

Transfer No. 76447
Receipt No. E035759

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

1. Applicant Information JOHN L POWERS TRUST
PO BOX 493
MACKAY ID 83251
(208) 339-3358

Will this transfer result in an ownership change? X Yes No

2. Current Water Right

Part 2 Attached for Each Right

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
34-7239A	WR/License	2.12			299.0	GROUND WATER

3. Purpose of Transfer (Change Proposed)

Part 3A Attached for Each Proposed Right

Part 3B Attached for Each Split Right

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
34-7239A	NO	NO	NO	YES	NO	NO

Describe the reason for the proposed changes

Prior to the advent of pivots and sprinklers there was a much larger flow in the canal that serves my property. When my neighbors changed their irrigation from surface practice, they either pumped from another canal or wells, leaving me and one other irrigator to suffer all the shrink in the canal (Sharp- 3 miles from the river). I have 200 inches (4cfs) of surface water at the canal heading, but by the time it reaches my property I will lose 20-30 percent of the original amount making it virtually impossible to irrigate 300 acres. The change of POD would help resolve this problem.

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

B. Describe the effects on other water uses resulting from the proposed change

5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
34-7239A	2.12 cfs		299.0	
TOTAL	2.12 cfs		299.0	

SCANNED

DEC 16 2010

* Application as amended through

76447

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
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3. Purpose of Transfer (Change Proposed)**Part 3A Attached for Each Proposed Right****Part 3B Attached for Each Split Right**

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**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.

(Signature of Applicant)

(Title or Office)

Subscribed and sworn to before me this _____ day of _____, 20____.

(Notary Public)

My commission expires _____

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

Current Water Right No. 34-7239A

Priority Date: January 22, 1980
Origin: Water Right
Basis: License
Status: Active

Source: GROUND WATER

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

Source and Point(s) of Diversion:

GROUND WATER NESW Sec. 21 Twp 07N Rge 24E CUSTER County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N 24E 21									18.0			25.0		6.0	17.0	7.0	73.0
07N 24E 22											2.0						2.0
07N 24E 27			25.0		11.0	36.0	36.0	39.0		2.0							149.0
07N 24E 28	39.0	19.0		17.0													75.0

Total Acres: 299

Conditions/Remarks:

1. 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. 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. 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.

Page 4

4. 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. 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.

Documentation of Ownership of the Current Place of Use

Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

More efficient use of water.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 34-7239A

Priority Date: January 22, 1980

Origin: Water Right

Basis: License

Status: Active

Source: GROUND WATER
GROUNDWATER

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

Source and Point(s) of Diversion:

GROUNDWATER NESW Sec. 21 Twp 07N Rge 24E CUSTER County

GROUND WATER SWSNW Sec. 27 Twp 07N Rge 24E CUSTER County

Describe the proposed diversion system

Point of Diversion # 1 Existing well Tag #A0018604

Point of Diversion # 2 Will drill new well.

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
07N	24E	21									18.0				25.0				6.0	17.0	7.0	73.0
07N	24E	22											2.0									2.0
07N	24E	27			25.0		11.0	36.0	36.0	39.0			2.0									149.0
07N	24E	28	39.0	19.0		17.0																75.0

Total Acres: 299

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 76447

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

Name of Applicant(s) John L. Powers Trust Phone 208-339-3358

Mailing address PO Box 493 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 _____ Phone _____

Mailing address _____ Email _____

☐ 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 Trustee
Signature of Applicant or Authorized Representative

JOHN L. POWERS TRUSTEE 4/29/10
Print Name and Title if applicable 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. Attach additional pages if necessary and label it **Part 1A.2.** see additional brief

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 ☒ ☐	34-7239A	2.12	Irrigation	4/1 to 10/31	Groundwater
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.12 cfs and/or _____ ac-ft

2. Total amount of water proposed to be 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 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 #
Yes		SW	SE	NE	27	07N	24E	Custer	Groundwater	
No			NE	SW	21	07N	24E	Custer	Groundwater	

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: _____

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

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

- 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: NONE

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 effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: _____
More efficient use of the water.

- 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) use: 34-440B

- 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: _____

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

Current Water Right No. 34-7239A

Priority Date: 01/22/1980

Origin: Water Right

Basis: License

Status: Active

Source: GROUND WATER**Tributary to:**

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

Source and Point(s) of Diversion:

GROUND WATER NESW 07N 24E 21 CUSTER

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N 24E 21									18.0			25.0		6.0	17.0	7.0	73.0
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Total Acres: 299

Conditions/Remarks:

1. 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.
2. 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.
3. 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.
4. 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.

