

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Section 42-225a, Idaho Code

AMENDED CLAIM TO A WATER RIGHT AMENDED

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that City of Downey, a Municipal Corporation
(name of claimant)
of Downey, Idaho, Bannock County, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

(1) Describe source of water: (name of stream, lake, spring, etc., or ground water) unnamed springs
tributary to, Nine-Mile Creek

(2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount	<u>6.40</u>	Use	<u>Domestic</u>	Period of Use: From	<u>Jan. 1</u>	To	<u>Dec. 31</u>
Amount		Use		Period of Use: From		To	
Amount		Use		Period of Use: From		To	
	(cfs, gpm or a/f)		(dom., irri., stock, etc.)				(both dates inclusive)

(3) Total quantity of water claimed: 6.40 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

(4) Priority claimed: (the date water was first applied to beneficial use) August 2, 1907

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

(5) A) Point of diversion: (give location of point where water is diverted from its source)
NW ¼ SE ¼, Sec. 8 Twp. 11S Rge. 38E B. M. County of Bannock
Additional points of diversion: SE ¼ SE ¼, Sec. 8, T. 11S, R. 38E, B.M.; SE ¼ SW ¼, Sec. 9, T. 11S, R. 38E, B.M.

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Collection boxes and pipeline from source to city distribution system

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

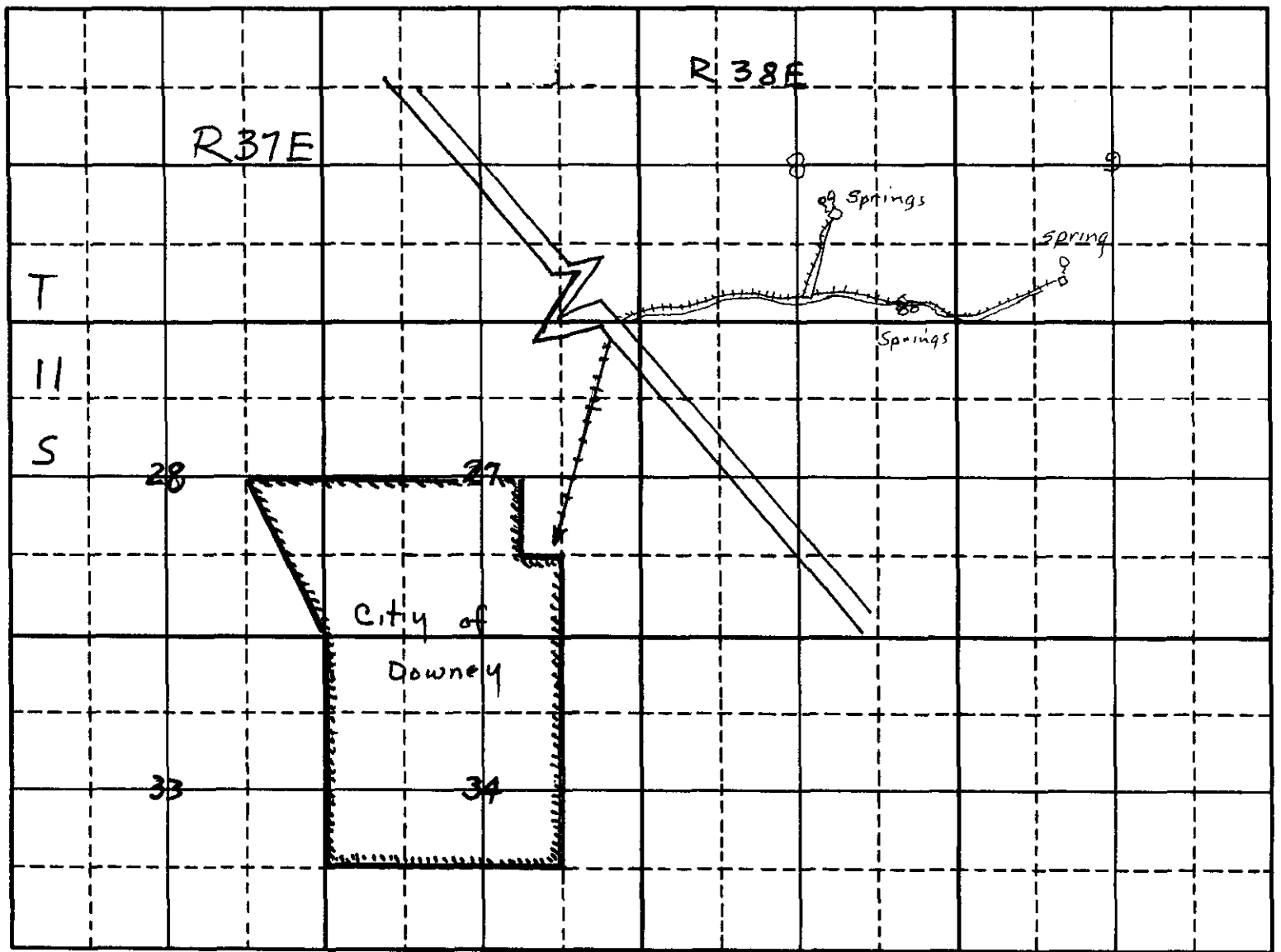
T	R	SEC.	NE ¼				NW ¼				SW ¼				SE ¼				TOTAL
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
11S	37E	27									X	X	X	X		X	X		
		28													X			X	
		34		X	X		X	X	X	X	X					X			

Total No. of acres _____

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: Domestic purposes for the City of Downey

(7) If you are claiming water as a member of an organization, list name of organization: City of Downey, County of Bannock, State of Idaho, said city being a municipal corporation

(8) Remarks _____



Scale: 2 Inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bannock) ss.

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

Sworn to before me this 27th day of December, 19 76.
Margaret Ann L. Slothman
(Claimant)

Notary Public
Residing at Porterville, Idaho

My commission expires _____

For Department Use Only

Received by <u>Per</u>	Date <u>12-28-76</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>RDC</u>	Date <u>12/28/76</u>		claimant by:	
\$10.00 fee received by <u>NA</u>	Date _____			
Approved for publication by <u>Per</u>	<u>1-20-77</u>			
Published in <u>Idaho State Journal</u>				
Dates <u>Dec 13, 1977</u>				

PROOF OF PUBLICATION RECEIVED

STATE OF IDAHO }
County of Bannock } ss.

JAN 20 1977

Department of Water Resources
Eastern District Office

PATRICIA PECK

being first duly sworn on oath deposes and says: That SHE was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

JANUARY 6, 1977 19.....
JANUARY 13, 1977 19.....
..... 19..... 19.....
..... 19..... 19.....
..... 19..... 19.....

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

Patricia C. Peck

Subscribed and sworn to before me this 19th day of JANUARY, 1977

[Signature]

Notary Public, State of Idaho
Residence: Pocatello, Idaho

RECORDED

#29-4059 Amended CW 1-20-77

PROOF OF PUBLICATION

STATE OF IDAHO }
County of Bannock } ss.

JAN 20 1977

Department of Water Resources
Eastern District Office

PATRICIA PECK

being first duly sworn and deposes and says: That SHE
was at all times herein mentioned a citizen of the United States of
America, more than 21 years of age, and the Principal Clerk of THE
IDAHO STATE JOURNAL, a daily newspaper, printed and published at
Pocatello, Bannock County, Idaho, and having a general circulation
therein.

That the document or notice, a true copy of which is attached, was
published in the said IDAHO STATE JOURNAL, on the following dates,
to-wit:

JANUARY 6, 1977
JANUARY 13, 1977
, 19
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That said paper has been continuously and uninterruptedly pub-
lished in said County for a period of seventy-eight weeks prior to the
publication of said notice or advertisement and is a newspaper within
the meaning of the laws of Idaho.

PATRICIA C. PECK

Subscribed and sworn to before me this 19th
day of JANUARY, 1977

[Signature]

Notary Public, State of Idaho
Residence: Pocatello, Idaho

LEGAL ADVERTISEMENTS

NOTICE OF AMENDED CLAIM
TO A WATER RIGHT
NO. 29-4059

Notice is hereby given that
Claim No. 29-4059 in the name of
City of Downey was filed for the
diversion of 6.40 c.f.s. of water
from Nine-Mile Creek with the
point of diversion within the
NW1/4SE1/4, SE1/4SE1/4, Sec. 8, T.
11S, R. 38E, B.M., Bannock
County; to be used for domestic
purposes within the City of
Downey.
The claimant is now amending
Claim to a Water Right No. 29-4059,

LEGAL ADVERTISEMENTS

changing the source to unnamed
springs tributary to Nine-Mile
Creek and the points of diversion
the NW1/4SE1/4, SE1/4SE1/4, Sec. 8,
SE1/4SW1/4, Sec. 9, T. 11S, R. 38E,
B.M., Bannock County.
Any exception to the amending
of this claim to a water right may
be filed with the Idaho Depart-
ment of Water Resources, 1515
Lincoln Road, Idaho Falls, Idaho,
83401.
R. KEITH HIGGINSON
Director
January 6, 13, 1977
No. 5

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that The City of Downey, a Municipal Corporation
(name of claimant)
of Downey, Idaho Bannock County, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

(1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Nine-Mile Creek
_____, tributary to, _____

(2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount <u>6.40</u>	Use <u>Domestic</u>	Period of Use: From <u>Jan. 1</u> To <u>Dec. 31</u>
Amount _____	Use _____	Period of Use: From _____ To _____
Amount _____	Use _____	Period of Use: From _____ To _____
(cfs, gpm or a/f)	(dom., irri., stock, etc.)	(both dates inclusive)

(3) Total quantity of water claimed: 6.40 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

(4) Priority claimed: (the date water was first applied to beneficial use) August 2, 1907

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

(5) A) Point of diversion: (give location of point where water is diverted from its source)
NW ¼ SE ¼, Sec. 8 Twp. 11S Rge. 38E B.M. County of Bannock
Additional points of diversion: SE ¼ SE ¼, Sec. 8, T. 11S, R. 38E, B.M.

