08/07/2004

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 85-11103

NAME AND ADDRESS: MADELINE WALTER
PO BOX 934
LEWISTON ID 83501

SOURCE: LINDSAY CREEK

TRIBUTARY:
TRIBUTARY: CLEARWATER RIVER

QUANTITY: 0.650 CFS

PRIORITY DATE: 01/01/1930

POINT OF DIVERSION:

T35N R05W S4 SENENW Within NEZ PERCE County
T35N R05W S4 SENWNW Within NEZ PERCE County
T35N R05W S10 NWNWNW Within NEZ PERCE County
T35N R05W S10 NESWNW Within NEZ PERCE County
T35N R05W S10 NESENW Within NEZ PERCE County
T35N R05W S11 NWNWSW Within NEZ PERCE County
T35N R05W S12 NENESE Within NEZ PERCE County
T35N R05W S12 NENESE Within NEZ PERCE County
T36N R05W S32 NWSESE Within NEZ PERCE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	1/01 12/31	0.050 CFS
IRRIGATION	3/01 12/01	0.240 CFS
DOMESTIC	1/01 12/31	0.360 CFS

PLACE OF USE: STOCKWATER Within NEZ PERCE County

T35N R05W S04	NWNE	T35N R05W S04	NENW
T35N R05W S04	NWNW	T35N R05W S04	SWNW
T35N R05W S04	SENW	T35N R05W S04	NWSW
T35N R05W S04	SWSW	T35N R05W S09	NENE
T35N R05W S09	NWNE	T35N R05W S09	SWNE
T35N R05W S09	NWNW	T35N R05W S09	SWNW
T35N R05W S09	NESE	T35N R05W S09	NWSE
T35N R05W S09	SESE	T35N R05W S10	SWNE
T35N R05W S10	SENE	T35N R05W S10	NWNW
T35N R05W S10	SENW	T35N R05W S10	NWSE
T35N R05W S10	SWSE	T35N R05W S11	SWNW
T35N R05W S11	NESW	T35N R05W S11	NWSW
T35N R05W S11	NESE	T35N R05W S11	NWSE
T35N R05W S12	NESW	T35N R05W S12	NWSW
T35N R05W S13	NENW	T35N R05W S13	NWNW
T35N R05W S13	SWNW	T35N R05W S13	SENW
T35N R05W S14	NENE	T35N R05W S14	SWNE
T35N R05W S14	SENE	T35N R05W S14	NENW

T35N R05W S14	NWNW		T35N R05W S14	SENW	
T35N R05W S14	NWSE		T35N R05W S32	SESE	
IRRIGATION Within NEZ PERCE County					
T35N R05W S04	NWNW	2.0	T35N R05W S04	SWNW	1.0
T35N R05W S04	NWSW	2.0	T35N R05W S04	SWSW	1.0
T35N R05W S10	NWNW	1.0	T35N R05W S11	NWSW	1.0
DOMESTIC Within NEZ PERCE County					
T35N R05W S04	NWNE		T35N R05W S04	NENW	
T35N R05W S04	NWNW		T35N R05W S04	NWNW	
T35N R05W S04	SWNW		T35N R05W S04	NWSW	
T35N R05W S09	NENE		T35N R05W S10	SWNE	
T35N R05W S10	SENE		T35N R05W S10	NWNW	
T35N R05W S10	SENW		T35N R05W S11	NWSW	
T35N R05W S32	SESE				

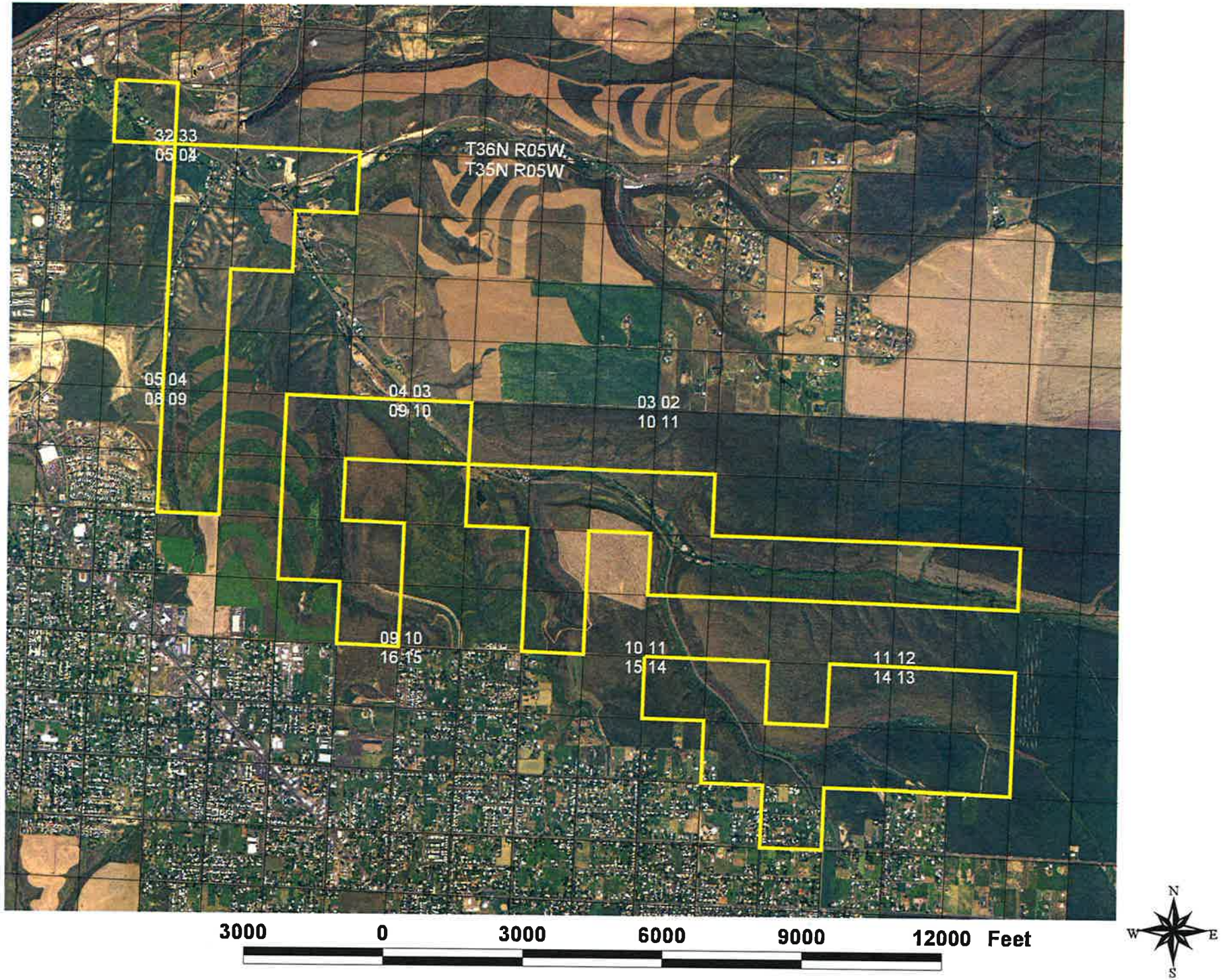
8 ACRES TOTAL

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

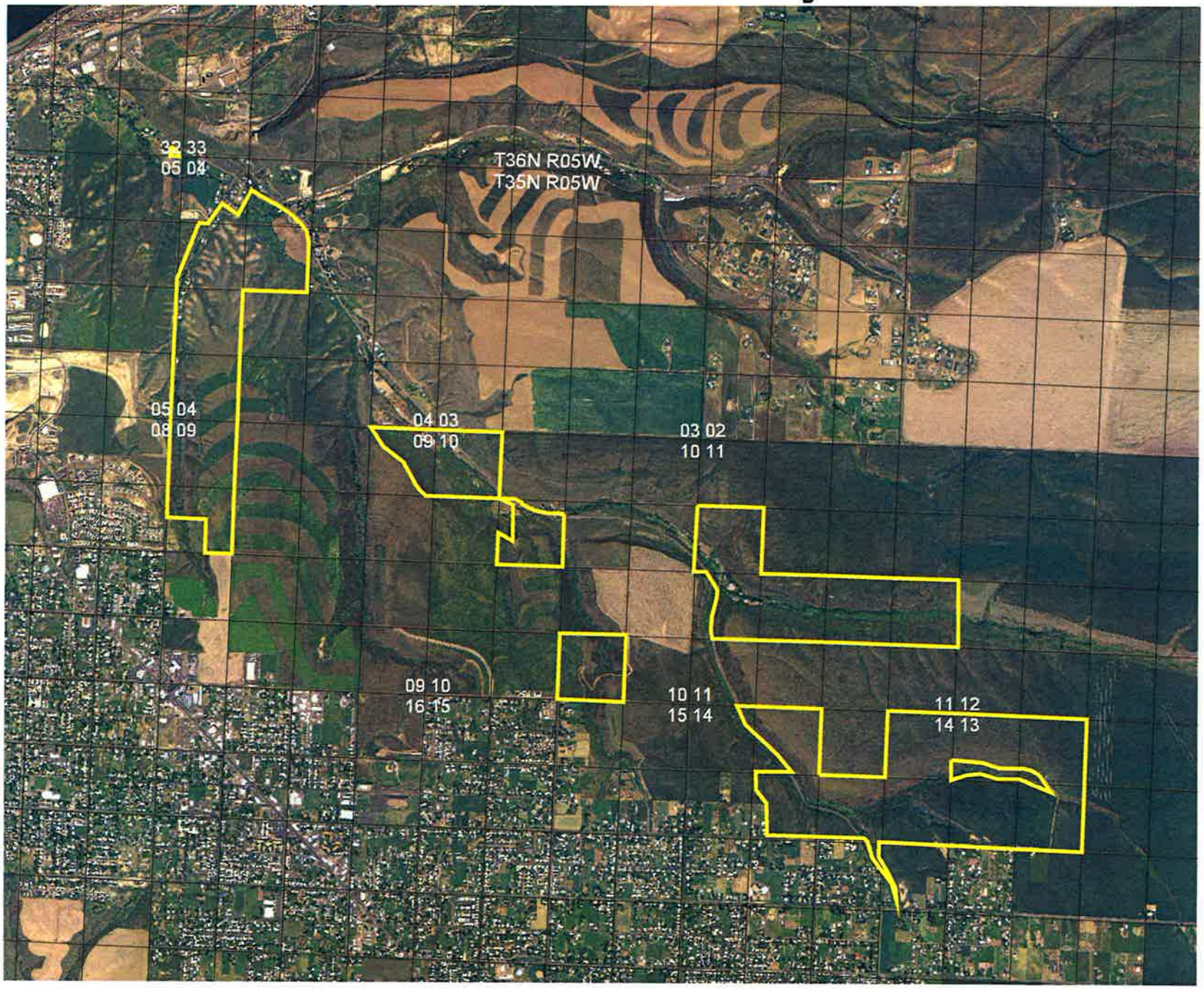
NO BENEFICIAL USE FOUND: This is included for a claim based on beneficial use that is PROPOSED to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

EXPLANATORY MATERIAL: Beneficial Use

85-11103 Claimed POU



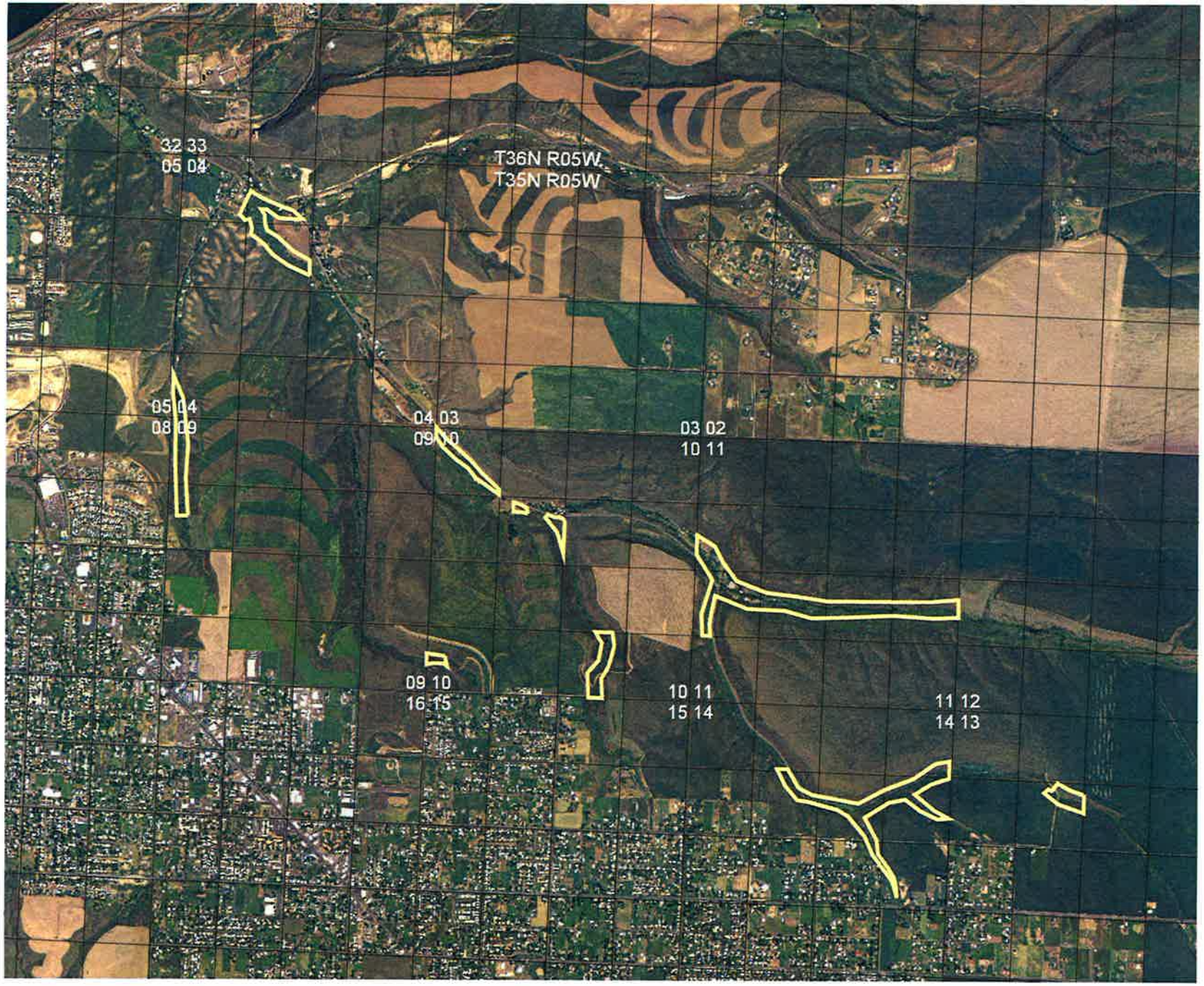
85-11103 Claimed POU Owned by Dallas Howard



3000 0 3000 6000 9000 12000 Feet

N
W E
S

85-11103 Instream Stockwater



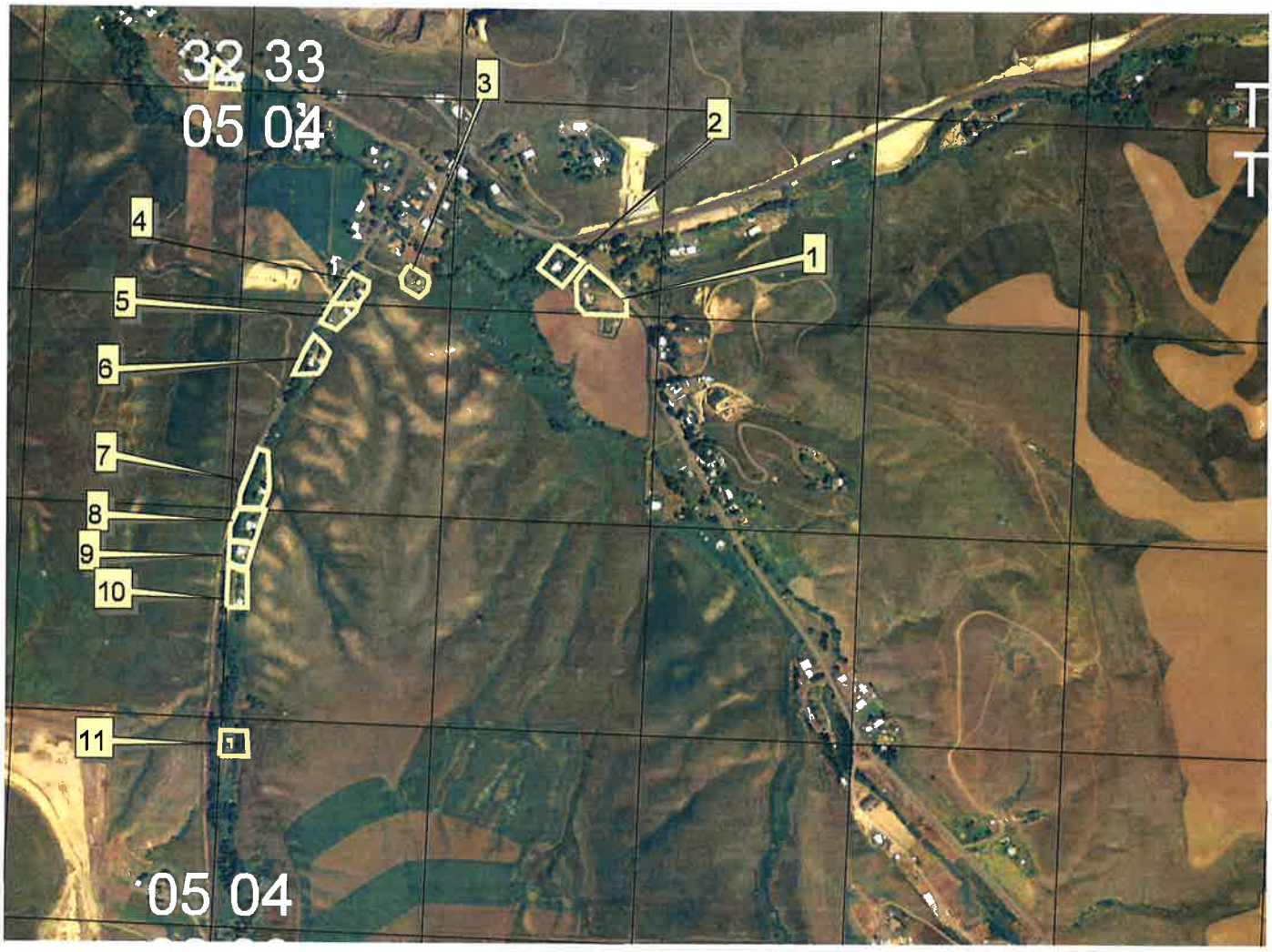
3000 0 3000 6000 9000 12000 Feet

N
W E
S

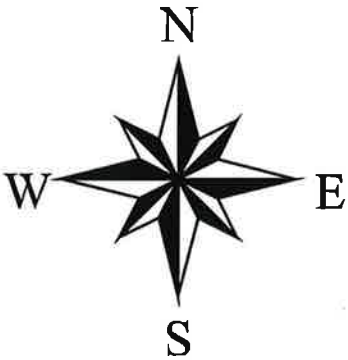
Dallas Howard Claim Number and Map Reference

Claim Number	Map Location
85-15655	1
85-15656	2
85-15657	3
85-15658	4
85-15659	5
85-15660	6
85-15661	7
85-15662	8
85-15663	9
85-15664	10
85-15665	11
85-15666	12
85-15667	13
85-15668	14
85-15669	15
85-15670	16
85-15671	17

