

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: A63-02052A

Date Received: 12/14/1989

Receipt No: W007115

Received By: BAS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HAL FRASIER
Address: 4188 CHERRY LANE
NAMPA, ID 83687
OR
Name: HELEN L. FRASIER
Address: 4188 CHERRY LANE
NAMPA, ID 83687
208-466-5925
2. Date of Priority: APR 29, 1907
3. Source: TENMILE CREEK Trib. to: BOISE RIVER
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 03N | 01W | 5 | SE | NE | SE | | CANYON |
5. Description of diverting works:
PUMPED FROM DITCH INTO LATERALS
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/15 | 10/15 | 2.400 | | |
7. Total Quantity Appropriated is:
2.400 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 360.0 Acre Feet Per Annum.
9. Non-irrigation uses:
NA

A63-02052A

Page 1

Date: 12/14/89

SCANNED

APR 08 2008

MICROFILMED

AUG 18 1997

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	01W	5	NE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
						Section Acres	120.0
						Total Acres	120.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NAMPA-MERIDIAN IRR.

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 2715

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: 0

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): Harold D. Frasier Date: Dec 14-1989
Nelson L. Frasier Date: Dec 14-1989

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 14 day
of December 19 89 Bruce A. Schuld
Notary Public

Seal

Residing at BRUCE A. SCHULD, NOTARY PUBLIC
RESIDING AT BOISE, IDAHO
My Commission Expires MY COMMISSION EXPIRES APRIL 11, 1995

Receipt Details for ID W007115

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
12/14/1989 11:08:42 AM	12/14/1989	Western	\$195.00	Check
Payer		FRASIER, HAL/HELEN		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
4640			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE**Fee Detail:**

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$195.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	19848		\$25.00	Claim
63	2052	A	\$170.00	Claim

[Print Report](#)

RECEIVED

JAN 16 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JAN 15 2009

By _____ Clerk
Deputy Clerk

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 No. 39576

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHT 63-02052A

I. FINDINGS OF FACT

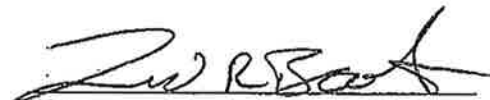
A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

On June 15, 2007, the Nampa & Meridian Irrigation District, through its attorney S. Bryce Farris, filed an objection to the Director's Report, asserting that the source of water should be described as wastewater. On December 16, 2008, the parties filed a *Standard Form 5 - Stipulated Elements of a Water Right* which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 63-02052A be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated Jan. 15, 2009

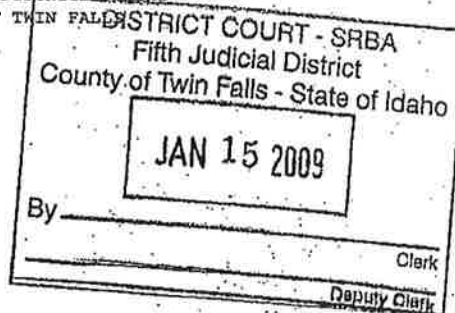

Theodore R. Booth
Special Master
Snake River Basin Adjudication

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 No: 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-02052A



NAME AND ADDRESS:

FRASIER FAMILY TRUST
4188 CHERRY LN
NAMPA, ID 83687

SOURCE:

TENMILE CREEK TRIBUTARY: BOISE RIVER

TO THE EXTENT THAT ALL OR A PORTION OF THE SOURCE OF THIS WATER RIGHT MAY CONSIST OF WASTE WATER, FRASIER FAMILY TRUST, NAMPA & MERIDIAN IRRIGATION DISTRICT AND/OR UNITED STATES BUREAU OF RECLAMATION, TOGETHER WITH THEIR RESPECTIVE ASSIGNS AND HEIRS, AGREE THAT NAMPA & MERIDIAN IRRIGATION DISTRICT AND/OR UNITED STATES BUREAU OF RECLAMATION WAIVE NO RIGHT TO ASSERT IN THE FUTURE THAT THE SOURCE OF ALL OR PART OF THIS WATER RIGHT IS THE WASTE WATER OF NAMPA & MERIDIAN IRRIGATION DISTRICT AND/OR UNITED STATES BUREAU OF RECLAMATION AND THEREBY IS SUBJECT TO THE RIGHT OF NAMPA & MERIDIAN IRRIGATION DISTRICT AND/OR UNITED STATES BUREAU OF RECLAMATION TO CEASE WASTING IT OR RECAPTURE IT.

QUANTITY: 2.40 CFS

PRIORITY DATE: 04/29/1907

POINT OF DIVERSION: T03N R01W S05 NESE Within Canyon County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-01 TO 11-15	2.40 CFS

PLACE OF USE:

Place of Use	Location	Quantity
Irrigation	T03N R01W S05	Within Canyon County
	NESW 40.0	NESE 40.0
	NWSE 40.0	
	120.0 Acres Total	

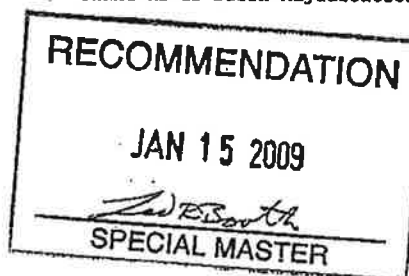
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

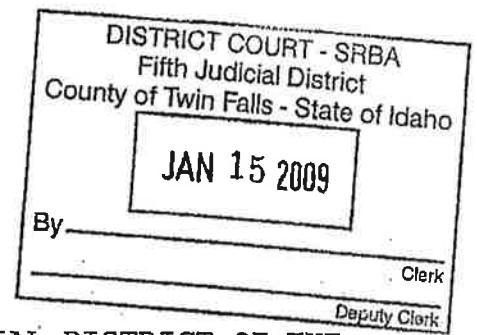
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication





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 No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

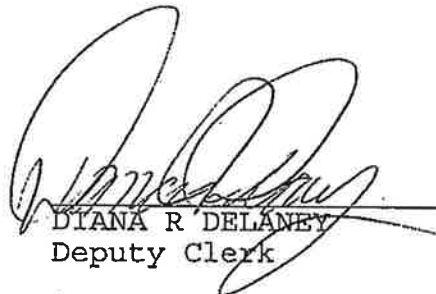
Water Right(s) : 63-02052A

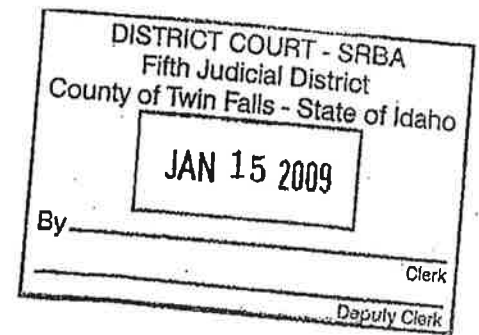
On January 15, 2009, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED January 15, 2009.


DIANA R. DELANEY
Deputy Clerk



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 No. 39576)

CERTIFICATE OF MAILING

Water Right(s): 63-02052A

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on January 15, 2009, with sufficient first-class postage prepaid to the following:

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

NAMPA & MERIDIAN IRR DIST

Represented by:
DANIEL V. STEENSON
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING

PAGE 1
01/15/09

MIKE FRASIER
236 N HAPPY VALLEY RD
NAMPA, ID 83687

FRASIER FAMILY TRUST
4188 CHERRY LN
NAMPA, ID 83687
Phone: 208-466-5925



DIANA R DELANEY
Deputy Clerk

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-2052A

NAME AND ADDRESS: FRASIER FAMILY TRUST
4188 CHERRY LN
Nampa ID 83687

SOURCE: TENMILE CREEK

TRIBUTARY: BOISE RIVER

To the extent the source of this water right from Tenmile Creek includes waste water, the wasting of water may be discontinued at anytime, in compliance with state law.

