

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, *Idaho Code*, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. **The filing of this claim does not confirm the water right claimed.** Water rights represented by a valid permit, license, decree, or previous claim are exempt from this requirement, as are uses of water for domestic purposes as defined in Section 42-111, *Idaho Code*. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee.

Notice is hereby given that Scot D Hennings and/or Lorie Hennings
(Name of Claimant)
1501 Hayes Ln Montpelier, Id 83254 Telephone No: 208-540-1512
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of surface or ground water. The extent and nature of said claim is as follows:

1. Date of Priority: (When the water was first applied to beneficial use) May 31, 1890 ^{Homesteaded} 2-2-1887
A claim is not acceptable for the use of surface water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963, unless the water is used for domestic purposes as defined in Section 42-111, Idaho Code.

2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Spring tributary to N/A

3. Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs or af)	(Irrigation, Domestic, Stock, Etc.)	(Both dates inclusive) (MM/DD) (MM/DD)
Quantity <u>0.02</u>	Use <u>Domestic</u>	Period of Use From <u>1/1</u> to <u>12/31</u>
Quantity _____	Use _____	Period of Use From _____ to _____
Quantity _____	Use _____	Period of Use From _____ to _____
Quantity _____	Use _____	Period of Use From _____ to _____

4. 0.02 ~~af~~ TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____
Sec. 35 Township 11 Range 43 B.M., Bear Lake County; additional points
of diversion, if any: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give sizes and capacities. Be specific. Describe any changes in the system and give the date of the change.

No changes since holding tank put in late 1800's
Holding tank to ~~be~~ pipe free flow to home new roof
added to original tank in 1991e

RECEIVED

OCT 20 2006

6. A) Describe the place of use within each 40-acre tract in the appropriate box using the symbols listed below. If the use is for irrigation, describe the location by listing the number of irrigated acres within each 40-acre tract.
D - domestic, S - stockwater, M - municipal, C - Commercial, I - Industrial, X - other

Twp	Rge	Sec	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	43E	34													D				

TOTAL ACRES 0

- B) If water is used for purposes other than irrigation, fully describe the use. Be specific. water to home domestic

NOTE: Include here the type and number of stock watered: None

7. Remarks:

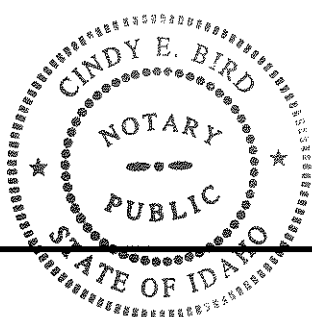
8. **Map** -- Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an **aerial photograph** of the place of use if available.

State of Idaho)
County of Bannock) ss.
Bear Lake)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the forgoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Rae Hennings
Claimant's Signature (and title if claim is for an organization)

Sworn to before me this 19th day of October, 2006.



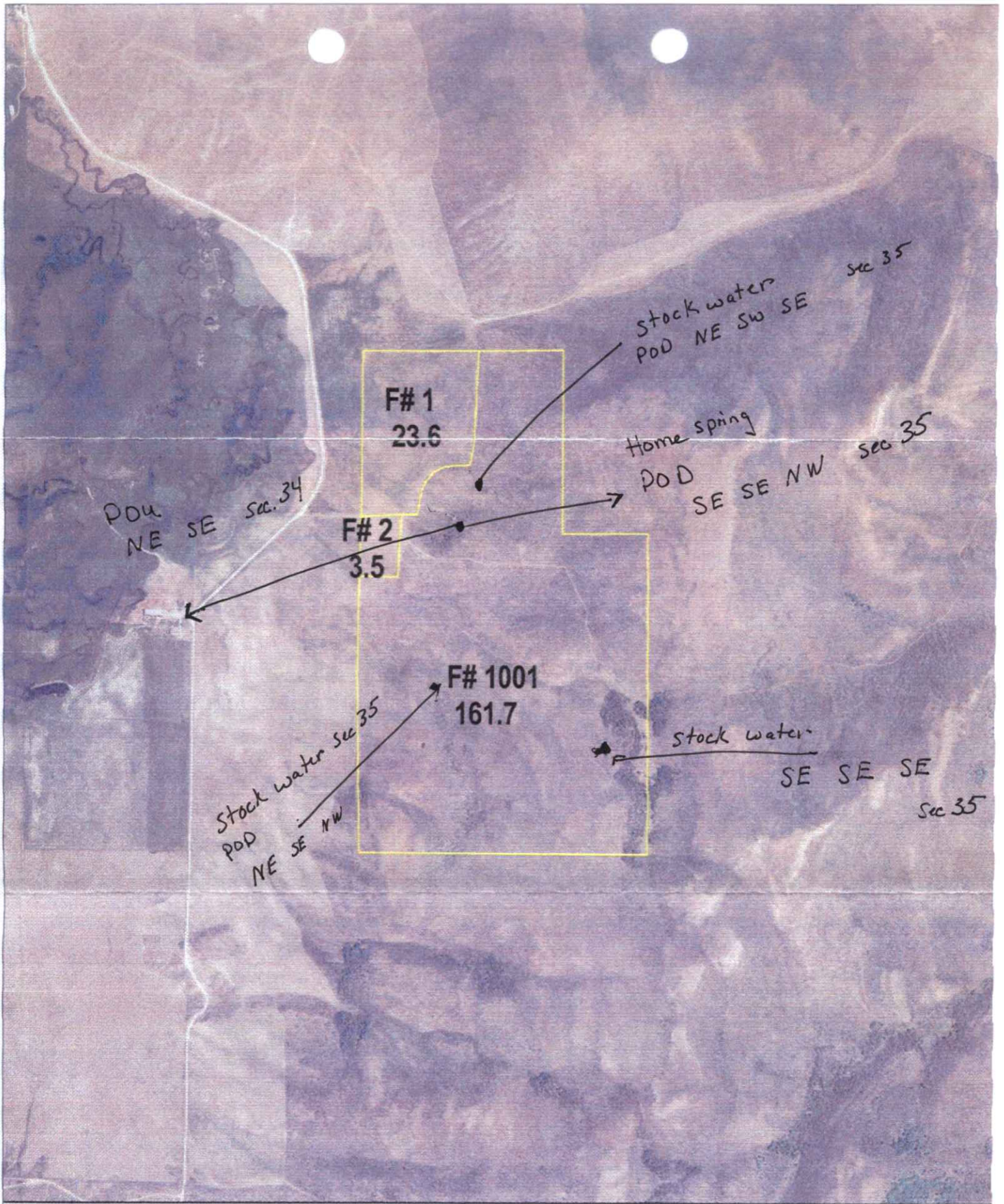
Cindy E Bird
Notary Public
Residing at: Lava Hot Springs
My commission expires: May 1, 2007