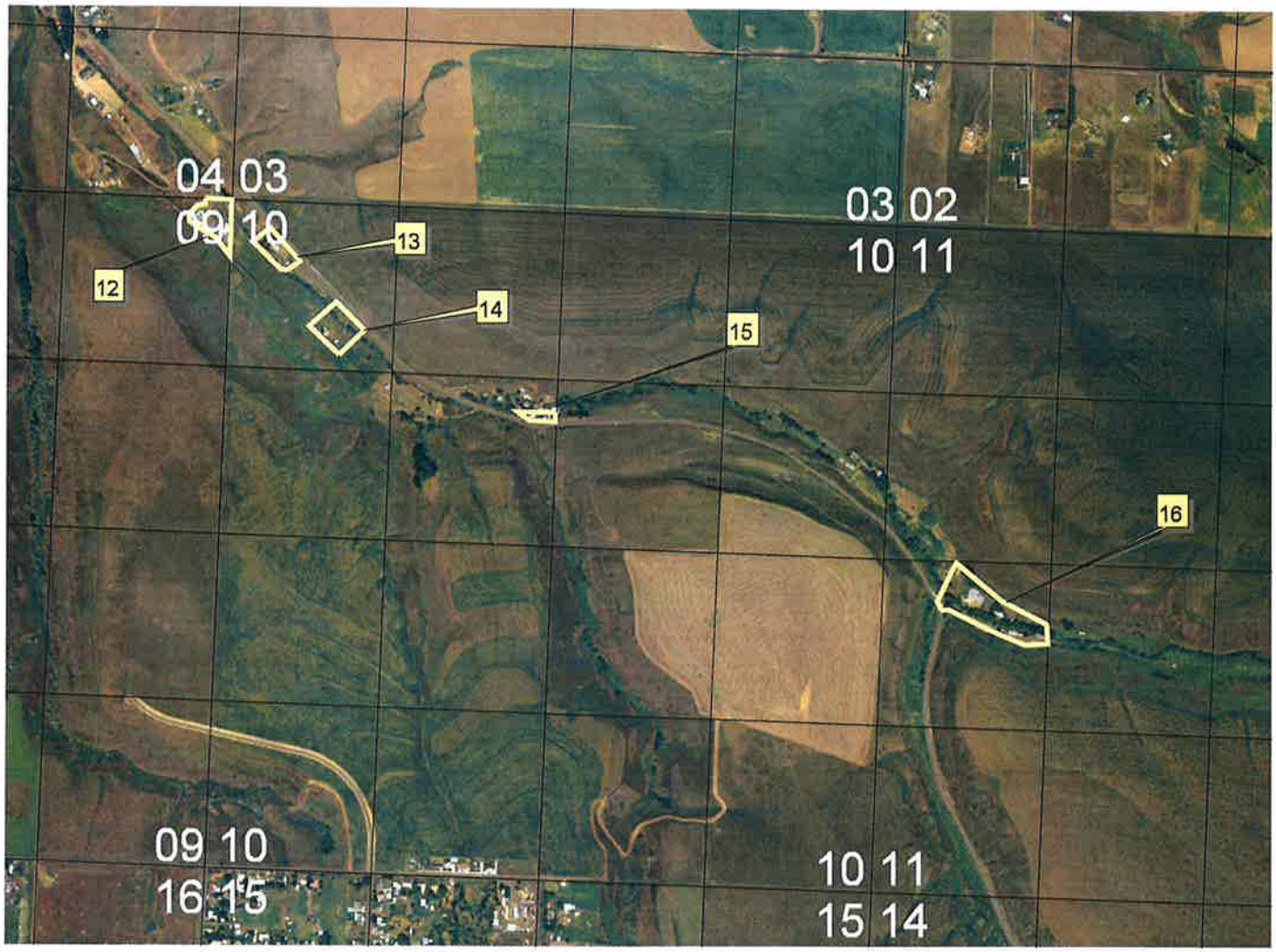
Section 4



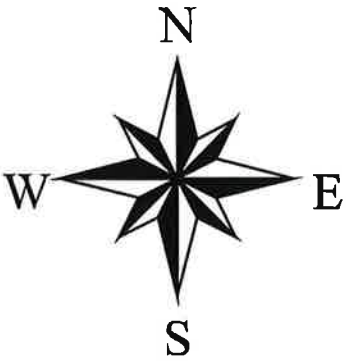
1000 0 1000 2000 3000 4000 5000 Feet



Sections 9 10 & 11

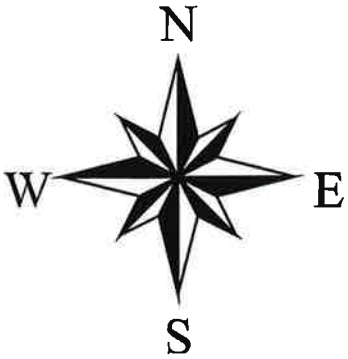


900 0 900 1800 2700 3600 4500 5400 6300 Feet

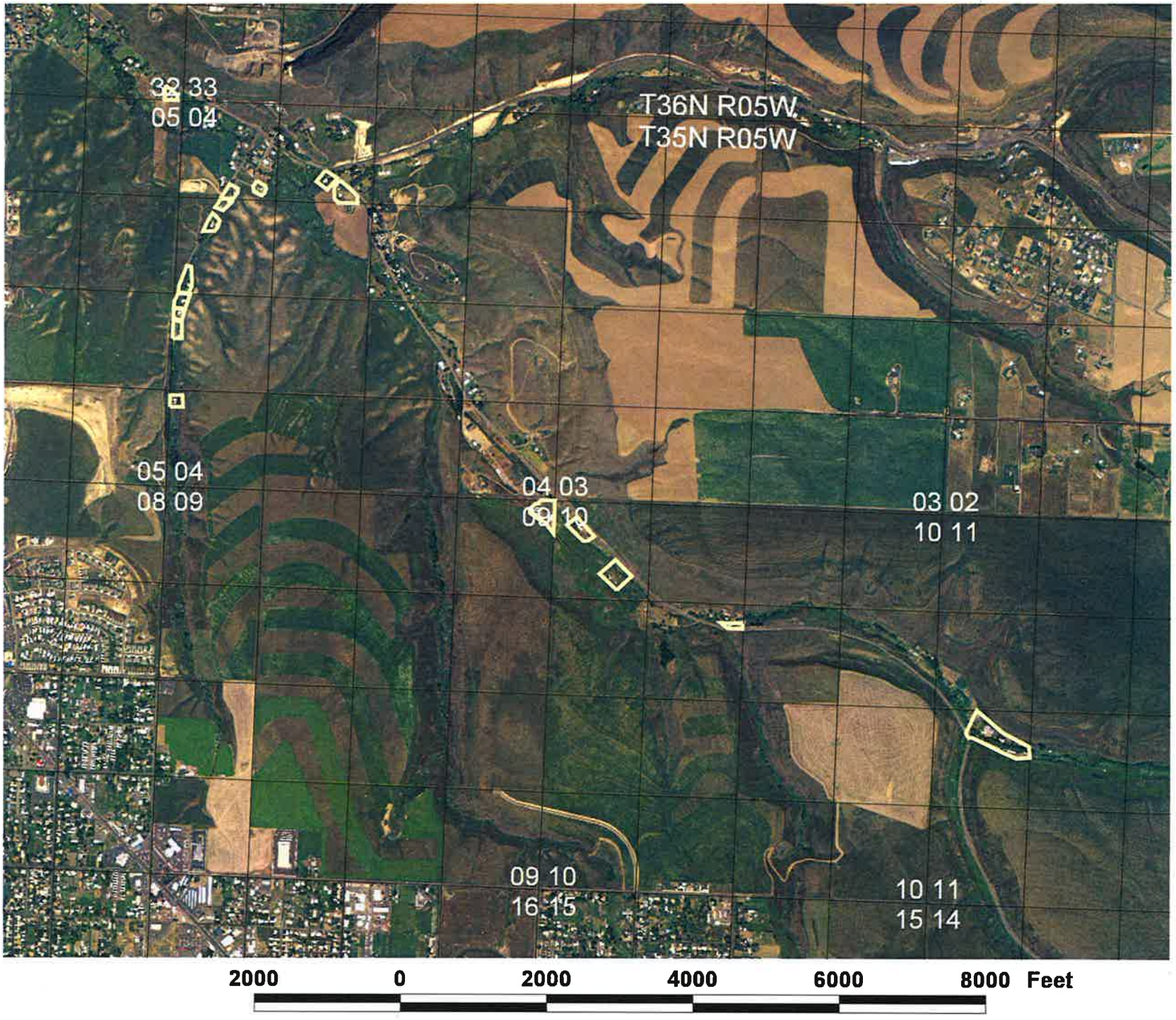


Section 32

1000 0 1000 2000 3000 4000 5000 Feet



85-11103 Domestic and Stock



Form No. 42-149 (2) a 1/88

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: 39356
Ident. Number A85-11103
Date Received
Receipt Number N 2588

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

RECEIVED
MAR 16 1989
NORTHERN REGION
IDWR

Please type or print clearly

1. Name of Claimant (s) WALTER, MADELINE Phone (208) 743-8210
   Mailing Address 2015 LINDSAY CREEK ROAD, LEWISTON, ID Zip 83501
2. Date of Priority (Only one (1) per claim) JAN. 1, 1930
3. Source of water supply (a) 8 SPRINGS TR. TO: LINDSAY CK. 5 UNNAMED STRMS TR TO: LINDSAY CREEK, ~~which is tributary to~~ (b) LINDSAY CREEK TR. TO CLEARWATER RIVER.
4. a. Location of existing point of diversion is: Township 35N Range 5W Section 12, (LINDSAY CK PROPER) NE 1/4 of NE 1/4 of SE 1/4, Govt. Lot, ____ B.M., County of NEZ PERCE
   Additional points of diversion if any: NW SE SE, SEC 32, T36N, R5W (SEE ATTACHED SHTS. FOR ADD'L) (LINDSAY CK. PROPER)

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

   Township ____ Range ____ Section ____, ____ 1/4 of ____ 1/4 of ____ 1/4,
   Govt. Lot ____ B.M., County of ____

   ending point is: Township ____ Range ____ Section ____, ____ 1/4 of ____ 1/4 of
   ____ 1/4, Govt. Lot ____ B.M., County of ____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. IN-STREAM STOCK W UP TO 200 HEAD MIXED STOCK, PUMP IN LINDSAY CREEK PROPER FOR IRRIGATION OF 2 ACRES, ALL SPRINGS DEVELOPED WITH SPRING BOXES TANKS OR CISTERNS. SPRINGS USED FOR 9 DOMESTICS WITH PIPELINES TO HOUSES, IRRIGATION FOR 6 ACRES IN SECT. 4, T35N, R5W FROM SPRINGS & CISTERNS SYSTEMS FOR EXTERIOR DOMESTIC LAWN & GARDEN IRRIGATION.

INCORPORATED
APR 26 1993

Copies: White-State, Yellow-Claimant

POINTS OF DIVERSION FOR SOURCES FOR CLAIM TO WATER RIGHT FOR WALTER, MADELINE, H85-11103

Township	Range	Sec	NE¼ NE¼	NE¼ NW¼	NE¼ SW¼	NE¼ SE¼	NW¼ NE¼	NW¼ NW¼	NW¼ SW¼	NW¼ SE¼	SW¼ NE¼	SW¼ NW¼	SW¼ SW¼	SW¼ SE¼	SE¼ NE¼	SE¼ NW¼	SE¼ SW¼	SE¼ SE¼	TOTALS
T35N	R5W	4											SWSWSW (2)					NESESE	
(8 PGS. TR. TO LINDSAY CK. & TR. TO CK. PROPER & 1 TR. TO UNNAMED ~~STRM TR. TO LINDSAY CK.~~)		10						NWNWNW (2)		NESENW									
										NWSENW									
		14			SESWNE														
T35N	R5W	[illegible]																	
(5 UNNAMED STREAMS TR. TO LINDSAY CK.)																			
UNN STRM #1 BEGIN P.D.		4		NENWNE															
UNN STRM #1 END P.D.		11					SENENW												
UNN. STRM. #2 BEGIN P.D.		9							SWSWNW										
" " " END P.D.		4								SENWNW									
UNN. STRM #3 BEGIN P.D.		10											SESWSW						
" " " END P.D.		9		NENWNE															
UNN. STRM #4 BEGIN P.D.		10																	
" " " END P.D.		10							[illegible]	NESENW							SESWSE		
UNN. STRM. #5 BEGIN P.D.		13												SESESW					
" " " END P.D.		11										NWNWSW							
T35N	R5W	12																	
(LINDSAY CK. BEG. P.D.)																			
T36N	R5W	32													NENESE				
(LINDSAY CK. END. P.D.)																			
																		NWSESE	

6. Water is claimed for the following purposes:

		(both dates are inclusive)				(cfs)		(acre feet)
For IRRIGATION	purposes from	03/01	to	12/01	amount	~~.24~~ 0.24	or	
For STOCKWATER	purposes from	01/01	to	12/31	amount	.05	or	
For DOMESTIC	purposes from	01/01	to	12/31	amount	.36	or	
For	purposes from		to		amount		or	

7. Total quantity claimed (a) ~~.65~~ 0.65 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 6.0 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) DOMESTIC FOR NINE HOUSEHOLDS, STOCKWATER FROM SPRINGS & INSTREAM FOR UP TO 200 HEAD MIXED STOCK

10. Description of place of use:
    a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
    b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
T35N	R5W	10						1											1
		11										1							1
		4						2	1			2	1						6

Total number of acres irrigated 8

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

12. Do you own the property listed above as place of use? Yes ✓ No _____
    If your answer is No, describe in Remarks below the authority you have to claim this water right.

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

14. Remarks:

RECEIVED
APR 26 1993

Last Name WALTER Ident No. A85-11103

Copies: White -State, Yellow-Claimant

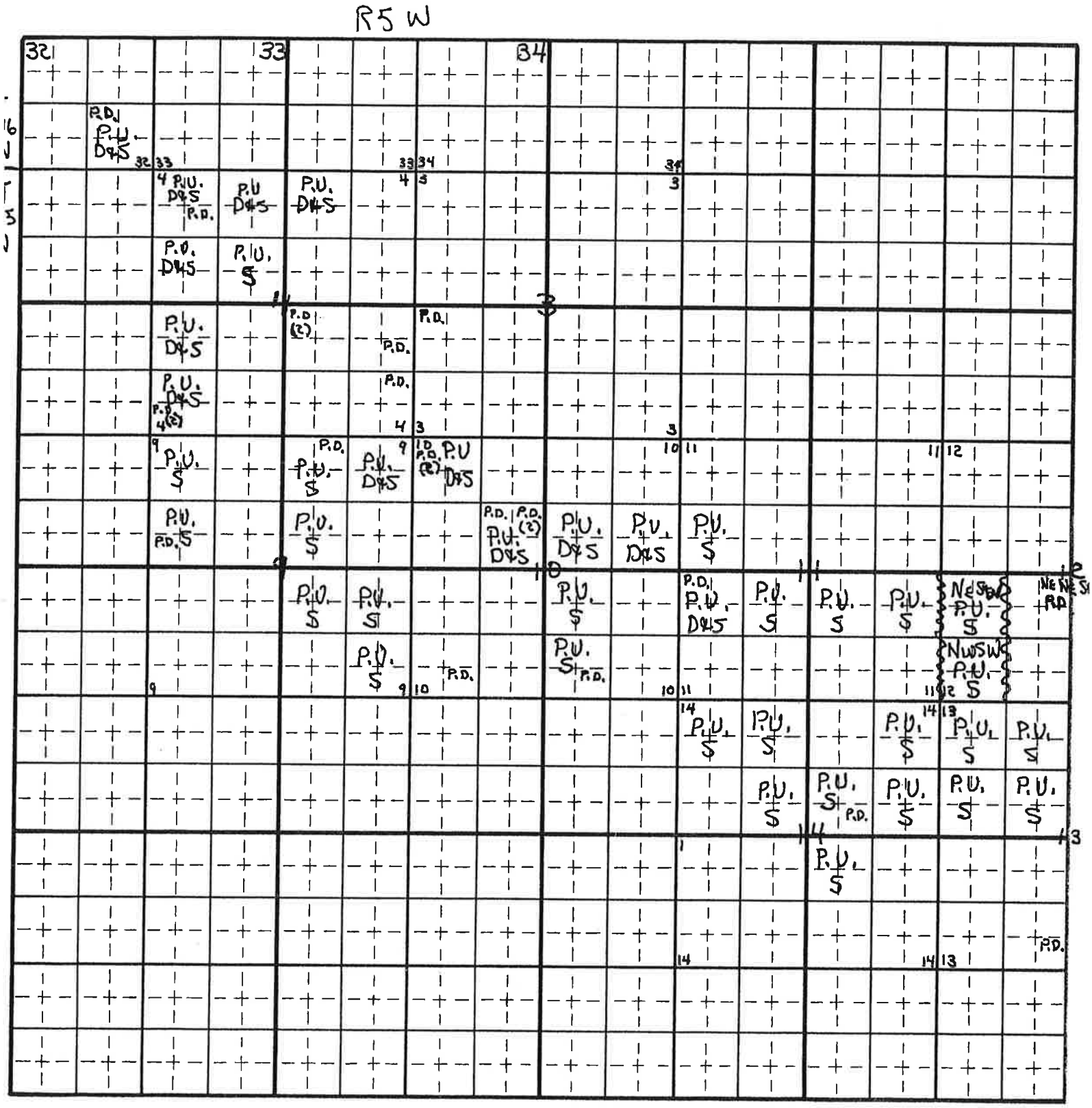
PLACES OF USE FOR CLAIM TO WATER RIGHT FOR WALTER, MADELINE, H 85-11103

Township	Range	Sec	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
T35N	R5W	4		D&S			D&S	D&S	D&S	S		D&S	D&S						
"	"	9	D&S	S	S			S	S						S	S		S	
T35N	R5W	10			D&S	D&S		D&S		D&S						S	S		
"	"	11						[redacted]	S		S	D&S			S	S			
T35N	R5W	12									S	S-							
"	"	13					S	S	S	S									
T35N	R5W	14	S		S	S	S	S		S						S			
T36N	R5W	32																D&S	

APR 2 5 1983

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name WALTER Ident No. A85-11103

Copies: White-State, Yellow-Claimant

MICROFILMED
APR 26 1993

15. Basis of Claim (check one) Beneficial Use ✓ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ✓ wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 4

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: ~~I~~ We do solemnly swear or affirm that ~~I am~~ We are Co-Conservators (Title) for of Madeline Walter (Organization), that ~~I have~~ We have signed the foregoing document in the space below as Co-Conservators (Title) of Madeline Walter (Organization) and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Marie Geiger Aline Cargill Fatcher

Title and Organization Co-Conservators for Madeline Walter Date 3-9-89

State of Idaho/or _____)
) SS.
County of NEZ PERCE)

Subscribed and sworn (or affirmed) before me this 9th day of MARCH 19 89

SEAL

Notary Public Robert Argill

Residing at LEWISTON

My Commission Expires JUNE 24, 1991

Please Print Name

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

Signature _____

Address _____

Date _____

Last Name WALTER Ident. Number A85-11103

MICROFILMED
APR 26 1993

Copies White-State, Yellow-Claimant

JAMES W. GIVENS
LAWYER
1026 F STREET — P.O. BOX 875
LEWISTON, IDAHO 83501

TELEPHONE 208/746-2374
FAX 208/746-0446

RECEIVED
NOV 16 2005
Department of Water Resources

November 14, 2005

Ms. Candice McHugh
State of Idaho
Department of Water Resources
322 E. Front Street
P. O. Box 83720
Boise, ID 83720-0098

Re: Notice of Claim in Water Right Ownership
Dallas R. Howard
Water Right No. A85-11103

Dear Candice:

Enclosed is original Notice of Change in Water Right Ownership.

