

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A74-00980
Date Received: / /
Receipt No: _____
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: BEVERLY KIRKHAM HEINZ 801-277-5279
Address: 5529 COTTONWOOD CLUB DR
SALT LAKE CITY UT 84117

2. Date of Priority: APR 1, 1917

3. Source: BEAR CREEK Trib. to: BASIN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	23E	4	SE	NW			LEMHI
			SW	SW			LEMHI

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.530		

7. Total Quantity Appropriated is:
0.530 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	23E	4	SW	NE		IRR	20.0
			SE	NE		IRR	6.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres.
					Section Acres	26.0
					Total Acres	26.0

11. Place of use in counties: LEMHI

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

AC. IRR.=26.2.

*** CHANGE OF OWNERSHIP FILED 4/14/99, ESV

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

A74-00980

Date Received

Receipt Number

X999999

LEMMI ADJUDICATION

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) BEVERLY KIRKHAM MEINZ Phone (801) 277-5279
Mailing Address 5529 COTTONWOOD CLUB DR SALT LAKE CITY UTAH Zip 84117

2. Date of Priority (Only one (1) per claim) 04-01-1917

3. Source of water supply (a) BEAR CREEK
which is tributary to (b) BASIN CREEK

4. a. Location of existing point of diversion is: Township 17N Range 23E Section 04,
1/4 of SE 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of LEMMI

Additional points of diversion if any: SWSW, 04-17N-23E

b. If Instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1

Govt. Lot _____ B.M., County of _____

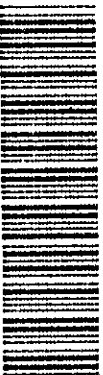
ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____

1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

HEADWORKS TO DITCH SYSTEM TO PLACE ON USE FOR IRRIGATION

A7400980



6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For 0.53 cfs purposes from 3-15 to 11-15 amount 0.53 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.53 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	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	
17N	28E	4			20	6													26

Total number of acres irrigated 26

11. In which county (ies) are lands listed above as place of use located? LEWIS

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
74-00979 or None ()

14. Remarks:

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mlie

A 16x16 grid of squares. Each square contains a crosshair pattern formed by two dashed lines intersecting at the center. The lines are thin and light gray, contrasting with the white background of the squares. The grid is composed of 16 columns and 16 rows, totaling 256 squares.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Beverly R. Seery Date 7-11-00

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 11th day of July 19 2000

Notary Public Jennifer Crabtree

Residing at Idaho Falls Idaho

My Commission Expires 9/23/03

Please Print Name

17. Notice of Appearance
Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

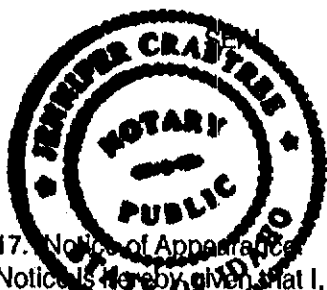
Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant



State of Idaho
Department of Water Resources
REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Beverly Kirkham Heinz (801) 277-5279
Name of Claimant Phone Number

5529 COTTONWOOD Club Drive, Salt Lake City, Utah 84117
Mailing Address City State Zip

Lemhi
County(s) where place of use is located Date claim originally due

A74-00980
Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

My Father was ill for several years before he died and
unable to take care of his affairs. we were not aware that
a claim had not been filed or that it was required.

Claimant requests an extension to 7 - 11, 19 2000

Beverly N. Heinz July 11, 19 2000
Signature Date of request

Title _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [☒ granted] [☐ denied] for the following reasons:

New owner filing claim as decreed.

and if granted the filing deadline is extended to July 12, ~~18~~ 2000

Signed this 12 day of July, ~~18~~ 2000

Ernest Carlson
Director or his designated agent

Mail to: Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 30, 1999

BEVERLY KIRKHAM HEINZ
5529 COTTONWOOD CLUB DR
SALT LAKE CITY UT 84117

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE OF CLAIM TO A WATER RIGHT A74-00979,
A74-00980, A74-02319

Dear Ms. Heinz:

The request for Change of Water Right Ownership concerning the above-referenced Notice of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Please keep this report for your records.