FOR DEPARTMENT USE ONLY

Received by _____ Date _____
Prelim. check by _____ Date _____
Fee 100 Receipt # E032351 0082867
Receipt prepared by SC Date 10/27/06

Published in News Examiner
Publication dates 12/6 & 12/13/06
Publication checked by _____ Date _____
Exceptions filed by _____

only paid \$25 -- sending balance
10/27/06



Tract 188
Farm 1308

Clu16007.shp

0.1 0 0.1 0.2 0.3 0.4 Miles



Recorded at Req. of Caribon Title Co. December 1972

at 11:00 AM. Fee Paid \$ 1.00

b. Jeannine Larkin Dep. Book Page Ref. Recorded in
Microfilm Records
of said County.

Mail tax notice to Address

INDEXED

QUIT-CLAIM DEED

LEO C. NELSON and WILMA K. NELSON, husband and wife, grantors
of _____, County of _____, State of Utah, herebyQUIT-CLAIM to
R. EARL DILLMAN, SILAS L. MORRELL and JERRY MORRELLof _____ grantees
for the sum of
-----TEN AND NO/100-----DOLLARS,the following described tract of land in Bear Lake County
State of ~~Utah~~ IDAHO, County,The Southeast Quarter of the Northeast Quarter, and the East Half
of the Southeast Quarter of Section 34, Township 11 South, Range
43 East of the Boise Meridian, in Idaho, containing 120 acres.Together with a full primary water right for the entire said 120
acres of land, consisting of 120 inches of water of Spring Creek
and Stauffer Creek and Nounan Creek with a priority date of May
1, 1877.The Southeast Quarter Northwest Quarter of Section 35 in Township
11 South of Range 43 East, Boise Meridian, Also, the East one-half
Southwest Quarter of Section 35, Township 11 South of Range 43
East Boise Meridian.The West one-half Southeast Quarter, Section 35, Township 11 South,
Range 43 East of the Boise Meridian, in Idaho, containing 80 acres.

Containing in all 320 acres.

WITNESS the hand of said grantors, this 7th day of
April, A. D. one thousand nine hundred and sixty-seven

Signed in the presence of

Leo C. Nelson
Wilma K. NelsonSTATE OF UTAH, } ss.
County of SALT LAKEOn the 7th day of April, A. D. one
thousand nine hundred and sixty-seven personally appeared before me LEO C.
NELSON and WILMA K. NELSONthe signer of the foregoing instrument, who duly acknowledge to me that they executed the
same.

My commission expires 7-16-78 Salt Lake City Notary Public.

QUIT CLAIM DEED

For Value Received

Dick Bastian and Jessie Bastian husband & wife

REVENUE STAMPS

do hereby convey, release, remise and forever quit claim unto
Silas Morrell and Hilda Morrell, husband & wife, and Jerry Morrell
and Georgia Morrell, husband and wife, and R. Earl Dillman and
LeJeune Dillman, husband & wife

the following described premises, to-wit: Being located in Bear Lake County of the
State of IDAHO, to-wit:

The Southeast quarter of the Northeast quarter, and the East half
of the Southeast quarter of Section 34, Township 11 South, Range
43 East of the Boise Meridian, in Idaho containing 120 acres

Together with full primary water right for the entire said 120 ac
of land, consisting of 120 inches of water of Spring Creek and Sta
Creek and Nounan Creek with a priority date of May 1, 1877.

The Southeast quarter of the Northwest Quarter of Section 35, in
Township 11 South of Range 43 East of the Boise Meridian. Also,
the East one-half of the Southwest quarter of Section 35, Township
11 South of Range 43 East of the Boise Meridian.

The West one-half of the Southeast quarter of Section 35, Township
11 South, Range 43 East of the Boise Meridian, in Idaho containing
80 acres.

Containing in all 320 acres.

together with their appurtenances.

Dated: October 11, 1972

Dick Bastian
Jessie Bastian

STATE OF ^{UTAH} ~~IDAHO~~, COUNTY OF Utah
On this 30 day of Oct, 19 72,
before me, a notary public in and for said State, personally
appeared

Dick Bastian
and
Jessie Bastian

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

Shirley M. Macdonald Notary Public
Residing at 1111 N. 1st St., 11111
Comm. Expires Oct 2, 1976

39895

STATE OF IDAHO
County of Bear Lake
Date December 20, 1972
Time 11:10 A.M.
No. Microfilmed
Clerk Amos B. Hulme

Jeannine Parker, Deputy

INDEXED

39896

Recorded at Request of Caribou Title Co.