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Department of Water Resources
Eastern Region

76 4 4 7

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

Transfer No. _____

Receipt No. _____

Current Water Right No. 34-7239A

5. 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.

Documentation of Ownership of the Current Place of Use *warranty Deed*

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances? *No*

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

No

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

☒ 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 rights(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 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.:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Transfer contains _____ pages and _____ attachments.

Received by <u>DK</u>	Date <u>4-22-10</u>	Prelim. Check by _____	Date _____
Fee Paid <u>\$330</u>	Date <u>4-22-10</u>	Received by <u>DK</u>	Receipt # <u>E035759</u>
Add'l Fee Paid _____	Date _____	Received by _____	Receipt # _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 76447

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 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. 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.)

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Department of Water Resources
Eastern Region

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 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 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: _____

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34-7239A

N ↑

21 23
28 27



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MAY 03 2010

Department of Water Resources
Eastern Region

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APR 14 2010

Department of Water Resources
Eastern Region



Water Right
34-7239A
(IRRIGATION)

Idaho Department of Water Resources

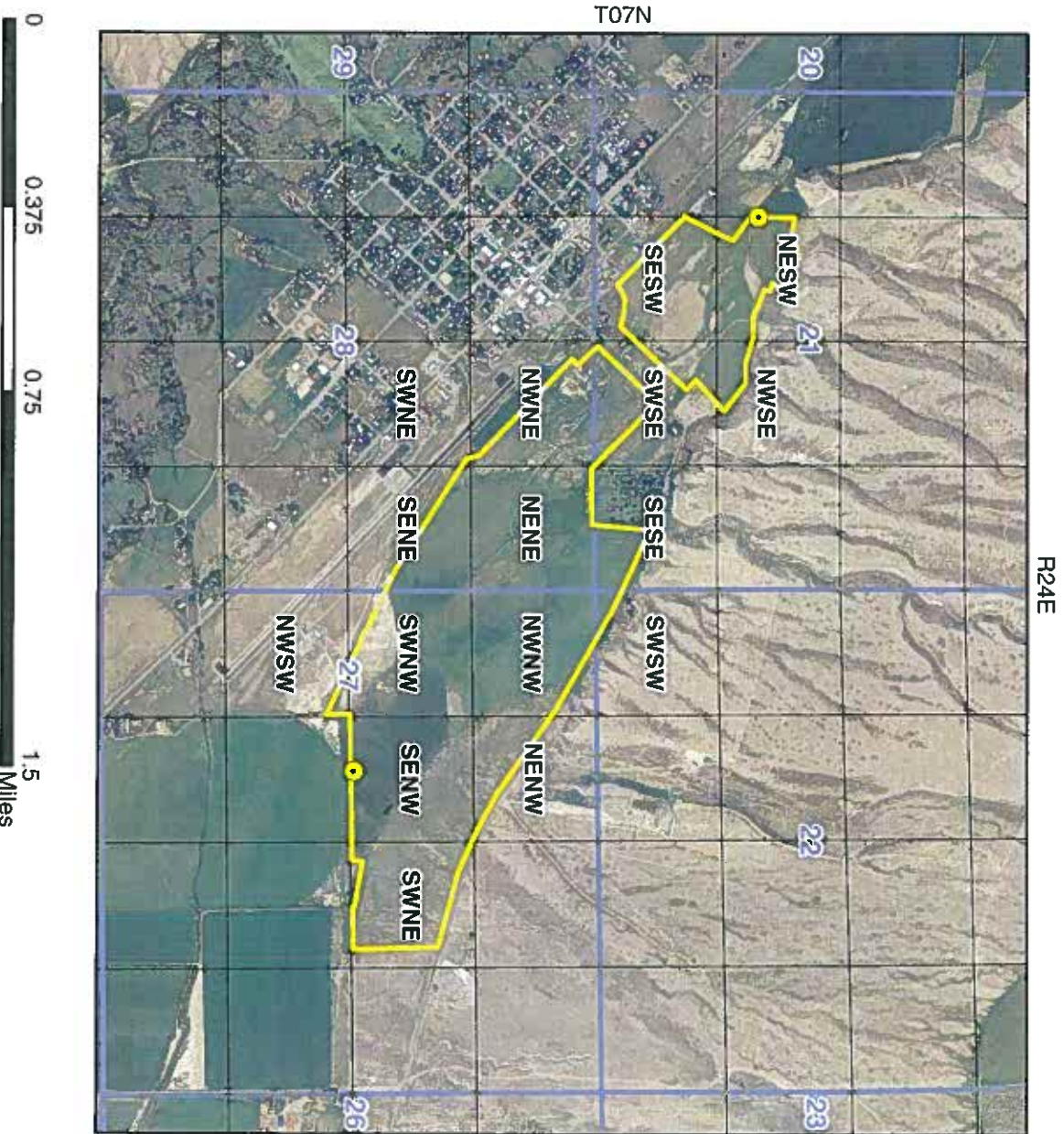
Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Custer County
IDWR Basin 34

