

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant John L. Powers Trust Phone (208) 339-3358
Mailing Address P.O. Box 493, Mackay, ID 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 Keith C. Wilson c/o Rocky Mountain Environmental Associates Inc. Phone (208) 524-2353 / Fax 524-1795
Mailing address 482 Constitution Way, Ste 303, Idaho Falls, ID 83402 Email kwilson@rockymountainenvironmental.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. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

John L. Powers
Signature of Applicant or Authorized Representative

John L. Powers, Trust
Print Name and Title if applicable

2/23/11
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change Point of Diversion ☒ Add diversion point(s) ☐ Change Place of use
☐ Change Nature of Use ☐ Change Period of Use ☐ Other _____
2. 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. Attached additional pages if necessary and label it **Part 1A.2**. Applicant wishes to add a new well to be located at the re-diversion point for the comingled ground water & surface water. The new well will pump directly into the same mainline to supplement the existing ground water point of diversion with no increase in diversion capacity.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHT(S) 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				
☒	☐ 34-7239A	2.12 cfs	Irrigation	04/01 to 10/31	Ground water
☐	☐			to	
☐	☐			to	
☐	☐			to	
☐	☐			to	
☐	☐			to	
☐	☐			to	
☐	☐			to	
☐	☐			to	
Total Authorized under rights		2.12	cfs and/or		ac-ft

2. Total amount of water being transferred or changed 2.12 cubic feet per second and/or _____ acre-feet per annum.

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 proposed 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 #
No			NE	SW	21	7N	24E	Custer	Ground water	
Yes			NE	NE	28	7N	24E	Custer	Ground water	

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	

Total Acres (for irrigation use): _____

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: There will be two wells one that pumps directly into the Sharp ditch (NE¼SW¼ Sec 21, T07N, R24E) & comingled with the surface water right (34-0440B), and the second well (new) to be located at the re-diverted point (≈ ½ mile downstream) in the NE¼NE¼ Sec 28, T07N, R24E. The new well and the re-diversion pump will pump into the same mainline then to center pivots and laterals with sprinklers. The system comingles the decreed surface water right (34-0440B) with the groundwater right (34-7239A). The mainline will be accessible for a measuring device and the electrical panel can be used as the lockable controlling works.

b. Who owns the property at the point(s) of diversion? Applicant

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? No ☒
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: _____

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. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer: No effect.
There is no change in the place of use. The proposed system will distribute the comingled ground and surface water rights better and more efficiently without an increase in the number of acres irrigated.

e. 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) of use: Decree 34-440B from the Big Lost River.
There is no change in the place of use proposed by this transfer.

f. 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: _____

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

A. DESCRIPTION OF RIGHT(S) AS RECORDED

WATER RIGHT NO. **34-7239A**

Water Right Report

10/28/2010

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHN L POWERS TRUST, PO BOX 493, MACKAY, ID 83251
	(208) 339-3358

Priority Date: 01/22/1980

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	2.12 CFS	
Total Diversion			2.12 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NESW	Sec. 21	Township 07N	Range 24E	CUSTER County
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Place of Use Legal Description: IRRIGATION CUSTER County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07N	24E	21		NESW	18		SESW	25						
				NWSE	6		SWSE	17		SESE	7			
		22		SWSW	2									
		27		SWNE	25									
				NENW	11		NWNW	36		SWNW	36		SENE	39
				NWSW	2									
		28		NENE	39		NWNE	19		SENE	17			

Total Acres: 299

Conditions of Approval:

1.	X35	Rights 34-440B and 34-7239A when combined shall not exceed a total annual maximum diversion volume of 1078 af at the field headgate and the irrigation of 308 acres.
2.	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.
3.	065	The right holder shall make full beneficial use of Right 34-440B for irrigation of 283 acres of land authorized to be irrigated under this right. The right holder shall limit the diversion of ground water to irrigate more than 16 acres under this right to those times when Right 34-440B is not available or Right 34-440B is not reasonably sufficient to irrigate 283 acres of its place of use that correspond to the place of use for this right.
4.	104	If Right 34-440B is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used to irrigate more than 16 acres without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
5.	R55	This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

Licensed Date: 03/01/2010
Generic Max Volume per Acre: 3.5

Water District Number: 34

Generic Max Rate per Acre: 0.02

77186

APPLICATION FOR TRANSFER OF WATER RIGHT

Part 3

☒ 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 the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

☐ 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.**

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

1. 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 supplemental, 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]

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Prelim. Check by _____ Date _____

Fee Paid **\$330.00** Date **04/22/2010** Received by _____ Receipt # **# E035759**

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

77186

ESPA Model

The original water right point of diversion is located in the NE¼SW¼ Sec 21, T07N, R24E (ESPA Model Cell R07C107). This application for transfer proposes to add a point of diversion in NE¼NE¼ Sec 28, T07N, R24E that is an adjacent ESPA Model Cell R08C108.

Based on the Transfer Processing Policies & Procedures Memo (Transfer Processing No. 24) on adding a point of diversion within an adjacent cell the ESPA Model is not required when the application for transfer is submitted.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 77186
John Powers Trust

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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 <http://www.idwr.idaho.gov/>.