Bear Lake County State of Idaho

at 11:15 AM. Fee Paid \$1.00

December 20, 1972

by Jeannine Parker

Dep. Book

Page

Ref. Recorded in Microfilm
Records of said County.

Mail tax notice to

Address

QUIT-CLAIM DEED

INDEXED

R. EARL DILLMAN and LE JEUNE DILLMAN, husband and wife
of Roosevelt, County of Duchesne, State of Utah, hereby
QUIT-CLAIM to SILAS L. MORRELL

of Ogden, Utah
***Ten and no/100-----and other consideration-----
the following described tract of land in Bear Lake County,
State of ~~Utah~~ IDAHO: grantee for the sum of DOLLARS,

The Southeast quarter of the Northeast quarter, and the East half
of the Southeast quarter of Section 34, Township 11 South, Range
43 East of the Boise Meridian, in Idaho, containing 120 acres.

Together with a full primary water right for the entire said 120 acres
of land, consisting of 120 inches of water of Spring Creek and Stauffer
Creek and Nounan Creek with a priority date of May 1, 1877.

The Southeast quarter Northwest quarter of Section 35, in Town-
ship 11 South, Range 43 East, Boise Meridian, Also, the East half
of the Southwest quarter of Section 35, Township 11 South, Range
43 East, Boise Meridian.

The West half of the Southeast quarter, Section 35, Township 11
South, Range 43 East of the Boise Meridian in Idaho.

WITNESS the hand of said grantors, this 13th day of
August, A. D. one thousand nine hundred and sixty-nine

Signed in the presence of

R. Earl Dillman
Le Jeune Dillman

QUITCLAIM DEED

For Value Received

HANLEY DAWSON INVESTMENT COMPANY (successor to Hanley Dawson Realty Company), a Michigan corporation

does hereby convey, release, remise and forever quit claim unto

HANLEY DAWSON, JR.

whose current address is

630 North Rush Street
Chicago, Illinois 60611

the following described premises, to-wit:

TOWNSHIP 11 SOUTH, RANGE 43 EAST, BOISE MERIDIAN:

Section 34: The Southeast Quarter of the Northeast Quarter
(SE 1/4 NE 1/4) The East Half of the Southeast
Quarter (E 1/2 SE 1/4)

Section 35: The Southeast Quarter of the Northwest Quarter
(SE 1/4 NW 1/4) The East Half of the Southwest
Quarter (E 1/2 SW 1/4) The West Half of the
Southeast Quarter (W 1/2 SE 1/4)

TOGETHER with water rights as follows:

.5 cfs in Stauffer Creek, evidenced by Decree of 5/1/1877

.8 cfs in Nounan Creek, evidenced by Decree of 5/1/1877

43% of 1.6 cfs in Spring Creek, evidenced by Decree of 5/1/1877

1/3 of .8 cfs in Spring Creek, evidenced by Decree of 5/1/1881.

together with their appurtenances.

Dated: April 12, 1975

HANLEY DAWSON INVESTMENT COMPANY

By: *Hanley Dawson, Jr. Pres.*

State of Illinois, County of Cook

State of Idaho) ss
(County of Bear Lake)

106842

On this 15th day of Dec., 1975,
before me, a notary public in and
for said State, personally appeared

Hanley Dawson, Jr.

known to me to be the person whose
name subscribed to the within in-
strument, and acknowledged to me
that executed
the same.

I hereby certify that this instrument
was filed at the request of John P. Stanley
at 2:10 o'clock

P.M. this 15th day of December,
1975 in my office and duly recorded in
Microfilm Records of said County.

Betty Wallentine
Ex-Officio Recorder

James Parker
Deputy

Edward Dawson
Notary Public

Residing at

Warranty Deed

THIS INDENTURE, Made this 6th day of October,
in the year of our Lord One Thousand Nine Hundred and Seventy-two, between
Merle Cellan and Willa Cellan, husband and wife,
of Soda Springs, County of Caribou, State of Idaho,
the parties of the first part, and

Donald D. Hennings and Marie A. Hennings, husband and wife,
of Georgetown, 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
FIFTY THREE THOUSAND FIVE HUNDRED 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

, do by these presents, Grant, Bargain, Sell and Convey and Confirm unto said parties
of the second part, and to their heirs and assigns forever: All that certain lot
piece or parcel of land situate, lying and being in the County of Bear Lake, State of Idaho, bounded
and more particularly described as follows, to wit:

Township 11 South Range 43 East of the Boise Meridian:

Section 34: SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$.

Section 35: SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$.

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

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident
unto the said 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 or 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
seal on the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Merle Cellan
Willa Cellan

Warranty Deed

THIS INDENTURE, Made this 22nd day of June
in the year of our Lord One Thousand Nine Hundred and Sixty-four, between

M. J. Mitton and LaVelma Mitton, husband and wife,
of Georgetown, County of Bear Lake, State of Idaho,
the parties of the first part, and

Richard L. Nelson and Joycelyn T. Nelson, husband and wife,
of Georgetown, 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 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, together with other good and valuable consideration,
, do by these presents, Grant, Bargain, Sell and Convey and Confirm unto said parties
of the second part, and to their heirs and assigns forever: All that certain lot
piece or parcel of land situate, lying and being in the County of Bear Lake, State of Idaho, bounded
and more particularly described as follow, to-wit:

Township 11 South, Range 43 East of the Boise Meridian:

Section 34: SE $\frac{1}{2}$ Sec. 1, E $\frac{1}{2}$ SE $\frac{1}{4}$.

