

DEC ✓

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
WR 13-07416	OK				

RECEIVED

2. The following **REQUIRED** information must be submitted with this form:

DEC 14 2009

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

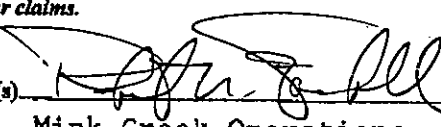
3. Name and Address of Former Owner/Claimant(s)	Robert N. Fackrell P. O. Box 1 Preston, ID 83263
4. New Owner/Claimant(s)	Mink Creek Hydro LLC Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address	P. O. Box 1
City, State and ZIP Code	Preston, ID 83263
New Telephone Number	(208) 852-1522
Email:	

Form 42-24842-1009(6) 12/2006

5. Date you acquired the property October 15, 2008
6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s) , President
Mink Creek Operations, Inc. (title if applicable)
Mink Creek Hydro LLC (title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by BAH
 Received by BAH
 Processed by AJ

Date 12/14/09
 Date 12/14/09
 Date 12/14/09

Receipt Amt. \$25
 Receipt No. E035502
 WR Date

247430 1-7

Gary Meikle

a.m. DEC 03 2009 p.m. 1:21

**CORRECTED WARRANTY DEED
AND TRANSFER OF EASEMENTS**

ELLIOTT LARSEN, RECORDER
by Shauna Geddes Deput
FRANKLIN COUNTY IDAHO

THIS INDENTURE is made this 24 day of November, 2009, by Robert N. Fackrell and Stephanie C. Fackrell, husband and wife, referred to collectively as the Grantor, and Mink Creek Hydro LLC, the Grantee, whose mailing address is P. O. Box 1, Preston, Idaho, 83263. This deed corrects the legal description in Instrument No. 246610.

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, and to the Grantee's heirs and assigns forever, all of the property in the County of Franklin, State of Idaho, described on the attached schedule and all easements appurtenant thereto, including but not limited to, those easements identified on the attached schedule.

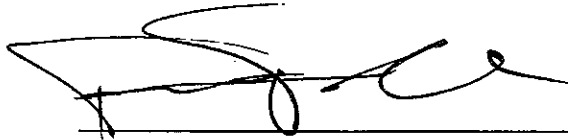
SUBJECT to all existing easements or claims of easements, patent reservations, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to the property, as well in law as in equity, of the Grantor.

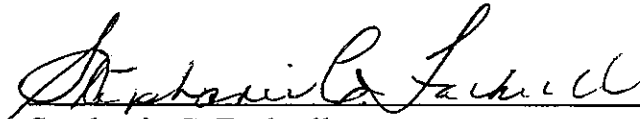
TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantee, and to the Grantee's heirs and assigns forever. The Grantor and the Grantor's heirs shall warrant and defend the premises in the quiet and peaceable possession of the Grantee and the Grantee's heirs and assigns, against the Grantor and the Grantor's heirs, and against every person whomsoever who lawfully holds (or who later lawfully claims to have held) rights in the premises as of the date hereof.

In construing this Warranty Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.



Robert N. Fackrell



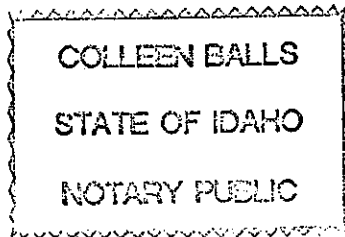
Stephanie C. Fackrell

STATE OF IDAHO)
)ss.
County of Bonneville)

On this 24 day of November, 2009, before me the undersigned, a Notary Public, in and for said State, personally appeared Robert N. Fackrell and Stephanie C. Fackrell, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they 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.

