

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 79698

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED
NOV 28 2014

Department of Water Resources
Eastern Region

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) Magee Family Trust

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☐ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☐ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

\$740.00

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).**
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☒ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Name of Applicant(s) Magee Family Trust Phone 208-588-2422

Mailing address PO Box 55 Mackay Idaho 83251 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Greg Sullivan Brockway Engineering, PLLC Phone 208-736-8543

Mailing address 2016 North Washington St. Suite 4 Twin Falls, Idaho 83301 Email greg.sullivan@brockwayeng.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge and I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.
Create a permissible place of use (PPU) for all irrigation water rights applicable to this property.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	34-2399	1.52/266	Irrigation	4/01 to 10/31	Ground Water
☒ ☐	34-13961	0.68/	Irrigation	5/01 to 10/15	Big Lost River
☒ ☐	34-13963	1.1/	Irrigation	5/01 to 10/15	Big Lost River
☒ ☐	34-13762	0.99/	Irrigation	4/01 to 10/31	Ground Water
☒ ☐	34-14343	0.12/	Irrigation	4/01 to 10/31	Ground Water
☒ ☐	34-2294	0.12/	Irrigation	to	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 3.31 cfs and/or 483 acre-feet.

2. Total amount of water proposed to be transferred or changed 3.31 cubic feet per second and/or 483 acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
			SW	SE	35	07N	24E	Custer County	Ground Water	
			SW	SW	35	07N	24E	Custer County	Ground Water	
			NW	NW	34	07N	24E	Custer County	Big Lost River	
			NW	NW	1	06N	24E	Custer County	Big Lost River	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7N	24E	35									2.7		12.5	40		2.9	41	41	140.1
6N	24E	1						8.6											8.6
6N	24E	2	19.7	31															50.7
Total Acres (for irrigation use)																			199.4*

*138.7 acres will be irrigated within 199.4 acre PPU

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Existing diversion structures, wells, mainlines and irrigation systems.

- b. Who owns the property at the point(s) of diversion? Fran Magee Family Trust

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: No

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

No change to land now irrigated.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

None

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 34-2399

Current Owner: MAGEE FAMILY TRUST
Priority Date: 2/23/1961
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	1.52 CFS	266 AF
	<u>Total Diversion</u>	1.52 CFS	266 AF

Location of Point(s) of Diversion

GROUND WATER SW1/4SW1/4SE1/4 Sec. 35, Twp 07N, Rge 24E B.M.
CUSTER County

Place of Use

IRRIGATION Within CUSTER County

T06N R24E S2	Lot 1	NENE	17.50	T06N R24E S2	Lot 2	NWNE	31.60
T07N R24E S35		SWSE	8.40	T07N R24E S35		SESE	19.30
Total Acres: 76.8							

Conditions of Approval:

1. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
2. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
3. X35 Rights 34-13961, 34-13963 and 34-2399 when combined shall not exceed a total diversion rate of 2.2 cfs and the irrigation of 76.7 acres.
4. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. X27 This right is limited to the irrigation of 76 acres within the place of use described above in a single irrigation season.
7. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

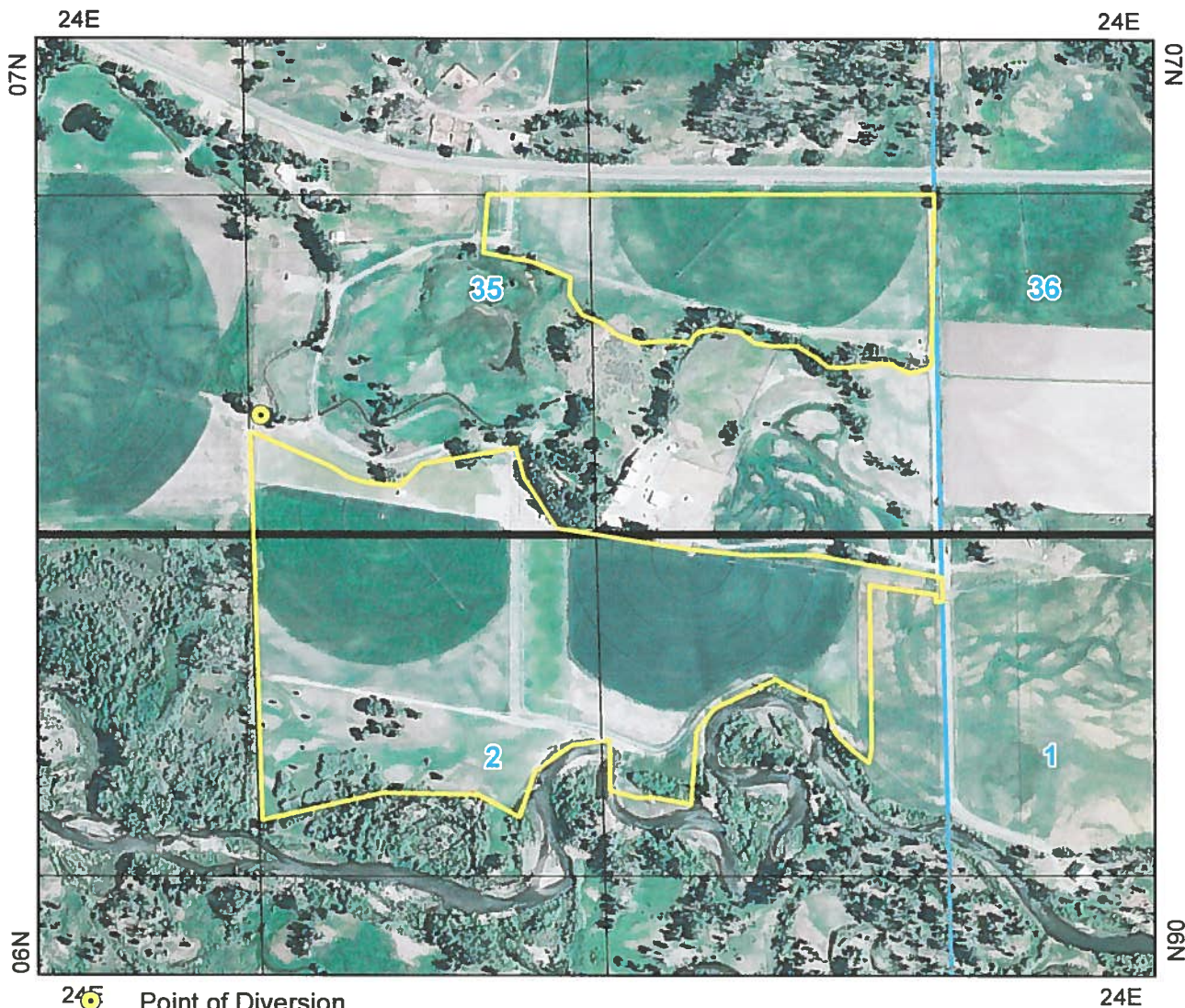
State of Idaho
Department of Water Resources

Water Right

34-2399

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Taxlots

0 0.075 0.15 0.3 Miles

7 9 6 9 8



**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 34-13961

Current Owner: MAGEE FAMILY TRUST
Priority Date: 4/1/1884
Origin: Water Right
Status: Active
Basis: Decreed

Source

BIG LOST RIVER

Tributary

SINKS

Beneficial Use

IRRIGATION

From To

05/01 to 10/15

Diversion Rate

0.68 CFS

Annual Volume

Total Diversion

0.68 CFS

Location of Point(s) of Diversion

BIG LOST RIVER

SE1/4NW1/4NW1/4

Sec. 34, Twp 07N, Rge 24E B.M.

CUSTER County

BIG LOST RIVER

L4(SW1/4NW1/4NW1/4)

Sec. 1, Twp 06N, Rge 24E B.M.

