

11104

EASEMENTS & RIGHTS OF WAYS TO US 3-SW-0

From: Frank A. & Warren C. Kimball

To : Kimball Brothers Water Company

Date: June 2, 1869

All rights, as described in document,
to water flowing in Sweetwater River, etc
Rec. 10-14-69, Ek. 7/Pg. 124 Co. Recd., S.D.

THIS INDENTURE, made the ninth (9) day of June, A.D., 1869 between Frank A. Kimball and Warren C. Kimball all of the County of San Diego and State of California, parties of the first part and the Kimball Brothers Water Company, a corporation duly formed and existing under and by virtue of the laws of the State of California and having its principal place of business at National City in said County, party of the second part. WITNESSETH, that the said parties of the first part, for and in consideration of the sum of one dollar lawful money of the United States, to each of them in hand paid and before the ensealing and delivery of these presents the receipt whereof is hereby acknowledged have granted, bargained, sold, released and confirmed and by these presents do bargain, grant, sell, release and confirm unto the said party of the second part, its successors and assigns, all the water flowing in the stream called Sweetwater River, and all other streams owned by the parties of the first part in said County of San Diego - with the right to divert the same from its natural channel, at any point or points and to conduct the same over, along and across any of the lands of the parties of the first part in said County by means of flumes, canals or aqueducts, together with free ingress, egress and recess to and for the said party of the second part, its successors and assigns, and its and their servants and workmen with horses, carts and carriages, at all convenient times and seasons, in, along and upon said flumes, canals & aqueducts for the amending, cleaning and repairing the same, with liberty and privileges for that purpose to dig and take stones and earth from the adjacent land of the parties of the first part, when and as often as need be, or occasion requires. To have and to hold all and singular the premises and privileges hereby mentioned or granted or intended so to be, with the appurtenances, unto the said party of the second part its successors

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and assigns. In Witness whereof the said parties of the first part have hereunto set their hands and affixed their Seals, the day and year first above written.

In presence of (Signed) Frank A. Kimball (seal)
(Signed) A. L. Grant (Signed) Warren C. Kimball (seal)
State of California

County of San Diego - On this ninth day of June A.D. 1869 before me the undersigned Justice of the Peace in & for said County, personally appeared Frank A. Kimball and Warren C. Kimball personally known to be the persons described in and who executed the foregoing Instrument, and acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes therein mentioned. Witness my hand the day and year in this certificate first above written.

(Signed) A. L. Grant,

Justice of the Peace Township
San Diego

Received for Record October the 9th A.D. 1869 at 11h30m A.M. and recorded October the 14th 1869 at 11h30m A.M. at the request of ? Jeff Gatewood.

(Signed) G. A. Pendleton, County
Recorder, by Ed Houck (?),
Deputy

3-21 9 Dead OR 888 12477 79

Post^o festo ante
the first day of June
Cancelled

4968 121 8/28/53

This Indenture, made the ninth (9) day of June A.D. 1850 between Frank S. Kimball and Warren C. Kimball, all of the County of San Diego and State of California, parties of the first part, and the Kimball Brothers Water Company, a corporation duly formed and existing under and by virtue of the laws of the State of California, and having its principal place of business at National City, in said County, party of the second part. Witnesseth, that the said parties of the first part, for and in consideration of the sum of ten million, (\$10,000,000) money of the United States, to each of them in hand paid and before the making and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, bargained, sold, aliened and confirmed over by these presents do bargain, grant, sell, alien and confirm unto the said party of the second part, its successors and assigns, with the right flowing in the stream called Sweet Water River, over all our stream and by the parties of the first part in said County of San Diego, with the right to divert the same from its natural course, at any point or points and to so use the same over, along and across any of the lands of the parties of the first part in said County, by means of ditches, canals, aqueducts, levees, with, fences, gates and weirs to and for the carrying of the same water, its successors and assigns, and their agents and workmen, mill-wheels, water wheels and engines, at all convenient times and seasons, in, along and upon said stream, and over aqueducts for the extending, placing and repairing the same, with liberty and privilege for said parties to dig and take stone and earth from the adjacent land of the parties of the first part, when and as often as need be, or occasion requires, to have and to hold, all and singular the premises and privileges, hereby mentioned, organized or intended so to be, unto the aforesaid party, unto the said party of the second part its successors and assigns. In witness whereof the said parties of the first part have hereunto set their hands and affixed their seals, the day and year first above written.

In presence of } Frank O. Kimball Secy
 A. P. Grant. } Harry O. Kimball Cashy
 State of California }

County of San Diego 3 On this ninth day of June A.D. 1869,
before me the undersigned Justice of the Peace in & for said
County, personally appeared Frank S. Kimball and Victor
C. Kimball, personally known to be the persons described in
and who executed the foregoing instrument, and acknowledged
to me that they executed the same freely and voluntarily and for
the uses and purposes therein mentioned. Myself may find the
day and year in this certificate just above written.

Chas Grant
Superior, N. D. Dec 11 1890

Received for Maria Colburn the 9th Nov. 1869, at 11h 30m P.M. and recorded October
the 14th 1869 at 11h 30m P.M. at the request of W. Jeff. Colburn.

A. O. Pondleton

County Recorder

by Ed. H. H. H. Deputy.