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Collection Boxes and pipeline from source to city distribution system.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

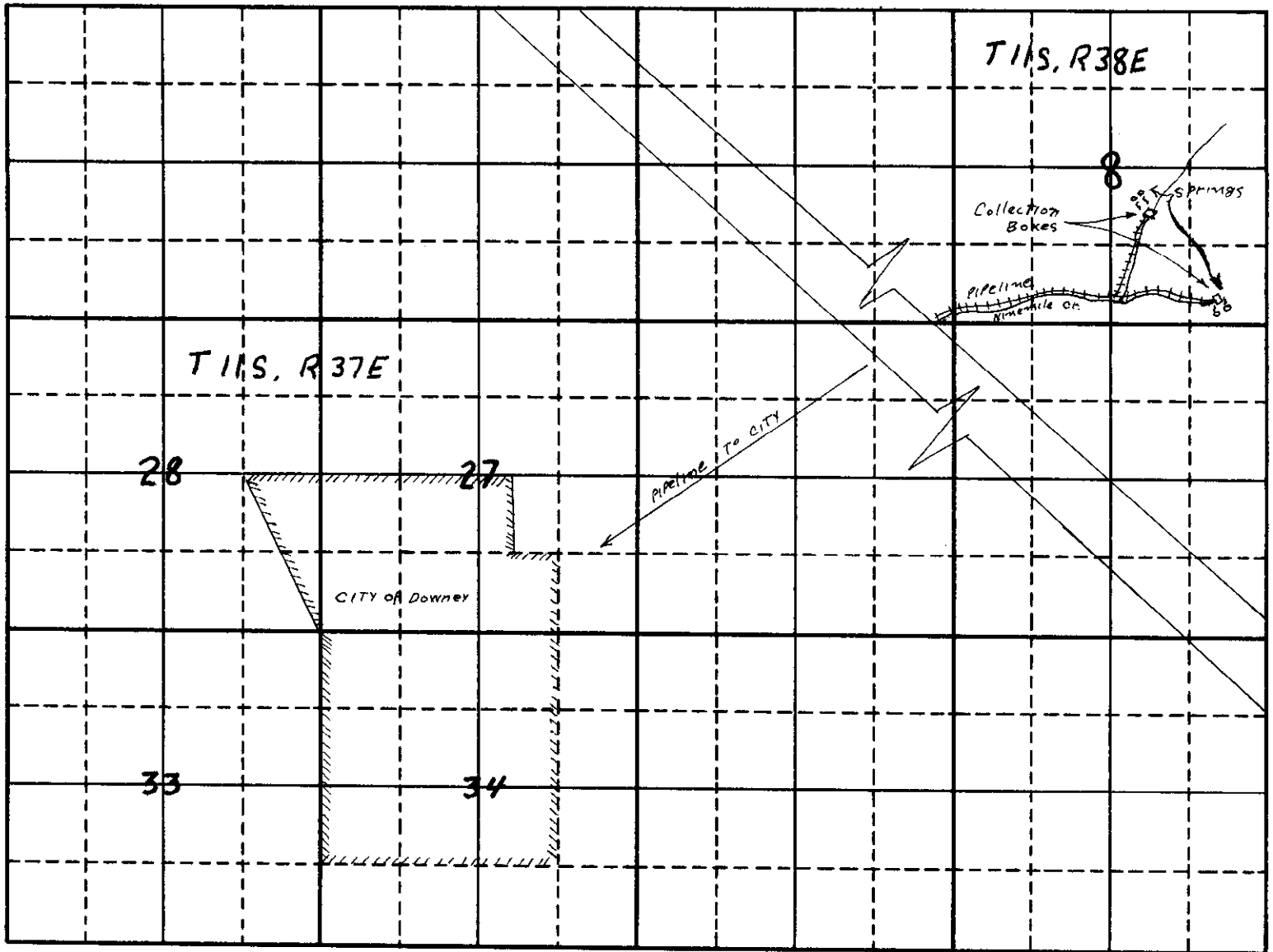
T	R	SEC.	NE ¼				NW ¼				SW ¼				SE ¼				TOTAL
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
11S	37E	27									X	X	X	X		X	X		
		28													X			X	
		34		X	X		X	X	X	X	X	X				X			

Total No. of acres _____

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:
Domestic purposes for the City of Downey

(7) If you are claiming water as a member of an organization, list name of organization:
City of Downey, County of Bannock, State of Idaho, said city being a municipal corporation

(8) Remarks _____
SEE ATTACHED MAPS FOR DETAILS OF SYSTEM & PLACE OF USE.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bannock) ss.

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

Sworn to before me this 16 day of December, 1975.
Muriel H. Bingham Mayor
(Claimant)

Scott Butten
Notary Public
Residing at Paratello, Idaho

My commission expires _____

For Department Use Only

Received by <u>CW</u>	Date <u>12-17-75</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>RDC</u>	Date <u>12/17/75</u>		claimant by:	
\$10.00 fee received by <u>12.00</u>	Date <u>12-17-75</u>			
Approved for publication by <u>me</u>	Date <u>1-14-76</u>	# <u>15531</u>		
Published in <u>The Idaho State Journal</u>				
Dates <u>Dec. 26, '75 + Jan 2, '76</u>				

PROOF OF PUBLICATION

RECEIVED

JAN 19 1976

Department of Water Resources
Eastern District Office

STATE OF IDAHO
County of Bannock

ss.

Katherine Wanner

NOTICE OF CLAIM TO A WATER RIGHT NO. 294051

Notice is hereby given that the City of Downey, a Municipal Corporation, Downey, Idaho has filed a claim to a water right established by diversion and appropriation for beneficial use of 600 cubic feet per second of water from Nine Mile Creek with points of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, T. 11S, R. 38E, S.M., Bannock County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes for the City of Downey with a priority of August 2, 1905; the place of use is within the SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 27, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 28, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 34, T. 11S, R. 37E, S.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 803 Lincoln Road, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON
Director
Dec. 24, Jan. 2, 1976
No. 743

being first duly sworn on oath deposes and says: That She was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

December 26., 1975	19
January 2, 1976	19
19	19
19	19
19	19

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

Katherine Wanner

Subscribed and sworn to before me this 6th day of January, 1976.

Ruth L. Lafford

Notary Public, State of Idaho
Residence: Pocatello, Idaho

PROOF OF PUBLICATION

RECEIVED

JAN 19 1976

Department of Water Resources
Eastern District Office

STATE OF IDAHO }
County of Bannock } ss.

Katherine Wanner

NOTICE OF CLAIM TO A WATER RIGHT NO. 29-4059

Notice is hereby given that the City of Downey, a Municipal Corporation, Downey, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 6.40 cubic feet per second of water from Nine-Mile Creek with points of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, T. 11S, R. 38E, B.M., Bannock County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes for the City of Downey with a priority of August 2, 1907; the place of use is within the SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 27, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 28, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 34, T. 11S, R. 37E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON
Director
Dec. 26, Jan. 2, 1976
No. 743

being first duly sworn on oath deposes and says: That She was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

December 26, 1975, 19
January 2, 1976, 19
19, 19
19, 19
19, 19

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

Subscribed and sworn to before me this 6th day of January, 1976.

Notary Public, State of Idaho
Residence: Pocatello, Idaho

PROOF OF PUBLICATION

STATE OF IDAHO }
County of Bannock } ss.

NOTICE OF CLAIM TO A WATER RIGHT NO. 29-4059

Notice is hereby given that the City of Downey, a Municipal Corporation, Downey, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 6.40 cubic feet per second of water from Nine-Mile Creek with points of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, T. 11S, R. 38E, B.M., Bannock County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes for the City of Downey with a priority of August 2, 1907; the place of use is within the SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 27, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 28, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 34, T. 11S, R. 37E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON
Director
Dec. 26, Jan. 2, 1976
No. 743

Katherine Wanner

being first duly sworn on oath deposes and says: That She was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

December 26, 1975, 19.....
January 2, 1976, 19.....
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....., 19....., 19.....
....., 19....., 19.....

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

Katherine Wanner

Subscribed and sworn to before me this 6th day of January, 1976.

Dale L. Bradford

Notary Public, State of Idaho
Residence: Pocatello, Idaho

January 24, 1977

RE: Claim to a Water Right No. 29-4059 (amended)

City of Downey
Downey, Idaho
83234

Gentlemen:

The Department of Water Resources has completed the processing of your amended claim to a water right and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your amended claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you have included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing for your records, a copy of your amended claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure: Copy of Amended Claim

cc: Garth Pincock, Attorney

December 30, 1976

RE: Application for Permit No. 29-7356 NIELSEN
Amended Claim to a Water Right No. 29-4059 CITY OF DOWNEY

Idaho State Journal
Box 431
Pocatello, Idaho 83201

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 12-31-76 by 76

RDC:CW

Enc: Legal Notice (2)

NOTICE OF AMENDED CLAIM TO A WATER RIGHT

NO. 29-4059

Notice is hereby given that Claim No. 29-4059 in the name of City of Downey was filed for the diversion of 6.40 c.f.s. of water from Nine-Mile Creek with the point of diversion within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, T. 11S, R. 38E, B.M., Bannock County; to be used for domestic purposes within the City of Downey.

The claimant is now amending Claim to a Water Right No. 29-4059, changing the source to unnamed springs tributary to Nine-Mile Creek and the points of diversion to the NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, T. 11S, R. 38E, B.M., Bannock County.

Any exception to the amending of this claim to a water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON

Director

Published in the Idaho State Journal, Pocatello, Idaho, on January 6 and January 13, 1977.

