

2004 FEB 18 PM 4 25

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

In Re SRBA)

Subcase 34-13811

Case No. 39576)

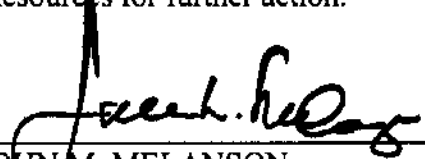
ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

On July 16, 2003, Claimants Vonda P. Bruhn and Arva Jean Hodge filed a *Motion to File Late Notice of Claim*. A hearing was held on the *Motion* October 21, 2003. The *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to the late Notice of Claim. However, because the late claim was made in a substantially completed subbasin, the matter was referred to a special master for further proceedings. On February 10, 2004, the Special Master issued a *Recommendation Regarding "Prejudice" on Motion to File Late Claim*, recommending that the *Motion* be granted. Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Recommendation* and wholly adopts them as its own.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for water right 34-13811 is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this *Order* will be forwarded to the Idaho Department of Water Resources for further action.

Dated February 18, 2004


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on February 18, 2004, with sufficient first-class postage to the following:

ORVEATA P WARNER REVOCABLE
FAMILY TRUST
673 PACKARD AVE
POCATELLO, ID 83201
Phone: 208-232-8834

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ARVA JEAN HODGE CO-TRUSTEE
VONDA P BRUHN CO-SUCC TRUSTEE
673 PACKARD AVE
POCATELLO, ID 83201

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line.

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 34-13811Date Received 3-1-04

Receipt Number

CO72889 & CO72890

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

Please type or print clearly ^{Bruhn} Vonda P. (Warner) & Arva Jean Hodge - Co-Successor
1. Name of Claimant (s) Trustees of Orveta P. Warner Revocable Family Trust Phone (208) 232-8834
Mailing Address 673 Packard Ave Pocatello, Id 83201 Zip _____

2. Date of Priority (Only one (1) per claim) September 1957

3. Source of water supply (a) Natural flowing Spring from mountain
which is tributary to (b) Big Lost River

4. a. Location of existing point of diversion is: Township 7N Range 24E Section 18,
_____ 1/4 of NE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Custer

Additional points of diversion if any: _____

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

Township 7N Range 24E Section 18, _____ 1/4 of NE 1/4 of SE 1/4,
Govt. Lot _____ B.M., County of Custer

ending point is: Township 7N Range 24E Section 18, _____ 1/4 of NE 1/4 of
SE 1/4, Govt. Lot _____ B.M., County of Custer

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.

1 HP Centrifugal Pump
with output of 46 GPM installed in 1970

14. Our Parents, George and Orveata Warner purchased this property in 1957 which included this Spring.

We became the Co-Successor Trustees upon the death of our Mother in Dec. 2001 and want to be assured that we have continuous rights to this water. This is the only source of irrigation water for this 1 acre. As this acre is not directly connected to the other property in the Trust due to Highway 93 and The Big Lost River.

Warner Family Trust

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For yard irrigation purposes from May 1 to Oct 31 amount 0.08 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.08 (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.) N/A

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
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7N	24E	18													1				1

Total number of acres irrigated 1

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

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.
_____ or None (X)

14. Remarks:

Last Name Warner Family Trust Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

T 7N R 24E S 18

Last Name Warner Family Trust Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X 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 X 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)

Linda P. Braker

Date

July 9, 2003

Arva Jean Hodge

Date

July 9, 2003

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

Title

of _____

Organization

, that I have signed the foregoing

document in the space below as _____

Title

of _____

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 X _____)
County of CUSTER) SS.

