

\$250

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 72303

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Don Cain Sr Phone 208 554-2405
Post Office address P.O. 927, Moore, ID 83255

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 the reason for the proposed changes use on more productive
ground. Old location was on abandoned railroad right-of-way
which is still affluited by sterlant herbicide.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>34-178B</u>	<u>5/01/885</u>	<u>0.23 / 25.9 AFA</u>	<u>Irrigation</u>	<u>5/01 to 10/15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 0.23 cubic feet per second and/or 25.9 AFA acre-feet per annum.

3. Source of water Big Lost River tributary to Sinker

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
3	NW	NW	SW	19	6N	26E	Custer	New

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6N	26E	19																	12.5

72303

Total acres 12.5

PART 1

6. General Information:

a. Description of diversion system

pump w/ measuring device (flow meter)

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

will be dried up

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

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Page 1

Transfer No. 72303
Receipt No. _____

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

Current Water Right No. 34-178B

Priority Date: 05/01/1885
Origin: Water Right
Basis: Decreed
Status: Active

Source: BIG LOST RIVER

Tributary to: SINKS

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	05/01 10/15	0.23 CFS	25.9 AFA	
	Total Diversion	0.23 CFS	25.9 AFA	

Source and Point(s) of Diversion:

BIG LOST RIVER NWSESE 05N 26E 4 BUTTE

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	
05N 26E 21						2.0	4.0				1.4						7.4

Total Acres: 7.4

Conditions/Remarks:

1. THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
2. THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
3. WATER IS DELIVERED THROUGH MOORE DIVERSION