(seal)




Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 11/27/10

PARCEL A: POWER PLANT PARCEL

A parcel of land located in Section 28, Township 13 South, Range 41 East of the Boise Meridian, Franklin County, Idaho, and further described as follows:

Beginning at the East Quarter corner of said Section 28, which is South 00° 08' East 33.00 feet by record from a witness corner monument set in 1973 by the B.L.M., thence South 39° 39'27" West 1216.04 feet (based on Astronomic North) to a ½ inch rod, THE TRUE POINT OF BEGINNING; thence South 75° 43'22" West 37.29 feet to a ½ inch rod which is set on the Easterly Boundary line of a parcel belonging to the United States of America filed under Instrument No. 83354 in the official records of Franklin County; thence North 05° 08'00" West (North 5° 08' by record) 62.34 feet to a ½ inch rod; thence South 84° 52'00" West 64.00 feet (South 84° 52' West 64.0 feet by record); thence North 01° 41'00" West 142.29 feet (North 1° 41' West by record) to a ½ inch rod on the bank of Mink Creek; thence along said bank North 38° 08'12" East 252.46 feet to a ½ inch rod; thence leaving said bank of Mink Creek and going South 87° 15'18" East 179.73 feet to a ½ inch rod; thence South 31° 31'27" East 100.00 feet to a ½ inch rod which is the Southwest corner of the Penstock Parcel; thence South 43° 23'29" West 404.76 feet to the TRUE POINT OF BEGINNING.

PENSTOCK PARCEL

A parcel of land located in Sections 27 and 28, Township 13 South, Range 41 East of the Boise Meridian, Franklin County, Idaho, and further described as follows:

Beginning at the East Quarter corner of said Section 28, which is South 00° 08' East 33.0 feet by record from a witness corner monument set in 1973 by the B.L.M.; thence East based on Astronomic North 357.52 feet to the TRUE POINT OF BEGINNING which is marked by a ½ inch rod; thence East 191.26 feet to a ½ inch rod; thence South 58° 28'33" West 1228.01 feet to a ½ inch rod which is the Northeast corner of the Power Plant Parcel; thence North 31° 31'27" West 100.00 feet to a ½ inch rod; thence North 58° 28'33" East 1064.97 feet to the TRUE POINT OF BEGINNING.

PARCEL B: ROAD EASEMENT

An easement for access 30 feet wide, 15 feet on each side of the following centerline located in Section 28, Township 13 South, Range 41 East of the Boise Meridian, Franklin County, Idaho, and further described as follows:

Beginning at the East quarter corner of said Section 28, which is South 0° 08' East 33.0 feet from a witness corner monument set in 1973 by the B.L.M.; thence South 51° 50'04" West 2773.96 feet (based on astronomic North) to the TRUE POINT OF BEGINNING, which is the center of Mink Creek Road; thence along the center line of said easement; South 72° 02'45" East 137.91 feet; South 76° 06'22" East 153.21 feet; North 89° 01'57"

East 98.31 feet; North 70° 37'07" East 209.25 feet; North 50° 05'14" East 134.69 feet; North 37° 54'38" East 158.55 feet; North 32° 58'26" East 95.80 feet; North 03° 41'43" East 213.19 feet; North 47° 34'34" East 269.86 feet to a point on the Southwest boundary line of a parcel belonging to the United States of America filed under Instrument No. 83354 in the official records of Franklin County, said point is South 47° 43'52" West 1576.21 feet from the East quarter corner of said Section 28, the side lines lengthening or shortening to terminate on said boundary line.

Also, an easement for access 30 feet wide over the following described parcel in Section 28, Township 13 South, Range 41 East of the Boise Meridian, Franklin County, Idaho.

Beginning at the East quarter corner of said Section 28, thence South 48° 11'11" West 1513.38 feet to a point in the centerline of said easement and also on the boundary of the above described parcel filed under Instrument No. 83354; thence North 05° 08'00" West (South 5° 08' East by record) 32.96 feet; thence North 21° 56'04" East 19.95 feet; thence North 84° 52'00" East (North 84° 52' East by record) 33.68 feet; thence South 21° 56'04" West 93.98 feet to a point on said boundary of parcel Instrument No. 83354; thence North 05° 08'00" West 32.96 feet to the TRUE POINT OF BEGINNING.

