

COPY

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

Case 39576

) Subcase: 85-15694

) AFFIDAVIT OF
) BEVERLY A. DECKER
)
)
)

STATE OF IDAHO)

: ss.

County of Nez Perce)

Beverly A. Decker, being first duly sworn on oath, deposes and says:

1. I am an adult citizen of the United States of America, over the age of 21, competent to testify as a witness, and make this affidavit on personal knowledge.

2. It is my understanding, that my grandparents, Joseph and Mary Ann Trautman, purchased the property described as "The South Half of the Southwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 10, Township 33 North, Range 2 West of the Boise, Meridian, records of Lewis County, Idaho" on or about September 1, 1935.

3. Attached as Exhibit A is an Idaho Department of Resources map which shows Section 10, Township 33 North, Range 2 West of the Boise, Meridian. I have marked in blue the approximate

**AFFIDAVIT OF
BEVERLY A DECKER**

location of the water source in the Northwest Quarter of the Southwest Quarter of Section 10, Township 33 North, Range 2 West being claimed in this Notice of Claim to A Water Right.

4. Exhibit A identifies Water Right 85-10380, for the spring located approximately ¼ mile down stream in the Goose Creek drainage, and Water Right 85-10381, further downstream in the Goose Creek draining near the house which was my grandparent's home place beginning in 1935. Both of these Water Rights have a priority date of September 1, 1935.

5. It is my understanding, from discussions with my father and other family members throughout the years, that all three of these springs, Water right 85-10380, Water Right 85-10381 and the spring marked in blue on Exhibit A were used to water stock by my family, beginning at least as early as 1935.

6. My grandparents continued to farm and pasture this property until my father, Earl J. Trautman, began farming and pasturing the land for them in the late 40's.

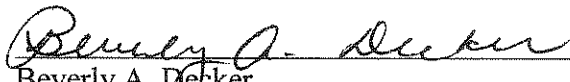
7. As a child in the very early 60's, I remember having to walk from the house to the location of the watering trough marked in blue on Exhibit A to make sure that the water pipe had not been plugged or had not been knocked out of the watering trough by the cattle.

8. On September 21, 1973, my grandmother, Mary Ann Trautman, by way of Deed of Gift, copy attached as Exhibit B, deeded the Northwest Quarter of the Southwest Quarter of Section 10, Township 33 North, Range 2 West of the Boise, Meridian, records of Lewis County, Idaho to my father, Earl J. Trautman.

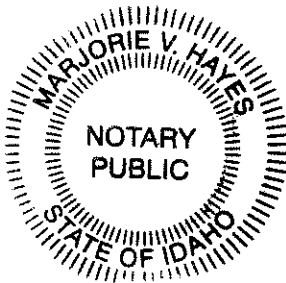
9. My father continued to farm and pasture this property either himself or by lease until his death on September 24, 2004.

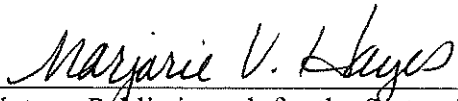
10. Attached as Exhibit C is the Deed of Distribution dated December 30, 2005, showing that I inherited this property pursuant to my father's will.

11. I continue to use the watering trough as a source of water for cattle.


Beverly A. Decker

SWORN AND SUBSCRIBED to before me this 9 day of August, 2007.




Notary Public in and for the State of Idaho,
Residing at Lewiston, therein.
My Commission Expires: 4/11/2012

