

RECEIVED

MAY 17 2002

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Form 42-248/42-1409(6) July, 2000

Department of Water Resources  
**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

WATER RESOURCES  
WESTERN REGION

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<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| <del>65-19136</del>   |                              |       |                       |                              |       |
| 65-04353              |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. \$25-
- 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)

Clarence Oakley Barker (Deceased)  
Kathleen Knight, Personal Representative

4. New Owner/Claimant(s)

Audrey and/or Debbie Brumfield  
 Name Connector (check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address

687 NW 10th Ave.

City, State and ZIP Code

Payette, ID 83661

New Telephone Number

(208) 642-3830

5. Date you acquired the property

1-22-98

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<br>(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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

7. Signature of New Owner(s) or Claimant(s)  
(include title if applicable)

*Debra Brumfield*  
*Debra Brumfield*

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 DO/GGDate 5/15/02

Fee

\$ 25.00

Receipted by \_\_\_\_\_

Date \_\_\_\_\_

Receipt No.

0075676

Processed by \_\_\_\_\_

AJ

Date \_\_\_\_\_

WR \_\_\_\_\_

Date

11/4/04

FA 9305

## WARRANTY DEED

For Value Received

KATHLEEN M. KNIGHT, A MARRIED WOMAN AS HER SOLE AND SEPARATE PROPERTY

does hereby GRANT, BARGAIN, SELL AND CONVEY unto

AUDEY BRUMFIELD AND DEBBIE BRUMFIELD, HUSBAND AND WIFE

whose current address is 687 NW 10TH AVENUE  
PAYETTE, ID 83661

the following described premises, to-wit:

SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said grantees, heirs and assigns forever. And the said grantor does hereby covenant to and with the said grantees that she is the owner in fee simple of said premises; that they are free from all encumbrances, excepting reservations, easements, encumbrances, restrictions and rights of way appearing of record and/or existing and that she will warrant and defend the same from all lawful claims whatsoever.

Dated: JANUARY 20, 1998

*Kathleen M. Knight*  
KATHLEEN M. KNIGHT

STATE OF IDAHO, COUNTY OF PAYETTE

On this 21ST day of JANUARY, 1998, before me, a notary public in and for the said State, personally appeared KATHLEEN M. KNIGHT known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

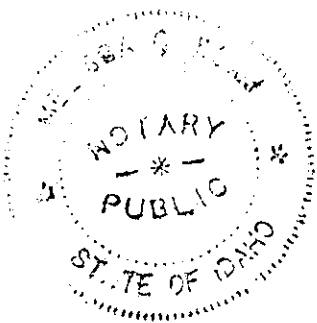
*Melissa C. Rohm*  
MELISSA C. ROHM Notary Public  
Residing at PAYETTE, Idaho  
Comm. Expires 09/03/99

272036

STATE OF IDAHO }  
County of Payette } SS

I hereby certify that this instrument was filed for record at the request of FIRST AMERICAN TITLE CO

Time 4:42 PM  
Date JAN 22, 1998  
Instrument # 272036 - Deeds  
LAURAL L. STIGILE  
By *Laurel Stigile* Esquire Recorder  
Fcc \$6.00 Deputy



## EXHIBIT "A"

File No.: FA-9305

Government Lot 6 and a portion of Government Lot 5 in Section 5, Township 8 North, Range 5 West, Boise Meridian, Payette County, Idaho, Payette County, Idaho, described as follows:

Beginning at the Southeast corner of said Government Lot 5;  
run thence North following the East side line of said Government Lot 5 a distance of 33 feet;

thence in a Westerly direction parallel to the South side line of said Government Lot 5 to the Easterly side line of the Snake River (which point is also a point on the Westerly side line of said Government Lot 5);

thence Southerly following said Easterly side line of the Snake River to the South side line of said Government Lot 5;

thence East following said South side line of said Government Lot to the Point of Beginning.

AND ALSO

That portion of Government Lot 1 in Section 8, Township 8 North, Range 5 West, Boise Meridian, Payette County, Idaho, described as follows:

Beginning at the Northeast corner of said Government Lot 1;

run thence West following the North line of said Government Lot 1 to the Easterly bank of the Snake River;

thence following said Easterly bank upstream to a point that would measure 165 feet South of the North side line of said Government Lot 1;

thence East and parallel to the North side line of said Lot 1, 165 feet South of the point of beginning;

thence North to the Point of Beginning.

**SCHEDULE A**

Order No. FA-9305

Policy No. J 772484

Amount of Insurance \$190,000.00

Premium \$860.00

Date of Policy: JANUARY 22, 1998 AT 4:44 P.M.