Subscribed and sworn to (or affirmed) before me this

Ninth

day of

July, 2003

in

Notary Public

Peggy Lee Kent

Residing at

MACKAY, ID 83251

My Commission Expires

3-29-05

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 _____

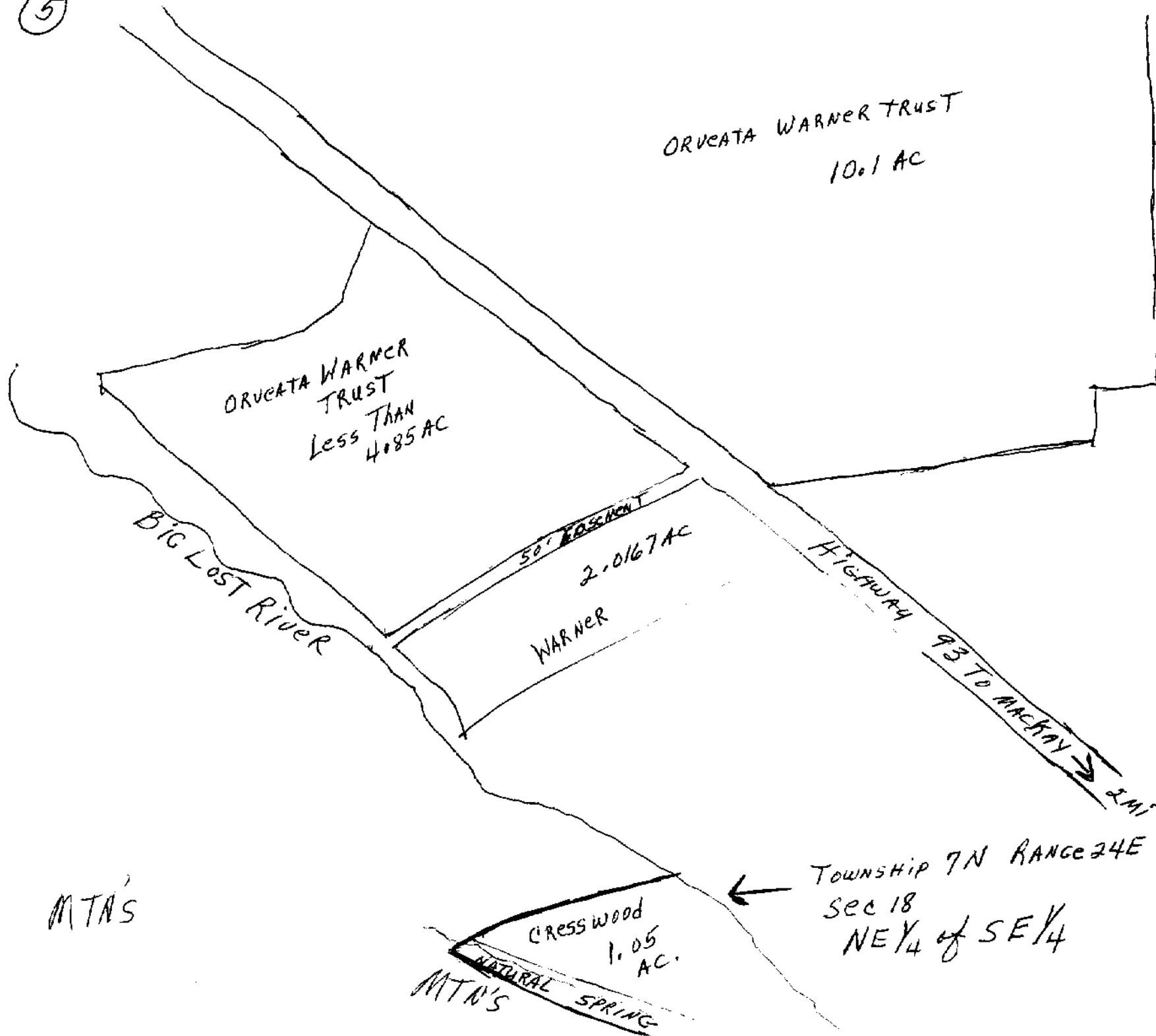
Address _____

Date _____

Last Name Warner Family Trust Ident. Number _____

Copies White-State, Yellow-Claimant

Document ⑤



THIS INDENTURE, Made this 20th day of September

in the year of our Lord one thousand nine hundred and fifty-seven between

JOHN E. LEHMAN and DOROTHY LOUISE LEHMAN, husband and wife,

of Mackay, County of Custer, State of Idaho

the parties of the first part, and

GEORGE T. WARNER and ORVEATA P. WARNER, husband and wife,

of Mackay, County of Custer, State of Idaho,

the parties of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of SEVEN THOUSAND AND NO/100-----DOLLARS,