T33N R2W Section 10

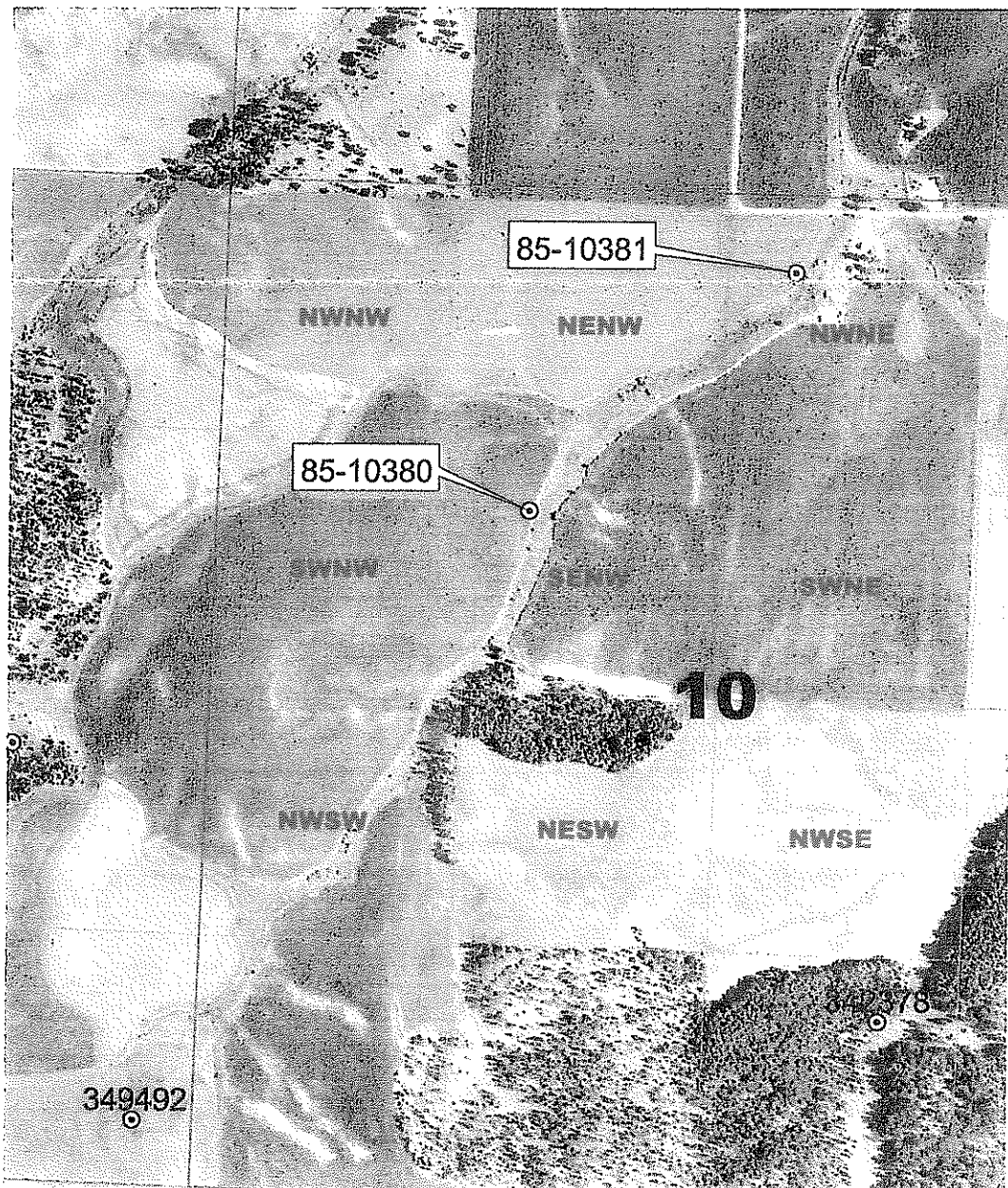
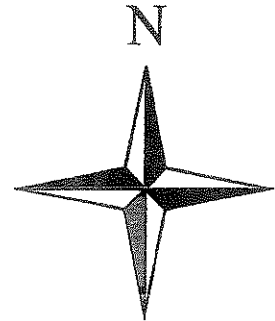


Exhibit A

79704 INDEXED

1973-899

DEED OF GIFT

THIS DEED OF GIFT, made on the 21st., day of September, 1973, by and between MARY ANN TRAUTMAN, a widow dealing with her sole and separate property of 1022 11th., Street, Clarkston, Washington, Party of the First Part; and EARL J. TRAUTMAN, as his sole and separate property, of Craigmont, Lewis County, Idaho, Party of the Second Part:

WITNESSETH:

That the Party of the First Part, for and in consideration of the natural love and affection that she has for the Party of the Second Part, by these presents does give, grant, alien, convey and confirm unto the said Party of the Second Part, his heirs and assigns forever, all of the following described real property, in Lewis County, State of Idaho, to-wit:

The Northwest Quarter of the Southwest Quarter
(NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Ten (10) Township Thirty-three
(33) North, Range Two (2) West of the Boise Meridian,
Lewis County, Idaho.