Very truly yours,

JAMES W. GIVENS

JWG:p
enc
cc: Dallas R. Howard

Form 42-248/42-1409(6) July, 2000

RECEIVED
NOV 16 2005
Department of Water Resources

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

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
A85-11103					

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

   A. The appropriate **FILING FEE**. See instructions for fee amounts.

   B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
   SEE ATTACHED

   C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
   PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

   OR

   If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s): MADLYN WALTER
   2015 LINDSAY CREEK Rd. LEWISTON, ID 83501

4. New Owner/Claimant(s): DALLAS R. HOWARD
   Name Connector (Check one): [ ] and, [ ] or, [ ] and/or

   New Mailing Address: 6475 GOLDFINCH LANE

   City, State and ZIP Code: LEWISTON, ID 83501

   New Telephone Number: (208) 305-3854

5. Date you acquired the property: Sept. 15, 2004

RECEIVED
NOV 16 2005
Department of Water Resources

INST. NO. 709868
FILED FOR RECORD.
FEE 12.00 REG. BY James Givens
2004 SEP 27 P 2:15 * Via Messenger
PATTY O. WEEKS
RECORDER, NEZ PERCE CO ID
BY R Lewis DEPUTY

QUITCLAIM DEED

Quitclaim deed made September 15th, 2004, between **DALLAS R. HOWARD**, as Trustee of Trusts "A", "B" and "C", transferor, of 6475 Goldfinch Lane, City of Lewiston, County of Nez Perce, State of Idaho, and **DALLAS R. HOWARD**, individually, transferee, of 6475 Goldfinch Lane, City of Lewiston, County of Nez Perce, State of Idaho:

Transferor, for and in consideration of the sum of Ten Dollars ($10.00), to transferor in hand paid by transferee, the receipt of which is acknowledged, by these presents remises, releases, and forever quitclaims to transferee and to transferee's heirs and assigns, all that parcel of land situate, lying, and being in the County of Nez Perce, State of Idaho, bounded and particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

Together with all and singular the tenements, hereditaments and appurtenances belonging to or in any manner appertaining to such property, the reversion and reversions, remainder and remainders, rents, issues, and profits of such property. To have and to hold all and singular the premises, together with the appurtenances, to transferee and to transferee's heirs and assigns forever.

IN WITNESS WHEREOF, transferor has set transferor's hand the day and year first written above.

DALLAS R. HOWARD, Trustee of
Trusts "A", "B" and "C"

JAMES W. GIVENS
LAWYER
1026 F STREET
P. O. BOX 875
LEWISTON, IDAHO 83501
208/746-2374

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

On this 15th day of September, 2004, before me, the undersigned, a Notary Public in and for the said state, personally appeared DALLAS R. HOWARD, as Trustee of Trusts "A", "B" and "C", known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he 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.

Notary Public in and for the State
of Idaho, residing at Lewiston.
My Commission Expires: 7/14/10

JAMES W. GIVENS
LAWYER
1020 F STREET
P. O. BOX 878
LEWISTON, IDAHO 83501
208/746-3374

The following described parcels located in the LEWISTON ORCHARDS TRACT #12, being within the City of Lewiston:
All of Lots 1, 2 and 3 of Block 95; All of Lot 1 Block 97; The East 132' of lot 2 and all of Lots 3 & 4 of Block 97; All of Lots 1, 2, 3 of Block 101; The North 365.7' and the West 179.93' of the South 294.3' of lot 4 and the West 247.5' of the North 365.7' of lot 5 of Block 101; All of Lot 4 of Block 109 according to the recorded plat thereof, records of Nez Perce County, Idaho, measurements being from the centerlines of the adjacent streets and alleys.

The following described parcels located in the LEWISTON ORCHARDS TRACT #12: All of Lots 1, 2, 3, 4, 5, 6 and 7 of Block 94; All of Lots 1, 2 and 3 of Block 98; All of Lots 1, 2 and 3 of Block 99; All of Lots 1, 2, 3 and 4 of Block 100; All of lots 1, 2, 3, 4, 5, 6, 7 and 8 of Block 112; All of Lots 1, 2, 3 and 4 of Block 119; All of Lots 1 and 2 of Block 120; All of Lot 1 Block 121; All of Lots 1 and 2 of Block 122; All of Lots 1, 2, 3, 4, 5 and 6 of Block 123 according to the recorded plat thereof, records of Nez Perce County, Idaho, measurements being from the centerlines of the adjacent streets and alleys.

The following described parcels located in the LEWISTON ORCHARDS TRACT #14. All of Lots 1, 2, 3, 4, 5 and 6 of Block 124; All of Lots 1, 2, 3, 4, 5, 6, 7 and 8 of Block 125; All of Lots 1, 2, 3, 4, 5, 6 and 7 of Block 126; All of Lots 1, 2, 3, 4, 5, 6, 7 and 8 of Block 127 according to the recorded plat thereof, records of Nez Perce County, Idaho, measurements being from the centerlines of the adjacent streets and alleys.

The following described property located in Section 4, Township 35 North, Range 5 West of the Boise Meridian, Nez Perce County:
Assessor's Description # 1363 of the Northeast quarter of the Northwest quarter; Assessor's Description #1371 of the Northwest quarter of the Northwest quarter; the South ½ of the Northwest Quarter; All of the Southwest Quarter; Assessor's Description #3510 of the Northwest quarter of the Southeast quarter; Assessor's Description #1375 of the Southwest quarter of the Southeast quarter.

The following described property located in Section 9, Township 35 North, Range 5 West of the Boise Meridian, Nez Perce County:
The Northwest quarter of the Northwest quarter; Assessor's Description #3739 of the Southwest quarter of the Northwest quarter.

EXHIBIT "A"

The following described property located in Section 10, Township 35 North, Range 5 West of the Boise Meridian, Nez Perce County:
Assessor's Description #9017 of the Southeast quarter of the Southwest quarter EXCEPTING THEREFROM Assessor's Description # 9048.
Assessor's Description #7826 of the Northwest quarter; The North ½ of the Northeast quarter; The Northeast quarter of the Northwest quarter;

The following described property located in Section 10, Township 35 North, Range 5 West of the Boise Meridian, Nez Perce County all of which lies east of a line as described immediately following: The Southeast quarter of the Northwest quarter south of the road; Assessor's Description #3810; the East ½ of the Southwest quarter;
Said LINE described as follows: Beginning at the Southeast Corner of Section 10, Township 35 North, Range 5 West of the Boise Meridian; thence in a westerly direction along the southerly section line of said Section 10, 3631.47 feet to a point; thence in a northerly direction parallel to the easterly section line of said Section 10, 3862.52 feet more or less to the southerly right-of-way line of the County Road now known as Lindsay Creek Road.

The Southwest quarter of the Southeast quarter EXCEPTING THEREFROM the Platted Subdivision known as WARNER AVENUE ESTATES ADDITION #1 recorded instrument #652292, and Assessor's Description #9048.

The following described property located in Section 11, Township 35 North, Range 5 West of the Boise Meridian, Nez Perce County:
The Northeast quarter, The Northwest quarter, Assessor's Description #2962 of the Northwest quarter of the Southwest quarter; Assessor's Description #1388 of the Northeast quarter of the Southeast quarter.

The Northwest quarter of Section 12, Township 35 North, Range 5 West of the Boise Meridian, Nez Perce County.

10/12/05 PM0100 - PARCEL MASTER INQUIRY 14:37:07

PARCEL: RP 35N05W042590 A F9=MS F12=RC
F16=XP F17=DD F19=SP F23=AG

HOWARD DALLAS R

1425 21ST ST

LEWISTON ID
1165 GUN CLU

CAT	RY	QUANTITY		
3	2001	120400		
5	2001	107600	AC	4913
10	2001	7000	AC	140000
31	2001			477869
TOTALS		235000		662425

Miscellaneous Information

Map Number 138-A-B & 139-A
Photo Number
Zoning Code F1
PI Year 2001
CAMA AREA#

F3=Exit F12=CANCEL

3
5 5W
+
*
CD
4210
OTHER
+

ENTER NEXT PARCEL NUMBER RP A

FKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG
F8=CT F13=TM F18=HS F20=Srch F22=EU

10/12/05 TAX MASTER INQUIRY - NEZ PERCE COUNTY

PMPKEY: RP 35N05W042590 A YEAR 2004 BILL# 22774
TXPKEY: RP35N05W042590A BILLED TO: HOWARD DALLAS TRUSTEE
NAME HOWARD DALLAS R CODE AREA 5108 ACCT TYP
BANK DRH FLB OWNER PUP

ADDRESS 1425 21ST ST

LEWISTON ID 83501

LEGAL 815.0-204.02 & 815.0-204.03
#1363 OF NENW: #1371 4 35 5W
OF NWNW: S1/2NW: N1/2SW:
#3510 OF NWSE: #1375 OF SWSE
815.0-204.04

MARKET VALUE	628,806
HARDSHIP	
HOMEOWNER	
NET MARKET	628,806
TAX AMOUNT	8,606.12
LESS: CIRCUIT	
PLUS: SPECIALS	2,343.60
NET TAX BILLED	10,949.72
TAX PAYMENTS	5,474.86
TAX CANCELLED	
SPEC CANCELLED	
REMAINING TAX DUE	5,474.86

1165 GUN CLUB RD 83501

NEXT PARCEL# RP _____ A OR NEXT BILL# RP _____ 2004
F3=EXIT F14=OTHER TAXES F2=PRT SCREEN F5=PAYMNTS F6=TRANSACTIONS F24=MORE
F17=RELATED PARCELS F18=HISTORY NAME/ADDR

10/12/05 PM0100 - PARCEL MASTER INQUIRY 14:37:07

PARCEL: RP 35N05W042590 A

F9=MS F12=RC
F16=XP F17=DD F19=SP F23=AG

HOWARD DALLAS R

LEGAL DESCRIPTION
815.0-204.02 & 815.0-204.03
#1363 OF NENW; #1371 4 35 5W
OF NWNW; S1/2NW; N1/2SW; +

1425 21ST ST

LEWISTON ID 83501
1165 GUN CLUB RD 83501

CODE AREA 5108 OWNER CD
PARC TYPE 99 LOC CODE 4210
EFFDATE 1251984 EXPDATE
PREV PARCEL

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
3	2001	120400	AC	36845				
5	2001	107600	AC	4913				
10	2001	7000	AC	140000				
31	2001			477869				
TOTALS		235000		662425				

ENTER NEXT PARCEL NUMBER RP A

FKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG
F8=CT F13=TM F18=HS F20=Srch F22=EU

JAMES W. GIVENS
LAWYER
1026 F STREET — P.O. BOX 875
LEWISTON, IDAHO 83501

TELEPHONE 208/746-2374
FAX 208/746-0446

RECEIVED
OCT 18 2005
DEPARTMENT OF
WATER RESOURCES

October 14, 2005

Ms. Candice McHugh
State of Idaho
Department of Water Resources
322 E. Front Street
P. O. Box 83720
Boise, ID 83720-0098

Re: Civil Case No. 39386
ID No. A85-11103
Madlyn Walter

ID No. 85-15637
Dallas Howard

Dear Candice:

In reference to the above-captioned matters and our conversation in Lewiston, enclosed is a copy of the Quitclaim Deed from Dallas R. Howard, as Trustee, to himself, individually, of the property outlined on Exhibit A.

I have likewise enclosed copies of the records of the Nez Perce County Assessor's Office which refers to the same described property and you will note they list Dallas R. Howard as the owner.

If you need any further information please advise.

Thank you for your courtesy in this matter.

Very truly yours,

JAMES W. GIVENS

JWG:p
enc
cc:Dallas R. Howard

INST. NO. 709868
FILED FOR RECORD,
FEE 12.00 REG. BY James Givens
2004 SEP 27 P 2:15 * via Messenger
PATTY O. WEEKS
RECORDER, NEZ PERCE CO ID
BY R Lewis DEPUTY

QUITCLAIM DEED

Quitclaim deed made September 15th, 2004, between **DALLAS R. HOWARD**, as Trustee of Trusts "A", "B" and "C", transferor, of 6475 Goldfinch Lane, City of Lewiston, County of Nez Perce, State of Idaho, and **DALLAS R. HOWARD**, individually, transferee, of 6475 Goldfinch Lane, City of Lewiston, County of Nez Perce, State of Idaho:

Transferor, for and in consideration of the sum of Ten Dollars ($10.00), to transferor in hand paid by transferee, the receipt of which is acknowledged, by these presents remises, releases, and forever quitclaims to transferee and to transferee's heirs and assigns, all that parcel of land situate, lying, and being in the County of Nez Perce, State of Idaho, bounded and particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

Together with all and singular the tenements, hereditaments and appurtenances belonging to or in any manner appertaining to such property, the reversion and reversions, remainder and remainders, rents, issues, and profits of such property. To have and to hold all and singular the premises, together with the appurtenances, to transferee and to transferee's heirs and assigns forever.

IN WITNESS WHEREOF, transferor has set transferor's hand the day and year first written above.

DALLAS R. HOWARD, Trustee of
Trusts "A", "B" and "C"

JAMES W. GIVENS
LAWYER
1026 F STREET
P. O. BOX 878
LEWISTON, IDAHO 83501
208/746-2374

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

On this 15th day of September, 2004, before me, the undersigned, a Notary Public in and for the said state, personally appeared DALLAS R. HOWARD, as Trustee of Trusts "A", "B" and "C", known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he 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.

Notary Public in and for the State of Idaho, residing at Lewiston.
My Commission Expires: 7/14/10

JAMES W. GIVENS
NOTARY PUBLIC
STATE OF IDAHO

JAMES W. GIVENS
LAWYER
1026 F STREET
P. O. BOX 878
LEWISTON, IDAHO 83501
208/746-2374

The following described parcels located in the LEWISTON ORCHARDS TRACT #12, being within the City of Lewiston:
All of Lots 1, 2 and 3 of Block 95; All of Lot 1 Block 97; The East 132' of lot 2 and all of Lots 3 & 4 of Block 97; All of Lots 1, 2, 3 of Block 101; The North 365.7' and the West 179.93' of the South 294.3' of lot 4 and the West 247.5' of the North 365.7' of lot 5 of Block 101; All of Lot 4 of Block 109 according to the recorded plat thereof, records of Nez Perce County, Idaho, measurements being from the centerlines of the adjacent streets and alleys.

The following described parcels located in the LEWISTON ORCHARDS TRACT #12: All of Lots 1, 2, 3, 4, 5, 6 and 7 of Block 94; All of Lots 1, 2 and 3 of Block 98; All of Lots 1, 2 and 3 of Block 99; All of Lots 1, 2, 3 and 4 of Block 100; All of lots 1, 2, 3, 4, 5, 6, 7 and 8 of Block 112; All of Lots 1, 2, 3 and 4 of Block 119; All of Lots 1 and 2 of Block 120; All of Lot 1 Block 121; All of Lots 1 and 2 of Block 122; All of Lots 1, 2, 3, 4, 5 and 6 of Block 123 according to the recorded plat thereof, records of Nez Perce County, Idaho, measurements being from the centerlines of the adjacent streets and alleys.

The following described parcels located in the LEWISTON ORCHARDS TRACT #14. All of Lots 1, 2, 3, 4, 5 and 6 of Block 124; All of Lots 1, 2, 3, 4, 5, 6, 7 and 8 of Block 125; All of Lots 1, 2, 3, 4, 5, 6 and 7 of Block 126; All of Lots 1, 2, 3, 4, 5, 6, 7 and 8 of Block 127 according to the recorded plat thereof, records of Nez Perce County, Idaho, measurements being from the centerlines of the adjacent streets and alleys.

The following described property located in Section 4, Township 35 North, Range 5 West of the Boise Meridian, Nez Perce County:
Assessor's Description # 1363 of the Northeast quarter of the Northwest quarter; Assessor's Description #1371 of the Northwest quarter of the Northwest quarter; the South ½ of the Northwest Quarter; All of the Southwest Quarter; Assessor's Description #3510 of the Northwest quarter of the Southeast quarter; Assessor's Description #1375 of the Southwest quarter of the Southeast quarter.

The following described property located in Section 9, Township 35 North, Range 5 West of the Boise Meridian, Nez Perce County:
The Northwest quarter of the Northwest quarter; Assessor's Description #3739 of the Southwest quarter of the Northwest quarter.

EXHIBIT "A"

The following described property located in Section 10, Township 35 North, Range 5 West of the Boise Meridian, Nez Perce County:
Assessor's Description #9017 of the Southeast quarter of the Southwest quarter EXCEPTING THEREFROM Assessor's Description # 9048.
Assessor's Description #7826 of the Northwest quarter; The North ½ of the Northeast quarter; The Northeast quarter of the Northwest quarter;

The following described property located in Section 10, Township 35 North, Range 5 West of the Boise Meridian, Nez Perce County all of which lies east of a line as described immediately following: The Southeast quarter of the Northwest quarter south of the road; Assessor's Description #3810; the East ½ of the Southwest quarter;
Said LINE described as follows: Beginning at the Southeast Corner of Section 10, Township 35 North, Range 5 West of the Boise Meridian; thence in a westerly direction along the southerly section line of said Section 10, 3631.47 feet to a point; thence in a northerly direction parallel to the easterly section line of said Section 10, 3862.52 feet more or less to the southerly right-of-way line of the County Road now known as Lindsay Creek Road.

The Southwest quarter of the Southeast quarter EXCEPTING THEREFROM the Platted Subdivision known as WARNER AVENUE ESTATES ADDITION #1 recorded instrument #652292, and Assessor's Description #9048.

The following described property located in Section 11, Township 35 North, Range 5 West of the Boise Meridian, Nez Perce County:
The Northeast quarter, The Northwest quarter, Assessor's Description #2962 of the Northwest quarter of the Southwest quarter; Assessor's Description #1388 of the Northeast quarter of the Southeast quarter.

The Northwest quarter of Section 12, Township 35 North, Range 5 West of the Boise Meridian, Nez Perce County.

10/12/05 PM0100 - PARCEL MASTER INQUIRY 14:37:07

PARCEL: RP 35N05W042590 A F9=MS F12=RC
F16=XP F17=DD F19=SP F23=AG

HOWARD DALLAS R

1425 21ST ST

LEWISTON ID
1165 GUN CLU

CAT	RY	QUANTITY		
3	2001	120400		
5	2001	107600	AC	4913
10	2001	7000	AC	140000
31	2001			477869
TOTALS		235000		662425

Miscellaneous Information

Map Number 138-A-B & 139-A
Photo Number
Zoning Code F1
PI Year 2001
CAMA AREA#

F3=Exit F12=CANCEL

3
5 5W
+
*
CD
4210
OTHER
+

ENTER NEXT PARCEL NUMBER RP A

FKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG
F8=CT F13=TM F18=HS F20=Srch F22=EU

10/12/05 TAX MASTER INQUIRY - NEZ PERCE COUNTY

PMPKEY: RP 35N05W042590 A YEAR 2004 BILL# 22774
TXPKEY: RP35N05W042590A BILLED TO: HOWARD DALLAS TRUSTEE
NAME HOWARD DALLAS R

CODE AREA	5108	ACCT TYP
BANK DRH FLB	OWNER	PUP
MARKET VALUE		628,806
HARDSHIP		*
HOMEOWNER		
NET MARKET		628,806
TAX AMOUNT		8,606.12
LESS: CIRCUIT		
PLUS: SPECIALS		2,343.60
NET TAX BILLED		10,949.72
TAX PAYMENTS		5,474.86
TAX CANCELLED		
SPEC CANCELLED		
REMAINING TAX DUE		5,474.86

ADDRESS 1425 21ST ST

LEWISTON ID 83501

LEGAL 815.0-204.02 & 815.0-204.03
#1363 OF NENW: #1371 4 35 5W
OF NWNW: S1/2NW: N1/2SW:
#3510 OF NWSE: #1375 OF SWSE
815.0-204.04

1165 GUN CLUB RD 83501

NEXT PARCEL# RP _____ A OR NEXT BILL# RP _____ 2004
F3=EXIT F14=OTHER TAXES F2=PRT SCREEN F5=PAYMNTS F6=TRANSACTIONS F24=MORE
F17=RELATED PARCELS F18=HISTORY NAME/ADDR

```
10/12/05                PM0100 - PARCEL MASTER INQUIRY                14:37:07

PARCEL: RP 35N05W042590 A                  F9=MS                  F12=RC
                                       F16=XP F17=DD F19=SP        F23=AG
                                              LEGAL DESCRIPTION
  HOWARD DALLAS R                          815.0-204.02 & 815.0-204.03
                                           #1363 OF NENW; #1371   4 35 5W
                                           OF NWNW; S1/2NW; N1/2SW;       +
                                                                          *
  1425 21ST ST                             CODE AREA    5108  OWNER CD
                                           PARC TYPE 99       LOC CODE 4210
  LEWISTON          ID 83501               EFFDATE  1251984  EXPDATE
  1165      GUN CLUB RD          83501     PREV PARCEL

  CAT   RY   QUANTITY  UN     VALUE   HO MRKT   HO EXMP   CB MRKT   OTHER
   3  2001    120400  AC     36845
   5  2001    107600  AC      4913
  10  2001      7000  AC    140000
  31  2001                  477869
  TOTALS      235000        662425                                       +
                             ENTER NEXT PARCEL NUMBER RP              A
  FKeys:  F2=TX  F3=Exit  F5=SS    F6=NM     F7=LG
          F8=CT  F13=TM   F18=HS   F20=Srch  F22=EU
```

A85-11103

RECEIVED
MAY 1 0 1992
NORTHERN REGION
IDWR

RECEIVED
MAY 11 1992
Department of Water Resources

May 4, 1992

State of Idaho
Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706-2237

NOTIFICATION OF ADDRESS CHANGE

Please note the following change of address for Madeline Walter.