QUANTITY: 2.400 CFS

PRIORITY DATE: 04/29/1907

POINT OF
DIVERSION:

T03N R01W S5 NESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	2.400 CFS

PLACE OF USE: IRRIGATION in CANYON County

T03N R01W S05	NESW	40.00	T03N R01W S05	NESE	40.00
T03N R01W S05	NWSE	40.00			

120 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Parcel No. R3035700000.

2008 SEP 09 PM 02:43
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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	)	ORDER SETTING STATUS
	)	CONFERENCE
Case No. 39576	)	
_____	)	SUBCASE NO: 63-02052A

Please be advised that Special Master THEODORE R. BOOTH
has set a Status Conference in the above subcase(s)
as follows:

TUESDAY, OCTOBER 28, 2008 at 03:30 PM (MT)

SRBA
253 - 3RD AVENUE NORTH
TWIN FALLS, ID

Parties may participate by telephone by dialing the number
225-383-1099 and when prompted entering the code 675342.

IT IS SO ORDERED.

Dated: SEPTEMBER 09, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

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

Page 1 9/09/08

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING STATUS CONFERENCE was mailed on SEPTEMBER 09, 2008, with sufficient first-class postage to the following:

NAMPA & MERIDIAN IRR DIST

Represented by:
DANIEL V. STEENSON
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

MIKE FRASIER

236 N HAPPY VALLEY RD
NAMPA, ID 83687

FRASIER FAMILY TRUST

4188 CHERRY LN
NAMPA, ID 83687
Phone: 208-466-5925

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-2052A

NAME AND ADDRESS: FRASIER FAMILY TRUST
4188 CHERRY LN
NAMPA ID 83687

~~HELEN L FRASIER~~
~~HAL FRASIER~~
~~4188 CHERRY LN~~
~~NAMPA ID 83687~~

SOURCE: TENMILE CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 2.400 CFS

PRIORITY DATE: 04/29/1907

POINT OF DIVERSION:

T03N R01W S5 NESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	2.400 CFS

PLACE OF USE: IRRIGATION in CANYON County

T03N R01W S05	NESW	40.00	T03N R01W S05	NESE	40.00
T03N R01W S05	NWSE	40.00			

120 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License
Parcel No. R3035700000.

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 No. 39576

Water Rights: 63-2052A

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following administrative proceeding:

☐ Address change

XX Substitution of Party

☐ IC § 42-222 transfer

☐ Point of diversion ☐ Place of use

☐ Period of use ☐ Nature of use

☐ Split of water right ☐ Change in ownership

☐ Other

☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: July 23, 2008


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on July 23, 2008, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court	☐ overnight mail
Snake River Basin Adjudication	☒ regular mail
P.O. Box 2707	☐ hand-delivered
Twin Falls, ID 83303-2707	☐ facsimile

2. Copies to:

Clive Strong	☐ overnight mail
Off ice of the Attorney General	☒ regular mail
P.O. Box 44449	☐ hand-delivered
Boise, ID 83711-4449	☐ facsimile

United States Dept of Justice	☐ overnight mail
Environment & Natural Resource Div	☒ regular mail
550 West Fort Street MSC 033	☐ hand-delivered
Boise ID 83724	☐ facsimile

3. Copies to all parties to the subcase:

Fraser Family Trust	☐ overnight mail
4188 Cherry Ln.	☒ regular mail
Nampa ID 83687	☐ hand-delivered
	☐ facsimile

Mike Frasier	☐ overnight mail
236 N. Happy Valley Rd.	☒ regular mail
Nampa ID 83687	☐ hand-delivered
	☐ facsimile

Nampa Meridian Irrigation Dist.	
Daniel Steenson	
S. Bryce Farris	☒ regular mail
PO Box 2773	
Boise ID 83701-2773	


Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

July 23, 2008

FRASIER FAMILY TRUST
4188 CHERRY LN
NAMPA ID 83687

Re: Water Right No. 63-2052A

Dear Mr. Frasier:

Enclosed is a copy of the above referenced water right, which reflects the change in ownership of the land and appurtenant water rights, covered under the original filing. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

If you have any questions concerning the enclosed water right, please feel free to contact this office.

Sincerely,

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region Office

LH:l
Enclosures

cc: Mike Frasier

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

RECEIVED

JUL 17 2008

WATER RESOURCES
WESTERN REGION

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 (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
63-2052A	63-2052A	N			

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

- ☒ A. The appropriate **FILING FEE**. See instructions for fee amounts. - fee waived - SPBA
- ☒ 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 on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **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) Hal D. and Helen L. Frasier
4188 Cherry Lane
Nampa, ID. 83687

☒ 4. New Owner/Claimant(s) Frasier Family Trust
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address 4188 Cherry Lane
 City, State and ZIP Code Nampa, ID.
 New Telephone Number (208) 466-5925 Email: _____

over

REFORMATION AND RESTATEMENT

OF

THE FRASIER FAMILY TRUST

THIS REFORMATION AND RESTATEMENT OF TRUST AGREEMENT, made and executed this 23^d day of April, 1991, by and between HAL D. FRASIER and HELEN L. FRASIER, husband and wife, of Canyon County, Idaho, hereinafter collectively referred to as the "Grantors" and each singly as a "Grantor", and HAL D. FRASIER and HELEN L. FRASIER, hereinafter referred to as the "Trustee."

W I T N E S S E T H:

WHEREAS, the Grantors executed The Frasier Family Trust on October 2, 1980; and

WHEREAS, the Grantors desire to reform and restate The Frasier Family Trust, effective this date; and

WHEREAS, the Grantors desire to remove West One Bank, Idaho, N.A., (formerly The Idaho First National Bank, N.A.) as a Co-Trustee of The Frasier Family Trust; and

WHEREAS, this trust agreement shall be the controlling trust instrument.

NOW, THEREFORE, the Grantors and Trustee agree as follows:

ARTICLE I

1. TRUST NAME: This trust shall be known as:
"The Frasier Family Trust."

2. TRUST PROPERTY: The Grantors hereby transfer, convey and deliver to the trust the property set forth on Schedule "A" which is attached hereto and by reference made part hereof. All the property transferred and delivered to the trust shall, upon written acceptance thereof by the trust, constitute the trust estate and shall be held, managed distributed as hereinafter provided.

3. ADDITIONAL PROPERTY: The Grantors, or either of them, or any other person, with the consent of the trust, may name the trust as beneficiary of life insurance policies, or deposit property with the trust, or devise property to the trust.

ARTICLE II

1. DISTRIBUTIONS TO GRANTORS: As long as both Grantors are living, the Trustee shall pay to or apply for the benefit of the Grantors such sums from the income and principal as the Grantors may at any time request.

2. CHARACTER OF PROPERTY: All community property transferred to this trust by the Grantors shall retain its character as community property during the joint lifetime of the Grantors and any withdrawal from the trust by the Grantors of such property shall be their community

property. All separate property of either Grantor transferred to this trust shall likewise retain its character as separate property.

3. **LIFE INSURANCE:** The following rights and obligations apply to any life insurance policies which designate the trust as beneficiary.

a. Premium Payment: The owner or owners of any life insurance policies shall pay all premiums and other charges to keep in force life insurance policies which such owner or owners desire to maintain on the life of either or both Grantors. The trust shall be under no obligation to pay premiums or other charges but may make such payments if sufficient cash is available to the trust.

b. Collection of Benefits: Upon the death of the insured, the trust shall collect any benefits. The trust is authorized to take any action to collect the benefits which it deems reasonable and proper. The trust may compromise or settle any claim and may execute any property release or acquittance.

c. Policy Rights: The owner of each policy shall retain and have the right to change the beneficiary and to exercise any option, right or privilege relating to each policy, including the right to borrow in accordance with the provisions of the policy and to pledge the policy as collateral. Nothing herein shall bestow upon

either Grantor, who does not own any policy, any right, privilege or incident of ownership.