TOGETHER WITH, all and singular, the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title and interest whatsoever of the Party of the First Part of, in, and to the premises, with the appurtenances, and every part thereof.

TO HAVE AND TO HOLD, all and singular, the above granted premises, with the appurtenances, unto the Party of the Second Part, of his heirs, to his own proper use and behoof, forever.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st.,
day of September, 1973.

Mary Ann Trautman
Mary Ann Trautman

STATE OF IDAHO)
) ss.
County of Lewis)

On this 21st., day of September, 1973, before me, a Notary Public,
in and for the State of Idaho, personally appeared MARY ANN TRAUTMAN,
known to me to be the person whose name is subscribed to the foregoing
instrument and acknowledged to me that she 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 hereinabove
written.



Sally M. Hill
Notary Public, State of Idaho
Residing at Nezperce, therein.

75704 INDEXED

STATE OF IDAHO,)
COUNTY OF LEWIS) ss. SEP 21 1973
FILED FOR RECORD
AT 2:10 O'CLOCK P. M., AT THE
REQUEST OF Carl Trautman
AND RECORDED IN BOOK _____ OF
_____ AT PAGE
Doris Brown
COUNTY RECORDER
BY Lona A. Baume
DEPUTY
FEES \$ 2.00

-2-

my Cont.

RAPAIGH & KNUTSON
LAWYERS
PORTER BUILDING
LEWISTON, IDAHO
MILLER BUILDING
NEZPERCE, IDAHO

133024

Instrument # 133024
NEZPERCE, LEWIS, IDAHO
2005-12-30 04:02:48 No. of Pages: 5
Recorded for : ERLENE E. WEST
CATHY LARSON
Ex-Officio Recorder Deputy *[Signature]* Fee: 15.00
Disame

DEED OF DISTRIBUTION

THIS DEED, made by ERLENE E. WEST and BEVERLY A. DECKER, as Co-Personal Representatives of the Estate of EARL J. TRAUTMAN, Deceased, and PATRICIA L. TRAUTMAN, a single woman, collectively referred to as "Grantors", to BEVERLY A. DECKER, as her sole and separate property, Grantee, whose current address is 423 Preston Avenue, Lewiston, Idaho 83501

WITNESSETH:

WHEREAS, Grantors Erlene E. West and Beverly A. Decker are the qualified Co-Personal Representatives of said estate, filed as Nez Perce County, Idaho, District Court Case No. 04 – 01278,

WHEREAS, Grantor Patricia L. Trautman is the surviving spouse of Earl J. Trautman, and

WHEREAS, the Grantee is entitled to distribution of the hereinafter described real property pursuant to the terms of will of the decedent dated August 24, 2004,

NOW, THEREFORE, Grantors convey and release to Grantee the following described real property situate in Lewis County, State of Idaho, to-wit:

The South Half of the Southwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 10, Township 33 North, Range 2 West of the Boise, Meridian, records of Lewis County, Idaho.

TOGETHER WITH an easement twenty feet (20') in width for ingress and egress for farming, logging, grazing and underground utilities over and across an existing historical path of travel commencing from Trautman Road and then continuing over and across the following parcels of real property located in Section 10, Township 33 North, Range 2 West of the Boise Meridian, Records of Lewis County, Idaho:

NW1/4NE1/4; NE1/4 NW 1/4; S ½ NW 1/4

PROVIDED THAT in the event the real property herein being conveyed is later conveyed to a third-party grantee who is not a lineal descendant of Earl J.

Trautman, which third-party grantee would then have access from public right of way to the subject property through previously owned real property, then this easement shall immediately terminate for all purposes, except for underground utilities then in place.

SUBJECT TO an easement twenty feet (20') in width for ingress and egress for farming, logging, grazing and underground utilities over and across an existing historical path of travel for the benefit of the following parcel of real property:

The Northwest Quarter of Section 15, Township 33 North, Range 2 West of the Boise Meridian, records of Lewis County, Idaho.