PREVIOUS ADDRESS: 2015 Lindsay Creek Road
Lewiston, Idaho 83501

CURRENT ADDRESS: P.O. Box 934
Lewiston, Idaho 83501

Thank you for taking care of this matter.

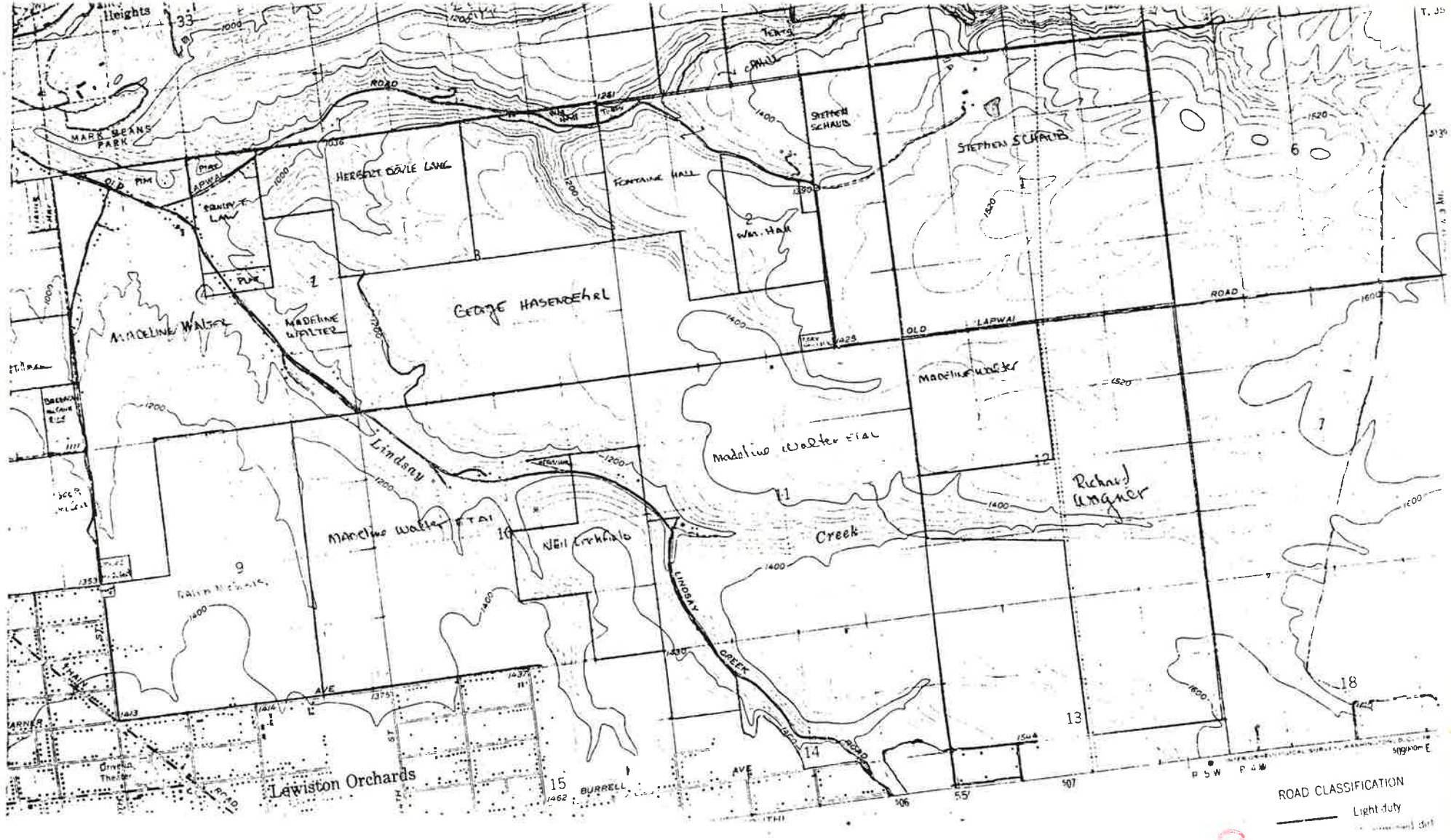
Sincerely,

Alene Tutcher

Alene Cargill-Tutcher
Co-Conservator

Marie L. Geiger
Co-Conservator

MICROFILMED
APR 26 1993



MICROFILMED
APR 26 1993

WALTER. A85-11103

FILED

89 JAN -5 PM 4:41

BETTY J. WILSEY
CLERK OF THE DIST. COURT
Nancy Wagner
DEPUTY

STEVE R. COX
Randall, Blake, Cox, Risley & Trout
P.O. Box 446
Bollinger Plaza
Lewiston, Idaho 83501
(208) 743-4526

Attorney for Petitioner

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

In the Matter of the Estate of MADELINE WALTER, a Protected Person.	)	CASE NO. 66595 LETTERS OF CONSERVATORSHIP

The petition for appointment of co-conservators having been filed herein, ALINE CARGILL TUTCHER and MARIE GEIGER are hereby appointed co-conservators of the estate of MADELINE WALTER, a protected person.

WITNESS, RON SCHILLING, Judge of the District Court, County of Nez Perce, State of Idaho, with the seal of the Court affixed the 22nd day of December, 1988.

RON SCHILLING
JUDGE

I, Betty J. Wilsey, Clerk of the above entitled Court do hereby certify the foregoing to be a full, true and correct copy of the original Letters in the above entitled cause as the same now appears on file and of record in my office.
WITNESS my hand and official seal this JAN 06 1989
BETTY J. WILSEY, Clerk
By Nancy Wagner
Deputy

MICROFILMED
APR 26 1993

A85-11103

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

We, ALINE CARGILL TUTCHER and MARIE GEIGER, hereby accept the duties of co-conservators of the estate of MADELINE WALTER, a protected person, and do solemnly swear that we will perform, according to law, the duties of co-conservators of the estate of MADELINE WALTER, a protected person.

Aline Cargill Tutcher
ALINE CARGILL TUTCHER

Marie Geiger
MARIE GEIGER

SUBSCRIBED AND SWORN to before me this 22nd day of December, 1988.

Notary Public in and for the State
of Idaho, residing at Lewiston
My Commission expires: 5-14-92

MICROFILMED
APR 26 1993

A85-11103

State of Idaho
DEPARTMENT OF WATER RESOURCES
322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

November 2, 2004

JAMES W GIVENS
PO BOX 875
LEWISTON ID 83501

COPY

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right – Nez Perce County
Your Client: Dallas R. Howard

Dear Mr. Givens:

We are returning the Notice of Claim to a Water Right you filed for your client, Dallas R. Howard largely because your cover letter indicated the filing was for a new water right and for the following reason, as I think you know. The source of Mr. Howard's water is surface water; therefore, the priority date must be prior to May 20, 1971. Please use the enclosed Application for Permit to assist Mr. Howard in filing for the new water right.

I have also enclosed receipt #C075463 for the filing fees you paid. These fees will be applied to the Application for Permit. If a refund is due, it will be processed rapidly.

IDWR still has the amended claim #85-11103 filed in July under review. A copy of the preliminary recommendation for that claim is enclosed. Greg Taylor at the Lewiston IDWR office could address any technical question you might have about the recommendation for 85-11103.

Please contact me if you have any questions.

Sincerely,

Donald V. Shaff, Manager
Adjudication Technical Section

DVS:ss:region
Enclosure:
Incomplete Notice of Claim Referenced Above
Receipt #C075463
Preliminary Recommendation #85-11103
cc: G. Taylor

State of Idaho
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450
Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 9, 2004

Mr. Dallas Howard
1425 21st
Lewiston, ID 83501

CERTIFIED MAIL

RE: Potential Illegal Water Use

Dear Mr. Howard

Our office has received inquiries from interested parties as to the diversion of water from Linsday Creek, near Lewiston. We understand that this property is owned by Howard Properties, specifically located within a portion of the SE ¼ of the NW ¼ of Section 4, Township 35N., Range 5W. An agent from our office has observed a diversion of water by a tractor P.T.O. pump and big gun sprinkler irrigating what appears to be 3-5 acres.

Upon examination of Department records, we cannot find a water right filing for this particular use on this property. We recently contacted your business office by phone, and were shortly thereafter contacted by your attorney, Mr. Givens.

Our office requests your cooperation in:

- Identifying the water right that covers this diversion of water.
- If you cannot provide our Department with evidence of a water right, please consider this letter a cease and desist notice.
- File for, and obtain a valid water right prior to diverting public water.

Please respond to our office within 14 days of the date of this letter. And also, be aware that diverting water in Idaho without a valid water right is illegal pursuant to §42-351, IDAHO CODE, and subject to civil penalties of up to $50.00 per 0.1 cfs per day up to a maximum of $50,000 per year.

If you have questions regarding this matter please feel free to contact our office.

Sincerely,

Robert Haynes, PE
Manager, Northern Regional Office

CC: Mr. Givens, Attorney 1026 F St. Lewiston ID 83501
IDWR State Office – Glen Saxton, Administrator
IDWR State Office – John Homan, Attorney General

RECEIVED
JUL 14 2004
DEPARTMENT OF WATER RESOURCES

JAMES W. GIVENS
LAWYER
1026 F STREET — P.O. BOX 875
LEWISTON, IDAHO 83501

TELEPHONE 208/746-2374
FAX 208/746-0446

July 12, 2004

Robert Haynes, PE
Manager, Northern Region Office
State of Idaho
Department of Water Resources
Northern Region, Ste. 210
1910 Northwest Blvd.
Coeur d'Alene, ID 83814-2615

Dear Mr. Haynes:

Reference is made to your letter of July 9, 2004, to Mr. Dallas Howard of this city, re potential illegal water use.

Please be advised Mr. Greg Taylor of your Lewiston office, in a conversation I had with him last week, pointed out to me that your department was having difficulty understanding and determining what rights were claimed by the Notice of Claim filed for Madeline Walter on the 9th day of March, 1989, by Marie Geiger and Aline Cargill Tutcher.

I share the confusion. In order to clarify these matters and address the issues referred by you in you letter of July 9th, please be advised as follows:

We are now consulting with engineers retained by Mr. Howard in order to file an amended notice of claim which will truly and accurately reflect claims to water rights used by the Howard family from 1930 to the present.

I have received about half of the information I need from the engineers and anticipate the balance will be in my hands some time in the next day or two at which time the amended notice of claim will be completed and filed with the Court, together with an affidavit and motion setting forth the reasons for the need to file an amended notice of claim.

This amended claim will identify the water rights claimed by Mr. Howard.

We would respectfully request your office hold in abeyance any cease and desist order you contemplate; and lastly and hopefully, the amended claim will constitute a filing for and a valid notice of valid water rights entitling Mr. Howard to divert water.

I likewise respectfully point out that §42-1701B(6)(b) the Court in determining any penalty may take into consideration the willfulness of the violation, the economic value obtained by the ostensible violator, and the damage to public resources or other water right holders.

Mr. Howard's position is he and his family have always had water rights along Lindsay Creek; they have diverted the same and applied them to a beneficial use in irrigating lands owned by them and adjacent to Lindsay Creek. These included wells as well as diverting water from the stream itself, all as will be indicated by the amended notice of claim to be filed shortly.

In the amended claim, Mr. Howard will include claims to water rights and diversion of water from the unnamed creek East of Gun Club Road in Nez Perce County.

Mr. Howard has a number of problems with the Notice of Claim filed for Madeline Walter by the Co-Conservators of Madeline Walter, as hereinabove expressed, as said Co-Conservators did not possess all of the information necessary to file a correct claim of water right.

Mr. Howard's situation with regard to the Madeline Walter claim is further exacerbated by the fact that he was out of the country residing in Nez Zealand when the statute creating the SRBA was enacted and the notices in connection therewith were sent out.

Mr. Howard has never had any intention of violating the law or perform any illegal act and desires to cooperate with your office at all times.

It is respectfully requested you permit us to prepare and file the amended claim of water right as hereinabove outlined, which in our judgment will address and resolve your concerns about this matter.

In the meantime,, Mr. Howard has planted a crop on property owned by him within the SE$\frac{1}{4}$NW$\frac{1}{4}$, Section 4, Township 35 N., Range 5 West, B.M., to which reference is made in the Madeline Walter claim, and is desirous of irrigating the same in order to save the crop which hopefully you will not object to.

Based on my own observation, there is a previously existing point of diversion where Mr. Howard is now diverting water; there is water flowing into the basin from which he is now diverting water and there is a substantial amount of water flowing down stream in Lindsay Creek below the point of diversion.

To date there is no suggestion in your letter, or any other information which has come to us, suggesting any claimant to water from Lindsay Creek has in fact been damaged by Mr. Howard exercising what he has always believed to be water rights obtained by appropriation by his family.

It is respectfully requested you give favorable consideration to the requests herein contained.

Thanking you for your courtesies and with personal regards,

Very truly yours,

JAMES W. GIVENS

JWG:p
cc: Glen Saxton, Admn. IDWR
John Homan, Esq., Dep. Atty. General
Dallas Howard

JAMES W. GIVENS
LAWYER
1026 F STREET — P.O. BOX 875
LEWISTON, IDAHO 83501

TELEPHONE 208/746-2374
FAX 208/746-0446

RECEIVED
JUL 16 2004
Department of Water Resources

July 13, 2004

State of Idaho
Department of Water Resources
1301 N. Orchard Street
Boise, ID 83706-2237

Attn: Carter Fritschle

Dear Mr. Fritschle:

Reference is made to our phone conversation of this date.

Enclosed is an Amended Notice of Claim of a Water Right, amending Notice of Claim to a Water Right, Civil Case No. 39356, Ident. Number A85-11103, Receipt Number N2588, Madeline Walter, claimant, deceased, Thisd is filed for Dallas Ross Howard, the principal surviving heir of Madeline Walter and the owner of the property upon which the points of diversion referred to in the Amended Notice of Claim to a Water Right are located.

By way of explanation, at the time the SRBA was created by statute the owner of the property in question was the subject matter of probate proceedings involving Mr. Howard's grandmother, Marie Howard, his Aunt Madeline Walter, and contested cases involving the same. Personal Representatives and Co-conservators were appointed for Madeline Walter, being Marie Geiger and Aline Cargill Tutcher, who were not as familiar with the existing water rights claimed and used by Mr. Howard's grandmother and his aunt, as Mr. Howard is.

During the period of time following the creation of the SRBA and for many years thereafter, Mr. Howard was a resident of New Zealand and unaware of the filing of the Notice of Claim to a Water Right by the Co-conservators hereinabove referred to. When he was made aware of the deficiencies in the original claim filed he retained me to assist him in the preparation of and filing of this amended claim.

Only today did I receive the last engineer's information I needed as illustrated by Exhibit A and B attached to the amended notice of claim enabling me to file this claim with your department.

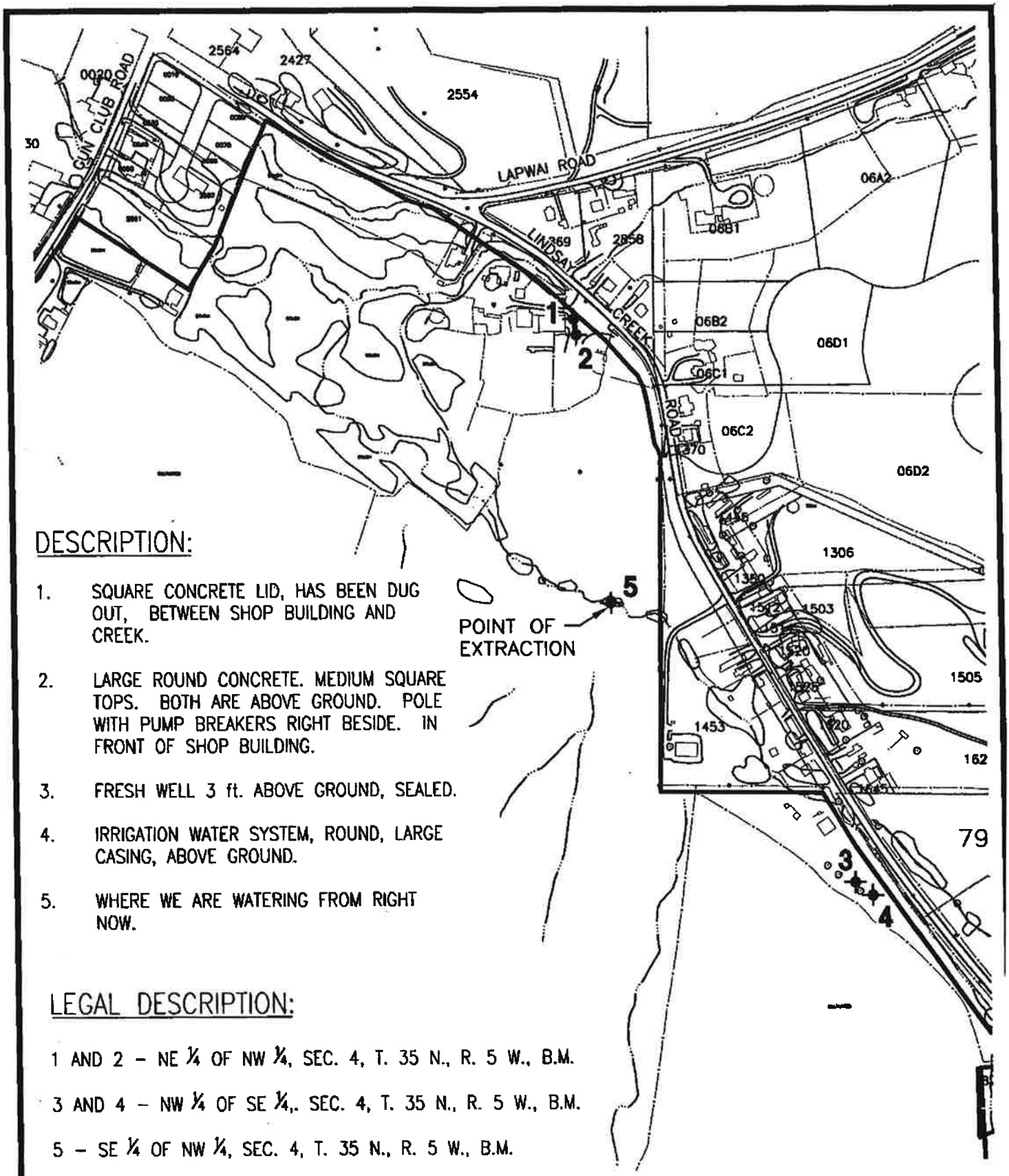
If you have any questions about the claim, I would be happy to have you contact me and would be pleased to make Mr. Howard available to you at any time convenient to you.

Your help and assistance in this matter is greatly appreciated.