4. **DISABILITY OF GRANTORS:** Should the Trustee at any time consider both the Grantors to be unable for any reason to direct the Trustee with respect to disposition of such sums from the trust estate, the Trustee is authorized in its sole and absolute discretion, to expend for the Grantors, or either of them, such sums from the principal or income, as the Trustee shall deem necessary or advisable for their, his or her support, maintenance and health.

ARTICLE III

1. **CREATION OF TWO TRUSTS:** Upon the death of the Grantor who first dies, sometimes hereinafter referred to as the "deceased Grantor", the Trustee shall divide all property held in this trust estate, including any proceeds received from life insurance policies subject to this Agreement and including all accrued or accumulated income, as well as any property added hereto under the deceased Grantor's Will, into two trusts. The two trusts are hereby named and shall be referred to, respectively, as Trust A and Trust B of The Frasier Family Trust, which are sometimes referred to as "Trust A" and "Trust B" for brevity. Each trust shall be separately held, administered and distributed as hereinafter provided.

With respect to the two trusts so established, it is the intention of the parties that the Trustee place in Trust A the assets held for the use, benefit and control of the Grantor who survives the death of the first Grantor to die, sometimes hereinafter referred to as the "surviving Grantor", and place in Trust B the property and assets held for the benefit of the beneficiaries of the deceased Grantor.

2. **PAYMENT OF EXPENSES AND TAXES:** Upon the deceased Grantor's death, the Trustee may pay (a) the expenses of the deceased Grantor's last illness, funeral and burial, (b) all inheritance, estate and other death taxes that become payable by reason of the deceased Grantor's death, including interest and penalties on all such taxes, and (c) the expenses of administering the deceased Grantor's estate. The Trustee shall first apply to the payment of federal estate taxes any United States Treasury bonds held in the trust estate of the kind commonly referred to as discount bonds, redeemable at par in payment of such taxes. All such expenses and taxes shall be charged against and deducted from the portion of the trust estate that is allocated to Trust B pursuant to the provisions of paragraph 4 of Article III.

3. **TRUST A ASSETS:** Trust A shall consist of the following:

a. All proceeds and benefits received from and in accordance with the provisions of life insurance policies, which are owned by the surviving Grantor and insured the life of the deceased Grantor.

b. All property which was the separate property of the surviving Grantor immediately prior to the death of the deceased Grantor.

c. The surviving Grantor's community property interest in (i) any community property held in this trust upon the death of the deceased Grantor, (ii) any insurance, retirement plan or other proceeds received in accordance with the provisions of any policy or retirement plan which had been owned as the community property of the Grantors, and (iii) any other property received by the Trustee after the death of the deceased Grantor which had been owned as the community property of the Grantors.

d. Property received by the Trustee under the Will of the deceased Grantor which is specifically designated as property of Trust A.

e. Additional property in an amount equal to the maximum marital deduction allowable to the deceased Grantor's estate for federal estate tax purposes, reduced by the sum of (1) the aggregate amount allowed as a marital deduction for interests passing or that have passed to the surviving Grantor otherwise than by the terms of this

Article III, paragraph 3, and (2) the amount, if any, necessary to increase the deceased Grantor's taxable estate to the "largest amount" that, after allowing for the unified federal estate tax credit and all other credits and deductions (excluding the marital deduction) available to the deceased Grantor's estate and considering any adjusted taxable gifts and charges to principal that are not allowed as federal estate tax deductions, will result in no federal estate tax and no state tax equal to the state tax credit allowed by the federal estate tax law being imposed on the deceased Grantor's estate. The Trustee shall first, to the extent that special use valuation property is available, allocate to Trust B, to fulfill the aforementioned "largest amount", property which was valued pursuant to the Internal Revenue Code § 2032A. The "largest amount" shall be funded with property at the values of the same finally determined for federal estate tax purposes based upon the election for the valuation thereof made by the personal representative of the deceased Grantor's estate; provided, however, the possible application of Internal Revenue Code § 2032A(c) shall not be considered.

f. All additional property which the surviving Grantor may, subsequent to the death of the deceased Grantor and with the consent of the Trustee, add to this trust.

4. **TRUST B ASSETS:** Trust B shall consist of the following:

a. All life insurance policies insuring the life of the surviving Grantor which were owned by the deceased Grantor as separate property, the deceased Grantor's community property or other interest in any policies insuring the life of the surviving Grantor and any proceeds received in accordance with the provisions of such policies.

b. All property received by the Trustee under the Will of the deceased Grantor which is specifically designated as property of Trust B.

c. Notwithstanding the provisions of paragraph 3(e) of this Article III, any property renounced by the surviving Grantor.

d. All other property held hereunder which is not allocated to Trust A.

5. **DISTRIBUTION REQUIREMENTS:** The property allocated to Trust A shall be comprised only of assets that qualify for the federal estate tax marital deduction allowable for property passing from the deceased Grantor. The Trustee shall allocate and distribute to Trust A property included in the deceased Grantor's gross estate (or the proceeds of their disposition), including cash, which have an aggregate fair market value fairly representative of

Trust A's proportionate share of the appreciation or depreciation in value, to the date or dates of distribution, of all property then available for distribution. All property shall be distributed to Trusts A and B at the respective values of such property as finally determined for federal estate tax purposes and not at date or dates of distribution values.

6. **ADMINISTRATION OF TRUST A:** Trust A shall be held, applied and distributed in the following manner:

a. Distributions: The Trustee shall pay to or for the benefit of the surviving Grantor such sums from the income and principal as the surviving Grantor may at any time request.

b. Grantor Disability: Should the Trustee at any time consider the Grantor to be unable for any reason to direct the Trustee with respect to disposition of such sums from the trust estate, the Trustee is authorized in its sole and absolute discretion to expend for the Grantor such sums from principal or income as the Trustee shall deem necessary or advisable for the Grantor's support, maintenance and health.

c. Power of Appointment: Upon the death of the surviving Grantor, the remainder of Trust A shall be distributed to such persons or other distributees, including the surviving Grantor's estate, as the surviving Grantor may

appoint by the surviving Grantor's will, a written statement disposing of tangible personal property pursuant to Idaho Code § 15-2-513 or other written instrument, which is executed and acknowledged in the manner required for a deed to transfer real property in the State of Idaho, is filed with the Trustee and, remains unrevoked at the time of the surviving Grantor's death.

d. Distribution After Death: After the death of the surviving Grantor, the remainder of Trust A, after any payments permitted to be made by the Trustee and the distribution of any property pursuant to the foregoing power of appointment, together with any additional property thereafter received, shall be distributed in accordance with the provisions of Article IV.

e. Qualification for Estate Tax Deduction: All provisions of this instrument shall be so construed and applied that the property passing from the deceased Grantor to Trust A shall qualify for the federal estate tax marital deduction. The Trustee shall not exercise any power granted under this instrument in a manner inconsistent with qualification of the property passing from the deceased Grantor to Trust A for such deduction.

f. Payment of Taxes and Expenses: Prior to the distribution of the remainder of Trust A after the death of the surviving Grantor, the Trustee may pay all or

such part of the debts, expenses of last illness, funeral and burial expenses, costs of administration of the estate of such Grantor, and estate and inheritance taxes chargeable to the estate of such Grantor as the Trustee deems reasonable.

7. ADMINISTRATION OF TRUST B: Trust B shall be held, applied and distributed in the following manner:

a. Discretionary Payments to Surviving Grantor: The Trustee may pay to or apply for the benefit of the surviving Grantor such sums from the income and principal as the Trustee deems reasonable for the maintenance, education, support and health of the surviving Grantor.

b. Distributions of Assets: Upon the death of the surviving Grantor, the balance then remaining of principal and income, less any payments permitted upon the death of the surviving Grantor, together with any additional property or assets received or to be received, shall then be held, administered and distributed by the Trustee as provided in the following Article IV.