Respectfully yours,

Jennifer Hoagland
Technical Records Specialist

Enclosure



State of Idaho
DEPARTMENT OF WATER RESOURCES

206 Van Dreff, Suite B, Salmon, Idaho 83467-4117
Phone: (208) 756-6644 FAX: (208) 756-6644

April 07, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Beverly Kirkham-Heinz
5529 Cottonwood Club Drive
Salt Lake City, Utah 84117

Ms. Heinz:

I have enclosed a Change of Ownership form for the water rights associated with the property you have recently acquired. Please complete the form and return it to the address I have highlighted on the back of the form.

If you have any questions feel free to contact me at the above number or our Idaho Falls office at (208) 525-7161.

Sincerely,

Robert E. Foster
Sr. Water Rights Agent

RECEIVED
APR 14 1999
Department of Water Resources
Eastern Region



State of Idaho
DEPARTMENT OF WATER RESOURCES

206 Van Dreff, Suite B, Salmon, Idaho 83467-4117

Phone: (208) 756-6644 FAX: (208) 756-6644

April 07, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Beverly Kirkham-Heinz
5529 Cottonwood Club Drive
Salt Lake City, Utah 84117

Ms. Heinz:

I have enclosed a Change of Ownership form for the water rights associated with the property you have recently acquired. Please complete the form and return it to the address I have highlighted on the back of the form.

If you have any questions feel free to contact me at the above number or our Idaho Falls office at (208) 525-7161.

Sincerely,

A handwritten signature in cursive script that reads 'Robert E. Foster'.

Robert E. Foster
Sr. Water Rights Agent

RECEIVED
APR 14 1999
Department of Water Resources
Eastern Region

DELOG EV 4-14-99
RECEIVED
APR 14 1999
Department of Water Resources
Eastern Region

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

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

	A74-00980	April 1, 1917	CFS	.53
	A74-02319	October 29, 1956	CFS	.63
1. Water Right or Adjudication Claim No(s):	A74-00979	April 1, 1968	CFS	.21
		Total		1.37

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

A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

AND

B. **PLAT OF PROPERTY** or **SURVEY MAP** for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant Noah LaVerne Kirkham
1842 E 1500 N, Terreton, Idaho 83450

4. New Owner/Claimant(s) Beverly Kirkham Heinz
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address 5529 Cottonwood Club Drive
City, State and ZIP Code Salt Lake City, Utah 84117
New Telephone Number (801) 277-5279

5. Date you acquired the property May 9, 1997

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages. 72 AUM'S Grazing Permits on Forest Ground
200 AUM'S on BLM Ground

Number of acres you irrigate 96.271 Number and type of stock _____

Diversion rate in CFS 1.37 Number of homes 1 Other uses Pasture

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s) Beverly Kirkham Heinz

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign this form.

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

QUITCLAIM DEED

FOR VALUE RECEIVED

DWAIN D. KIRKHAM, Successor Trustee of the Nellie Murri Kirkham Family Testamentary Trust created upon the death of Nellie Murri Kirkham pursuant to the Last Will and Testament of Nellie Murri Kirkham dated January 12, 1983,

does hereby convey, release, remise and forever quit claim unto

DWAIN D. KIRKHAM, Trustee of the Beverly K. Heinz Trust, a testamentary trust created upon the death of Noah LaVerne Kirkham, pursuant to the Last Will and Testament of Noah LaVerne Kirkham, dated January 12, 1983, the First Codicil to Last Will and Testament of Noah LaVerne Kirkham, dated January 24, 1992, and the Second Codicil to Last Will and Testament of Noah LaVerne Kirkham dated December 11, 1993, Grantee, whose address is 5529 Cottonwood Club Drive, Salt Lake City, Utah 84117.

the following described premises:

A one-half community property share of a one-half undivided interest (to wit: a one-fourth undivided interest) in and to:

Township 17 North, Range 23 East of the Boise Meridian, Lemhi County, Idaho
Section 4: Lots 1 and 2; S1/2NE1/4

TOGETHER WITH all water and water rights, and all U.S. Forest Service and BLM
Range Rights appurtenant thereto,

together with their appurtenances.