AND FURTHER SUBJECT TO an easement ten feet (10') in width for ingress and egress for farming, logging, grazing and underground utilities, over and across the South ten feet (10') of the Southwest Quarter of Section 10, Township 33 North, Range 2 West of the Boise Meridian, records of Lewis County, Idaho, to the timberline, then continuing in a southeasterly direction along the timberline until the easement is no longer located on the Southwest Quarter of Section 10, Township 33 North, Range 2 West of the Boise Meridian, records of Lewis County, Idaho for the benefit of the following parcel of real property:

The Northeast Quarter of Section 15, Township 33 North, Range 2 West of the Boise Meridian, records of Lewis County, Idaho.

AND FURTHER SUBJECT TO an easement for ingress and egress over and across a twenty foot (20') square parcel of ground located on the Southwest corner of the Southwest Quarter of Section 10, Township 33 North, Range 2 West of the Boise Meridian, records of Lewis County, Idaho, for the benefit of the following parcel of real property:

The Southwest Quarter of Section 15, Township 33 North, Range 2 West of the Boise Meridian, records of Lewis County, Idaho. (See: Exhibit A attached hereto, to identify the approximate locations of the easements)

THE GRANTORS HEREBY SPECIFICALLY NOTIFY THE GRANTEE AND HIS OR HER SUCCESSORS THAT NO FENCES ON THE PROPERTY CONSTITUTE THE TRUE BOUNDARY LINES. ACCURATE SURVEYS ALONE WILL ESTABLISH THE TRUE BOUNDARIES.

together with all appurtenances.

Patricia L. Trautman, surviving wife of Earl J. Trautman, joins in this deed for the purposes of quitclaiming any interest whatsoever she may have in the above-described real property to the herein named Grantee and for the purpose of conveying her interest in all easements to Grantee set forth above.

DATED this 30 day of December, 2005.

Erlene E West

ERLENE E. WEST, as Co-Personal Representative
of the Estate of Earl J. Trautman

Beverly A. Decker

BEVERLY A. DECKER, as Co-Personal
Representative of the Estate of Earl J. Trautman

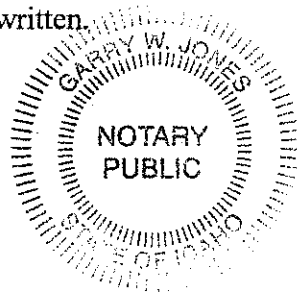
Patricia L. Trautman

PATRICIA L. TRAUTMAN, Individually

STATE OF IDAHO)
 : ss
County of Nez Perce)

On this 30th day of DECEMBER, 2005, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared ERLENE E. WEST and BEVERLY A. DECKER, Co-Personal Representatives of the Estate of EARL J. TRAUTMAN, Deceased, known or identified to me to be the persons whose names are subscribed to the within and foregoing 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 first above written.



Garry W. Jones

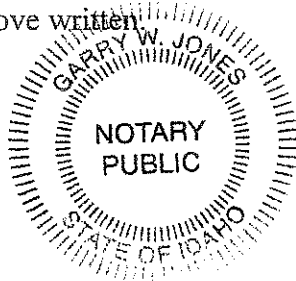
Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

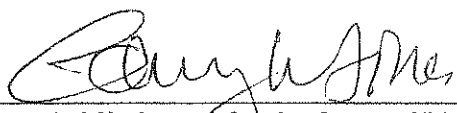
My commission expires 5-22-2010

STATE OF IDAHO)
 : ss.
County of Nez Perce)