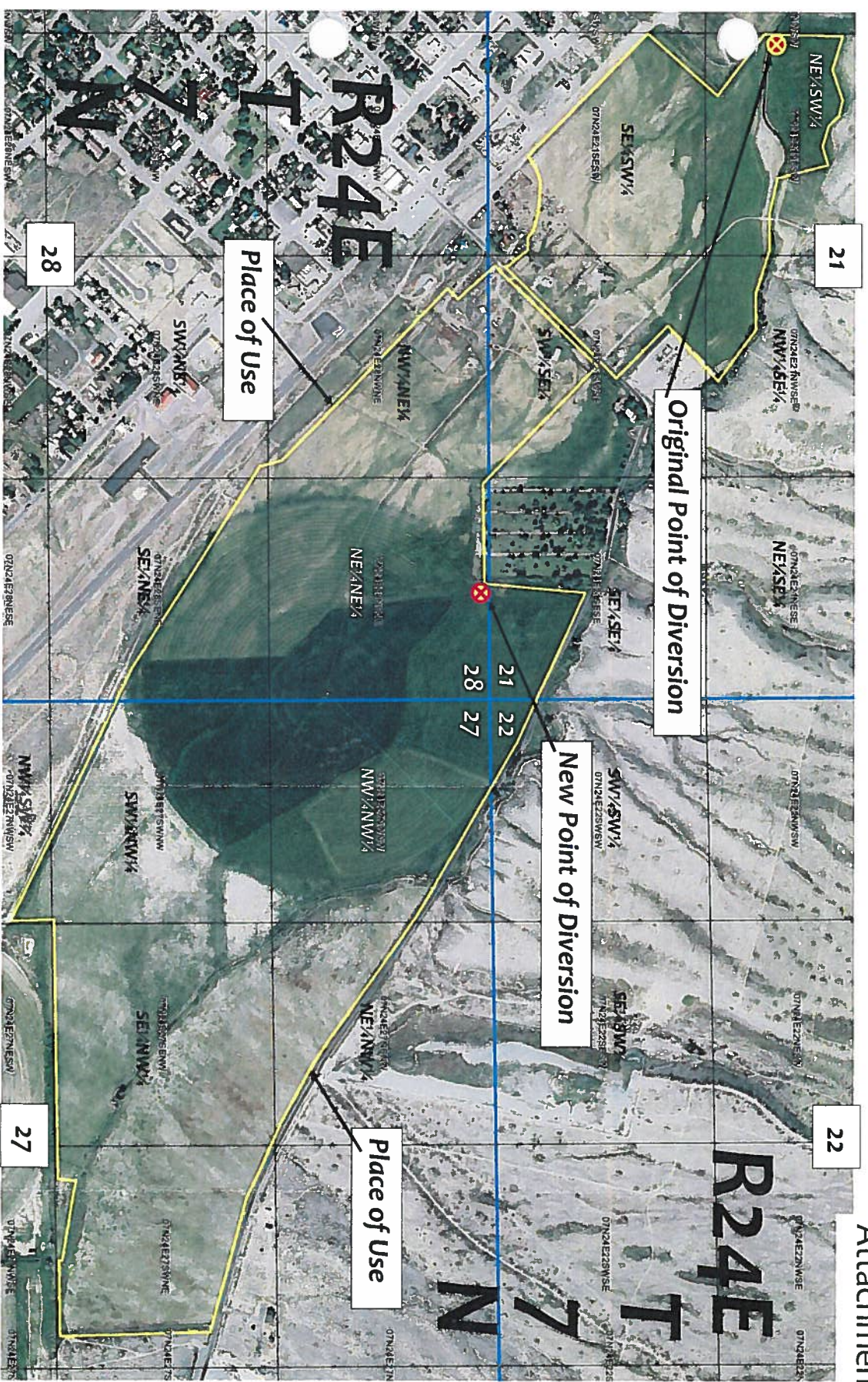
Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

- | Yes | N/A | |
|-------------------------------------|-------------------------------------|---|
| ☒ | ☐ | * Means the item is <u>always required</u> 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 <u>only a portion</u> is proposed to be changed through this transfer application. Part 2B forms are available on the Department's website at: http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/WaterRight_TransferApp_Part2B.pdf . |
| ☒ | ☐ | * 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.) |

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- | | | |
|-------------------------------------|-------------------------------------|--|
| ☐ | ☒ | #1 If the applicant is a business, partnership, organization, or association, and <u>not</u> 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 transfer 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). |
| ☐ | ☒ | #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 http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/wrt_default.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. |
| ☐ | ☒ | #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.) |
| ☐ | ☒ | #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 Other. Please describe: _____ |

Attachment # 7.a (pg 1 of 2)





126394

WARRANTY DEED

For Value Received CHARLES M. POWERS and EVELYN POWERS, husband and wife

the grantors, do hereby grant, bargain, sell and convey unto

JOHN L. POWERS and ELAINE POWERS, husband and wife

the grantee s, the following described premises, in Custer County Idaho, to wit:

E STAMPS

RECEIVED

MAY 03 2010

TOWNSHIP 7 NORTH, RANGE 24 EAST OF THE BOISE MERIDIAN

Beginning at a point which is South 72° West 214.5 feet from the North Quarter corner of Section 28, Twp 7 North, Range 24 ERM, thence North 48° East 290.4 ft, thence South 46° East 900 feet to the public road right of way, thence South 44° West 22.11 feet along the public road to the place of beginning.