6.40 c.f.s.
me. D.

Garth S. Pincock

Attorney at Law
850 East Center
P. O. Box 4986
POCATELLO, IDAHO 83201

Phone 232-7680

RECEIVED

DEC 28 1976

Department of Water Resources
Eastern District Office

December 27, 1976

State of Idaho
Department of Water Resources
1515 Lincoln Rd.
Idaho Falls, Idaho 83401

Attention: Loy H. Johnson
Senior Water Resource Agent

Dear Mr. Johnson:

Re: City of Downey Amended Claim to a Water Right

Enclosed please find the original amended claim to a water right in respect to the above entitled matter, which we discussed this date. Please advise if anything further is needed in regard to this matter.

Sincerely,


GARTH S. PINCOCK

GSP rb

Garth S. Pincock

Attorney at Law
850 East Center
P. O. Box 4986
POCATELLO, IDAHO 83201

Phone 232-7680

January 8, 1976

State of Idaho
Department of Water Resources
Eastern District Office
1515 Lincoln Road
Idaho Falls, Idaho 83401

Attention: Loren O. Holmes
Assistant Regional Supervisor

Dear Mr. Holmes:

Re: City of Downey Claim to Water of
Nine Mile Creek

Pursuant to our prior conversation, enclosed for your file, are certified copies of the deeds and judgments involved in the claim by the City of Downey to the water of Nine Mile Creek, which I would appreciate if you would lodge in said file.

Sincerely,

Garth S. Pincock
GARTH S. PINCOCK

GSP rb

enc

DEED RECORD.

Instrument No. 38369

This Indenture, Made the 23rd day of March in the year of our Lord one thousand nine hundred and Fifteen between D. D. Burnside and Callie G. Burnside (his wife) of Pocatello, Bannock, State of Idaho, the parties of the first part, and A. I. Mathers, of Pocatello, County of Bannock, State of Idaho, the party of the second part,

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

----- One and no/100 (\$1.00) ----- 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, do by these presents grant, bargain, sell and convey and confirm unto the said party of the second part and to his heirs and assigns forever: All the one certain lot, piece or parcel of land, situate, lying and being in the County of Bannock, and State of Idaho, bounded and more particularly described as follows, to-wit:

All of lots Five (5) and Six (6), in block Four Hundred thirteen (413), containing eighty-four hundred (8400) square feet, in the City of Pocatello, County of Bannock, State of Idaho, according to the official plat of the survey of said land returned to the General Land Office by the Surveyor General.

Subject to the taxes for the year 1915.

(\$50 I.M. stamps attached and duly cancelled.)

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 party of the second part, and to his heirs and assigns forever. And the said parties of the first part and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns against the said parties of the first part, and their heirs, and against all and every person 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

C. W. Gray,

D. D. Burnside, [SEAL]

Callie G. Burnside, [SEAL]

[SEAL]

STATE OF IDAHO,

County of Bannock.

ss. On this 23rd day of March in the year 1915, before me, Charles W. Gray, a notary public in and for said County, personally appeared D. D. Burnside and Callie G. Burnside, his wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

[SEAL]

Charles W. Gray,

Notary Public.

My Commission Expires April 23, 1917.

Recorded at the request of A. I. Mathers.

4:21 P.M.

March 23rd, 1915.

By _____ Deputy. Fee, \$1.00

STATE OF IDAHO,) ss
County of Bannock)

I hereby certify that the foregoing is a full,
true, and correct copy of an instrument as the same
now remains on file and of record in my office.

WITNESS my hand and official seal hereto affixed
this 6th day of Jan A.D., 19 76
TIM ERICKSEN, CLERK OF THE DISTRICT COURT
EX-OFFICIO AUDITOR AND RECORDER.

By Deputy Tim Erickson
C/ER

Instrument No.

12906.

THIS INDENTURE, Made the 25th day of September in the year of our Lord one thousand nine hundred and eight (1908) between George T. Hyde, and Emma Hyde, his wife, of Downey County of

Bannock, State of Idaho, limited, a corporation under the laws of Idaho, with principal business at the Village of Downey, County of Bannock, State of Idaho, the party of the second part,

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of Seven Thousand eight hundred and Twenty five (\$7825.00) 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, do by these presents grant, bargain, sell and convey and confirm unto the said party of the second part and to its successors and assigns forever: All that certain lot, piece or parcel of land, situate, lying and being in the County of Bannock, and State of Idaho, bounded and more particularly described as follows, to wit:

The south half of the southwest quarter of Section 27, Township 11, South of range 37 East of Boise Meridian; together with 125 inches of water, measured under a four inch pressure of the waters of nine Mile Creek, from the 1st day of March in each and every year, up to the 1st day of July, in each year, and to the flow of 100 inches of the waters of said stream measured under a four inch pressure, from the first day of July of each year to the first day of March of each following year; Also beginning at the one-quarter corner between sections twenty seven and thirty four, in Township eleven, South of range thirty seven East of Boise Meridian, thence running north on the north and south center line of said section twenty seven 1327.9 feet, more or less, to the south one-sixteenth corner of said center line of said section thirty four; thence east on the one-sixteenth section line, aforesaid, two hundred forty six plus, feet, to a point; thence south, to a point on the section line between said sections twenty seven and thirty four, two hundred and forty six, plus, feet, east of the one-quarter corner between said section twenty seven and 34; thence west--- feet to the one-quarter corner between said section 27 and 34, the place of beginning, and containing 7.5 acres more or less; provided that should there remain any over flow from the springs which are the source of the water right herein conveyed after said corporation has used or is using said water right, the said overflow may be used by the said George T. Hyde for irrigation or other purposes.

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

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances and privileges therunto incident, unto the said party of the second part and to its heirs and assigns forever. And the said party of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part its heirs and assigns against the said party 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 party of the first part has hereunto set their hands and seal the day and year first above written.

Signed, sealed and delivered in the presence of

F. W. Laurenson

George T. Hyde

[SEAL]

Emma Hyde

[SEAL]

[SEAL]

STATE OF IDAHO

County of Bannock

On this 25

day of December

in the year 1908

before me William Laurenson

Notary Public.

in and for said County,

personally appeared

George T. Hyde and Emma Hyde his wife

known to me to be the person

whose names are

subscribed to the within instrument, and acknowledged to me that they

executed the same, and on this

day of

in the year

before me the officer above described,

personally appeared

whose name is subscribed to the within instrument, described as a married woman; and upon an examination without the hearing of her husband, I made her acquainted with the contents of the instrument, and thereupon she acknowledged to me that she executed the same, and that she does not wish to retract such execution.

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

[L. S.]

(seal)

William Laurenson

Notary Public.

My Commission expires December 15th, 1910

Recorded at the request of

T. H. Edwards.

this

11th day of January

A. D. 1909, at 31 minutes past 10 o'clock A. M.

R. S. Sallot

Recorder

For \$ 1.00

By

W. A. Hyde

Deputy

STATE OF IDAHO,) ss
County of Bannock)

I hereby certify that the foregoing is a full,
true, and correct copy of an instrument as the same
now remains on file and of record in my office.

WITNESS my hand and official seal hereto affixed
this 14th day of Jan A.D. 19 76
TIM BRACKEN, CLERK OF THE DISTRICT COURT
EX-OFFICIO AUDITOR AND RECORDER.

By Deputy T. J. [Signature]

cm

Instrument No. 21

THIS INDENTURE, made this 9th day of August, 1911, between W. Rodman Peabody and Katherine P. Peabody, his wife of Cambridge, Massachusetts, the parties of the first part, and the Downey Water Company, a corporation duly organized under the laws of the State of Idaho, and having its principal place of business in Downey, Bannock County, Idaho, the party of the second part,

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of one dollar, lawful money of the United States of America, to them in hand paid by the said party of the second part, and other valuable consideration, the receipt whereof is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell and convey unto the said party of the second part, and to its successors and assigns forever all those certain tracts, pieces or parcels of land and other property, situate, lying and being in the County of Bannock and State of Idaho, bounded and more particularly described as follows, to-wit:

A certain tract of land beginning at a point south 72° 26' west 967 feet from the quarter corner between sections 23 and 24, Township 11 south, Range 37 E. B. N., thence north 200 feet, thence east 200 feet, thence south 200 feet, thence west 200 feet to the point of beginning, containing .92 of an acre, more or less.

Also a 12-foot strip of land as a right of way for a buried pipe line for the conveyance of water across the following legal subdivisions:

The northeast quarter of the southeast quarter, the northwest quarter of the southeast quarter, the southwest quarter of the southeast quarter; the southeast quarter of the southwest quarter of section 23, and the northwest quarter of section 26, and the northeast quarter of section 27, all in Township 11 south, Range 37 E. B. N.

Also the right to the use of 125 inches of water, measured under a four-inch pressure of the waters of Nine Mile Creek, in Bannock County, Idaho, from the first day of March in each and every year to the first day of July in each year and to the flow of 100 inches of the waters of said stream, measured under a four-inch pressure, from the first day of July of each year to the first day of March of each following year, together with the right to convey said waters elsewhere than at the present place of use and to use the same for domestic and municipal purposes.

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest whatsoever, as well in law as in equity of the said parties of the first part, or, in coto the said premises.

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 its successors and assigns forever.

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

W. Rodman Peabody (SEAL)
Katherine P. Peabody (SEAL).

Witnessed:

Eugenia Conant

Franklin J. Damon.

COMMONWEALTH OF MASSACHUSETTS,)

County of Suffolk)

On this 10th day of August in the year 1911, before me, a Notary Public, in and for said County, personally appeared W. RODMAN PEABODY and KATHERINE P. PEABODY, his wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Frederick Moffatt, Notary Public.