8. DISTRIBUTIONS DURING ADMINISTRATION: During the period after the deceased Grantor's death and before establishment of any subtrust under this agreement, the Trustee may, subject to the provisions of the preceding paragraphs of this Article III, distribute all, none or any

part of the portion of the net income of the trust estate that would have been earned by such subtrust had it then been in existence, as determined by the Trustee, to and among those persons who would have been entitled to receive income from such subtrust had it then been in existence, and any powers herein granted to the Trustee to allocate income and to invade principal shall be exercisable by the Trustee. Any undistributed income of the trust estate that is attributable to the property belonging to Trust A shall be paid as income to the Trustee of such trust along with the principal of such trust, and the Trustee of such trust shall promptly pay such income to the surviving Grantor. Any undistributed income of the trust estate that is attributable to property belonging to any other subtrust established hereunder shall be distributed to the Trustee of such subtrust.

ARTICLE IV

1. **ADMINISTRATION FOR BENEFICIARIES:** After the death of both Grantors, the Trustee shall hold, manage and control the property comprising the trust estate for the benefit of the Grantors' children, Dorothy JoAnne Stephens, Irene Gay Craig, Sherrill Lee Stephens, Milan Dwight Frasier, John Walker Frasier and Jerry Lynn Frasier, sometimes hereinafter collectively referred to as the "beneficiaries" and each singly as a "beneficiary."

2. **DISTRIBUTION TO BENEFICIARIES:** As soon as practicable, the Trustee shall distribute the remainder of the trust estate to the beneficiaries in equal shares.

3. **DEATH OF BENEFICIARY WITHOUT ISSUE:** If any beneficiary should die prior to or during the existence of the trust without leaving issue surviving said deceased beneficiary, then said deceased beneficiary's share of or interest in the trust shall be divided equally among and allocated to the surviving beneficiaries and groups composed of the living issue of any deceased beneficiaries, by right of representation. Any share allocated to any surviving beneficiaries shall be held and distributed upon the same terms and conditions herein set forth for said deceased beneficiary. Any share allocated to the living issue of any deceased beneficiary shall be held and distributed upon the terms and conditions hereinafter set forth in the paragraph entitled "Trust Continuation."

4. **DEATH OF BENEFICIARY WITH ISSUE:** If any beneficiary should die prior to or during the existence of the trust leaving issue surviving said deceased beneficiary, then the trust shall be continued for the benefit of the issue of said deceased beneficiary, by right of representation, upon the terms and conditions hereinafter set forth in the paragraph entitled "Trust Continuation."

5. **TRUST CONTINUATION:** If any trust property is distributable to or continued in trust for the benefit of the issue of a deceased beneficiary, hereinafter referred to individually as "issue", who has not attained 25 years of age, the Trustee may in its discretion:

a. Defer, in whole or in part, payment or distribution of any or all property to which such issue may be entitled, holding the whole or the undistributed portion thereof as a separate trust for each such issue.

b. Pay, distribute or apply the whole or any part of the net income or principal held for any such issue to or for the support, maintenance, health and education of such issue by making payment or distribution thereof to the guardian, conservator, custodian or other legal representative, wherever appointed, of such issue, or to the person with whom such issue resides, or to such issue personally, or for the benefit of such issue, and pay to or distribute any balance thereof to such issue when such issue attains the age of 25 years, or, in the case such issue shall die before distribution of all the property, to the estate of such issue. The receipt of the person or persons to whom any such payment or distribution is so made shall be a sufficient discharge.

6. **POWER OF ALIENATION:** The absolute power of alienation of real property shall not be suspended by any

provision of this trust agreement for a period longer than the continuance of the lives of the persons in being at the creation of any such limitation or condition and 25 years thereafter. This trust agreement shall be construed to eliminate or modify any provisions violating the foregoing sentence, but in such a manner so that the provisions of this trust agreement are carried out to the greatest extent possible.

ARTICLE V

1. **INCOME AND PRINCIPAL ALLOCATIONS:** Unless otherwise specifically provided, the Trustee shall determine whether all or any part of any payment or property received or charged, expense or taxes incurred, shall be credited to or charged against income or principal, or both, in the manner provided by the Principal and Income Act in effect at such times of any state in which this trust is administered. The determination of the Trustee as to what constitutes principal and income shall, unless otherwise provided herein, be conclusive and binding on all persons in any manner interested in trusts created by this trust agreement.

2. **TRUSTEE POWERS:** To carry out the purposes of the trust or trusts created under this trust agreement, and subject to any limitations stated elsewhere herein, the Trustee shall have all of the powers and authority which are

set forth in the Uniform Trustee's Powers Act, being Chapter 1 of Title 68, Idaho Code, as now in effect and as it may hereafter be amended.

In addition to the powers conferred by the Uniform Trustee's Powers Act, the Trustee shall have the power to effect distribution of property and money in divided or undivided interests and to adjust resulting differences in valuation. A distribution in kind may be made prorata or non-prorata among beneficiaries or other distributees.

3. **COMPENSATION AND ACCOUNTING:** The Trustee and all persons employed by the Trustee shall be entitled to reasonable compensation in accordance with the provisions of applicable state law. The Trustee shall reasonably account as to the trust and its administration as provided by state law.

4. **SUCCESSOR TRUSTEE:** Upon the death of the first Grantor to die, or upon the resignation or disability of one of the Grantors, the surviving or remaining Grantor shall become the sole Trustee; provided, however, that the surviving or remaining Grantor may appoint one or more Co-Trustees and may set forth the duties and responsibilities and any limitations thereof for such Co-Trustee or Co-Trustees. Upon the death, resignation or disability, or a combination thereof, of both Grantors, Dorothy JoAnne Stephens and Irene Gay Craig are appointed to be the

Co-Trustees. In the event either Dorothy JoAnne Stephens or Irene Gay Craig fails to qualify or ceases to act as a Co-Trustee, the remaining or surviving Co-Trustee shall be the sole Trustee. Any Trustee or Co-Trustee may resign at any time by giving written notice of such resignation to the Grantors, or the surviving Grantor, or if both Grantors are deceased, then to any Co-Trustee and the income beneficiaries. Any successor Trustee or Co-Trustee who is properly appointed, shall become a successor Trustee or Co-Trustee upon written acceptance of the appointment. In the event any vacancy as to the Trustee is not filled by the aforescribed procedures, then a successor Trustee may be appointed by a Court of competent jurisdiction upon the petition of any interested party. As used in this Trust, the term "Trustee" shall be deemed to refer to both or all Co-Trustees unless the context indicates to the contrary.

Even though the Grantors have felt constrained for reasons of administrative efficiency to name only two of their children as successor Co-Trustees, the Grantors want all of their children to know that they feel that all of their children are equally capable of serving as Trustee. For that reason, the Grantors would encourage and recommend that the successor Co-Trustees consult and confer with the Grantors' other children before making any major decisions concerning the administration of the trust.

5. **EDUCATION DEFINED:** Whenever provisions are made in this Trust Agreement for payment for the "education" of a beneficiary, the term "education" shall be construed to include college and postgraduate study and study in any accredited vocational or trade school, so long as pursued to advantage by the beneficiary, at any institution of the beneficiary's choice; and in determining payments to be made for such college or postgraduate education or study at an accredited vocational or trade school, the Trustee shall take into consideration the beneficiary's related living expenses to the extent that they are reasonable. All decisions as to whether studies are being pursued to advantage shall be determined by the Trustee.

6. **TANGIBLE PERSONALTY:** If the Trustee receives any items of tangible personal property other than cash or property used or held in any trade, profession or business, or for investment, or for the production of income, the Trustee may do any one or more of the following, without regard to strict equality among the beneficiaries: (a) distribute any such property among any beneficiaries of this trust, (b) hold it for the later use of any beneficiary, (c) use it in maintaining a home for any beneficiary, or (d) convert it into cash and add it to the principal of the trust estate.