Also, an easement for access 30 feet wide 15 feet on each side of the following described line located in Section 28, Township 13 South, Range 41 East of the Boise Meridian, Franklin County, Idaho.

Beginning at the East quarter corner of Section 28, thence South 52° 50'08" West 1204.67 feet to the TRUE POINT OF BEGINNING, which is also on the boundary of the above described parcel filed under Instrument No. 83354 in Franklin County; thence North 44° 19'14" East 51.86 feet; thence South 52° 55'20" East 64.09 feet to a point on the East bank of Mink Creek and also on the Northwesterly boundary of the power plant parcel. The side lines of said easement lengthening and shortening as needed to end on said boundary of the power plant parcel.

PARCEL C: TAILRACE EASEMENT

An easement for operation and maintenance of a power plant tailrace 60 feet wide, 30 feet on each side of the following described line in Section 28, Township 13 South, Range 41 East of the Boise Meridian, Franklin County, Idaho, and further described as follows:

Beginning at the East quarter corner of said Section 28, which is South 00° 08' East 33.00 feet by record from a witness corner monument set in 1973 by the B.L.M., thence South 39° 39'27" West 1216.04 feet; thence South 75° 43'22" West 37.29 feet to a point on the East boundary line of a parcel owned by the United States of America filed under Instrument No. 83354 in the official records of Franklin County; thence along said Easterly boundary line North 05° 08'00" West 62.34 feet; thence South 84° 52'00" West 64.00 feet; thence North 01° 41'00" West 68.16 feet to the TRUE POINT OF

BEGINNING; thence South $47^{\circ} 24' 33''$ West 190.24 feet to a point on the Southerly boundary line of said parcel filed under Instrument No. 83354. The side lines of this easement are to shorten or lengthen as needed to terminate on the boundary lines of said parcel filed under Instrument No. 83354.

PARCEL D: DRAIN LINE EASEMENT

An easement 20.00 feet wide, 10.00 feet on each side of the following described centerline in Section 28, Township 13 South, Range 41 East of the Boise Meridian, Franklin County, Idaho, and further described as follows:

Beginning at the East Quarter Corner of said Section 28, which is South $00^{\circ} 08'$ East 33.00 feet from a witness corner monument set by the B.L.M. in 1973; thence South $48^{\circ} 16' 30''$ West 1185.07 feet to the TRUE POINT OF BEGINNING, which is on the East boundary line of a parcel of property owned by the U.S.A. and recorded under Instrument No. 83354 in the official records of Franklin County; thence along the center line of the drain pipe as now installed South $64^{\circ} 03' 32''$ West 161.89 feet to a point in a drainage ditch. The side lines of this easement are to lengthen or shorten as required to terminate on the Easterly line of a drainage easement on this same parcel of property.

PARCEL E: ACCESS ROAD THROUGH USA PARCEL

An easement for ingress and egress over the following described parcel of land located in Section 28, Township 13 South, Range 41 East of the Boise Meridian, Franklin County, Idaho, and further described as follows:

Beginning at the East Quarter corner of said Section 28, which is South $00^{\circ} 08'$ East 33.0 feet (by record) from a witness corner monument set in 1973 by the B.L.M.; thence South $48^{\circ} 37' 10''$ West 1547.06 feet (based on Astronomic North) to the centerline of a road, the TRUE POINT OF BEGINNING; said TRUE POINT OF BEGINNING is on the boundary line of a parcel of land belonging to the United States of America filed under Instrument No. 83354 in the official records of Franklin County; thence North $58^{\circ} 38' 00''$ West 15.01 feet along said boundary line; thence North $28^{\circ} 27' 00''$ East 228.10 feet; thence North $20^{\circ} 15' 48''$ East 84.00 feet to a point on a boundary line of said USA Parcel; thence North $84^{\circ} 52' 00''$ East 80.00 feet along said boundary; thence South $39^{\circ} 25' 03''$ West 129.76 feet; thence South $28^{\circ} 27' 00''$ West 229.62 feet to the boundary line of said USA Parcel; thence North $58^{\circ} 38' 00''$ West 15.01 feet to the TRUE POINT OF BEGINNING.