1. Name of Insured:

AUDEY BRUMFIELD AND DEBBIE BRUMFIELD

2. The estate or interest in the land which is covered by this policy is:

FEE SIMPLE

3. Title to the estate or interest in the land is vested in:

AUDEY BRUMFIELD and DEBBIE BRUMFIELD, husband and wife.

4. The land referred to in this policy is described as follows:

Government Lot 6 and a portion of Government Lot 5 in Section 5, Township 8 North, Range 5 West, Boise Meridian, Payette County, Idaho, Payette County, Idaho, described as follows:

Beginning at the Southeast corner of said Government Lot 5;

run thence North following the East side line of said Government Lot 5 a distance of 33 feet;

thence in a Westerly direction parallel to the South side line of said Government Lot 5 to the Easterly side line of the Snake River (which point is also a point on the Westerly side line of said Government Lot 5);

thence Southerly following said Easterly side line of the Snake River to the South side line of said Government Lot 5;

thence East following said South side line of said Government Lot to the Point of Beginning.

AND ALSO

CONTINUED

**SCHEDULE A CONTINUED**

Order No. FA-9305

Policy No. J 772484

That portion of Government Lot 1 in Section 8, Township 8 North, Range 5 West, Boise Meridian, Payette County, Idaho, described as follows:

Beginning at the Northeast corner of said Government Lot 1;

run thence West following the North line of said Government Lot 1 to the Easterly bank of the Snake River;

thence following said Easterly bank upstream to a point that would measure 165 feet South of the North side line of said Government Lot 1;

thence East and parallel to the North side line of said Lot 1, 165 feet South of the point of beginning;

thence North to the Point of Beginning.

**SCHEDULE B**

Order No. FA-9305

Policy No. J 772484

**EXCEPTIONS FROM COVERAGE**

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

**PART I**

**SECTION 1**

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims or easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.

**SECTION 2**

7. Regulations of Washoe Irrigation Co. Ltd., within which the above property lies, or all other Irrigation district, laterals that the above property lies, including levies, assessments, water and irrigation rights and easement for ditches and canals as provided by law.

CONTINUED

**SCHEDULE B CONTINUED**

Order No. FA-9305

Policy No. J 772484

8. Any easements, rights-of-way or ditches as they may exist.
9. Any claim arising from the difference in the mean high water line of the Snake River and the meander line as shown by the Original Government Survey.
10. An Easement for power lines and incidental purposes in favor of Idaho Power Company, as set forth in an instrument recorded June 15, 1950 in Book 5 of Miscellaneous at page 300.
11. An Easement for power lines and incidental purposes in favor of Idaho Power Company, as set forth in an instrument recorded June 15, 1950 in Book 5 of Miscellaneous at page 297.
12. Easement for gas pipeline granted to Salt Lake Pipeline Company, a Nevada corporation, recorded October 31, 1949 in Book 5, Page 169, of Miscellaneous Records.
13. An Easement for power lines and incidental purposes in favor of Idaho Power Company, as set forth in an instrument recorded March 2, 1978 in Book 21, Page 171959 of Miscellaneous Records.
14. Terms, provisions and easements in favor of Idaho Power Company as set forth in Final Order of Condemnation recorded March 2, 1978 as Instrument No. 171963.
15. Subject to the easement for a road as disclosed by the instrument recorded in Book A of Bonds and Agreements, at page 474, records of Payette County, Idaho.
16. Subject to the ditch easements as disclosed by the documents recorded as Instrument No. 7955 in Book 1 of Bonds and Agreements, at page 126, records of Payette County, Idaho; and as Instrument No. 41988 in Book 13 of Deeds, at page 441, records of Payette County, Idaho.
17. Easement for pipelines granted to Pacific Northwest Pipeline Corporation, a Delaware corporation, recorded September 9, 1955 in Book 6 of Miscellaneous at page 539.  
  
AMENDED BY Instrument recorded July 21, 1980 in Book 21 of Miscellaneous Records at Page 185116.
18. Easement for right of way granted to County of Payette recorded March 24, 1938 in Book 14 of Deeds at page 441.

CONTINUED

**SCHEDULE B CONTINUED**

Order No. FA-9305

Policy No. J 772484

19. An Easement for power lines and incidental purposes in favor of Idaho Power Company, as set forth in an instrument recorded July 2, 1947 in Book 4 of Miscellaneous Records at page 206.
20. A mortgage dated January 20, 1998 to secure an indebtedness in the principal sum of \$145,000.00.  
Recorded: January 22, 1998, Instrument No. 272037  
Mortgagor: Audey Brumfield and Debbie Brumfield, husband and wife  
Mortgagee: Kathleen M. Knight, a married woman, as her sole and separate estate.