lawful money of the United States of America, to them in hand paid by the said parties of

the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and

by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second

part, and to their heirs and assigns forever, all the following described real estate situated in

the County of Custer, State of Idaho, to-wit:

Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$), Sec. 18, in Township 7 North of Range 24 East of the Boise Meridian, Idaho, containing forty (40) acres, more or less, together with 0.8 cubic feet per second or forty inches, of an unnamed spring, with priority of June 1, 1905, as decreed to Samuel Hile by that certain decree of the United States District Court of the District of Idaho, Eastern Division, as Right No. 206, in that certain action entitled: "The Utah Construction Company, a Corporation vs. John F. Abbott, et al, In Equity No. 222", said decree bearing date of March 15, 1923, and made appurtenant to the above described land, together with all ditches and ditch rights for the carrying of said water.

Also, the West Half of the Southeast Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$) and the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$), Sec. 18, in Township Seven (7) North of Range Twenty-four (24) East of the Boise Meridian, Idaho, containing 120 acres, more or less, with the appurtenances.

Save and except from the above described real estate the following:

A portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, Township 7 N., Range 24 EBM, bounded as follows:

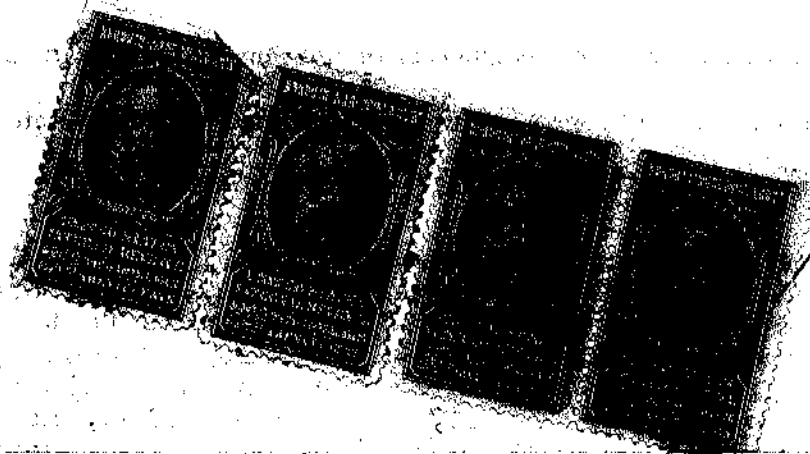
Beginning at a point which is S 87°28' W. 1090 feet from the East quarter corner of Section 18; which point is at the intersection of the North line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18 and the Westerly right-of-way line of U S Highway 93-A; thence South 87°28' W 696 feet to the Easterly bank of Big Lost River; thence southeasterly on a meander line following the easterly shore line of Big Lost River at normal water level approximately 1330 feet; thence N 38°00' W 320 feet; thence N 07°00' E 12 $\frac{1}{2}$ feet; thence N 75°35' E 224 feet; thence N 24°30' East 76 feet; thence N 15°15' W 133 feet; thence N 41°45' E. 45 feet to the highway right-of-way line; thence N. 44°30' W 334 feet along the Highway right-of-way line to the place of beginning, containing 10.87 acres more or less, as shown by the deed on record in the office of the County Recorder of Custer County, Idaho, in Book 30 of Deeds at page 237, and

Also save and except the following:

A strip of land 80 feet wide, being 40 feet on each side of the following described center line of said highway as surveyed and shown on the official plat of the Lost River Highway Survey on file in the office of the Department of Public Works of the State of Idaho and lying over and across the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, Township 7 North, Range 24 East, Boise Meridian. Beginning at Station 45+00 of said Highway Survey,

WARNER FAMILY TRUST

which station is approximately 1071 feet West from the East $\frac{1}{4}$ corner of Section 18, Township 7 N., Range 24 E.B.M.; thence South $41^{\circ}42'$ East 1575 feet to Station 60475 which station is approximately 1160 feet South from the East $\frac{1}{4}$ corner of Section 18, Township 7 North, Range 24 East B.M. as shown on the official plats of said highway survey on file in the office of the Department of Public Works of the State of Idaho. (Deeds, 24, Page 116, Records of Custer County, Idaho)



720

TOGETHER, With all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said parties of the second part their heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

John E. Lehman [Seal]
Dorothy Louise Lehman [Seal]
[Seal]
[Seal]

STATE OF IDAHO,
County of Custer } ss.

On this 20th day of September in the year 19 57 , before me,
the undersigned, , a Notary Public in and for
said State, personally appeared JOHN E. LEHMAN and DOROTHY LOUISE LEHMAN,
husband and wife,
known 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.

WARNER FAMILY TRUST

Jan R. Zurey
Notary Public for the State of Idaho,
Residing at Challis, Idaho.
My Commission Expires: 4-4-61

Notary Public for the State of Idaho, Challis, Idaho.
My Commission Expires: 4-4-61

No. 117587

WARRANTY DEED

—TO—

Dated _____, 19____

STATE OF IDAHO, }
County of Custer } ss.

I hereby certify that this instrument was filed
for record at request of _____

George T. Warner
at 30 minutes past 100
o'clock P. M., this 20th day
of April, A. D. 1963
in my office, and duly recorded in Book 34
of Deeds at page 617

Eva Mann
Ex Officio Recorder.

By _____ Deputy.
Fees, \$ 2.40

Mail to Compared-Indexed

CARTON PRINTERS, CALDWELL

R-4

Mackay.

165094

Re-Recording
166490WARRANTY DEED

ORVEATA P. WARNER, widow of GEORGE T. WARNER, grantor of Mackay, Custer County, Idaho, hereby CONVEYS and WARRANTS to ORVEATA P. WARNER REVOCABLE FAMILY TRUST Orveata P. Warner Trustee, Co-Successor Trustees: Ardell Warner, Vonda P. Bruhn, and Arva Jean Hodge, grantee of Mackay, Custer County, Idaho, all my real estate located in Custer County, Idaho, together with all water rights, easements, ditches, more particularly described in the following three parcels:

Parcel A -- a tract of land containing approximately 2.0167 acres.

Beginning at the NE $\frac{1}{4}$ Corner of the SE $\frac{1}{4}$ Sec 18 which is South 87° 28' West 1090 Ft to the Westerly Right-of-Way line of US Highway 93A, Southeast 334 ft, along the Highway Right-of-way line, thence West 41° 45' So 45 feet thence South 15° 15' West, 133 ft; thence North 24° 30' East, 76 feet; thence South 75° 35' West, 224 Ft; thence West 12½ Ft to the Easterly Shoreline of Big Lost River at normal water level thence South Easterly along a meander line following the Easterly Shoreline of Big Lost River approximately 647 Feet, thence East 350 Feet to the Westerly Right-of-Way line of US highway 93A; Thence South Easterly 309' along the westerly right-Of-way of US Highway 93A; Thence West 350' more or less to the East Bank of the Big Lost River; Thence North Westerly along the Bank of said river 193' more or less to the River Bridge. A tract of land containing approximately 2.0167 acres. Located in Sec 18 Twnsp 7 N, R 24 EBM. *VPB A.P.W. A.S.W. O.P.H.*

Parcel C -- A tract of land containing approximately 1.05 acres more or less known as Cresswood