PARCEL F: CENTERLINE DRAINAGE EASEMENT IN U.S.A. PARCEL

An easement for drainage 20 feet wide, 10 feet on each side of the following described centerline located in Section 28, Township 13 South, Range 41 East of the Boise Meridian, Franklin County, Idaho, and further described as follows:

Beginning at the East Quarter corner of said Section 28, which is South 00° 08' East 33.0 feet by record from a witness corner monument set in 1973 by the B.L.M.; thence South 51° 05'41" West 1350.30 feet to the TRUE POINT OF BEGINNING which is on the centerline at the upstream terminus of a drainage ditch; thence along said centerline South 88° 36'58" East 14.53 feet; South 29° 05'05" East 12.77 feet; thence South 32° 16'40" West 67.86 feet; thence South 37° 10'05" West 29.92 feet; thence South 27° 24'33" West 42.80 feet; South 04° 09'59" West 24.69 feet; thence South 15° 02'56" East 26.91 feet to a point on the bank of Mink Creek, which is South 46° 52'14" West 1505.69 feet from said East Quarter Corner. The sidelines of said easement are to lengthen or shorten as needed to terminate on the bank of Mink Creek.

PARCEL G: ROAD EASEMENT IN POWER PLANT PARCEL

An easement for ingress and egress twelve feet wide, six feet on each side of the following described centerline located in Section 28, Township 13 South, Range 41 East of the Boise Meridian, Franklin County, and further described as follows:

Beginning at the East Quarter Corner of said Section 28, which is South 00° 08' East 33.0 feet (by record) from a witness corner monument set in 1973 by the B.L.M.; thence South 39° 39'27" West 1216.04 feet (based on Astronomic North) to a ½ inch rod; thence South 75° 43'22" West 37.29 feet to a ½ inch rod which is set on the Easterly boundary of a parcel belonging to the United States of America filed under Instrument No. 83354 in the official records of Franklin County; thence North 05° 08'00" West (North 5° 08' West by record) 51.26 feet to the TRUE POINT OF BEGINNING; thence along the centerline of said road easement North 47° 44'56" East 23.33 feet; thence North 37° 08'37" East 55.11 feet; thence North 20° 28'35" East 53.05 feet; thence North 06° 56'34" East 49.83 feet; thence North 41° 32'53" West 42.91 feet; thence South 87° 43'50" West 42.97 feet; thence South 64° 06'53" West 24.68 feet; thence South 73° 08'29" West 23.85 feet; thence North 66° 35'07" West 6.93 feet to a point on the Northwesterly boundary line of the power plant parcel. The sidelines of said easement are to lengthen or shorten to terminate on said boundary line.

PARCEL H: ROBERT FACKRELL POWER PLANT EASEMENT THROUGH BENSON PROPERTY - PENSTOCK EASEMENT

An easement for maintenance of a penstock pipe, thirty feet wide, fifteen feet on each side of the following described centerline located in Section 27, Township 13 South, Range 41 East of the Boise Meridian, Franklin County and further described as follows:

Beginning at the West Quarter Corner of said Section 27, thence East 357.52 feet; thence North 58° 28'33" East 112.35 feet to a fenceline; thence North 88° 06'20" East 80.14 feet to the centerline of the penstock pipe, which is the TRUE POINT OF BEGINNING of this easement; thence North 59° 17'31" East 552.46 feet; thence North 56° 01'46" East 573.26 feet; thence North 53° 46'53" East 2412.34 feet; thence North 61° 58'56" East 475.24 feet; thence North 63° 14'32" East 540.87 feet; thence North 41° 23'59" East 65.31 feet to a point on the North line of said Section 27 which is South 89° 08'20" East 398.14 feet along said North line from the East 1/16th corner on said North line. The sidelines of this easement are to lengthen or shorten to terminate on said North line.