(10<sup>th</sup> Sec 8)

## IN THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN

## DIVISION OF THE DISTRICT OF IDAHO.

U.S. DISTRICT COURT  
DISTRICT OF IDAHO  
Filed at 12:30 A. M.  
Nov. 7-1938

O. ZIUS MATTHEWS,

Complainant,

vs.

CLARENCE BARKER and GUY STROUP,

Defendants.

No. 2013 in Equity

FINDINGS OF FACT AND  
CONCLUSIONS OF LAW.W. D. McREYNOLDS, Clerk  
By Lona Manser, Deputy

(COPY)

This cause came on regularly for hearing before the Court in open court in the courtroom of the above entitled court at Boise, Idaho, on the 5th day of October, 1938. Complainant was present in person and also represented by his attorneys of record. The defendants were present in person and were represented by their attorney of record. Witnesses were sworn and examined and cross-examined on behalf of the respective parties, documentary evidence was introduced and the cause was submitted to the Court for decision. Thereafter briefs were filed by counsel for the respective parties and the Court was fully advised in the premises.

After due deliberation thereon the Court doth make and find the following findings of fact and conclusions of law and orders that a decree be entered herein in accordance therewith:

## FINDINGS OF FACT.

## I.

That at the time of the commencement of this action and ever since complainant O. Zius Matthews was and still is a resident of the state of Oregon, residing at Kysa, Oregon.

## II.

That the complainant O. Zius Matthews neither at the present time nor at any time mentioned in the complaint of complainant has been the owner of and seized in fee of, or entitled to the possession of the following described lands, to-wit:

Lot 7 of Section 5 and Lots 5 and 6 of Section 8 in Town-  
ship 8, North of Range 5, West of Boise Meridian,

comprising 93.13 acres of land located in Payette County, Idaho, or any part or parcel thereof.

## III.

That on or about the 12th day of July, 1935, patent No. 1,1076794 was attempted to be issued by the officers of the United States Government unto the complainant O. Zius Matthews for the following described lands in Payette County, Idaho, to-wit:

Lot 7, Section 5 and Lots 5 and 6 of Section 8 in Town-  
ship 8, North of Range 5, West of Boise Meridian,

which patent was on the 26th day of August, 1935, recorded in Book 1 of Patents at page 234 thereof in the office of the county recorder of Payette County, Idaho.

## IV.

That in 1868 the United States Government caused a survey to be made of sections 5 and 8 in Township 8, North of Range 5, West of Boise Meridian, bordering on Snake River in territory which afterwards became and now is a part of Payette County, Idaho, and the official plat of said survey was by the Surveyor General of the United States approved and was by him returned and filed with the United States General Land Office.

## V.

That the official plat of said survey approved by the surveyor general and returned to the general land office by said surveyor general shows that lots 6, Section 5 and Lots 1 and 2 of Section 8 in Township 8 North of Range 5 W. R. M. border on Snake River, which river is the meander line of said Lot 6, Section 5 and Lots 1 and 2 of Section 8 in Township 8 North of Range 5 W. R. M.

## VI.

That in 1881 there was duly and regularly issued and delivered to Jacob Stroup by the duly constituted officers of the United States Government patent to lot 6 and S<sup>1</sup>/<sub>2</sub> of Section 5 and Lots 1 and 2 of Section 8 in Township 8 North of Range 5, W. R. M. and thereafter by means conveyances said lands have been conveyed

open and not in possession of all of said lands.

#### VII.

That in 1921 complainant O. Zius Matthews filed a pretended verified possessory claim to certain lands which he claimed were lying between the lands conveyed to Jacob Stroup by said patent in 1881 and Snake River and went upon said lands and claimed the right of possession thereof, and made application to the Surveyor general to survey an alleged tract of unsurveyed land located along and adjacent to Snake River in Payette County, Idaho, in Township 8 North of Range 5, W. B. M., and which he claimed was located between Snake River and the meander line of lot 6 Section 5 and Lots 1 and 2 of Section 8 in Township 8, North of Range 5, W. B. M.

