realty, more particularly hereinafter described, be and the same is hereby distributed in accordance with the terms of said will as follows:

To Mrs. Hortensia King, administratrix of the estate of Franklin Morris King, deceased,

Lot twenty-eight (28) as platted in Bear Lake County plat Book "B" page 66, and further described as follows, to-wit: Commencing at a point thirteen (13) chains and fourteen (14) links S. 89° 30' W. from the southeast corner of Section nine, Township thirteen south of Range forty-three E. B. M., in Idaho Territory and running thence S. 89° 30' W. five chains and forty-five links, thence N. 13° 15' E. twenty-three chains, thence S. 61° 45' E. five chains and thirty-one links thence S. 13° W. twenty chains and thirty-three links to place of beginning and containing eleven acres and one hundred three square rods of land be the same more or less.

Also a tract of land commencing at a point thirteen chains and eight links West from the Northeast corner of Section sixteen of Township thirteen South of Range forty-three E. B. M., U. S. Survey and running thence South 13° 44' West twelve chains and fifteen links thence following up center of creek ten chains (from point to point, North 18° 30' East two chains and seventy-five links) thence North 13° 30' two chains and fifty links thence East five chains and forty-seven links to place of beginning and containing four acres and one hundred and twenty square rods of land, be there more or less.

To T. C. King,

The entire farm and ranch were decedent lived December 13, 1899, sometimes known as the Lewis place, and otherwise described as:

A tract of land beginning at a point 3.73 chains West from Northeast corner of northwest quarter of section 9 in Township 13 South of Range 43 E. B. M.; running thence West 5.12 chains, thence South 19° 30' W. 23.53 chains to ditch, thence South 48° 30' E. 4.75 chains, thence North 20° 30' E. 27.08 chains to place of beginning; containing 11.62 acres of land more or less.

Also a tract of land beginning at a point 8.85 chains W. and S. 19° 30' W. 23.53 chains, thence S. 48° 30' E. 4.75 chains, thence S. 20° 30' W. 29.15 chains to center of Liberty Creek. Thence following the meandering of center of creek in northwesterly direction to a point N. 63° 15' E. 3.80 chains; thence N. 19° 30' E. 30.30 chains to place of beginning containing, 12.17 acres of land more or less.

Also a tract of land commencing at a point in the middle of "North Creek" 1342 feet south of the northwest corner of the southwest quarter of section 4 T. 13 S. R. 43 E. and running thence north 591 feet to middle of County Road, thence along said road N. 75° E. 788 feet to junction of Sharon-Ovid Road, thence along last named road S. 14° E. 515 feet, thence S. 62° W. 672 feet to creek, thence up North Creek to place of beginning and containing 11.35 acres.

Also a tract of land commencing at a point 3.73 chains west of the southeast corner of the southwest quarter of section 4 T. 13 S. R. 43 E.B.M. and running thence West 5.00 thence N. 19° 30' E. 7.65 chains; thence along County Road S. 52° 30' E. 4.90 chains; thence S. 19° 30' W. 4.34 chains to place of beginning and containing 2.70 acres.

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Also a tract of land commencing at a point 5.58 chains north from the southeast corner of the southwest quarter of Section 4 T 13 S R 43 E.B.M. and running thence north 9.08 chains, thence west 30.53 chains to middle of County Road; thence S. 12° E. 8.57 chains, thence S. 14° E. 7.80 chains; thence S. 46° 10' E. 9.65 chains thence S. 52° 30' E. 6.10 chains, thence N. 40° E. 23.10 chains to place of beginning, containing 54.80 acres.

To David King, a son,

Lot one (1) as platted in Bear Lake County plat book B on page sixty-nine (69), further described as follows, to-wit: Commencing at a point twenty-six (26) chains and ten (10) links north from the southwest corner of northwest quarter (¼) of Section fifteen (15) Township thirteen (13) South of Range forty-three (43) East of Boise Meridian in Idaho Territory and running thence South eight (8) chains, thence N. 62° 45' E. nineteen (19) chains and fifty (50) links to center of North Creek, thence up said creek following its windings to place of beginning containing nine (9) acres and forty-two (42) square rods of ground be the same more or less.

Also a tract of land described as follows, to-wit: Commencing at the Southeast corner of the Northeast quarter of the Northeast quarter of Section sixteen (16) of Township thirteen (13) South of Range forty-three (43) East of Boise Meridian, U. S. Survey and running thence North five (5) chains and seventy (70) links, thence up center of creek two (2) chains and twenty-three (23) links (from point to point being North 20° West one (1) chain and sixty (60) links) thence South 62° 50' West fifteen (15) chains and sixty-eight (68) links, thence East fourteen (14) chains and forty-nine (49) links to place of beginning and containing four (4) acres and thirty-two (32) square rods of land be there more or less.

All in Township thirteen (13) South of Range forty-three (43) East of Boise Meridian.

The Court makes the following findings in connection with said estate, to-wit:

That Susan King and Susanna King are one and the same person and that she was the wife of the deceased and that she resided upon said estate until November 29, 1930 when she died in Bear Lake County, Idaho, and that her life interest in said estate terminated on that date and IT IS HEREBY ADJUDGED AND DECREED that she, nor her estate, has any right, title or interest of any nature whatsoever in the lands hereinabove described.

