

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 74-02319
Date Received: 3/19/90
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

Name: BEVERLY KIRKHAM HEINZ Phone: (801)277-5279

Address: 5529 COTTONWOOD CLUB DR
SALT LAKE CITY UT USA 84117

2. Date of Priority: 10/29/1956

3. Source: BASIN CREEK Trib. to: Unknown Hayden Creek

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
18N	23E	33	SE SW	0	LEMHI
18N	23E	33	NE SW	0	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	3/15	11/15	0.63	0

7. Total Quantity Appropriated is:
0.63 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
17N	23E	4	NE NE	1	IRRIGATION	25
			NW NE	2	IRRIGATION	27
			SW NE		IRRIGATION	5
			SE NE		IRRIGATION	15
Section Acres						72
Total Acres						72

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.=71
 *** CHANGE OF OWNERSHIP 4/14/99, ESV

15. Basis of Claim: Decreed

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/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
) SS.
 County of _____)

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: A74-02319
Date Received: 3/19/1990
Receipt No: X999999
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: OCT 29, 1956

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
18N	23E	33	NE	SW			LEMHI
			SE	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	0.630		

7. Total Quantity Appropriated is:
0.630 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	NE	NE	1	IRR	25.0
			NW	NE	2	IRR	27.0
			SW	NE		IRR	5.0
			SE	NE		IRR	15.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres .
					Section Acres	72.0
					Total Acres	72.0

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.=71.

*** CHANGE OF OWNERSHIP 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: A74-02319
Date Received: 3/19/1990
Receipt No: X999999
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NELL KIRKHAM
Address: RT. 1
ASHTON, ID 83420

Name: LA VERNE KIRKHAM
Address: RT. 1
ASHTON, ID 83420

2. Date of Priority: OCT 29, 1956

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
18N	23E	33	NE	SW			LEMHI
			SE	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	0.630		

7. Total Quantity Appropriated is:
0.630 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	NE		NE	1	IRR	25.0
			NW		NE	2	IRR	27.0
			SW		NE		IRR	5.0
			SE		NE		IRR	15.0
							Section Acres	72.0
							Total Acres	72.0

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.=71.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree 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/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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: A74-02319
Date Received: 3/19/1990
Receipt No: _____
Received By: _____

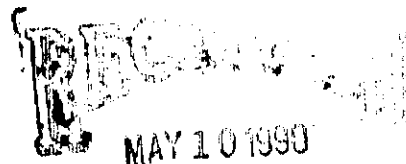
NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LA VERNE KIRKHAM
Address: RT. 1
ASHTON, ID

83420

Name: NELL KIRKHAM
Address: RT. 1
ASHTON, ID

83420



Department of Water Resources

2. Date of Priority: OCT 29, 1956

3. Source: BASIN CREEK

Trib. to: HAYDEN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
18N	23E	33	NE	SW			LEMHI
			SE	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	0.630		

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

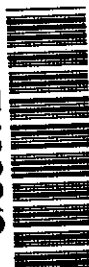
A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

A7402319



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	23E	4	NE	NE	1	IRR	25.0
			NW	NE	2	IRR	27.0
			SW	NE		IRR	5.0
			SE	NE		IRR	15.0
Section Acres							72.0
Total Acres							72.0

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.=71.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

Decree Plaintiff

vs

Decree 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/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Lauren Kirkham Date: 5-8-90

Date: _____

State of Idaho)
County of Jefferson) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of May 19 90 Kevin Christensen
Notary Public

Seal

Residing at Terreton, Idaho 83450
My Commission Expires 11-30-90



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

August 3, 2000

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

RE: CHANGE IN OWNERSHIP FOR A74-00265, A74-00979,
A74-02319

Dear Claimant:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner(s).

Enclosed is a copy of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

Cheri Vandermeulen

Cheri vandermeulen
Records Clerk

Enclosure: Notice(s) of Claim

N/C
DELOG
JC 7/31/00
OK JC

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, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>74-00265</u>	<u>A74-00265</u>	<u>N ✓</u>	_____	_____	_____
<u>74-00979</u>	<u>A74-00979</u>	<u>N ✓</u>	_____	_____	_____
<u>74-02319</u>	<u>A74-02319</u>	<u>N ✓</u>	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

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

- 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 usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **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)

LAVERNE AND/OR DELL KIRKHAM

Rt. 1, Ashton ID 83420

4. New Owner/Claimant(s)

BEVERLY KIRKHAM HEINE

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

5529 COTTONWOOD CLUB DRIVE

City, State and ZIP Code

SALT LAKE CITY, UT 84117

New Telephone Number

(201) 202-77-5279

5. Date you acquired the property

Dec 1998 and

- 1/2 70's - 1/2 70's



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

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.



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

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.

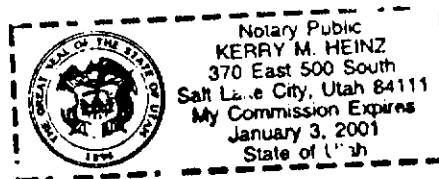
DATED this 21 day of Dec, 1998.

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: 10/3/2001



State of Idaho)
County of Lemhi) SS No. 239623
This instrument was filed for record at the request
of Jay R. M. Kenzie
at 1:25 clock m 2-9 1998
and duly filmed and indexed in the records of Lemhi
County
Tern J. Morton
Ex-Officio Recorder
By Brenda Ammons Deputy
Fee 9.00
Return to Jay R. M. Kenzie

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.

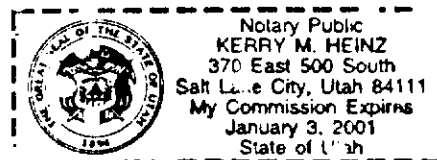
EXECUTED this 21 day of Dec, 1998.

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 4:45 clock P.m. 2-4 1999 and duly filmed and indexed in the records of Lemhi County. Terri J. Morton Ex-Officio Recorder By Brenda Huntington Deputy Fee 9.00 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.

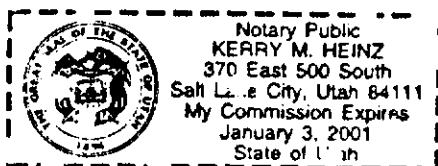
Dwain D. Kirkham
Dwain D. Kirkham, Trustee of the
Beverly K. Heinz Trust

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. McKeen

at 1:43 o'clock Pm 2-4 1999

and duly filed and indexed in the records of Lemhi
County Terri J. Morton

Ex-Officio Recorder
By Brenda Ambrose Deputy

Fee 3.00

Return to Jay R. McKeen

This instrument was filed for record at the request

of Jay R. McKenzie
at 2:00 o'clock P.m. 2 + 1998

and duly filmed and indexed in the records of Lemhi
County

Tern J. Morton
Ex-Officio Recorder
By Brenda Smith 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 4-18-98
CONNIE M. KELLER
MAGISTRATE COURT
EX-OFFICIO AUDITOR AND RECORDER
BY JMS DEPUTY

FILE
4:14pm
MAR 24 1998
JMSmith

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. 3098 EC

NOAH LAVERNE KIRKHAM)

LETTERS TESTAMENTARY

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