#### VIII.

That thereafter the United States surveyor general made a survey of said tract of land and declared it to be public land of the United States and ordered a plat to be filed describing said lands as lot 7 Section 5 and lots 5 and 6 of Section 8 in Township 8 North of Range 5 W. B. M. containing 93.13 acres and thereafter the officials of the land office attempted to issue and cause to be issued to O. Zius Matthews on the 12th day of July, 1935, a patent to said lands so described as lot 7, Section 5 and lots 5 and 6 of Section 8 in said township and range aforesaid.

#### IX.

That said lands described in said patent issued to complainant O. Zius Matthews on July 12, 1935 as lot 7, Section 5 and lots 5 and 6 of Section 8 in Township 8 North of Range 5, W. B. M., containing 93.13 acres, is a part of the lands included in the patent which had been issued by the United States Government to Jacob Stroup in 1881, and at the time of the issuance of said pretended patent on July 12, 1935 was privately owned land owned by Jacob Stroup and his successors and assigns in which the United States Government had no interest as it had so conveyed said lands to Jacob Stroup in 1881. And in this connection the Court further finds that there are no lands lying between Snake River and the meander line of lots 6, Section 5 and lots 1 and 2 of Section 8 in Township 8 North of Range 5 W. B. M.

#### X.

That there was no mistake made in the original survey of said sections 5 and 8 in Township 8 North of Range 5 W. B. M. so made in 1868 as approved by the United States surveyor general and returned to and filed with the general land office and that there was no mistake made in the description of the lands in the patent as issued to Jacob Stroup in 1881 as hereinbefore set forth.

#### XI.

That there was instituted in the District Court of the Seventh Judicial District of the State of Idaho, in and for the county of Payette, two actions, one by Clarence Barker, defendant herein as plaintiff, therein, V. O. Zius Matthews and wife, and the other action being one by Jacob Stroup as plaintiff versus complainant O. Zius Matthews and wife wherein there was submitted to the court the issue of fact as to what was the description of and where located the tract of land included in the two patents hereinbefore described and set forth. Said actions were tried and in each case the district court by its findings of fact and decree held that the tract of land described in complainant's patent of 1935, to-wit:

Lot 7, Section 5 and lots 5 and 6, Section 8, Township 8, North of Range 5 W. B. M.,

was included in the description of the lands covered by the patent issued to Jacob Stroup in 1881 for the S $\frac{1}{2}$  S $\frac{1}{2}$  and lot 6, Section 5 and lots 1 and 2, Section 8 in Township 8 North of Range 5, W. B. M.; that in the case of Jacob Stroup, plaintiff, V. O. Zius Matthews, complainant herein, and wife, appeal was taken to the Supreme Court of the State of Idaho which affirmed the decision of the lower court (See Stroup v. Matthews, 44 Idaho Page 134), and that the decree in each of said cases are still in full force and effect.

#### CONCLUSIONS OF LAW.

#### I.

As the conclusions of fact from the foregoing findings of fact the Court finds and concludes as follows:

#### I.

MISSOURI RECORD 2

Matthews claim  
Nov 10, 1935  
445 516

lot 7, Section 5 and lots 5 and 6, Section 8 in Township 8 N of Range 5 W. B. M., comprising 93.13 acres and located in Payette County, Idaho, is void.

II.

That said lands described in said patent so issued to complainant O. Zius Matthews are included in and a part of the lands conveyed by the United States Government to Jacob Stroup in 1881, which lands were described as follows, to-wit:

S<sup>1</sup> SE<sup>1</sup> and lot 6, Section 5 and lots 1 and 2 of Section 8 in Township 8, North of Range 5, W. B. M.

III.

That said lands described in the complaint of complainant are now the property in severalty of the defendants Clarence Barker and Guy Stroup, and the complainant O. Zius Matthews has no interest therein or right of possession thereof.

IV.

That the complainant is not entitled to any damages in this action.

V.

That the complaint of complainant be dismissed and that the defendants Clarence Barker and Guy Stroup are entitled to decree quieting title to said lands in them and perpetually restraining the complainant O. Zius Matthews, his successors and assigns, from asserting or claiming any interest in, or right of possession of said lands.

VI.

That the defendants be given judgment for their costs and disbursements herein.

That decree of the court be made, filed and entered herein in accordance with the foregoing findings of fact and conclusions of law.

Charles C. CAVANNE  
District Judge.