IT IS ALSO FURTHER ORDERED, ADJUDGED AND DECREED That all of the above described real estate includes and carries with it all water rights and appurtenances thereunto belonging to each tract severally.

That Frank King, Franklin King and Franklin Morris King are one and the same person whenever such names appear in these proceedings.

It is further provided that T. C. King, Thos. King, Thos C. King and Thomas C. King are one and the same person when used in these proceedings.

It was provided insaid will that any of the unmarried daughters of the deceased could have their home in common with their mother on said premises during her life and as long as they remained single.

The court finds that at the date of the death of David Morris King all his daughters had married except Olive King and that she married Morgan Rich in 1921 and left said premises and her mother and lived with and resided with said Morgan Rich and that at the time of her marriage as aforesaid her right to live upon said premises or to enjoy any of the profits therefrom ceased and terminated. AND IT IS ORDERED, ADJUDGED AND DECREED that said Olive King Rich has no right, title or interest of any nature whatsoever in or to any of the above described property.

Dated at Paris, Bear Lake County, Idaho, this 16th day of November, 1934.

Don C. Haddock
Probate Judge of Bear Lake
County, Idaho.

STATE OF IDAHO

County of Bear Lake

I, Don C. Haddock, Clerk of the Probate Court of the State of Idaho, in and for Bear Lake County, do hereby certify that the within and foregoing is a full and true copy of the original Decree of Settlement of Account and Final Distribution in the Matter of the Estate of David Morris King, deceased, duly filed in my office 27th day of December, 1934.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court at Paris, Idaho, this 27th day of December, 1934.

(SEAL)

Don C. Haddock
Clerk.

Recorded at the request of T. C. King at 2:45 o'clock P. M. June 11th, 1935

By: Eugene P. Shepherd Deputy

Sam V. Tunks, Recorder

Fee \$3.40

To all to whom these presents come, Greeting:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant 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 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.

GIVEN under my hand, at the City of Washington, the THIRTIETH day of JUNE in the year of our Lord one thousand nine hundred and TWENTY-THREE and of the Independence of the United States the one hundred and FORTY-SEVENTH.

By the President: Warren G. Harding.

By Viola B. Pugh, Secretary.

M. P. LeRoy

Recorder of the General Land Office.

Recorded at the request of Harvey King; 3:10 P.M.; April 4, 1946; Book 39 of Deeds at page 489.

By Kathy Bolton Deputy.

Sam V. Tunks, Recorder.

No. 57440. *+*

IN THE PROBATE COURT OF BEAR LAKE COUNTY
STATE OF IDAHO.

IN THE MATTER OF THE ESTATE

JOHN I. HILLIER, Deceased.

DECREE ESTABLISHING THE TIME OF DEATH OF JOHN I. HILLER, AND DETERMINING THE HEIRS OF SAID DECEASED, THEIR DEGREE OF KINSHIP AND THE RIGHT OF DESCENT OF REAL PROPERTY BELONGING TO SAID DECEASED.

The hearing on the petition of Nora B. Hillier praying for a decree of this court determining the time of death of John I. Hillier, and determining the heirs of said deceased, their degree of kinship and the right of descent of the real property left by said deceased and described in said petition came on regularly to be heard this 6th day of April, 1946, Nora B. Hillier appearing in person and by her attorney D. E. Haddock, of Paris, Idaho, and no one else appearing in person or by any other party, and it appearing to the court that said petition was filed herein on the 23rd day of February, 1946 and that on the same day the judge of this court fixed the 6th day of April, 1946, at Ten o'clock A.M. of said day, at the court room of this court, in the county court house, at Paris, Idaho, as the time and place for hearing said petition; That thereafter due and proper notice of the time and place of said hearing was given to all persons interested in said estate, both creditors and heirs, in the form and manner prescribed by law, and it further appearing, from the evidence adduced at such hearing that all of the allegations of said petition are true and that no creditor or creditors having a valid or subsisting claim against said estate of said deceased has appeared to object to said proceedings; and the court being fully advised in the premises;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED That John I. Hillier died intestate in the county of Bear Lake, state of Idaho on the 20th day of August, 1946, and that he was at the time of his death a resident of Bear Lake County, state of Idaho, and that he left certain real estate in Bear Lake County, Idaho, described as follows, to-wit:

Lot Four (4) of Ideal Home Subdivision to the city of Montpelier, Bear Lake County, Idaho.