CUSTER County

Place of Use

IRRIGATION Within CUSTER County

T06N R24E S2	Lot 1	NENE	17.40	T06N R24E S2	Lot 2	NWNE	31.60
T07N R24E S35		SWSE	8.40	T07N R24E S35		SESE	19.30

Total Acres: 76.7

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. S34 The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
3. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
4. X35 Rights 34-13961, 34-13963 and 34-2399 when combined shall not exceed a total diversion rate of 2.2 cfs and the irrigation of 76.7 acres.
5. F01 Water is delivered through Burnett Ditch.
6. X27 This right is limited to the irrigation of 34.1 acres within the place of use described above in a single irrigation season.
7. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

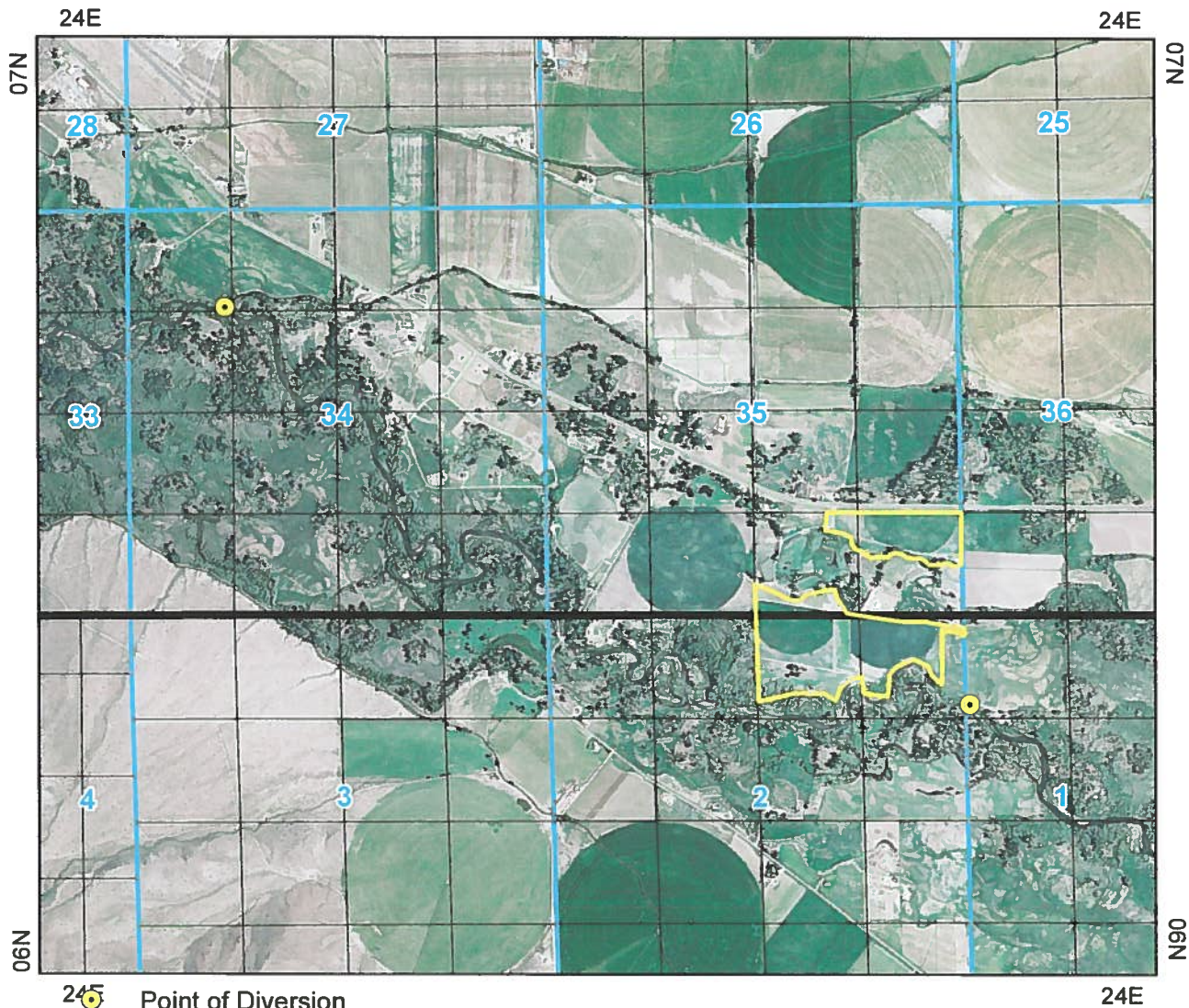
State of Idaho
Department of Water Resources

Water Right

34-13961

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Taxlots

0 0.275 0.55 1.1 Miles

79698



**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 34-13963

Current Owner: MAGEE FAMILY TRUST
Priority Date: 1/1/1895
Origin: Water Right
Status: Active
Basis: Decreed

Source

BIG LOST RIVER

Tributary

SINKS

Beneficial Use

IRRIGATION

From To

05/01 to 10/15

Total Diversion

Diversion Rate

1.1 CFS

1.1 CFS

Annual Volume

Location of Point(s) of Diversion

BIG LOST RIVER

CUSTER County

L4(SW1/4NW1/4NW1/4)

Sec. 1, Twp 06N, Rge 24E B.M.

BIG LOST RIVER

CUSTER County

SE1/4NW1/4NW1/4

Sec. 34, Twp 07N, Rge 24E B.M.

Place of Use

IRRIGATION Within CUSTER County

T06N R24E S2	Lot 1	NENE	17.40	T06N R24E S2	Lot 2	NWNE	31.60
T07N R24E S35		SWSE	8.40	T07N R24E S35		SESE	19.30
Total Acres: 76.7							

Conditions of Approval:

1. F01 Water is delivered through Burnett Ditch.
2. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
3. X35 Rights 34-13961, 34-13963 and 34-2399 when combined shall not exceed a total diversion rate of 2.2 cfs and the irrigation of 76.7 acres.
4. S34 The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
5. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
6. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

