

of the second parties to maintain and operate a certain irrigation ditch on, over and across the same, said ditch being known as the Highline Irrigation Ditch, and being the property of Second Parties; and

WHEREAS, Second Parties hereto, in said Civil action No. 729 sought to obtain title by condemnation proceedings to a right-of-way over and across the lands of the First parties, described as follows, to-wit:

"A tract of land 100 feet in width and approximately one-half mile in length on the West side of plaintiffs' Highline Irrigation Ditch, and adjacent and contiguous thereto, in the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 29, Township 35 North, Range 109 West of the 6th P.M., beginning at a point on the South line of said Section 29, said point being located East a distance of 300 feet from the SW $\frac{1}{4}$  of said Section 29, thence N 12°15' E a distance of 510 feet, thence North a distance of 202 feet, thence N 8°10' W a distance of 1910 feet."

"A tract of land 100 feet in width and approximately 6936 feet in length on the Southeast, East and North side of plaintiffs' Highline Irrigation Ditch, and adjacent and contiguous thereto, partly in the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 29, partly in the NW $\frac{1}{4}$  of Section 29, partly in the N $\frac{1}{2}$  of the NE $\frac{1}{4}$  of Section 30, Township 35 North, Range 109 West of the 6th P.M., which lands and real property, so far as known to plaintiffs, is owned by defendants, Burleigh Binning and Margaret E. Binning, husband and wife, and partly in the S $\frac{1}{2}$  of the S $\frac{1}{2}$  and the SW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 19, Township 35 North, Range 109 West of the 6th P.M., which lands and real property, so far as known to plaintiffs, is owned by the defendant, Margaret Binning Gras, beginning at a point approximately one-half mile North of the South line of said Section 29, said point being located East a distance of 300 feet from the East boundary line of Section 30; thence N 68°00' E a distance of 1305 feet; thence North 285 feet; thence N 63°40' W a distance of 996 feet; thence N 36°35' W a distance of 605 feet; thence N 61°25' W a distance of 195 feet, to a point on the West line of said Section 29, said point being 695 feet South of the Northwest corner of said Section; thence N 61°25' W a distance of 1560 feet, to a point on the North line of Section 30, from which point the Northeast corner of said section bears East a distance of 1395 feet; thence N 55°25' W a distance of 1785 feet; thence N 20°30' W a distance of 205 feet, to a point on the North line of the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 19, said point being located West a distance of 402 feet from the Northeast corner of the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 19, Township 35 North, Range 109 West of the 6th P.M."

"A tract of land 50 feet in width and approximately one-fourth mile in length on the West side of plaintiffs' Highline Irrigation Ditch, and adjacent and contiguous thereto, in the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 32, Township 35 North, Range 109 West of the 6th P.M."

"A tract of land 50 feet in width and approximately 1600 feet in length, more or less, on the West side of plaintiffs' Highline Irrigation Ditch, and adjacent and contiguous thereto, in the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  and the SW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 5, Township 34 North, Range 109 West of the 6th P.M."

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; and

WHEREAS neither of said actions have been prosecuted to a final determination, and both are now pending further proceedings; and

WHEREAS, in said Civil Case No. 729, appraisers were appointed to determine the damage that should be awarded to the owners for the taking of the strip of land belonging to first parties hereinabove described; and have duly made and filed their return fixing the amount that the Second Parties should pay to the First Parties for the taking of said lands above described to be the sum of Two Hundred and Fifteen Dollars (\$215.00); and

WHEREAS, the parties hereto desire to terminate said litigation and establish their respective rights by agreement, and have the above cases dismissed;

NOW, THEREFORE, it is hereby mutually agreed by and between the First and Second Parties that Second Parties be, and they are, hereby granted title to the surface of the strip of land described in their petition in Civil Case No. 729; that this agreement shall stand as a conveyance of said title; that Second Parties have paid the sum of Two Hundred and Fifteen Dollars (\$215.00) to the said First Parties named Defendants in said Civil Case No. 729, for the use and benefit of said parties and those lawfully entitled to the same, or any portion thereof; that said strip of land so granted shall remain open and unfenced; that upon the execution of this agreement by the parties hereto, same may be filed of record in the Office of the County Clerk and Ex-officio Register of Deeds of Sublette County, Wyoming, and that the above mentioned actions will be immediately dismissed with prejudice by the Plaintiffs in each action.

Dated this 26th day of December, A. D. 1947.

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THE ESTATE OF BURLEIGH BINNING, deceased.  
By Margaret Ellen Binning, Executrix

Margaret Ellen Binning  
Margaret Ellen Binning

Margaret Binning Gras  
Margaret Binning Gras

Perry Binning  
Perry Binning

William Bayer  
William Bayer

Charles J. Bayer  
Charles J. Bayer

State of Wyoming )  
                          ) ss.  
County of Sublette)

On this 26 day of December, A. D. 1947, before me the undersigned County Clerk in and for the State and County aforesaid, personally appeared Margaret Ellen Binning, Margaret Binning Gras and Perry Binning, who, being each personally known to me and by me each severally sworn on oath, stated that they executed the above and foregoing instrument as their free act and