Very truly yours,

JAMES W. GIVENS

JWG:p
enc
cc: Dallas R. Howard w/enc
Robert Haynes



DESCRIPTION:

1. SQUARE CONCRETE LID, HAS BEEN DUG OUT, BETWEEN SHOP BUILDING AND CREEK.
2. LARGE ROUND CONCRETE. MEDIUM SQUARE TOPS. BOTH ARE ABOVE GROUND. POLE WITH PUMP BREAKERS RIGHT BESIDE. IN FRONT OF SHOP BUILDING.
3. FRESH WELL 3 ft. ABOVE GROUND, SEALED.
4. IRRIGATION WATER SYSTEM, ROUND, LARGE CASING, ABOVE GROUND.
5. WHERE WE ARE WATERING FROM RIGHT NOW.

LEGAL DESCRIPTION:

1 AND 2 – NE ¼ OF NW ¼, SEC. 4, T. 35 N., R. 5 W., B.M.

3 AND 4 – NW ¼ OF SE ¼,. SEC. 4, T. 35 N., R. 5 W., B.M.

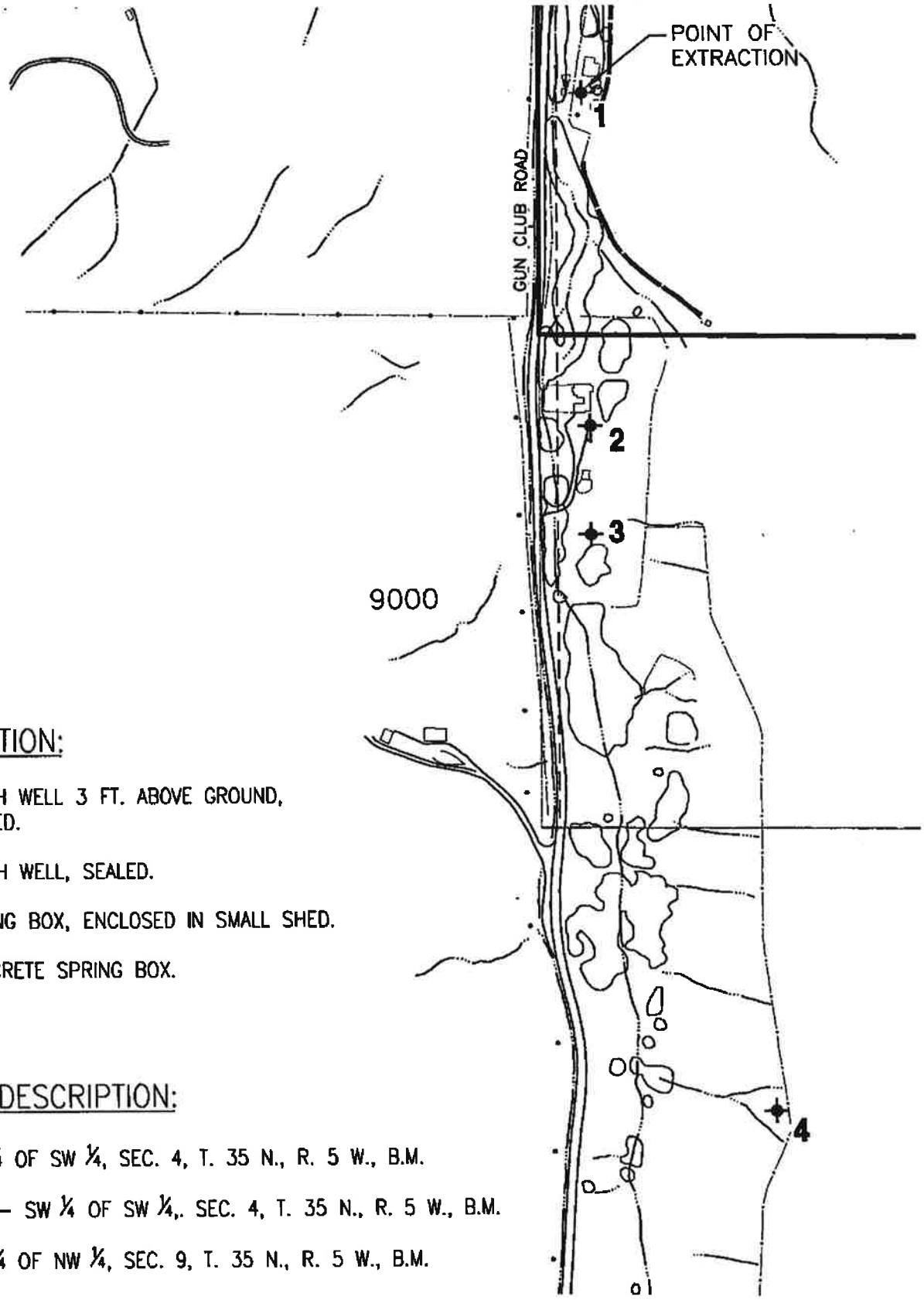
5 – SE ¼ OF NW ¼, SEC. 4, T. 35 N., R. 5 W., B.M.

KELTIC ENGINEERING, INC.
141 9th Street • Suite 2 • Lewiston, Idaho 83501 • (208) 743-2135 • (208) 743-2136 fax
♣ Development ♣ Planning ♣ Design ♣ Construction Management

WATER EXTRACTION LOCATIONS

HOWARD PROPERTIES
LEWISTON, ID. 83501

DESIGN BY	DRAWN BY	SHEET
EFH	RGW	1
PROJECT NO. 04–039		
SCALE: 1" = 400'	DATE 07–08–04	OF 1



DESCRIPTION:

1. FRESH WELL 3 FT. ABOVE GROUND, SEALED.
2. FRESH WELL, SEALED.
3. SPRING BOX, ENCLOSED IN SMALL SHED.
4. CONCRETE SPRING BOX.

LEGAL DESCRIPTION:

1 – NW ¼ OF SW ¼, SEC. 4, T. 35 N., R. 5 W., B.M.

2 AND 3 – SW ¼ OF SW ¼,. SEC. 4, T. 35 N., R. 5 W., B.M.

4 – NW ¼ OF NW ¼, SEC. 9, T. 35 N., R. 5 W., B.M.

KELTIC ENGINEERING, INC.
141 9th Street • Suite 2 • Lewiston, Idaho 83501 • (208) 743-2135 • (208) 743-2136 fax
♣ Development ♣ Planning ♣ Design ♣ Construction Management

WATER EXTRACTION LOCATIONS

HOWARD PROPERTIES
LEWISTON, ID. 83501

DESIGN BY	DRAWN BY	SHEET
EFH	RGW	1
PROJECT NO. 04–039		OF 1
DATE		

SCALE:

4. a. Location of existing points of diversion for Nos. 1 and 2 on attached **Exhibit A** are: The NE$\frac{1}{4}$ of NW$\frac{1}{4}$, Sec. 4, T. 35 N, R. 5 W, B.M.; the existing points of diversion for Nos. 3 and 4 on Exhibit A are: The NW$\frac{1}{4}$ of SE$\frac{1}{4}$, Sec. 4, T. 35 N, R. 5 W, B.M. The existing point of diversion for No. 5 on Exhibit A is: The SE$\frac{1}{4}$ of NW$\frac{1}{4}$, Sec. 4, T. 35 N., R. 5 W, B.M.

Additional points of diversion as set forth in **Exhibit B** hereto attached are: The existing point of diversion for No. 1 is located in the NW$\frac{1}{4}$ of SW$\frac{1}{4}$, Sec. 4, T. 35 N, R. 5 W., B.M.; the existing points of diversion for Nos. 2 and 3 on Exhibit B are: The SW$\frac{1}{4}$ of SW$\frac{1}{4}$, Sec. 4, T. 35, N., R. 5 W., B.M.; the exsiting point of diverson for No. 4 on Exhibit B is: The NW$\frac{1}{4}$ of NW$\frac{1}{4}$, Sec. 9, T. 35 N., R. 5 W., B.M.

5. On Exhibit A points of diversion 1, 2, 3 and 4 are wells averaging 12 feet in depth and have been used for irrigation purposes on acreages varying between 2 to approximatly 25 acres.

Points of diversion 1, 2, 3 and 4 also have been used as domestic water suppliers and for watering lawns. Point of diversion 5 on Exhibit A has been used and is being used to irrigate by sprinkle system approximately 25 acres.

Points of diversion on Exhibit B have been used both for domestic purposes and irrigation and the watering of livestock as well as watering and sprinkling lawns.

6. For the points of diversion and claim of water right illustrated by Exhibit A, the purposes are domestic, irrigation and livestock from January 1, 1930, to the present and the amount for points of diversion 1, 2, 3 and 4 are 0.02 cfs. The amount of point of diversion 5, which is irrigation, is 0.28 cfs.

The points of diversion illustrated by Exhibit B which are essentially domestic and some irrigation and livestock from January 1, 1930, to the present are 0.02 cfs.

10. Exhibit B legal description:

No. 1 - NW$\frac{1}{4}$ of SW$\frac{1}{4}$, Sec. 4, T. 35 N, R. 5 W., B.M.
Nos. 2 and 3 - SW$\frac{1}{4}$ of SW$\frac{1}{4}$, Sec. 4, T. 35 N, R. 5 W., B.M.
No. 4 - NW$\frac{1}{4}$ of NW$\frac{1}{4}$, Sec. 9, T. 35 N, R. 5 W., B.M.

Domestic: Total households involved 13.
County of location: Nez Perce
Applicant owns all property listed above.

Based on evidence below, it appears that this claim is now owned by:

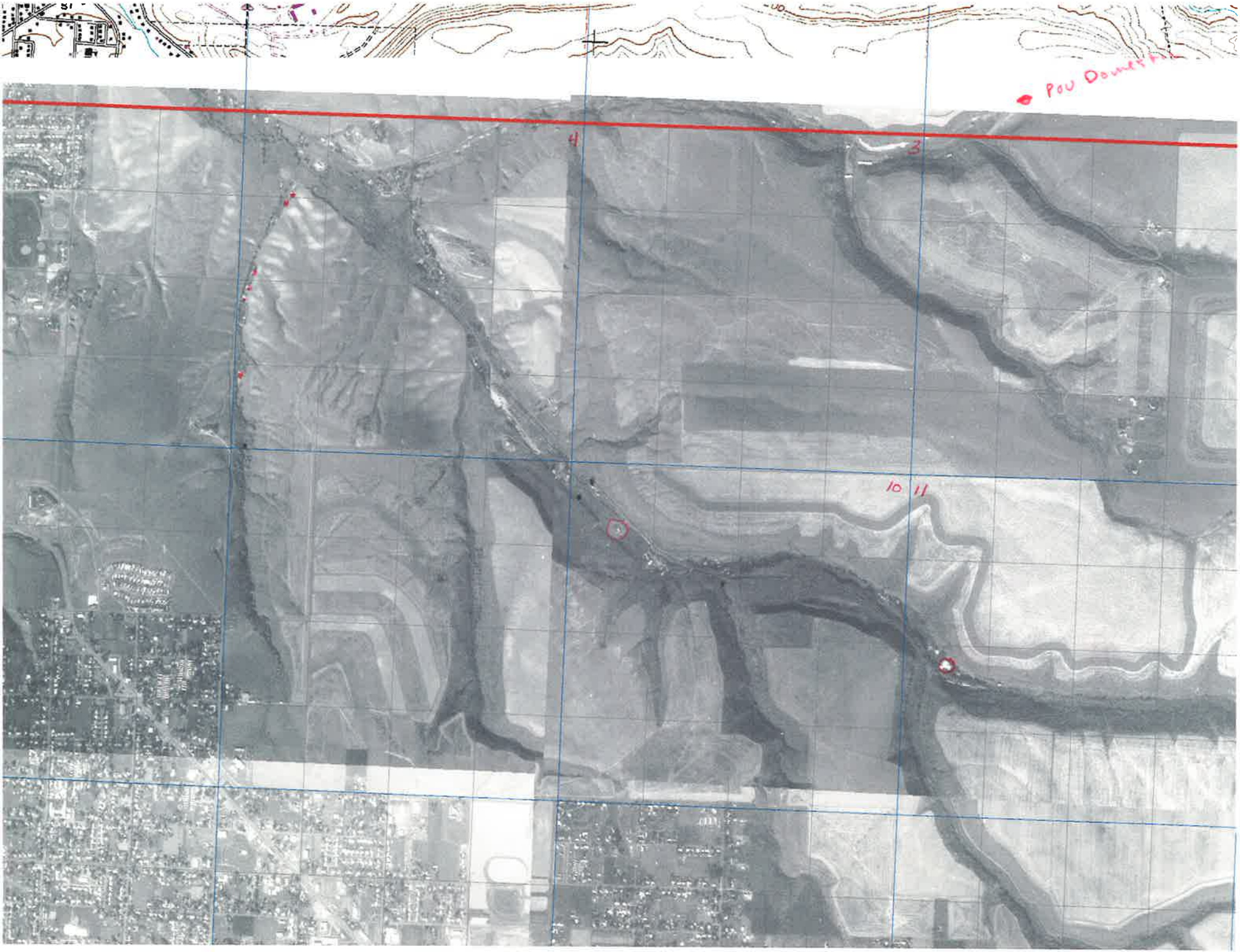
Name: Dallas Howard
Street Address: Po Box 2832
City, State Zip Code: Christchurch, New Zealand
Telephone:

- ☐ Nez Perce County Records
- ☐ Telephone book
- ☐ Other_____

Based on evidence below, it appears that this claim is now owned by:

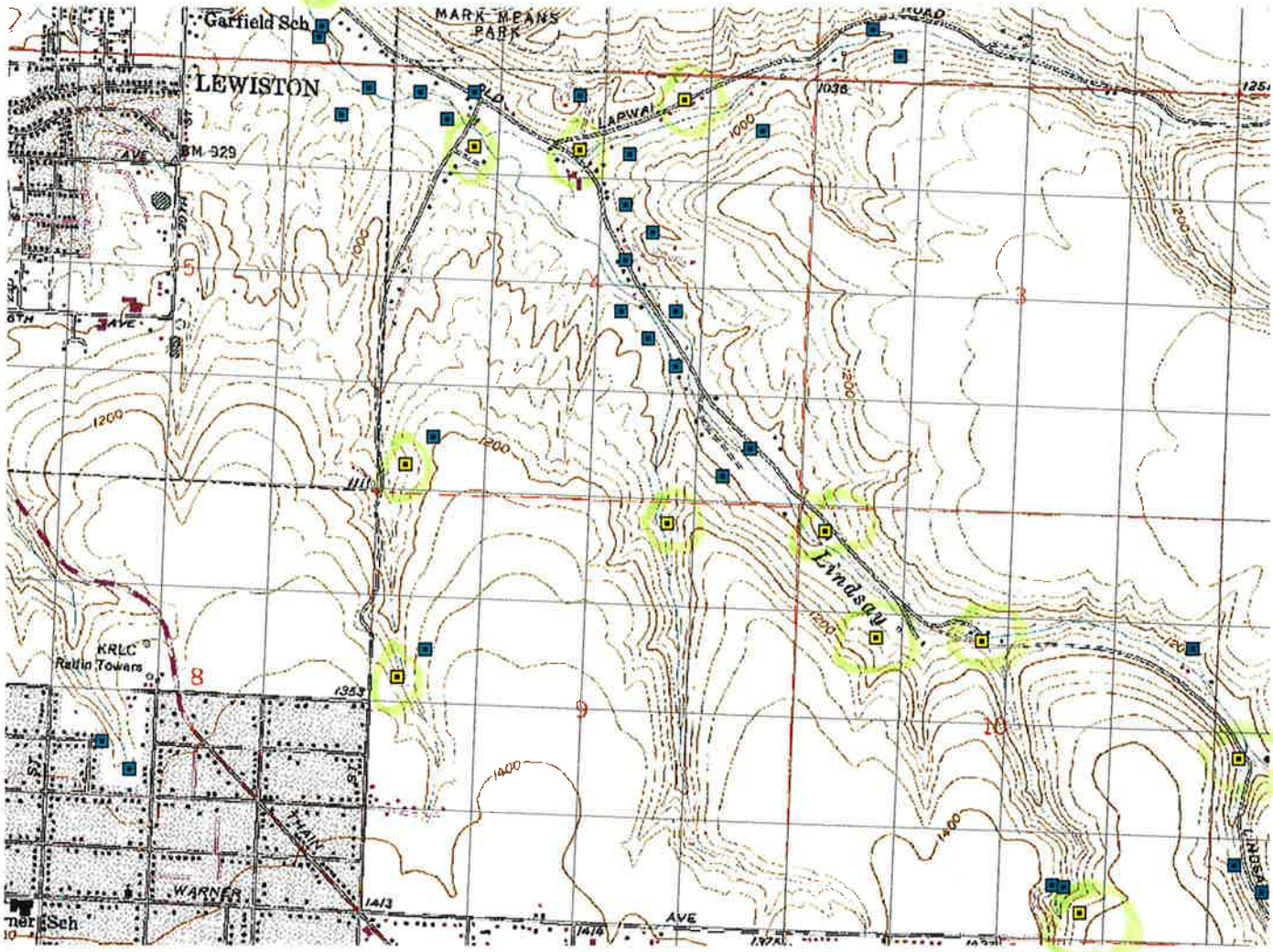
Name: Alene Tutchur conservator trustee
Street Address: 1411 Prospect Ave.
City, State Zip Code:
Telephone: 746-4179

- ☐ Nez Perce County Records
- ☒ Telephone book
- ☐ Other_____


Pou Domestic
4
3
10
11

85-11103 Claim POD
~~Probably~~
Nominal 5

View1

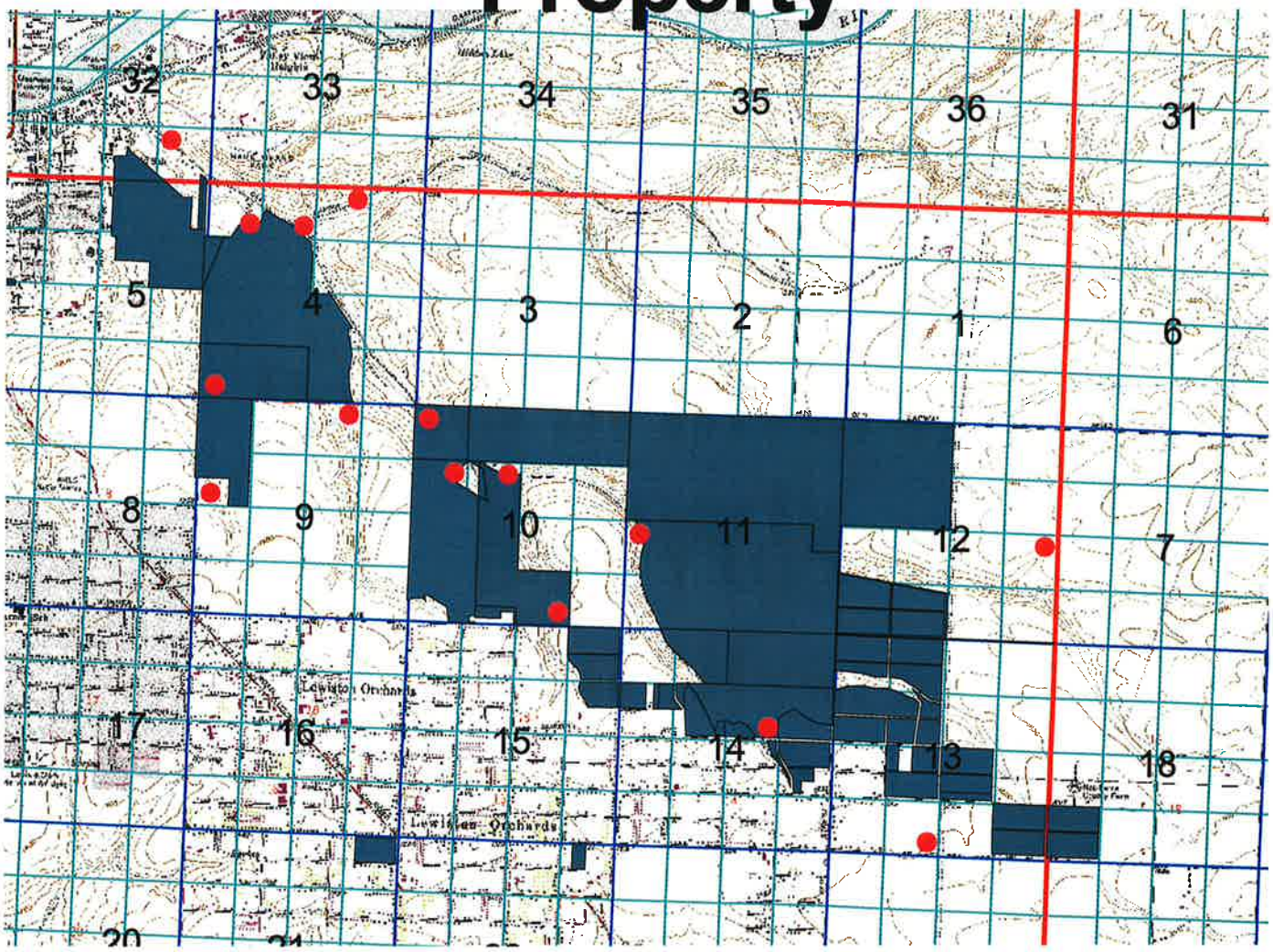


0.5 0 0.5 1 Miles

N
W E
S

Claim POD
GCDB34N05W GCDB
GCDB36N05W GCDB
GCDB35N05W GCDB
Administrative BasinsAdminbas.shp

85-11103
Points of Diversion
Property



1 0 1 2 Miles

Claimed PODs
Dallas Harris property
Township/Range
Sections
QQ

N
W
E
S

JAMES W. GIVENS
LAWYER
1026 F STREET — P.O. BOX 875
LEWISTON, IDAHO 83501

TELEPHONE 208/746-2374
FAX 208/746-0446

August 20, 2004

Candice M. McHugh
Deputy Attorney General, IDWR
Natural Resources Division-Water Resources Unit
1301 North Orchard Street
Boise, ID 83706-2237

Re: SRBA Claim No. 85-11103

Dear Candice:

In response to your letter of August 6, 2004, re the above-captioned matter, enclosed is Mr. Howard's NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP which hopefully addresses the issue of ownership.