7. CHARACTER OF DISTRIBUTIONS: Unless otherwise specifically stated, all distributions, whether of trust income or principal, shall be the separate property of each individual distributee. All income, rents, issues, profits, gains and appreciation of property distributed to each individual distributee as separate property, shall also be the separate property of each such distributee.

8. SPENDTHRIFT PROTECTION: Neither the principal nor the income of any trust herein created shall be liable for the debts of any beneficiary or issue of a beneficiary, nor shall the same be subject to seizure by any creditor under the writ of proceedings at law or in equity, nor bankruptcy proceedings, nor other legal process. No beneficiary or issue of a beneficiary, shall have the power to sell, assign, transfer, encumber or in any other manner to anticipate disposition of his or her interest in the trust estate or the income produced thereby. As used in this paragraph, the word beneficiary shall refer to any individual having a beneficial interest in the trust and not merely to an individual that the trust may specifically identify as a "beneficiary."

9. FIDUCIARY INSURANCE OWNERSHIP: If any life insurance insuring the life of either Grantor shall become an asset of any trust established pursuant to Article III, such Grantor while acting as a Trustee hereunder, shall have

no power or authority to change beneficiary or to obtain the cash or loan value of such insurance or to exercise any right, privilege or incident of ownership pertaining to such insurance. All incidents of ownership pertaining to such insurance shall be vested solely in the Trustee other than such insured Grantor. If such Grantor is the sole Trustee, such Grantor shall designate any adult person, Bank or trust company to act as a Co-Trustee for the sole purpose of exercising all rights, privileges and incidents of ownership pertaining to such insurance.

ARTICLE VI

1. **AMENDMENT AND REVOCATION:** The Grantors may at any time during their joint lives amend any of the provisions of this trust agreement by an instrument signed by both Grantors and delivered to the Trustee. Neither Grantor shall have any power to participate in any amendment of this trust agreement that would in any manner affect a policy of insurance on such Grantor's life that is the separate property of the other Grantor.

During the joint lives of the Grantors, the trust created by this agreement may be revoked in whole or in part, with respect to community property, by an instrument signed by either Grantor and delivered to the Trustee and the other Grantor, and, with respect to separate property, by an instrument signed by the Grantor who contributed the

separate property and delivered to the Trustee. Upon revocation, the Trustee shall distribute all or the designated portion of the community property to the Grantors and the separate property to the Grantor who contributed such property.

Upon the death of the Grantor who dies first, Trust B shall become irrevocable and the surviving Grantor shall thereafter have no power to amend Trust B. The surviving Grantor may amend or revoke Trust A, in whole or in part, by an instrument signed by the surviving Grantor and delivered to the Trustee and upon such revocation the Trustee shall distribute all or the designated portion of Trust A to the surviving Grantor.

The duties, responsibilities and rate of compensation of the Trustee shall not be altered or modified without its written consent.

2. **SITUS:** This trust is established and accepted by the Trustee under the laws of the State of Idaho, and all questions concerning its validity, construction and administration shall be determined under such laws.

3. **HEADINGS:** The bolded paragraph headings are for convenience only and are not a part of this Trust Agreement and shall not be used in interpreting or construing this Trust Agreement.

IN WITNESS WHEREOF, the parties hereto have
executed this Agreement the day and year first above written.

Hal D. Frasier
Hal D. Frasier

Helen L. Frasier
Helen L. Frasier

"Grantors & Trustee"

STATE OF IDAHO)
County of Canyon) ss.

On this 23rd day of April, 1991,
before me, the undersigned, a Notary Public in and for said
State, personally appeared Hal D. Frasier and Helen L.
Frasier, husband and wife, known or identified to me to be
the persons whose names are subscribed in the 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.

(SEAL)

Stephen J. Quinn
Notary Public for Idaho
Commission expires: 7-30-92

04/8015.1

The Southeast Quarter of the Southeast Quarter,
the North Half of the Southeast Quarter, and the
Northeast Quarter of the Southwest Quarter of
Section 5, Township 3 North, Range 1 West of the
Boise Meridian, Canyon County, Idaho;

EXCEPT right-of-way of Boise Valley Railway
Company as described in the Deed recorded November
24, 1911, Book 56 of Deeds, page 454.

Together with all water, water rights, ditches and
rights of way for ditches appurtenant thereto or
in anywise appertaining.

SCHEDULE "A"

General Power of Attorney

(with Durable Provision)

NOTICE: THIS IS AN IMPORTANT DOCUMENT. BEFORE SIGNING THIS DOCUMENT, YOU SHOULD KNOW THESE IMPORTANT FACTS. THE PURPOSE OF THIS POWER OF ATTORNEY IS TO GIVE THE PERSON WHOM YOU DESIGNATE (YOUR "AGENT") BROAD POWERS TO HANDLE YOUR PROPERTY, WHICH MAY INCLUDE POWERS TO PLEDGE, SELL OR OTHERWISE DISPOSE OF ANY REAL OR PERSONAL PROPERTY WITHOUT ADVANCE NOTICE TO YOU OR APPROVAL BY YOU. YOU MAY SPECIFY THAT THESE POWERS WILL EXIST EVEN AFTER YOU BECOME DISABLED, INCAPACITATED OR INCOMPETENT. THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE MEDICAL OR OTHER HEALTH CARE DECISIONS FOR YOU. IF THERE IS ANYTHING ABOUT THIS FORM THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER TO EXPLAIN IT TO YOU. YOU MAY REVOKE THIS POWER OF ATTORNEY IF YOU LATER WISH TO DO SO.

TO ALL PERSONS, be it known that I, Helen L. Frasier
of 4188 Cherry Lane Nampa, ID
the undersigned Grantor (hereinafter Principal), do hereby make and grant a general power of attorney to
Jay W. Frasier of PO Box 344 Kuna ID
and do thereupon constitute and appoint said individual as my Attorney-in-Fact/Agent.

If my Agent is unable to serve for any reason, I designate Milan D. Frasier
of 236 N. Happy Valley Rd Nampa ID as my successor Agent.

My Attorney-in-Fact/Agent shall act in my name, place and stead in any way that I myself could do, if I were personally present, with respect to the following matters, to the extent that I am permitted by law to act through an agent:

(NOTICE: The Principal must write his or her initials in the corresponding blank space of each box below with respect to each of the subdivisions (A) through (N) below for which the Principal wants to give the agent authority. If the blank space within a box for any particular subdivision is NOT initialed, NO AUTHORITY WILL BE GRANTED for matters that are included in that subdivision. Cross out each power withheld.)

- | | | |
|-------|-----|--|
| [X] | (A) | Real estate transactions |
| [X] | (B) | Tangible personal property transactions |
| [X] | (C) | Bond, share and commodity transactions |
| [9] | (D) | Banking transactions |
| [X] | (E) | Business operating transactions |
| [X] | (F) | Insurance transactions |
| [9] | (G) | Gifts to charities and individuals other than Attorney-in-Fact/Agent
(If trust distributions are involved or tax consequences are anticipated,
consult an attorney.) |
| [X] | (H) | Claims and litigation |
| [X] | (I) | Personal relationships and affairs |
| [] | (J) | Benefits from military service |

- [*X*] (K) Records, reports and statements
- [*X*] (L) Full and unqualified authority to my Attorney-in-Fact/Agent to delegate any or all of the foregoing powers to any person or persons whom my Attorney-in-Fact/Agent shall select
- [*X*] (M) Access to safe deposit box(es)
- [*X*] (N) All other matters

Durable Provision:

- [*H. 7.*] (O) If the blank space in the block to the left is initialed by the Principal, this power of attorney shall not be affected by the subsequent disability or incompetence of the Principal.