72303

page 4 of 6

Page 2

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

Transfer No. 72303
Receipt No. _____

Current Water Right No. 34-178B

Documentation of Ownership of the Current Place of Use

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

dried up

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

no

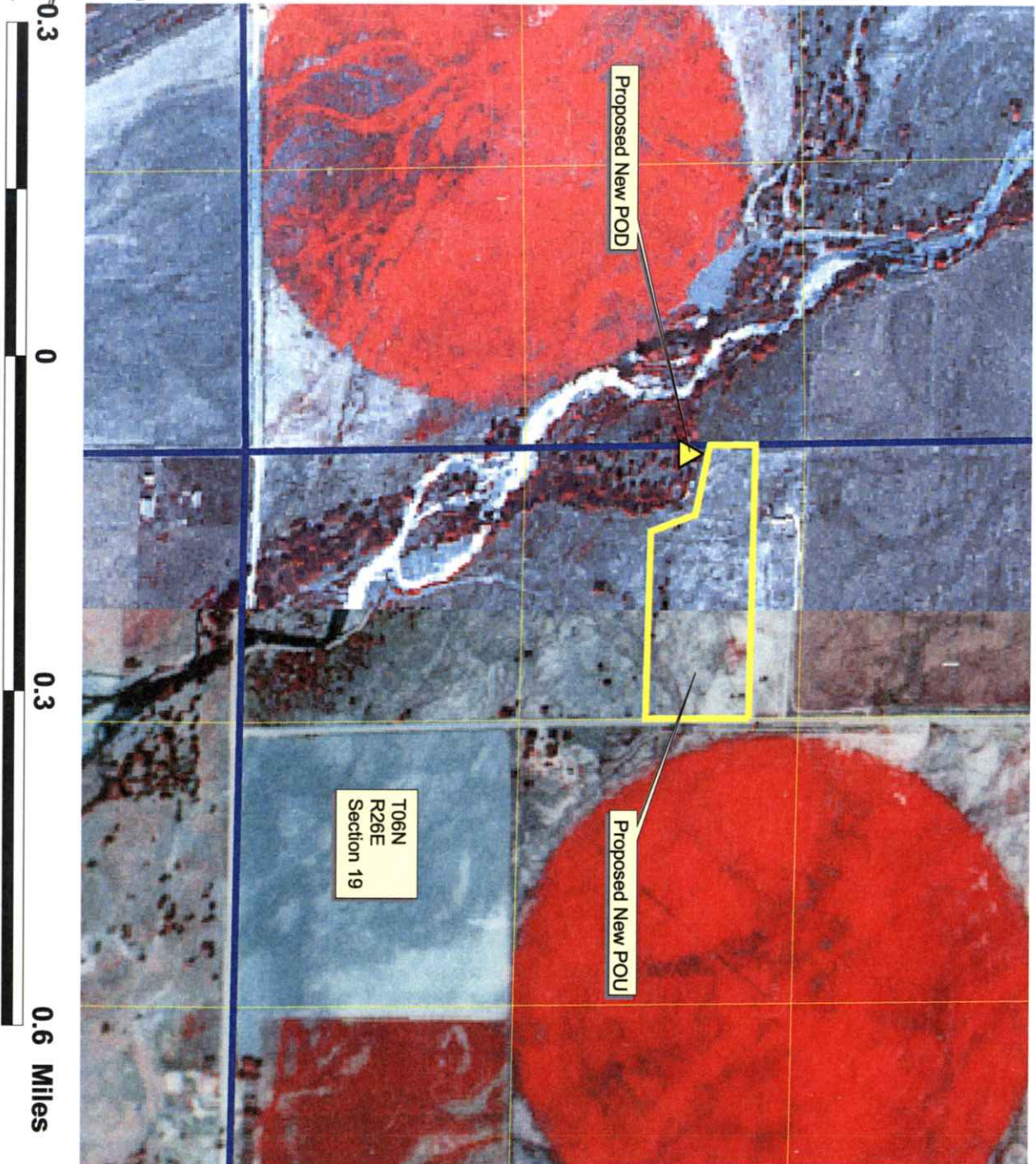
72303

72303

Don Cain Sr, 34-178B

72303

page 5 of 6



- 34-178b.shp
- 34-178pod.shp
- Sections
- QA



PART 3

B. CHANGES IN NATURE OF USE

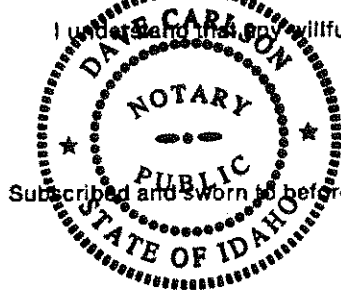
1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

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

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]
(Signature of Applicant)

Subscribed and sworn to before me this 16 day of Aug, 19 2005

[Signature]
(Notary Public)

My commission expires 2/26/2008

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 7 attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee 250.00 E031188-

Receipted by SC Date 8/16/05

Published in Challis Messenger Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

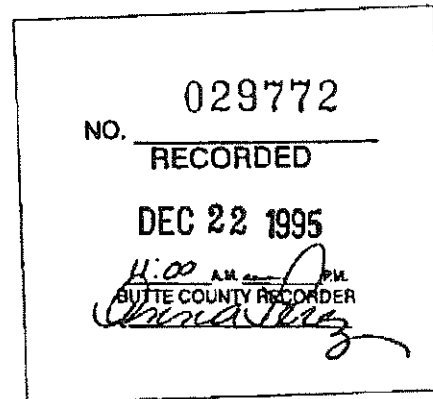
Copy of transfer sent to lien holder _____

35050-B
am

Filed for Record at Request of:

After Recording, Mail To:

First American Title Company
Post Office Box 580
Blackfoot, Idaho 83221



QUITCLAIM DEED

310-99

UNION PACIFIC RAILROAD COMPANY, a Utah corporation, (which through merger with the Oregon Short Line Railroad Company became successor in interest to the real property described herein), Grantor, in consideration of the sum of Ten Dollars (\$10.00), and other valuable consideration to it duly paid, the receipt whereof is hereby acknowledged, does hereby REMISE, RELEASE and forever QUITCLAIM unto DONALD WILLIAM CAIN, SR. and CAROLYN RUTH CAIN, husband and wife as community property, Grantees, whose address is Post Office Box 825, Arco, Idaho 83213 and unto their heirs and assigns forever, all of Grantor's title, interest, estate, claim and demand, both at law and in equity, including any after acquired title interest, of, in, and to the real property consisting of 26.45 acres, more or less, (hereinafter, the "Property") situated in Butte County, Idaho, as more particularly described in Exhibit A, hereto attached and hereby made a part hereof.

EXCEPTING from this quitclaim and RESERVING unto Grantor, its successors and assigns, forever, all minerals and all mineral rights of every kind and character now known to exist or hereafter discovered underlying the Property, including without limiting the generality of the foregoing, oil and gas and rights thereto, together with the sole, exclusive and perpetual rights to explore for, remove and dispose of said minerals by any means or methods suitable to the Grantor, its successors and assigns, but without entering upon or using the surface of the Property, and in such manner as not to damage the surface of the Property, or to interfere with the use thereof by the Grantees, their heirs and assigns

EXHIBIT "A"
LEGAL DESCRIPTION
(Cain)

Sale Parcel 19

All that portion of the "Mackay Branch" right of way, now abandoned, of the Union Pacific Railroad Company, successor in interest to the Salmon River Railroad Company, situated in the Southwest Quarter (SW 1/4) of Section 21, Township 5 North, Range 26 East, Boise Meridian, Butte County, Idaho, being that same tract or parcel of land heretofore acquired by the aforesaid railroad company by virtue of that certain instrument dated November 29, 1901 from Presley Moore and Lydia Ann Moore, husband and wife, said instrument having been filed for record in Blaine County, Idaho on January 14, 1902, at page 131 of Book 52, Record of Deeds, said tract or parcel of land being bounded and described therein as follows:

"A strip of land one hundred (100) feet wide being fifty (50) feet in width on either side of the center line of the main track of Salmon River Railroad, said center line entering said south west quarter on the south line at a point five hundred forty six & 9/10 (546.9) feet west of south east corner thereof and running thence in a direct line to a point on north line thereof, nine hundred seventy one & 4/10 (971.4) feet east of north west corner said quarter section and containing an area of six & 58/100 (6.58) acres."