Section 35: SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$.

Together with a full primary water right for the entire said property i
Section 34, consisting of 120 inches of the water of Spring Creek and Stauffer
Creek and Nounan Creek with a priority date of May 1, 1977.

Together with all and singular, the tenements, hereditaments and appurtenances therunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the said part ies of the second part, and to their heirs and assigns forever. And the said part ies of the first part, and their heirs the said premises in the quiet and peaceable possession of the said part ies of the second part their heirs and assigns against the said part ies of the first part, and their heirs and against all and every person or 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 ha VE herunto set their hand s and seal s the day and year first above written.

Signed, Sealed and Delivered in the Presence of

227 Weston (Seal)

Barbelina Milton [Seal]

[Seal]

Warranty Deed

THIS INDENTURE, Made this 5th day of May
in the year of our Lord One Thousand Nine Hundred and Seventy-seven, between

Charles Lee Nelson and Nina May Nelson, husband and wife
of Montpelier, County of Bear Lake, State of Idaho
the parties of the first part, and

Burton A. Ludwig and Edna I. Ludwig, husband and wife, Route #2
of Montpelier, County of Bear Lake, State of Idaho 83254
the parties of the second part:

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of

TEN DOLLARS and other good and 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

, do by these presents, Grant, Bargain, Sell and Convey and Confirm unto said parties
of the second part, and to their heirs and assigns forever: All that certain lot
piece or parcel of land situate, lying and being in the County of Bear Lake, State of Idaho, bounded
and more particularly described as follows, to-wit:

Township 11 South, Range 43 East of the Boise Meridian:

Section 34: SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$.

Section 35: SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$.

Together with all water and water rights appertaining thereto, including but
not limited to the following:

.5 cfs in Stauffer Creek

.8 cfs in Nounan Creek

43% of 1.6 cfs in Spring Creek

1/3 of .8 cfs in Spring Creek

Subject to all reservations contained in the United States Patents or Idaho
State Deeds affecting said premises.

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

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident
unto the said 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 or 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

Charles Lee Nelson

Nina May Nelson

[Seal]

[Seal]

[Seal]

THIS INDEX E. made this 31st day of MARCH 1976
between HANLEY DAWSON JR. and GERALDINE G. DAWSON, husband and wife,
630 Rush Street
of Chicago, County of Cook, State of Illinois
the party of the first part and CHARLES LEE NELSON and NINA MAY NELSON, husband and wife,
of Montpelier, County of Bear Lake, State of Idaho
the party of the second part.

WITNESSETH, that the said party of the first part, for and in consideration of the sum of
TEN DOLLARS AND NO/100 Dollars
lawful money of the United States of America
to party of the first part in hand paid by the party of the second part, the receipt whereof is hereby acknowledged,
has granted, bargained, sold, and by these presents, does grant, bargain, sell and convey and confirm unto the said
party of the second part, and to party of the second part's heirs and assigns, forever, all the following described real
estate situated in County of Bear Lake State of Idaho, to-wit:

SECTION 20, T12N, R43E, S4E, 1/4, 1/4
EXHIBIT "A"
The following described real estate situated in County of Bear Lake, State of Idaho:

Township 12 South, Range 43 East of the Boise Meridian
Section 21: SE 1/4, 1/4, 1/4, 1/4
Section 23: SE 1/4, 1/4, 1/4, 1/4
Township 12 South, Range 43 East of the Boise Meridian
Section 13: SE 1/4, 1/4, 1/4, 1/4
Section 14: All that part of the SE 1/4, 1/4, 1/4, 1/4 lying south of the Bern-
Nounan County Road.
Section 15: SE 1/4, 1/4, 1/4, 1/4
Section 22: NW 1/4, 1/4, 1/4, 1/4
Section 23: NW 1/4, 1/4, 1/4, 1/4
Also, Beginning at a point 340.965 feet South of the
Northwest corner of said Section 23, and running
thence South 2290.035 feet; thence East 2290.035 feet;
thence Northwest 3240.6 feet, more or less, to the
point of beginning.
Also, Beginning at the center of said Section 23, and
running thence South 475 feet; thence East 330 feet,
more or less, to the North bank of Deep Corral Creek;
thence East following the North bank of said creek to
a point 430 feet South of the North bank of the
NW 1/4; thence North 950 feet to the Northwest corner of the
NW 1/4; thence East 1220 feet, to the point of
beginning.
Section 24: W 1/4, NW 1/4, NW 1/4, NW 1/4
DRAINAGE with water rights as follows:
.5 cfs in Stauffer Creek
.8 cfs in Nounan Creek
437 of 1.0 cfs in Spring Creek
1/3 of .8 cfs in Spring Creek

HANLEY DAWSON JR.

GERALDINE DAWSON

No. 111500
WARRANTY DEED

Hanley Dawson Jr. and Gerald
Dawson, husband and wife
to
Charles Lee Nelson and Nina
Nelson, husband and wife

of March 31st 1976

STATE OF IDAHO

County of Bear Lake
I hereby certify that this instrument
was for record as requested of
Hanna Title Company
05 minutes past 10
A. M. this 6th day
of May 1976
and duly entered in the
Microfilm Records of said
County.
Betty Wallentine

Ex-Officio Recm
2.00
Dena

NOTE

THIS INDEX made this 31st day of MARCH 1976
 Between HANLEY DAWSON JR. and GERALDINE G. DAWSON, husband and wife,
 of Chicago 630 Rush Street
 County of Cook State of Illinois
 the party of the first part and CHARLES LEE NELSON and NINA MAY NELSON, husband and wife,
 of Montpelier County of Bear Lake State of Idaho
 the party of the second part,