Commencing at the East 1/4 corner of Section 18, T.7 N, R 24 EBM; thence 87° 28' W, along the latitudinal center line of said Section 18, West 1090 ft to an intersection with the westerly right-of-way of US Highway 93A; Thence 44° 30' E, along the said westerly ROW line 974.5 ft; Thence S 42° 50' W, 399.9 ft to the Westerly bank of the Big Lost River; Thence S 39° 02' E 180 ft; Thence S 19° 39' E 156 ft; Thence S 16° 02' E, 164 ft to the point of beginning; Thence S 55° 30' West, 220 ft to the Southwesterly Bank of a flowing Spring; Thence South Easterly along said South Westerly Bank, 400 ft more or less to the Westerly bank of the Big Lost River; Thence Northwesterly along the said Westerly Bank, 346 ft more or less to the point of beginning; A tract of land in the SE Sec 18, T.7 N R 24 EBM, and contains 1.05 acre more or less.

Easement: Tract of land in Sec 18 Twnsp 7 N, R 24 EBM. *VPB A.P.W. A.S.W. O.P.H.*
EASEMENT: Beginning, for a tie, at the East Quarter Corner of said Section 18; thence S. 87° 28' W., along the latitudinal center line of such section, 1090 feet to the Westerly line of Highway 93A; Thence S 44° 30' E. along said Westerly line 974.5 feet, to the True Point of beginning of the subject center line, which then runs from highway 93A S. 42° 50' W, 399.5 feet to the Westerly bank of the Big Lost River, and is appurtenant to and grants ingress and egress to the lands on the Easterly bank of such river.

A perpetual easement for road purposes, 50 feet in width.

Parcel B -- a tract of land containing approximately 10.1 acres East of Highway 93A, and a tract of land approximately 4.85 acres West of Highway Beginning at the NE $\frac{1}{4}$ Corner of the SE $\frac{1}{4}$ Sec 18 which is South 87° 28' West 1090 Ft to the Westerly Right-of-way line of US Highway 93A, Southeast 334 ft along the Highway Right-of-way line, thence West 41° 45' feet thence South 15° 15' West, 133 Feet; thence North 24° 30' East 76 feet; thence South 75° 35' West, 224 Feet; thence West 12½ ft to the Easterly Shoreline of Big Lost River at normal water level thence South-Easterly along a meander line following the Easterly Shoreline of Big Lost River approximately 647 feet; thence East 350 feet to the Westerly Right-of Way line of US Highway 93A; Thence East 364 feet, thence North 155 ft, thence East 127 feet; thence North 427 feet to the point of beginning, containing 15 acres more or less, together with all water, and water rights, and ditches and ditch rights. Tract of land in Sec 18

Twnsp 7 N, R 24 EBM. *VPB A.P.W. A.S.W. O.P.H.*

WARNER FAMILY TRUST

IN WITNESS WHEREOF, we have hereunto set our hands this 1st day of
July, 1982.

SETTLOR:

Orveata P. Warner
Orveata P. Warner

TRUSTEE:

Orveata P. Warner
Orveata P. Warner

SUCCESSOR CO-TRUSTEES:

Ardell H. Warner
Ardell Warner

Vonda P. Bruhn
Vonda P. Bruhn

Arva Jean Hodge
Arva Jean Hodge

ON THE 20th DAY OF JULY, 1982,
PERSONALLY APPEARED BEFORE ME
ORVEATA P. WARNER, THE SIGNER
OF THE ABOVE INSTRUMENT, WHO DULY
ACKNOWLEDGED TO ME THAT SHE EX-
ECUTED THE SAME.

Orveata P. Warner

WARNER FAMILY TRUST

ORVEATA P. WARNER REVOCABLE FAMILY TRUST

ORVEATA P. WARNER, hereinafter called the Settlor, of Mackay, Custer County, Idaho, hereby transfers to the trustees named hereafter the described property listed in Schedule A attached to this instrument.