Sale Parcel 20

All that portion of the "Mackay Branch" right of way, now abandoned, of the Union Pacific Railroad Company, successor in interest to the Salmon River Railroad Company, situated in the South Half of the Northwest Quarter (S 1/2 of NW 1/4) of Section 21, Township 5 North, Range 26 East, Boise Meridian, Butte County, Idaho, being that same tract or parcel of land heretofore acquired by the aforesaid railroad company by virtue of that certain instrument dated June 22, 1901 from James P. Haney and Hattie Haney, husband and wife, said instrument having been filed for record in Blaine County, Idaho on July 13, 1901, at page 602 of Book 51, Record of Deeds, said tract or parcel of land being bounded and described therein as follows:

"A strip of land one hundred (100) feet wide being fifty (50) feet in width on either side of the center line of the main track of Salmon River Railroad said center line entering said south half of north west quarter on the south line at a point nine hundred seventy one & 4/10 (971.4) feet east of south west corner thereof and running thence in a direct line to a point

EXHIBIT "A"
LEGAL DESCRIPTION
(Page 2 of 3)

on north line thereof four hundred nine (409.) feet east of north west corner of said south half of north west quarter, and containing an area of three and thirty one hundredths (3.31) acres."

Sale Parcel 21

All that portion of the "Mackay Branch" right of way, now abandoned, of the Union Pacific Railroad Company, successor in interest to the Salmon River Railroad Company, situated in the Northwest Quarter of the Northwest Quarter (NW 1/4 of NW 1/4) of Section 21, and the Northeast Quarter of the Northeast Quarter (NE 1/4 of NE 1/4) of Section 20, all in Township 5 North, Range 26 East, Boise Meridian, Butte County, Idaho, being that same tract or parcel of land heretofore acquired by the aforesaid railroad company by virtue of that certain instrument dated July 1, 1901 from John L. Swanson and Annie Swanson, husband and wife, said instrument having been filed for record in Blaine County, Idaho on July 15, 1901, at page 612 of Book 51, Record of Deeds, said tract or parcel of land being bounded and described therein as follows:

"A strip of land one hundred (100) feet wide being fifty (50) feet in width on either side of the center line of the main track of Salmon River Railroad, said center line entering said north west quarter of north west quarter Sec. 21 on the south line at a point four hundred nine (409.) feet east of south west corner thereof and running thence in a direct line to a point on north line of said north east quarter of north east quarter section twenty (20), one hundred fifty one & 5/10 (151.5) feet west of north east corner thereof and containing an area of three and twenty nine one hundredths (3.29) acres."

Description A

Sale Parcel 22

All that portion of the "Mackay Branch" right of way, now abandoned, of the Union Pacific Railroad Company, successor in interest to the Salmon River Railroad Company, situated in the Southeast Quarter (SE 1/4) of Section 17, Township 5 North, Range 26 East, Boise Meridian, Butte County, Idaho, being that same tract or parcel of land heretofore acquired by the aforesaid railroad company by virtue of that certain

EXHIBIT "A"
LEGAL DESCRIPTION

Continuation (Page 3 of 3)
of Description

instrument dated June 22, 1901 from Charles O. Beery, a single man, said instrument having been filed for record in Blaine County, Idaho on July 15, 1901, at page 610 of Book 51, Record of Deeds, said tract or parcel of land being bounded and described therein as follows:

"A strip of land one hundred (100) feet wide being fifty (50) feet in width on either side of the center line of the main track of Salmon River Railroad, said center line entering said south east quarter on the south line at a point one hundred fifty one & 5/10 (151.5) feet west of south east corner thereof and running thence in a direct line to a point on north line thereof twelve hundred seventy two & 9/10 (1272.9) feet west of north east corner of said quarter section and containing an area of six and fifty nine hundredths (6.59) acres."

Sale Parcel 23

All that portion of the "Mackay Branch" right of way, now abandoned, of the Union Pacific Railroad Company, successor in interest to the Salmon River Railroad Company, situated in the Northeast Quarter (NE 1/4) of Section 17, Township 5 North, Range 26 East, Boise Meridian, Butte County, Idaho, being that same tract or parcel of land heretofore acquired by the aforesaid railroad company by virtue of that certain instrument dated June 22, 1901 from Andrew Mulligan and Minnie Mulligan, husband and wife, said instrument having been filed for record in Blaine County, Idaho on July 13, 1901, at page 606 of Book 51, Record of Deeds, said tract or parcel of land being bounded and described therein as follows:

"A strip of land one hundred (100) feet wide being fifty (50) feet in width on either side of the center line of the main track of Salmon River Railroad, said center line entering said north east quarter on the south line at a point twelve hundred seventy two & 9/10 (1272.9) feet west from south east corner thereof and running thence in a direct line to a point on north line thereof, two hundred thirty seven & 9/10 (237.9) feet east of north west corner of said quarter section, and containing an area of six and sixty one hundredths (6.61) acres."