WITNESSETH, that the said party of the first part, for and in consideration of the sum of
 TEN DOLLARS AND NO/100 Dollars
 lawful money of the United States of America
 to party of the first part in hand paid by the party of the second part, the receipt whereof is hereby acknowledged,
 has granted, bargained, sold, and by these presents, does grant, bargain, sell and convey and confirm unto the said
 party of the second part, and to party of the second part's heirs and assigns, forever, all the following described real
 estate situated in
 State of Idaho, to-wit:

The following described real estate in the County of Bear Lake, State
 of Idaho:

Township 11 North, Range 11 East of the Boise Meridian
 Section 31: SE1/4, 1/4SW, 1/4SE
 Section 33: SE1/4, 1/4SW, 1/4SE

Township 12 South, Range 43 East of the Boise Meridian
 Section 13: SW1/4
 Section 14: All that part of the SE1/4SW lying South of the Bern-
 Nounan County Road.

Section 15: SW1/4, 1/4SW, 1/4SE
 Section 20: NW1/4
 Section 21: NE1/4, 1/4SW, 1/4SE

ALSO, Beginning at a point 340.965 feet South of the
 Northwest corner of said Section 23, and running
 thence South 2290.035 feet; thence East 2890.035 feet;
 thence Northwest 3240.6 feet, more or less, to the
 point of beginning.

ALSO, Beginning at the center of said Section 23, and
 running thence South 830 feet; thence East 330 feet,
 more or less, to the North bank of Sheep Corral Creek;
 thence East following the North bank of said creek to
 a point 950 feet South of the Northwest corner of the
 NE1/4SW; thence North 950 feet to the Northwest corner
 of NE1/4SW; thence West 1320 feet, to the point of
 beginning.

Section 24: NW1/4, NW1/4SW
 DOUBT with water rights as follows:
 .5 cfs in Stauffer Creek
 .8 cfs in Nounan Creek
 437 of 1.6 cfs in Spring Creek
 1/3 of .6 cfs in Spring Creek

HANLEY DAWSON JR.

GERALDINE DAWSON

No. 111890

WARRANTY DEED

ley Dawson Jr. and Gerat
 Dawson, husband and wife
 to
 rles Lee Nelson and Nina
 son, husband and wife

of March 31st 1976

STATE OF IDAHO

County of Bear Lake
 hereby certify that this instru-
 ment was for record at request of
 Title Company
 minutes past 10
 A. M., this 6th
 day of March, 1976, in
 and duly entered in the
 Record of sa
 County.
 County Wallentine

Ex-Officio Recorder
 2.00
 Demo

INDEX

STATE OF UTAH

County of Salt Lake

On this 5th day of September in the year 1934, before me, Addison D. Perry Jr., a Notary Public in and for said County and State, personally appeared Minnie W. Miller and Harold W. Langton known to me to be the President, the Secretary and Treasurer, respectively, of the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same.

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

(SEAL)

Addison D. Perry, Jr
Notary Public
Residing at Salt Lake City, Utah

My commission expires April 30, 1938.

Recorded at the request of Levi Aland at 10 o'clock A. M. October 30th, 1936.

By Eugene P. Shepherd Deputy

Sam V. Tunks, Recorder

Fee \$1.00

No. 42789 ✓

WARRANTY DEED
(Special)

THIS INDENTURE, made by and between Phoebe W. N. Bentley and Richard Bentley, wife and husband, of the County of Cook, State of Illinois, parties of the first part, and Melvin J. Mitton of the County of Cache, State of Utah, party of the second part,

WITNESSETH:- That the said parties of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) and for other good and valuable considerations to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do hereby grant and convey unto the said party of the second part, and to his heirs and assigns forever the following described real estate situated in Bear Lake County, State of Idaho, to-wit:

The Southeast Quarter (SE $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) and the East half (E $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section thirty-four (34), Township eleven (11) South, Range forty-three (43) East of the Boise Meridian, containing one hundred twenty (120) acres of land, more or less.

Together with all ditch and water rights of every nature, however evidenced, belonging to said land.

Together with all and singular, the tenements, ditch and water rights, hereditaments, and appurtenances thereunto belonging, or in anywise appurtenant, and the rents issues and profits thereof. This conveyance is made subject to all existing rights of way.

And the parties of the first part do hereby warrant the title as against all and every person and persons whomsoever, lawfully claiming or to claim by, through or under said parties of the first part.

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.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals this 30th day of September, 1936.

Signed in the presence of
John Hanson
H. O. Helgen

Phoebe W. N. Bentley
Richard Bentley

STATE OF ILLINOIS) ss.
COUNTY OF LAKE)

(\$3.00 Cancelled Documentary Stamps attached)

On this 30th day of September, in the year 1936, before me, a Notary Public in and for said County, personally appeared Phoebe W. N. Bentley and Richard Bentley, her husband 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)

Frank J. Hoffmann
Notary Public
Address Lake Forest, Ill

My commission expires May 26, 1939.

Recorded at the request of Melvin J. Mitton at 4 o'clock P. M. October 30th, 1936.