COMMONWEALTH OF MASSACHUSETTS, My Commission expires February 15, 1912.
CLERK'S OFFICE OF SUPERIOR COURT.

SUFFOLK, ss.

I, FRANCIS A. CAMPBELL, of Boston, in said County, duly elected, qualified and sworn as Clerk of the Superior Court, for and within said County and Commonwealth, dwelling in Boston in said County, said Court being a Court of record with a seal which is hereto affixed, the records and seal of which Court I have the custody, do herein and hereby in the performance of my duty as said Clerk, certify and attest that Fred J. Moffatt before whom the annexed affidavit, proof or acknowledgment was taken and subscribed, is a Notary Public for, within, and including the whole of said Commonwealth, residing in said County, duly appointed, commissioned, qualified, sworn and authorized by the laws of said Commonwealth to act as such; and also duly authorized by the laws of said Commonwealth to take affidavits and take and certify proofs of acknowledgment of deeds of conveyances for lands, tenements, hereditaments, lying and being in said Commonwealth; in any part thereof and to be recorded therein, wherever situated and however bounded; that he was at the time of taking the affidavit, proof or acknowledgment, hereto annexed, such Notary Public that due faith and credit are and ought to be given to his official acts; that I am well acquainted with his signature and handwriting, and I verily believe that the signature to the said affidavit, proof or acknowledgment is genuine, and, further, that the annexed instrument is executed and acknowledged according to the laws of said Commonwealth.

Witness my hand and the seal of said Court at Boston, in said County, and Commonwealth, this 10th day of August A. D. 1911.

Francis A. Campbell, Clerk.

Recorded at the request of John W. Pomeroy, Sept. 9th, 1911 at 11:04 A. M.
By C. W. Pomeroy, Deputy. Per J. H. Bailey, Recorder.

000

STATE OF IDAHO,) ss
County of Bannock)

I hereby certify that the foregoing is a full, true, and correct copy of an instrument as the same now remains on file and of record in my office.

WITNESS my hand and official seal hereto affixed

this 6th day of June A.D., 19 76
TIM ERICKSEN, CLERK OF THE DISTRICT COURT
EX-OFFICIO AUDITOR AND RECORDER

By Deputy Tim Erickson
cm

STATE OF IDAHO,
County of Benewah.

On this 20th day of May 1911, before me Geo. R. Crockett, a Notary Public, in and for said County, personally appeared John R. Ware known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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

(SEAL)

Geo. R. Crockett, Notary Public.

15541

Geo. E. Crockett, Notary Public.

My commission expires Feb. 5th, 1914.

Recorded at the request of W. A. Hyde, June 27, 1911, at 1:56 P. M.
By Nathel Lerney, Deputy, Fee \$1.60 E. A. Wallat, Recorder.

E. A. Galt, Recorder.

Exhibit No. 2350.

THIS INDENTURE Made this 21st day of June, in the year 1911, between The Downey Townsite & Development Company, Limited, a corporation, duly organized under the laws of the State of Idaho, having its principal place of business in Downey, Bannock, County Idaho, party of the first part, and W. Rodman Peabody, of Cambridge, Massachusetts, party of the second part.

WITNESSETH: That, whereas, the stockholders of said corporation, at a meeting duly held in
 Pomeroy, Idaho, on the 16th day of June, 1911, by unanimous resolution, authorized the convey-
 ance of all the corporate property of every kind and nature to the second party herein, in re-
 turn for certain considerations in the said resolution recited, the receipt of which consid-
 erations is hereby acknowledged, and,

Whereas, the Board of Directors of said corporation did, at a meeting duly called and held on the 12th day of June, 1911, by unanimous resolution, further authorize and conveyance of all the concrete property of every kind and nature to the second party, according to the resolution passed at the meeting of the stockholders as above set forth, and did, by such resolution, authorize the President and Secretary of the said corporation to execute any instruments necessary to convey the said property;

Now, therefore, the said party of the first part, for and in consideration of the sum of one dollar, lawful money of the United States of America, to it in hand paid by the said party of the second part, and other valuable consideration, 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 his heirs and assigns forever, all those certain tracts, pieces or parcels of land situate, lying and being in the County of Barren and State of Iowa, bounded and more particularly described as follows, to-wit:

All of Block 1; Lots 1,3,4,5,6, in Block 2; Lots 4,5,6 in Block 3; Lots 4,5,6, in Block 4; all of Block 5; Lots 4,5,6, in Block 6; all of Block 7; all of Block 8; all of Block 9; all of Block 10; all of Block 11; all of Block 12; all of Block 13, Lots 1 to 7 inclusive and 9 to 16 inclusive in Block 14; Lots 1 to 6 inclusive and 9 to 16 inclusive in Block 15; Lots 1 to 5 inclusive; Lots 7 and 8, and 12 to 16 inclusive in Block 16; all of Block 17; all of Block 18; Lots 1 to 6 inclusive and 11 to 16 inclusive in Block 19; Lots 1 to 4 inclusive and 12 to 16 inclusive in Block 20; Lots 13 to 16 inclusive in Block 21; Lots 13 to 16 inclusive in Block 22; Lots 1 to 6 inclusive and 9 to 16 inclusive in Block 23; Lots 4 to 19 inclusive in Block 24; all of Block 25; all of Block 26; all of Block 27; Lots 1 to 7 inclusive in Block 28; all of Block 30; Lots 1 to 24 inclusive in Block 32; all of Block 33, Lots 3 to 6 inclusive in Block 34; Lots 3 to 16 inclusive in Block 36; Lots 6 to 14 inclusive in Block 37; Lots 1 to 17 inclusive in Block 38; Lots 1 to 16 inclusive and 21 to 32 inclusive in Block 40; Lots 3,4,7,8,9, in Block 41; Lots 3,5, in Block 50; Lots 3 to 7 inclusive and 9 to 11 inclusive, 17, 18, 20 to 27 inclusive in Block 51; Lots 1,3 to 12 inclusive and 15 to 19 inclusive in Block 52; Lots 1 to 9 inclusive in Block 53; Lots 10 to 12 inclusive in Block 54; Lots 9 to 14 inclusive in Block 55; Lots 7,8 and 9 to 16 inclusive in Block 56; Lots 3 to 15 inclusive in Block 57; Lots 10 to 16 inclusive and 27 to 28 inclusive in Block 58; Lots 5 to 8 inclusive in Block 59; Lots 1 to 8 inclusive in Block 68; Lots 1 to 3 inclusive and 5 to 16 inclusive in Block 69; all of Block 70; all of Block 71; Lots 9 to 16 inclusive in Block 72; Lots 3 to 16 inclusive in Block 73; all of Block 74; all of Block 75; all of Block 76; all of Block 77; all of Block 78; all of Block 79; all of Block 80, all in the original Townsite of Lowry, according to the official plat thereof on file in the office of the County Recorder of Butte County, Idaho.

Also Lots 8 to 11 inclusive in Block 29; all of Block 30; all of Block 31; Lots 25 to 31 inclusive in Block 32; Lots 17 to 32 inclusive in Block 41; all of Block 42; all of Block 43; all of Block 44; Lots 11, 12, 29, 30 in Block 49; Lots 20 to 31 inclusive in Block 50; Lots 11, 12 in Block 53; Lots 1, 2, 3, 10, 11 in Block 60, all in the Park Addition of Romey, according to the official plat thereof on file in the office of the County Recorder of Banneock County, Idaho.

Also tracts numbered 2,3,4,5,8,9,14,15,16, and 17 of the Acreage tracts adjacent to the Townsite of Lander, according to the official plat thereof on file in the office of the County recorder of Blaine County, Idaho.

Also Lot 11 of Block 16, Lot 21 of Block 51, Lots 25 and 26 of Block 52, Lots 14 of Block 52 of the Territo of Lowmy, according to the official plat thereof on file in the office of the County Recorder of Bannock County, Idaho.

Also any portions of tracts or lots within the Townsite of Downey or the additions thereto aforesaid, not covered by conveyances heretofore made by the Downey Townsite & Development Company, Limited, whereby the said Company conveyed only certain portions of the said lots, being now the owner of the remaining portions.

Like any portions of the following described lands, which have not been included within the Transmits of Journey or the additions thereto as platted and recorded in the office of the County Recorder of Harney County, Idaho, to-wit:

Beginning at the one quarter corner between sections 27 and 34 in Township 12, South of Range 37 East of Boise Meridian, thence east on the section line between sections 27 and 34, a distance of 246.65 feet, to a point; thence south on a line perpendicular to the east and south corner line of section 34, a distance of 40.11 feet, to a point; thence east on a line parallel to the east corner line of section 34, 246.65 feet, to the point of beginning.

STATE OF IDAHO,) ss
County of Bannock)

I hereby certify that the foregoing is a full,
true, and correct copy of an instrument as the same
now remains on file and of record in my office.

WITNESS my hand and official seal hereto affixed

this 6th day of Jan A.D., 19 76
TIM ERICKSEN, CLERK OF THE DISTRICT COURT
EX-OFFICIO AUDITOR AND RECORDER.

By Deputy Tim Erickson
Tim Erickson

section 34, thence west, on the east and west center line of said section 34, 246.65 feet to the center one quarter corner of said section 34; thence north on the north and south center line of said section 34, 2645.7 feet, to the place of beginning, containing 14.98 acres.

Also the east half of the northeast quarter of Section 33; the northwest quarter of the northwest quarter; the south half of the northwest quarter and the northeast quarter of the northwest quarter of section 34, all in Township 11 South, Range 37 E.B.M.