I am putting together the information with respect to the application to a beneficial use and should have that to you shortly.

Again, thank you for your courtesies in this matter.

Very truly yours,

JAMES W. GIVENS

JWG:p
enclosure
cc: Dallas R. Howard

Form 42-248/42-1409(6) July, 2000

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

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	A85-11103				

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

   A. The appropriate **FILING FEE**. See instructions for fee amounts.

   B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

   See Exhibit "A" hereto attached.

   C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
   PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

   OR

   If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s): Madeline Walter
   2015 Lindsay Creek Rd., Lewiston, ID 83501

4. New Owner/Claimant(s): Dallas R. Howard
   Name Connector (Check one): [ ] and, [ ] or, [ ] and/or

   New Mailing Address: 6475 Goldfinch Lane

   City, State and ZIP Code: Lewiston, ID 83501

   New Telephone Number: (208) 305-3854

5. Date you acquired the property: 5-11-01, 5-22-01, 5-23-01

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other _____		
Total		

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other _____		
Total		

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

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

For Office Use Only
Received by _____ Date _____ Fee _____
Receipted by _____ Date _____ Receipt No. _____
Processed by _____AJ Date _____ WR _____ Date _____

E X H I B I T "A"

Applicant's grandmother, Marie Howard, by her Last Will and Testament, a copy of which is hereto attached marked Exhibit 1, in paragraph Eighth (see p. 9 and following, continuing on p. 10, and the first two (2) paragraphs on p. 11) left in trust to her sister, applicant's aunt Madeline Walter the property which is the subject of this amended claim herein, and to pay the income therefrom to the said Madeline Walter, the testatrix's son Nelson Howard, and testatrix's grandson Dallas Howard, applicant herein.

The said Madeline Walter by her Last Will and Testament, a copy of which is attached hereto marked Exhibit 2, by paragraph Fourteenth, pp. 3 and 4, conveyed a life estate to her nephew, Dallas Howard, applicant herein.

The said Madeline Walter by her Last Will and Testament (See paragraph Sixteenth) created trusts. One of the beneficiaries thereof being applicant, Dallas Howard. Said trust dealing with the real property upon which the water rights applied for by applicant's Amended Notice of Claim is located.

As a result of litigation involving applicant and his aunt Madeline Walter, and by way of settling the said litigation a Warranty Deed, which is hereto attached marked Exhibit 3, conveyed an undivided one-third interest in the property, which is the subject matter of this litigation, to applicant.

The trust which had been created by appliant's grandmother, Marie Howard and his aunt, Madeline Walter, were terminated May 11, 22 and 23, 2001. That applicant is the owner of an undivided one/half interest in the property, the subject matter of his

Amended Notice of Claim of a Water Right, together with a life estate in the same. A copy of the Termination of Trust record is hereto attached marked Exhibit 4. A copy of the Quitclaim Deed hereto attached marked Exhibit 5 whereby Dallas Howard, applicant herein, as trustee of Trust C conveyed the property which is the subject matter of this application to himself.

Filed this 19th day of Nov. 1962, and recorded in Book 10 on page 185

Judge and Ex-Officio Clerk

Last Will and Testament

I, MARIE HOWARD, of Lewiston, Nez Perce County, State of Idaho, being over the age of twenty-one years, and of sound and disposing mind and memory and not acting under duress, menace, fraud or undue influence of any person whatsoever, do make, publish and declare this to be my Last Will and Testament as follows:

FIRST: I hereby revoke any and all wills or codicils which may have heretofore been made by me.

SECOND: I will and bequeath to St. Stanislaus Catholic Church of Lewiston, Idaho, the sum of Two Thousand Dollars ($2000.00).

THIRD: I will and bequeath unto BLANCHE CAVANAUGH of Lewiston, Idaho the sum of $3500.00. I will and bequeath unto OTTICAR CERMAK of Lewiston, Idaho, the sum of $3500.00.

FOURTH: I will and bequeath unto my sister MADELINE WALTER all of my interest in and to the furniture and household goods located in the home we are occupying.

FIFTH: I hereby declare that I am the surviving widow of Ross Howard, deceased. That the said Ross Howard and I had born as the issue of our marriage only one son NELSON HOWARD. That DALLAS HOWARD hereinafter mentioned is my grandson, being the son of NELSON HOWARD. I further declare that I have for many years been engaged in partnership in the operation of farm lands, livestock ranches, timber land and other allied activities with my sister MADELINE WALTER. That the said MADELINE WALTER has a vested interest in all of our property and that it is my intention that this will shall apply only to my undivided interest in and to the property in which I have an interest.

SIXTH: If any person shall prove himself or herself to be an heir to me who is not specifically mentioned herein, then to such person I will and bequeath the sum of One Dollar ($1.00) and no more. If any person or persons herein named shall contest the validity of this my last will and testament, then I do hereby revoke any devise or bequest to such person or persons contesting the validity of my last will and testament and to such person or persons I will, devise and bequeath the sum of One Dollar ($1.00) each and no more.

EXHIBIT 1

SEVENTH: All estate, inheritance, succession or transfer taxes due the United States, the State of Idaho, or any other State in which any such taxes are due shall be paid by my Executrix out of my general estate as part of the expenses of administration thereof with no right to reimbursement from any recipient of any of my property under the terms of my will.

EIGHTH: I will, devise and bequeath the following described real property located in the States of Idaho, Oregon and Washington, to-wit:

Lewis and Nez Perce Counties, Idaho.

In Township 30 North Range 3, West of the Boise Meridian.

In Section 5: Lots 3 and 4
In Section 6: Lots 1, 2, 3, 4, 8 and 9, SE¼NW¼, SW¼NE¼, NW¼SE¼ and E½SW¼.
In Section 7: Lots 3, 4, 9 and 10, and NE¼NW¼.
In Section 18: Lots 3, 6, 7, 8 and 9.
In Section 19: Lots 3, 4, 9 and 10, and E½SW¼.
In Section 29: SW¼SW¼.
In Section 30: Lots 3 and 4, W½NE¼, E½NW¼, E½SW¼ and SE¼.
In Section 31: Lots 2, 3, and 4, E½W½ and E½
In Section 32: NW¼ and NW¼SW¼.

In Township 31 North of Range 3, West of the Boise Meridian.

In Section 4: SW¼SW¼ and SW¼SE¼.
In Section 5: E½SW¼ and SE¼
In Section 6: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16 & 17.
In Section 7: Lots 10 and 11, and SW¼SE¼.
In Section 8: W½W½ and NE¼NW¼
In Section 9: E½
In Section 16: E½NE¼
In Section 18: Lots 1, 2, 3, 5 and 6, N½NW¼, SW¼NE¼ and SW¼SE¼.
In Section 19: Lots 1, 2, 4, 5, 6, 7, 8, 9, 10, 11 and 12 W½NE¼ and SE¼.
In Section 20: W½SW¼.
In Section 21: S½SE¼
In Section 28: N½NE¼
In Section 29: W½, W½E½.
In Section 30: Lots 1, 2, 3 and 4, E½W½, NE¼, NW¼SE¼ and S½SE¼.
In Section 31: Lots 1 and 3, NE¼NW¼, E½SW¼ and E½.
In Section 32: W½, W½NE¼ and NW¼SE¼.

In Township 32 North of Range 3, West of the Boise Meridian.

In Section 4: Lots 3 and 4, S½N½ and E½SE¼.
In Section 5: W½SW¼, E½SW¼.
In Section 6: Lots 1, 2, 4, 5, 6, and 7, SE¼NW¼, S½NE¼ and SE¼SW¼.
In Section 7: Lots 1, 2, 3, and 4, E½NW¼ and NE¼SW¼, SE¼, SE¼SW¼.
In Section 9: E½NE¼, S½NW¼, N½SW¼ and SW¼SE¼.
In Section 21: W½NE¼, SW¼ and SW¼SE¼.
In Section 28: W½NE¼.
In Section 29: W½
In Section 30: Lots 3 and 4, E½SW¼ and SE¼.
In Section 31: All of Section 31
In Section 32: W½ and SE¼.
In Section 33: S½NW¼ and N½SW¼.

In Township 33 North of Range 3, West of the Boise Meridian.

In Section 31: Lots 2, 3, and 4, S½NE¼NW¼, SE¼NW¼, E½SW¼, S½NE¼ and SE¼.
In Section 32: Lot 4, W½NW¼ and NW¼SW¼, except 26 acres heretofore conveyed to F. D. Warner by Instrument recorded in Book 84 of Deeds at Page 14 on September 14, 1905.

In Township 33 North of Range 3½, West of the Boise Meridian.

In Section 36: Lots 1, 2, 3, and 4.

In Township 29 North of Range 3, West of the Boise Meridian.

In Section 6: Lots 1, 2, 3, 4, 5, 9 and 10, SE¼NW¼, E½SW¼ and NW¼SE¼.
In Section 7: Lot 3.

In Township 29 North of Range 4, West of the Boise Meridian.

In Section 1: All of Section 1.
In Section 2: Lots 1, 2, 3, and 4, S½NE¼ and S½.
In Section 3: Lot 1 and NE¼SE¼.
In Section 11: N½NW¼, SE¼NW¼, NE¼ and N½SE¼.
In Section 12: N½NE¼ and NW¼.

In Township 30 North of Range 4, West of the Boise Meridian

In Section 1: Lots 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13 and 14, SW¼ and W½SE¼.
In Section 2: Lots 1, 2, 5, 6, 7, 8, 9, 10, 11 and 12 and S½.
In Section 3: Lots 3, 4, 5, 9 and 12, NW¼SW¼, SE¼SW¼, SW¼SE¼ and E½SE¼.
In Section 4: Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9, NE¼SW¼ and N½SE¼.
In Section 6: Lots 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 16, 17, 18 and 19 and SE¼.
In Section 7: NE¼NE¼.
In Section 9: E½NE¼, E½SW¼ and SE¼.
In Section 10: All of Section 10.
In Section 11: All of Section 11.
In Section 12: W½NE¼, NW¼, NE¼SW¼, S½SW¼ and SE¼.
In Section 13: All of Section 13.
In Section 14: S½NE¼, NW¼, N½SW¼ and SE¼.
In Section 15: NW¼, S½SW¼ and SW¼SE¼, and NW¼SW¼.
In Section 17: E½W½, W½E½ and E½SE¼.
In Section 20: Lots 1, 2 and 3, SE¼NW¼, S½NE¼ and SE¼.
In Section 21: Lots 2, 3, and 4, S½NW¼, SW¼NE¼, SW¼ and W½SE¼.
In Section 22: Lots 1 and 2, S½NE¼ and S½.
In Section 23: All of Section 23.
In Section 24: All of Section 24.
In Section 25: N½, N½SE¼ and SE¼SE¼.
In Section 26: N½NE¼, W½, W½SE¼ and SE¼SE¼.
In Section 27: N½, SW¼, W½SE¼ and SE¼SE¼.
In Section 33: NE¼
In Section 34: N½, N½S½ and SE¼SE¼.
In Section 35: NE¼, NW¼NW¼, SE¼NW¼ and S½.
In Section 28: E½W½, SE¼NE¼ and E½SE¼, and W½E½.

In Township 31 North of Range 4, West of the Boise Meridian.

In Section 1: Lots 1, 2 and 3, S½NE¼, SE¼NW¼, E½SW¼ and SE¼.
In Section 2: Lot 4, SW¼NE¼ and N½SW¼.
In Section 3: Lot 1, SE¼NE¼ and SE¼.
In Section 4: Lots 1, 2 and 4, S½NE¼, SW¼NW¼, SW¼SW¼ and E½SW¼.
In Section 5: Lots 1, 2, 3 and 4, SE¼NE¼ and E½SE¼.

In Township 31 North of Range 4, West of the Boise Meridian:

In Section 8: NE¼SE¼.
In Section 9: NW¼NW¼, W½SW¼ and SE¼SW¼.
In Section 10: N½N½, SW¼NE¼, SE¼NW¼, NE¼SW¼ and SE¼.
In Section 11: W½ and SW¼SE¼.
In Section 12: NE¼NE¼, W½NE¼ and E½NW¼
In Section 13: S½NW¼ and SW¼SW¼.
In Section 14: Lot 1, SE¼NE¼ and S½
In Section 15: E½E½, NW¼NE¼, SW¼SE¼ and W½.
In Section 21: E½NE¼.
In Section 22: All of Section 22.
In Section 23: All of Section 23.
In Section 24: All of Section 24.
In Section 25: All of Section 25.
In Section 26: All of Section 26.
In Section 27: E½
In Section 32: N½NE¼.
In Section 33: W½NW¼, SW¼ and NW¼SE¼.
In Section 34: W½NE¼ and N½SE¼.
In Section 35: E½NE¼, N½SW¼, SE¼SW¼ and SE¼.
In Section 36: N½NE¼.

In Township 32 North of Range 4, West of the Boise Meridian.

In Section 1: Lots 1, 2, 3, 4, 5, 6, and 7, SW¼NE¼, S½NW¼, N½SW¼ and W½SE¼.
In Section 2: Lots 1, 2, 3, and 4 and S½N½.
In Section 3: Lots 1 and 2, S½NE¼ and SE¼.
In Section 4: SE¼SW¼ and SW¼SE¼.
In Section 8: SE¼NE¼, SW¼SE¼ and E½SE¼.
In Section 9: NE¼NE¼, S½NE¼, W½ and SE¼.
In Section 10: All of Section 10.
In Section 11: NW¼, S½SW¼ and E½SE¼.
In Section 12: Lot 1 and SW¼.
In Section 13: SW¼.
In Section 14: W½.
In Section 15: E½NE¼, SW¼NE¼ and NW¼.
In Section 17: E½NE¼.
In Section 19: SE¼SE¼.
In Section 20: E½NW¼, SW¼ and E½.
In Section 21: N½, N½S½, SW¼SW¼ and SE¼SE¼.
In Section 22: W½.
In Section 23: All of Section 23.
In Section 24: W½
In Section 25: N½, N½SW¼, SE¼SW¼ and SE¼.
In Section 26: E½NW¼, SW¼NW¼, SW¼ and NE¼.
In Section 27: NW¼NE¼, S½N½ and SE¼
In Section 28: S½NE¼, W½, W½SE¼ and SE¼SE¼.
In Section 29: All of Section 29.
In Section 30: Lots 1, 6, 7, 8, 9, 10, 11 and 12 and E½
In Section 31: Lots 1, 2, 3, and 14, NE¼, NE¼SE¼.
In Section 32: All of Section 32.
In Section 33: Lots 2, 3, and 4, N½ and N½S½.
In Section 34: W½NW¼, NE¼SE¼ and Lot 1.
In Section 35: Lot 4 and NW¼SW¼,
In Section 36: Lots 1, 2, and 3, NW¼NE¼ and NE¼NW¼.

In Township 33 North Range 4, West of the Boise Meridian.

In Section 21: S½S½
In Section 22: SW¼SW¼
In Section 26: NW¼SW¼ and S½SW¼
In Section 27: S½NE¼, W½W½, SE¼SW¼ and SE¼
In Section 34: N½N½ and SE¼NE¼.
In Section 35: NE¼NW¼, W½W½, and SE¼SW¼ and SE¼.

In Township 31, North of Range 3, West of the Boise Meridian:

In Section 2: SW¼NE¼
In Section 3: Lot 3, SE¼NW¼, S½NE¼, E½SW¼ and NE¼SE¼.
In Section 10: W½SW¼, NE¼SW¼ and SW¼NW¼.
In Section 15: W½NW¼, NW¼SW¼ and S½SW¼.
In Section 22: All of Section 22.
In Section 23: SW¼, SE¼NW¼ and SW¼NE¼.
In Section 25: N½NW¼, and SW¼NW¼.
In Section 26: E½NE¼, NW¼NE¼ and N½NW¼.
In Section 27: Lot 1 and or NE¼NW¼, Lot 3 and N½NE¼.

In Township 32 North of Range 3, West of the Boise Meridian.

In Section 3: S½SE¼ and W½SW¼.
In Section 10: W½NW¼ and W½SE¼.
In Section 15: NW¼, SW¼, W½NE¼ and SE¼NE¼.
In Section 22: E½SW¼, SE¼ and NW¼N W¼.
In Section 26: SW¼
In Section 27: E½SE¼.
In Section 34: E½SE¼, W½NE¼ and E½NW¼.
In Section 35: SW¼

SW¼NE¼ and W½SE¼ of Section 8, Township 32 North, Range 3, W.B.M.
NE¼ of Section 30, Township 32 North, Range 3, W.B.M.
E½NE¼ and NE¼SE¼ of Section 29, Township 31 North, Range 3, W.B.M.
W½SW¼ of Section 1, S½NE¼, N½SE¼, SE¼SE¼ of Section 11, W½NW¼, SW¼, W½SE¼, SE¼SE¼ of Section 12, all in Township 31 North Range 4, W.B.M.

Government Lots 2, 3, 4, SW¼NE¼, N½SW¼, SE¼SW¼ and the NW¼SE¼ of Section 13, Township 31 North, Range 4, W.B.M.

Government Lots 4, 5, 12, 13, 14, 15, N½SW¼, SE¼SW¼ and the NW¼SE¼ of Section 4, except the Bonanza Lode, Giant Lode, Deposite No. 1 Lode and Paris Lode Mining Claims in Township 31 North Range 3, W.B.M.

Government Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and the W½SW¼ of Section 5

Government Lots 10, 18, 19 and the SE¼ of Section 6;

Government Lots 1, 2, 5, 6, 7, 8, 12, NE¼, N½SE¼ and the SE¼SE¼ of Section 7; the SE¼NW¼, S½NE¼, E½SW¼ and the SE¼ of Section 8; the NE¼NW¼, S½NW¼, and the SW¼ of Section 9; all of Section 17, Government Lot 7, SE¼NE¼, N½SE¼ and the SE¼SE¼ of Section 18, except the Evening Star Lode Mining Claim; The E½NE¼ of Section 19; the N½N½, SW¼NW¼, SE¼NE¼, and the E½SE¼ of Section 20; the N½, SW¼, and the N½SE¼ of Section 21; Government Lots 1, 2, 3, NW¼, SW¼NE¼, N½SW¼ of Section 28, all in Township 31 North, Range 3, West of the Boise Meridian.