Parcels 19 through 23 containing a cumulative area of 26.45 acres, more or less.

less the North 1300 feet of this Parcel

***** END OF LEGAL DESCRIPTION *****

QUITCLAIM DEED

REFERENCE DEED #029772
EXHIBIT A SALE PARCEL 24

WE DONALD WILLIAM CAIN SR. AND CAROLYN RUTH CAIN, HUSBAND AND WIFE AS COMMUNITY PROPERTY, ASSIGNS FOREVER TO PERRY ALLEN GEORGE, A SINGLE PERSON, ALL OF GRANTOR'S RIGHTS, TITLE, INTEREST, ESTATE, CLAIM AND DEMAND, BOTH AT LAW AND IN EQUITY, INCLUDING ANY AFTER ACQUIRED TITLE INTEREST, OF IN AND TO THE PROPERTY CONSISTING OF 3.00 ACRES, MORE OR LESS, SITUATED IN BUTTE COUNTY, IDAHO, AS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

SALE PARCEL 23, FRACTION OF THAT PORTION OF THE MACKAY BRANCH RIGHT OF WAY, NOW ABANDONED, OF THE UNION PACIFIC RAILROAD COMPANY, SUCCESSOR IN INTEREST TO THE SALMON RIVER RAILROAD COMPANY, SITUATED IN THE NORTHEAST QUARTER (NE4) OF SECTION 17, TOWNSHIP 5 NORTH, RANGE 26 EAST, BOISE MERIDIAN, BUTTE COUNTY, IDAHO, BEING THAT SAME TRACT OR PARCEL OF LAND HERETOFORE ACQUIRED BY THE AFORESAID RAILROAD COMPANY BY VIRTUE OF THAT CERTAIN INSTRUMENT DATED JUNE 22, 1901 FROM ANDREW J. ILLIGAN AND MINNIE MULLIGAN, HUSBAND AND WIFE, SAID INSTRUMENT HAVING BEEN FILED FOR RECORD IN BLAINE COUNTY, IDAHO ON JULY 13, 1901 AT PAGE 606 OF BOOK 51, RECORD OF DEEDS, SAID TRACT OR PARCEL OF LAND ALSO RECORDED DECEMBER 22, 1995, RECORDED IN BUTTE COUNTY, IDAHO AS DEED #029772 FROM UNION PACIFIC RAILROAD TO DONALD WILLIAM CAIN SR. AND CAROLYN RUTH CAIN, HUSBAND AND WIFE, DESCRIBED AS FOLLOWS:

THE SOUTHEAST CORNER OF THE INTERSECTION OF U.S. HIGHWAY 93 AND 3400 NORTH WHICH IS THE FIRST ONE HUNDRED (100) FEET WIDE BEING FIFTY (50) FEET IN WIDTH ON EITHER SIDE OF THE CENTER LINE OF THE MAIN TRACK OF SALMON RIVER RAILROAD, SAID CENTER LINE GOING SOUTH THIRTEEN HUNDRED FEET (1,300.0) WHICH WAS SOLD AS A PORTION OF SALE PARCEL 23 DEFINED IN QUITCLAIM DEED #029772, PAGE 3 OF 3 OF EXHIBIT A, LEGAL DESCRIPTION.

Donald William Cain Sr.
DONALD WILLIAM CAIN SR.