Commencing at the Northeast corner of Section 28, Twp 7 North, Range 24 ERM, thence South 0° West to the place of beginning, which is on the North boundary of the right of way of the Salmon River Railroad, thence along said North boundary of aforesaid Salmon River Railroad North 66° West 12.30 chains, thence North 60° West 7.25 chains, thence North 32° East 1.51 chains, thence North 63° West 5.60 chains, thence North 60° West 3.12 chains, thence North 51° West 4.24 chains, thence North 47° West 12.00 chains along above said right of way of above said railroad to the East line of Main Street of the Village of Mackay, thence North 44° East in line with above said East line of Main Street 2.72 chains to the Northwest corner of the Northeast Quarter of above Section 28, thence North 44° East in continuation of above said East line of Main Street of Mackay 55.24 chains to a point on the east line of Section 21, thence South 0° West along said East line of Section 21, 32.65 chains to the Northeast corner of Section 29, thence North 90° East along North line of Section 27, 20.00 chains to the Northeast corner of the Northwest Quarter of the Northwest Quarter of Section 27, thence South 0° East 20.00 chains to the Southeast corner of the Northwest Quarter of the Northwest Quarter of Section 27, thence North 90° East 20.00 chains to the Northeast corner of the Southeast Quarter of the Northwest Quarter of said Section 27, thence S. 0° East 20 chains to the Southeast corner of the Southeast Quarter of the Northwest Quarter of Section 27, thence North 90° West 20.04 chains to the Southwest corner of the Southeast Quarter of the Northwest Quarter of Section 27, thence South 0° West 2.19 chains to the North boundary of the right of way of the Salmon River Railroad, thence North 66° West along said North boundary of said Salmon River Railroad 22.93 chains to the place of beginning.

Also, the Southwest Quarter of the Northeast Quarter of Section 27, Township 7 North, Range 24 East of the Boise Meridian.

Save and except approximately 14 acres for Mt. McCaleb Cemetery situated as follows: Commencing at the Northeast corner of Section 28, Twp 7 North, Range 24 ERM, thence North 90° West 751 feet to the place of beginning, thence North 90° West 531.5 feet, thence North 0° West 822 feet, thence North 90° East 331.5 feet, thence South 0° East 922 feet to the place of beginning, situated in the Southeast Quarter of the Southeast Quarter of Section 21, Twp 7 North, Range 24 ERM.

Also excepting the following described tract situate in Section 28, Twp 7 North, Range 24 ERM, within the Village of Mackay, to-wit: Beginning at the North quarter corner of Section 28, running thence South 45° East to the Southeast corner of the Northwest Quarter of the Northeast Quarter of Section 28, thence South 45° West to the O.S.L.R.R. right of way, thence Northwest along said right of way to its intersection with the South side of Main Street in the Village of Mackay, thence North 45° East to beginning. ALSO beginning at a pt 991 ft due S of NE cor of NW¼ of Sec. 27; th N 45° 00' W 616 ft; th N 60° 00' W 550 ft; th due W 800 ft to NW cor of NW¼ of Sec. 27; th due S 1320 ft; th due E 1320 ft, th N 329 ft to pt of beg., ALSO, SE¼NW¼ & the NW¼SW¼ & all that part of the SE¼SW¼ lying N of the O.S.L. r/w & more particularly described as follows: beg at the NW cor of SE¼SW¼, th E 660 ft; th S 535 ft, th S 44° W 270 ft to O.S.L. r/w, th N 46° W along O.S.L. r/w 640 ft, th N 284 ft to the pt of beginning EXCEPT the following desc. tract of land: Beg at a pt on the NW cor of the SE¼SW¼ of Sec. 21, th running S 204 ft, th S 46° E along the O.S.L. r/w 640 ft th N 70° E 200 ft th N 46° W on a line parallel to the O.S.L. r/w 850 ft to the pt of beg., ALSO Beginning at a pt on the SE cor of SW¼ of Sec. 22; th due N 1320 ft, th due W 2640 ft, th due S 1320 ft, th due E 2120 ft to T-1250, th N 60° 00' W 850 ft, th S 17° 00' E 523 ft, th S 12° 00' E 723 ft to the Sec. line, th due E 250 ft to the pt of beginning, ALSO, Beginning at the NE cor of NW¼ of Sec. 27, th S 991 ft, th N 12° 00' E 1018 ft, th due E on Sec. line 250 ft, to pt of beginning all in Twp 7 North Range 24 ERM.

INITIALS

7677186

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee & their heirs and assigns forever. And the said Grantor & do hereby covenant to and with the said Grantee & that the y the owner s in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated:

May 27, 1969

Charles M. Powers
CHARLES M. POWERS
Evelyn Powers
EVELYN POWERS

STATE OF IDAHO, COUNTY OF

On this 27th day of May, 1969
before me, a notary public in and for said State, personally appeared

CHARLES M. POWERS & EVELYN POWERS, husband

and NOTARY
PUBLIC

known to me to be the person & whose name & are
subscribed to the within instrument, and acknowledged to
me that if they executed the same.