By Eugene P. Shepherd Deputy

Sam V. Tunks, Recorder

Fee \$1.00

No. 40335

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

Before me, Chas. E. Harris, a notary public for Idaho, personally appeared Sarah Jane Sparks, personally known to me to be the same person as the Sarah Jane Sparks, mentioned in that certain Declaration of Homestead made and recorded by one Alfred W. Sparks, her husband, dated April 16, 1908, and recorded in Book 14 of Deeds, at page 113 of the records of Bear Lake County, State of Idaho, and who being first duly sworn deposes and says: That she and her husband, the said Alfred W. Sparks, the maker of the said Homestead Declaration, resided on that portion of the said NE $\frac{1}{4}$ of Sec. 11, Tp. 14, S. R. 44 East Boise Meridian, described as follows: Commencing at a point 10 rods south of the northeast corner of Sec. 11, Tp. 14 South range 44 East Boise Meridian, and running thence south 60 rods, thence West 27 rods, thence North 60 rods, thence East 27 rods to place of beginning. At the time of the making of the said Declaration of Homestead by my said husband, Alfred W. Sparks; that we established residence on the portion of the 160 acres, mentioned in his patent from the government, on the tract above described, when he entered said land, and have never lived on any other portion of said 160 acre entry. That I still reside in the old home on said described ten acre tract, which was built at the time my said husband entered the land. Said Alfred W. Sparks died May 13, 1928.

That the lien mentioned in my said application as being in favor of Effie M. Quayle, represents the amount still due Alfonso Quayle on the mortgage mentioned in said abstract. That I have made payments to the said Alfonso Quayle on said note and mortgage during his lifetime, and since to Effie M. Quayle, a widow of said Alfonso Quayle, the last payment being on interest last year, 1933, so that said note and mortgage are still a valid lien on my home as I am informed by Mr. Harris, your attorney for this county.

Sarah Jane Sparks

Subscribed and sworn to before me this 2nd day of May, 1934.

(SEAL)

Chas. E. Harris
Notary Public

I hereby certify that I am well acquainted with said Sarah Jane Sparks, and with her husband during his lifetime, and with the home and lands mentioned in the above affidavit, and I know of my own knowledge that said statements above set forth are true.

(SEAL)

Chas. E. Harris
Notary Public

Recorded at the request of W. Smith Hoge at 9:30 o'clock A. M. April 9th, 1935.

By *Sam V. Tunks* Deputy
Fee 60¢

Sam V. Tunks; Recorder

No. 40340 ✓

SHERIFF'S DEED ON FORECLOSURE

THIS INDENTURE, Made this 27th day of March, in the year of our Lord One Thousand Nine Hundred Thirty-five, between ASA ATHAY, Sheriff of the County of Bear Lake, State of Idaho, party of the first part, and PHOEBE W. N. BENTLEY, party of the second part, WITNESSETH:

WHEREAS, in and by a certain judgment or decree made and entered by the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Bear Lake, on the 15th day of February, 1934, in a certain action then pending in said Court, wherein Phoebe W. N. Bentley, was plaintiff, and Warren LeRoy Lindsay, George William Lindsay, Rulon Lindsay, Nina Lindsay Rodeback and Millard Rodeback, her husband, Julia Lindsay Bartschi, all the unknown heirs and/or unknown devisees of Edgar M. Lindsay, deceased, all the unknown heirs and/or unknown devisees of Franklin D. Lindsay, deceased; all the unknown heirs and/or unknown devisees of Sarah A. Lindsay, deceased; Mary Wright Lindsay, widow of Charles Lindsay, deceased; Charles Monroe Lindsay, minor child of Charles Lindsay, deceased; all the unknown heirs and/or unknown devisees of Charles Lindsay, deceased; Charles E. Harris and all the unknown owners of the land hereinafter described, were defendants, it was, among other things, ordered, adjudged and decreed that all and singular the mortgaged premises described in the judgment or decree should be sold at public auction by the Sheriff of the said County of Bear Lake, in the manner required by law and according to the course and practice of said Court; That any party to the action might become a purchaser at said sale; that said sheriff should issue the usual certificate and deed to the purchaser or purchasers, as required by law; and,

WHEREAS, an execution in foreclosure was duly issued out of the above entitled court on the 16th day of February, 1934, which execution was delivered to said sheriff, whereby he was, among other things, commanded that the said property therein described should be sold and the said decree carried out in full; and

WHEREAS, the said sheriff did, on the 17th day of March, 1934, after due public notice had been given as required by the laws of this State and the course and practice of said Court, duly sell at public auction in the said County of Bear Lake, agreeable to said judgment or decree and execution in foreclosure, and the provisions of law, the premises in said decree and execution mentioned, at which sale the premises in said judgment or decree, and hereinafter described, were fairly struck off to the said PHOEBE W. N. BENTLEY, party of the second part hereto, for the sum of \$3158.72, she being the highest bidder and that being the highest bid for the same; and,

WHEREAS, the said purchaser thereupon paid the said sheriff his fees and disbursements on said sale and directed that the balance thereof be applied in satisfaction of the judgment obtained by it; and,

WHEREAS, the said sheriff thereupon made and issued the usual certificate in duplicate of said sale, in due form of law, and delivered one thereof to the purchaser, Phoebe W. N. Bentley, and caused the other to be filed in the office of the County Recorder of the County of Bear Lake; and

WHEREAS, more than twelve months have elapsed since the date of said sale and no redemption has been made of the premises so sold, as aforesaid, by or on behalf of said judgment debtors, Warren Leroy Lindsay, George William Lindsay, Rulon Lindsay, Nina Lindsay Rodeback and Millard Rodeback, her husband, Julia Lindsay Bartschi, all the unknown heirs and/or unknown devisees of Edgar M. Lindsay, deceased; all the unknown heirs and/or unknown devisees of Franklin D. Lindsay, deceased; all the unknown heirs and/or unknown devisees of Sarah A. Lindsay, deceased; Mary Wright Lindsay, widow of Charles Lindsay, deceased; Charles Monroe Lindsay, minor child of Charles Lindsay, deceased; All the unknown heirs and/or unknown devisees of Charles Lindsay, deceased, Charles E. Harris and all the unknown owners of the land hereinafter described, or by or on behalf of any other person;