79698

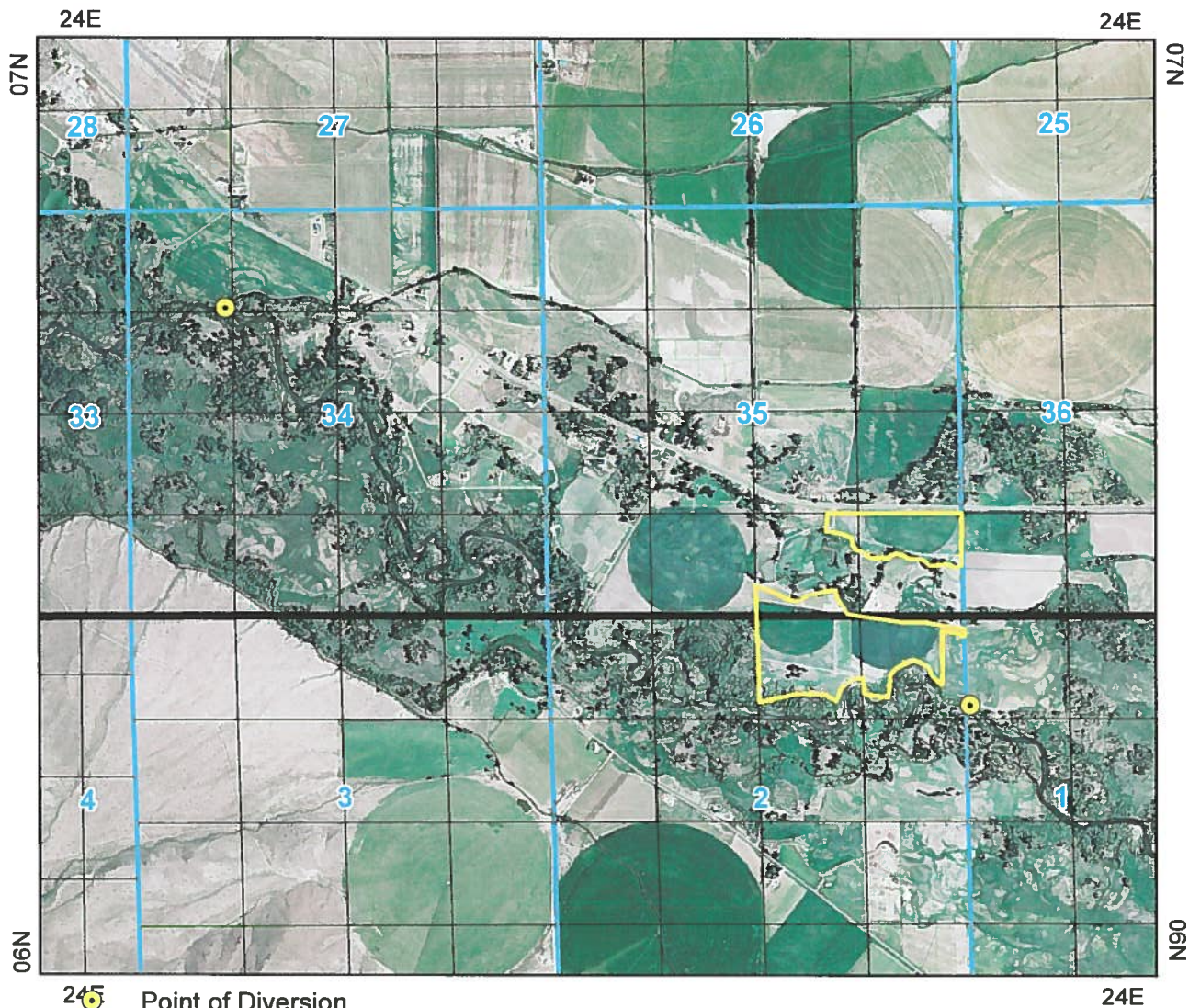
State of Idaho
Department of Water Resources

Water Right

34-13963

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Taxlots

0 0.275 0.55 1.1 Miles



**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 34-13762

Current Owner: MAGEE FAMILY TRUST

Priority Date: 11/28/1952

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.99 CFS	
	<u>Total Diversion</u>	0.99 CFS	

Location of Point(s) of Diversion

GROUND WATER NE1/4SW1/4SW1/4 Sec. 35, Twp 07N, Rge 24E B.M.
CUSTER County

Place of Use

IRRIGATION Within CUSTER County

T07N R24E S35	NESW	2.50	T07N R24E S35	SWSW	15.00
T07N R24E S35	SESW	38.70			
Total Acres: 56.2					

Conditions of Approval:

1. X35 Rights 34-13762 and 34-14343 when combined shall not exceed a total diversion rate of 0.99 cfs, a total annual maximum diversion volume of 196.7 af at the field headgate, and the irrigation of 56.2 acres.
2. P21 This right is a split from former right 34-2299.
3. X27 This right is limited to the irrigation of 49.7 acres within the authorized place of use in a single irrigation season.
4. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
5. Right 34-14343 is an enlargement of this right pursuant to Section 42-1426, Idaho Code. Right 34-14343 is also diverted through the point of diversion described above.
6. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

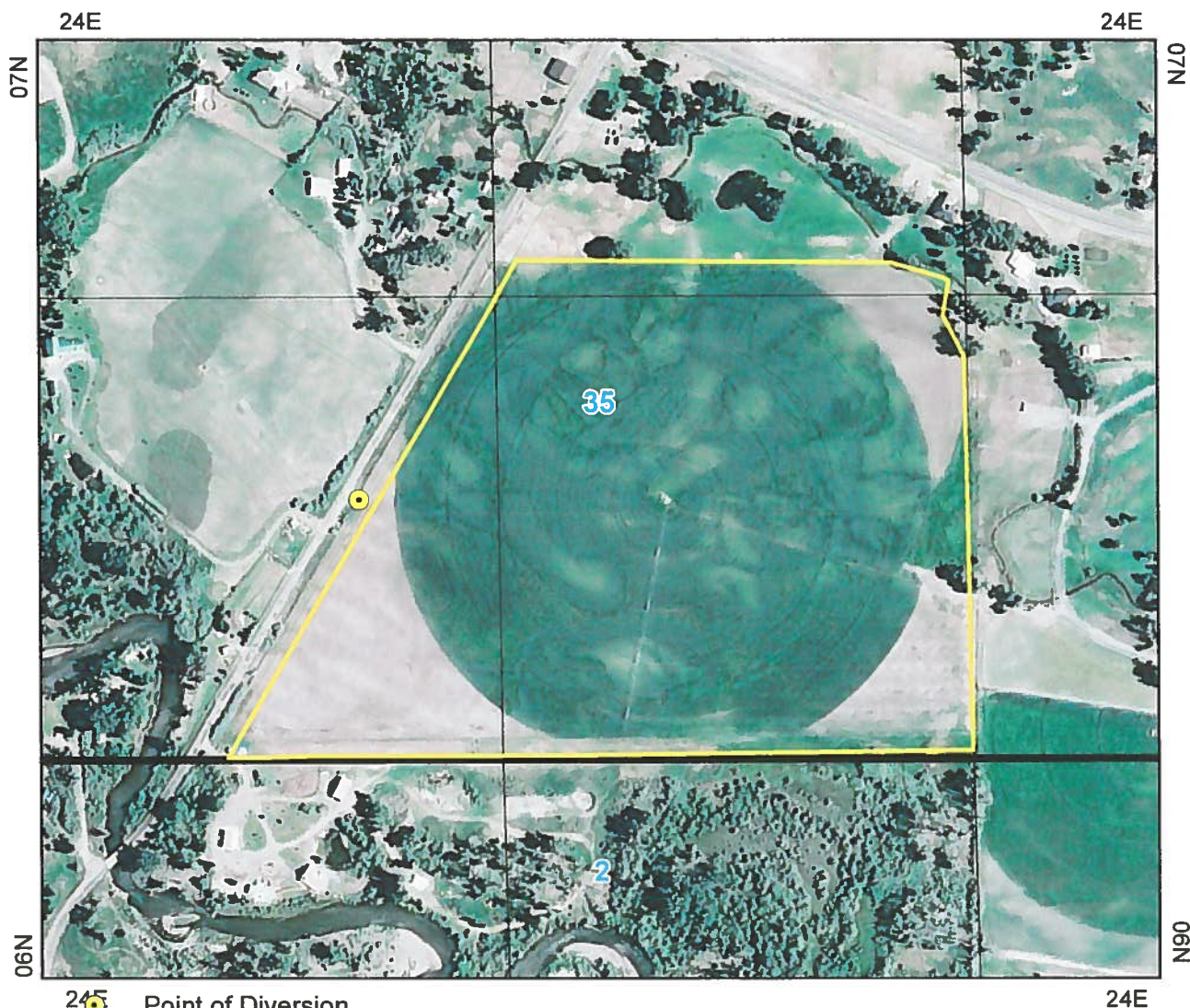
Decreed Date: 12/14/2001

State of Idaho
Department of Water Resources

Water Right
34-13762

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Taxlots

0 0.05 0.1 0.2 Miles

7 9 6 9 8



**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 34-14343

Current Owner: MAGEE FAMILY TRUST
Priority Date: 4/1/1987
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.12 CFS	
	<u>Total Diversion</u>	0.12 CFS	