~~Also, beginning at the Northwest corner of Lot 4, of Ideal Home Subdivision to the City of Montpelier, Bear Lake County, Idaho, and run thence West 23 feet, to Montpelier Creek; Thence Following the channel of said Creek in a Southwesterly direction to Alley; Thence East on North line of Alley 36 feet, to Southwest corner of Lot 5, of said Ideal Home Subdivision to Montpelier, Bear Lake County, Idaho; Thence North on West line of said Lots 4 and 5, 100 feet to place of beginning.~~

That more than two years have elapsed since the death of said deceased, and no application has been made in the state of Idaho for the appointment of an Administrator of the estate of said deceased, either by his heirs or by persons claiming to be creditors of said deceased, or by any other person or persons.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED That all of the real property above described was at the time of the death of the said John I. Hillier the community property of the said John I. Hillier and Nora B. Hillier, his wife, and that upon the death of the said John I. Hillier the said Nora B. Hillier became the owner in fee of said property by right of descent and the intestate laws of the State of Idaho, and she is now the owner in fee thereof, as the sole heir at law of said deceased.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That all claims and demands of all persons,

6/30/1923

TOGETHER with all and singular the appurtenances and appurtenances hereunto belonging or in anywise appertaining. Also all dikes, ditches, and spurs; and all mineral bearing gold, silver, lead, zinc, and all other kinds of mineral.

TO HAVE AND TO HOLD the said premises, with the appurtenances, unto the said party of the second part, his heirs and assigns, forever, as fully and absolutely as the said Sheriff can, may or ought to, by virtue of the said writ and of the statute in such case made and provided grant, bargain, sell, convey and confirm the same.

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

Sealed and Delivered in the Presence of
J. I. Hillier
Frank Athay.

Asa Athay (Seal)
Sheriff of Bear Lake County, State of Idaho.

STATE OF IDAHO)
County of Bear Lake) ss.

On this fourth day of January A.D. 1921, before me S. H. Rich, Clerk of the District Court in and for said County and State, personally appeared Asa Athay Sheriff of the County of Bear Lake State of Idaho, personally known to me to be the same person whose name is subscribed to the foregoing instrument, and acknowledged to me that he, as such Sheriff aforesaid, executed the same.

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

(Seal) S. H. Rich,
Clerk of the District Court.

Recorded at the request of A. B. Gough Jan'y 4th at 11:00 A.M. 1921.

By Mary Price Deputy. S. H. Rich, Recorder.

20948. ✓ P A T E N T.

THE UNITED STATES OF AMERICA.

Certificate No. 5412
Application 7762 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 DAVID C. KING has been established and duly summated, in conformity to law, for the Southeast Quarter of the Northeast Quarter and the North Half of the Southeast Quarter of Section Twenty-five in Township Twelve South of Range Forty-two East of the Boise Meridian, Idaho, containing one hundred twenty acres, 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 claimant the tract of land above described; TO HAVE AND TO HOLD the said tract of land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant 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 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 H. Taft 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 hereto affixed.

GIVEN under my hand, at the City of Washington, the third day of May in the year of our Lord one thousand nine hundred and Eleven and of the Independence of the United States the one hundred and Thirty-fifth.

(SEAL) By the President: Wm. H. Taft

By M. P. LeRoy, Secretary.

RECORDED: Patent Number 195061 H. W. Sanford
Recorder of the General Land Office.

Recorded at the request of E.L. McClave Jan. 6th, 1921 at 9:10 o'clock A.M.

By Mary Price Deputy. S. H. Rich, Recorder

20959. ✓ ORDER CONFIRMING SALE OF REAL ESTATE.

IN THE PROBATE COURT OF THE COUNTY OF BEAR LAKE, STATE OF IDAHO.

In the Matter of the Estate of)
Orson J. Kunz) ORDER CONFIRMING SALE OF REAL ESTATE.
Deceased.)

David J. Kunz, the administrator of the estate of Orson J. Kunz, deceased, having made to this Court, and filed in the office of the Clerk thereof, on the 12th day of September 1919, a return of his proceedings under the order of the sale herein, duly verified by affidavit, and said matter, after due proof of due notice, made and given as required by law, coming on

Book 24
pg. 506

1.

5/3/1911

TO

David M. King

To all to Whom these Presents shall come, Greeting:

Homestead Certificate No. 321

APPLICATION 826

Whereas, There has been de-

posited in the General Land Office of the United States a Certificate of the Register of the

Land Office at Oxford Idaho Territory 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 David M. King

has been established and duly consummated, in conformity to law for the South West Quarter of Section Four in

Township thirteen South of Range Forty Three East of Boise Meridian in Idaho, Territory

containing one hundred and sixty acres.

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

David M. King the tract of land above described:

To Have and to Hold the said tract of land with the appurtenances thereof, unto the said

David M. King 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.

In Testimony Whereof, I Chester A. Arthur 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 thirteenth day of November, in the year of our Lord, one thousand

hundred and eighty four, and of the Independence of the United

States the one hundred and ninth

By the President: Chester A. Arthur

By M. Mc-Kean Secretary

S. W. Clark Recorder of the General Land Office

Recorded, Vol. 1 Page 312



STATE OF IDAHO, ss.
County of Bear Lake

I hereby certify that this instrument was recorded at the request of Hatten Heigel

at 10 o'clock A. M., this 13 day of January A. D. 1907

H. R. Helms Recorder

By Deputy

Fees \$

11/13/1884

X15
pg. 31

13 CFS per share

2 - Larsen

No split
9 25

4 H 0046 D. M. King
6 1100.48(?) John Hymas
47

02 CFS 9 gallons min.