1. Property subject to this trust as described in Schedule A is referred to as the "trust estate" and shall be held, administered, and distributed in accordance with this instrument.

2. The primary beneficiary of this trust is Orveata P. Warner. The secondary beneficiaries are her children Ardell Warner, Vonda P. Bruhn, and Arva Jean Hodge, and the children of Vernon E. Warner now deceased -- Shirley Ann Clements, Verna Lea Warner, and Bruce Kim Warner.

3. The purposes of the trust are as follows:

a. To provide for the complete support of the primary beneficiary using income and principal if necessary.

b. On the death of the Settlor, to distribute the 2.0167 acres more or less listed in Schedule A as parcel A, to Ardell Warner, if alive, or to his descendants if he predeceases the time of this distribution.

c. On the death of the Settlor, to distribute parcel C known as Cresswood, 1.05 acres equally, a one-half interest to my daughters Vonda P. Bruhn and Arva Jean Hodge, receiving the other one-half interest.

d. On the death of the Settlor, to distribute parcel B and the balance of the trust estate as follows: one-fourth each to Ardell Warner, Vonda P. Bruhn, and Arva Jean Hodge, and one-fourth divided equally to Shirley Ann Clements, Verna Lea Warner, and Bruce Kim Warner.

4. The trustee initially shall be Orveata P. Warner. If she cannot serve for any reason the successor trustees shall be Ardell Warner, Arva Jean Hodge, and Vonda P. Bruhn, any two of whom may act for the purpose of sale or distribution. Should the trust continue after the death of all four preceding trustees the following grandchildren are appointed to serve as trustees: Ronnie Dean Bruhn, Johnny Darnell Brower, Bruce Kim Warner, and Terrell Ray Warner when he becomes 21 years of age. Any three of the foregoing grandchildren can act for the purpose of sale.

5. The trustee is directed to use the income and principal of this trust for the benefit of Orveata P. Warner so long as she shall live. On the death of Orveata P. Warner the trustee is directed to distribute the 2.0167 acres to Ardell Warner, and the 1.05 acres to my two daughters, Vonda P. Bruhn and Arva Jean Hodge. The balance of the trust assets may be distributed

WARNER FAMILY TRUST

as indicated in paragraph 3d. if it is in the best interest of the secondary beneficiaries in the sole discretion of the trustees. If it is not in the best interest of the secondary beneficiaries in the sole discretion of the trustees, the distribution may be postponed and the balance of the trust estate may be kept in tact in order to insure a higher value for sale or use. If any of the secondary beneficiaries predecease the time of this distribution, leaving children, their share shall be distributed equally to said children (my grandchildren or great-grandchildren as the case may be) if they have reached their majority. If any have not reached their majority, then their share shall be set aside in trust for them.

6. The trustees shall have the following powers with respect to any and all property held by them as trustees:

a. To sell such property at public or private sale, without court approval, and to lease the same even for a term which may continue beyond the intended duration of the trust. Such lease may be given with or without option to purchase.

b. To exchange or abandon such property.

c. To borrow money with or without security and to repay any such borrowings from principal and income in such manner and in such properties as the trustee determines.

d. To manage, maintain, improve, subdivide and otherwise exploit and develop by any means all real and personal property in the trust, and to enter into contracts and grant options with respect thereto.

e. To retain stocks, securities, real estate, and mortgages and other intangible assets in the trust and to invest and reinvest and otherwise deal with such assets without respect to laws concerning such investments; to vote stock and securities in their own name, or in the name of their nominee; to exercise conversion and subscription rights and pay such sums as may be appropriate with respect thereto; to grant options with respect to all such property; to lease such property for purposes of producing oil and gas, and all minerals; and to participate in the recapitalization, reorganization, consolidation or merger of any company or companies whose stock or other securities are held in the trust fund in such manner and to such extent as they deem advisable and to share in the expenses thereof.

f. To collect and receive all dividends, interest, rent and other income owing to the trust.