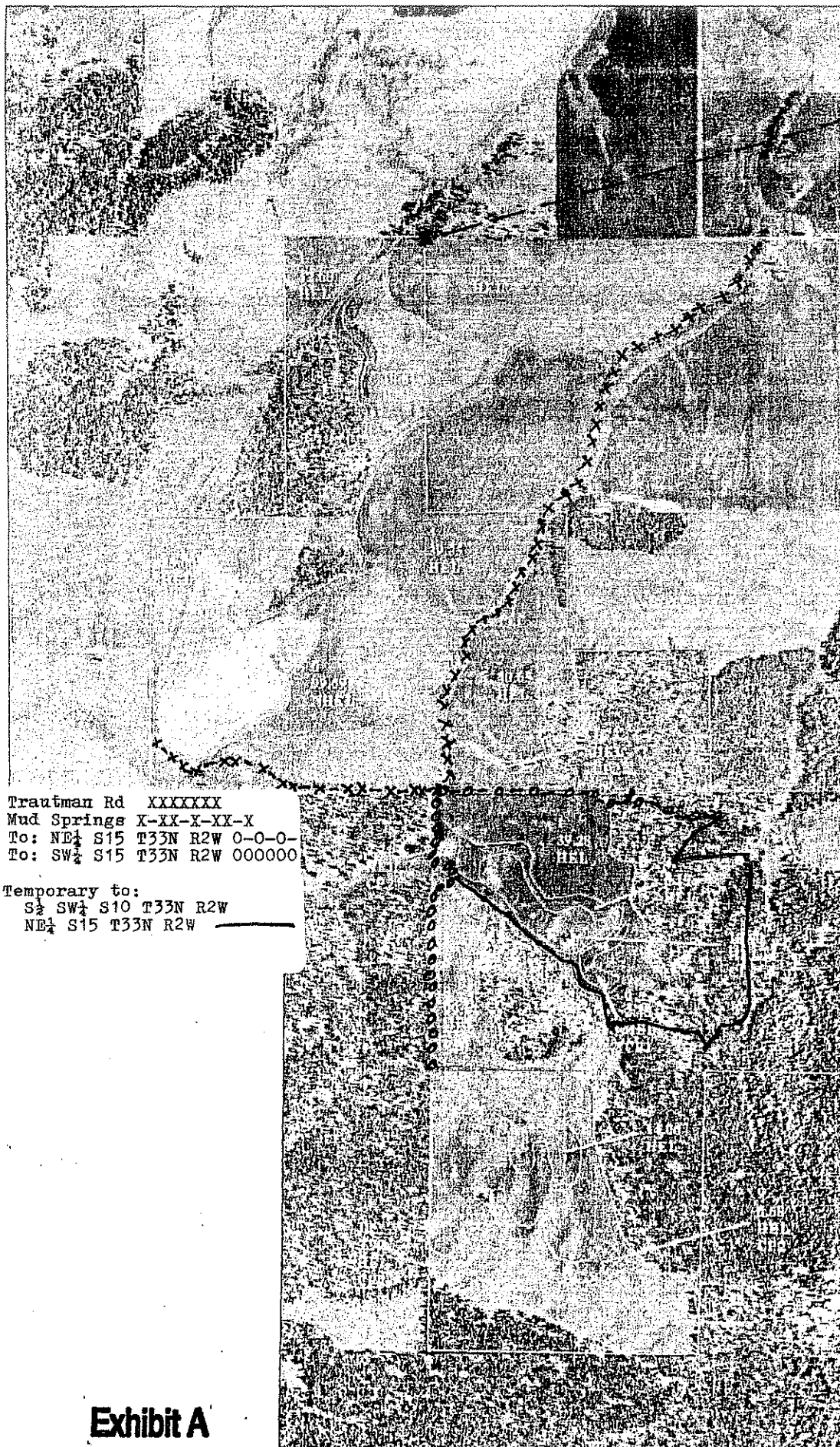
On this 30th day of DECEMBER 2005, before me the undersigned, a notary public in and for the State of Idaho, personally appeared PATRICIA L. TRAUTMAN, a single woman, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.





Notary Public in and for the State of Idaho
Residing at LEWISTON
My Commission Expires: 5-22-2010



FOR REFERENCE
PURPOSES, * IS
THE NW CORNER OF
SECTION 10, TWN 33 N
R2W BM

Trautman Rd XXXXXXX
Mud Springs X-XX-X-XX-X
To: NE $\frac{1}{4}$ S15 T33N R2W 0-0-0-
To: SW $\frac{1}{4}$ S15 T33N R2W 000000

Temporary to:
S $\frac{1}{2}$ SW $\frac{1}{4}$ S10 T33N R2W
NE $\frac{1}{4}$ S15 T33N R2W

Exhibit A