PARCEL I: PENSTOCK AND DIVERSION STRUCTURE EASEMENT

A strip of land 100 feet wide starting at the Mink Creek Spring in Section 23, and running to the Forest boundary near the Southwest corner of SE¼SE¼ of Section 22, Township 13 South, Range 41 East of the Boise Meridian, and a two-acre site at the spring for a diversion structure.

After construction is completed, the strip of land will be reduced to 20 feet.

PARCEL J:

A parcel of land located in Section 27, Township 13 South, Range 41 East of the Boise Meridian, Franklin County, Idaho, and further described as follows:

Beginning at the West Quarter corner of said Section 27, which is South 00° 08' East 33.00 feet from a witness monument set in 1973 by the B.L.M.; thence East 357.52 feet to a 1/2 inch rebar; being the TRUE POINT OF BEGINNING; thence North 58° 28'33" East 112.35 feet to a fence line; thence North 88° 06'20" East 202.27 feet along said fence; thence South 58° 28'33" West 125.15 feet to a 1/2 inch rebar; thence West 191.25 feet to the TRUE POINT OF BEGINNING.

246610

1-7

Recorded at the request of

Gary Meikle

a.m. SEP 18 2009 p.m. 2:4

**WARRANTY DEED
AND TRANSFER OF EASEMENTS** V. ELLIOTT LARSEN, RECORDER
By Shauna Geddes Deputy
FRANKLIN COUNTY, IDAHO

THIS INDENTURE is made this 15 day of October, 2008, by Robert N. Fackrell and Stephanie C. Fackrell, husband and wife, referred to collectively as the Grantor, and Mink Creek Hydro LLC, the Grantee, whose mailing address is P. O. Box 1, Preston, Idaho, 83263.

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, and to the Grantee's heirs and assigns forever, all of the property in the County of Franklin, State of Idaho, described on the attached schedule and all easements appurtenant thereto, including but not limited to, those easements identified on the attached schedule.

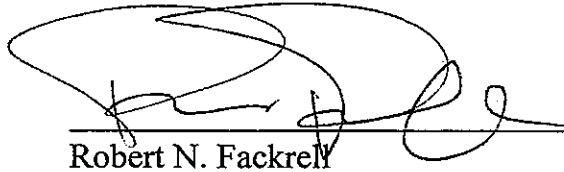
SUBJECT to all existing easements or claims of easements, patent reservations, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to the property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantee, and to the Grantee's heirs and assigns forever. The Grantor and the Grantor's heirs shall warrant and defend the premises in the quiet and peaceable possession of the Grantee and the Grantee's heirs and assigns, against the Grantor and the Grantor's heirs, and against every person whomsoever who lawfully holds (or who later lawfully claims to have held) rights in the premises as of the date hereof.

In construing this Warranty Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.


Robert N. Fackrell

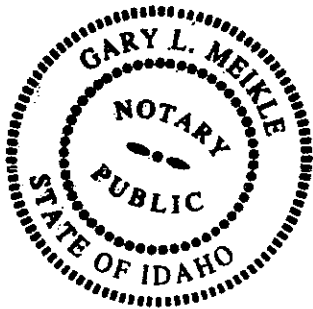

Stephanie C. Fackrell

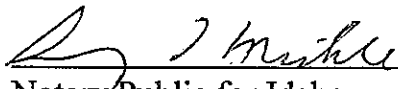
STATE OF IDAHO)
)ss.
County of Bonneville)

On this 15 day of October, 2008, before me the undersigned, a Notary Public, in and for said State, personally appeared Robert N. Fackrell and Stephanie C. Fackrell, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they 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.