SUBJECT TO THE FOLLOWING FIRST RIGHT OF REFUSAL:

(a) All references herein to "children" or "child", refer to Beverly K. Heinz of 5529 Cottonwood Club Drive, Salt Lake City, Utah 84117, Darrell L. Kirkham of P.O. Box 393, Ashton, Idaho 83420, and Dwain D. Kirkham of 1842 East 1500 North, Terreton, Idaho 83450.

(b) Any sale of any of the above-described property by Grantee shall be subject to a right of first refusal option upon the terms hereof, in favor of the other children, in equal shares, or the respective issue of any deceased child by right of representation.

(c) Any of the above-described property subsequently sold shall also be subject to a right of first refusal option upon the terms hereof, in favor of the other

children, in equal shares, or the respective issue of any deceased child by right of representation.

(d) All right of first refusal options described herein, shall expire and be of no further force and effect fifteen (15) years from the date hereof.

(e) The right of first refusal options shall arise whenever any of the above-described real property is offered for sale during the period of fifteen (15) years following the date hereof.

(f) Whenever the selling party determines to offer the property and has received an offer which he or she desires to accept, he or she shall then notify the parties entitled to exercise the option in writing of the terms of the offer and offer to sell the property to them upon the same terms and conditions for a period of thirty (30) days following the delivery of the written notice. If the parties entitled to exercise the option do not exercise it within the thirty (30) day period, then any parties with successive rights shall have ten (10) days within which to exercise the option. If no party exercises the option within the time period limited, the selling party may proceed to sell the property upon the terms of the offer or terms more favorable to the selling party. If the property is not sold upon such terms or more favorable terms within ninety (90) days of the date notice is given of the first refusal option, then the property may not subsequently be sold without again extending the right of first refusal option to my children as herein provided.

(g) The right of first refusal shall be personal to my children and their issue as herein provided and may not be assigned or conveyed by them to any other party.

(h) If the right of first refusal option is extended to more than one child or their issue by right of representation, the co-optionees shall have the right to purchase equal undivided interests in the property. If one co-optionee fails to exercise his or her option, the other co-optionee may exercise his or her option right as to the entire amount of the property, but may not exercise his or her option right as to less than the entire amount of the property, it being my intent that the optionees individually or as a group be obligated to purchase all of the property offered and that they not be entitled to exercise their options in such a manner as to only purchase a portion of the property offered.

(i) All deeds transferring any of the above-described property shall contain the foregoing provisions, except deeds which are dated fifteen years following the date hereof shall not require any reference to foregoing first right of refusal option.

SUBJECT TO THE FOLLOWING RESTRICTION: The trustee may not sell any of the above-described real property without the prior written approval of Beverly K. Heinz, if living. If Beverly K. Heinz is not living, then this restriction shall expire and be of no further force or effect.

The successor trustee of the trust are the following, successively in the order named: Such person as may be designated by Dwain D. Kirkham; in the event Dwain D. Kirkham fails to serve as trustee and fails to appoint a successor trustee, such independent person as may be designated by Beverly K. Heinz; such person as may be named by a court of competent jurisdiction. The transfer of trusteeship may be evidenced by a notice of designation of trustee, or a resignation or death certificate of the existing trustee, or deed, filed of record.

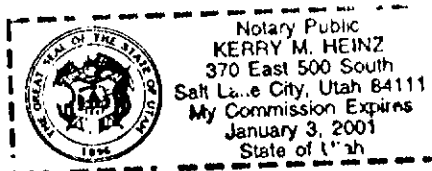
DATED this 21 day of Dec, 1998.