Carolyn Ruth Cain
CAROLYN RUTH CAIN

JANUARY 5, 1998

STATE OF IDAHO
COUNTY OF BUTTE

NO. 32608
RECORDED

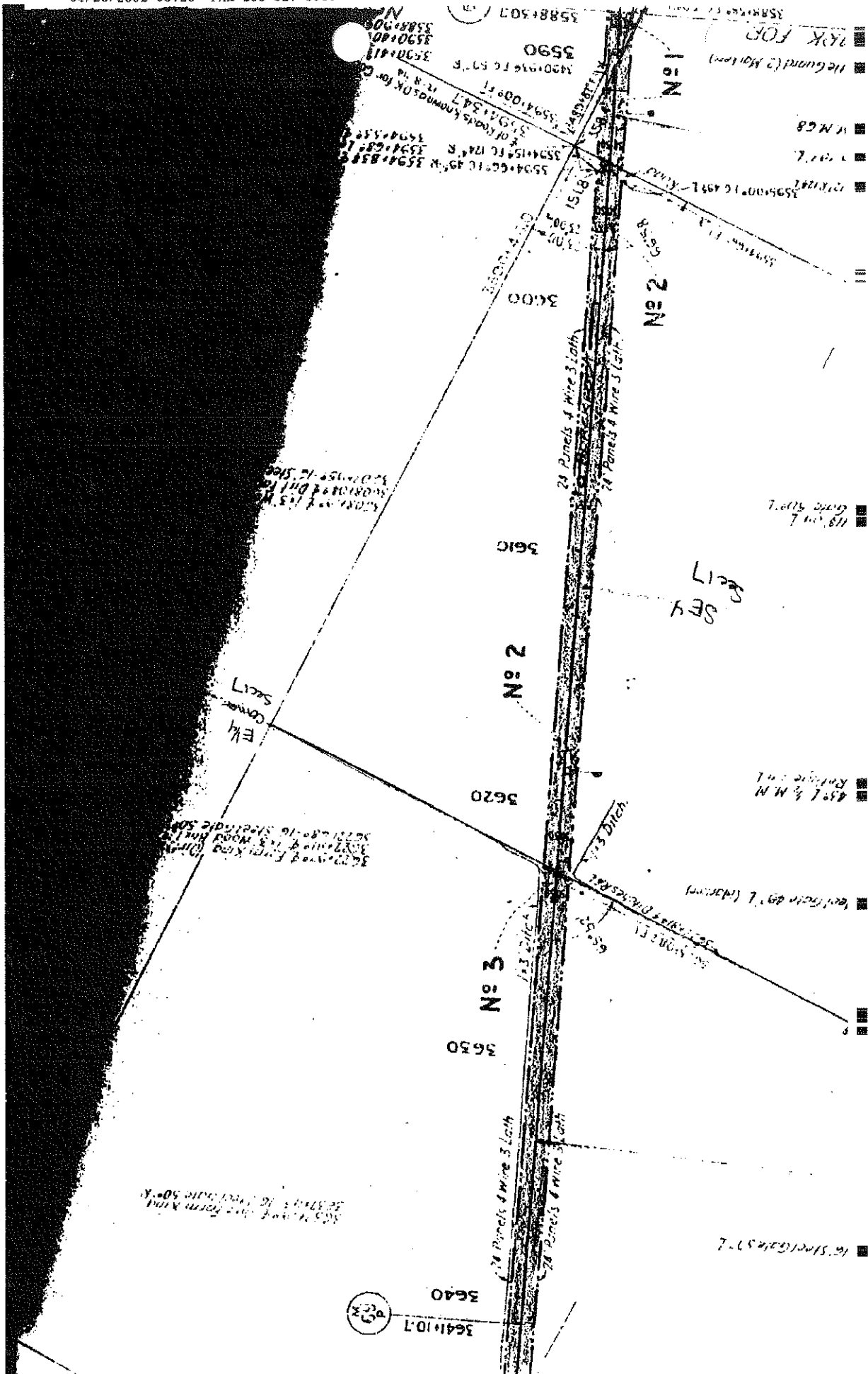
JAN 5 1998

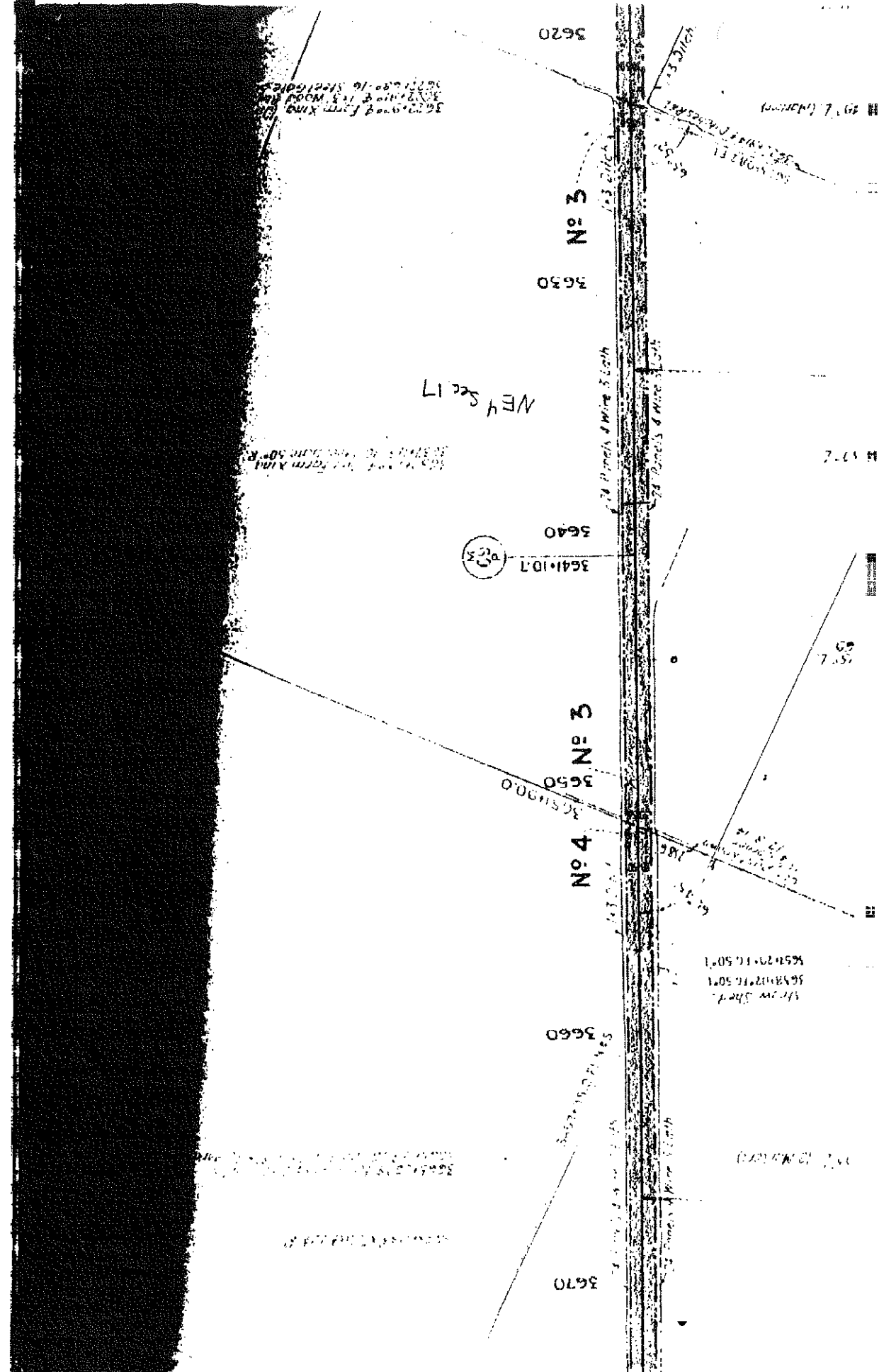
BUTTE COUNTY RECORDER

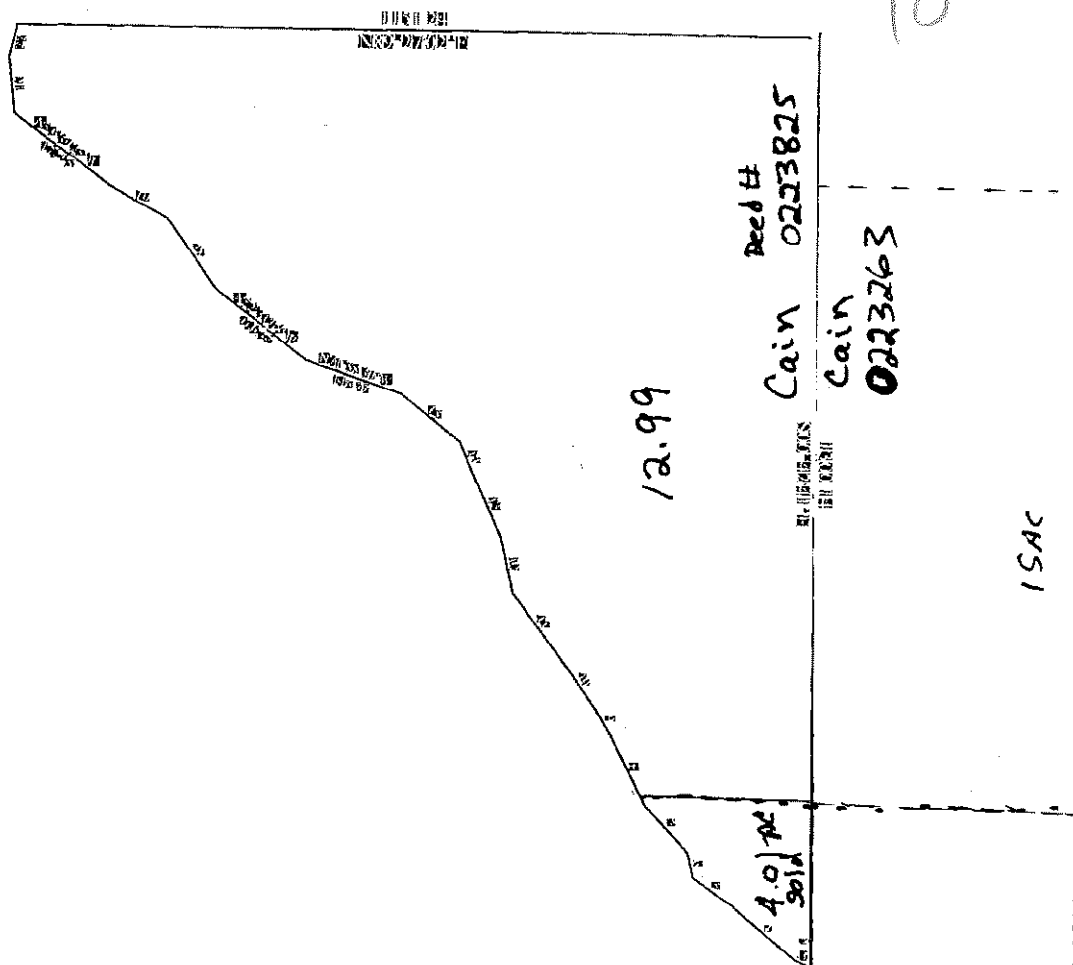
On this 5th day of January, 1998, before me, a Notary Public, personally appeared Donald William Cain Sr. and Carolyn Ruth Cain, known and identified to me as the persons whose names are subscribed to and within instrument, and acknowledged to me that they executed the same.

Carolyn Ruth Cain
CAROLYN RUTH CAIN

T 72303
ATTACHMENT 5 OF 7







Title:		Date:
Scale: 1 inch = 272 feet	File: CAIN.DES	
Tract 1: 18.202 Acres: 73659.8 Sq Meters: Closure = n54.3834e 14.24 feet: Precision = 1/311: Perimeter = 4424 feet		
001=S00.4241E 1300.14	009=N30.5011W 43.64	017=N52.3108W 166.37
002=S00.4333E 74.00	010=N35.2831W 90.55	018=N35.4103W 124.88
003=N66.3931W 27.04	011=N36.5026W 120.54	019=N60.2906W 99.83
004=N49.5247W 116.90	012=N12.2015W 85.71	020=N53.3925W 172.95
005=N54.3326W 68.82	013=N25.0547W 97.81	021=N06.2940W 85.49
006=N14.0937W 38.72	014=N24.2803W 52.36	022=N13.3916E 45.57
007=N43.0244W 94.45	015=N51.5915W 111.62	023=N89.2702E 1151.24
008=N27.0407W 108.78	016=N71.5830W 146.77	

0223825

Custer County Rec. of.