Other Terms: _____

My Attorney-in-Fact/Agent hereby accepts this appointment subject to its terms and agrees to act and perform in said fiduciary capacity consistent with my best interests as he or she in his or her best discretion deems advisable, and I affirm and ratify all acts so undertaken.

TO INDUCE ANY THIRD PARTY TO ACT HEREUNDER, I HEREBY AGREE THAT ANY THIRD PARTY RECEIVING A DULY EXECUTED COPY OR FACSIMILE OF THIS INSTRUMENT MAY ACT HEREUNDER, AND THAT REVOCATION OR TERMINATION HEREOF SHALL BE INEFFECTIVE AS TO SUCH THIRD PARTY UNLESS AND UNTIL ACTUAL NOTICE OR KNOWLEDGE OF SUCH REVOCATION OR TERMINATION SHALL HAVE BEEN RECEIVED BY SUCH THIRD PARTY, AND I FOR MYSELF AND FOR MY HEIRS, EXECUTORS, LEGAL REPRESENTATIVES AND ASSIGNS, HEREBY AGREE TO INDEMNIFY AND HOLD HARMLESS ANY SUCH THIRD PARTY FROM AND AGAINST ANY AND ALL CLAIMS THAT MAY ARISE AGAINST SUCH THIRD PARTY BY REASON OF SUCH THIRD PARTY HAVING RELIED ON THE PROVISIONS OF THIS INSTRUMENT.

Signed under seal this 1 day of September, 20 06.

Signed in the presence of:

Witness _____

Helen L. Frasier
Grantor (Principal)

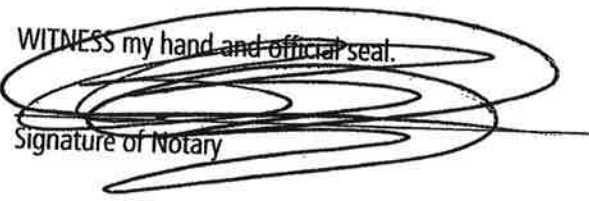
Witness _____

Attorney-in-Fact/Agent

State of Idaho
County of Canyon

On Sept 01, 2006, before me, Bonnie Bishop
appeared Helen L. Frasier, personally known to me (or proved
to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within
instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies),
and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument.

WITNESS my hand and official seal.


Signature of Notary



Affiant Known Produced ID
Type of ID ID PR. License
(Seal)

My Commission Expires 3-6-12

Music, Vicky

From: Music, Vicky
Sent: Thursday, July 10, 2008 4:15 PM
To: 'ddelaney@srba.state.id.us'
Cc: Williams, Ray; Courtney, Andrea; S. Bryce Farris (bryce@ringertlaw.com)
Subject: Hal and Helen Frasier 63-2052A

The claimants' son, Jerry, was present at the initial hearing, stated that his parents were elderly, his brother Mike had power of attorney for them, and that the water right ownership was in the name of a family trust. Brother Mike just called and provided his address and phone numbers. He intends to file the change of ownership, but is not sure when. He is aware that there is a phone status conference on 9/9/08.

Here is his information:

Mike Frasier
236 N. Happy Valley Rd.
Nampa, Id 83687

[cell – try first] 866-0212
[business] 442-0740
[Home] 467-2652

Vicky L. Music
Sr. Water Resource Agent
Adjudication Bureau
IDWR/Western Region
2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
DAVID R. TUTHILL, JR., Director

July 8, 2008

Hal and Helen Frasier
4188 Cherry Lane
Nampa, ID 83687

Re: SRBA Water Right Claim No. 63-2052A

Dear Mr. and Mrs. Frasier:

On June 6, 2008, an initial hearing was held regarding your water right referenced above. At that time, it came to our attention that water right is in the name of a trust and your son, Mike, has power of attorney. Please forward the change of ownership form to Mike so that he can provide his power of attorney and we can correct ownership on your behalf.

If you or Mike have questions about the SRBA or the change of ownership processes, please contact me at 208-334-2190. Thank you for your attention to these matters.

Sincerely,

A handwritten signature in black ink, appearing to read 'Vicky L. Music'.

Vicky L. Music
Sr. Water Resource Agent

Enclosure: change of ownership form

2008 JUN 11 AM 11:16
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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	)	NOTICE SETTING STATUS
	)	CONFERENCE
Case No. 39576	)	
_____	)	SUBCASE NO: 63-02052A

Please be advised that Special Master THEODORE R. BOOTH
has set a Status Conference in the above subcase(s)
as follows:

TUESDAY, SEPTEMBER 09, 2008 at 02:30 PM (MT)

SRBA
DISTRICT COURT
253 3RD AVENUE NORTH
TWIN FALLS, ID

Parties may participate by telephone by dialing the number
225-383-1099 and when prompted entering the code 675342.

Dated: JUNE 11, 2008

/S/ DIANA R DELANEY
Deputy Clerk
Snake River Basin Adjudication

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

Page 1 6/11/08

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the NOTICE SETTING STATUS CONFERENCE was mailed on JUNE 11, 2008, with sufficient first-class postage to the following:

NAMPA & MERIDIAN IRR DIST

Represented by:

DANIEL V. STEENSON

455 S THIRD ST

PO BOX 2773

BOISE, ID 83701-2773

Phone: 208-342-4591

USDI BUREAU OF RECLAMATION

Represented by:

US DEPARTMENT OF JUSTICE

ENVIRONMENT & NATL' RESOURCES

550 WEST FORT STREET, MSC 033

BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

HAL FRASIER

HELEN L FRASIER

4188 CHERRY LN

NAMPA, ID 83687

In Re SRBA) A. Subcase 63-2052A
) (Insert water right no.)
 Case No. 39576)
)
) **STANDARD FORM 1**
) **OBJECTION**
)

COPY

SCANNED
APR 08 2008

D. I object to the following elements as recommended in the Director's Report. (Please check the Appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☒ **Source**
Should be: See below.
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☐ **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION (S):** This claimed water right is within the boundaries of Nampa & Meridian Irrigation District ("NMID") and the source of said claimed water right is a drain that is owned, operated, maintained and controlled by NMID. The water in said drain, and the source of this claim, is NMID's seepage and/or waste water from NMID's prior or senior water rights and is subject to NMID's right to recapture said water, cease wasting it or to change the place and manner of its use.

VERIFICATION (must be completed)

S. Bryce Farris, duly sworn, upon oath, deposes and says:


S. Bryce Farris

Page 3

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will no be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on ^{June}~~May~~ 14, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the Claimant of the water right at the following address:

Name: Helen L. and Hal Frasier

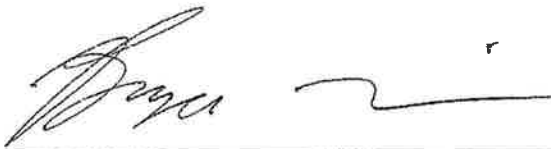
Address: 4188 Cherry Lane
Nampa, Idaho 83687

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449



Signature of Objector or attorney
mailing on Objector's behalf

01/27/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-2052A

NAME AND ADDRESS: HELEN L FRASIER
4188 CHERRY LN
NAMPA ID 83687

HAL FRASIER
4188 CHERRY LN
NAMPA ID 83687

SOURCE: TENMILE CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 2.400 CFS

PRIORITY DATE: 04/29/1907

POINT OF DIVERSION:

T03N R01W S5 NESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	2.400 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T03N R01W S05	NESW	40.00	T03N R01W S05	NESE	40.00
T03N R01W S05	NWSE	40.00			

120 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License
Parcel No. R3035700000.