Dwain D. Kirkham
DWAIN D. KIRKHAM
Successor Trustee of the
Nellie Murri Kirkham Family
Testamentary Trust

STATE OF Utah)
) ss.
COUNTY OF Salt Lake)

On this 21 day of December, 1998, before me, a Notary Public in and for said State, personally appeared Dwain D. Kirkham, known to me to be the person whose name is subscribed to the within instrument, as the Successor Trustee of the Nellie Murri Kirkham Family Testamentary Trust, and acknowledged to me that he executed the same as such Successor Trustee.

Kerry M. Heinz
NOTARY PUBLIC
Residing at: Salt Lake City, Utah
My Commission Expires: 1/3/2001



State of Idaho)
County of Lemhi) SS No. 239623
This instrument was filed for record at the request
of Jay R. M. Kenyon
at 1:22 clock P.m. 2-9 1999
and duly filmed and indexed in the records of Lemhi
County
Tern J. Morlon
Ex-Officio Recorder
By Brenda Armstrong Deputy
Fee 900
Return to Jay R. M. Kenyon

PERSONAL REPRESENTATIVE'S DEED

THIS DEED, made by DWAIN D. KIRKHAM, as Personal Representative of the Estate of NOAH LAVERNE KIRKHAM, Deceased, Grantor; to DWAIN D. KIRKHAM, Trustee of the Beverly K. Heinz Trust, a testamentary trust created upon the death of Noah LaVerne Kirkham, pursuant to the Last Will and Testament of Noah LaVerne Kirkham, dated January 12, 1983, the First Codicil to Last Will and Testament of Noah LaVerne Kirkham, dated January 24, 1992, and the Second Codicil to Last Will and Testament of Noah LaVerne Kirkham dated December 11, 1993, Grantee, whose address is 5529 Cottonwood Club Drive, Salt Lake City, Utah 84117.

WHEREAS, Grantor is the qualified Personal Representative of the Estate filed as Probate Case No. SP-98-80, Jefferson County, Idaho.

THEREFORE for valuable consideration received, Grantor sells and conveys to Grantee the following described real property:

Decedent's one-half community property share of a one-half undivided interest (to-wit: a one-fourth undivided interest) in and to:

Township 17 North, Range 23 East of the Boise Meridian, Lemhi County, Idaho
Section 4: Lots 1 and 2; S1/2NE1/4

TOGETHER WITH all water and water rights, and all U.S. Forest Service and BLM Range Rights appurtenant thereto,

together with their appurtenances.

SUBJECT TO THE FOLLOWING FIRST RIGHT OF REFUSAL:

(a) All references herein to "children" or "child", refer to Beverly K. Heinz of 5529 Cottonwood Club Drive, Salt Lake City, Utah 84117, Darrell L. Kirkham of P.O. Box 393, Ashton, Idaho 83420, and Dwain D. Kirkham of 1842 East 1500 North, Terreton, Idaho 83450.

(b) Any sale of any of the above-described property by Grantee shall be subject to a right of first refusal option upon the terms hereof, in favor of the other children, in equal shares, or the respective issue of any deceased child by right of representation.

(c) Any of the above-described property subsequently sold shall also be subject to a right of first refusal option upon the terms hereof, in favor of the other children, in equal shares, or the respective issue of any deceased child by right of representation.

(d) All right of first refusal options described herein, shall expire and be of no further force and effect fifteen (15) years from the date hereof.

(e) The right of first refusal options shall arise whenever any of the above-described real property is offered for sale during the period of fifteen (15) years following the date hereof.

(f) Whenever the selling party determines to offer the property and has received an offer which he or she desires to accept, he or she shall then notify the parties entitled to exercise the option in writing of the terms of the offer and offer to sell the property to them upon the same terms and conditions for a period of thirty (30) days following the delivery of the written notice. If the parties entitled to exercise the option do not exercise it within the thirty (30) day period, then any parties with successive rights shall have ten (10) days within which to exercise the option. If no party exercises the option within the time period limited, the selling party may proceed to sell the property upon the terms of the offer or terms more favorable to the selling party. If the property is not sold upon such terms or more favorable terms within ninety (90) days of the date notice is given of the first refusal option, then the property may not subsequently be sold without again extending the right of first refusal option to my children as herein provided.