NOW, THIS INDENTURE WITNESSETH: That the said party of the first part, as Sheriff in order to carry into effect the sale so made in pursuance to said judgment or decree, and in conformity to the statute in such case made and provided, and also in consideration of the premises and the sum of \$3158.72, so bid and paid to him by said purchaser, as aforesaid, 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, and to her heirs and assigns, forever, all those certain lots, pieces or parcels of land, situated, lying and being in the County of Bear Lake, State of Idaho, and bounded and particularly described as follows, to wit:

The Southeast quarter (SE $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$), and the East Half (E $\frac{1}{2}$) of the Southeast quarter (SE $\frac{1}{4}$) of Section thirty-four (34), Township eleven (11) South Range forty-three (43) East of the Boise Meridian, in Idaho, containing one hundred twenty (120) acres;

Together with a full primary water right for the entire said one hundred twenty (120) acres of land, consisting of one hundred twenty (120) inches of the waters of Spring Creek and Stauffer Creek and Nounan Creek with a priority date of May 1, 1877;

Together with all the improvements, privileges and appurtenances thereunto belonging, and all ditch and water rights of every nature, however evidenced, used on said land or belonging to the same;

Together with the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and also all the estate, right, title or interest, property possession, claim and demand, whatsoever, as well in law as in equity of the said party of the first part and the said defendants, Warren Leroy Lindsay, George William Lindsay, Rulon Lindsay, Nina Lindsay Rodeback and Millard Rodeback, her husband; Julia Lindsay Bartschi, all the unknown heirs and/or unknown devisees of Edgar M. Lindsay, deceased; all the unknown heirs and/or unknown devisees of Franklin D. Lindsay, deceased; all the unknown heirs and/or unknown devisees of Sarah A. Lindsay, deceased; Mary Wright Lindsay, widow of Charles Lindsay, deceased; Charles Monroe Lindsay, minor child of Charles Lindsay, deceased; all the unknown heirs and/or unknown devisees of Charles Lindsay, deceased, Charles E. Harris, and all the unknown owners of the land hereinabove described, of, in and to the said premises, and each part and parcel thereof.

TO HAVE AND TO HOLD, all and singular the said premises hereby conveyed, or intended so to be, together with the appurtenances, unto the said party of the second part, and to her heirs and assigns, to her own proper use and benefit and behoof forever.

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

Signed, Sealed and Delivered
in the Presence of:

Asa Athay, Sheriff,
Bear Lake County, Idaho

Eugene P. Shepherd

STATE OF IDAHO,)
COUNTY OF BEAR LAKE) SS.

On this 27th day of March, in the year 1935, before me, SAM V. TUNKS, Clerk of the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Bear Lake, personally appeared Asa Athay, known to me to be the Sheriff of the County of Bear Lake, State of Idaho, and the party who executed the foregoing instrument, and he duly acknowledged to me that he, as such sheriff, executed the same.

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

(SEAL)

Sam V. Tunks
Clerk of the District Court of the
Fifth Judicial District of the State
of Idaho, in and for the County of
Bear Lake.

Recorded at the request of W. Smith Hoge at 10:40 o'clock A. M. April 9th, 1935.

By Eugene P. Shepherd Deputy
Fee \$2.50

Sam V. Tunks, Recorder

No. 40347

IN THE PROBATE COURT OF BEAR LAKE COUNTY
STATE OF IDAHO

IN THE MATTER OF THE ESTATE)

of

ORDER CONFIRMING SALE OF REAL ESTATE.

IT IS ORDERED, ADJUDGED AND DECREED by the Court, that Alice O'Connor Glenn died intestate, Union, Union County, State of Oregon, on or about the 30th day of August, 1920; that she left as her sole heirs and survivors: Kathleen O'Connor, residing at Pocatello, Idaho; Marguerite O. Robinson, residing at Montpelier, Idaho; Charles Edward O'Connor, residing at Pocatello, Idaho; and Vernon O'Connor, residing at Mount Cuba, Delaware, who are entitled to inherit all of the real property described in the petition and hereinbefore referred to and hereinafter described.

That more than two years have elapsed since the death of Alice O'Connor Glenn; deceased; that no application has been made for the administration of said estate, and that no administration has been had of said estate; that the petitioner and the heirs hereinbefore named are now in possession and entitled to the possession and ownership of an undivided one-half interest in and to the hereinafter described real property, by reason of being all and the only heirs of the estate of the said Alice O'Connor Glenn, deceased.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the petitioner, Marguerite O. Robinson, is entitled to an undivided one-eighth interest in and to said hereinafter described real property; that said Kathleen O'Connor is entitled to an undivided one-eighth interest in and to the hereinafter described real property; that Charles Edward O'Connor is entitled to an undivided one-eighth interest in and to the hereinafter described real property; and that Vernon O'Connor is entitled to an undivided one-eighth interest in and to the hereinafter described real property; and that the said four heirs are hereby adjudged and decreed to the owners in fee simple of an undivided one-half interest in the following described real property, situated in the County of Bear Lake, State of Idaho, and particularly described as follows, to-wit:

The Northwest Quarter of the Southwest Quarter, the North Half, and the Southwest Quarter of the Southwest Quarter of Section Thirty-two, Township Twelve South, Range Forty-five, East Boise Meridian in Bear Lake County, State of Idaho.

And all heirs and creditors and all other persons interested in the estate of Alice O'Connor Glenn, deceased, are hereby forever barred of all claim or any right, title or interest in and to the said estate, or in and to the real property hereinbefore described in this decree.