WARNER FAMILY TRUST

g. To maintain, continue to operate, or terminate in any manner or at any time any commercial enterprise forming a part of the trust estate.

h. To employ and pay counsel or agents for any purpose including the making of investments.

i. To compromise or otherwise settle all claims by or against the trust estate.

j. Where the trustee is required to divide property passing under this trust, it need not physically divide or segregate such property, but may retain it intact and apportion undivided interests therein to the shares of beneficiaries entitled thereto.

k. To exercise full rights, powers and dominion over the property, the same as an owner thereof. The generality of this power shall not be limited by the specific references of the preceeding clauses of this paragraph.

l. None of the foregoing powers are to be interpreted in derogation of any right of the trustees under law.

m. None of the foregoing powers shall be used by the trustees in any manner so as to defeat the purposes of this trust nor to defeat or minimize the dispositive provisions of this trust.

7. The Settlor may add property from time to time to the trust estate or may remove property from the trust estate if she chooses.

8. The trustees shall not be liable to the beneficiaries of the trust except for willful breach of trust and/or gross negligence. So long as they act in good faith and carry out the trust duties as a reasonably prudent property owner would do, their responsibilities will be discharged.

9. This trust may be terminated after the death of the primary beneficiary if it is in the best interest of the secondary beneficiaries in the discretion of the trustees. If it is not in the best interest of the beneficiaries to terminate the trust immediately, the trust may extend as long as the lives in being plus twenty-one years.

10. This trust is revocable and amendable and shall be governed by the laws of the state of Idaho.

- WARNER FAMILY TRUST

WITNESS the hand of said grantor, this 20th day of July, 1982.

Orveata P. Warner
Orveata P. Warner

STATE OF IDAHO)
COUNTY OF CUSTER) ss.

On the 20th day of July, 1982 personally appeared before me
Orveata P. Warner, the signer of the above instrument, who duly acknowledged
to me that she executed the same.

[Signature]
Notary Public

My commission expires Life Residing in Mackay, IDAHO



STATE OF IDAHO)
COUNTY OF CUSTER) ss.

This instrument was filed for record
at the request of Orveata P. Warner
at 1:10 o'clock P.M. 8-30 1982
and duly filmed and indexed in the Records of Custer
County.

HOWARD A. BAXTER
Ex-Officio Recorder

By [Signature] Deputy
Fees 4.00

STATE OF IDAHO)
COUNTY OF CUSTER) ss.

This instrument was filed for record
at the request of Orveata Warner
at 4:30 o'clock A.M. 12-31 1982
and duly filmed and indexed in the Records of Custer
County.

Jayce Black
Ex-Officio Recorder
By [Signature] Deputy
Fees 4.00

Orveata P. Warner
Star Rte
Mackay, Id
83231

STATE OF IDAHO)
COUNTY OF CUSTER) ss.

This instrument was filed for record
at the request of _____
at _____ o'clock _____ 19____
and duly filmed and indexed in the Records of Custer
County.

Ex-Officio Recorder

By _____ Deputy
Fees _____

WARNER FAMILY TRUST

ORVEATA P. WARNER REVOCABLE FAMILY TRUST
SCHEDULE A

I hereby assign, transfer, and give to the trustees the below described property,
representing the trust estate:

Date Received
By Trustees

1. A 2.0167 acre tract located next to Ardell Warner's land
Parcel A more particularly described as follows:
A tract of land lying in the NE $\frac{1}{4}$ of Section 18 Township
7 North, Range 24 East, Boise Meridian, Custer County,
Idaho bounded as follows: Beginning at the NE $\frac{1}{4}$ Corner
of the SE $\frac{1}{4}$ Sec 18 which is South 87° 28' West 1090
Ft to the westerly Right-of-way line of US highway 93A,
Southeast 334 ft. along the highway right-of-way line,
thence West 41° 45' So 45 feet thence South 15° 15' ft
West, 133 feet; thence North 24° 30' East, 76 feet;
thence South 75° 35' West 224 feet; thence West 12 $\frac{1}{2}$
ft to the Easterly Shoreline of Big Lost River at
normal water level thence SouthEasterly along a meander
line following the Easterly Shoreline of Big Lost River
approximately 647 Feet, thence East 350 feet to the
Westerly right-of-way line of US Highway 93A; thence
south Easterly 309' along the westerly right-of-way
of US Highway 93A; Thence West 350' more or less to
the East Bank of the Big Lost River; thence North Westerly
along the Bank of said river 193' more or less to the
River Bridge. Together with water rights.
A tract of land containing approximately 2.0167 acres.
2. A 1.05 acre tract of land known as Cresswood -- Parcel C
More particularly described as follows: Custer County, Idaho
Commencing at the East 1/4 corner of Section 18, T7 N,
R 24 EBM; Thence 87° 28' W. along the latitudinal center
line of said Section 18, West 1090 ft to an intersection
with the westerly right of way of US Highway 93A:
Thence 44° 30' E along the said westerly ROW line 974.5
ft; Thence S 42° 50' W 399.9 ft to the Westerly bank of
the Big Lost River; Thence S 39° 02' E 180 ft; thence S
19° 30' E 156 ft; thence S 16° 02' E, 164 ft to the
point of beginning; Thence S 55° 30' West 220 Ft to the
Southwesterly Bank of a flowing Spring; Thence South
easterly along said South Westerly Bank, 400 ft more or
less to the Westerly Bank of the Big Lost River; Thence
North Westerly along the said Westerly Bank, 346 ft
more or less to the point of beginning; A tract of
land in the SE Sec 18, T7 N. R 24 EBM, and contains 1
acre more or less. Together with easements and water rights.
3. A 4.85 acre tract west of the highway 93A and a 10.1 tract
east of said highway, Custer County, Idaho Parcel B
More particularly described as follows:
Beginning at the NE $\frac{1}{4}$ Corner of the SE $\frac{1}{4}$ Sec 18 which is
South 87° 28' West 1090 ft to the Westerly Right-of-way
line of US Highway 93A, Southeast 334 ft. along the
Highway right-of-way line, thence West 41° 45' So
45 Ft thence South 15° 15' ft West, 133 ft; thence North
24° 30' East, 76 feet; thence South 75° 35' West,
224 Feet; thence West 12 $\frac{1}{2}$ ft to the Easterly Shoreline
of Big Lost River at Normal Water Level thence South
Easterly along a meander line following the Easterly
Shoreline of Big Lost River approximately 647 feet,
thence East 350 feet to the Westerly Right-of-Way line
of US Highway 93A; Thence East 364 feet, thence North
155 feet, thence East 127 feet; thence North 427 feet
to the point of beginning, containing 15 acres more or less.
together with all water, and water rights, and ditches
and ditch rights. Above tracts located in Sec 18 Twnsp 7 N
R 24 E BM Custer Co Idaho.

WARNER FAMILY TRUST

4. Mobile Home

IN WITNESS WHEREOF, we have hereunto set our hands this 1st day of July, 1982.

ON THE 20th DAY OF JULY, 1982
PERSONALLY APPEARED BEFORE ME
ORVEATA P. WARNER, THE SIGNER
OF THE ABOVE INSTRUMENT, WHO
DULY ACKNOWLEDGED TO ME THAT
SHE EXECUTED THE SAME.

Orveata P. Warner

SETTLOR:

Orveata P. Warner
Orveata P. Warner

TRUSTEE:

Orveata P. Warner
Orveata P. Warner

SUCCESSOR CO-TRUSTEES:

Ardell L. Warner
Ardell Warner

Vonda P. Bruhn
Vonda P. Bruhn

Arva Jean Hodge
Arva Jean Hodge

ORVEATA P. WARNER REVOCABLE FAMILY TRUST