(g) The right of first refusal shall be personal to my children and their issue as herein provided and may not be assigned or conveyed by them to any other party.

(h) If the right of first refusal option is extended to more than one child or their issue by right of representation, the co-optionees shall have the right to purchase equal undivided interests in the property. If one co-optionee fails to exercise his or her option, the other co-optionee may exercise his or her option right as to the entire amount of the property, but may not exercise his or her option right as to less than the entire amount of the property, it being my intent that the optionees individually or as a group be obligated to purchase all of the property offered and that they not be entitled to exercise their options in such a manner as to only purchase a portion of the property offered.

(i) All deeds transferring any of the above-described property shall contain the foregoing provisions, except deeds which are dated fifteen years following the date hereof shall not require any reference to foregoing first right of refusal option.

SUBJECT TO THE FOLLOWING RESTRICTION: The trustee may not sell any of the above-described real property without the prior written approval of Beverly K. Heinz, if living. If Beverly K. Heinz is not living, then this restriction shall expire and be of no further force or effect.

The successor trustees of the trust are the following, successively in the order named: Such person as may be designated by Dwain D. Kirkham; in the event Dwain D. Kirkham fails to serve as trustee and fails to appoint a successor trustee, such independent person as may be designated by Beverly K. Heinz; such person as may be named by a court of competent jurisdiction. The transfer of trusteeship may be evidenced by a notice of designation of trustee, or a resignation or death certificate of the existing trustee, or deed, filed of record.

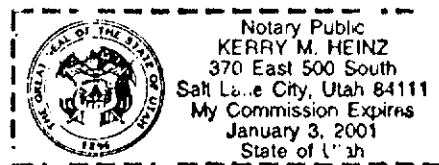
EXECUTED this 21 day of Dec, 1998.

Dwain D. Kirkham
DWAIN D. KIRKHAM
Personal Representative of the
Estate of Noah LaVerne Kirkham,
Deceased

STATE OF Utah)
) ss.
COUNTY OF Salt Lake)

On this 21 day of December, 1998, before me, a Notary Public in and for said State, personally appeared Dwain D. Kirkham, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he is the duly authorized and appointed Personal Representative of the Estate, and that he executed this document in said capacity for and in behalf of said Estate.

Kerry M. Heinz
NOTARY PUBLIC
Residing at: Salt Lake City, Utah
My Commission Expires: 1/3/2001



State of Idaho) SS No. 239622
County of Lemhi)

This instrument was filed for record at the request
of Jay R. McRae
at 4:55 clock P.m. 2-4 1999

and duly filed and indexed in the records of Lemhi
County

Terri J. Moxon
Ex-Officio Recorder

By Brenda Huntington Deputy

Fee 2.00

Return to Jay R. McRae

NOTICE OF SUCCESSOR TRUSTEE

COMES NOW, DWAIN D. KIRKHAM, Trustee of the Beverly K. Heinz Trust, a testamentary trust created upon the death of Noah LaVerne Kirkham, pursuant to the Last Will and Testament of Noah LaVerne Kirkham, dated January 12, 1983, the First Codicil to Last Will and Testament of Noah LaVerne Kirkham, dated January 24, 1992, and the Second Codicil to Last Will and Testament of Noah LaVerne Kirkham, dated December 11, 1993, and does hereby declare and give notice that the new successor trustee of the Beverly K. Heinz Trust now is: Beverly K. Heinz of 5529 Cottonwood Club Drive, Salt Lake City, Utah.

The subsequent successor trustees are the following, successively in the order named: Such independent person as may be designated by Beverly K. Heinz; such person as may be named by a court of competent jurisdiction.