SW¼SE¼, Section 10; SE¼SW¼, Section 10; NE¼, E½NW¼, N½SE¼, SW¼SE¼ and NE¼SW¼, Section 15, Township 31 North, Range 3, W.B.M.

Lot 2, Section 27, Township 31 North, Range 3, West of the Boise Meridian.

W½SW¼, Section 27, Township 32 North, Range 3, W.B.M.

SW¼NW¼ of Section 34, Township 32 North, Range 3, West Boise Meridian.

said Section Eleven (11); thence South on the West line of said Section Eleven (11), 2570 feet to the Northwest corner of said Section Fourteen (14) which is the place of beginning, containing 73.3 acres of land, more or less. All the above described lands are EXCEPTED from the hereinafter lands hereby conveyed.

The Southwest Quarter (SW¼) and the Southeast Quarter (SE¼) of Section Eleven (11), the North half of the Northeast Quarter (N½ of NE¼) and the North half of the Northwest Quarter (N½ of NW¼) of Section Fourteen (14), Township Thirty-five (35) North, Range Five (5) West of the Boise Meridian, EXCEPTING therefrom the following parcels of land: 16-1/10 acres deeded to Miles D. Smith by deed dated October 11, 1879, recorded in Book V of Deeds, at Page 380, records of Nez Perce County, Idaho, and 1.73 acres deeded to Frank K. Willoughby by deed dates September 29, 1917, and recorded in Book 122 of Deeds, at Page 97, records of Nez Perce County, Idaho, containing 388.87 acres of land, more or less.

Also that part of the South half of the North half (S½ of N½) of Section Fourteen, Township Thirty-five (35) North, Range Five (5), West of the Boise Meridian, in Nez Perce County, Idaho, not included in the recorded plat of Blocks 97, 98, 99 and 100 of Lewiston Orchards.

The East half of the following described tract: Commencing at the Southeast corner of Section 32, Township 36 North, Range 5, W.B.M. running from said place of beginning Northerly along the East line of said Section a distance of 1.50 chains to the Lewiston and Lapwai Road; thence Westerly along said Road a distance of 3 chains to a point; thence South and parallel with the East line of said Section a distance of 215 feet to the South line of said Section; thence East along said Section line a distance of 2½ chains to place of beginning.

Also

Commencing at the Northeast corner of Section 5, Township 35 North, Range 5, W.B.M. running thence South along Section line between Sections 4 and 5, a distance of 16.75 chains; thence West and parallel to Section line between Sections 5 and 32 a distance of 2 chains and fifty links; thence North and parallel to Section line between Sections 4 and 5 a distance of 16.75 chains to Section line between Sections 5 and 32; thence East along said Section line 2 chains and 50 links to place of beginning, containing 4.337½ acres.

Commencing at the Southeast corner of Section 32, Township 36 North Range 5, W.B.M. running from said place of beginning Northerly along the East line of said Section a distance of 1.50 chains to the Lewiston and Lapwai Road; thence Westerly along said Road a distance of 3 chains to a point; thence South and parallel with the East line of said Section a distance of 215 feet to the South line of said Section; thence East along said Section line a distance of 2½ chains to place of beginning.

Also

Commencing at the Northeast corner of Section 5, Township 35, North Range 5, W.B.M. running thence South along Section line between Sections 4 and 5, a distance of 16.75 chains; thence West and parallel to Section line between Sections 5 and 32 a

distance of 2 chains and 50 links; thence North and parallel to Section line between Sections 4 and 5 a distance of 16.75 chains to Section line between Sections 5 and 32; thence East along said Section line 2 chains and 50 links to place of beginning. Containing 4.33⅓ acres.

Beginning at a point on the West boundary line of the Northeast quarter, Section 4, Township 35 North, Range 5, West from the Boise Meridian, said point being 900 feet South from the North Quarter corner of said Section 4, Township 35 North, Range 5, W. B. M. p thence running South 0° 00' along the West boundary line of the above described quarter Section a distance of 486.8 feet to a point; thence running East a distance of 310.6 feet to a point; thence running North 17° 22' West a distance of 196.4 feet to a point; thence running North 21° 54' East a distance of 216.0 feet to a point; thence running North 57° 02' West a distance of 181.8 feet to a point; thence running West a distance of 180.0 feet to the point of beginning.

The above described parcel of land all lying in the Northeast quarter of Section 4, Township 35 North, Range 5, West from the Boise Meridian, containing three and fifteen one hundredths (3.15) acres more or less.

EXCEPTING from the above described real property a strip of land 4 feet on each side of the center line of the present water ditch as it is now located on, over and across said land, with the right in the grantors to go in and upon said lands for the purpose of maintaining and repairing said ditch at any and all times and to do anything and everything necessary to repair and maintain said ditch so that the same will carry the water over and across said lands as the same has existed in the past, and the grantees shall have the right to install a two-inch pipe to take water from said ditch by gravity, said pipe to be installed near the center of said tract above described; the said pipe to be so installed and maintained by the grantees shall not be over 5 feet in length and installed to take the water from the kitch with not more than one inch drop from the intake to the outlet. This right to use water taken by said pipe from said ditch by the grantees shall exist only for irrigation purposes between May 1 and September 15 of each year, and said right shall run with and be appurtenant to the land.

That portion of the Southwest quarter of the Northeast quarter of Section 4, Township 35 North, Range 5, W.B.M. described as follows, to-wit:

From the point on the West boundary line of the Northeast quarter of the said Section 4, said point being 1452.8 feet South from the Northwest quarter corner of said Section 4; thence East at right angles to said boundary line a distance of 12.75 feet to the true place of beginning; thence continue on the last mentioned course a distance of 1316 feet; thence South a distance of 204 feet; thence South 4° 31' East a distance

of 489 feet; thence North 66° 01' West a distance of 1110 feet; thence South 76° 16' West a distance of 302 feet to the Easterly line of the County Road; thence Northerly along said Easterly line of the County Road a distance of 316 feet to the place of beginning, EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PROPERTY:

From a point on the West boundary line of the Northeast quarter of Section 4, Township 35 North, Range 5, W.B.M., said point being 1552.8 feet South from the North quarter corner of said Section 4; thence East at right angles to said boundary line a distance of 28.0 feet to the true place of beginning; thence continue on the last above mentioned course a distance of 100.0 feet; thence South 11° 19' East a distance of 50.0 feet; thence South 83° 03' West a distance of 105.0 feet to a point on the Easterly boundary line of said County Road; thence North 5° 10' West a distance of 62.0 feet along said County Road to the true place of beginning, the above described tract being a part of the Southwest quarter of the Northeast quarter of Section 4, Township 35, North Range 5, W.B.M.

Together with all water and water rights appurtenant to said lands and subject to the burden of maintaining the water ditch as contained in the conveyance of said lands to first parties.

Also.

A tract of land starting at a point South 76° East, 22 feet distant from the center of the Northwest quarter of Section 10, Township Thirty-five North, Range 5, W.B.M., the place of beginning; thence South 63° East 410 feet; thence South 9° 80' East 800 feet; thence North 61° West 1090 feet; thence North 45° 660 feet to the place of beginning, containing 10.66 acres, all in the South half of the Northwest quarter of said Section 10.

The Northwest quarter of Section 12, Township 35, North Range 5, W.B.M.

Lots 3 and 4; and the South half of the Northwest Quarter; the North half of the Southwest Quarter and the West half of the Southeast Quarter, all in Section 4, Township 35, North of Range 5, W.B.M. EXCEPTING THEREFROM the following:

The land heretofore conveyed in exceptions in deed bearing date of January 2nd, 1907, executed by Guss A. Swanson and Rose M. Swanson, his wife, to Charles C. Phillips, John E. Chapman and John T. Ray, recorded in Book 87 of Deeds at Page 400, records of Nez Perce County, State of Idaho, and also excepting therefrom that certain tract or parcel of land deeded to Steve Hepton, by deed recorded in Book 138 of Deeds at Page 196, records of Nez Perce County, State of Idaho.

The Northwest quarter of Section 11; the North half of the Northeast quarter and the Northeast quarter of the Northwest quarter of Section 10; all in Township 35 North Range 5, W.B.M. containing 280 acres more or less; also all those certain water rights, privileges and easements commencing at a certain gulch or ravine at or near where a ledge of rocks crosses said ravine or gulch, the same being on the Northwest quarter of the Northwest quarter of Section 11, Township 35 North, Range 5, W.B.M.; thence running in a Northwesterly direction along the same route and line where W. A. Dent (John N. Lindsay) now has his water pipe laid across the Northeast quarter of the Northeast quarter of the Northwest quarter and the Northwest quarter of the Northwest quarter of Section 11 in said Township, a distance of 1250 feet more or less to a point 642 feet East of the Northeast corner of said Section 11, being the same right and property granted by Wm. Sigler to W. A. Dent by deed

executed February 25, 1889 and recorded in Book 55 at Page 65 of Nez Perce County Records, in said State of Idaho, also as appears in deed from Ellen Dent executed to J. M. Lindsay and Thomas Lunn, dated April 12, 1890 in Book 56 of Deeds at Page 7, as shown in and by the records of said Nez Perce County, State of Idaho.

Commencing at the Northwest corner of the Southwest quarter of Section 11, Township 35, North Range 5, W.B.M.; thence North 89° 43' E. on the centerline through said Section 11, 984.2 feet to a point marked by a stone, thence South 51° 56' West 131.5 feet to the intersection with the fence standing on the day of the date of this instrument; thence westerly along the line of said fence 905 feet to a point on the West line of said Section 11; thence North on the said West line of said Section 11, 86 feet to the place of beginning containing 1.73 acres, more or less.

The Northeast quarter of Section 11, in Township 35 North of Range 5, W.B.M. containing 160 acres and also: Commencing at a stone monument on the South side of the Gulch, known as "Swallows Nest Hollow" 56 rods South from the Government Mound at the Northeast corner of premption claim of William Sigler, the same being recorded in U. S. Land Office at Lewiston, Idaho, as SE¼ of Sec. 11, Twp. 35, N. R. 5, W.B.M.; thence West down said Gulch to point of rock 46 rods from starting point; thence North at right angles 56 rods; thence East at right angles a distance of 46 rods to the Government mount; being the Northeast corner of the SE¼ of Section 11, Twp. 35, N. R. 5, W.B.M. thence South a distance of 56 rods to the place of beginning, containing an area of sixteen and one-tenth acres more or less, with the privilege only to one-half of the water from and pertaining to said Gulch described.

The Southeast quarter of the Southeast quarter of Section 9; the Southwest quarter of the Southwest quarter; Southeast quarter of the Southwest quarter; and Southwest quarter of the Southeast quarter of Section 10, Township 35 North, Range 5, West of the Boise Meridian, containing 160 acres, more or less.

The West half of the Northwest Quarter (W½NW¼) of Section Nine (9) and the South half of the Southwest quarter (S½SW¼) of Section Four (4) in Township Thirty-five (35) North of Range Five (5) West of the Boise Meridian, less a tract of about twelve (12) acres, more or less, deeded to the Lewiston Club, as recorded in Book 144 of Deeds at Page 511, in the office of the County Recorder of said County, and also subject to an easement given to the Inland Power & Light Co. a corporation, recorded in Book 145 of Deeds, at Page 217, in the office of said recorder.

The Northwest quarter of the Northwest quarter; the South half of the Northwest quarter, and the North half of the Southwest quarter, Section 10, Township 35 North, Range 5, West Boise Meridian, save and except therefrom: Beginning at the Northwest corner of Section 10, Township 35 North, Range 5, W.B.M; thence 570 feet South on the Section line between Sections 9 and 10, said Township and Range; thence South 58° 57' East 150 feet; thence North 50° 13' East 385 feet; thence North 43° 08' West 550 feet; thence West 48.3 feet on the North boundary line of said Section 10 to the point of beginning, containing 3.50 acres, more or less.

Also excepting that part of the Southeast Quarter of the Northwest quarter of Section 10, said Township and Range, lying North of the County Road extending through said Southeast Quarter of the Northwest quarter of said Section 10, containing 1½ acres more or less, also excepting 2 acres for county road purposes.

East half of the Northeast quarter, and the Northeast quarter of the Southeast quarter of Section 9 in Township 35, North of Range 5, West of the Boise Meridian.

Beginning at the Northwest corner of Section 10, Township 35 North, Range 5, West of the Boise Meridian; thence 570 feet South on Section line between Sections 9 and 10 said Township and Range; thence South 58° 57' East 150 feet; thence North 50° 13' East 385 feet; thence North 43° 08' West 550 feet; thence West 48.3 feet on North boundary line of Section 10, said Township and Range to point of beginning, containing 3.51 acres, more or less.

Commence at a fence corner of the Southerly boundary line of the Lapwai road, said fence corner being approximately 565.3 feet South and 622.4 feet East from the North quarter corner of Section 4, Township 35 North, Range 5, West of the Boise Meridian; thence North 53° 47' East along said Southerly road line a distance of 175 feet; thence South 27° 44' East a distance of 248 feet; thence North 77° 20' East a distance of 443 feet to the East line of W½NE¼ of said Section 4; thence South along said East line a distance of 878.8 feet; thence West parallel to the North line of said Northeast Quarter a distance of 1009 feet; thence North 17° 22' West a distance of 196.4 feet; thence North 21° 54' East a distance of 216 feet; thence North 57° 02' West a distance of 181.6 feet; thence North 45° 00' East a distance of 39.6 feet; thence North 80° 31' East a distance of 200 feet to a point; thence North 61° 50' East a distance of 360 feet; thence North 30° West a distance of 200 feet to the point of beginning.

Beginning at a point where the West boundary line of the Northeast Quarter of Section Four, Township 35 North, Range 5, West of the Boise Meridian intersects the Southerly boundary line of Lapwai Road, said point being approximately 765 feet South of the North Quarter corner of said Section 4, Township 35 North, Range 5, West of the Boise Meridian, the TRUE POINT OF BEGINNING: Thence running South along the West boundary line of the Northeast Quarter of Section 4, Township 35 North, Range 5, West of the Boise Meridian a distance of 201 feet to a point; thence running Easterly and parallel to the South boundary line of the Northeast Quarter, Section 4, Township 35 North Range 5, West of the Boise Meridian, a distance of 180 feet to a point; thence North 45° 0' East a distance of 39.6 feet; thence North 80° 31' East a distance of 200 feet; thence North 61° 50' East a distance of 360 feet to a point; thence North 30° 15' West a distance of 200 feet to a point, which point is a fence corner on the Southerly boundary line of the Lapwai Road; said fence corner being approximately 563.3 feet South and 622.4 feet East from the North Quarter corner of Section 4, Township 35 North, Range 5, West; thence South 69° 39' West along the South boundary line of the Lapwai Road a distance of 442 feet to a point; thence South 77° 30' West a distance of 213 feet to the True Point of Beginning, containing 2.4888 acres, more or less.

Tax #2403 of the Northeast Quarter of the Southeast quarter
Tax #2402 of the Northwest quarter of the Southeast quarter
of Section 14, Township 35 North, Range 5, West Boise Meridian,
particularly described as follows:

Tax #2403 - All that portion of the Northeast quarter of the Southeast quarter of Section 14, Township 35 North, Range 5, West Boise Meridian not platted by the Lewiston Land and Water Company and known as Block 101.

Tax #2402 - All that portion of the Northwest quarter of the Southeast quarter of Section 14, Township 35, North Range 5, West Boise Meridian not included in Block 92 platted by the Lewiston Land and Water Company.

It is my intention to include in TRUST A all of my agricultural land and residential properties located in Nez Perce County, State of Idaho which are not located within the boundaries of the Lewiston Orchards Irrigation District or the City of Lewiston, Idaho and if any such property is omitted herefrom it shall be included in said TRUST A the same as specifically described herein, PROVIDED, HOWEVER, no portion of the property described in Paragraph Eighth shall be included in TRUST A.

to my sister MADELINE WALTER, IN TRUST NEVETHELESS for the following uses and purposes; and this trust shall be designated as TRUST A:

1. To take possession and control of all of said trust property, to hold and mange said property and to collect the income therefrom.

2. To pay to my sister MADELINE WALTER, my son NELSON HOWARD and my grandson DALLAS HOWARD, share and share alike in periodi installments not less often than annually for th remainder of the life of the said MADELINE WALTER all of the net income from this trust. The portion of the income to which the said DALLAS HOWARD shall be entitled shall be retained by my said trustee in trust for the said DALLAS HOWARD and such income shall become a part of the trust hereinafter designated as TRUST C.

3. Trust A shall cease and terminate upon the death of my sister MADELINE WALTER.

4. Upon termination of this trust, my son NELSON HOWARD, shall succeed to the powers of Trustee for the purpose of terminating the trust and to transfer, convey, pay over and distribute the corpus of the trust property in accordance herewith. Upon the termination of this trust all of the corpus of the trust property shall be divided into two parts; one-half thereof shall be transferred, conveyed, paid over and distributed to my son NELSON HOWARD absolutely and in fee simple, and the other one-half shall be transferred,

conveyed, paid over and distributed to the Trustee of the Trust hereinafter designated as TRUST C for the benefit of my grandson DALLAS HOWARD and such property shall become a part of TRUST C. In the event the said Nelson Howard shall die prior to the termination of this trust, then the portion to which the said Nelson Howard would have been entitled if living shall be transferred, conveyed, paid over and distributed to the Trustee under TRUST C to become a part of that trust for the benefit of my grandson DALLAS HOWARD. In the event that my grandson DALLAS HOWARD shall die prior to the termination of the trust leaving legitimate issue, then the portion to which the said DALLAS HOWARD would be entitled if living shall be paid over, transferred, conveyed and distributed to the living legitimate issue of the said DALLAS HOWARD at the time of his death. If the said DALLAS HOWARD shall die prior to the termination of this trust and shall leave no legitimate living issue, then the portion of the trust property to which he would be entitled if living shall be paid over, transferred, conveyed and distributed to my son NELSON HOWARD absolutely and in fee simple.

5. To carry out the purposes of this trust, my trustee is vested with the following powers in addition to any now or hereafter conferred by law affecting the trust and the trust estate:

A. To manage, control, improve, repair and lease for terms within or extending beyond the duration of this trust for any purpose any property in the trust estate.

B. To hold, manage, invest and re-invest any funds which become a part of the trust estate, exercising therein the judgment and care under the circumstances then prevailing which meh of prudence, discretion and intelligence exercise in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income as well as probable safety of their capital.

C. To institute, compromise and defend any court actions and proceedings.

D. To determine what is principal or income of the trust estate and apportion and allocate in her discretion receipts and expenses between these accounts. My trustee shall pay out of principal or income, as he may elect, or partially out of each, in such shares as she may determine, property taxes, assessments, charges, fees and other expenses incurred in the administration and protection of this trust. The discretion of the trustee to pay these items from income and principal or partially from each may be exercised not only in the interest of the trust estate but for the benefit of any beneficiary. The income remaining after such expenditures as the trustee shall elect to pay therefrom shall constitute net income.

E.. My said trustee shall have the right to the possession of the home and other buildings in which we have been living for the remainder of her natural life without the payment of any rent.

F. In the administration of this trust, my said trustee shall not have the power to sell or mortgage any of the trust property, it being my will that the corpus of the trust property shall be retained during the life of this trust.

TENTH: I do hereby will, devise and bequeath the following described real property located in Nez Perce County, State of Idaho, to-wit:

All of the following particularly described lots and blocks of Lewiston Orchards Tracts according to the recorded plat thereof on file with the County Recorder of Nez Perce County, Idaho, viz:

In Block 94: All, except the East 2.59 acres of Lot 7.

In Block 95: Lots 1, 2 and 3, Excepting therefrom a strip 30 feet wife along the East side of Lot 1, being the Westerly half of 18th Street.

In Block 97: Lot 1; the East 2 acres of Lot 2, and all of Lots 3 and 4, excepting therefrom 30 feet off the West side of Lot 4 (being the East one-half of 18th Street).

In Block 98: All, except a strip 25 feet wide along the west side of Lot 2, and a strip 30 feet wide along the South side of Lots 3 and 2.

In Block 99: All, except a strip of land 30 feet wide along the South side of said Block.