Henry B. Hamblet
Notary Public
Residing at Blackfoot, Idaho
Comm. Expires 8-14-71

No. 126354
State of Idaho) ss.
County of Custer)
The instrument was filed for
record at the request of
Charles M. Powers
at Blackfoot, Idaho, on
June 18, 1969.
By Evelyn Powers
Deputy.
Fees \$3.00

Furnished by the GUARDIAN TITLE CO.

QUITCLAIM DEED

For Value Received

ELAINE BONNELL, Formerly ELAINE POWERS

do hereby convey, release, remise and forever quitclaim unto

JOHN L. POWERS, a single man
whose current address is General Delivery, Mackay, Idaho 83251
the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO

RECEIVED

MAY 03 2010

Department of Water Resources
Eastern Region

together with their appurtenances.

Dated:

April 3, 1979

Elaine Bonnell
ELAINE BONNELL

STATE OF IDAHO, COUNTY OF

On this 3rd day of April, 1979,
before me, a notary public in and for the said State, personally appeared ELAINE BONNELL

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Residing at Spice, Idaho
Comm. Expires February 2, 1980

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at the request of Custer County Title

at 50 minutes past 1 o'clock P M.,
this 4 day of April,
1979, in my office, and duly recorded in Book
of Deeds at Page

Howard A. Foster
Ex-Officio Recorder

by *Kathy Giampadaglia* Deputy.

Fees \$ 3.00
Mail to: cct

INSTRUMENT No. 149830

Description:

TOWNSHIP 7 NORTH, RANGE 24 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.

Section 22: S $\frac{1}{2}$ SW $\frac{1}{4}$.Section 27: SW $\frac{1}{4}$ NE $\frac{1}{4}$.

Section 29: SE $\frac{1}{4}$ SE $\frac{1}{4}$ LESS the following described tract:
Beginning at the Southeast corner of Section 29,
Township 7 North, Range 24 East, Boise Meridian; thence
720 feet West along the South line of said Section 29,
to the TRUE POINT OF BEGINNING; thence
North 300 feet; thence
West 600 feet; thence
South 300 feet; thence
East 600 feet along the South line of Section 29,
to the Point of Beginning.

Section 32: Lots 1 and 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$.

A fraction of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21, and of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section
28, described as:

Beginning at a point which is South 72° West, 214.5 feet from
the North Quarter Corner of Section 28; thence North 46° West
900 feet along the right of way of the Oregon Shortline Railway;
thence North 44° East 290.4 feet; thence South 46° East, 900
feet to the public road right of way; thence South 44° West,
290.4 feet along the public road to the Place of Beginning.

The following described tract in the SE $\frac{1}{4}$ of Section 21, in
the NW $\frac{1}{4}$ Section 27 and in the NE $\frac{1}{4}$, Section 28, described as:

Commencing at the Northeast corner of Section 28; thence 32.39
chains South 0° West to the Place of Beginning, which is on the
North boundary of the right of way of the Salmon River Railroad;
thence along said North boundary of aforesaid Salmon River
Railroad, North 66° West, 12.34 chains; thence North 60° West,
479.16 7.26 chains; thence North 33° East, 1.51 chains; thence 205.92
North 63° West, 5.60 chains; thence North 59° West, 3.12 chains;
thence North 51° West, 4.24 chains; thence North 47° West,
1252.68 18.98 chains along above said right of way of above said railroad
to the East line of Main Street of the Village of Mackay; thence
North 44° East in line with above said East line of Main Street
179.52 2.72 chains to the Northwest corner of the NE $\frac{1}{4}$ of above Section 28;
thence North 44° East in continuation of above said East line of
Main Street of Mackay 56.28 chains to a point on the East line of
Section 21; thence South 0° West along said East line of Section
21, 38.80 chains to the Northeast corner of Section 28; thence
North 90° East along North line of Section 27, 20.00 chains to the
Northeast corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27; thence South 0° East,
20.00 chains to the Southeast corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27;
thence North 90° East 20.00 chains to the Northeast corner of the
SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 27; thence South 0° East 20 chains to the
Southeast corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27; thence North 90°

212986

T - 1721

John

CHAS. H. POWERS

0.02 ACRE

DEED #126395

141551

FR. N $\frac{1}{2}$ NE $\frac{1}{4}$, SEC. 28, TWP. 7 N.R. 24 E.B.M.

COM. AT THE E. QR. COR. OF SEC. 21 IN SAID TWP. & RANGE, TH. S. 45°52' W. 2,355.0', TH. S. 69°14' E. 430.0' ALONG THE S. SIDE OF THE COUNTY ROAD, TH. S. 913.0' ALONG THE W. LINE OF THE MT. MCCALES CEMETERY, TH. S. 32°06' W. 54.5', MORE OR LESS, TO A PT IN THE N. LINE OF SAID SEC. 28, THE REAL PT OF BEG.; TH. CONTINUING S. 32°06' W. 62.5', TH. N. 18°15' W. 55.0', MORE OR LESS, TO A PT IN THE N. LINE OF SAID SEC. 28, TH. E. 49.5', MORE OR LESS, TO THE PT OF BEG.