SCANNED
APR 08 2008

**GIS Place of Use Illustration
1987 NAPP Photography
Prepared By: Vicky Music
Date: January 2006**

Desktop review/VLM

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

license

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid
- ☐ Well logs (if needed)
- ☒ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63-2052A

Owner: _____ Phone No. _____

Current Address: _____

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER
- ☒ No change Address
- ☐ NEW ADDRESS
- ☐ How long owned property? _____

address info says FRAGER Family Trust

Accompanied by: _____

PRIORITY DATE

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

-11C

Priority date, per claimant, is: 4-29-1907

(If priority date, based on your exam, seems questionable, explain below.)

Source: 63-2052A Tammie Cr. Tributary to Boise R.

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed:
- ☐ If different, when did POD change?

lic 4/26/07 claimed (NESE) not in claim file says topo map reveals it to be in the NWSE (application says NESW)

* Discrepancy appears to be due to the POD being so close to all line.

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

only description found in application for permit -**OVERLAP REVIEW**Other water rights with the same point of diversion: none

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

NA**WATER USES**☒ No change☐ Different Uses

Use irv From 3-15 To 10-15 Amount 2.4 CFS 360 AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME – Groundwater only

- ☐ Incomplete on claim, the total is, Amount NA CFS _____ AFA
☐ Changes found, the new total is, Amount _____ CFS _____ AFA
☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES:☒ No change☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE: remaining 20 ac. claimed in "B"☒ No Change☐ Changes shown below:

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: none

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

NA

Delivery System Narrative: no description provided by client.

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

~~SDA should remark for 4/15 & 7/10/15~~ NO

re Parcel # R3035700000

- 1) discrepancy in POD. no diagrams or photos in license file -
NESE 5 appears to be correct. Discrepancy most likely due to how
close to POD is to the SE 415 line & the lack of technology available
in 1907 to accurately locate POD.
- (2.) B portion ~~also~~ claimed remaining 20 acres.
- (3) ~~SOY~~ ~~shoulder~~ ~~remnant~~ ~~for~~ ~~31~~ ~~&~~ ~~415~~ no reason of use in license.
- (4) Clearly irrigated in 1938, 1981, 1987, 1995, 2000, 2004 with 1/21 photos

AFTER EXAM THE FILE SHOULD CONTAIN:

- NA ☒ Completed claim checklist
☐ Photographs of POD's and POU
☐ GPS readings
☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED

1-27-06

FIELD EXAMINER:

Wick Vasil

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2052A

WATER RIGHT NUMBER: 63-2052A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HELEN L FRASIER 4188 CHERRY LN NAMPA, ID 83687
Current Owner	HAL FRASIER 4188 CHERRY LN NAMPA, ID 83687 (208)466-5925
Original Owner	ROBERT NOBLE BOISE, ID

Priority Date: 04/29/1907

Basis: License

Status: Active

Source

TENMILE CREEK

Tributary

BOISE RIVER

Beneficial Use

IRRIGATION

3/1 11/15

<u>From</u>	<u>To</u>
4/15	10/15

Diversion Rate

2.400 CFS

Annual VolumeTotal Diversion: 2.400 CFSLocation of Point(s) of DiversionTENMILE CREEK
CANYON County

SE1/4NE1/4SE1/4

Sec. 5, Twp 03N, Rge 01W, B.M.

11C: SWSE sec 4

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	01W	5									40.0				40.0	40.0			120.0
											1C				1C	1C			

Total Acres: 120

* 20 ac 11C in NWSE sec. 4 not claimed.

Conditions of Approval:Remarks:Comments:

SDH Shouldermark - no - SDH not licensed.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2052

WATER RIGHT NUMBER: 63-2052

Owner Type Name and Address
 Current Owner ROBERT NOBLE
 BOISE, ID

Priority Date: 04/29/1907

Basis: License

Status: Active

Source Tributary
 TENMILE CREEK BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	2.800 CFS	
	<u>Total Diversion:</u>	2.800 CFS	

Location of Point(s) of Diversion

TENMILE CREEK NW1/4SW1/4 Sec. 4, Twp 03N, Rge 01W, B.M.
 ADA County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	01W	4																	20.0
03N	01W	5									40.0				40.0	40.0			120.0

Total Acres: 140

Conditions of Approval:

1. LIC. INCORRECTLY DESCRIBES P/D AS SWSE, S4, T3N, R1W.

Remarks:Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-2052A

01/25/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
2052A	Claim	03N	01W	5	NE	SW		IRRIGATION	40/120	HELEN L FRASIER
2052	Water Right	03N	01W	5	NE	SW		IRRIGATION	40/140	ROBERT NOBLE
2052A	Claim	03N	01W	5	NE	SE		IRRIGATION	40/120	HELEN L FRASIER
2052	Water Right	03N	01W	5	NE	SE		IRRIGATION	40/140	ROBERT NOBLE
2052A	Claim	03N	01W	5	NW	SE		IRRIGATION	40/120	HELEN L FRASIER
2052	Water Right	03N	01W	5	NW	SE		IRRIGATION	40/140	ROBERT NOBLE

