

✓ Martha S. Reese

Instrument No. 318467

to

✓ South Boise Water Co
Dated: 10th May, 1951

D E E D

THIS INDENTURE, Made and executed this 10th day of May, 1951, between MARTHA S. REESE, a widow, of Boise, Ada County, Idaho, the party of the first part, and

SOUTH BOISE WATER COMPANY, a Corporation,

with its principal place of business in Boise, Ada County, Idaho, the party of the second part. WITNESSETH:

That said party of the first part, for and in consideration of the sum of \$10.00 cash, lawful money of the United States of America, and other good and valuable consideration, to her in hand paid by the party of the second part, the receipt whereof hereby is acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey, unto the said party of the second part and to its successors and assigns, forever, all that certain canal situated, lying and being in Ada County, Idaho, and for the purpose of this conveyance, particularly described as follows: The Ridenbaugh-Rossi Mill Ditch, which ditch diverts water from the

south side of the Boise River at a point on the south bank of said river in the Southeast quarter of the Northwest quarter of Section 24, Township 3 North of Range 2 East of the Boise Meridian in said Ada County, Idaho, and runs thence in a Northwesterly direction through Sections 24, 23, 14, 15, 10 and into Section 9 in said Township and Range, including a wing dam located in said Boise River approximately 3/4 mile up-stream from said diversion point, a diversion dam adjacent to said diversion point, the head works of said canal and all laterals and headgates, and all rights of way and easements incident to and used in connection with said canal, ditch, dams and diversion works,

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

TO HAVE AND TO HOLD, all and singular, the said premises together with the appurtenances, unto the said party of the second part and to its successors and assigns forever, subject, however, to the following: The party of the first part reserves

- (1) the right to sufficient water from said ditch for domestic purposes and to irrigate her land hereinafter described, and the said party of the second part agrees to deliver the same during each irrigation season.

It is understood and agreed that sufficient water for the purposes aforesaid and this agreement is an inch to the acre continuous flow delivered at the headgate now existing and located near the Southeast corner of said property, or such other headgate as hereafter may be installed, at first party's expense, on or near said property and designated by first party as the point of delivery. All said water shall be so delivered free of

cost and expense to the party of the first part. (2) The right, at her own expense, to straighten said ditch where it crosses her said land, and to install therein concrete tile and/or galvanized corrugated culvert pipe and to cover the same; provided that the capability of said ditch to carry water is not reduced or obstructed thereby.

Said reservations shall bind and inure to the benefits of the heirs, executors, administrators, successors and assigns of the parties hereto, and shall be for a term of thirty years from and after the date hereof and construed as covenants running with the land.

The said land of the party of the first part, for which said water is reserved, is situated in Section 15, Township 3 North, Range 2 East of the Boise Meridian, and particularly described as follows, to-wit: The McDonald Tract, according to the official plat thereof on file in the office of the County Recorder of said Ada County, consisting of 44.5 acres, more or less, excepting therefrom a right of way consisting of 4.6 acres, more or less, and particularly described in that certain right of way deed dated and recorded on May 11, 1950, in the office of the County Recorder of said Ada County. in Book 334 of Deeds at page 428 thereof.

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

Martha S. Reese (----)
MARTHA S. REESE

STATE OF IDAHO)
) ss.
County of ADA)

On this 24th day of May, 1951, before me the undersigned, a Notary Public in and for said State, personally appeared MARTHA S. REESE, known to me to be a widow and the person 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.

(SEAL) J. F. Cromwell
Notary Public for Idaho
Residing at Boise, Idaho

Recorded at the request of Earl Akard at 07 minutes past 11 o'clock A. M., this 2nd day of June, 1951.
Fees: \$ 2.00

Earl Akard
Recorder