Also the south half of the southwest quarter of Section 27, township 11, South of Range 37 East of Boise Meridian; Together with 125 inches of water, measured under a four-inch pressure of the waters of Nine Mile Creek, from the 1st day of March in each and every year, up to the 1st day of July in each year, and to the flow of 100 inches of the waters of said stream measured under a four-inch pressure, from the 1st day of July of each year to the 1st day of March of each following year; also beginning at the one-quarter corner between sections 27 and 34, in Township 11, South of Range 37 east of Boise Meridian; thence running north on the north and south center line of said section 27, 1327.9 feet, more or less, to the south one-sixteenth corner on said center line of said section 34, thence east on the one-sixteenth section line aforesaid, two hundred forty-six plus, feet, to a point; thence south, to a point on the section line between said sections 27 and 34, two hundred and forty-six, plus, feet, east of the one-quarter corner between said sections 27 and 34; thence west feet to the one quarter corner between said sections 27 and 34, to the place of beginning, and containing 7.5 acres, more or less.

Also a certain tract of land described as follows and beginning at a point south 72°26' west 987 feet from the quarter corner between sections 23 and 24, Township 7 South, Range 37 E.B.M., thence north 200 feet, thence east 200 feet, thence south 200 feet, thence west 200 feet to the point of beginning, containing .92 of an acre, more or less.

Also a 12-foot strip of land as a right of way for a buried pipe line for the conveyance of water across the following legal subdivisions, to-wit:

The northeast quarter of the southeast quarter, the Northwest quarter of the southeast quarter; the southwest quarter of the southeast quarter; the southeast quarter of the southwest quarter of section 23 and the northwest quarter of section 26, all in Township 11 South, Range 37 E.B.M., the northeast quarter of the southeast quarter and the south half of the southeast quarter of section 27, all in Township 11 south, Range 37 E.B.M.

It is the intention of the parties to convey by this instrument to the second party herein all the property of the first party, real, personal and mixed, of every kind, nature and description, wherever located.

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

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 party of the first part, by the authority of its Board of Directors, and through its proper officers, has caused its corporate seal to be hereunto affixed and this agreement to be signed and acknowledged.

John Ware Secretary
State of Idaho) ss.
County of Bannock,)

(SEAL)

DOWNEY TOWNSITE & DEVELOPMENT COMPANY LIMITED.
By George T. Hyde President.

On this 21st day of June, in the year 1911, before me, Thos. F. Terrell, a Notary public in and for said county, personally appeared George T. Hyde and John Ware, known to me to be the President and Secretary, respectively, of the Downey Townsite & Development Company, Limited, the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same.

I have therefore set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)

Thos. F. Terrell.
Notary Public.

Recorded at the request of John Ware, June 27th, 1911. At 6:29 P. M.
By Wabel Docksey Deputy.

Fee \$4.00

E. G. Gallist Recorder.

Instrument No. 20567.

DEED BY CORPORATION.

This instrument was made this 16th day of June, A.D. 1911, between the Pocatello Realty and

STATE OF IDAHO,) ss
County of Bannock)

I hereby certify that the foregoing is a full,
true, and correct copy of an instrument as the same
now remains on file and of record in my office.

WITNESS my hand and official seal hereto affixed

this 6th day of June A.D., 19 26
TIM ERICKSEN, CLERK OF THE DISTRICT COURT
EX-OFFICIO AUDITOR AND RECORDER

By Deputy Tim Ericksen
cler

Instrument No.

THIS INSTRUMENT, made this 7 day of December, 1911, between William Laurensen and Isabella, his wife, of Downey, Idaho, parties of the first part, and Downey Water Company, a corporation organized under the laws of the State of Idaho, party of the second part.

WITNESSETH: That in consideration of the sum of One Dollar (\$1.00), and other benefits, receipt of which is hereby acknowledged, the parties of the first part have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell, convey and confirm unto the second party, its successors and assigns forever, a right-of-way for a pipe line to be utilized by second party for conveying water for domestic and municipal purposes in the town of Downey in Bannock county, Idaho; said right-of-way being located in an extension of the alley in Block 59 through property of the parties of the first part; said property being shown as "Original Townsite" on official plat of the townsite of Downey, recorded in the office of the county recorder of Bannock county, State of Idaho; together with the right of entry on said property by party of the second part, its representatives or employees for the purpose of making the necessary repairs, replacements or renewals, but provided, however, that said right-of-way is granted only for the purposes herein specified and confers no right upon second party, its successors or assigns or any persons whomsoever to use said premises now or hereafter as a public alley or highway.

It is agreed by second party that above mentioned pipe line will be laid in trench dug four feet below present surface of the ground and carefully backfilled; all work being done with the least possible inconvenience to parties of the first part.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

William Laurensen

I. Laurensen

DOWNEY WATER COMPANY, John Ware Asst. Treas.

State of Idaho) ss.
County of Bannock.)

On this 7 day of December, 1911, before me O. D. Merrill, a Notary Public in and for said County, personally appeared, William Laurensen and Isabella Laurensen, his wife, known to me and known to be the persons whose names are attached to the foregoing instrument, and acknowledged to me that they executed the same.

(Seal) My commission expires Nov. 15, 1915. O. D. Merrill, Notary Public.

Recorded at the request of John Ware, Feb. 25th, 1912 at 11:02 A. M.

By Veda Downey, Deputy.

Fee \$1.00

E. G. Gallet, recorder.

Instrument No. 23234.

THIS INSTRUMENT, made this 25th day of October, 1911, between C. W. Hancock and Martha Hancock, his wife, of Downey, Idaho, parties of the first part, and Downey Water Company, a corporation organized under the laws of the State of Idaho, party of the second part,

WITNESSETH: That in consideration of the sum of One Dollar (\$1.00), and in further consideration of the covenants and agreements hereinafter stated to be performed by the party of the second part, the first parties have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell, convey and confirm unto the second party, its successors and assigns forever, a right-of-way for a pipe line to be utilized by second party for conveying water for domestic and municipal purposes to the town of Downey in Bannock County, Idaho, and being a strip of land twelve feet wide along the route of said pipe line as surveyed and located across the SW 1/4 of the NE 1/4 of Section 15, Township 11 S., Range 37 E., B.M., and the W 1/2 of the NW 1/4 of Section 16, Township 11 S., Range 38 E., B.M.

And first parties further remise, release and forever quit claim to second party, its successors and assigns, all rights to the use of the waters of Nine Mile Creek, and its tributaries, sources, and adjacent springs, whether for irrigation, domestic or other use.

In consideration of the foregoing grants, the party of the second part covenants and agrees that it will install in the pipe line for which right-of-way is granted, at a convenient practicable point along said right-of-way, as may be designated by first parties, a tap for the taking of water therefrom for the use of the first parties; and further agrees to install at said tap, a water meter for the proper and accurate measuring of the water used by first parties; it being understood and agreed that the water aforesaid shall be read monthly by party of second part, and for the amount of water used by first party as registered by said meter, first parties agree to pay second party at the rate of twenty-five cents per thousand gallons.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

Witness John Ware
John H. Seet

C. W. Hancock

Martha Hancock

DOWNEY WATER CO.

John Ware Assistant Treasurer.

State of Idaho,)
County of Bannock.) ss.

On this 25th day of October, 1911, before me, Sven E. Johnson, a Notary Public in and for said County, personally appeared, C. W. Hancock and Martha Hancock, husband and wife, known to me, and known to be the persons whose names are attached to the foregoing instrument, and acknowledged to me that they executed the same.

(Seal) My commission expires Jan. 25th, 1915.

Sven E. Johnson, Notary Public.

Recorded at the request of John Ware, Feb. 25th, 1912 at 11:02 A. M.

By Veda Downey, Deputy.

Fee \$1.20

E. G. Gallet, recorder.

STATE OF IDAHO,) ss
County of Bannock)

I hereby certify that the foregoing is a full,
true, and correct copy of an instrument as the same
now remains on file and of record in my office.

WITNESS my hand and official seal hereto affixed

this 14th day of June A.D., 19 76
TIM ERICKSEN, CLERK OF THE DISTRICT COURT
EX-OFFICIO AUDITOR AND RECORDER

By Deputy [Signature]

C. M.

Instrument No. 2336.

THIS AGREEMENT, made this 23rd day of October, 1911, between A. C. Anderson and Louise Anderson, his wife, of Downey, Idaho, parties of the first part, and the Downey Water Company, a corporation organized under the laws of the State of Idaho, party of the second part,

WITNESSETH: That in consideration of the sum of One Dollar (\$1.00), and in further consideration of the covenants and agreements hereinafter stated to be performed by the party of the second part, the first parties have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell, convey and confirm unto the second party, its successors and assigns forever, a right-of-way for a pipe line to be utilized by second party for conveying water for domestic and municipal purposes to the town of Downey, in Bannock county, Idaho, and being a strip of land twelve feet wide along the route of said pipe line as surveyed and located across the NE1/4 of the SE1/4 of Section 15, Township 11 S., Range 37 E. B.M., and the NW1/4 of the NW1/4 and the NE1/2 of the NE1/4 of Section 18, and the NW1/4 of the NW1/4 of Section 17, Township 11 S., Range 38 E., B.M., and first parties further remise, releases and forever quit claims unto second party, its successors and assigns, all rights to the use of the waters of Nine Mile Creek and its tributaries, sources and adjacent springs, whether for irrigation, domestic or other use.

In consideration of the foregoing grants, the party of the second part covenants and agrees that it will install in the pipe line for which right-of-way is granted, at such practicable points along said right-of-way as may be designated by first parties, two taps for the taking of water therefrom for the use of first parties, and further agrees to install at such taps, water meters for the proper and accurate measuring of the water used by first parties, and second party hereby grants and conveys to the first parties the right to the use for domestic and municipal purposes and for the watering of stock at the said taps, 12,000 gallons per month of such water as required by the meters herein referred to; it being understood and agreed that the meters hereinafter shall be read monthly by party of second part, and no charge shall be made for the use by first parties of the said amount of water.