REAL PROPERTY INQUIRY

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+++++
01 6R30357-000- -0 009-00 N SCH2 + 01 144,100 148.00
+++++ 05 200 4.50
FRASIER FAMILY TRUST + 10 40,000 1.00
+ 19 6.50
+ 31 69,200
+ 32 30,100
+
4188 CHERRY LN +
NAMPA ID 83687 +
+++++
05-3N-1W SW + TOTAL 283,600 160.00
NESW, N1/2 SE, SESE ++++++
+ SURVEY INST 9107720
+ DRAIN DR VALUE APPR KMP
+ CLASS +2 REAP 04 MAN 03 UNIT 1
4188 CHERRY LN, NA + PARCEL 6R03N01W054800 H/O N C/B N
+ PRIOR ACCOUNT 5R30357-000- -0
+ 02 MH on Property NO

```

Note: The P.D. was not platted in
the SW¹/₄ SE¹/₄ of Section 4 as given
in the license, but rather in the NW¹/₄
SE¹/₄ in order to comply with the location
shown on the Meridian Quadrangle (X-59).

Dick Link

2-1-77

 Ada County *
 Ten Mile Creek *
 2.8 cubic feet per second *
 Irrigation and Domestic use *
 Priority 4-29-07 *

S T A T E O F I D A H O
 Water License No. 2715*

WHEREAS, On the 29th day of April, A. D. 1907, ROBERT NOBLE, of Boise, County of Ada, State of Idaho, duly made application (No. 3828,) to me for a permit to use 3.2 cubic feet per second of the waters of TEN MILE CREEK, County of Ada, State of Idaho, for irrigation and domestic purposes, and

WHEREAS, On the 4th day of May, A. D. 1907, Permit No. 2715 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 4th day of May, A. D. 1909, and for the application to beneficial use of said water on or before the 4th day of May, A. D. 1911, and,

WHEREAS, On the 4th day of May, A. D. 1909, ROBERT NOBLE, the holder of said permit duly made proof of the completion of adequate works for the diversion of 3.2 cubic feet per second of said waters, as evidenced by my Certificate No. 2715, dated February 14, 1910, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3.2 cubic feet per second of water, with date of priority of April 29, 1907, and,

WHEREAS, On the 5th day of April, A. D. 1911, ROBERT NOBLE, the holder of said permit duly made proof of the application to beneficial use of 2.8 cubic feet per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to ROBERT NOBLE, of Boise, County of Ada, State of Idaho, the holder and owner of said Permit No. 2715, a perpetual right, dating from April 29, 1907, to the use of 2.8 cubic feet per second of the waters of TEN MILE CREEK, in the County of Ada and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the southwest quarter of the southeast quarter (SW4 SE4), section 4, township 3 north of range 1 west of Boise Meridian, and conducted to and upon 20 acres in the northwest quarter of southwest quarter, (NW4 SW4), section 4, 80 acres in the north half of the southeast quarter (NE2 SE4) and 40 acres in the northeast quarter of southwest quarter (NE4 SW4) of section 5, township 3 north of range 1 west of Boise Meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this seventh day of April, A. D. Nineteen hundred and eleven.

(SEAL)

A. E. Robinson,

Recorded April 17th, 1911.

State Engineer.

63 2052

*you not
 licensed:*

*"B"
 20 4
 80 5
 40 5
 140 ac.
 etc.*

No. 3828

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant - Robert Noble ✓

Postoffice address: P.O. Boise

County - Ada

2. The quantity of water claimed is 3.2 cubic feet per second.

3. Source of water supply - Ten Mile Creek

County of Ada

4. Location of point of diversion - NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 4, T. 3 N.R. 1 W.

5. To be used for:

I. Irrigation and domestic use:

(a) Number of acres to be irrigated 160 acres.

(b) In the following legal subdivisions - NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 4, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 5, T. 3 N. R. 1 W.

6. Estimated cost of works \$500.00.

7. Description of works for diversion:

I. Kind of works - Dam and two ditches.

II. Dimensions of works:

(a) Height of dam 5 feet, length of dam at top 70 feet, length of dam at bottom 20 feet, material used in construction lumber and earth.

(c) Size of headgate, width 4 feet, height 2 feet.

(d) Ditch, North side, width at bottom 2 feet, width at water line 3 $\frac{1}{2}$ feet.Average grade per mile is 3 feet. Length of ditch about one mile, and it crosses the following quarter sections - SW $\frac{1}{4}$ Sec. 4 and SE $\frac{1}{4}$ Sec. 5,T. 3 N., R. 1 W. to NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 5, T. 3 N. R. 1 W.

8. Time required for the completion of the construction of such work is 2 years.

9. Time required for the complete application of the water to the proposed use is 2 additional years.

Remarks: The S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ said Sec. 4 will be irrigated by a ditch taken out at the dam on the south side of the creek, said ditch crossing a portion of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ said Sec. 4, dimensions of ditch to be the same as for the north side ditch.

APPROVAL OF STATE ENGINEER.

The number of this permit is 2715.

Date of first receipt of application 11:45 a.m. April 29, 1907.

Recorded in Book 8, Page 2715. Approved May 4, 1907.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho and hereby grant the same, subject to the following limitations and conditions:

Work to begin on or before July 3, 1907, and to continue diligently and uninterruptedly to completion unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before May 4, 1908.

The whole of said work to be completed on or before May 4, 1909.

The time for the proof of beneficial use of water appropriated in accordance herewith, to extend to May 4, 1911.

Witness my hand this 4 day of May, 1907.

Jas. Stephenson, Jr.

State Engineer.

State of Idaho)
County of Ada) ss

Robert Noble of Boise City, Ada County, Idaho, being first duly sworn upon oath deposes and says: That he is the owner of the following described land to-wit: The NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ Sec. four (4), and the north 1/2 of the SE $\frac{1}{4}$ of and the northeast 1/4 of the SW $\frac{1}{4}$ Sec. five (5) all in Twp. three (3) north, range one (1) west, B.M., and that in order to water said land and take the water necessary to irrigate said premises upon said land, that it is necessary that the point of diversion of water as now located and which takes water from the Ten Mile Creek at a point on the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of sec. four (4), Twp. three (3) north, range one (1) west, B.M., be changed so as to make the point of diversion of said water to be taken from Ten Mile Creek to cover the first above described premises to a point on the said Ten Mile Creek located on the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. four (4) Twp. three (3) north, range one (1) west B.M., for the reason that the first above described lands cannot be watered with water taken out of said Ten Mile Creek at the point of diversion as now located.

And affiant further says that by changing said point of diversion of water taken from said Ten Mile Creek as it is now located to a point of diversion to be located on the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ Sec. four (4) Twp. three (3) north, range one (1) west, B.M., that it will not interfere or injure or work any damage to any person or persons owning any land located in the vicinity of the above described land and premises.

Robert Noble,

Subscribed and sworn to before me this first day of April, 1909, at Boise, Idaho, Ada County

Idaho
(SEAL)

J. F. Calvin... Notary Public.

Received and filed for record in the office of the State Engineer at Boise, Idaho, at 11.45

a.m. April 1, 1909

Jas. Stephenson, Jr.,

State Engineer

Blank notice for proof of completion mailed applicant: February 1, 1909
 Notice received April 1, 1909, fixing May 4, 1909, as date & Meridian as place of proof.
 Publication notice mailed Boise Statesman, April 1, 1909
 Affidavit as to change in point of diversion received April 1, 1909
 C.G. Mack authorized April 24, to make examination of works.
 Deposition and report received May 5, 1909
 Fees received May 10, 1909
 Affidavit of publication received February 12, 1910
 Certificate issued February 14, 1910.

 Permit No. 2715

CERTIFICATE OF COMPLETION OF WORKS.

 To All Whom it May Concern:

This is to certify that Robert Noble of Boise, County of Ada, and State of Idaho, the holder of Permit No. 2715, issued upon Application No. 3828, bearing date of priority of April 29, 1907, authorizing the diversion of 3.2 second feet of the waters of Ten Mile Creek, County of Ada, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 3.2 second feet of the waters of Ten Mile Creek, that the point of Diversion of said waters is at a point in the southwest quarter of southeast quarter of section 4, township 3 North, Range 1 West of the Boise Meridian, and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Northwest quarter of southwest quarter section 4, Northeast quarter of the southeast quarter, northwest quarter of southeast quarter and northeast quarter of southwest quarter of section 5, Township 3 North, Range 1 West of the Boise Meridian.

Witness my hand this 14th day of February, A.D. 1910.

Jas. Stephenson, Jr.

State Engineer of the State of Idaho

License issued for 28 second feet

P. 794

WATER RIGHT NUMBER 63-2052

OWNER LAST NAME - NOBLE FIRST NAME - ROBERT ORIG OWNER -
ADDRESS LINE 1 - ADDRESS LINE 2 -
ADDRESS LINE 3 - CITY - BOISE STATE - ID ZIP CODE -
SOURCE - TENMILE CREEK TRIBUTARY OF - BOISE RIVER
STAGE - LICENSE STATUS - PRIORITY - 04-29-1907 COUNTY - ADA TOTAL DIV. RATE - 2.8000 -CFS
TOTAL DIV. VOLUME - .00 AFA TRFR/AMEND - WATER DIST. - 63 DLE/CAREY ACT - RIGHT BASIS -
DIVERSION POINT - NWSW 04 03N 01W LOT REDIV - 272.0 312.0 46.0 3.0 0.0 0.0 0.0 0.0 0.0 0.0 8.9
FROM - TO - USE - IRRIGATION USE DIV. RATE - 2.8000 CFS USE DIV. VOLUME - .00 AFA
USE - IRRIGATION PLACE OF USE - TWN 03N RNG 01W SEC 05 TRACT NESW LOT AC 40 TRACT NESE LOT AC 40
TRACT NWSE LOT AC 40
TRACT NWSW LOT AC 20
USE - IRRIGATION PLACE OF USE - TWN 03N RNG 01W SEC 04 TRACT NWSW LOT AC 20
DECREE NAME - DATE - TOTAL ACRES 140
REMARKS - LIC. INCORRECTLY DESCRIBES P/D AS SWSE, S4, T3N, R1W.
NON IRRIG USE -
OTHER RIGHTS FOR SAME USE -
PROOF DUE - PERMIT/DENIED - PROTESTED - HEARING - OLD NO. - 2715
PROOF MADE - FLD EXAM - COND. OF APPROVAL -
DIVERSION MEANS -

VERIFIED J G

4/18/85

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID #: A63-02052A Date: 3-27-01

				NE				NW				SW				SE				Sum
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	3N	1W	5									40				40	40			120
GIS												40				40	40			120
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 120

Overlapping POU Claim #'s:

Total GIS Acres: 120

COMMENTS:
