

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 18840.
Permit No. 13217.
District No. 28.

1. Name of Applicant: **Dan E. Jones,**
 Postoffice address: **Gwenford** County: **Oneida** State: **Idaho.**
 - I. If applicant is a corporation, give:
 - (a) Date and place of incorporation:
 - (b) Amount of capital stock:
 - (c) Amount paid in:
 - (d) Names and addresses of directors:
 - II. The financial resources of the applicant are:
 - (a) Cash on hand:
 - (b) Treasury stock:
 - (c) Bonds to be issued:
 - (d) Other resources:
2. Quantity of water claimed: **four** cubic feet per second.
3. Source of water supply: **Big Malad River** which is a tributary of **no stream**
4. Location of points of diversion: **No. 1 near NW corner SE $\frac{1}{4}$ of Sec. 2, in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, T. 16 S., R. 35 E., B. M., and ~~near~~ **No. 2 near center Sec. 35, in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said section, of Section 7, T. 14 S., R. 35 E., B. M., County of Oneida.****
5. Water is to be used for: **Irrigation.**
6. If for mining, milling, power or manufacturing purposes, give:
 - (a) Point of use of water: _____ feet distant from _____ corner of Section _____, T. _____, R. _____, B. M., in the _____ of Section _____, T. _____, R. _____, B. M.
 - (b) Amount of power generated: _____ H. P., under _____ feet head.
 - (c) Water is to be returned to _____ at a point _____ feet distant from the _____ corner of Section _____, T. _____, R. _____, B. M., in the _____ of Section _____, T. _____, R. _____, B. M.
7. Estimated cost of works: \$ **The work is completed; see remarks one and two, and the value of the same is \$2000.00.**
8. Kind of works: **Two dams and two ditches.**
9. Height of dams **each 6** feet; length of dam at top **each 20** feet; length of dam at bottom **each 14** feet; material used in dam **earth and cement.**
10. Size of ^{each} headgate: Width **each five** feet; height **each four** feet.
11. Ditch: Width at bottom **each 5** feet; width at water line **each 7** feet; depth of water **each 2** feet; dimensions of flume _____
 Diameter of pipe _____ inches; length of conduit **No. 1-1 $\frac{1}{2}$; No. 2 & 3/4** miles.
 Average grade per mile **each 1 $\frac{3}{4}$** feet.
12. The time required for the completion of such work is **six months.** ~~years.~~
13. The time required for the complete application of the water to the proposed use is **one** additional years.
14. The land to be irrigated is described in the following tabulation: **See Remarks.**

All the waters flowing in the Big Maled River at the points where the water is diverted into ditch No. 1 and into ditch No. 2 has been appropriated by the Gweford Milling & Elevating Co., of which applicant is a large stockholder, and the said company has agreed with applicant that if he will install machinery in themill of said company that will require less water to run the machinery than is used at the present time, then the said company will allow him, the said applicant, to use for irrigation purposes upon the lands herein described, all the water thus less required to run said machinery, and will allow applicant the full use of ditches Nos. 1 and 2 to convey the water to said lands.

Permit No. 13217.

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:-

This is to certify that Dan L. Jones, of Gwenford, County of Oneida, and State of Idaho, the holder of Permit No. 13217, issued upon Application No. 18840, bearing date of priority of Sept. 10, 1917, authorizing the diversion of four (4) second feet of the waters of Big Malad River, County of Oneida, State of Idaho, for irrigation and domestic purposes has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of works of diversion set out and described in said permit; that said works are adequate for diverting and conveying to the place of intended use four (4) second feet of the waters of Big Malad River; that the points of diversion of said waters are in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 2, T. 15 S., R. 35 E., and NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, T. 14 S., R. 35 E.B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 11; S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 1; NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 12, all in T. 15 S., R. 35 E.B.M.

WITNESS my hand this 22nd day of March, A.D. 1918.

Fred A. Wilkie,

State Engineer of the State of Idaho.

A. D. DAVIS

PHILIP J. EVANS

DAVIS & EVANS

ATTORNEYS-AT-LAW

MALAD, IDAHO

September 7, 1917.

Hon. State Engineer,

Boise, Idaho.

Dear Sir:-

Enclosed find application of Gene E. Jones for permit to
appropriate water together with check of \$1.50 to cover fees.

We are very respectfully,

Yours Truly,

Davis & Evans.

By

P. J. Evans

18c.40

13217

September 14, 1917.

18840- Jone.

Davis & Davis, Attys.,
Malad, Idaho.

Transfer application to the enclosed new form.

18840- R. 1007

BB

13217

S. D. DAVIS

PHILIP J. EVANS

RDAVIS & EVANS

ATTORNEYS-AT-LAW

SEP 18 1917

MALAD, IDAHO

OFFICE OF STATE ENGINEER

September 17, 1917.

Hon. J. H. Smith,

State Engineer,

Boise, Idaho.

Dear Sir:-

Enclosed find the application of Dan E. Jones for a permit to appropriate the waters of Big Malad River for irrigational purposes with the request in yours of the 14 inst. complied with.

We are very respectfully,

Yours Truly,

Davis & Evans. By *PEE*

13217

September 21, 1917

18840-Jones.

Davis & Evans, Attys.
Malad, Idaho.

In Paragraph 3, state the stream to which source is tributary.

In paragraph 4, describe the point of diversion by forty acre tract.

18840-

13217

S. D. DAVIS

PHILIP J. EVANS

DAVIS & EVANS
ATTORNEYS-AT-LAW

MALAD, IDAHO

September 24, 1917.

Hon State Engineer,

Boise, Idaho.

Dear Sir:-

Enclosed find applaction of Lane E. Jones with corrections
as per your requirement of the 21st inst.

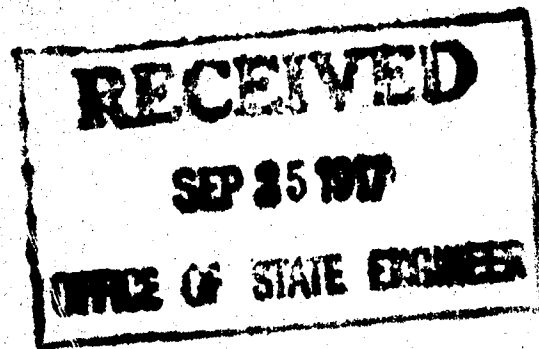
We are very respectfully,

Yours Truly,

Davis & Evans.

By

P. J. Evans



13217

Sam. B. Jones

Twenty 15.8.

Prof. E. B. M.

851	No 2
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+	+	+	+
+	+	+	+
+	+	+	+
+	+	+	+

SEC

SEC.

SEC.

DRAW PLAN IN INK.

Permit Map No. **13217**

As Approved

OCT 13 1917

BY
J. H. SMITH
STATE ENGINEER

State of Idaho
ENGINEERING DEPARTMENT
BOISE

October 13, 1917.

Re: Permit No. 13217.
Davis & Evans, Attys.
Malad, Idaho.

Boise, Idaho,

Dear Sir:

I enclose herewith above numbered permit. BE SURE TO NOTE LIMITATIONS AND
CONDITIONS OF SAME as given under approval of State Engineer on the third page.

J. H. SMITH,

State Engineer.

State of Idaho
ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Dan E. Jones,
Gwenford, Idaho.

Boise, Idaho, Jan. 8, 1913.

Dear Sir:—

Under the terms of your Permit No. 13217, you are required to complete your diversion works on or before April 13, 1913. I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Yours truly,

J. H. SMITH,

State Engineer.

13217

S. D. DAVIS

PHILIP J. EVANS

DAVIS & EVANS
ATTORNEYS-AT-LAW

MADRID, IDAHO

January 15, 1918.

Hon. J. H. Smith,
State Engineer,
Boise, Idaho.

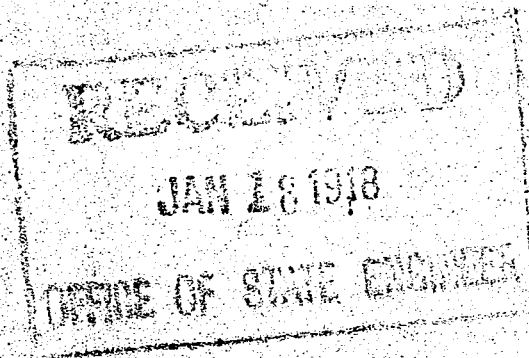
Dear Sir:-

Enclosed find Proof of Completion of Work in the matter of the Permit of Dan E. Jones, and also check of \$5.00 fees.

We are very respectfully,

Yours Truly,

Davis Evans. By *A. J. Jones*



13217

January 18, 1918.

Re Permit 13217- Dan E. Jones.

Mr. W. D. Davis,
Attorney at law,
Malad, Idaho.

Dear Sir:--

In checking the affidavit of holder for proof of completion of works under above permit I note two discrepancies. In the location of point of diversion No. 2 the description should read "in said Sec. 35" not "2". In the description of the lands NE $\frac{1}{4}$ should be NW $\frac{1}{4}$, as pencil marked. I am therefore returning the affidavit, with check for fees, for correction as shown above.

Very truly yours,

J. H. SMITH,

State Engineer.

By _____

AH-Ch95

13217

S. D. DAVIS

PHILIP S. EVANS

FEB 13 1918

OFFICE OF STATE ENGINEER

DAVIS & EVANS

ATTORNEYS-AT-LAW

SALAD, IDAHO

February 12, 1918.

Hon. J. H. Smith,

State Engineer, IN RE: Application No. I8640, Permit No. I3217.
(Dan E. Jones)
Boise, Idaho.

Dear Sir:-

Some time ago we forewarded to you a certifacte showing completion of work under above mentioned permit, together with fees and you returned both for an amendment to the certificate, and we do not remember making this amendment and returning the paperst to you. Will you kindly consult your files and ascertain whether we have returned these papers to you and if not foreward an other blank certificate and we will fill out the same and have it acknowledged and forwarded to you with the necessary fees? And oblige,

Yours Truly,

Davis & Evans. By

A. T. Davis

13217

February 13th, 1918.

Re Permit 13217- Dan E. Jones.

Mr. S. B. Davis, Attorney,
Malad, Idaho.

Dear Sir:--

Replying to yours of the 12th would say that the affidavit of holder, with fees, has not been received here since returning to you for correction. Am, therefore, sending fresh blank, per your request.

Very truly yours,

J. H. SMITH,

State Engineer.

F5-6

By _____

13217

S. D. DAVIS

PHILIP J. EVANS

DAVIS & EVANS
ATTORNEYS-AT-LAW

MALAD, IDAHO

February 27, 1918.

Hon. State Engineer of Idaho,

Boise, Idaho.

In Re: Permit of Dan E. Jones. No. I3217.

Dear Sir:-

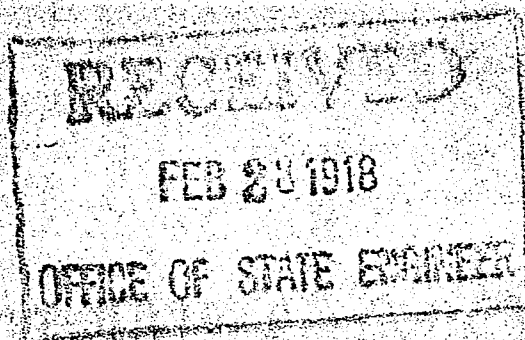
Enclosed find the Proof of completion of Work in the above
entitled matter also check of \$5.00 to cover fees.

We are very respectfully,

Yours Truly,

Davis & Evans. By

S. D. Davis



13217

Permit No. _____

OFFICE OF STATE ENGINEER

PROOF OF COMPLETION OF WORKS

AFFIDAVIT OF HOLDER

STATE OF IDAHO,

County of ONEIDA

} SS.

Dan E. Jones, being first duly sworn upon his oath deposes and says:

First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No I3217 and that his postoffice address is Gwenford, Oneida County, State of Idaho.

Second: That the name of the stream from which said water is to be diverted is _____

The Big Malad River

Third: That the point of diversion of said water is No. 1. Near NW corner SE $\frac{1}{4}$ Sec. 2, in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 2, T 15 S, R 35, E. B. M. No. 2 near center Sec. 35 in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Sec. 2 T 14 S, R 35, E. B. M.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by April 13th 1918.

Fifth: That the use for which said water is intended is Irrigation purposes.

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I. Kind of works: Two Dams and Two Ditches

(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work: _____

(a) Height of dam each 6 feet, length of dam at top each 20 feet, length of dam at bottom each 14 feet. Material used in construction of each dam earth and cement.

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir _____ acre feet.

(c) Size of headgate: Width each 5 feet, height each 4 feet.

(d) Conduit Two Ditches width at bottom each 5 feet, width at water line each 7 feet, depth of water each 2 feet; diameter of pipe _____ inches;

average grade per mile is each 1 & 3/4 feet. Length of conduit is No. 1 1 & 1/4 miles, No. 2 2 & 3/4 miles.

Seventh: That said works are capable of conducting to the place of intended use four cub feet per second second-feet of water.

Eighth: That water appropriated under said permit is available for 640 acres of land described as follows: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 11, SW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 1, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 12, Tp. 15 S., R. 35, E. B. M.

Ninth: Remarks: That That the dams numbers one and two, and the ditches leading from said dams where the water is diverted are sufficiently large and the said ditches are sufficiently large to conduct all of the water claimed by affiant herein, to wit: four cubic feet per second to and upon the above described land, in addition to the water required to run the grist mill

Subscribed and sworn to before me this 20 day of February, 1918

My commission expires 4/27/18

Notary Public.

Malad, Idaho.13217

April 3, 1918

Re: Permit No. 13217

Dan E. Jones,
Gwerford, Ida.

Dear Sir:-

Am herewith enclosing certificate of
completion of works issued under above permit,
with receipt for fees.

Very truly yours,

FRED A. BINKIE,

State Engineer.

By _____

CCW-R1702

13217

State of Idaho
ENGINEERING DEPARTMENT
BOISE

January 13, 1919.

Dan E. Jones,
Cwenford, Idaho.

DEAR SIR:

I enclose herewith blank notice of Proof of Application of Water to Beneficial Use under your Permit No.---~~13217~~---, which kindly fill out and return to me at least 60 days before the date upon which you wish to submit proof. The date of the proof is set out in your permit, and if proof is submitted subsequent to that your priority will be advanced a time equal to the difference of the time between the date proof should have been submitted and the date it is submitted.

Yours truly,

FRED A. WILKIE,

State Engineer.

13217

DAVIS & EVANS

ATTORNEYS-AT-LAW

MALAD, IDAHO

January 23, 1919.

Hon. Fred Wilkie,
State Engineer,
Boise, Idaho.

Dear Sir:-

inclosed find notices filled out in the matter
of the application of Dan E. Jones to appropriate waters of the
Big Malad River to a beneficial use, which kindly have advertised
in the Idaho Enterprise of this place. Send bill and we
will remit.

We are very respectfully,

Yours Truly,

Davis & Evans
By S.D. Davis

13217

RECEIVED

JAN 28 1919

OFFICE OF STATE ENGINEER

January 25, 1919.

Re Permit No. 13217-Dan A. Jones.

E. D. Davis, Attorney,
Malad, Idaho.

Dear Sir:--

We are in receipt of your letter enclosing notices for final proof under the above permit. Notice will be mailed to the Idaho Enterprise, at Malad, for the required four weeks publication prior to April 12, 1919, and deposition blanks will be mailed to you.

Very truly yours,

FRED A. WILKIE,

State Engineer.

By _____

13217

State of Idaho

A. E. ROBINSON
STATE ENGINEER

ENGINEERING DEPARTMENT BOISE

Boise, Idaho, Feb. 26, 1919.

Idaho Enterprise,
Malad, Idaho.

Dear Sirs:

Enclosed find Notice for Publication of Proof of ~~Completion of Works~~
~~and~~ Beneficial Use of Water under Permit No. 13217 which please publish
once a week for four consecutive weeks in your paper in accordance with
provisions of Sec. 4, House Bill No. 146, laws of the Seventh Session of
the Legislature. The expense of this publication will be paid by
Dan E. Jones, Gwenford, Idaho, to whom you will please
furnish proof of publication of this notice on or before April 12, 1919.

Please promptly acknowledge receipt of this notice, and kindly mail
me your first issue containing its publication that I may compare it with
my records.

Yours truly,

FRED A. WILKIE, ~~A. E. ROBINSON~~,
State Engineer.

(P. O.)

(Date)

State Engineer, Boise.

Dear Sir:

I have your letter of enclosing Notice of Proof
of ~~Completion of Works and~~ Beneficial Use of Water under Permit No. 13217 which
will be published as you request, beginning with our issue of

13217

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use

Notice is hereby given that at 11 a. m. on the 12th day of April, 1919,
 at Malad, County of Oneida, State of Idaho,
 before S. D. Davis, notary public, proof will be submitted
 of the application to beneficial use of 4.0 cubic feet per second of the
 waters of Big Malad River in accordance with the terms and conditions of
 Permit No. 13217, heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are
Dan E. Jones, Gwenford, Oneida County, Idaho.
2. The use to which said water has been applied is irrigation and domestic use.
3. The amount applied to beneficial use is 4.0 second feet.
4. The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)
N¹/₂NE¹/₄ & S¹/₂NE¹/₄ Sec. 11; S¹/₂SW¹/₄ Sec. 1; NW¹/₄NE¹/₄, NW¹/₄, N¹/₂SW¹/₄
and SE¹/₄ Sec. 12, Twp. 15 S., R. 35 E., B.M.
5. The name of the canal or ditch or other works by which said water is conducted to such place of use
is the Gwenford Milling & Elevating Co's ditch.
6. The right to take water from such works is based upon Permit No. 13217
7. The source of supply from which such water is diverted is Big Malad River.
8. The date of the priority which said user is prepared to establish is September 10, 1917.

Fred A. Wilkie,

State Engineer.

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13217

State of Idaho
ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE

BOISE, IDAHO, **March 26, 1919.**

Dan E. Jones,
c/o S. D. Davis,
Malad, Idaho.

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of application of water to beneficial use under Permit No. **13217.**

DEPOSITION OF PERMIT HOLDER,

DEPOSITIONS OF TWO WITNESSES.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of the permit holder's rights:

1. On April 12, 1919, the date set for the proof of application of water to beneficial use, the enclosed deposition forms (one for permit holder and one each for two witnesses) should be filled out and sworn to at Malad, before S. D. Davis, notary public.

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice. When these have been received, together with report of examining engineer, you will be further advised as to fees due before issuing license.

Yours truly,

W. G. SWENDSEN.

State Engineer.

13217

DAVIS & EVANS

ATTORNEYS-AT-LAW

MALAD, IDAHO April 12, 1919.

State Engineer of Idaho.

Boise, Idaho. IN RE: Application of Dan E. Jones for
permit.

Dear Sir:-

Enclosed please find proper affidavits and proof
of publication in above entitled matter.

We are very respectfully,

Yours Truly,

Davis & Evans.

S. D. Davis

RECEIVED

APR 17 1919

DEPARTMENT OF RECLAMATION

13217

PERMIT No. 13217

Proof of Application of Water to Beneficial Use**DEPOSITION OF HOLDER**

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Dan E. Jones, 61 years, Grenford, Oneida County, Idaho.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. 13217, date October 15th., 1917; September 10th. 1917

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Big Malad River; One point of diversion near the Northeast corner of the Southeast quarter of Section 2 in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, the other near the center of section 35 in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of that section; all in township 14 South, Range 35 East, Boise Meridian, Oneida County, Idaho.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. Two dams, each 6ft. high, 20ft. long at top, 14ft. at bottom constructed of earth and cement; two ditches, each 5ft. wide

Ans. at bottom, 7ft. wide at water line, depth of water two feet; two head-gates, each 5ft. wide and 4ft. high; one conduit one and one fourth miles long; one conduit two and three fourth miles long, average grade of each one foot nine inches per mile. The upper conduit and ditch will conduct three ~~and~~ feet and the lower conduit and ditch ~~even~~ feet of water. The name of the lower ditch is the Grenford Milling and Elevator Company's ditch. Name of Upper ditch is Jones Brother's ditch.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. For Irrigation. 40 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$ section 11; 40 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$, 100 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$, 80 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 100 acres the SE $\frac{1}{4}$ of section 12 and ~~thereby~~ 20 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of section one; all in township 15 South, Range 35 East, Boise Meridian. All cultivated. ~~irrigation of all the land described to cultivation.~~

Ques. 7. If for other than irrigation purposes, state how applied, amount of horse power generated, etc.

Ans.

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. Nine and one-fifth second-feet.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans.

13217

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Each and every year since completion of work for irrigation.
Four second-feet per acre. Beginning in May of each year and
continuing during the whole of the irrigation season.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

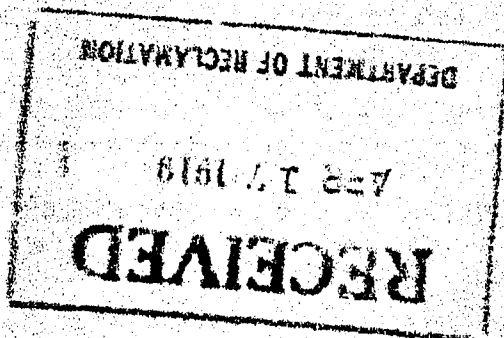
Ans. Since the year 1890 the applicant and his predecessors in in-
terest have been using, during the irrigation season of each and every
year since that date, at least one hundred sixty miner's inches of
water, diverted from the Big Malad River through ditch number one, and
since the year 1900 the applicant, and his predecessors in interest,
have appropriated, from the Big Malad River, in ditch number two, at
least one hundred miner's inches of the waters of the said river, and
have used the same for the purpose of irrigating the above described
land beginning about the 15th day of (Sign) April of each and every year. (Sign) Wm E Jones

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Malad City County of Oneida State of Idaho, on this twelfth day of April A. D. 1919.

L. S. Davis

Notary Public, Residing at
Malad City, Idaho.

13217



Permit No. 13217

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Henry Hieff enegger, 30 years, farmer, Malad, Idaho.

Ques. 2. Are you acquainted with Ben E. Jones, the holder of Permit No. 13217? How long have you known him and where does he reside?

Ans. _____

He resides at Grenford, Oneida County, Idaho.

Ques. 3. Have you read or heard read said Permit No. 13217 and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use. Source of supply Big Malad River; one point of

Ans. diversion near the NW corner of the SE $\frac{1}{4}$ of section 2, the other near the center of section 35, both sections in township 15 South, the second in township 14 South, both in range 35 East, Boise Meridian, Oneida County, Idaho; works consist of two earth and cement dams; two headgates, two ditches and two conduits, one about 1 $\frac{1}{2}$ miles long and one about 2 $\frac{3}{4}$ miles long.

Ques. 5. How many second-feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. About ten second-feet have seen about nine second-feet so conveyed.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. For irrigation, 40 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$, 80 acres S $\frac{1}{2}$ NE $\frac{1}{2}$ Section 11; 40 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$, 160 acres NE $\frac{1}{4}$, 80 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 160 acres SE $\frac{1}{2}$ section 12 and 80 acres in the S $\frac{1}{2}$ SW $\frac{1}{2}$ of section one; all in township 15 South, Range 35 East, Boise Meridian. All cultivated. Reduction of all the land described to cultivation.

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. _____

Would say from nine to ten second-feet of water required for its profitable cultivation.

13217

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. ----- No. -----

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. -----

(Sign) Henry Wiffenugga

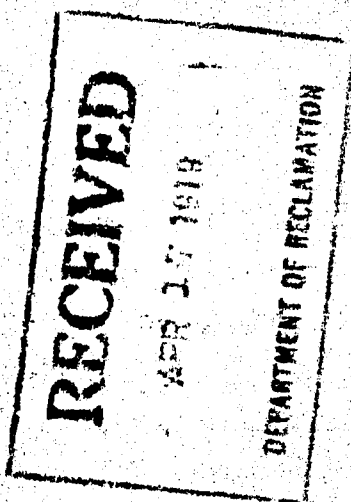
I hereby certify that the foregoing testimony was read to the above subscriber before its signing; that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Malad City, County of Oneida, State of Idaho, on this twelfth day of April A. D. 1919.

S. D. Davis

Notary Public.

My commission expires June 3 1922.

Residing at Malad City, Idaho.



13217

Permit No. 13217

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. John T. Jones, 48 years of age, Gwenford, Idaho, farmer.

Ques. 2. Are you acquainted with Dan E. Jones, the

holder of Permit No. 13217? How long have you known him and where does he reside?

Ans. Forty years. He resides at Gwenford, Oneida County, Idaho.

Ques. 3. Have you read or heard read said Permit No. 13217, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use. Source of supply Big Malad River: one point of diversion near the NW corner of the SE $\frac{1}{4}$ of section 7, the other near the center of section 35, both sections in Township 14 South, Range 35 East, Boise Meridian, Oneida County, Idaho; works consist of two earth and cement dams, two headgates, two ditches and two conduits, one about 1 $\frac{1}{2}$ miles long and one about 2 $\frac{3}{4}$ miles long.

Ques. 5. How many second-feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. About ten ~~second~~-feet. Have seen about nine ~~second~~-feet so conveyed.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. For irrigation, 40 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$, 40 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$, 40 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$ section 11; 40 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$, 160 acres NW $\frac{1}{4}$, 80 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 160 acres SE $\frac{1}{4}$ of section 12 and 80 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of section one; all in Township 15 South, Range 35 East, Boise Meridian. All cultivated. Reduction of all the land described to cultivation.

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans.

Would say from nine to ten ~~second~~-feet of water required for its profitable cultivation.

13217

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans.

(Sign) John T. Jones

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Malad City, County of Oneida, State of Idaho, on this twelfth day of April A. D. 1919

S. D. Davis

Residing at Malad City, Idaho. Notary Public.

My commission expires June 3 1922

13217

RECEIVED

APR 17 1919

DEPARTMENT OF RECLAMATION

AFFIDAVIT OF PUBLICATION.

NOTICE OF PROOF OF APPLICATION OF WATER TO BENEFICIAL USE.

Notice is hereby given that at 11 a. m., on the 12th day of April, 1919, at Malad City, County of Oneida, State of Idaho, before S. D. Davis, notary public, proof will be submitted of the application to beneficial use of 4.0 cubic feet per second of the waters of Big Malad River in accordance with the terms and condition of Permit No. 13217 heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice of the person or corporation holding said permit are: Dan E. Jones, Gwenford, Oneida County, Idaho.

2. The use to which said water has been applied is: Irrigation and domestic use.

3. The amount applied to beneficial use is: 4.0 second feet.

4. The place where said water is used (if for irrigation give full and accurate description of the lands irrigated) NE1-4 NE1-4, S1-2 NE1-4, Sec. 11, S1-2 SW1-4, Sec. 1, NW1-4 NE1-4, NW1-4, N1-2 SW1-4, SE1-4, Sec. 12, Twp. 15 S., R. 35 E., B. M.

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is: The Gwenford Milling & Elevating Co.'s ditch.

6. The right to take water from such works is based upon Permit No. 13217.

7. The source of supply from which such water is diverted is: Big Malad River.

8. The date of the priority which said user is prepared to establish is: September 10, 1917.

FRED A. WILKIE
State Engineer.

I, Clyde Hanson, Manager
(Name) (Publisher or foreman)
of the Idaho Enterprise published weekly
(Name of newspaper) (Daily or weekly)
at Malad, Idaho do solemnly swear that a copy of
the above notice, as per clipping attached, was published weekly
(Daily or weekly)
in the regular and entire issue of said newspaper, and not in any supplement thereof, for six consecutive weeks, commencing with
the issue dated Mar 6, 1919, and ending with the issue dated
April 10, 1919.

Clyde Hanson
(Signature.)

born to before me this

12 day of April, 1919

S. D. Davis

Notary Public

(Official Designation of Officer.)

13217

Malad, Idaho.

April 17th
1919

In re: Permit: 13217

Dan E. Jones,
Gwenford, Idaho.

Dear sir:

Final proof depositions under above permit, showing beneficial use of water have been received in this office and duly filed.

The depositions will be lodged in this office until the report of the examining engineer is made, which will be sometime during the early spring.

Yours very truly,

W. G. Svendsen,
Commissioner of
Reclamation.

By:

13217

REPORT OF ENGINEER

This proof is for Beneficial Use.In Water District No. 26.

1. State name of applicant and number of permit: Dan E. Jones. Permit 13217.
2. State source of water supply: Big Maled River.
3. Location of point of diversion: (1) NE4 SW4 Sec. 2, T. 15 S. R. 35 E. B.M.
(2) NE4 SW4 Sec. 35, T. 14 S. R. 35 E. B.M.
4. Describe works as they exist, giving dimensions and capacities of same:
(1) Earth dam, 3' H. 6' L. Canal 4' B. 1.5' D. Cap. 3 sec. ft.
(2) Concrete dam, 3' H. 50' L. Sp. way, 12' B.
Concrete H.G. 16' B. 3' H. 1 gate, 4' B. 3' H.
Ditch, 5' B. 2' D. Cap. 10 sec. ft.
5. State whether or not water has been turned into works of diversion: Yes.
6. Give exact location of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): NE4 NE4, & S2 NE4 Sec. 11, S2SW4 Sec. 1, NW4 NE4, NE4,
N2 SW4 & SE4 Sec. 12. T. 15 S. R. 35 E. B.M.
7. Submit map on enclosed plat, showing location and details of above description.
8. How many parties conduct water in this system? One.
9. Give names and amount of each right: Dan E. Jones.
10. What large stream would the water here appropriated finally reach? Salt Lake.
11. Describe the various tributaries en route, from point of diversion to the principal drainage stream: Thru drains to Big Maled River to Salt Lake.

Remarks: All land in cultivation.This examination was made on the 13th day of May 1920.

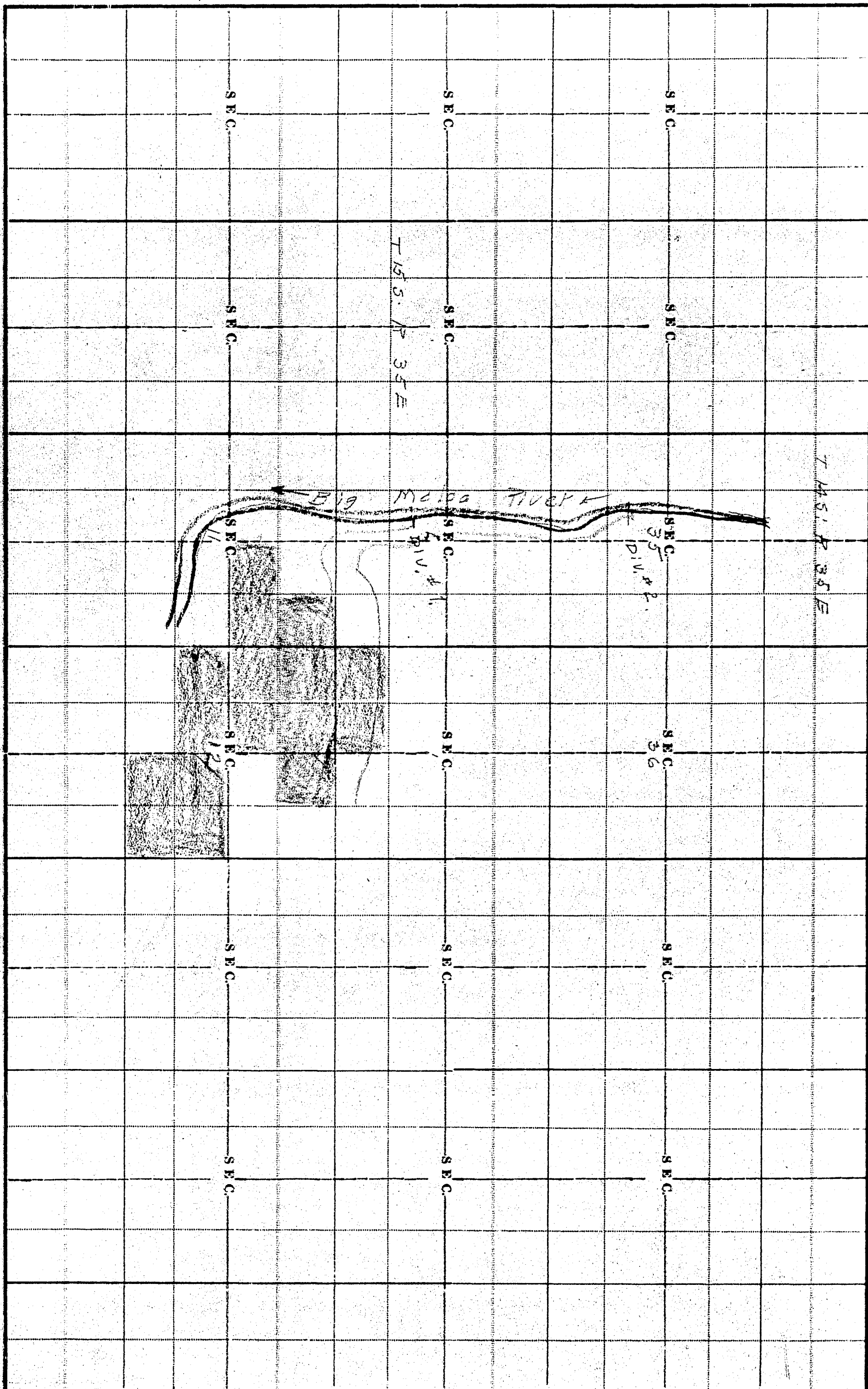
(Signed)

L. R. Annett.
L. R. Annett.

Examiner.

OVER

Doc E. Jones # 3217



SCALE: 2 INCHES=1 MILE. DRAW PLAN IN INK.

13217

July 14, 1920.

Re: Permit 13217.

Mr. Dan E. Jones,
Gwenford, Idaho.

Dear Sir:

Upon receipt of fees amounting to \$52.00 , \$2.00 for each
40-acre tract or portion thereof, license under the above numbered
permit will be issued you.

Yours very truly,

W. G. Swendsen,
Commissioner of Reclamation,

By: _____

CMB:MW

13217

February 8, 1946

Re: Permit No. 13217

Mr. Dan E. Jones
Gwenford, Idaho

Dear Mr. Jones:

On checking the records in this Department we find that no reply was ever received to office letter addressed you on July 14, 1920, advising that upon receipt of the statutory fee of \$32.00, a license would be issued under the above numbered permit, for four second feet of water from Big Malad River.

Since your water right is not complete until a license is issued, we are calling this to your attention.

Interest will have to be added unless paid by March 1st, 1946.

Very truly yours,

MARK G. KULP
State Reclamation Engineer

K:A

13217

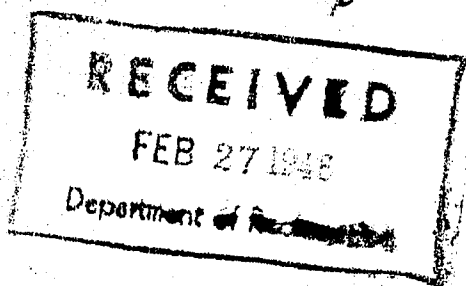
Permit M13217

Gwenford Ida

Feb 25 1946

Department of Reclamation
Boise Ida

I reply the letter sent 2-18-46 returned to the sum of \$ 32⁰⁰. I do not know why Mr. Jones did not say the amt. But I purchased the Mr. Jones ranch and all water rights in the year of 1926 after it had been purchased by the Union Central Life Ins Co., and got a Sheriff deed and abstract from the Sheriff of Orinda Co., at that time the Sheriff was Morgan W. Jovey, but if the said amt must be paid to secure the said water which I have used since 1926. I enclose please find check of \$32⁰⁰



Yours truly

W. H. Williams

Malad Ida
Gwenford Rd

13217

March 1, 1946

Re: Permit No. 13217

Mr. James H. Williams
Overland Route
Malad, Idaho

Dear Mr. Williams:

We acknowledge receipt of your letter of February 25th, enclosing your check for \$32.00 to pay the license fee on Permit No. 13217, covering four (4) cubic feet per second of water from Big Malad River.

Since the record holder of this permit is Dan E. Jones, in order to have the license issued in your own name it will be necessary to submit, for record, evidence of the present ownership.

This can be done by furnishing this Department with a certified copy of the Sheriff's Deed (or the deed itself, which will be returned to you after recording), or an affidavit from the abstract company to the effect that you purchased this property at Sheriff's sale, and are the present owner thereof, giving a description of the property.

There is a small fee of fifty cents for recording same in this department.

Very truly yours,

MARK R. KULP
STATE RECLAMATION ENGINEER
By

Chief Clerk

13217

April 26, 1946

Re: Permit No. 13217

Mr. James H. Williams
Greenford Route
Salad, Idaho

Dear Mr. Williams:

We have had no reply to office letter addressed you on March 1st, acknowledging receipt of your check for \$32.00 to pay the license fee on Permit No. 13217, in the name of Dan E. Jones, but which you state you have acquired by sheriff's deed.

As stated in that letter, before the license can be issued in your name as the present owner, there must be a record in this Department of transfer of title.

We are still holding this check to your credit, awaiting receipt of the instruments necessary to record your present ownership of this permit.

Very truly yours,

MARK H. KULP
State Reclamation Engineer
By

Chief Clerk

13217

June 7, 1946

Re: Permit No. 13217

Mr. James H. Williams
Gwenford Route,
Malad, Idaho

Dear Mr. Williams:

We again remind you that we have had no reply to office letters addressed you in regard to the above numbered permit, which is on the records of this department in the name of Dan E. Jones, but which your letter of February 25th advised us that you had acquired through sheriff's deed.

If the license is to be issued in your name, it is necessary that the transfer of title be recorded in this Department, either by sending for record the Sheriff's Deed itself, which will be returned to you, or a certified copy thereof, or an affidavit from the abstract company showing the transfer and present ownership. The fee for recording this is fifty cents.

In the absence of such a record, the license would have to be issued in the name of the original owner, Dan E. Jones.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A

13217

July 8, 1946

Re: Permit No. 13217

Mr. James H. Williams
Gwenford Route
Malad, Idaho

Dear Mr. Williams:

We have received no reply to office letters addressed you on March 1, April 26, and June 7, 1946, in regard to permit No. 13217, on our records in the name of Dan E. Jones, but which you advised us you have acquired through Sheriff's deed.

For that reason, we are returning herewith your check for \$32.00, tendered in payment of the statutory fee required in connection with beneficial use proof in order to obtain a license and certificate of water right.

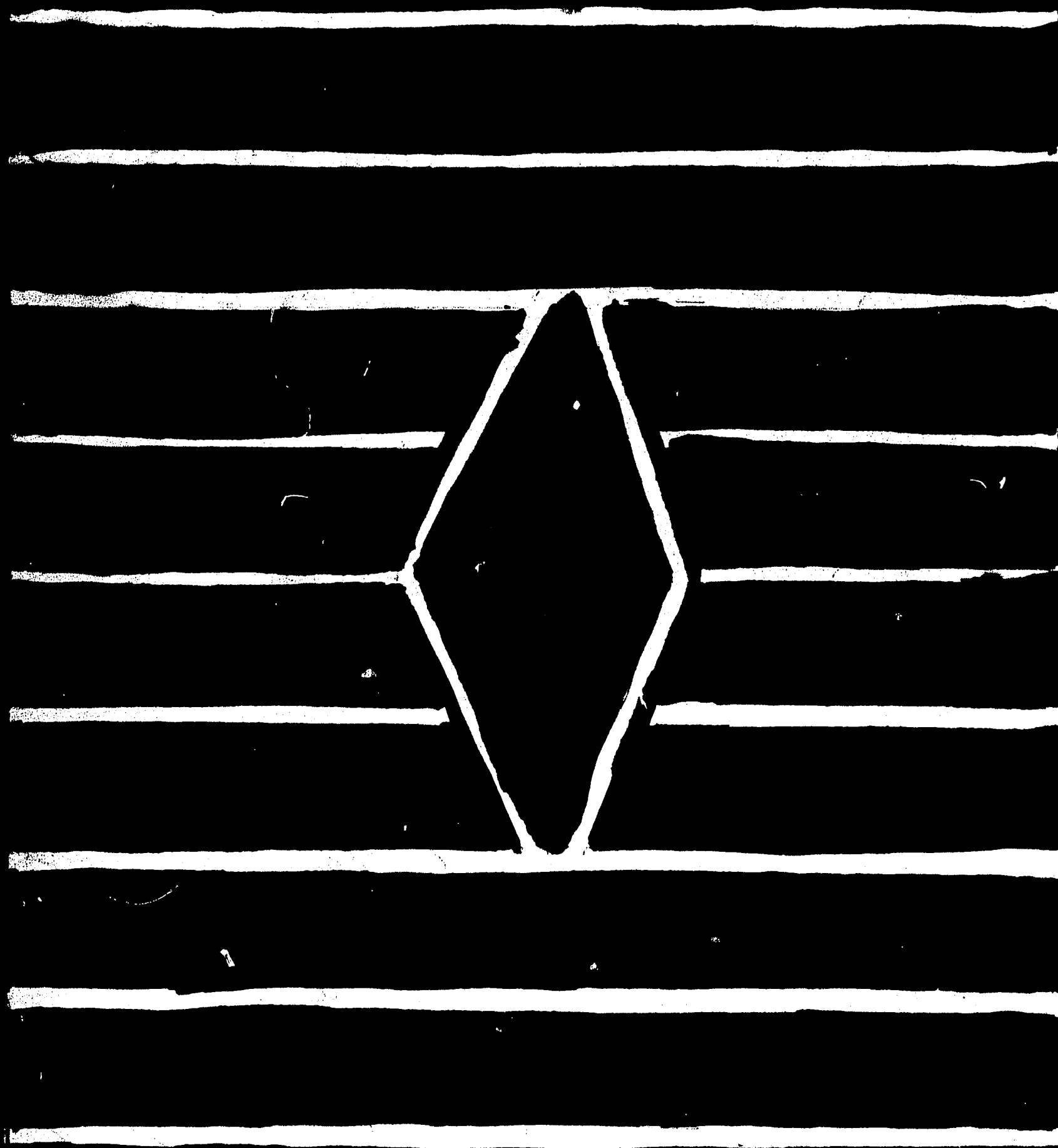
If you wish to have the license issued in the name of the record holder, Dan E. Jones, or if you submit evidence of ownership, as outlined in these several office letters, you may again remit the fee, and specify which course you wish to pursue, and license will be issued accordingly.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

K:A
Encl.

13217





CORRECTION



The preceding document has been rephotographed to assure legibility and its image appears immediately hereafter .

The following paper is to
be with file 13217 which is
just preceding this paper

L. R. THOMAS

J. H. ANDERSEN

THOMAS & ANDERSEN

ATTORNEYS AT LAW
BLACKFOOT, IDAHO

Sep.
17th
1917.

Hon. State Engineer,
Boise, Idaho.

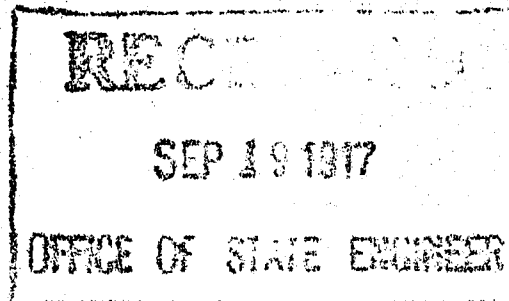
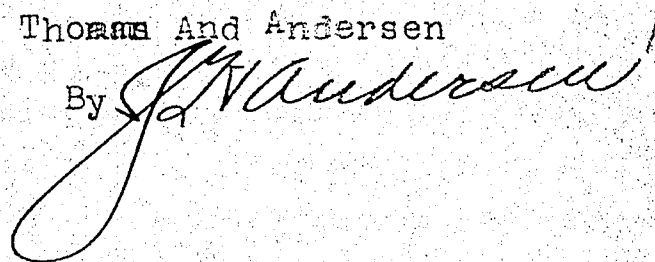
Dear Sir:

Enclosed herewith application of Alex W. Martin for
permit to appropriate waters of springs, together with our
check for the sum of one dollar.

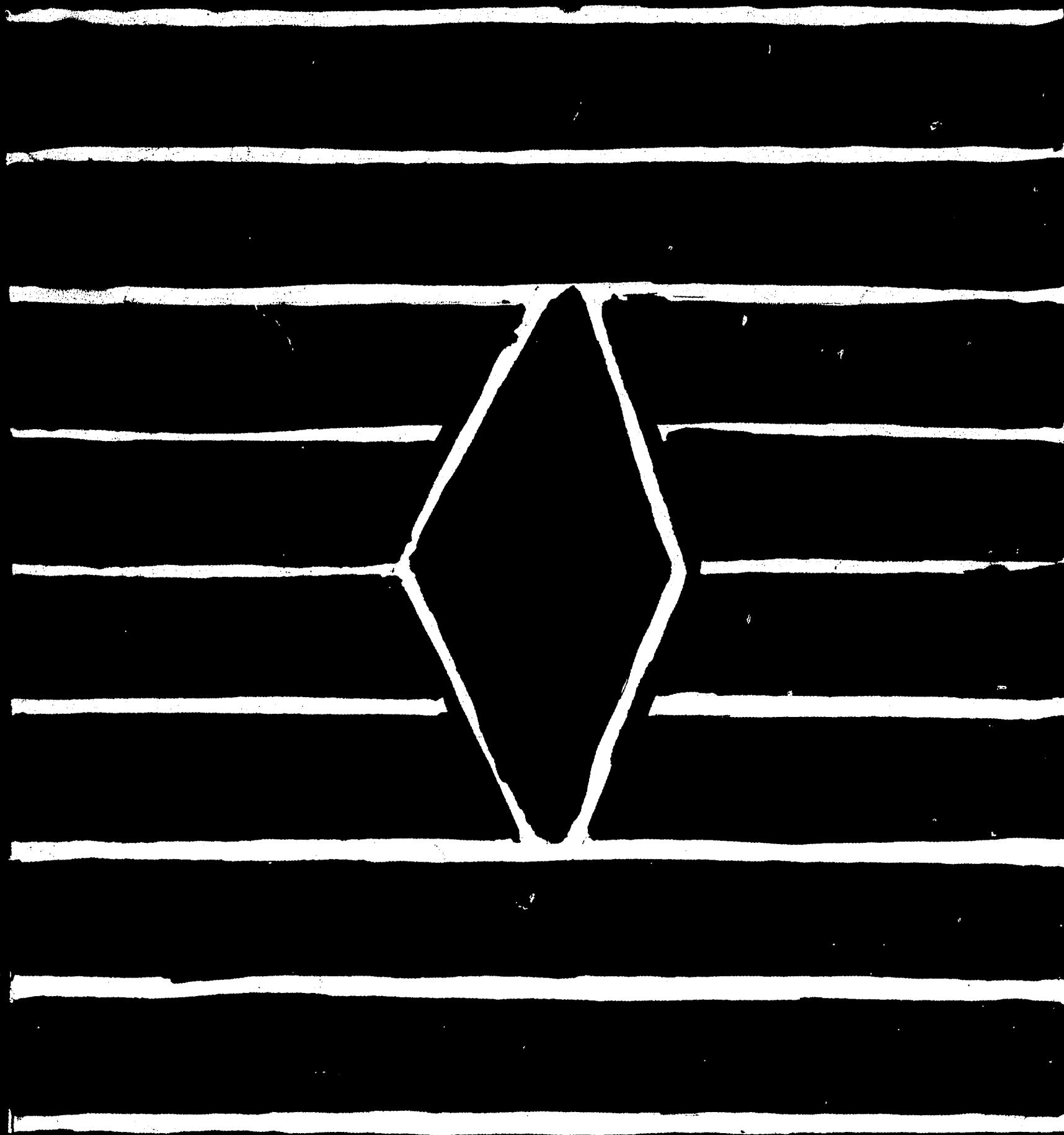
Yours very truly

Thomas And Andersen

By



13217



Permit #14827

May 15, 1974

CERTIFIED MAIL

#32078

Re: Permit No. 13217 (New No. 15-2010)

Dan E. Jones
Gwenford Route
Malad, Idaho 83252

Dear Mr. Jones:

It appearing to the Department of Water Administration that the terms and conditions of Permit No. 13217/15-2010 to appropriate the public waters of the State of Idaho have not been complied with as to failure to submit licensing fee in the amount of \$32.00, you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the Director of the Department of Water Administration on or before June 24, 1974, why said permit should not be cancelled.

Permit No. 13217/15-2010 claims the use of 4.0 cubic feet per second of water from the Big Malad River, the point of diversion was to be located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 2, Twp. 15 S and NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 35, Twp. 14 S, both in Rge. 35 E, B.M. and the permit was approved Oct. 13, 1917.

R. Keith Higginson
R. KEITH HIGGINSON
Director

cc: James H. Williams

15-2010

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
STATE OFFICE



Cecil D. Andrus
Governor

R. Keith Higginson
Director

614 State Street
Statehouse - Annex 2
Boise, Idaho 83720
(208) 384-2215

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

May 15, 1974 CERTIFIED MAIL

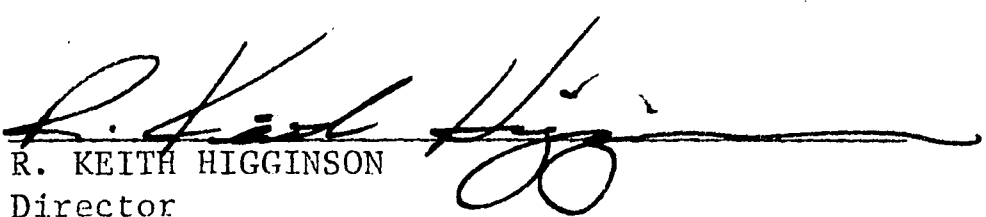
Re: Permit No. 13217 (New No. 15-2010)

Dan E. Jones
Gwenford Route
Malad, Idaho 83252

Dear Mr. Jones:

It appearing to the Department of Water Administration that the terms and conditions of Permit No. 13217/15-2010 to appropriate the public waters of the State of Idaho have not been complied with as to failure to submit licensing fee in the amount of \$32.00, you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the Director of the Department of Water Administration on or before June 24, 1974, why said permit should not be cancelled.

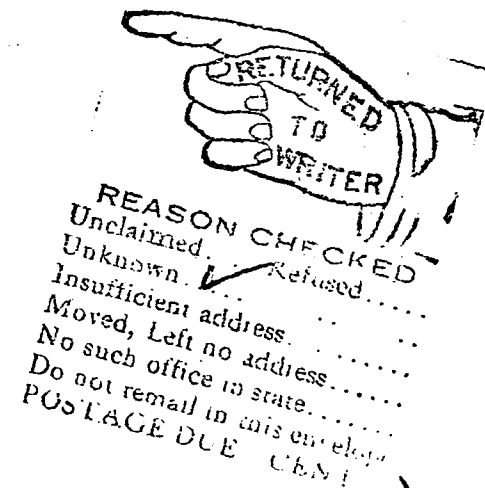
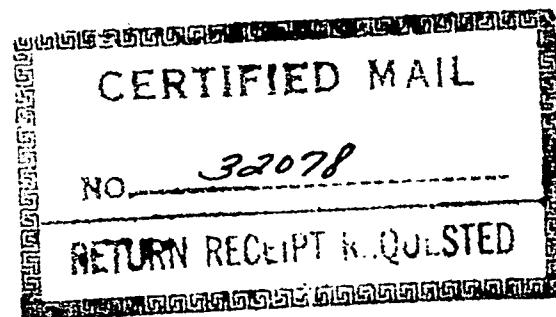
Permit No. 13217/15-2010 claims the use of 4.0 cubic feet per second of water from the Big Malad River, the point of diversion was to be located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 2, Twp. 15 S and NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 35, Twp. 14 S, both in and the permit was approved Oct. 13, 1917.
Rge. 35 E, B. M.


R. KEITH HIGGINSON
Director

cc: James H. Williams

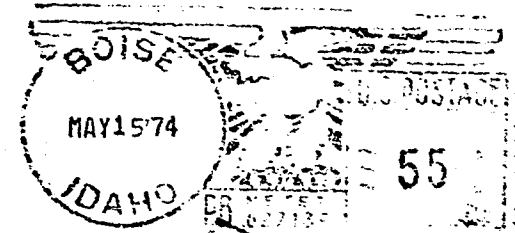
15-2010

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
Statehouse — Annex 2
Boise, Idaho 83707



Dan E. Jones
Gwenford Route
Malad, Idaho

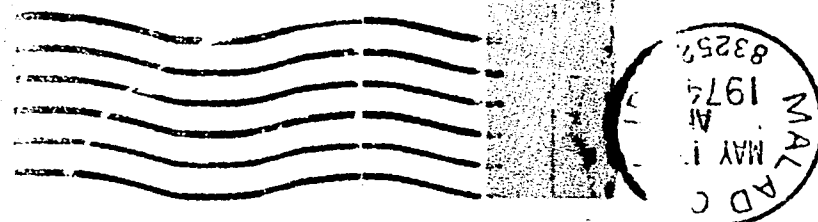
83252



RECEIVED
MAY 20

Department of Water Administration

2408-51



State of Idaho }
County of Oneida } ss.

I hereby certify that the foregoing is a full, true and
copy of Original

In the Matter of the Estate of James H. Williams

Heirship

Witness my hand and the seal of said Court this
4 day of June 1974

Barbara Carter
Clerk of the Idaho Court

IN THE PROBATE COURT
of the County of Oneida, State of Idaho
- - -

In the Matter of the Estate) DECREE DETERMINING
of JAMES H. WILLIAMS, deceased) HEIRSHIP
- - -

The petition of Elva P. Williams, the widow of James H. Williams, deceased, praying that this Court determine the time of the death of said deceased, his heirs and their degree of kinship to him, and the right of descent of the real and personal property belonging to said deceased, coming on this day regularly to be heard, and due proof having been made to the satisfaction of the Court that the Clerk had given notice in all respects according to law of the hearing of the said petition, in the manner and for the time and in the particulars heretofore ordered and directed by the Court and as required by law;

and all and singular the law and the evidence being by the Court understood and fully considered:

It is hereby Determined, Adjudged and Decreed: That James H. Williams died intestate in Oneida County, State of Idaho, on October 2, 1952; that he was a resident of the County of Oneida, State of Idaho, at the time of his death; that no application has been made in the State of Idaho for the appointment of an administrator of the Estate of said deceased, and that more than two years have elapsed since the time of the death of said deceased, and that said deceased died seized of an estate of inheritance in the State of Idaho in and to the following described real and personal property situated in the County of Oneida, State of Idaho, to-wit:

The West half of the West half of the Southwest quarter of Section 1; the East half of the Northeast quarter of Section 13; the North half of the Northwest quarter, the Northeast quarter, the North half of the Southeast quarter, and the Southeast quarter of the Southeast quarter of Section 12; Township 15 South, Range 35 East, Boise Meridian;

Also, all that part of the South half of the Northwest quarter and the Northeast quarter of the Southwest quarter of Section 12, Township 15 South, Range 35 East, Boise Meridian, lying North and East of the Big Malad River, except 2 acres in the Northwest Corner of the Southwest quarter of the Northwest quarter thereof;

Also, Commencing at the Northwest Corner of Section 7, Township 15 South, Range 36 East, Boise Meridian, thence running East 88 rods 5 feet, thence South 145 rods, thence West 88 rods 5 feet, thence North 145 rods to place of beginning;

Also, Commencing at a point 30 rods North of the Southwest Corner of the Northwest quarter of the Northwest quarter of Section 14, Township 15 South, Range 35 East, Boise Meridian; thence running North 10 rods, thence East 80 rods, thence South 10 rods, thence West 80 rods to point of beginning;

Together with 300 inches of the waters of the Big Malad River conveyed to the above land through the Oneida Mill Ditch or 13/14 of the waters of the Oneida Mill Ditch; also, 56 1/2 inches of water from the Big Malad River conveyed to the above land through the Jones Ditch or 8/17 of the waters of said Jones Ditch; also, 1 1/2 shares of the Capital Stock of the Samaria Water & Irrigation Company

15-2010

That all of said real and personal property was acquired by deceased after his marriage to petitioner, Elva P. Williams, and that the same became and was their community property.

That Elva P. Williams, the widow of said deceased and their children, namely: James Bland Williams, Jennie Hobbs, Ruth Blaisdell, and Joan Allphin, all of legal age, and the following grandchildren, Jill Williams aged 8 years and Tonya Williams aged 5 years, are the sole and only heirs at law of the said deceased, and are each related to said deceased in the first degree of kinship except that the said Jill Williams and Tonya Williams are each related to said deceased in the second degree of kinship; that the said Elva P. Williams, widow of said deceased, has the right of descent of the whole of the real and personal property of which said deceased died seized and hereinabove described, and she is now the owner of all of the same in fee simple.

Dated October 8, 1956

Bill Hallis
Probate Judge
(Seal of Court)

Filed October 8, 1956

Bill Hallis
Clerk

Rec: BK. I Pg. 301-302 8-20-63 MB

15-0010

WARRANTY DEED

THIS IDENTURE, Made this 20th day of November, in the year of our Lord one thousand nine hundred and sixty one, between ELVA P. WILLIAMS, a Widow of Malad City, County of Oneida, State of Idaho, the party of the first part, and JAMES BLAND WILLIAMS of Malad City, County of Oneida, State of Idaho, the party of the second part:

WITNESSETH, That the said party of the first part, for and in consideration of the sum of \$10.00 and other valuable consideration DOLLARS, lawful money of the United States of America, to her 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 do es grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all of the following described real estate, situate in the County of Oneida, State of Idaho, to-wit:

Twp 15S, Rng 35 EBM, Section 1: W $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$

Section 12: N $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SP $\frac{1}{4}$

Also, all that part of the S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, lying N & E of the Big Malad River, except 2 acres in the NW corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ thereof.

Section 13: E $\frac{1}{2}$ NE $\frac{1}{4}$, Twp 15 S, Rng 36 EBM

Section 7: Also com at the NW corner of Sec 7 thence run E 88 rods 5 ft, thence S 145 rods, thence W 88 rods 5 ft, thence N 145 rods to place of beginning.

\$33.00 Documentary Stamps attached and duly cancelled.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said party 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 party of the first part, and her 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 party of the first part, and her heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

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

Signed, Sealed and Delivered in the Presence of

Elva P. Williams

(SEAL)

(SEAL)

(SEAL)

(SEAL)

STATE OF IDAHO,

COUNTY OF Oneida

ss.

On this 20th day of November, in the year 1961, before me, E. L. Scott, a Notary Public in and for said State, personally appeared Elva P. Williams

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that s 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

State of Idaho,
County of Oneida

E. L. Scott

Notary Public for the State of Idaho, residing at
Malad City, Idaho.

I, Colen H. Sweeten, Jr., Clerk of the District Court (S.A.N.T.), Auditor and Recorder in and for the said State of Idaho, hereby certify that the above and foregoing is a true and correct copy of the original as the same appears of record in the County of Oneida, State of Idaho. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Malad, Idaho.

STATE OF IDAHO, ss.

By Colen H. Sweeten, Jr.

Deputy Clerk, District Court, Ex Officio
Auditor and Recorder

Filed for record this 27th day of December, A.D. 1961, at 10:45 o'clock A.M.

Colen H. Sweeten, Jr.

By Rachel Hughes

Ex-Officio Recorder.

Deputy.

THIS INSTRUMENT, made this 9th day of December, in the year of our Lord One Thousand Nine Hundred and Twenty-six, between Jedd Jones and his wife, Sarah Jones, of Malad City, County of Oneida, State of Idaho, the parties of the first part, and Jas H. Williams, of Gwenford, County of Oneida, 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 Dollar and other valuable consideration (\$1.00)----- lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, and sold, and by these presents do 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 Oneida County, State of Idaho, to-wit:

✓ The East-half ($E\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Thirteen (13) and the East-half ($E\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) and the Northwest Quarter ($NW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) and the South-half ($S\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Twelve (12) Township Fifteen (15) South, Range Thirty-five (35) East, of the Boise Meridian, and containing Two hundred eighty (280) acres.

7-930 Also all that part of the South-half ($S\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$) and the Northeast Quarter ($NE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of said Section Twelve (12) lying North and East of the Big Malad River as the same now flows, containing Sixty (60) acres, also the West half ($W\frac{1}{2}$) of the West half ($W\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) of Section One (1) said Township and Range, containing Forty (40) acres.

✓ Also all the North-half ($N\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$) and the North-half ($N\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of said Section Twelve (12), said Township and Range and containing one hundred sixty (160) acres.

7-97 Also commencing at the Northwest corner of Section Seven (7) Township Fifteen (15) South, of Range Thirty-six (36) East, of the Boise Meridian, and running thence East Eighty-eight (88) rods and Five (5) feet; thence South One hundred forty-five (145) rods; thence West Eighty-eight (88) rods and Five (5) feet; thence North One hundred Forty five (145) rods to the place of beginning, and containing Eighty (80) acres.

A total acreage is contained herein of Six hundred twenty (620) acres more or less, excepting therefrom Two (2) acres in compact form located in the Northwest corner of the Southwest Quarter ($SW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of said Section Twelve (12) Township Fifteen (15) South, of Range Thirty-five (35) East, of the Boise Meridian, heretofore conveyed to the Gwenford Mill & Elevator Company by Deed of Record in Book 13 of Deeds at Page 256 of the Records of Oneida County, State of Idaho.

A net acreage is contained herein of Six hundred eighteen (618) acres, Together with Three hundred (300) inches of water from the Big Malad River conveyed to the land through the Oneida Mill Ditch and 13/14 of the Oneida Mill Ditch.

Also together with Fifty-six and One-half ($56\frac{1}{2}$) inches of water from the Big Malad River conveyed to the land through the Jones Ditch and 8/17 of said Jones Ditch.

Also together with all the waters of Little Springs and Six (6) wells located on said land, also all ditch and water rights of every nature however evidenced.

Together with all and singular the tenements, hereditments and appurtenances thereunto belonging, or in anywise appertaining, and the revision and revisions, and 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 land and premises together with the appurtenances, unto the said party of the second part, and to his heirs and assigns forever, and the said parties of the first part, and their heirs, the said premises in a 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 whomsoever lawfully claiming or to claim the same shall 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 presents of

Jno W. Clark
as to signature of Jedd Jones.

Jedd Jones (SEAL)

Mrs Sarah Jones (SEAL)

STATE OF IDAHO)
SS
COUNTY OF ONEIDA)

On this 9th day of December in the year 1926, before me, Jno W. Clark, a Notary Public in and for said County and State personally appeared Jedd Jones, 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)
Jno W. Clark
Notary Public for Idaho
Residing at Malad, Idaho.

STATE OF UTAH)
SS
COUNTY OF GENT (MINE)

On the 17th day of December in the year 1926, before me, a Notary Public in and for said County and State, personally appeared Sarah Jones, known to me to be one of

Boise Meridian, and containing Two hundred eighty (280) acres.

Also all that part of the South-half (S $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$) and the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of said Section Twelve (12) lying North and East of the Big Malad River as the same now flows, containing Sixty (60) acres, also the West half (W $\frac{1}{2}$) of the West half (W $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section One (1) said Township and Range, containing Forty (40) acres.

Also all the North-half (N $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$) and the North-half (N $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section Twelve (12), said Township and Range and containing one hundred sixty (160) acres.

Also commencing at the Northwest corner of Section Seven (7) Township Fifteen (15) South, of Range Thirty-six (36) East, of the Boise Meridian, and running thence East Eighty-eight (88) rods and Five (5) feet; thence South One hundred forty-five (145) rods; thence West Eighty-eight (88) rods and Five (5) feet; thence North One hundred Forty five (145) rods to the place of beginning, and containing Eighty (80) acres.

A total acreage is contained herein of Six hundred twenty (620) acres more or less, excepting therefrom Two (2) acres in compact form located in the Northwest corner of the Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of said Section Twelve (12) Township Fifteen (15) South, of Range Thirty-five (35) East, of the Boise Meridian, heretofore conveyed to the Owenford Mill & Elevator Company by Deed of Record in Book 13 of Deeds at Page 256 of the Records of Oneida County, State of Idaho.

A net acreage is contained herein of Six hundred eighteen (618) acres, Together with Three hundred (300) inches of water from the Big Malad River conveyed to the land through the Oneida Mill Ditch and 13/14 of the Oneida Mill Ditch.

Also together with Fifty-six and One-half (56 $\frac{1}{2}$) inches of water from the Big Malad River conveyed to the land through the Jones Ditch and 8/17 of said Jones Ditch.

Also together with all the waters of Little Springs and Six (6) wells located on said land, also all ditch and water rights of every nature however evidenced.

Together with all and singular the tenements, hereditments and appurtenances thereunto belonging, or in anywise appertaining, and the revision and revisions, and remainder and remainders, rent's, 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 land and premises together with the appurtenances, unto the said party of the second part, and to his heirs and assigns forever, and the said parties of the first part, and their heirs, the said premises in a 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 whomsoever lawfully claiming or to claim the same shall 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 presents of

Jno W. Clark
as to signature of Jedd Jones.

Jedd Jones (SEAL)

Mrs Sarah Jones (SEAL)

STATE OF IDAHO)
SS
COUNTY OF ONEIDA)

On this 9th day of December in the year 1926, before me, Jno W. Clark, a Notary Public in and for said County and State personally appeared Jedd Jones, 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)

Jno W. Clark
Notary Public for Idaho
Residing at Malad, Idaho.

STATE OF UTAH)
SS
COUNTY OF SALT LAKE)

On the 17th day of December in the year 1926, before me, a Notary Public in and for said County and State, personally appeared Sarah Jones, known to me to be one of the persons whose name is subscribed to the within instrument and acknowledged to me that she 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.

[Signature]
Clerk of the District Court, Ex-Officio Auditor and Recorder in and for the said County and State, hereby certify that the above and foregoing is a full, true and correct copy of the original as the same appears of record or on file in my office. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Malad, Idaho,

G.
Girtrude Walters
Notary Public for
Residing at

My commission expires
March 2, 1928

Filed for record at the County Clerk's Office at 3-25 P.M. this 18th day of December 1926.

By *[Signature]*
Deputy Clerk, District Court, Ex-Officio Auditor and Recorder

By *[Signature]* Deputy.

15-2010

INST NO. 43129

SHERIFF'S DEED ON FORECLOSURE

THIS INDENTURE, made this the 7th day of December, 1926, between Morgan W. Tovey the Sheriff of Oneida County, State of Idaho, party of the first part and Jedd Jones the party of the second part, WITNESSETH:

WHEREAS, A Judgement and Decree of foreclosure and Sale was rendered and entered in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Oneida, on the 28th day of October 1925, in an action then pending in said Court in favor of the Union Central Life Insurance Company, a corporation, as plaintiff and against Jennette Jones as Administratrix of the Estate of Daniel E. Jones deceased, Jennie Jones, Eleanor Nieffenegger, Lizzie Thomas, Jedd Jones, Defendant's And an Order of Sale issued out of and under the seal of the said District Court reciting the material parts of said Judgement and Decree, duly attested on the 28th day of September 1925, and to the Sheriff of Oneida County, State of Idaho, directed and to Morgan W. Tovey as such Sheriff delivered on the 29th, day of September, 1925, for execution, commanding him and him as such Sheriff to proceed to notice for sale and sell the premises in said writ mentioned and described in said Decree as follows, to-wit:

1 The East half ($E\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Thirteen (13) and the East-half ($E\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) and the Northwest Quarter ($NW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) and the South-half ($S\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Twelve (12) Township Fifteen (15) South, Range Thirty five (35) East of the Boise Meridian, and containing Two Hundred Eighty (280) acres.

1 Also all that part of the South-half ($S\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$) and the Northeast Quarter ($NE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of said Section Twelve (12) lying North and East of the Big Malad River as the same now flows, containing Sixty (60) acres.

Also the West-half ($W\frac{1}{2}$) of the West-half ($W\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) of Section One (1) said Township and Range, containing Forty (40) acres.

Also the North-half ($N\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$) and the North-half ($N\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of said Section Twelve (12), said Township and Range and containing One Hundred Sixty (160) acres.

Also commencing at the Northwest corner of Section Seven (7) Township Fifteen (15) South, Range Thirty-six (36) East of the Boise Meridian and running thence East Eighty-eight (88) rods and Five (5) feet; thence South One Hundred Forty-five (145) rods; thence West Eighty-eight (88) rods and Five (5) feet; thence North One Hundred Forty-five (145) rods to the place of beginning and containing Eighty (80) acres.

A total acreage is contained herein of Six Hundred Twenty (620) acres more or less excepting therefrom Two (2) acres in compact form located in the Northwest corner of the Southwest Quarter ($SW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of said Section Twelve (12) Township Fifteen (15) South, Range Thirty-five (35) East of the Boise Meridian, heretofore conveyed to the Gwenford Mill and Elevator Company by Deed of record in Book 13 of Deeds at Page 256 of the Records of Oneida County, State of Idaho.

A net acreage is contained herein of Six Hundred Eighteen (618) acres. Together with Three Hundred (300) inches of water from the Big Malad River conveyed to the land through the O

Oneida Mill Ditch and 13/14 of the Oneida Mill Ditch. Also together with fifty six and one-half ($56\frac{1}{2}$) inches of water from Big Malad River, conveyed to the land through the Jones Ditch and 8/17 of said Jones Ditch. Also together with all the waters of Little Springs and Six (6) wells located on said land. Also all ditch and water rights of every nature however evidenced.

Also the tenements, hereditments and appurtenances thereto belonging or in anywise appertaining in the manner prescribed by law and to apply the proceeds of such sale to the satisfaction of the Judgement with interest thereon and costs, together with Sheriff's fees, and to execute the usual certificate and deed to the purchaser or purchasers, and

WHEREAS, in compliance with said writ, that on the 5th day of December, 1925 between the hours of 9 o'clock in the morning and 5 o'clock in the afternoon, to-wit: at the hour of 10:20 o'clock in the Fore-noon of that day in front of the front door of the County Court House in Oneida County, State of Idaho, and after due and legal notice having been given in said behalf as by the Statutes of Idaho made and provided, Morgan W. Tovey Sheriff duly sold at public auction all and singular the premises above described and in said writ mentioned and described, and by said Decree directed to be sold to Union Central Life Insurance Company, a corporation who was the highest bidder therefor in the sum of \$ 18,137.12 and whereupon the said purchaser paid said Sheriff the said sum of \$18,378.12 so bidden by them and thereupon Morgan W. Tovey as such Sheriff made and issued such Certificate of Sale as by law directed in duplicate and delivered one to the said purchaser and filed the other in the office of the Recorder for said Oneida County, for record and

WHEREAS, The period of one year has expired since the date of said sale and no Redemption of or for the said premises has been made.