Dated this 13th day of September, 1928.

Filed Sept. 13, 1928.

Christian Tueller,
Probate Judge.

STATE OF IDAHO, COUNTY OF BEAR LAKE.

I, Christian Tueller, 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 the Estate of Alice O'Connor Glenn, Deceased, duly filed in my office 13th day of Sept. 1928.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court at Paris, Idaho, this 17th day of June 1930.

(SEAL)

Christian Tueller, Clerk.

Recorded June 17th 1930, at 1:05 p.m., request of Atty. Chas. E. Harris.

By



Deputy.

Amy M. Athay,
County Recorder.

34627 ✓

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

In the Matter of the Estate of)

EDGAR M. LINDSAY,)
Deceased,)

DECREE OF DISTRIBUTION.

The petition of Sarah A. Lindsay, in the matter of the above entitled estate, praying for an order determining the time of death, of heirs, of heirs, of kinship, and of descent, of the said Edgar M. Lindsay, deceased, and for an decree of distribution of the said estate, coming on this day to be heard by the Court, the Court finds;

That the said Edgar M. Lindsay, deceased, died intestate on or about the 9th day of March, 1922, in Bear Lake County, State of Idaho.

That the said Edgar M. Lindsay, deceased, left an estate of real property in the said Bear Lake County, Idaho, consisting of about 280 acres of land, hereinafter described, which land was of the value of \$12,500.00.

That the said deceased left surviving him as his heirs at law, the following; Sarah A. Lindsay, his wife, your petitioner herein; and the following children; Charles Lindsay, a son; Warren LeRoy Lindsay, a son; George William Lindsay, a son; Rulon Lindsay, a son; Nina Lindsay Rodeback, a daughter; Julia Lindsay Bartschi, a daughter; and the children of Franklin D. Lindsay, deceased.

That the said estate of the said Edgar M. Lindsay, deceased, has never been probated. That deceased left no will.

That all of the hereinafter described property is the community property of Edgar M. Lindsay, deceased, and your petitioner, Sarah A. Lindsay, having been acquired during the marriage of the said Edgar M. Lindsay and Sarah A. Lindsay.

That there are no debts due and unpaid against the said estate.

That there are no taxes due and unpaid against the said estate.

That there is no inheritance tax due against the said estate.

That no objections have been filed by any person against the prayer of the said petition.

WHEREFORE, the Court being fully advised of and concerning all matters in relation to the said estate, and being satisfied that the same is in a condition to be decreed, and that all of said estate should be distributed to the said Sarah A. Lindsay as the survivor of the community herein mentioned.

And due and legal notice of this hearing having been given, as provided by law, as shown by the files in said estate.

IT IS THEREFOR ORDERED, ADJUDGED AND DECREED, That all of the property of the said estate is distributed and decreed to the said Sarah A. Lindsay.

That the property so distributed by this decree is particularly described as follows:

✓ Southeast quarter of the Southeast quarter of Section twenty-seven, Southwest quarter of the Southwest quarter of Section twenty-six, and the Northwest quarter of the Northwest quarter of section thirty-five in Township eleven, South of Range forty-three, East of the Boise Meridian, Idaho, and containing One Hundred and twenty acres.

✓ Also, the East half of the Southeast quarter and the Southeast quarter of the Northeast quarter of Section thirty-four and the Southwest quarter of the Northwest quarter of Section thirty five in Township eleven, South of Range forty-three East of the Boise Meridian, Idaho, and containing One Hundred and sixty acres.

Together with all the water rights used upon or appurtenant thereto.

Done in open Court this 25th day of June, 1930.

Christian Tueller.
Probate Judge.

STATE OF IDAHO, COUNTY OF BEAR LAKE.

I, Christian Tueller, 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 Distribution in the matter of the estate of Edgar M. Lindsay, Deceased; duly filed in my office 25th day of June 1930.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of said Court at Paris, Idaho, this 25th day of June 1930.

(SEAL) Christian Tueller, Clerk.

Recorded at request of Chas. E. Harris, June 25th 1930, at 11:50 a.m.,

By Amy M. Athay,
Deputy. County Recorder.

34591 ✓

QUIT CLAIM DEED.

THIS INDENTURE, Made this 31st day of May in the year of our Lord One Thousand Nine Hundred and Thirty between Peter Etcheverry and his wife Marie Etcheverry, Martin Etcheverry and his wife Mary L. Etcheverry, parties of the first part, and Dominique Etcheverry, party of the second part.

WITNESS, That the said parties of the first part, for and in consideration of the sum of One Dollar to them in hand paid and other consideration, - - - - - DOLLARS, lawful money of the United States of America, to them in hand paid, by the said party of the second part, at or before the ensembling and delivery of these presents, the receipt whereof is hereby confessed and acknowledged, have remised, released and quit-claimed, and by these presents do remise, release and quit-claim, unto the said party of the second part, and to his heirs and assigns forever, all that certain lot or parcel of land, situated in Bear Lake County and State of Idaho, (and bounded and particularly described as follows, to-wit:

✓ SE¹/₄ SE¹/₄, Section 27, T¹/₄ 4, Section 26, E¹/₄ NE¹/₄, & SE¹/₄ Section 34, Lots 1-2-3-and 4, Section 35, all in Township 13,

✓ Lot 1 Section 3, Lot 1 & 2, Section 2, Township 14 South Range 46 East of the Boise Meridian. This land is subject to a mortgage held by Federal Bank of Spokane Washington.

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 also all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity, of the said parties of the first part, of, in or to the above described premises and every part and parcel thereof, with the appurtenances.

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 his heirs and assigns, forever.