Prepared by Denise Kidman
On May 05, 2010
2004 Aerial Photography



AFTER RECORDING RETURN TO:

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

Custer County Reg. of
Terrell Lawrence
11-24 A.M.
3-10 1997
Ethel M. Pack, Clerk
Wendy Murphy
24th Deputy

0212986

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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Department of Water Resources
Eastern Region

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 Lloyd 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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MAY 03 2010
Department of Water Resources
Eastern Region

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. MCCAULEY 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.

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143

JOHN L. POWERS

4.33 ACRES

27-27

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)

PCO 4-159

DEED #126394

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.

RECEIVED
MAY 03 2010
Department of Water Resources
Eastern Region

T-865

Delva B. Jones

John L. Powers

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

96.910

8.544 TRS-6

27-124

30-21

88366

30-586

7.157 TRS-16

31-529

150650

81.72 Ent

206396

2.46 TRS-7

207315

79.26 Rem

211419

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. 3,414 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 W. side of road to corner #1 point of beginning.

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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Department of Water Resources
Eastern Region

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

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 FLAINE POWERS, husband and wife

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

IE STAMPS

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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 EBM, thence North 44° East 290.4 ft, 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.

Commencing at the Northeast corner of Section 28, Twp 7 North, Range 24 EBM, thence 22.39 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 7.25 chains, thence North 32° East 1.51 chains, thence North 63° West 5.60 chains, thence North 50° 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 29, thence North 44° East in continuation of above said East line of Main Street of Mackay 56.24 chains to a point on the east line of Section 21, thence South 0° West along said East line of Section 21, 38.60 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 Northboundary 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 10 acres for Mt. McCaleb Cemetery situated as follows: Commencing at the Northeast corner of Section 28, Twp 7 North, Range 24 EBM, 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 531.5 feet, thence South 0° East 822 feet to the place of beginning, situated in the Southeast Quarter of the Southeast Quarter of Section 21, Twp 7 North, Range 24 EBM.

Also excepting the following described tract situate in Section 28, Twp 7 North, Range 24 EBM, 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 6° 00' W 550 ft; th due N 800 ft to NW cor of NE¼NW¼; th due S 1320 ft; th due E 1320 ft, th N 329 ft to pt of beg., ALSO, SE¼NW¼ & the W½NE¼SW¼ & 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 284 ft, th S 46° E along the O.S.L. r/w 640 ft th N 7° 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 6° 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 7N Range 24 EBM.

INITIALS

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 & 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 of they executed the same.

Harvey B. Lambie
Notary Public
Residing at Blackfoot, Idaho
Comm. Expires 8-14-71

Fees \$ 3.00

By Evelyn Powers Deputy.

at Blackfoot, Idaho.

Recorded in the

at Blackfoot, Idaho.

at Blackfoot, Idaho.

at Blackfoot, Idaho.

at Blackfoot, Idaho.

at Blackfoot, Idaho.

at Blackfoot, Idaho.

at Blackfoot, Idaho.

at Blackfoot, Idaho.

at Blackfoot, Idaho.

at Blackfoot, Idaho.

at Blackfoot, Idaho.

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

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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.

Allen B. Jones Notary Public
Residing at Bliss, 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. Bryson
Ex-Officio Recorder
Kathy Gumpadraglis
Deputy.

Fees \$ 5.00

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, 7.26 chains; thence North 33° East, 1.51 chains; thence North 63° West, 5.60 chains; thence North 59° West, 3.12 chains; thence North 51° West, 4.24 chains; thence North 47° West, 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 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°