The Certificate of Sale mentioned herein was duly assigned to Jedd Jones the 26th, day of February A.D. 1926

NOW THEREFORE, THIS INDENTURE WITNESSETH, That the said party of the first part, the said Morgan W. Tovey Sheriff as aforesaid, in order to carry into effect the sale so made by Morgan W. Tovey Sheriff, aforesaid in pursuance to said writ and in conformity to the Statutes in such case made and provided, and also in consideration of the premises, and the said sum of \$ 18,378.12 so bidden and paid by the said purchaser to Morgan W. Tovey Sheriff as aforesaid, the receipt whereof is hereby acknowledged, hath Granted, Bargained, Sold and Conveyed and by these presents doth Grant, Bargain, Sell and Convey unto the said party of the second part and to his heirs and assigns forever, all and singular the above described lands and premises.

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

+ Also commencing at the Northwest corner of Section Seven (7) Township Fifteen (15) South, Range Thirty-six (36) East of the Boise Meridian and running thence East South-eight (38) rods and Five (5) feet; thence South One Hundred Forty-five (145) rods; thence West Eighty-eight (88) rods and Five (5) feet; thence North One Hundred Forty-five (145) rods to the place of beginning and containing Eighty (80) acres.

A net acreage is contained herein of Six Hundred Eighteen (618) acres. Together with Three Hundred (300) inches of water from the Big Malad River conveyed to the land through the O

Also the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining in the manner prescribed by law and to apply the proceeds of such sale to the satisfaction of the Judgement with interest thereon and costs, together with Sheriff's fees, and to execute the usual certificate and deed to the purchaser or purchasers, and

WHEREAS, The period of one year has expired since the date of said sale and no Redemption of or for the said premises has been made.

NOW THEREFORE, THIS INDENTURE WITNESSETH, That the said party of the first part, the said Morgan W. Tovey Sheriff as aforesaid, in order to carry into effect the sale so made by Morgan W. Tovey Sheriff, aforesaid in pursuance to said writ and in conformity to the Statutes in such case made and provided, and also in consideration of the premises, and the said sum of \$ 18,378.12 so bidden and paid by the said purchaser to Morgan W. Tovey Sheriff as aforesaid, the receipt whereof is hereby acknowledged, hath Granted, Bargained, Sold and Conveyed and by these presents doth Grant, Bargain, Sell and Convey unto the said party of the second part and to his heirs and assigns forever, all and singular the above described lands and premises.

TO HAVE AND TO HOLD all and singular the above mentioned and described premises hereby conveyed, or intended so to be, with the appurtenances unto the said party of ~~the~~ **second** part his heirs and assigns forever.

Morgan H. Tovey
Sheriff of Oneida County, State of Idaho.

On this 7th day of December, 1936, before me J. Peter Jensen, Clerk of the District Court personally appeared Morgan J. Lovey Sheriff of the County of Oneida, State of Idaho, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he as such Sheriff executed the same.

State of Idaho, }
County of Oneida (Sealed)

J. Peter Jensen
Clerk of the District Court.

1, Peter M. Sweeney, Jr., Clerk of the District Court, East Field Auditor and
Recorder and said of record by 6 pages, hereby certify that the
above and foregoing is a true and correct copy of the original as the
same appeared before me. Peter M. Sweeney, Jr. District Clerk
I have hereunto set my hand and drawing official seal at Miami, Ohio,

Clark this 18th day of December at 3-20 P.M. 1936

By L.L. Peck Deputy

this 31st day of May, 1917
By Melba Jones Deputy Clerk, District Court, Ex Officio
Auditor and Recorder

15-2070

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR
THE COUNTY OF ONEIDA.

The Union Central Life Insurance Company, :
a corporation, :
Plaintiff, :

vs. :

DECREE OF FORECLOSURE

Jennette Jones as administratrix of the :
Estate of Daniel E. Jones, Deceased, :
Jennie Jones, Eleanor Nieffenegger, :
Lizzie Thomas, Jedd Jones, :
Defendants. :

This cause came on regularly to be heard this day upon the complaint of plaintiff, taken as confessed by all defendants, all of whom were duly served with summons upon said complaint, all failed to plead to the complaint within the time allowed by law, or at all, and the default of each defendant has been heretofore duly entered in this court and cause:

P. J. Evans and C. W. Collins appeared as counsel for plaintiff and no one appeared on behalf of either defendant, neither did either defendant appear in person, or otherwise; whereupon the court heard the evidence offered, duly considered the same, and being now fully advised in the premises, finds for the plaintiff:

I.

That on or about April 24, 1925 plaintiff duly filed notice of the pendency of this action, containing the names of the parties hereto, the object of the action and a description of the property affected thereby, in the office of the recorder of Oneida County, Idaho, where said property is situated, and caused the same to be recorded at a cost of 60¢.

II.

That at Gwenford, Idaho, on or about January 31, 1921, for value, Daniel E. Jones, since deceased, and Jennie Jones, his wife, the defendant herein, executed and delivered to plaintiff their certain promissory note for Twelve Thousand (\$12,000.00) Dollars, due December 31, 1931, with interest at nine per cent per annum, interest evidenced by interest coupon notes, payable annually December first of each year after date, and on the same day to secure payment thereof executed and delivered to plaintiff their mortgage of even date therewith, which mortgage was duly acknowledged, certified and recorded February 21, 1921, in Book "10" of Mortgages page 20 of the records of Oneida County, Idaho, which note and mortgage are more fully described in the complaint herein, and which mortgage is the first lien on the property therein described and hereinafter described.

III.

That defendants made default in payment of the interest which fell due December 1, 1923 and December 1, 1924, default in payment of water assessments, and default in payment of general taxes levied against said mortgaged property, and in order to protect its security, plaintiff paid said water assessments and general taxes. That said principal note has a clause providing that in case of default in payment of any instalment of interest, plaintiff might, at its option, without notice, declare the full amount thereof at once due and payable, and said mortgage provides that in case of breach of any covenant therein, plaintiff may at its option, declare the entire sum secured thereby, all immediately due and payable, and plaintiff elected to declare the whole thereof due and payable before filing this action. Said mortgage also provides that in case of foreclosure, defendants shall pay all costs and expenses and a reasonable attorney's fee.

IV.

That there is now due and owing from defendants unto plaintiff on said note and mortgage the following, viz:

Principal note, - - - - -	\$12,000.00
Interest thereon @ 9% Dec. 1, 1922 to Sep. 28, 1925, - - - - -	3,054.00
Interest @ 10% on \$1,080.00 coupon Dec. 1, 1923 to Sep. 28/25, - - - - -	147.10
Interest @ 10% on \$1,080.00 coupon Dec. 1, 1924 to Sep. 28/25, - - - - -	89.10
Insurance premium advanced February 21, 1925, - - - - -	80.50
Interest thereon @ 10% to Sep. 28, 1925, - - - - -	4.84
General taxes advanced March 25, 1924, - - - - -	240.95
Interest thereon @ 10% per annum to Sept. 28, 1925, - - - - -	36.32

General taxes advanced Sept. 15, 1924, - - - - -	\$ 427.96
Interest thereon @ 10% per annum to Sept. 28, 1925, - - - - -	44.36
General taxes advanced April 14, 1925, - - - - -	456.43
Interest thereon at 10% per annum to Sept. 28, 1925, - - - - -	20.44
Cost of extending abstract, - - - - -	9.00
Cost of recording lis pendens, - - - - -	.60
Total due plaintiff on said mortgage is, - - - - -	\$16,661.60
A reasonable sum to allow as attorneys' fees is, - - - - -	1,400.00
Making a grand total of all secured by said mortgage, - - - - -	\$18,061.60.

Credit by error in computations
Now therefore, on motion of P. J. Evans and C. W. Collins, attorneys for plaintiff:

V.

IT IS ORDERED, ADJUDGED AND DECREED, that all and singular the mortgaged premises mentioned and described in the complaint and hereinafter in this decree, or so much thereof as may be necessary to raise the amount due plaintiff, attorney's fees, costs and expenses of sale, which may be sold separately, if any, without material injury to the parties interested, be sold at public auction by the sheriff of Oneida County, Idaho, at the front door of the county court house in Malad City, county seat of said county, in the manner provided by law and according to the course and practice of this Court.

VI.

That said sheriff, out of the proceeds of sale, retain his fees, commissions and disbursements, and pay plaintiff, or its attorneys, the costs of this suit taxed at Eighteen and 30/100 (\$18.30) Dollars, attorney's fees and the above amount found due plaintiff, to-wit:

Amount adjudged due plaintiff is \$16,661.60,

Principal note, - - - - -	\$12,000.00
Interest thereon @ 9% Dec. 1, 1922 to Sep. 28, 1925, - - - - -	3,054.00
Interest @ 10% on \$1,080.00 coupon Dec. 1, 1923 to Sep. 28/25, - - - - -	147.10
Interest @ 10% on \$1,080.00 coupon Dec. 1, 1924 to Sep. 28/25, - - - - -	89.10
Insurance premium advanced February 21, 1925, - - - - -	80.50
Interest thereon @ 10% to Sep. 28, 1925, - - - - -	4.84
General taxes advanced March 25, 1924, - - - - -	240.95
Interest thereon @ 10% per annum to Sept. 28, 1925, - - - - -	36.32

General taxes advanced Sept. 15, 1924, - - - - -	\$ 427.96
Interest thereon @ 10% per annum to Sept. 28, 1925, - - - - -	44.36
General taxes advanced April 14, 1925, - - - - -	456.43
Interest thereon at 10% per annum to Sept. 28, 1925, - - - - -	20.44
Cost of extending abstract, - - - - -	9.00
Cost of recording lis pendens, - - - - -	.60
Total due plaintiff on said mortgage is, - - - - -	\$16,661.60
A reasonable sum to allow as attorneys' fees is, - - - - -	1,400.00
Making a grand total of all secured by said mortgage, - - - - -	\$18,061.60.

Credit by error in computation
Now therefore, on motion of P. J. Evans and C. W. Collins, attorneys for plaintiff:

V.

IT IS ORDERED, ADJUDGED AND DECREED, that all and singular the mortgaged premises mentioned and described in the complaint and hereinafter in this decree, or so much thereof as may be necessary to raise the amount due plaintiff, attorney's fees, costs and expenses of sale, which may be sold separately, if any, without material injury to the parties interested, be sold at public auction by the sheriff of Oneida County, Idaho, at the front door of the county court house in Malad City, county seat of said county, in the manner provided by law and according to the course and practice of this Court.

VI.

That said sheriff, out of the proceeds of sale, retain his fees, commissions and disbursements, and pay plaintiff, or its attorneys, the costs of this suit taxed at Eighteen and 30/100 (\$18.30) Dollars, attorney's fees and the above amount found due plaintiff, to-wit:

Amount adjudged due plaintiff is \$16,661.60,

Amount allowed as attorneys' fees \$1,400.00,

with legal interest from date hereof. Should there be a deficiency it is ordered that the sheriff specify in his return the amount of such deficiency, and that on the coming in of such return, the Clerk of this Court docket a judgment of this Court for such deficiency in favor of plaintiff and against defendants, Jennie Jones, and that plaintiff have execution therefor.

VII.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that defendants and all persons claiming under them, and all persons having liens subsequent to said mortgage sued upon by plaintiff, by judgment, decree or otherwise, upon the land described in said mortgage and hereinafter described, their heirs and personal representatives, and all persons claiming under them, and all persons claiming to have acquired any estate or interest in said premises subsequent to the filing of said notice of the pendency of this action with the recorder as aforesaid, be forever barred and foreclosed of and from all equity of redemption and claim in or to said mortgaged premises and every part thereof, from and after the delivery of the sheriff's deed.

VIII.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that any party to this action has the right to buy said premises at said sheriff's sale; that the purchaser, or purchasers, of said premises at said sale be let into possession thereof, and that any of the parties to this action who may be in possession of said premises, or any part thereof, and any person who since the commencement of this action has come into possession thereof under them, or either of them, deliver possession to such purchaser, or purchasers, on production of the sheriff's deed for such premises; and in the event of the refusal of any such party in possession to surrender possession to the purchaser, or purchasers, on production of the sheriff's deed therefor, that then the aforesaid sheriff place the purchaser, or purchasers, in possession thereof.

IX.

The property ordered to be sold under this decree is situated in Oneida County, Idaho, and described as follows, to-wit:

The EAST half (E $\frac{1}{2}$) of the Northeast quarter (NE $\frac{1}{4}$) of Section Thirteen (13) and the EAST half (E $\frac{1}{2}$) of the Southeast quarter (SE $\frac{1}{4}$) and the Northwest quarter (NW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) and the South half (S $\frac{1}{2}$) of the Northeast quarter (NE $\frac{1}{4}$) of Section Twelve (12), Township Fifteen (15) South, Range Thirty-five (35) East of the Boise Meridian and containing Two Hundred Eighty (280) acres.

Also all that part of the South half (S $\frac{1}{2}$) of the Northwest quarter (NW $\frac{1}{4}$) and the Northeast quarter (NE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of said Section Twelve (12) lying North and East of the Big Malad River as the same now flows, containing Sixty (60) acres. Also the West half (W $\frac{1}{2}$) of the West half (W $\frac{1}{2}$) of the Southwest quarter (SW $\frac{1}{4}$) of Section One (1), said Township and Range, containing Forty (40) acres. Also the North half (N $\frac{1}{2}$) of the Northwest quarter (NW $\frac{1}{4}$) and the North half (N $\frac{1}{2}$) of the Northeast quarter (NE $\frac{1}{4}$) of said Section Twelve (12), said Township and Range, and containing One Hundred Sixty (160) acres. Also commencing at the Northwest corner of Section Seven (7), Township Fifteen (15) South, Range Thirty-six (36) East of the Boise Meridian, and running thence East Eighty-eight (88) rods and Five (5) feet, thence South One Hundred Forty-five (145) rods, thence West Eighty-eight (88) rods and Five (5) feet, thence North One Hundred Forty-five (145) rods to the place of beginning, containing Eighty (80) acres. A total acreage is contained herein of Six Hundred Twenty (620) acres, more or less.

Excepting therefrom two (2) acres in compact form located in the Northwest corner of the Southwest quarter (SW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of said Section Twelve (12), Township Fifteen (15) South, Range Thirty-five (35) East of the Boise Meridian, heretofore conveyed to Gwenford Mill & Elevator Company by deed of record in Book "13" of Deeds at page 256 of the records of Oneida County, State of Idaho. A net acreage is contained herein of Six Hundred Eighteen (618) acres.

Together with Three Hundred (300) inches of water from Big Malad River conveyed to the land through the Oneida Mill Ditch and 13/14 of said Oneida Mill Ditch. Also, together with Fifty-six and 1/2 (56 $\frac{1}{2}$) inches of water from Big Malad River, conveyed to the land through the Jones Ditch and 8/17 of said Jones Ditch. Also, together with all the waters of Little Springs and Six (6) wells located on said land.

with all ditch and water rights of every nature, however evidenced.

Done in open Court, September 28th, 1925.

General taxes advanced April 14, 1925, - - - - - 20.44
Interest thereon at 10% per annum to Sept. 28, 1925, - - - - - 9.00
Cost of extending abstract, - - - - - .60
Cost of recording lis pendens, - - - - - .60
Total due plaintiff on said mortgage is, - - - - - \$16,661.60
A reasonable sum to allow as attorneys' fees is, - - - - - 1,400.00
Making a grand total of all secured by said mortgage, - - - - - \$18,061.60.

Credit by error in computation
Now therefore, on motion of P. J. Evans and C. W. Collins, attorneys for plaintiff:

V.

IT IS ORDERED, ADJUDGED AND DECREED, that all and singular the mortgaged premises mentioned and described in the complaint and hereinafter in this decree, or so much thereof as may be necessary to raise the amount due plaintiff, attorney's fees, costs and expenses of sale, which may be sold separately, if any, without material injury to the parties interested, be sold at public auction by the sheriff of Oneida County, Idaho, at the front door of the county court house in Malad City, county seat of said county, in the manner provided by law and according to the course and practice of this Court.

VI.

That said sheriff, out of the proceeds of sale, retain his fees, commissions and disbursements, and pay plaintiff, or its attorneys, the costs of this suit taxed at Eighteen and 30/100 (\$18.30) Dollars, attorney's fees and the above amount found due plaintiff, to-wit:

Amount adjudged due plaintiff is \$16,661.60,

Amount allowed as attorneys' fees \$1,400.00,

with legal interest from date hereof. Should there be a deficiency it is ordered that the sheriff specify in his return the amount of such deficiency, and that on the coming in of such return, the Clerk of this Court docket a judgment of this Court for such deficiency in favor of plaintiff and against defendants, Jennie Jones, and that plaintiff have execution therefor.

VII.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that defendants and all persons claiming under them, and all persons having liens subsequent to said mortgage sued upon by plaintiff, by judgment, decree or otherwise, upon the land described in said mortgage and hereinafter described, their heirs and personal representatives, and all persons claiming under them, and all persons claiming to have acquired any estate or interest in said premises subsequent to the filing of said notice of the pendency of this action with the recorder as aforesaid, be forever barred and foreclosed of and from all equity of redemption and claim in or to said mortgaged premises and every part thereof, from and after the delivery of the sheriff's deed.

VIII.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that any party to this action has the right to buy said premises at said sheriff's sale; that the purchaser, or purchasers, of said premises at said sale be let into possession thereof, and that any of the parties to this action who may be in possession of said premises, or any part thereof, and any person who since the commencement of this action has come into possession thereof under them, or either of them, deliver possession to such purchaser, or purchasers, on production of the sheriff's deed for such premises; and in the event of the refusal of any such party in possession to surrender possession to the purchaser, or purchasers, on production of the sheriff's deed therefor, that then the aforesaid sheriff place the purchaser, or purchasers, in possession thereof.

IX.

The property ordered to be sold under this decree is situated in Oneida County, Idaho, and described as follows, to-wit:

The EAST half (E $\frac{1}{2}$) of the Northeast quarter (NE $\frac{1}{4}$) of Section Thirteen (13) and the EAST half (E $\frac{1}{2}$) of the Southeast quarter (SE $\frac{1}{4}$) and the Northwest quarter (NW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) and the South half (S $\frac{1}{2}$) of the Northeast quarter (NE $\frac{1}{4}$) of Section Twelve (12), Township Fifteen (15) South, Range Thirty-five (35) East of the Boise Meridian and containing Two Hundred Eighty (280) acres.

Also all that part of the South half (S $\frac{1}{2}$) of the Northwest quarter (NW $\frac{1}{4}$) and the Northeast quarter (NE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of said Section Twelve (12) lying North and East of the Big Malad River as the same now flows, containing Sixty (60) acres. Also the West half (W $\frac{1}{2}$) of the West half (W $\frac{1}{2}$) of the Southwest quarter (SW $\frac{1}{4}$) of Section One (1), said Township and Range, containing Forty (40) acres. Also the North half (N $\frac{1}{2}$) of the Northwest quarter (NW $\frac{1}{4}$) and the North half (N $\frac{1}{2}$) of the Northeast quarter (NE $\frac{1}{4}$) of said Section Twelve (12), said Township and Range, and containing One Hundred Sixty (160) acres. Also commencing at the Northwest corner of Section Seven (7), Township Fifteen (15) South, Range Thirty-six (36) East of the Boise Meridian, and running thence East Eighty-eight (88) rods and Five (5) feet, thence South One Hundred Forty-five (145) rods, thence West Eighty-eight (88) rods and Five (5) feet, thence North One Hundred Forty-five (145) rods to the place of beginning, containing Eighty (80) acres. A total acreage is contained herein of Six Hundred Twenty (620) acres, more or less.

Excepting therefrom two (2) acres in compact form located in the Northwest corner of the Southwest quarter (SW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of said Section Twelve (12), Township Fifteen (15) South, Range Thirty-five (35) East of the Boise Meridian, heretofore conveyed to Gwenford Mill & Elevator Company by deed of record in Book "13" of Deeds at page 256 of the records of Oneida County, State of Idaho. A net acreage is contained herein of Six Hundred Eighteen (618) acres.

Together with Three Hundred (300) inches of water from Big Malad River conveyed to the land through the Oneida Mill Ditch and 13/14 of said Oneida Mill Ditch. Also, together with Fifty-six and 1/2 (56 $\frac{1}{2}$) inches of water from Big Malad River, conveyed to the land through the Jones Ditch and 8/17 of said Jones Ditch. Also, together with all the waters of Little Springs and Six (6) wells located on said land.

with all ditch and water rights of every nature, however evidenced.

Done in open Court, September 28th, 1925.

State of Idaho, } ss.
County of Oneida }

O. R. BAUM,
Judge.

I, Colin H. Sweeten, Jr., Clerk of the District Court, Ex-Officio Auditor and Recorder for the said County and State, hereby certify that the above and foregoing is a full, true and correct copy of the original as the same appears of record or on file in my office. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Malad, Idaho,
Clerk.

Filed September 28th, 1925.

J. Peter Jensen

this 3rd day of May, 1925
By *Colin H. Sweeten, Jr.*
Deputy Clerk, District Court, Ex-Officio Auditor and Recorder

COMPARED

18-2072

HARDING & WILLIAMS

J. DENNIS (J. D.) WILLIAMS
ATTORNEY AT LAW

24 NORTH STATE
P. O. BOX 87
PRESTON, IDAHO 83203
OFFICE (208) 852-2680
HOME (208) 852-1828

15-202
137 EAST 50 SOUTH
MALAD CITY, IDAHO 8.252
OFFICE (208) 766-2201

June 19, 1974

C Re: Permit No. 15-2010

O J. Dennis Williams
Harding & Williams
P. O. Box 87
Preston, Idaho 83263

Dear Mr. Williams:

P Enclosed herewith is a copy of the water license issued on the above referenced permit. Also enclosed is Receipt #14827 for \$32.00 covering the licensing fee.

Although this license is not in Mr. William's name, he controls that portion(s) of the license that covers his land as the water right becomes appurtenant to the land. Please note the limits of the water right as shown on the license.

Sincerely,

Y BOBBY D. FLEENOR
Assistant Director

BDF:jfr

Enclosures

15-20A0

State of Idaho
Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 13217/15-2010 Priority Sept. 10, 1917 Amount 4.0 cfs

THIS IS TO CERTIFY, that DAN E. JONES
of Malad City, Idaho, has complied with the terms and conditions of Permit
No. 13217/15-2010 issued pursuant to Application for Permit dated September 10, 1917,
and has submitted proof to the Department of Water Administration on April 12, 1919,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 4.0 cfs of water from Big Malad River,
tributary to _____, and that the permit holder has applied to a beneficial use &
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>Nov. 1</u>	at <u>4.0</u> cfs and	<u>1,695 acre feet or</u>
			<u>3.5 af per acre</u>
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 4.0 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1,695 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2, Twp. 15 S &
NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, Twp. 14 S, both in Rge. 35 E, BM in the County of Oneida

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
15 S	35 E	1										40	40						80
		11	40		40	40													120
		12		40			40	40	40	40	40	40			40	40	40	40	440

Total number of acres irrigated 640

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 18 day of
June, 19 74.

Director

15-2010