(seal)




Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 12/15/09

G:\WPDATA\GLM\Fackrell\warranty deed.11c.2.wpd:

PARCEL A: POWER PLANT PARCEL

A parcel of land located in Section 28, Township 13 South, Range 41 East of the Boise Meridian, Franklin County, Idaho, and further described as follows:

Beginning at the East Quarter corner of said Section 28, which is South 00° 08' East 33.00 feet by record from a witness corner monument set in 1973 by the B.L.M., thence South 39° 39'27" West 1216.04 feet (based on Astronomic North) to a ½ inch rod, THE TRUE POINT OF BEGINNING; thence South 75° 43'22" West 37.29 feet to a ½ inch rod which is set on the Easterly Boundary line of a parcel belonging to the United States of America filed under Instrument No. 83354 in the official records of Franklin County; thence North 05° 08'00" West (North 5° 08' by record) 62.34 feet to a ½ inch rod; thence South 84° 52'00" West 64.00 feet (South 84° 52' West 64.0 feet by record); thence North 01° 41'00" West 142.29 feet (North 1° 41' West by record) to a ½ inch rod on the bank of Mink Creek; thence along said bank North 38° 08'12" East 252.46 feet to a ½ inch rod; thence leaving said bank of Mink Creek and going South 87° 15'18" East 179.73 feet to a ½ inch rod; thence South 31° 31'27" East 100.00 feet to a ½ inch rod which is the Southwest corner of the Penstock Parcel; thence South 43° 23'29" West 404.76 feet to the TRUE POINT OF BEGINNING.

PENSTOCK PARCEL

A parcel of land located in Sections 27 and 28, Township 13 South, Range 41 East of the Boise Meridian, Franklin County, Idaho, and further described as follows:

Beginning at the East Quarter corner of said Section 28, which is South 00° 08' East 33.0 feet by record from a witness corner monument set in 1973 by the B.L.M.; thence East based on Astronomic North 357.52 feet to the TRUE POINT OF BEGINNING which is marked by a ½ inch rod; thence East 191.26 feet to a ½ inch rod; thence South 58° 28'33" West 1228.01 feet to a ½ inch rod which is the Northeast corner of the Power Plant Parcel; thence North 31° 31'27" West 100.00 feet to a ½ inch rod; thence North 58° 28'33" East 1064.97 feet to the TRUE POINT OF BEGINNING.

PARCEL B: ROAD EASEMENT

An easement for access 30 feet wide, 15 feet on each side of the following centerline located in Section 28, Township 13 South, Range 41 East of the Boise Meridian, Franklin County, Idaho, and further described as follows:

Beginning at the East quarter corner of said Section 28, which is South 0° 08' East 33.0 feet from a witness corner monument set in 1973 by the B.L.M.; thence South 51° 50'04" West 2773.96 feet (based on astronomic North) to the TRUE POINT OF BEGINNING, which is the center of Mink Creek Road; thence along the center line of said easement; South 72° 02'45" East 137.91 feet; South 76° 06'22" East 153.21 feet; North 89° 01'57"

East 98.31 feet; North 70° 37'07" East 209.25 feet; North 50° 05'14" East 134.69 feet; North 37° 54'38" East 158.55 feet; North 32° 58'26" East 95.80 feet; North 03° 41'43" East 213.19 feet; North 47° 34'34" East 269.86 feet to a point on the Southwest boundary line of a parcel belonging to the United States of America filed under Instrument No. 83354 in the official records of Franklin County, said point is South 47° 43'52" West 1576.21 feet from the East quarter corner of said Section 28, the side lines lengthening or shortening to terminate on said boundary line.

Also, an easement for access 30 feet wide over the following described parcel in Section 28, Township 13 South, Range 41 East of the Boise Meridian, Franklin County, Idaho.

Beginning at the East quarter corner of said Section 28, thence South 48° 11'11" West 1513.38 feet to a point in the centerline of said easement and also on the boundary of the above described parcel filed under Instrument No. 83354; thence North 05° 08'00" West (South 5° 08' East by record) 32.96 feet; thence North 21° 56'04" East 19.95 feet; thence North 84° 52'00" East (North 84° 52' East by record) 33.68 feet; thence South 21° 56'04" West 93.98 feet to a point on said boundary of parcel Instrument No. 83354; thence North 05° 08'00" West 32.96 feet to the TRUE POINT OF BEGINNING.

Also, an easement for access 30 feet wide 15 feet on each side of the following described line located in Section 28, Township 13 South, Range 41 East of the Boise Meridian, Franklin County, Idaho.