Location of Point(s) of Diversion

GROUND WATER NE1/4SW1/4SW1/4 Sec. 35, Twp 07N, Rge 24E B.M.
CUSTER County

Place of Use

IRRIGATION Within CUSTER County

T07N R24E S35	NESW	2.50	T07N R24E S35	SWSW	15.00
T07N R24E S35	SESW	38.70			
Total Acres: 56.2					

Conditions of Approval:

1. K02 This right is based upon an enlargement of Right No. 34-13762 pursuant to Section 42-1426, Idaho Code.
2. K09 This right is for an enlargement of 6.5 acres within the place of use described for this right.
3. C11 This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
4. X35 Rights 34-13762 and 34-14343 when combined shall not exceed a total diversion rate of 0.99 cfs, a total annual maximum diversion volume of 196.7 af at the field headgate, and the irrigation of 56.2 acres.
5. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Decreed Date: 12/14/2001

State of Idaho
Department of Water Resources

Water Right
34-14343

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Taxlots

0 0.05 0.1 0.2 Miles

7 9 6 9 8



IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No.: 34-2294
Current Owner: MAGEE FAMILY TRUST
Priority Date: 6/23/1950
Origin: Water Right
Status: Active
Basis: Decreed

<u>Source</u>		<u>Tributary</u>	
GROUND WATER			
<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.12 CFS	
	<u>Total Diversion</u>	0.12 CFS	
<u>Location of Point(s) of Diversion</u>			
GROUND WATER		SW1/4SE1/4	Sec. 35, Twp 07N, Rge 24E B.M.
CUSTER County			
<u>Place of Use</u>			
<u>IRRIGATION Within CUSTER County</u>			
T07N R24E S35	NWSE	2.00	T07N R24E S35 SWSE 3.80
Total Acres: 5.8			

Conditions of Approval:

1. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
2. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
3. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
4. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
5. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
6. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
8. 214 Prior to the diversion and use of water under Transfer approval 79549, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

Decreed Date: 4/18/2008



0 150 300 600 Feet

FRAN MAGEE
TRANSFER MAP 2014, 5.8 AC
NAIP 2013 AERIA

Legend

- Point of Diversion
- Place of Use
- townshp
- Sections
- ladesc

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

[illegible]

FOR DEPARTMENT USE ONLY

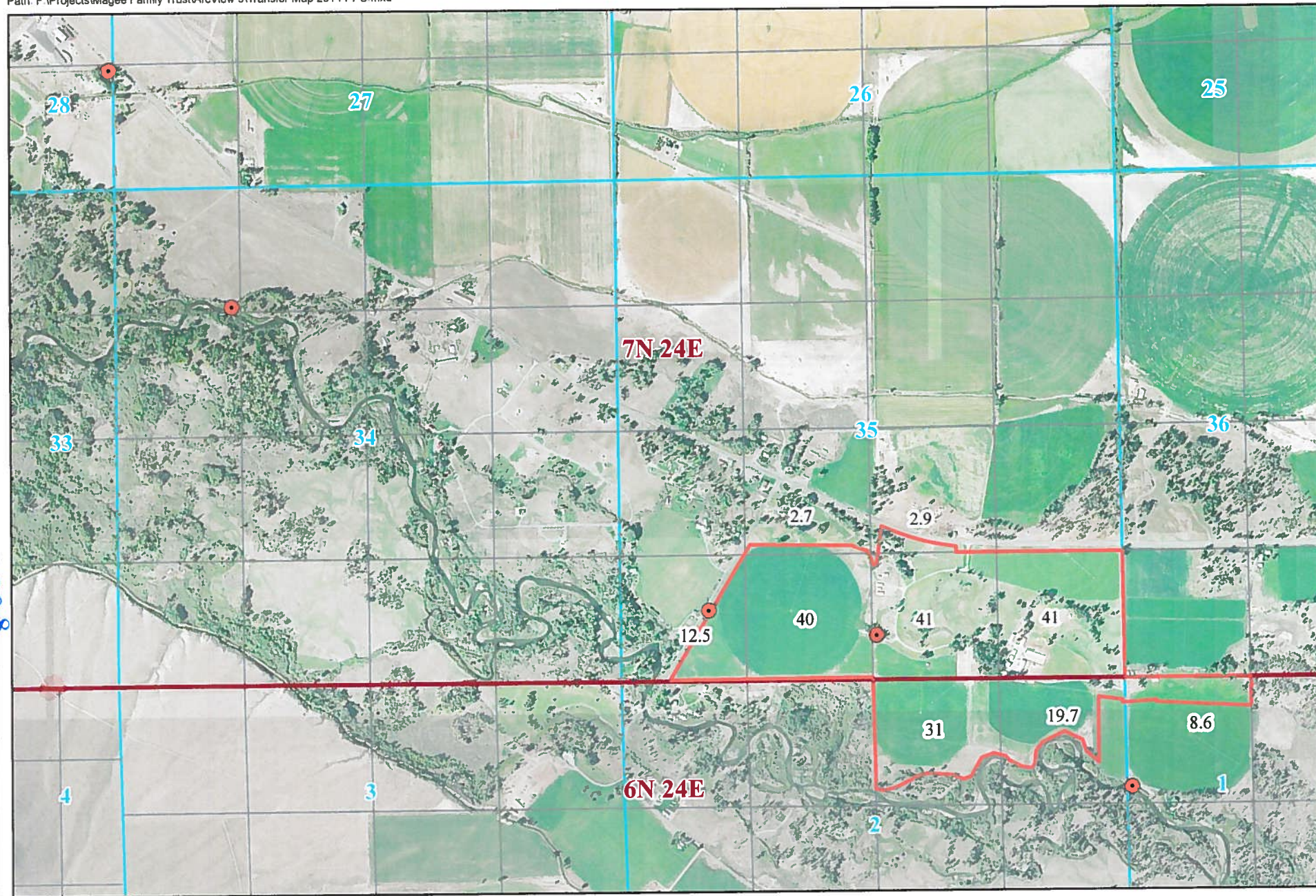
Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid \$765. - (140. - per hrs) Date 12/1/2014 Received by B Receipt # E040459

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ & W-9 ☐ (originals to state office)



0 475 950 1,900 Feet

FRAN MAGEE FAMILY TRUST
TRANSFER MAP 2014
NAIP 2013 AERIAL

Legend

- Points_of_Diversion_all
- ▬ Magee's Proposed PPU
- ▬ twship
- ▬ Sections
- ▬ ldesc

THIS AGREEMENT MAY BE EXECUTED IN COUNTERPART,
AND AS EXECUTED SHALL CONSTITUTE ONE AGREEMENT.
BONDING ON ALL PARTIES, EVEN THOUGH ALL THE
PARTIES DO NOT SIGN THE ORIGINAL OR THE SAME
COUNTERPART.

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

239550

Custer County Rec. of
Blaine County Title
Time 2:13 P.M. Date 4-17-2008
Barbara C. Breedlove, Clerk
Betty Dougherty s. 12.00
Deputy

(Space Above For Recorder's Use)

WARRANTY DEED

For good and valuable consideration, the receipt of which is hereby acknowledged, ROBERT E. PITTMAN and JUDITH S. PITTMAN, husband and wife ("Grantor"), hereby convey, grant and warrant to the FRANCIS P. MAGEE and GRETA M. MAGEE, Trustees of the MAGEE FAMILY TRUST, dated February 21, 2003 ("Grantee"), whose address is P.O. Box 3760, Ketchum, Idaho 83333, and its successors and assigns forever, the following described real property, situated in Custer County, Idaho:

A TRACT OF LAND SITUATED SOUTHEASTERLY OF HOUSTON ROAD AND SOUTHWESTERLY OF U.S. HIGHWAY 93A, BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 7 NORTH, RANGE 24 E. BOISE MERIDIAN, CUSTER COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A 5/8" REBAR WITH ALUMINUM CAP (PLS #3577-SEE RECORD OF SURVEY INST. #207793) MARKING THE SOUTH QUARTER CORNER OF SECTION 35, FROM WHICH A 5/8" REBAR WITH ALUMINUM CAP MARKING THE SOUTHWEST CORNER OF SAID SECTION 35 BEARS S. 89° 32' 39" W. 2664.27 FEET; THENCE S. 89° 32' 39" W. 2159.23 FEET ON OR ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 35 TO A POINT LYING ON OR ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF HOUSTON ROAD (SAID RIGHT-OF-WAY LINE BEING 33 FEET MEASURED AT RIGHT ANGLES FROM THE EXISTING ROAD CENTERLINE); THENCE LEAVING SAID SOUTH LINE N. 30° 30' 29" E. 1655.18 FEET ON OR ALONG SAID RIGHT-OF-WAY LINE TO A SET OF 5/8"X30" REBAR WITH PLASTIC CAP LYING ON OR ALONG AN EXISTING FENCE; THENCE LEAVING SAID RIGHT-OF-WAY LINE S. 89° 38' 28" E. 1081.42 FEET ALONG SAID FENCE TO A FOUND 1/2 STEEL ROD; THENCE S. 73° 18' 29" E. 153.35 FEET ALONG SAID FENCE TO A SET 5/8"X30" REBAR WITH PLASTIC CAP; THENCE S. 57° 41' 27" E. 34.02 FEET ALONG SAID FENCE TO A SET 5/8"X30" REBAR WITH PLASTIC CAP; THENCE S. 21° 00' 08" E. 151.53 FEET ALONG SAID FENCE TO A POINT LYING ON OR ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 35; THENCE LEAVING SAID

WARRANTY DEED - 1

FENCE S. 0° 21' 40" E. 1198.42 FEET ON OR ALONG SAID EAST LINE TO THE POINT OF BEGINNING.

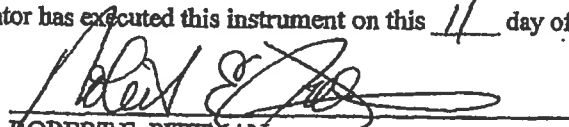
TOGETHER WITH:

AN EASEMENT 15 FEET IN WIDTH FOR THE PURPOSE OF IRRIGATION SYSTEM MAINTENANCE, RUNNING FROM THE NORTH LINE OF ABOVE DESCRIBED TRACT, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A 5/8" REBAR WITH ALUMINUM CAP (PLS #3577-SBB RECORD OF SURVEY INST. #207793) MARKING THE SOUTH QUARTER CORNER OF SECTION 35, TOWNSHIP 7 NORTH, RANGE 24 E. B.M., CUSTER COUNTY, IDAHO, FROM WHICH A 5/8" REBAR WITH ALUMINUM CAP MARKING THE SOUTHWEST CORNER OF SAID SECTION 35 BEARS S. 89° 32' 39" W. 2664.27 FEET; THENCE S. 89° 32' 39" W. 2159.23 FEET ON OR ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 35 TO A POINT LYING ON OR ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF HOUSTON ROAD (SAID RIGHT-OF-WAY LINE BEING 33 FEET MEASURED AT RIGHT ANGLES FROM THE EXISTING ROAD CENTERLINE); THENCE LEAVING SAID SOUTH LINE N. 30° 30' 29" E. 1655.18 FEET ON OR ALONG SAID RIGHT-OF-WAY LINE TO A SET OF 5/8"X30" REBAR WITH PLASTIC CAP LYING OR ALONG AN EXISTING FENCE AND THE POINT OF BEGINNING OF SAID EASEMENT; THENCE LEAVING SAID FENCE AND CONTINUING ALONG SAID RIGHT-OF-WAY LINE (SAID LINE BEING THE WESTERLY SIDE OF SAID 15 FOOT EASEMENT) N. 30° 30' 29" E. 261.16 FEET TO END OF EASEMENT.

This conveyance shall include any and all estate, right, title, interest, appurtenances, tenements, hereditaments, reversions, remainders, easements, rents, issues, profits, rights-of-way and water rights in anywise appertaining or appurtenant to the above-described property.

The Grantor covenants to the Grantee that Grantor is the owner in fee simple of the above-described property; that the above-described property is free from all encumbrances, excepting those of record, and that Grantor will warrant and defend the same from all lawful claims.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 11 day of September, 2008.


ROBERT E. PITTMAN

 9/12/08
JUDITH S. PITTMAN

WARRANTY DEED - 2

239550

STATE OF IDAHO)
County of _____) ss.

On this _____ day of September, 2008, before me, the undersigned, a Notary Public, in and for said State, personally appeared ROBERT E. PITTMAN, known or identified to me to on the basis of satisfactory evidence 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.

NOTARY PUBLIC FOR IDAHO

Residing at _____

My Commission Expires _____

STATE OF ^{CALIF.} ~~IDAHO~~)
County of RIVERSIDE) ss.

On this 12th day of September, 2008, before me, the undersigned, a Notary Public, in and for said State, personally appeared JUDITH S. PITTMAN, known or identified to me to on the basis of satisfactory evidence be 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.



NOTARY PUBLIC FOR ~~IDAHO~~ ^{CALIF.}

Residing at _____

My Commission Expires _____

WILCOMAN CALIF.

3-26-2011

WARRANTY DEED - 3

79698

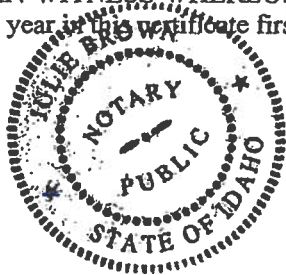
38

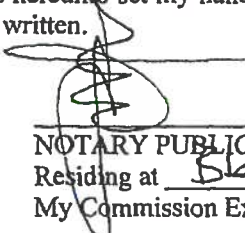
239550

STATE OF IDAHO)
County of Blaine) ss.

On this 11th day of September, 2008, before me, the undersigned, a Notary Public, in and for said State, personally appeared ROBERT E. PITTMAN, known or identified to me to on the basis of satisfactory evidence 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.





NOTARY PUBLIC FOR IDAHO

Residing at Blaine County, ID

My Commission Expires 7/9/11

STATE OF IDAHO)
County of _____) ss.

On this _____ day of September, 2008, before me, the undersigned, a Notary Public, in and for said State, personally appeared JUDITH S. PITTMAN, known or identified to me to on the basis of satisfactory evidence be 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.

NOTARY PUBLIC FOR IDAHO

Residing at _____

My Commission Expires _____

WARRANTY DEED - 3

79698

THIS AGREEMENT MAY BE EXECUTED IN COUNTERPART,
AND AS EXECUTED SHALL CONSTITUTE ONE AGREEMENT.
BONDING ON ALL PARTIES, EVEN THOUGH ALL THE
PARTIES DO NOT SIGN THE ORIGINAL OR THE SAME
COUNTERPART WHEN RECORDED RETURN TO:

239549

Custer County Reg. of
Blaine County Title
Time 12:13 P.M. Date 2-17-2008
Barbara C. Breedlove, Clerk
Deputy *Barbara Doughty* \$ 12.00

(Space Above For Recorder's Use)

WARRANTY DEED

For good and valuable consideration, the receipt of which is hereby acknowledged, ROBERT E. PITTMAN and JUDITH S. PITTMAN, husband and wife ("Grantor"), hereby convey, grant and warrant to the FRANCIS P. MAGEE and GRETA M. MAGEE, Trustees of the MAGEE FAMILY TRUST, dated February 21, 2003 ("Grantee"), whose address is P.O. Box 3760, Ketchum, Idaho 83333, and its successors and assigns forever, the following described real property, situated in Custer County, Idaho:

TOWNSHIP 7 NORTH, RANGE 24 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO: SECTION 35:

PARCEL I:
SOUTH HALF OF THE SOUTHEAST QUARTER.

EXCEPTING THEREFROM:

A FRACTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 7 NORTH, RANGE 24 EAST, OF THE BOISE MERIDIAN.

BEGINNING AT A POINT THAT IS N. 1° 14' 48" E., 1075.30 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 35, TOWNSHIP 7 NORTH, RANGE 24 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO, AND RUNNING THENCE N. 1° 35' 38" E., ALONG AN EXISTING FENCE LINE 242.80 FEET; THENCE N. 89° 45' 18" E., 850.17 FEET; THENCE S. 2° 10' 28" W., 181.08 FEET; THENCE S. 85° 40' 16" W., 866.25 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM:

A PARCEL OF LAND GENERALLY DESCRIBED AS BEING A PORTION OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 7 NORTH, RANGE 24 EAST OF THE BOISE MERIDIAN,

WARRANTY DEED - 1

79698

239549

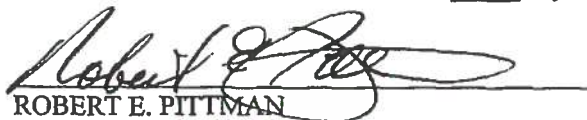
CUSTER COUNTY, IDAHO, LYING SOUTH OF THE SOUTHERLY RIGHT OF WAY OF U.S. HIGHWAY 93, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF INTERSECTION WITH AN EXISTING FENCE LINE AND THE SOUTHERLY RIGHT OF WAY OF U.S. HIGHWAY 93A, FROM WHICH THE NORTHWEST CORNER OF SAID SECTION 35 (INSTRUMENT NO. 0211841, CUSTER COUNTY RECORDS) BEARS NORTH 37° 08' 24" WEST 4549.61 FEET AND THE WEST ONE-QUARTER CORNER OF SAID SECTION 35, (INSTRUMENT NO. 0211840 - CUSTER COUNTY RECORDS) BEARS NORTH 69° 29' 08" WEST, 2895.39 FEET; THENCE FROM SAID POINT OF BEGINNING, ON OR ALONG AN EXISTING FENCE LINE, THE FOLLOWING TWO COURSES AND DISTANCES; SOUTH 00° 22' 50" EAST, 101.37 FEET; SOUTH 01° 34' 48" WEST, 162.07 FEET TO A POINT ON THE SOUTH BOUNDARY OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 35; THENCE NORTH 89° 46' 49" EAST ALONG THE SOUTH BOUNDARY OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 35, A DISTANCE OF 863.91 FEET TO AN EXISTING FENCE LINE; THENCE NORTH 02° 07' 24" EAST, ON OR ALONG SAID FENCE LINE, A DISTANCE OF 34.13 FEET TO THE SOUTHERLY RIGHT OF WAY OF U.S. HIGHWAY 93A; THENCE ALONG THE SOUTHERLY RIGHT OF WAY OF SAID HIGHWAY, IN A NORTHWESTERLY DIRECTION, ALONG A TANGENTIAL CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 2325.00 FEET AND A DELTA ANGLE OF 21° 14' 55", A DISTANCE OF 862.25 (CURVE LENGTH) FEET TO A POINT TO TANGENCY; THENCE CONTINUING ALONG THE SOUTHERLY RIGHT OF WAY OF SAID HIGHWAY, NORTH 65° 04' 37" WEST, A DISTANCE OF 33.77 FEET TO THE POINT OF BEGINNING.

This conveyance shall include any and all estate, right, title, interest, appurtenances, tenements, hereditaments, reversions, remainders, easements, rents, issues, profits, rights-of-way and water rights in anywise appertaining or appurtenant to the above-described property.

The Grantor covenants to the Grantee that Grantor is the owner in fee simple of the above-described property; that the above-described property is free from all encumbrances, excepting those of record, and that Grantor will warrant and defend the same from all lawful claims.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 11th day of September, 2008.


ROBERT E. PITTMAN

WARRANTY DEED - 2

239549

JUDITH S. PITTMAN

STATE OF IDAHO)
) ss.
 County of Blaine)

On this 11th day of September, 2008, before me, the undersigned, a Notary Public, in and for said State, personally appeared ROBERT E. PITTMAN, known or identified to me to on the basis of satisfactory evidence 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.



NOTARY PUBLIC FOR IDAHO
 Residing at Blaine County, ID
 My Commission Expires 7/9/11

STATE OF IDAHO)
) ss.
 County of _____)

On this _____ day of September, 2008, before me, the undersigned, a Notary Public, in and for said State, personally appeared JUDITH S. PITTMAN, known or identified to me to on the basis of satisfactory evidence be 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.

NOTARY PUBLIC FOR IDAHO
 Residing at _____
 My Commission Expires _____

WARRANTY DEED - 3

79698

Judith S. Pittman
JUDITH S. PITTMAN

STATE OF IDAHO)
) ss.
County of _____)

On this ____ day of September, 2008, before me, the undersigned, a Notary Public, in and for said State, personally appeared ROBERT E. PITTMAN, known or identified to me to on the basis of satisfactory evidence 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.

NOTARY PUBLIC FOR IDAHO

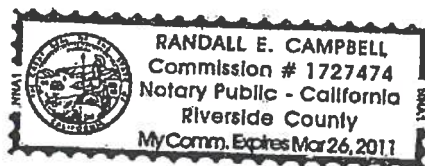
Residing at _____

My Commission Expires _____

CALIF.
STATE OF ~~IDAHO~~)
) ss.
County of RIVERSIDE)

On this 15th day of September, 2008, before me, the undersigned, a Notary Public, in and for said State, personally appeared JUDITH S. PITTMAN, known or identified to me to on the basis of satisfactory evidence be 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.



[Signature]
NOTARY PUBLIC FOR IDAHO CALIF.

Residing at WILDMAN CA

My Commission Expires 3-26-2011

WARRANTY DEED - 3

THIS AGREEMENT MAY BE EXECUTED IN COUNTERPART,
AND AS EXECUTED SHALL CONSTITUTE ONE AGREEMENT.
BONDING ON ALL PARTIES, EVEN THOUGH ALL THE
PARTIES DO NOT SIGN THE ORIGINAL OR THE SAME
COUNTERPART.

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

239551

Custer County Reg. of
Blaine County Title
Time 12:13 P.M. Date 9-17-2008
Barbara C. Breedlove, Clerk
Betsey Doughty, Deputy \$ 18.00

(Space Above For Recorder's Use)

WARRANTY DEED

For good and valuable consideration, the receipt of which is hereby acknowledged, and as Relinquished Property in an I.R.C. 1031 Tax Deferred Exchange, ROBERT E. PITTMAN and JUDITH S. PITTMAN, husband and wife ("Grantor"), hereby convey, grant and warrant to the FRANCIS P. MAGEE and GRETA M. MAGEE, Trustees of the MAGEE FAMILY TRUST, dated February 21, 2003 ("Grantee"), whose address is P.O. Box 3760, Ketchum, Idaho 83333, and its successors and assigns forever, the following described real property, situated in Custer County, Idaho:

TOWNSHIP 6 NORTH, RANGE 24 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO;

SECTION 1: NORTHWEST QUARTER OF THE NORTHWEST QUARTER
SECTION 2: NORTH HALF OF THE NORTHEAST QUARTER

EXCEPTING THEREFROM:

PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 1 AND PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 6 NORTH, RANGE 24 EAST OF THE BOISE MERIDIAN, CUSTER COUNTY, IDAHO DESCRIBED AS FOLLOWS: BEGINNING AT A POINT THAT IS S. 01° 15' 51" E., 262.52 FEET ALONG THE SECTION LINE FROM THE NORTHWEST CORNER OF SAID SECTION 1 AND RUNNING THENCE N. 86° 00' 12" E. 333.29 FEET; THENCE S. 00° 36' 36" E. 1057.61 FEET; THENCE S. 12° 15' 51" W. 331.62 FEET TO THE PROPERTY LINE AS ESTABLISHED AND SHOWN ON RECORD OF SURVEY, INSTRUMENT NO. 0224195; THENCE ALONG SAID PROPERTY LINE THE FOLLOWING TWO COURSES: (1) N. 19° 52' 01" W. 58.34 FEET; THENCE (2) N. 45° 54' 44" W. 319.68 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 2; THENCE S. 89° 34' 51" W. 305.93 FEET ALONG THE SOUTH

WARRANTY DEED - 1

LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE N. 01° 30' 27" W. 448.35 FEET; THENCE N. 09° 44' 13" E. 59.36 FEET; THENCE N. 00° 06' 16" W. 640.75 FEET TO AN EXISTING FENCE LINE; THENCE ALONG SAID EXISTING FENCE LINE THE FOLLOWING TWO COURSES: (1) S. 81° 53' 50" E. 262.07 FEET; THENCE (2) S. 07° 35' 08" W. 29.52 FEET; THENCE N. 85° 59' 50" E. 29.50 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM:

PART OF THE WEST HALF OF THE NORTHWEST QUARTER (W1/2 NW1/4) SECTION 1, TOWNSHIP 6 NORTH, RANGE 24 EAST OF THE BOISE MERIDIAN, CUSTER COUNTY, IDAHO DESCRIBED AS FOLLOWS: BEGINNING AT A POINT THAT IS S. 01° 15' 51" E. 222.67 FEET ALONG THE SECTION LINE AND S. 87° 08' 47" E. 1275.42 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 1, SAID NORTHWEST CORNER OF SECTION 1 BEING FOUND A 3" ALUMINUM CAP SET BY ERICKSON SURVEYING SERVICES, RECORD OF SURVEY, INSTRUMENT NO. 207793 AND ALSO BEING N. 01° 15' 51" W. 5327.51 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 1, RUNNING THENCE S. 87° 08' 47" E. 60.16 FEET TO THE EAST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER (W1/2 NE1/4) ESTABLISHED BY ERICKSON SURVEYING SERVICES, RECORD OF SURVEY, INSTRUMENT NO. 207793; THENCE S. 01° 17' 39" E. 1043.06 FEET TO A FOUND 5/8" IRON ROD SET BY SAID ERICKSON SURVEYING SERVICES; THENCE S. 01° 17' 12" E. 1288.11 FEET TO A FOUND 5/8" IRON ROD SET BY SAID ERICKSON SURVEYING SERVICES AND ALSO BEING THE CORNER OF THE TRACT OF LAND ESTABLISHED BY RECORD OF SURVEY, INSTRUMENT NO. 0224195; THENCE ALONG BOUNDARY OF SAID TRACT THE FOLLOWING FIVE (5) COURSES: (1) S. 89° 46' 19" W. 204.77 FEET TO A FOUND 5/8" IRON ROD WITH YELLOW CAP MARKED P.L.S. 3577; THENCE (2) S. 86° 20' 15" W. 33.60 FEET TO A FOUND 5/8" IRON ROD WITH YELLOW CAP MARKED P.L.S. 3577; THENCE (3) N. 44° 53' 40" W. 182.58 FEET TO A FOUND 5/8" IRON ROD WITH YELLOW CAP MARKED P.L.S. 3577; THENCE (4) N. 27° 28' 51" W. 133.98 FEET TO A FOUND 5/8" IRON ROD WITH YELLOW CAP MARKED P.L.S. 3577; THENCE (5) N. 21° 23' 42" W. 121.41 FEET; THENCE N. 09° 44' 19" E. 981.79 FEET; THENCE S. 88° 18' 34" E. 217.64 FEET; THENCE N. 01° 17' 39" W. 1014.32 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM:

PART OF THE WEST HALF OF THE NORTHWEST QUARTER (W1/2 NW1/4) SECTION 1, TOWNSHIP 6 NORTH, RANGE 24 EAST OF THE BOISE MERIDIAN, CUSTER COUNTY, IDAHO, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT THAT IS S. 01° 15' 51" E. 222.67 FEET ALONG THE SECTION LINE AND S. 87° 08' 47" E. 333.78 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 1, SAID NORTHWEST CORNER OF SECTION 1 BEING A FOUND 3"

WARRANTY DEED - 2

239551

ALUMINUM CAP SET BY ERICKSON SURVEYING SERVICES IN RECORD OF SURVEY, INSTRUMENT NO. 207793 AND ALSO BEING N. 01° 15' 51" W. 5327.51 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 1, AND RUNNING THENCE S. 87° 08' 47" E. 941.64 FEET; THENCE S. 01° 17' 39" E. 1014.32 FEET PARALLEL WITH AND 60.00 FEET PERPENDICULAR TO THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW1/4 NW1/4) OF SAID SECTION 1 AS ESTABLISHED BY SAID RECORD OF SURVEY, INSTRUMENT NO. 207793; THENCE N. 88° 18' 34" W. 217.64 FEET; THENCE S. 09° 44' 19" W. 981.79 FEET TO THE SOUTH LINE OF THE TRACT OF LAND AS ESTABLISHED BY ERICKSON SURVEYING SERVICES, RECORD OF SURVEY, INSTRUMENT NO. 0224195; THENCE ALONG SAID SOUTH LINE OF THE FOLLOWING SEVEN (7) COURSES: (1) N. 21° 24' 44" W. 94.70 FEET TO A FOUND 5/8" IRON ROD WITH YELLOW AP MARKED P.L.S. 3577; THENCE (2) N. 59° 15' 36" W. 329.25 FEET TO A FOUND 5/8" IRON ROD WITH YELLOW CAP MARKED P.L.S. 3577; THENCE (3) N. 45° 55' 11" W. 168.10 FEET TO A FOUND 5/8" IRON ROD WITH YELLOW CAP MARKED P.L.S. 3577; THENCE (4) N. 62° 22' 00" W. 124.64 FEET TO A FOUND 5/8" IRON ROD WITH YELLOW CAP MARKED P.L.S. 3577; THENCE (5) N. 62° 18' 44" W. 20.65 FEET; THENCE (6) N. 19° 45' 38" W. 44.90 FEET TO A FOUND 5/8" IRON ROD WITH YELLOW CAP MARKED P.L.S. 3577; THENCE (7) N. 19° 45' 38" W. 167.41 FEET; THENCE N. 12° 15' 51" E. 328.97 FEET TO AN EXISTING FENCE LINE; THENCE N. 00° 34' 41" W. 1060.20 FEET ALONG SAID EXISTING FENCE LINE TO THE POINT OF BEGINNING. (The Relinquished Property.)

This conveyance shall include any and all estate, right, title, interest, appurtenances, tenements, hereditaments, reversions, remainders, easements, rents, issues, profits, rights-of-way and water rights in anywise appertaining or appurtenant to the above-described property.

The Grantor covenants to the Grantee that Grantor is the owner in fee simple of the above-described property; that the above-described property is free from all encumbrances, excepting those of record, and that Grantor will warrant and defend the same from all lawful claims.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 11th day of September, 2008.