Time 11:30 A.M. Date 11/5/2001

Elba M. Peck, Clerk

Deputy

WARRANTY DEED

For good consideration, WE, VELMA L. METCALF, AND LYNN METCALF (HUSBAND AND WIFE) of 3816 WEST / 4050 NORTH, MOORE, 82355, County of CUSTER, State of IDAHO, hereby bargain, deed and convey to DONALD W. CAIN SR. AND CAROLYN R. CAIN (HUSBAND AND WIFE), of 3230 US HIGHWAY 93 NORTH, P.O. BOX 927, MOORE, County of BUTTE, State of IDAHO, the following described land in CUSTER County, free and clear with WARRANTY COVENANTS; to wit: DARLINGTON, IDAHO 83255 SEE ATTACHED EXHIBIT "A" FOR LEGAL CONTAINING 12.99 + ACRES

Grantor, for itself and its heirs, hereby covenants with Grantee, its heirs and assigns, that Grantor is lawfully seized in fee simple of the above-described premises; that it has a good right to convey; that the premises are free from all encumbrances; that Grantor and its heirs, and all persons acquiring any interest in the property granted, through or for Grantor, will, on demand of Grantee, or its heirs or assigns, and at the expense of Grantee, its heirs or assigns, execute any instrument necessary for the further assurance of the title to the premises that may be reasonably required; and that Grantor and its heirs will forever warrant and defend all of the property so granted to Grantee, its heirs and assigns, against every person lawfully claiming the same or any part thereof.

Being the same property conveyed to the Grantors by deed of WARRANTY DEED, dated NOVEMBER 2, 2001.

WITNESS the hands and seal of said Grantors this 2ND day of NOVEMBER, 2, 2001.

Lynn J. Metcalf
Velma L. Metcalf

STATE OF IDAHO
COUNTY OF BUTTE

On NOVEMBER 2, 2001 before me, Helen Hansen, personally appeared VELMA L. METCALF, AND LYNN METCALF, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity(ies), and that by their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

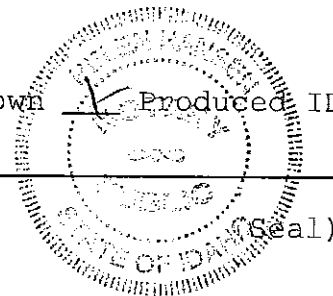
Signature Helen Hansen

My Commission expires 2-27-03

Residing at Arco Id

Affiant Known Produced ID

Type of ID _____



Received Time Sep. 23. 11:55AM

#1

" METCALF PROPERTY "

**A PART OF THE SE1/4 SECTION 24, T. 6 N., R. 25 E., B.M.,
CUSTER COUNTY, STATE OF IDAHO.**

DESCRIBED TRACT

A TRACT OF LAND GENERALLY DESCRIBED AS BEING A PORTION OF THE SE1/4 OF SECTION 24, T. 6 N., R. 25 E., B.M., CUSTER COUNTY, STATE OF IDAHO, LYING NORTHEASTERLY OF THE BIG LOST RIVER, AND NORTHERLY OF U.S. HIGHWAY NO. 93; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A G.L.O. BRASS CAP MONUMENT MARKING THE EAST QUARTER CORNER OF SECTION 24, T. 6 N., R. 25 E., B.M.; FROM WHICH A REBAR WITH ALUMINUM CAP MARKING THE SOUTHEAST CORNER OF SAID SECTION 24 BEARS S 0°42'46" E 2664.16 FEET; THENCE, S 0°42'41" E 1300.14 FEET ON OR ALONG THE EAST LINE OF THE SOUTHEAST QUARTER SAID SECTION 24 TO A FOUND 5/8" REBAR WITNESS CORNER LYING NORTHERLY OF THE BIG LOST RIVER; THENCE, CONTINUING ALONG SAID EAST LINE S 0°43'33" E 74.99 FEET TO A POINT LYING ON OR ALONG THE CENTERLINE OF THE BIG LOST RIVER; THENCE, THE FOLLOWING COURSES UPSTREAM ON OR ALONG THE CENTERLINE OF THE SOUTHWESTERLY CHANNEL OF THE BIG LOST RIVER;