Beginning at the East quarter corner of Section 28, thence South 52° 50'08" West 1204.67 feet to the TRUE POINT OF BEGINNING, which is also on the boundary of the above described parcel filed under Instrument No. 83354 in Franklin County; thence North 44° 19'14" East 51.86 feet; thence South 52° 55'20" East 64.09 feet to a point on the East bank of Mink Creek and also on the Northwesterly boundary of the power plant parcel. The side lines of said easement lengthening and shortening as needed to end on said boundary of the power plant parcel.

PARCEL C: TAILRACE EASEMENT

An easement for operation and maintenance of a power plant tailrace 60 feet wide, 30 feet on each side of the following described line in Section 28, Township 13 South, Range 41 East of the Boise Meridian, Franklin County, Idaho, and further described as follows:

Beginning at the East quarter corner of said Section 28, which is South 00° 08' East 33.00 feet by record from a witness corner monument set in 1973 by the B.L.M., thence South 39° 39'27" West 1216.04 feet; thence South 75° 43'22" West 37.29 feet to a point on the East boundary line of a parcel owned by the United States of America filed under Instrument No. 83354 in the official records of Franklin County; thence along said Easterly boundary line North 05° 08'00" West 62.34 feet; thence South 84° 52'00" West 64.00 feet; thence North 01° 41'00" West 68.16 feet to the TRUE POINT OF

BEGINNING; thence South 47° 24'33" West 190.24 feet to a point on the Southerly boundary line of said parcel filed under Instrument No. 83354. The side lines of this easement are to shorten or lengthen as needed to terminate on the boundary lines of said parcel filed under Instrument No. 83354.

PARCEL D: DRAIN LINE EASEMENT

An easement 20.00 feet wide, 10.00 feet on each side of the following described centerline in Section 28, Township 13 South, Range 41 East of the Boise Meridian, Franklin County, Idaho, and further described as follows:

Beginning at the East Quarter Corner of said Section 28, which is South 00° 08' East 33.00 feet from a witness corner monument set by the B.L.M. in 1973; thence South 48° 16'30" West 1185.07 feet to the TRUE POINT OF BEGINNING, which is on the East boundary line of a parcel of property owned by the U.S.A. and recorded under Instrument No. 83354 in the official records of Franklin County; thence along the center line of the drain pipe as now installed South 64° 03'32" West 161.89 feet to a point in a drainage ditch. The side lines of this easement are to lengthen or shorten as required to terminate on the Easterly line of a drainage easement on this same parcel of property.

PARCEL E: ACCESS ROAD THROUGH USA PARCEL

An easement for ingress and egress over the following described parcel of land located in Section 28, Township 13 South, Range 41 East of the Boise Meridian, Franklin County, Idaho, and further described as follows:

Beginning at the East Quarter corner of said Section 28, which is South 00° 08' East 33.0 feet (by record) from a witness corner monument set in 1973 by the B.L.M.; thence South 48° 37'10" West 1547.06 feet (based on Astronomic North) to the centerline of a road, the TRUE POINT OF BEGINNING; said TRUE POINT OF BEGINNING is on the boundary line of a parcel of land belonging to the United States of America filed under Instrument No. 83354 in the official records of Franklin County; thence North 58° 38'00" West 15.01 feet along said boundary line; thence North 28° 27'00" East 228.10 feet; thence North 20° 15'48" East 84.00 feet to a point on a boundary line of said USA Parcel; thence North 84° 52'00" East 80.00 feet along said boundary; thence South 39° 25'03" West 129.76 feet; thence South 28° 27'00" West 229.62 feet to the boundary line of said USA Parcel; thence North 58° 38'00" West 15.01 feet to the TRUE POINT OF BEGINNING.