T - 846
143

JOHN L. POWERS

4.33 ACRES

27-27

PCO 4-159

DEED #126394

FR. SE $\frac{1}{4}$ SW $\frac{1}{4}$, SEC. 21, & FR. NE $\frac{1}{4}$ NW $\frac{1}{4}$, SEC. 28, TWP. 7 N.R. 24 E.B.M. (IN MACKAY ACREAGE)

COM. AT A PT S. 72°00' W. 214.5' FROM THE N. QR. COR. OF SAID SEC. 28, TH. N. 46°00' W. 900.0' ALONG THE OREGON SHORT LINE R.R. RT OF WAY, TH. N. 44°00' E. 214.0', MORE OR LESS, TO A PT IN THE CORPORATE LIMITS LINE OF THE CITY OF MACKAY, IDAHO, TH. S. 45°00' E. 900.2', MORE OR LESS, ALONG SAID CORPORATE LIMITS LINE, TO THE PUBLIC ROAD RT OF WAY, TH. S. 44°00' W. 204.58', MORE OR LESS, ALONG SAID PUBLIC ROAD RT OF WAY, TO THE PT OF BEG.

T-865

Selva B. Jones

John L. Powers

96.910

8.544 T86-6

27-124

30-21

30-586

7.157 T95-16

31-523

150650

81.72

206396

2.46 T97-7

207315

79.26 Rem

211419

Frac. S $\frac{1}{2}$, Section 21, Twp. 7 North; R. 24 E.B.M.

96.91 Acres approx.

A fraction of the S $\frac{1}{2}$, Sec. 21, Twp. 7 N. R. 24 E.B.M. described as follows: Beginning at a point North 7° E. 185 ft. from the South $\frac{1}{4}$ corner of Sec. 21, Twp. 7 N., R. 24 E.B.M.; thence N. 46° W. 900 ft; thence S. 44° W. 20.4 ft; thence N. to the East-West Center line of Sec. 21, thence E. 3,200 ft. to a point 165 ft. W. of the E. $\frac{1}{4}$ corner of Sec. 21, thence S. 44° W. 3,414 ft. to the place of beginning. Excepting therefrom right-of-way of public road, and the following described tract of land: Beginning at a point which is N 7° E. 185 ft. & thence N 44° E. 1034.4 ft. from the S $\frac{1}{2}$ corner of Sec. 21 Corner #1; thence N 46° W. 400 ft. corner #2; thence N. 44° E. 420 ft. Corner #3; thence S 26° E. 425 ft; to the public road corner #4; Thence S 44° W. 275 ft. along N. side of road to corner #1 point of beginning.

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Department of Water Resources
Eastern Region

77180

EXHIBIT A CONT.

Tract 94-31

Parcel Number: RP 07N24E217220 A

212-986

Buyer: Keele, Lee Ann
Seller: Powers, John

Instrument Number: 205549
Date: 12/22/93

A parcel of land situated in the Southeast Quarter of Section 21, T7N, R24E., B.M., Custer County, State of Idaho; more particularly described as follows:

Commencing at the East Quarter Corner of Section 21, T7N., R24E., B.M., Custer County, State of Idaho; Thence N 89 53' 03" W., 1043.81 feet along the North line of the Southeast Quarter of said Section 21 to a point; Thence S 13 37' 05" E., 615.29 feet to a point; Thence S 10 25' 10" W., 574.80 feet to a point; Thence S 5 33' 56" E., 442.56 feet to a point; Thence S 5 33' 10" W., 251.40 feet to a point on the Centerline of a county road; Thence S 79 23' 26" E., 39.99 feet along said Centerline of county road to a point; Thence along a curve to the right 344.62 feet to a point; said curve having a radius of 567.23 feet and degree of curvature of 10 06' 04"; Thence S 61 59' 08" E., 72.68 feet to a point; Thence leaving said county road Centerline N 15 13' 14" E., 208.38 feet to a point; Thence N 24 12' 52" E., 646.78 feet to a point; Thence N 35 36' 07" E., 415.94 feet to a point on the East line of the Southeast Quarter . . . of Section 21, T7N, R24E., B.M. Thence N. 0 07' 29" W., 875.46 feet along said East line to the East Quarter Corner of said Section 21, the Point of Beginning. Containing 35.238 acres

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EXHIBIT A CONT.

TRACT DESCRIPTION

212986

Tract 96-48

Parcel Number: R-07N24E271202 A

Buyer: John Powers

Instrument Number: 210059

Seller: John Powers (split)

Date: 12/04/95

A parcel of land in Custer County, located in Township 7 North, Range 24 East, Section 27; described as the SW4NE4

EXCEPTING the following description

Township 7 North, Range 24 East, Boise Meridian, Custer County, Idaho, Section 27: A parcel of land situated in the SW4NE4 of Section 27, Township 7 North, Range 24 East, Boise Meridian, Custer County, State of Idaho; begin more particularly described as follows:

Beginning at the Northeast Corner of the SW4NE4, Section 27; said point being South 46° 24' 46" East, 1871.02 feet from the North Quarter corner of said Section 27; thence South 0° 44' 49" East, 414.63 feet along the East line of SW4NE4, Section 27, to a point lying on a County maintained road; thence the following courses along said road;

North 74° 48' 52" West, 756.82 feet to a point;

North 73° 06' 58" West, 171.89 feet to a point;

North 69° 53' 18" West, 184.02 feet to a point;

North 65° 49' 54" West, 183.80 feet to a point lying on the North line of the SW4NE4, Section 27; thence leaving said road North 88° 42' 03" East, 1230.27 feet along said North line to the point of beginning. Excepting therefrom County Road Right-of-Way. Containing 6.38 acres more or less

AFTER RECORDING RETURN TO:

John Lloyd Powers
P. O. Box 493
Mackay, ID 83251

Custer County Reg. of
Terrill R. R. R.

0212986

Mar 11:24 A.M.

3-10 1977

Ethel M. Peck, Clerk
Wendy J. Murphy
24 Deputy

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

SPECIAL WARRANTY DEED

GRANTOR:

JOHN LLOYD POWERS, a single man.

GRANTEE:

JOHN LLOYD POWERS, as Trustee of THE JOHN LLOYD POWERS TRUST under Trust Agreement dated April 15, 1996, and his substitutes and successors as Trustee thereunder.

GRANTEE'S MAILING ADDRESS FOR TAX NOTICES:

P. O. Box 493, Mackay, ID 83251.

DESCRIPTION OF REAL PROPERTY CONVEYED BY THIS DEED:

Situated in the County of Custer, State of Idaho:

The real estate more particularly described upon Exhibit "A" attached hereto and by this reference incorporated herein and made a part hereof.

FOR GOOD AND SUFFICIENT CONSIDERATION, the above-named Grantor does hereby GRANT and CONVEY unto the above-named Grantee, the real property above described, together with the appurtenances. This deed is given for estate planning purposes, without valuable consideration in cash or property, to vest title to the property in a living trust established by Grantor.

Grantor WARRANTS that Grantor has good right and authority to execute and deliver this deed to the Grantee, and that Grantor is the owner in fee simple of said premises, subject only to those encumbrances of record, if any, which were made, suffered, or assumed by the Grantor. If the premises conveyed hereby are subject to any encumbrance securing indebtedness for the payment of which Grantor is presently personally liable, nothing herein contained shall be construed to release Grantor from such personal liability.

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The singular terms "Grantor" and "Grantee" as used in this instrument shall be construed to include the plural.

Dated: March 4, 1997, 1997

John Lloyd Powers
 x *(John L. Powers)*
 JOHN LLOYD POWERS

STATE OF IDAHO)
) ss.
 COUNTY OF CUSTER)

On this 4th day of March, 1997 before me,
 a Notary Public in and for said State, personally
 appeared JOHN LLOYD POWERS, known or identified to
 me to be the person whose name is subscribed to the
 within instrument, and acknowledged to me that he
 executed the same

Sandra Marinac
 Notary Public for: Idaho
 Residing at: Mackay, Idaho
 Comm. Expires: 3-15-1999

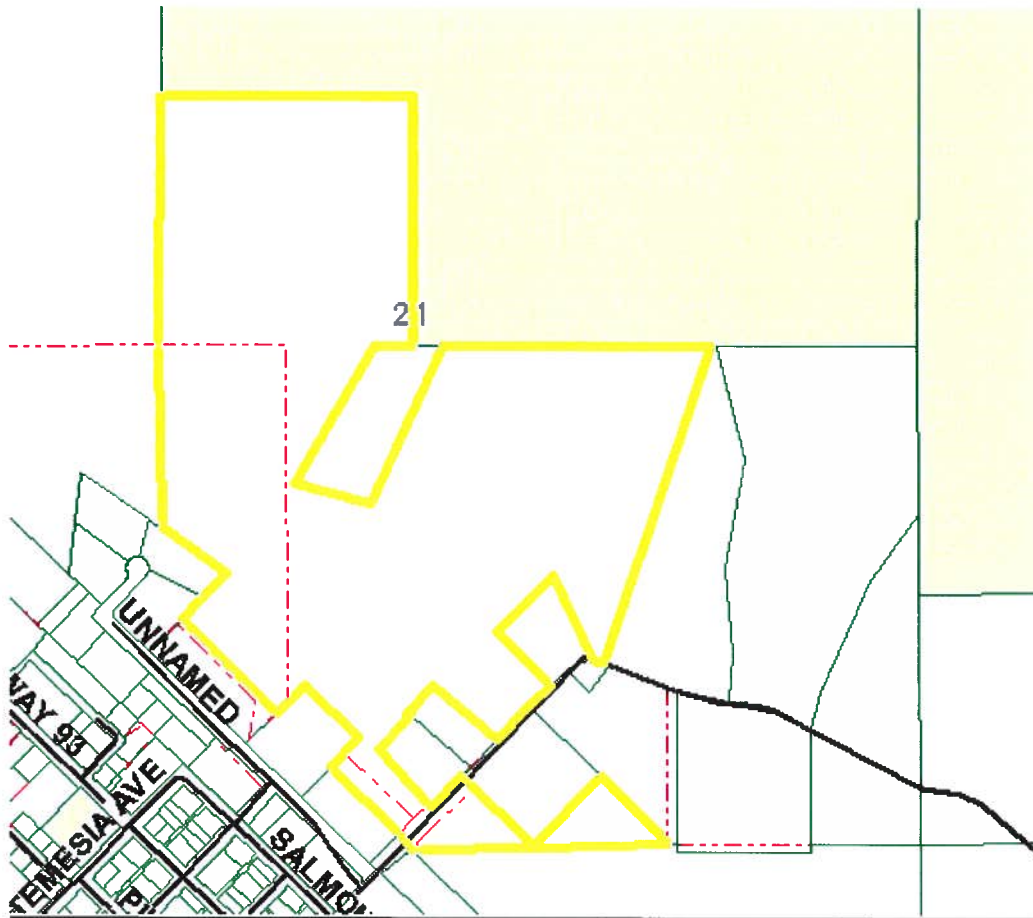


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John Powers Property



Parcel highlighted in Yellow is parcel located in

Township 7 North, Range 24 East, Section 21

Referred to as: Tracts 883, 856, 295, 268, 94-25 and the SE4NW4

(see tract legals attached)

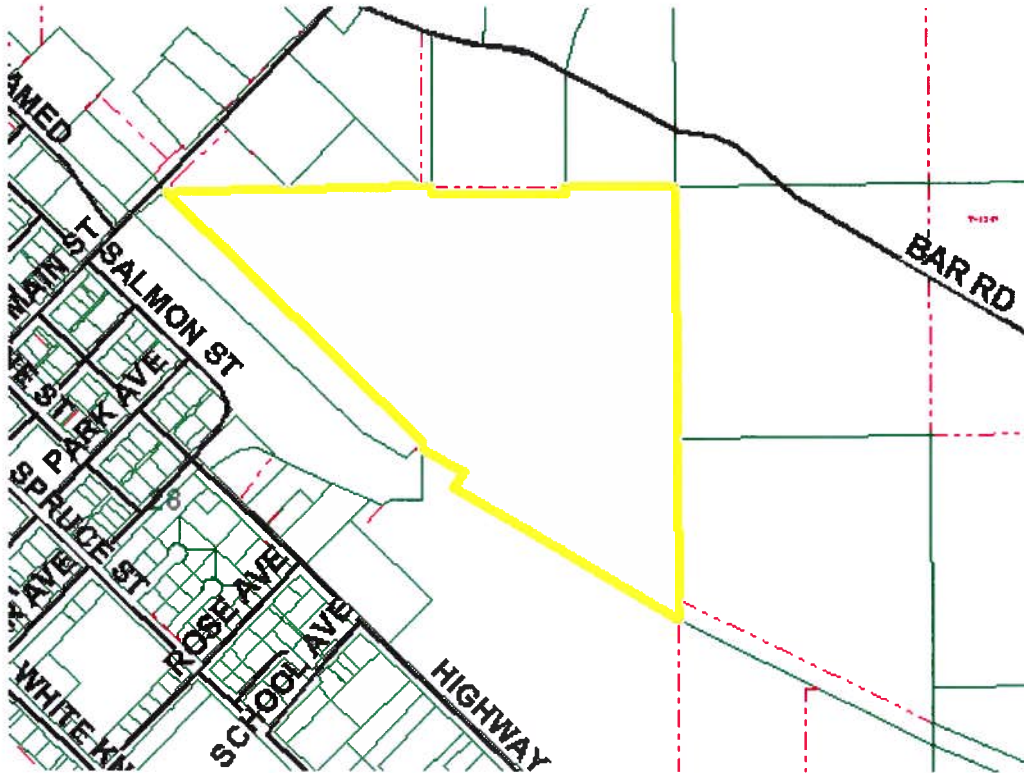
EXCEPTED out of these legals are: Tracts 10-45, 87-23, 08-19, 75-34, 00-23

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Department of Water Resources
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Township 7 North, Range 24 East, Section 28