It is further covenanted and agreed that any additional quantity of water used at said taps above the 12,000 gallons per month, shall be paid for monthly by first parties at the rate of twenty-five cents per thousand gallons.

The party of the second part further remise, releases, and forever quit claims unto the parties of the first part, their heirs and assigns forever, all right to the waters of a certain spring arising at or near the line dividing the SE1/4 of the SW1/4 and the SW1/4 of the SW1/4 of Section 8, Township 11 S., Range 38 E., B.M., providing there shall be any waters arising from such spring after the diversion by second party of the waters of Nine Mile Creek and its tributaries through the pipe line constructed by the said second party.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

Witness John H. Scott

A. C. Anderson
Louise Anderson

DOWNEY WATER CO. John Ware Assistant Treasurer.

State of Idaho) ss
County of Bannock.)

On this 25 day of October, 1911, before me, Sven F. Johnson, a Notary Public in and for said County, personally appeared, A.C. Anderson and Louise Anderson, husband and wife, known to me, and known to be the persons whose names are attached to the foregoing instrument, and acknowledged to me that they executed the same.

(Seal) My commission expires Jan. 28th, 1915. Sven F. Johnson, Notary Public.

Recorded at the request of John Ware, Feb. 28th, 1912 at 11:05 A. M.

By Veda Downey, deputy.

Fee \$1.40.

E. S. Gallet, recorder.

---ooo---

Instrument No. 2336.

THIS INSTRUMENT, Made and entered into this the 30th day of March, 1910, between Geo. T. Hyde of near Downey, Bannock County, State of Idaho, party of the first part, and Downey Townsite & Development Co., Limited, a corporation organized and existing under the laws of the State of Idaho, the party of the second part,

WITNESSETH: That for and in consideration of the sum of One Dollar to him in hand paid by the said party of the second part, the receipt of which is hereby acknowledged, the said party of the first part has granted, bargained, sold and conveyed, and by these presents does bargain, grant, sell and convey unto the said party of the second part a right of way over, through and upon the following described real property, situated in Bannock County, State of Idaho, to-wit: The S 1/2 of the SE1/4 Sec. 27 T. 11 S. R. 37 E. B. M.

Said right of way is hereby granted for the purpose of constructing a pipe line to be buried underneath the ground leading from the reservoir of the said party of the second part, to the Town of Village of Downey, in said County and State, by means of which to convey water from said reservoir to the said Town of Downey and the inhabitants thereof, and of said vicinity.

Said right of way is described as follows, to-wit: Beginning at a point 153 feet east of the S.W. corner of the N.E.1/4 of the S.E.1/4 Sec. 27, 11 - 37 thence S. 40°45' W 1407 feet; thence west 360 feet to the east boundary of the Downey Townsite. The same being a strip of ground of the entire length of the above described lands, of twelve feet in width. This right of way carries with it the right of the party of the second part, its agents, attorneys, servants and employees, to enter in and upon the said property at any time for the purpose of making improvements, alterations and repairs on said pipe line, or the attachments or appliances thereof, it being understood that proper care shall be exercised so that no material damage will be done by reason of said entry, to the said above described lands or the crops growing thereon, or to the fence or fences enclosing said lands.

TO HAVE AND TO HOLD unto the said party of the second part, its successors and assigns forever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal this the 30 day of March, 1910. Geo. T. Hyde (Seal)

State of Idaho)

County of Bannock) ss On this the 30th day of March, 1910, before me Geo. R. Crockett a Notary Public in and for said County, personally appeared Geo. T. Hyde, personally known to me to be the person whose name is subscribed to the within instrument and duly acknowledged to me that he executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Downey, Bannock County, State of Idaho, the day and year in this certificate first above written. (Seal) My commission expires Feb. 5, 1914. Geo. R. Crockett, Notary Public.

Recorded at the request of John Ware, Feb. 28th, 1912 at 11:05 A. M.

By Veda Downey, Deputy.

Fee \$1.40.

E. S. Gallet, Recorder.

---ooo---

STATE OF IDAHO,) ss
County of Bannock)

I hereby certify that the foregoing is a full,
true, and correct copy of an instrument as the same
now remains on file and of record in my office.

WITNESS my hand and official seal hereto affixed
this 6th day of Jan A.D., 19 76
TIM ERICKSEN, CLERK OF THE DISTRICT COURT
EX-OFFICIO AUDITOR AND RECORDER.

By Deputy Tim Erickson
en

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)

Henry Van Slooten, Notary Public

We hereby accept all of the provisions contained in the foregoing deed, and agree to be governed thereby.

John P. Landon
Lizzie Landon

STATE OF IDAHO
Barnock County

On this 18th day of May in the year 1912, before me Henry Van Slooten, a Notary Public in and for said County, personally appeared John P. Landon and Lizzie Landon, his wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Henry Van Slooten, Notary Public.

Recorded at the request of Utah Mortgage Loan Corporation, May 22, 1912, at 10:25 A.M.
E. G. Gaillet, Recorder.

Instrument No. 24122

THIS INSTRUMENT, made this 8th day of April 1912 by and between Nathan M. Kendall and Melvin J. Kendall, his wife, of Downey, Barnock County, Idaho, the parties of the first part, and Downey Water Company, a corporation organized and existing under the laws of the State of Idaho, and having its principal place of business in Downey, Barnock County, Idaho, the party of the second part,

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of \$50.00, lawful money of the United States, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents, grant, bargain, sell, convey and confirm unto the said party of the second part and to its successors and assigns forever all those certain lots, pieces or parcels of land situate, lying and being in the County of Barnock, State of Idaho, and more particularly described as follows, to-wit:

Beginning at a point S 72° 41' W 937 feet from the quarter corner of Section 23 and 24, Township 11 south, Range 37 E. B. M.; thence north 100 feet, more or less, to the north boundary line of the northeast quarter of the southeast quarter of said Section 23; thence east along said boundary line 200 feet; thence south 100 feet, more or less, to a point 200 feet east of the place of beginning; thence west 200 feet to the said place of beginning, containing 1 3/11 acres, more or less.

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in any wise concerning and the reversion and reversions, and issues and remainders, rents, issues and profits thereof, and 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 its successors and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceful possession of the said party of the second part, its successors and assigns, against the said parties of the first part, and their heirs and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

Also a right of way over, through and upon the following described real property, situated in Barnock County, State of Idaho, to-wit:

The Northeast quarter of the Southeast quarter of Section 23 and the west half of the northwest quarter of Section 24, Township 11 south, Range 37, E. B. M. Said right of way is hereby granted for the purpose of constructing a pipe line to be buried underground the ground, leading from the reservoir of the said party of the second part to a Tank of Downey, in Barnock County, Idaho, by means of which to convey water from said reservoir to the said Town of Downey and the inhabitants thereof and of said vicinity, the same being a strip of ground over and across the above described land where the said pipe line may have been or may be located by the said second party, 10 feet in width.

This right of way carries with it the right of the party of the second part, its agents, attorneys, servants and employes, to enter in and upon the said property at all times for the purpose of making improvements, alterations and repairs on said pipe line or on other cuts or appliances thereof, it being understood that particular care shall be exercised so that no material damage will be done by reason of said entry to the said above described land or the crops growing thereon or to the fence or fences enclosing said land.

To have and to hold unto the said party of the second part, its successors and assigns forever, and first parties further release, release and forever quitclaim to said second party, its successors and assigns, all rights to the use of the waters of Mine Mile Creek, in Barnock County, Idaho, and its tributaries, sources and adjacent springs, whether for irrigation, domestic or other use.

The party of the second part, in addition to the cash consideration herein recited, and as a further consideration for the conveyance by first parties to it of the foregoing premises described, agrees to install, at such point in said pipe line as may be designated by first parties along the course of the said pipe through the lands above described, a flow or other device, whereby said first parties may be supplied with water therefrom, and lastly agree to install a meter or proper construction for accurately measuring the said water, and agree to provide to first parties 10000 gallons of water per month, without charge, for first parties and domestic use. It is covenanted and agreed between the parties that any additional water over the said 10000 gallons per month used by first parties shall be sold for by the second party at the rate of 10 cents per 1000 gallons.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

Witness:

J. H. Landon
Lizzie Landon

N. M. Kendall (SEAL)

Melvin J. Kendall (SEAL)

Downey Water Company (SEAL)

By _____, President

By _____, Secretary

STATE OF IDAHO,) ss
County of Benneok)

I hereby certify that the foregoing is a full,
true, and correct copy of an instrument as the same
now remains on file and of record in my office.

WITNESS my hand and official seal hereto affixed

this 14th day of Jan A.D., 19 26

TIM ERICKSEN, CLERK OF THE DISTRICT COURT
EX-OFFICIO AUDITOR AND RECORDER

By Deputy Tim Erickson
cm

INSTRUMENT NO. 24497

THIS INSTRUMENT, made

on the 20 day of July in the year of our Lord one thousand eight hundred and ninety nine between Thomas Howard and Annie Howard, his wife, of Pocatello, County of Bannock, State of Idaho, the parties of the first part, and Joseph Hewitt of Pocatello, County of Bannock, State of Idaho, the party of the second part,

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of Two Hundred Dollars, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all the following described real estate situated in Bannock County, State of Idaho, to-wit: All those certain lots pieces or parcels of land situate, lying and being in the county of Bannock and State of Idaho, and bounded and particularly described as follows to-wit - All of Lots Nineteen (19) and Twenty (20) in Block Four hundred and Twenty three (423) in the City of Pocatello, containing eight thousand four hundred (8400) square feet according to the official plat of the survey of the said lands returned to the General Land Office by the surveyor General.

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

TO HAVE AND TO HOLD; All and singular, the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said parties of the first part, and their heirs and against all and every person and persons 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
Elizabeth Kimport

Thomas Howard (SEAL)
Annie Howard (SEAL)

50¢ IRS Stamp attached-1898-

STATE OF IDAHO)

County of Bannock) ss.