PARCEL F: CENTERLINE DRAINAGE EASEMENT IN U.S.A. PARCEL

An easement for drainage 20 feet wide, 10 feet on each side of the following described centerline located in Section 28, Township 13 South, Range 41 East of the Boise Meridian, Franklin County, Idaho, and further described as follows:

Beginning at the East Quarter corner of said Section 28, which is South 00° 08' East 33.0 feet by record from a witness corner monument set in 1973 by the B.L.M.; thence South 51° 05'41" West 1350.30 feet to the TRUE POINT OF BEGINNING which is on the centerline at the upstream terminus of a drainage ditch; thence along said centerline South 88° 36'58" East 14.53 feet; South 29° 05'05" East 12.77 feet; thence South 32° 16'40" West 67.86 feet; thence South 37° 10'05" West 29.92 feet; thence South 27° 24'33" West 42.80 feet; South 04° 09'59" West 24.69 feet; thence South 15° 02'56" East 26.91 feet to a point on the bank of Mink Creek, which is South 46° 52'14" West 1505.69 feet from said East Quarter Corner. The sidelines of said easement are to lengthen or shorten as needed to terminate on the bank of Mink Creek.

PARCEL G: ROAD EASEMENT IN POWER PLANT PARCEL

An easement for ingress and egress twelve feet wide, six feet on each side of the following described centerline located in Section 28, Township 13 South, Range 41 East of the Boise Meridian, Franklin County, and further described as follows:

Beginning at the East Quarter Corner of said Section 28, which is South 00° 08' East 33.0 feet (by record) from a witness corner monument set in 1973 by the B.L.M.; thence South 39° 39'27" West 1216.04 feet (based on Astronomic North) to a ½ inch rod; thence South 75° 43'22" West 37.29 feet to a ½ inch rod which is set on the Easterly boundary of a parcel belonging to the United States of America filed under Instrument No. 83354 in the official records of Franklin County; thence North 05° 08'00" West (North 5° 08' West by record) 51.26 feet to the TRUE POINT OF BEGINNING; thence along the centerline of said road easement North 47° 44'56" East 23.33 feet; thence North 37° 08'37" East 55.11 feet; thence North 20° 28'35" East 53.05 feet; thence North 06° 56'34" East 49.83 feet; thence North 41° 32'53" West 42.91 feet; thence South 87° 43'50" West 42.97 feet; thence South 64° 06'53" West 24.68 feet; thence South 73° 08'29" West 23.85 feet; thence North 66° 35'07" West 6.93 feet to a point on the Northwesterly boundary line of the power plant parcel. The sidelines of said easement are to lengthen or shorten to terminate on said boundary line.

PARCEL H: ROBERT FACKRELL POWER PLANT EASEMENT THROUGH BENSON PROPERTY - PENSTOCK EASEMENT

An easement for maintenance of a penstock pipe, thirty feet wide, fifteen feet on each side of the following described centerline located in Section 27, Township 13 South, Range 41 East of the Boise Meridian, Franklin County and further described as follows:

Beginning at the West Quarter Corner of said Section 27, thence East 357.52 feet; thence North 58° 28'33" East 112.35 feet to a fenceline; thence North 88° 06'20" East 80.14 feet to the centerline of the penstock pipe, which is the TRUE POINT OF BEGINNING of this easement; thence North 59° 17'31" East 552.46 feet; thence North 56° 01'46" East 573.26 feet; thence North 53° 46'53" East 2412.34 feet; thence North 61° 58'56" East 475.24 feet; thence North 63° 14'32" East 540.87 feet; thence North 41° 23'59" East 65.31 feet to a point on the North line of said Section 27 which is South 89° 08'20" East 398.14 feet along said North line from the East 1/16th corner on said North line. The sidelines of this easement are to lengthen or shorten to terminate on said North line.

PARCEL I: PENSTOCK AND DIVERSION STRUCTURE EASEMENT

A strip of land 100 feet wide starting at the Mink Creek Spring in Section 23, and running to the Forest boundary near the Southwest corner of SE¼SE¼ of Section 22, Township 13 South, Range 41 East of the Boise Meridian, and a two-acre site at the spring for a diversion structure.

After construction is completed, the strip of land will be reduced to 20 feet.