Tract 704

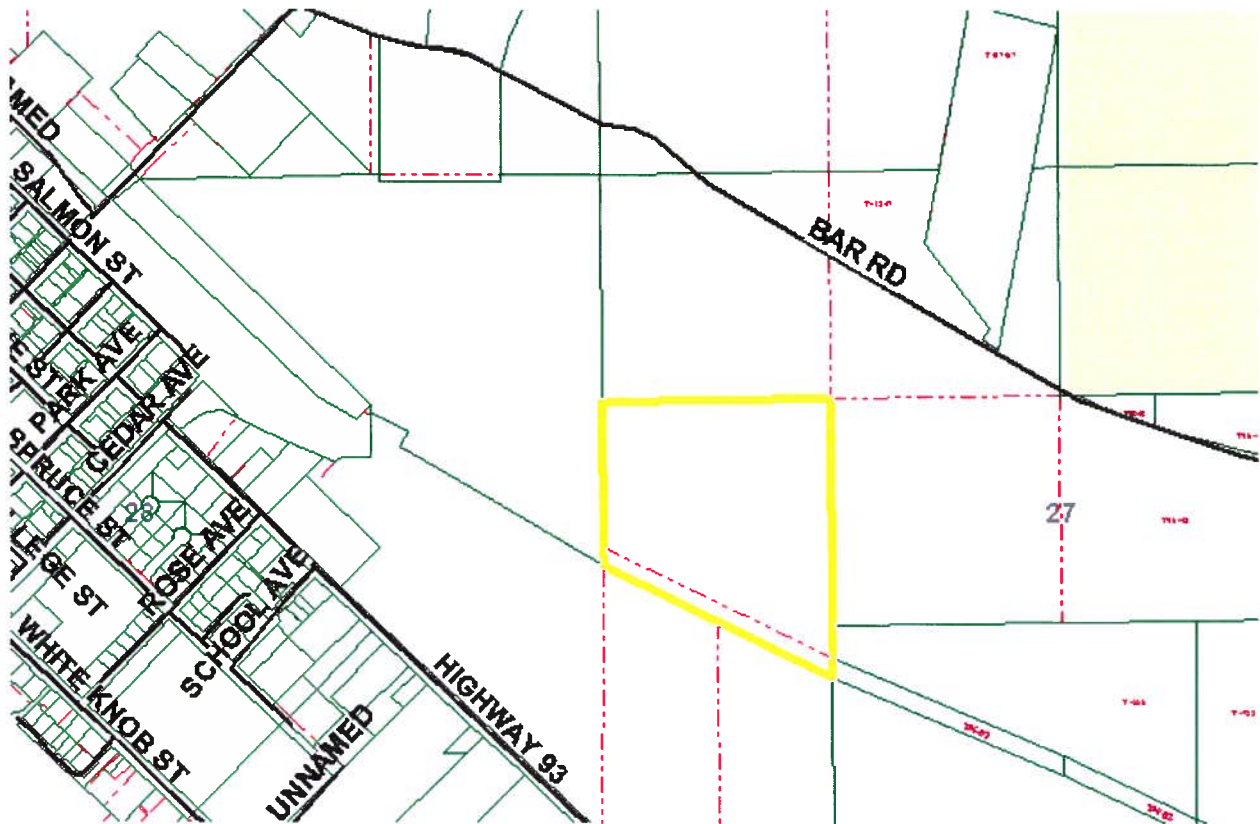
EXCEPTION OF TRACT 94-28

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Eastern Region

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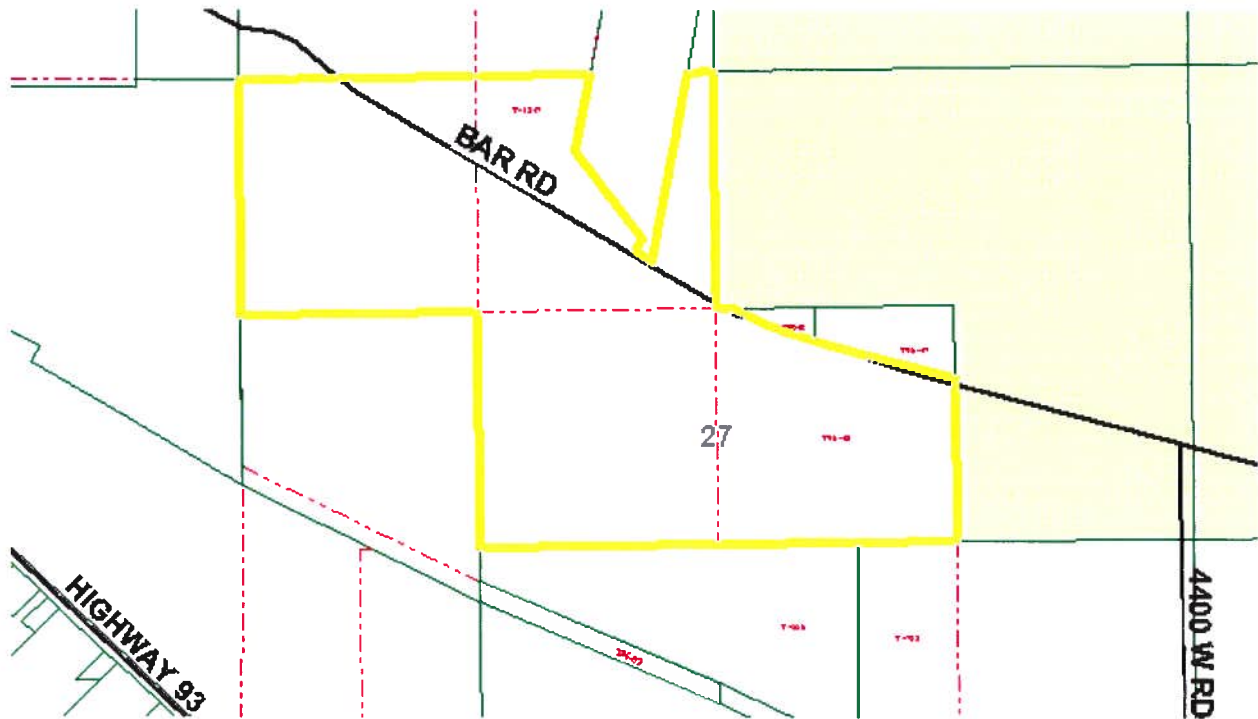


Township 7 North, Range 24 East, Section 27

Tracts 326 and 96-81

77 18 6

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Township 7 North, Range 24 East, Section 27

Tracts 1247, 96-48 and the SE4NW4 NW4NW4

NOTE: Tract cards are reference numbers for the Assessor's office. Older tract cards are from 1 to 2000. When I started to work here I developed a different system of scanning the legal instead of typing it... example Tract 00-23 means a legal recorded in 2000 and was the 23 transactions done that year. The legal was taken from these deed numbers 219048 and 219322. On the older tract cards the deed references are in the upper right hand corner.

77 18 6

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Eastern Region