On this 20th day of July 1899, before me Elizabeth Kimport, a Notary Public in and for said county, personally appeared Thomas Howard known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same; and on this 20th day of July 1899, before me the officer above described personally appeared Annie Howard known to me to be the person whose name is subscribed to the within instrument, described as a married woman; and upon an examination without the hearing of her husband, I made her acquainted with the contents of the instrument, and thereupon she acknowledged to me that she executed the same, and that she does not wish to retract such execution.

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

Recorded at the request of Mrs. Thomas Howard, June 22, 1912, 9:12 A.M.
By Edith Buskey, Deputy. Fee \$1.20 E. G. Gallet, Recorder.

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INSTRUMENT NO. 24505

THIS INSTRUMENT, made this 19th day of June, 1912, between William J. Bybee and Eliza E. Bybee, his wife, of Downey, Idaho, parties of the first part, and Downey Water Company, an Idaho corporation, party of the second part,

WITNESSETH: That, whereas, the said first parties are the owners and entitled to the use of five inches, measured under a four-inch pressure, of the waters of Nine Mile Creek, in Bannock County, Idaho, under and by virtue of a certain judgment or decree of the District Court of the Fifth Judicial District of the State of Idaho, in and for Bannock County, recorded in Book 2 of Judgments, at page 34, of the Records of the said District Court of Bannock County, and have continuously made beneficial use of the said waters since the date of the said decree, and

WITNES, the said first parties desire to convey to second party of the said waters four inches thereof, measured under a four-inch pressure, and separate and apart from the land on which the said water has heretofore been used;

NOW, THEREFORE, in consideration of the premises and in consideration of the sum of one dollar, lawful money of the United States, in hand paid, and other valuable consideration, the receipt whereof is hereby acknowledged, the said parties of the first part have granted, bargained, sold and conveyed and by these presents do grant, bargain, sell and convey unto the said party of the second part, its successors and assigns forever, all that certain property lying and being in the County of Bannock, State of Idaho, described as follows, to-wit:

Four inches of the waters of Nine Mile Creek, in Bannock County, Idaho, measured under a four-inch pressure, together with all and singular the means of use of the same, and the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest whatsoever, as well in law as in equity, of the said parties of the first part, of in or to the said property.

To have and to hold, all and singular, the above described property, together with the appurtenances, unto the party of the second part, its successors and assigns forever.

And the said parties of the first part and their heirs the said property in the quiet and peaceable possession of the said party of the second part, its successors and assigns, against the said parties of the first part, and their heirs, and against all and every person or 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.

STATE OF IDAHO, } ss
County of Bannock }

I hereby certify that the foregoing is a full,
true, and correct copy of an instrument as the same
now remains on file and of record in my office.

WITNESS my hand and official seal hereto affixed

this 10th day of Jan A.D., 1976
TIM ERICKSEN, CLERK OF THE DISTRICT COURT
EX-OFFICIO AUDITOR AND RECORDER.

By Deputy [Signature]
C771

Signed, Sealed and Delivered
in the presence of
Geo. R. Crockett

William J. Bybee
Eliza E. Bybee.

STATE OF IDAHO,
County of Bannock) ss

On this 19th day of June, in the year 1912, before me, Geo. R. Crockett, a Notary Public in and for said county, personally appeared William J. Bybee and Eliza E. Bybee, 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 Exp. Feb. 5th, 1914.

Recorded at the request of Downey Water Company, June 24, 1912, at 9:35 A.M.
By Edith Bushey, Deputy Fee \$1.20 E. A. Galt, Recorder.

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INSTRUMENT NO. 24537 QUITCLAIM DEED.

THIS INDENTURE, Made the 26th day of June in the year of Our Lord One Thousand Nine Hundred and Twelve between Edwin V. Driscoll and Emma Driscoll, his wife, of Pocatello of the County of Bannock, and State of Idaho, the parties of the first part, and Benjamin Driscoll of Pocatello of the County of Bannock and State of Idaho, the party of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of One 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, do.... by these presents demise, release and forever Quitclaim 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 in Bannock County of the State of Idaho, and more particularly described as follows, to-wit:

An undivided one-half interest in and to, Lots numbered fifteen (15) and sixteen (16) in block one hundred eighty-three (183); the lots eleven (11) and twelve (12) in block two hundred seventy-two (272); also commencing at the south corner sixteen (16) in block two hundred ninety-one (291) and running thence in a northeasterly direction along the dividing line between lots fifteen (15) and sixteen (16) of said block, one hundred and forty (140) feet to the alley; thence at right angles in a north-westerly direction, along the line between said alley and lots sixteen (16), seventeen (17) and eighteen (18) of said block, seventy-five (75) feet; thence at right angles in a southeasterly direction parallel with Hayden Street, one hundred and forty (140) feet to the line of Fourth Avenue; thence at right angles in a southeasterly direction along the line between Fourth Avenue and said lots eighteen (18), seventeen (17) and sixteen (16), seventy-five (75) feet to the place of beginning, the same being all of lots sixteen (16) and seventeen (17) and the southeasterly half of lot eighteen (18), and containing ten thousand, five hundred (10,500) square feet according to the official plat of the survey of the said lands returned to the General Land Office by the Surveyor General;

Also all of block two hundred and eighty-eight (288); lots one (1) and two (2) in block three hundred (300); lots fourteen (14) and fifteen (15) and the south one-half of lot sixteen (16) in block three hundred and forty-five (345); lot thirteen (13), in block three hundred and seventy-one (371); all in the City of Pocatello, Idaho.

Also the north half of the northeast quarter (N 1/2 NE 1/4) the northeast quarter of the northeast quarter (NE 1/4 NW 1/4) of Section ten (10), and the southeast quarter of the southeast quarter (SE 1/4 SE 1/4) of Section three (3), in Township nine (9) North, of Range thirty-nine (39) East of the Boise Meridian in the 1st, 2nd, 3rd and 4th ranges and sixty (60) acres according to the official plat of the survey of said lands returned to the General Land Office by the Surveyor General, together with one hundred (100) shares of the Capital Stock of the North Extension Canal Company, Limited; and one hundred and forty (140) shares of the capital stock of the West Branch Canal Company, Limited. Together with all and singular, the tenements, hereditaments and appurtenances thereto in anywise appertaining, and the reversion and reversions, remainder and

STATE OF IDAHO,) ss
County of Bannock)

I hereby certify that the foregoing is a full,
true, and correct copy of an instrument as the same
now remains on file and of record in my office.

WITNESS my hand and official seal hereto affixed

this 14th day of June A.D., 19 26
TIM ERICKSEN, CLERK OF THE DISTRICT COURT
EX-OFFICIO AUDITOR AND RECORDER

By Deputy Tim Ericksen

etc

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Idaho, containing 160 acres, at the rate of one dollar and twenty-five cents per acre, amounting to Two Hundred dollars and no cents, for which the said Thomas Remington has made payment in full as required by law.

NOW, THEREFORE, Be it known that, on presentation of this Certificate to the Commissioner of the General Land Office, the said Thomas Remington shall be entitled to receive a Patent for the lot above described, if all then be found regular.

J. E. Carruth,
Register.

This duplicate certificate should be held until notice of issuance of patent is received.
Approved.....By.....Division.....

Recorded at request of Utah Mortgage Loan Corp., 2:12 P.M., November 15, 1915.
By Sideria Grosse, Deputy. Fee \$.40 C.W.Pomeroy, Recorder.

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Instrument No. 42409.

THIS INDENTURE, made this 3rd day of August, 1915, between the Downey Water Company, a corporation duly organized under the laws of the State of Idaho, and having its principal place of business in Downey, Bannock County, Idaho, the party of the first part, and the Village of Downey, a municipality, in Bannock County, Idaho, the party of the second part.

WITNESSETH: That the said party of the first part for and in consideration of the sum of twenty-two thousand-five hundred dollars (\$22,500.00) to it in hand paid in Municipal Coupon Bonds of the said party of the second part by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell and convey unto the said party of the second part, and to its successors and assigns forever all those certain tracts, pieces or parcels of land and other property, situate, lying and being in the County of Bannock and State of Idaho, bounded and more particularly described as follows, to-wit:

A certain tract of land beginning at a point south 72 26' west 987 feet from the quarter corner between sections 23 and 24, Township 11 south, Range 37 E.B.M., thence north 200 feet, thence east 200 feet, thence south 200 feet, thence west 200 feet to the point of beginning, containing 0.92 of an acre more or less.

Also a 12 foot strip of land as a right of way for a buried pipe line for the conveyance of water across the following legal subdivisions:

Subdivisions.	Section	Township	Range	Merid.
NW 1/4 NW 1/4	17	11 south	38 east	Boise
E 1/4 NE 1/4	18	11 south	38 east	"
E 1/4 NW 1/4	18	11 south	38 east	"
SW 1/4 NW 1/4	19	11 south	38 east	"
SE 1/4 NE 1/4	16	11 south	37 east	"
E 1/4 SE 1/4	15	11 south	37 east	"
SW 1/4 SE 1/4 and SE 1/4 SW 1/4	13	11 south	37 east	"
E 1/4 NW 1/4 and SW 1/4 NW 1/4	24	11 south	37 east	Boise
N 1/4 SE 1/4, SW 1/4 SE 1/4 and SE 1/4 SW 1/4	23	11 south	37 east	"
NW 1/4	26	11 south	37 east	"
E 1/4 SE 1/4 and SW 1/4 SE 1/4	27	11 south	37 east	"

Also a right of way for a buried pipe line across certain lots in Downey townsite as follows:

Lot 8, Block 68, as granted by W.A.Hyde Co., Ltd.
" 6, " 68, " " Consolidated Wagon and Machine Co.
" 7, " 68, " " Downey Improvement Company.
" 8, " 68, " " " "

Lots 8, 9, 10 and 11, Block 76, as granted by Downey Improvement Co. for the extension of the alley in block 69 as granted by Wm Laurensen.