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN

|                                 |  |                                    |                                           |
|---------------------------------|--|------------------------------------|-------------------------------------------|
|                                 |  | DIVISION OF THE DISTRICT OF IDAHO. | U. S. DISTRICT COURT<br>DISTRICT OF IDAHO |
| O. ZIUS MATTHEWS,               |  |                                    | Filed at 10:50 A. M.                      |
|                                 |  |                                    | Nov -7- 1938                              |
| Complainant,                    |  | No. 2013 in Equity.                | W. D. McREYNOLDS, Clerk,                  |
| vs.                             |  | DECREE                             | By Lona Mewer, Deputy                     |
| CLARENCE BARKER and GUY STROUP, |  | (COPY)                             |                                           |
| Defendants.                     |  |                                    |                                           |

This cause came on regularly for hearing before the Court in open court in the courtroom of the above entitled court at Boise, Idaho, on the 5th day of October, 1938. Complainant was present in person and also represented by his attorneys of record. The defendants were present in person and were represented by their attorney of record. Witnesses were sworn and examined and cross-examined on behalf of the respective parties documentary evidence was introduced and the cause was submitted to the Court for decision. Thereafter briefs were filed by counsel for the respective parties and the Court was fully advised in the premises.

Thereupon the Court did make and render findings of fact and conclusions of law herein and ordered that decree be entered in accordance therewith.

WHEREFORE, by reason of the law and the premises, it is ordered, that complainant herein go hence and do not recover anything in this action.

It is further ordered, adjudged and decreed that the complainant O. Zius Matthews neither at the present time nor at any other time is or has been the owner of, or seized in the fee of, or entitled to the possession of the lands which in the complaint of the complainant are described as lot 7, Section 5, lots 5 and 6, Section 8 in Township 8 North of Range 5 W. B. M., according to the official survey returned to the general land office by the surveyor general.

It is further ordered, adjudged and decreed that that certain patent issued from the general land office of the United States on July 12, 1935, being patent No. 1,1076794, unto the complainant O. Zius

MISCELLANEOUS RECORD 2

Lot 7, Section 5 and lots 5 and 6, Section 8, Township 8  
North of Range 5 W. B. M.,

is void and that thereunder and thereby no interest in said lands was conveyed to the said complainant O. Zius Matthews.

It is further ordered, adjudged and decreed that said lands, to-wit:

Lot 7, Section 5 and lots 5 and 6, Section 8, Township 8  
North of Range 5 W. B. M.,

are included in and a part of the lands conveyed by the United States unto Jacob Stroup in 1881 by that certain patent wherein the lands conveyed are described as follows, to-wit:

Lot 6 and the S $\frac{1}{2}$  SE $\frac{1}{4}$ , Section 5 and lots 1 and 2 of Section  
8 in Township 8 North of Range 5, W. B. M.,

according to the official survey returned to the general land office by the surveyor general; and that said lands are now owned by and in the possession of the defendants Clarence Barker and Guy Stroup in severalty.

It is further ordered, adjudged and decreed that complainant O. Zius Matthews, his successors and assigns be and they are hereby perpetually enjoined and restrained from asserting or claiming any title to, interest in, or right of possession of said lands or any part thereof and that the title to said lands be and same hereby is quieted in the defendants, Clarence Barker and Guy Stroup.

It is further ordered, adjudged and decreed that the defendants be and they are hereby awarded judgment against the complainant for the costs and disbursements in this action taxed at the sum of \$42.85.

Dated at Boise, Idaho this the 7th day of November, 1938.

Charles C. CAYANAR  
District Judge.

UNITED STATES OF AMERICA  
DISTRICT OF IDAHO

vs.

I, W. D. McHENRILDS, Clerk of the United States District Court for the District of Idaho, do hereby certify that the foregoing copy of Findings of Fact and Conclusions of Law, and Decree, in the case of O. Zius Matthews vs. Clarence Barker and Guy Stroup, No. 2013-S, has been by me compared with the original, and that it is a correct transcript therefrom and of the whole of such original, as the same appears of record and on file at my office and in my custody.

IN TESTIMONY WHEREOF, I have set my hand and affixed the seal of said Court in said District this 16th day of December, 1938.

(UNITED STATES DISTRICT COURT SEAL)

W. D. McHENRILDS, Clerk.

By Lona Manser  
Deputy.

STATE OF IDAHO  
County of Payette

vs.

I hereby certify that this instrument was filed for record at the request of Guy Stroup at 35 minutes past 10 o'clock A. M. this 21 day of Dec. 1938 in my office, and duly recorded in book 2 of Miscellaneous Record at page 439.

Millian Wilson  
Ex-officio Recorder

Fee \$4.00

COMPARED

14

Lot 7 sec 5  
Abot valid

Lot 5'16  
sec 8  
Not Vel. 1