ROBERT E. PITTMAN

JUDITH S. PITTMAN

WARRANTY DEED - 3

79698

ALUMINUM CAP SET BY ERICKSON SURVEYING SERVICES IN RECORD OF SURVEY, INSTRUMENT NO. 207793 AND ALSO BEING N. 01° 15' 51" W. 5327.51 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 1, AND RUNNING THENCE S. 87° 08' 47" E. 941.64 FEET; THENCE S. 01° 17' 39" E. 1014.32 FEET PARALLEL WITH AND 60.00 FEET PERPENDICULAR TO THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW1/4 NW1/4) OF SAID SECTION 1 AS ESTABLISHED BY SAID RECORD OF SURVEY, INSTRUMENT NO. 207793; THENCE N. 88° 18' 34" W. 217.64 FEET; THENCE S. 09° 44' 19" W. 981.79 FEET TO THE SOUTH LINE OF THE TRACT OF LAND AS ESTABLISHED BY ERICKSON SURVEYING SERVICES, RECORD OF SURVEY, INSTRUMENT NO. 0224195; THENCE ALONG SAID SOUTH LINE OF THE FOLLOWING SEVEN (7) COURSES: (1) N. 21° 24' 44" W. 94.70 FEET TO A FOUND 5/8" IRON ROD WITH YELLOW AP MARKED P.L.S. 3577; THENCE (2) N. 59° 15' 36" W. 329.25 FEET TO A FOUND 5/8" IRON ROD WITH YELLOW CAP MARKED P.L.S. 3577; THENCE (3) N. 45° 55' 11" W. 168.10 FEET TO A FOUND 5/8" IRON ROD WITH YELLOW CAP MARKED P.L.S. 3577; THENCE (4) N. 62° 22' 00" W. 124.64 FEET TO A FOUND 5/8" IRON ROD WITH YELLOW CAP MARKED P.L.S. 3577; THENCE (5) N. 62° 18' 44" W. 20.65 FEET; THENCE (6) N. 19° 45' 38" W. 44.90 FEET TO A FOUND 5/8" IRON ROD WITH YELLOW CAP MARKED P.L.S. 3577; THENCE (7) N. 19° 45' 38" W. 167.41 FEET; THENCE N. 12° 15' 51" E. 328.97 FEET TO AN EXISTING FENCE LINE; THENCE N. 00° 34' 41" W. 1060.20 FEET ALONG SAID EXISTING FENCE LINE TO THE POINT OF BEGINNING. (The Relinquished Property.)

This conveyance shall include any and all estate, right, title, interest, appurtenances, tenements, hereditaments, reversions, remainders, easements, rents, issues, profits, rights-of-way and water rights in anywise appertaining or appurtenant to the above-described property.

The Grantor covenants to the Grantee that Grantor is the owner in fee simple of the above-described property; that the above-described property is free from all encumbrances, excepting those of record, and that Grantor will warrant and defend the same from all lawful claims.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 12 day of September, 2008.


ROBERT E. PITTMAN


JUDITH S. PITTMAN

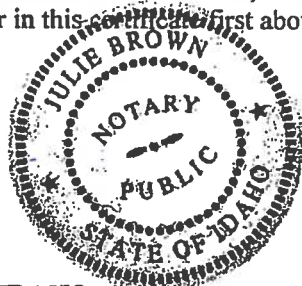
WARRANTY DEED - 3

239551

STATE OF IDAHO)
) ss.
 County of Blaine)

On this 11th day of September, 2008, before me, the undersigned, a Notary Public, in and for said State, personally appeared ROBERT E. PITTMAN, known or identified to me to on the basis of satisfactory evidence 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.



 NOTARY PUBLIC FOR IDAHO
 Residing at Blaine County, ID
 My Commission Expires 7/9/11

STATE OF IDAHO)
) ss.
 County of _____)

On this _____ day of September, 2008, before me, the undersigned, a Notary Public, in and for said State, personally appeared JUDITH S. PITTMAN, known or identified to me to on the basis of satisfactory evidence be 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.

 NOTARY PUBLIC FOR IDAHO
 Residing at _____
 My Commission Expires _____

WARRANTY DEED - 4

79698

239551

STATE OF IDAHO)
) ss.
 County of _____)

On this _____ day of September, 2008, before me, the undersigned, a Notary Public, in and for said State, personally appeared ROBERT E. PITTMAN, known or identified to me to on the basis of satisfactory evidence 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.

NOTARY PUBLIC FOR IDAHO

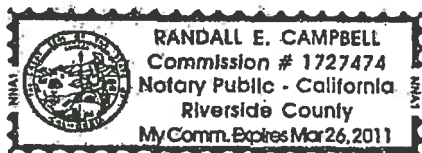
Residing at _____

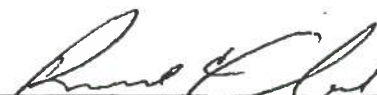
My Commission Expires _____

CALIF.
 STATE OF ~~IDAHO~~)
) ss.
 County of RIVERSIDE)

On this 12th day of September, 2008, before me, the undersigned, a Notary Public, in and for said State, personally appeared JUDITH S. PITTMAN, known or identified to me to on the basis of satisfactory evidence be 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.




 NOTARY PUBLIC FOR IDAHO CA
 Residing at WILDOMAR, CAL
 My Commission Expires 3-26-2011

WARRANTY DEED - 4

246340

Guster County, Reg. of
Lemhi Title & Abstract Co.

Time 10:17 AM Date 10/4/2012
Barbara C. Tierney, Clerk
County Fee \$13.00
Deputy

Warranty Deed

For Value Received

Lois DeLone McKnight, a/k/a DeLone McKnight, a widow
the grantors, do hereby grant, bargain, sell and convey unto

Magee Family Trust

Whose current address is:

PO Box 55
Mackay, ID 83261

the following described property located in Lemhi County, Idaho to-wit:

See attached Exhibit A

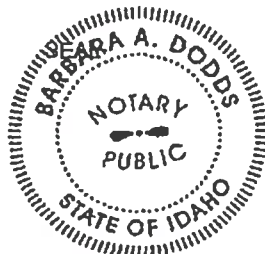
Date: October 3, 2012

Lois DeLone McKnight
Lois DeLone McKnight

STATE OF Idaho
COUNTY OF Lemhi

On this 3rd day of October, in the year 2012, before me Barbara A. Dodds,
personally appeared Lois DeLone McKnight also known of record as DeLone McKnight, known or identified to
me, to be 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 first above
written.



Barbara A. Dodds
NOTARY PUBLIC
Residing at: Salmon, Idaho
Commission Expires: January 14, 2017

246346

EXHIBIT A

Legal Description

A PARCEL OF LAND LOCATED IN THE S 1/4, SECTION 33, T. 7 N. R. 24 E. BOISE MERIDIAN,
BUSTER COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SW CORNER OF SAID SECTION 33, FROM WHICH THE SE CORNER
OF SAID SECTION BEARS N 89° 40' 48" E, A DISTANCE OF 2664.48 FT. THE BASIS OF BEARING OF
THIS DESCRIPTION RUN THENCE N 00° 17' 57" W, A DISTANCE OF 1203.20 FT. TO THE POINT OF
BEGINNING.

THENCE N 89° 33' 23" E, A DISTANCE OF 35.85 FT.

THENCE N 07° 12' 50" E, A DISTANCE OF 412.95 FT. TO A POINT ON THE SOUTHERLY
RIGHT-OF-WAY OF US HIGHWAY 23.

THENCE THE FOLLOWING COURSES AND DISTANCES ALONG SAID RIGHT-OF-WAY: S 65°
03' 42" E 13.64 FT. 867.38 FT. ALONG A CURVE TO THE LEFT HAVING A DELTA OF 21° 15' 07" AND
A RADIUS OF 2325.00 FT.

THENCE S 02° 04' 27" W, A DISTANCE OF 235.09 FT. ALONG AN EXISTING FENCE.

THENCE S 85° 37' 49" W, A DISTANCE OF 858.94 FT. ALONG AN EXISTING FENCE.

THENCE N 69° 12' 09" W, A DISTANCE OF 18.20 FT.

THENCE N 20° 58' 30" W, A DISTANCE OF 109.15 FT. TO THE POINT OF BEGINNING.

PARCEL CONTAINS 7.10 ACRES