The transfer of trusteeship may be evidenced by notice of designation of trustee, or resignation or death certificate of the existing trustee, or deed, filed of record.

DATED this 21 day of Dec, 1998.

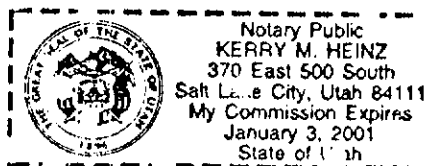
Dwain D. Kirkham
Dwain D. Kirkham, Trustee of the
Beverly K. Heinz Trust

STATE OF Utah)
) ss.
COUNTY OF Salt Lake)

On this 21 day of December, 1998, before me, a Notary Public, personally appeared Dwain D. Kirkham, known or identified to me to be the person whose name is subscribed to the within instrument as the trustee of the Beverly K. Heinz Trust, and acknowledged to me that he executed the same as such trustee.

Kerry M. Heinz
NOTARY PUBLIC

Residing at: Salt Lake City, Utah
My Commission Expires: 1/3/2001



State of Idaho) SS No. 239624
County of Lemhi)

This Instrument was filed for record at the request
of Jay R. McKenney
at 1:45 o'clock P.m. 2-4 1999

and duly filmed and indexed in the records of Lemhi
County

Toni J. Morton
Ex-Officio Recorder

By Brenda Ambrose Deputy

Fee 3.00

Return to Jay R. McKenney

State of Idaho)
County of Lemhi) SS No. 239621
This instrument was filed for record at the request
of Jay R. McKenzie
at 10 o'clock 2 m 2 4 1998
and duly filed and indexed in the records of Lemhi
County Tern J. Morton
Ex-Officio Recorder

By Brenda Armstrong Deputy
Fee 3.00
Return to Jay R. McKenzie
Attorney at Law

102 North State Street - Suite 1
Preston, Idaho 83263
Telephone: (208) 852-3500

STATE OF IDAHO
COUNTY OF JEFFERSON
I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING
IS A FULL TRUE AND CORRECT COPY OF THE
ORIGINAL THEREOF (ON FILE) (ON RECORD) IN MY
OFFICE
DATED 4.13.98
CONNIE M. KELLER
MAGISTRATE COURT
EX-OFFICIO AUDITOR AND RECORDER
BY JM Smith DEPUTY

FILED
MAR 24 1998
JM Smith

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON
MAGISTRATE'S DIVISION

IN THE MATTER OF THE ESTATE OF) Probate Case No. 998-80
)
)
NOAH LAVERNE KIRKHAM)
)
)
Deceased.)
)
)
)
)
)

1. DWAIN D. KIRKHAM, was duly appointed and qualified as
general Personal Representative of the estate of the above-named
Decedent on the 24 day of March, 1998, by the
Magistrate Acting as Registrar with all authority pertaining
thereto.

2. Administration of the estate is unsupervised.
These letters are issued to evidence the appointment,
qualification, and authority of the said personal representative.

WITNESS, my signature and the Seal of this Court the 24 day
of March, 1998.

Michael B. Fisher
MAGISTRATE

WR5809NP
No. 74-00980

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/11/00
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LA VERNE KIRKHAM	04/01/1917	IRRIGATION	03/15 11/15	0.530 CFS	
C	NELL KIRKHAM					
	RT. 1					
	ASHTON ID 83420			TOTAL DIVERSION:	0.530 CFS	

Water Source: BEAR CREEK

Tributary to: BASIN CREEK

Stage: DECREED

Point(s) of Diversion: T17N R23E S04 SENW SWSW LEMHI County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
17N	23E	4	:					20	06	:										:	26.0
																				TOTAL ACRES	26.0

Pou County: LEMHI

Remarks: GEN AC. IRR.=26.2.

Dates:	App. Received:	Priority Date:	04/01/1917
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: Field Exam Fee:

Audit: 04/22/80 05/21/88 CONVERT