Also all of the pipe lines, manholes, valves, gates, crossovers, tees, elbows, meters, hydrants and other fixtures now installed in place and constituting the fixed plant of the water works system owned by the party of the first part and used for the supply of the village of Downey, Idaho.

Also all rights of way for pipe lines held by virtue of occupancy or permit from any and all authorities, national, state, county or municipal, in and along public lands, public roads and streets.

Also all rights now owned by the company to the use of the waters of nine mile creek in Bannock County, Idaho, more particularly described as follows: 125 inches of water, measured under a four inch pressure, of the waters of Nine Mile Creek, in Bannock County, Idaho, from the first day of March in each year to the first day of July in each year and to the flow of 100 inches of the waters of said stream, measured under a four inch pressure, from the first day of July in each year to the first day of March of each following year, together with the right to convey said waters elsewhere than at the present place of use and to use the same for domestic and municipal purposes.

Four inches of the waters of Nine Mile Creek, in Bannock County, Idaho, under a four inch pressure, together with all and singular the means of use of the same.

All of the property herein enumerated subject, however to the following grants heretofore made by the party of the first part or its predecessors in interest:

To A.C.Anderson, all right to the waters of a certain spring rising at or near the line dividing the SE 1/4 SW 1/4 and the SW 1/4 SW 1/4, of Section 8, T 11 S. R. 38 E.B.M., providing there shall be any waters arising from such spring after the diversion by second party of the waters of Nine Mile Creek and its tributaries through the pipe line constructed by the party of the first part.

To A.C.Anderson, the free use of 12,000 gallons of water per month from the pipe line at two taps as measured by meters, also that any additional water used at said taps in excess of the 12,000 gallons shall be paid for monthly at the rate of 25 cents per 1,000 gallons.

To C.W.Hancock, to install a tap and meter and to furnish water for the said C.W.Hancock at the rate of 25 cents per 1,000 gallons.

To Hiram and Ida Bowman, to install a tap and meter and furnish for domestic, culinary and stock water, 9,000 gallons per month free of charge from said pipe line. If amounts

STATE OF IDAHO, } ss
County of Benneek }

I hereby certify that the foregoing is a full,
true, and correct copy of an instrument as the same
now remains on file and of record in my office.

WITNESS my hand and official seal hereto affixed

this 14th day of June A.D., 19 26
TIM ERICKSEN, CLERK OF THE DISTRICT COURT
EX-OFFICIO AUDITOR AND RECORDER.

By Deputy Tim Erickson

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in excess of 9,000 gallons per month are used the said Bowman agrees to pay for the same at the rate of 15 cents per 1000 gallons.

To R.M. and D.J. Kendall, to install a tap and meter and to furnish 10,000 gallons of water per month free of charge. If amounts in excess of 10,000 gallons per month are used they are to be paid for at the rate of 25 cents per 1,000 gallons.

To W.J. and Eliza Bybee, to deliver from the pipe line, free of charge to the said Bybee the decreed water to which he is entitled.

To George T. Hyde, by reservation in his deed of September 5, 1908: "Provided, that should there remain any overflow from the springs which are the source of the water right herein conveyed after said corporation has used or is using said water right, the said overflow may be used by the said George T. Hyde for irrigation or other purposes."

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

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 its successors and assigns forever.

IN WITNESS WHEREOF, the party of the first part has caused these presents to be subscribed by its president and assistant secretary, and its corporate name and seal to be hereunto affixed on the day and year first above written.

The Downey Water Company
By Charles S. Davis, President.
and Clifford M. Brewer,
Assistant Secretary.

(Corporate Seal)

STATE OF CALIFORNIA,

City and County of San
Francisco.

On this 3rd day of August, 1915, before me, Nettie Hamilton, a notary public in and for said county and state, personally appeared Charles S. Davis, known to me to be the president of the corporation that executed the within and foregoing instrument and acknowledged to me that such corporation executed the same.

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

Nettie Hamilton,
Notary Public in and for the City and
County of San Francisco, State of
California.

(Seal)

STATE OF IDAHO,

County of Bannock.

On this 5th day of August, 1915, before me, Sven F. Johnson, a notary public in and for said county and state, personally appeared Clifford M. Brewer, known to me to be the Assistant Secretary of the corporation that executed the within and foregoing instrument and acknowledged to me that such corporation executed the same.

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

Sven F. Johnson,
Notary Public.

(Seal)

My commission expires Jan. 28, 1919.

Recorded at request of F.W. Fauteck.
By Sidonia Grosse, Deputy.

3:15 P.M.
Fee \$3.20

November 15, 1915.
C.W. Pomeroy, Recorder.

STATE OF IDAHO,
County of Benneek

) ss.
)

I hereby certify that the foregoing is a full,
true, and correct copy of an instrument as the same
now remains on file and of record in my office.

WITNESS my hand and official seal hereto affixed

this 1st day of Jan A.D., 19 76
TIM ERICKSEN, CLERK OF THE DISTRICT COURT
EX-OFFICIO AUDITOR AND RECORDER.

By Deputy Tim Erickson
cm

RECEIVED

JAN 9 1976

Department of Water Resources
Eastern District Office

In the District Court of the Fifth Judicial District, in and for
Blaine County, State of Idaho.

Sophronia Coffin and
William Bybee, Plaintiffs,

vs

John Criddle, Saw Day,
Robert Pollock, Reubin Kindall
and Royal Kindall,

Defendants.

Judgment.

This cause coming on regularly to be heard on February 10th 1900, before the Court without a jury, a jury having been expressly waived by the respective parties, and the plaintiffs appearing by their attorneys Winters & Gucken, and the defendants John Criddle and Saw Day appearing by their attorney Thos F. Ferrell, and the defendants Robert Pollock, Reubin Kindall and Royal Kindall having heretofore filed their appearance and disclaimer in the premises, and after hearing the proofs offered and received by the respective parties, and after argument by the respective counsel, the case was submitted to the Court for consideration and decision, and, after due deliberation thereon, the Court files its findings and decision in writing, and orders that judgment be entered herein in favor of the plaintiffs in accordance therewith:

Wherefore by reason of the law, and the findings aforesaid it is ordered, adjudged and decreed that the plaintiff Sophronia Coffin is entitled to the flow of one hundred and twenty five inches of the waters of the said Nine Mile Creek, through her said ditch under a four inch pressure, from the First day of March in each and every year, and to the flow of one hundred inches of the said waters thereafter, under a four inch pressure.

That the plaintiff, William Bybee, is entitled to the flow of the waters of the said Nine Mile Creek through the ditch of plaintiffs to the amount of five inches, under a four inch pressure for the whole of each and every year.

That the said water shall be measured by a box to be placed at or near the head of the said ditch of plaintiffs and to be eight and 1/4 feet long and to have a fall of 1/4 inch to the rod and the water to be measured at the head of the said box, and the said box to be not less than 18 inches wide.

That the defendants nor either of them have any interest in or

That the defendants and each of them is hereby perpetually
~~restrained~~ enjoined from in any manner interfering
with the rights of the plaintiffs and each of them in the
undisturbed use and enjoyment of the said waters as above
decreed, and that each party to this action pay his own costs.

Joseph C. Rich
Dist. Judge.

STATE OF IDAHO,) ss
County of Bannock)

I hereby certify that the foregoing is a full,
true, and correct copy of an instrument as the same
now remains on file and of record in my office.

WITNESS my hand and official seal hereto affixed

this 10th day of Jan A.D., 19 76
TIM ERICKSEN, CLERK OF THE DISTRICT COURT
EX-OFFICIO AUDITOR AND RECORDER

By Deputy Tim Erickson
cr

January 19, 1976

RE: Claim to a Water Right No. 29-4059

Garth S. Pincock, Attorney at Law
850 East Center
P.O. Box 4986
Pocatello, Idaho 83201

Dear Mr. Pincock:

The Department of Water Resources has completed the processing of the above referenced claim filed in the name of the City of Downey, and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. This claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of this claim does not, in itself, guarantee you a water right: it only records and preserves the information and the evidence which has been included in this claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in this claim file, you may have that information or evidence added at any time. Please refer to the claim number when corresponding with this office.

We are enclosing, for your records, a copy of the claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:ME

Enc: Copy of Claim

January 12, 1976

RE: Claim to a Water Right No. 29-4059

The Idaho State Journal
Box 431
Pocatello, Idaho 83201

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced claim. The legal notice was to have been published in your paper on December 26, 1975, and January 2, 1976.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:ME

December 19, 1975

RE: Application for Permit No. 29-4059

The Idaho State Journal
Box 431
Pocatello, Idaho 83201

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 1-19-76 by me

called 1-19-76

RDC:ME

Legal Notice (1)

NOTICE OF CLAIM TO A WATER RIGHT

NO. 29-4059

Notice is hereby given that the City of Downey, a Municipal Corporation ,
Downey, Idaho
has filed a claim to a water right established by diversion and application
to beneficial use of 6.40 cubic feet per second ~~XXXXXXXXXXXXXXXXXXXX~~
of water from Nine-Mile Creek
with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, T. 11S, R. 38E, B.M., Bannock
County.

The water is claimed to be used from Jan. 1 to Dec. 31
for domestic purposes for the City of Downey
with a priority of August 2, 1907;
the place of use is within the SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 28, W $\frac{1}{2}$ NE $\frac{1}{4}$,
NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 34, T. 11S, R. 37E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON

Director

Published in the Idaho State Journal, Pocatello, Idaho
on December 26, 1975 and January 2, 1976.

CW-L.
11-2-75