N 66°39'31" W 27.04 FEET TO A POINT;
N 49°52'47" W 116.90 FEET TO A POINT;
N 54°33'26" W 68.82 FEET TO A POINT;
N 14°09'37" W 38.72 FEET TO A POINT;
N 34°02'44" W 94.45 FEET TO A POINT;
N 27°04'07" W 108.78 FEET TO A POINT;
N 30°50'11" W 43.64 FEET TO A POINT;
N 35°28'31" W 90.55 FEET TO A POINT;
N 36°50'26" W 120.54 FEET TO A POINT;
N 12°20'15" W 85.71 FEET TO A POINT;
N 25°05'47" W 97.81 FEET TO A POINT;
N 24°28'03" W 52.36 FEET TO A POINT;
N 51°59'15" W 111.62 FEET TO A POINT;
N 71°58'30" W 146.77 FEET TO A POINT;
N 52°31'08" W 166.37 FEET TO A POINT;
N 35°41'03" W 124.88 FEET TO A POINT;
N 60°29'06" W 99.83 FEET TO A POINT;
N 53°39'25" W 172.95 FEET TO A POINT;
N 6°29'40" W 85.49 FEET TO A POINT;
N 13°39'16" E 45.57 FEET TO A POINT LYING ON OR ALONG THE NORTH LINE OF THE SE1/4 SAID SECTION 24; THENCE, LEAVING SAID CENTERLINE N 89°27'02" E 1151.24 FEET ON OR ALONG SAID NORTH LINE TO THE POINT OF BEGINNING. CONTAINING 17.9902 ACRES, MORE OR LESS.

ERICKSON SURVEYING SERVICES

P.O. BOX #606

MACKAY, ID. 83251

PH. 208-588-3112

FAX. 208-588-2463

3,600 P.A.
Confidential

#2

WARRANTY DEED

For good consideration, we THOMAS ODELL, AND SHEILA ODELL of 501 SOUTH MAIN, MACKAY, County of CUSTER, State of IDAHO 83251, hereby bargain, deed and convey to DONALD W. CAIN SR., AND CAROLYN R. CAIN, of 3230 US HIGHWAY 93 NORTH, MOORE, County of BUTTE, State of IDAHO 83255, the following described land in CUSTER County, free and clear with WARRANTY COVENANTS; to wit: DARLINGTON IDAHO 83255 SEE ATTACHED EXHIBIT " A "

Grantor, for itself and its heirs, hereby covenants with Grantee, its heirs and assigns, that Grantor is lawfully seized in fee simple of the above-described premises; that it has a good right to convey; that the premises are free from all encumbrances; that Grantor and its heirs, and all persons acquiring any interest in the property granted, through or for Grantor, will, on demand of Grantee, or its heirs or assigns, and at the expense of Grantee, its heirs or assigns, execute any instrument necessary for the further assurance of the title to the premises that may be reasonably required; and that Grantor and its heirs will forever warrant and defend all of the property so granted to Grantee, its heirs and assigns, against every person lawfully claiming the same or any part thereof.

Being the same property conveyed to the Grantors by deed of WARRANTY DEED, dated JULY 31, , 2001.

WITNESS the hands and seal of said Grantors this 31 day of July, 2001.

Sheila J. Odell

[Signature]

STATE OF IDAHO
COUNTY OF CUSTER

On August 8, 2001, before me, Peggy Lee Kent, THOMAS ODELL and SHEILA ODELL, personally appeared Thomas O'Dell, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Peggy Lee Kent

res @ MACKAY, ID

comm. exp 3-29-05

Affiant Known Produced ID

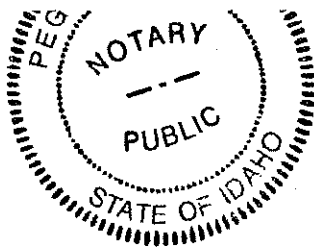
Type of ID _____



(Seal)

[*]

1250 p.m.
NO WATER - or water from 1095
con. 8/24/01



(Seal)

[2]

0223263

Custer County Req. of.

Don Cain

Time *8:15 A M* Date *8/9/20*

Ethel M. Peck, Clerk

Janet Anglin *600*

Deputy

#2

Received Time Sep. 23. 11:55AM

028601

#2 EXHIBIT A

PROPERTY DESCRIPTION

A parcel of land generally described as being a portion of Lot 3, Section 19, Township 6 North, Range 26 East of the Boise Meridian, Custer County, Idaho, and being more particularly described as follows:

Commencing at the west one-quarter corner of said Section 19, (B.L.M. pipe and brass cap monument), thence South $00^{\circ} 38' 15''$ East along the west boundary of said Lot 3, Section 19, a distance of 238.00 feet to the POINT OF BEGINNING.

Thence continuing along the west boundary of said Lot 3, Section 19, South $00^{\circ} 38' 15''$ East, a distance of 501.32 feet; thence South $88^{\circ} 33' 02''$ East, parallel with the north boundary of said Lot 3, a distance of 1302.56 feet to the east boundary of said Lot 3, Section 19; thence North $00^{\circ} 15' 13''$ West along the east boundary of said Lot 3, Section 19, a distance of 501.20 feet; thence North $88^{\circ} 33' 02''$ West, parallel with the north boundary of said Lot 3, Section 19, a distance of 1305.92 feet to the west boundary of said Lot 3, and the POINT OF BEGINNING.

The above described parcel of land contains 15.0 acres , more or less, and is subject to a portion of a county road right-of-way easement adjoining the easterly boundary thereof.

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