In Block 100: All of Lots 1, 2, 3, and 4, eccept 30 feet off the South side of Lot 1.

In Block 101: All of Lots 2 and 3, and that part of Lots 4 and 5 lying West and North of a line described as follows: Beginning at a point in the North line of Grelle Avenue in Lot 4, 710 feet West of its intersection with the center line of 22nd Street; thence North 264.3 feet; thence East 297.6 feet parallel to North line of Grelle Avenue; thence north to center line of alley between said Lots 2 and 5; thence East on said center line to SE corner of Lot 2, except a strip of land 30 feet wide along the South side of Lot 4, West of the point of beginning above described, and except E½ of Lindsay Creek Road.

In Block 109: All of Lots 1, 2 and Lots 5 to 8 inclusive, except a strip 25 feet wide along the West side of Lot 5.

In Block 110; All, except a strip 50 feet wide along the south side of Lots 5, 6, 7, and 8, and a strip 25 feet wide along the West side of Lots 4 and 5.

In Block 111: All, except a strip 50 feet wide along the South side of Lots 5, 6, 7, and 8.

In Block 112: All

In Block 114: All, except a strip 50 feet wide along the South side of Lots 5 to 8 inclusive.

In Block 115: All, excepting a strip 50 feet wide along the South side of Lots 5 to 8 inclusive, and a strip 25 feet wide along the East side of Lots 1 and 8.

In Block 118: Lots 1 to 7 inclusive, and the North half of Lot 8 except a strip 50 feet wide along the South side of Lots 5 to 7 inclusive, and a strip 25 feet wide along the West side of Lots 4 and 5.

In Block 119: All, excepting a strip 30 feet wide along the South side of said Block.

In Block 120: All, except a strip 30 feet wide along the South side of said Block.

In Block 121: All

In Block 122: All

In Block 123: All

In Block 124: All.

In Block 125: All.

In Block 126: All.

In Block 127: All.

Lot 1, Block 101, Lewiston Orchards Tract No. 12, according to the recorded plat thereof.

Lot 4, Block 109, Lewiston Orchards Tracts, according to the recorded plat thereof.

East half (E½) of Lot 7, Block 94, Lewiston Orchards Tract No. 12, according to the recorded plat thereof.

The South 338 feet of Lot 8, Block 103, Lewiston Orchards Tract No. 15, according to the recorded plat thereof, measurements being from the center lines of adjacent streets and alleys.

Lot 1 of Block 67 Lewiston Orchards Tract No. 4, according to the official plat thereof on file with the Auditor of Nez Perce County, Idaho, EXCEPT that part of Lot 1, Block 67, Lewiston Orchards Tract No. 4, according to the recorded plat thereof, described as: Commence at the monument of the intersection of the center lines of 18th Street and Rippon Avenue; thence South 89° 08' West along the center line of Rippon Avenue for 264 feet to a point which is the TRUE POINT OF BEGINNING: Thence South 0° 09' East for 330 feet; thence Southeasterly to the point of intersection of the center line of Barr Street with the centerline of the East-West alley through Block 67; thence North 37° 11' West along the center line of Barr Street to an intersection with the East line of Lot 3, Block 67 extended North; thence North 0° 09' West along said East line for 16 feet to an intersection with the center line of Rippon Avenue; thence North 89° 08' East along the center line of Rippon Avenue to the true point of beginning.

Beginning at a point in the Northwest corner of the Southwest quarter of the Northwest quarter of Section 23 in Township 35 North of Range 5, B.M. thence south on the section line to the County Road; thence westerly on the north line of said County Road 25 feet distant therefrom to a point directly west of the point of beginning, thence East 25 feet to the point of beginning, excepting therefrom a rock quarry situated on the end of the land hereby conveyed.

Lot 3, Block 68, Lewiston Orchards Tract Number 4, according to the recorded plat thereof.

Lots 1, 2, and 3 of Block 57, Lewiston Orchards, according to the recorded plat thereof.

Beginning at a monument at the intersection of the center line of Third Avenue North, in Indian Cache Ranch Second Addition to the City of Lewiston, Idaho, with the center line of Twenty-fourth Street in said Addition, and running thence North 89° 10' West along the center line of said Third Avenue North a distance of 560 feet to a monument, which monument is the true point of beginning; from said true point of beginning running thence North 0° 20' East a distance of 180 feet; thence South 89° 10' East a distance of 100 feet to a point; thence South 0° 20' West a distance of 180 feet to a point on the center line of said Third Avenue North; thence North 89° 10' West along the center line of said Third Avenue North a distance of 100 feet to the monument at the true point of beginning.

The South 10 feet of Lot 7, and Lots 8 and 9, Block 1, Campbell's Addition to the City of Lewiston, according to the recorded plat thereof.

Lot 5 and the North 11½ feet of Lot 6, Block 1, Campbell's Addition to Lewiston, according to the recorded plat thereof.

Lot 15, Block 2, Porter and McCloud Addition to the City of Lewiston, as per plat on file in the records of Nez Perce County, Idaho.

Lots 1, 2, 3, and E. 15 feet of the North 80 feet of Lot 4, Block 9, Blanchard Heights Addition to the City of Lewiston, Idaho, according to the recorded plat thereof.

Lots 1, 2, 3, Block 5, Porter & McCloud Addition to the City of Lewiston, Idaho, according to the recorded plat thereof.

That part of Lot 4, Block 5, Porter & McCloud Addition to the City of Lewiston, according to the recorded plat thereof, described as follows: Beginning at the Southwest corner of said Lot 4, thence in a Northerly direction along the West line of said Lot 4 to the Northwest corner thereof; thence Easterly 22 feet to a point on the North line of said Lot 4; thence in a Southerly direction to a point on the South line of said Lot 4; which point is 37.5 feet Easterly from the Southwest corner of said Lot 4; thence Westerly along the South line of said Lot 4 a distance of 37.5 feet to the point of beginning.

Lot 5, Block 5, Porter & McCloud Addition to the City of Lewiston, according to the recorded plat thereof; and that part of Lot 6 of said Block 5, more particularly described as follows: Commencing at the Southwest corner of said Lot 6; thence Easterly along the South line of said Lot 6 a distance of 35 feet; thence Northerly to a point on the North line of

said Lot 6, 15 feet East of the Northwest corner of said Lot; thence Westerly along the North line of said Lot a distance of 15 feet to the Northwest corner of said Lot ; thence Southerly along the West line of said Lot 6 to the Southwest corner thereof, to the place of beginning.

Also

Lot 4, Block 5 of the said Porter & McCloud Addition EXCEPT the West part of said Lot 4 described as follows: Beginning at the Southwest corner of said Lot 4; thence in a Northerly direction along the West line of said Lot 4 to the Northwest corner thereof; thence Easterly 22 feet to a point on the North line of said Lot 4; thence in a Southerly direction to a point on the South line of said Lot 4, which point is 37.5 feet Easterly from the Southwest corner of said Lot 4; thence Westerly along the South line of said Lot 4 a distance of 37.5 feet to the point of beginning.

Lots 1,2, 3 and 4 in Block 15 of Lewiston Heights Addition to the City of Lewiston, Nez Perce County, Idaho.

Lots 3, 4, and 5, Block 2, Porter and McCloud Addition to the City of Lewiston, County of Nez Perce, State of Idaho.

All that portion of the Northwest quarter of the Southwest quarter of Section 5, Township 35 North, Range 5, W.B.M. lying North of the North line of Rand Addition to the City of Lewiston, Nez Perce County, Idaho, and lying between the West line of 23rd Street and the East line of 21st Street in said City of Lewiston, according to the recorded plat thereof.

Lot Fourteen (14) of Block Five (6) Clearwater Addition to the City of Lewiston, Idaho, according to the recorded plat thereof.

It is the intention hereby to include in TRUST B all real property located within the boundaries of the Lewiston Orchards Irrigation District and all property within the city limits of the City of Lewiston, Idaho, and if any such property has been omitted herefrom the same is to be included herein the same as if specifically described.

unto my sister MADELINE WALTER, IN TRUST NEVETHELESS FOR THE FOLLOWING USES AND PURPOSES AND THIS TRUST SHALL BE DESIGNATED AS TRUST B.

1. To take possession and control of all of said trust property, to hold and manage said property and to collect the income therefrom.

2. To pay to my son NELSON HOWARD and my grandson DALLAS HOWARD share and share alike in periodic installments not less often than annually for the remainder of the life of the trust all of the net income from this trust. The share of the income to which the said DALLAS HOWARD shall be entitled shall be retained by my trustee and the same shall become a part of the trust for the said DALLAS HOWARD hereinafter designated as TRUST C.

3. The trust created hereby shall cease and terminate on the death of my said sister MADELINE WALTER.

4. Upon the termination of this trust my son NELSON HOWARD shall succeed to the powers of trustee for the purpose of terminating the trust. Upon termination of this trust, the said NELSON HOWARD shall divide the trust property into two funds, one-half thereof shall be transferred, conveyed, paid over and distributed to the said NELSON HOWARD, absolutely and in fee simple, and the remaining one-half shall be transferred, conveyed, paid over and distributed to the trustee under TRUST C for the benefit of my grandson DALLAS HOWARD and his portion of said property shall become a part of the corpus of TRUST C. In the event that my son NELSON HOWARD shall die prior to termination of this trust, then the portion of the trust property to which the said NELSON HOWARD would be entitled if living shall be transferred, conveyed, paid over and distributed to the trustee under TRUST C for the benefit of my grandson DALLAS HOWARD and the same shall become a part of the corpus of said TRUST C. If My grandson DALLAS HOWARD shall die prior to the termination of this trust leaving legitimate issue, then the portion to which the said DALLAS HOWARD would be entitled if living shall be paid over, transferred, conveydd and distributed to the living legitimate issue of the said DALLAS HOWARD at the time of his death. If the said DALLAS HOWARD shall die prior to the termination of this trust and shall leave no legitimate living issue, then the portion of the trust property to which he would be entitled if living shall be paid over, transferred, conveyed and distributed to my son NELSON HOWARD absolutely and in fee simple.

5. To carry out the purposes of this trust, the trustee is vested with the powers hereinbefore vested to my trustee for the trust designated as Trust A and in addition thereto shall have the following powers and those which now or hereafter may be conferred by law:

(1) To sell, convey, mortgage, exchange, partition, divide, subdivide, to grant options and to sell upon deferred payments any of the trust property.

(2) To place, replace, to renew or extend any encumbrance upon any real property.

(3) To borrow money for any purpose connected with the protection, preservation or improvement of my trust estate whenever in her judgment advisable and to give as security therefor mortgages upon any of the real or personal property of my trust estate.

ELEVENTH: I will and bequeath unto MADELINE WALTER for the remainder of her natural life all farm machinery, equipment and implements used in our farm operations with the remainder of any such farm machinery, equipment and implements on hand at the time of her death to my son NELSON HOWARD, absolutely and forever. During her lifetime my said sister shall have full power and authority to sell, exchange and in every manner dispose of any of such farm machinery, equipment and implements without being required to account to the said NELSON HOWARD and the said NELSON HOWARD shall be entitled only to so much thereof as remains at the time of her death.

TWELFTH: All of the rest, residue and remainder of my property both real, personal and mixed, wheresoever situate, of which I may die seized or possessed or over which I may have the power of disposal at the time of my death, I will, devise and bequeath as follows: One-half thereof to my son NELSON HOWARD, and one-half thereof to my sister MADELINE WALTER IN TRUST NEVERTHELESS FOR THE FOLLOWING USES AND PURPOSES AND THIS TRUST SHALL BE DESIGNATED AS TRUST C.

1. To take possession and control of all of such property, to hold and manage said property and to collect the income therefrom.

2. The income from said trust property shall be used by my trustee for the care, support, maintenance and education of my grandson DALLAS HOWARD until such time as the said DALLAS HOWARD reaches the age of twenty-one years. At the time that my said grandson DALLAS HOWARD reaches the age of twenty-one years all of the net income from the trust property shall be paid over by my said Trustee in periodic installments not less often than annually to my said grandson DALLAS HOWARD. The trust created hereby shall cease and terminate upon my said grandson reaching the age of 35 years or upon his death, whichever sooner occurs. Upon my said grandson reaching the age of thirty (30) years my trustee shall transfer, convey, pay over and distribute to my said grandson one-fourth of the corpus of the trust estate absolutely and in fee simple. Upon my said grandson reaching the age of forty (40) years my said trustee shall transfer, convey, pay over and distribute to my said grandson one-third of the remainder of the corpus of the trust estate absolutely

and in fee simple. Upon my said grandson reaching the age of forty-five (45) years, my trustee shall transfer, convey, pay over and distribute to my said grandson one-half of the remainder of the corpus of the trust estate absolutely and in fee simple. Upon my said grandson reaching the age of fifty-five (55) years this trust shall cease and terminate and my trustee shall transfer, convey, pay over and distribute to my said grandson all of the remainder of the corpus of the trust estate. In the event that my said grandson shall die prior to the termination of this trust leaving legitimate issue, then all of the remainder of the corpus of the trust property at the time of his death shall be paid over, distributed, transferred and conveyed unto the legitimate issue of my said grandson, absolutely and in fee simple, share and share alike. If my said grandson shall die prior to the termination of this trust without legitimate issue, then my trustee herein named shall transfer, convey, pay over and distribute unto my son NELSON HOWARD all of the corpus of the trust estate absolutely and in fee simple.

I. To carry out the purposes of this trust, my trustee is vested with all of the powers herein granted unto the trustee under TRUSTS A and B.

THIRTEENTH: No disposition, charge or encumbrance of the income or principal of the trust property or any part thereof in any of the trusts created in this my last will and testament by my said beneficiaries by way of anticipation shall be of any effect or be in anywise regarded by my said trustee and no such income or any part thereof shall in any wise be liable for any claim of any creditors of any of my said beneficiaries.

FOURTEENTH: Upon the death, resignation, removal or inability to act by my said trustee MADELINE WALTER in any of the trusts created hereunder, then I do hereby nominate and appoint my son NELSON HOWARD as successor trustee with all of the powers herein granted to my trustee MADELINE WALTER. In the event that the said MADELINE WALTER and NELSON HOWARD are both unable for any reason to act as trustee under any of the trusts created hereby, then I do hereby nominate and appoint HARRY M. EMERSON, JR of Lewiston, Idaho and FRANK AMERATA of Portland, Oregon the joint trustees under the trusts created hereunder with the same powers as herein granted to my original trustee MADELINE WALTER.

FIFTEENTH: In the administration of any of the trusts created hereunder, it is my will that neither my sister MADELINE WALTER nor my son NELSON HOWARD while acting as trustee shall be required to give bond for the faithful performance of his or her duties. If, however, my alternate trustees H. M. EMERSON, JR. and FRANK AMERATA are acting as trustees, it is my will that they shall be required to give bond for the faithful performance of their duties in such amount as shall adequately protect the beneficiaries of the trusts hereunder.

SIXTEENTH: I hereby nominate and appoint MADELINE WALTER the Executrix of this my last will and testament and direct she shall not be required to give bond for the faithful performance of her duties and in the event she is for any reason unable or unwilling to so act, then I do hereby nominate and appoint my son NELSON HOWARD as Executor of this my last will and testament and direct that he shall not be required to give bond for the faithful performance of his duties. In the event that both MADELINE WALTER and NELSON HOWARD are unable or unwilling to act as Executor of this my last will and testament, then I do hereby nominate and appoint H. M. EMERSON, JR. of Lewiston, Idaho, and FRANK AMERATA of Portland, Oregon, the joint Executors of this my last will and testament.

SEVENTEENTH: In the probate of this my last will and testament and the administration of the trusts created hereunder, it is my will and I hereby direct my Executrix or Executor and trustee to employ RUSSELL S. RANDALL of Lewiston, Idaho, as attorney for the administration of my estate.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 15th day of April, 1960.

Marie Howard (SEAL)

The foregoing instrument consisting of twenty-two (22) pages of which this is the twenty-second was at the date hereof by the said MARIE HOWARD signed, sealed and published as and declared by her to be her Last Will and Testament in the presence of us, who at her request and in her presence and in the presence of each other have subscribed as witnesses thereto.

Residing at: Lewiston, Idaho

Residing at: [illegible]

Last Will and Testament

I, MADELINE WALTER, of Nez Perce County, State of Idaho, being of sound and disposing mind and memory, and not acting under the fraud, duress, coercion or undue influence of any person or persons whomsoever, but realizing the uncertainties of life, do hereby make, publish and declare this to be my LAST WILL AND TESTAMENT, hereby expressly revoking any other wills, testaments or codicils thereto heretofore by me made.

FIRST: I declare that I am a single woman and that I have never married and that I have no children born as my issue and that I have not adopted any children. I further declare that I have three sisters, namely, MARIE HOWARD, EMILY ZINN and LOUISE LITCHFIELD, all of whom have predeceased me. I hereby acknowledge and declare that each of my said sisters has left surviving issue of whom I am conscious in making this, my Last Will and Testament, and unless named herein, I intentionally make no provision for them.

SECOND: I give, devise and bequeath the sum of $50,000.00 unto my cousin, EUGENIA AMERATA, and her husband, FRANK AMERATA, or to the survivor of them. In the event both my said cousin, EUGENIA AMERATA, and her husband, FRANK AMERATA, shall predecease me, then I give, devise and bequeath said sum of $50,000.00 to their two children, MARY MARGARET AMERATA and JEANNE FRANCES PASHLEY, in equal shares, share and share alike.

THIRD: I give, devise and bequeath the sum of $50,000.00 to MARY MARGARET AMERATA, the daughter of my cousin, EUGENIA AMERATA. In the event the said MARY MARGARET AMERATA shall predecease me, then I give, devise and bequeath said sum of $50,000.00 to JEANNE FRANCES PASHLEY.

FOURTH: I give, devise and bequeath the sum of $50,000.00 to JEANNE FRANCES PASHLEY, and her husband, RICHARD

EXHIBIT 2

PASHLEY, or to the survivor of them. In the event both JEANNE FRANCES PASHLEY and her husband, RICHARD PASHLEY, shall predecease me, then I give, devise and bequeath said sum of $50,000.00, in equal shares, share and share alike, to their three children, namely, JEFFREY PASHLEY, GREGORY PASHLEY and BRYAN PASHLEY.

FIFTH: I give, devise and bequeath the sum of $50,000.00 to JEFFREY PASHLEY. Provided, however, in the event the said JEFFREY PASHLEY shall predecease me, then I give, devise and bequeath said sum of $50,000.00, in equal shares, share and share alike, unto GREGORY PASHLEY and BRYAN PASHLEY.

SIXTH: I give, devise and bequeath the sum of $50,000.00 to GREGORY PASHLEY. Provided, however, in the event the said GREGORY PASHLEY shall predecease me, I give, devise and bequeath said sum of $50,000.00, in equal shares, share and share alike, to JEFFREY PASHLEY and BRYAN PASHLEY.

SEVENTH: I give, devise and bequeath the sum of $50,000.00 to BRYAN PASHLEY. Provided, however, in the event the said BRYAN PASHLEY shall predecease me, I give, devise and bequeath said sum of $50,000.00, in equal shares, share and share alike, unto JEFFREY PASHLEY and GREGORY PASHLEY.

EIGHTH: I give, devise and bequeath the sum of $100,000.00 unto MADELINE HOWARD, the daughter of my deceased nephew, NELSON HOWARD, provided she shall survive me.

NINTH: I give, devise and bequeath unto MARIE LITCHFIELD, the daughter of my sister, Louise Litchfield, all of my right, title and interest in and to that certain real property situate in Nez Perce County, State of Idaho, more particularly described as follow, to-wit:

SITUATE IN THE COUNTY OF NEZ PERCE, STATE OF IDAHO, to-wit:

The Southwest quarter of the Northeast Quarter of Section 10, Township 35 North, Range 5 West of the Boise Meridian, EXCEPT public roads (Lindsey Creek Road).

TENTH: I give, devise and bequeath the sum of $25,000.00 to my cousin JOANNE ELEY.

ELEVENTH: I give, devise and bequeath the sum of $25,000.00 unto MOLLIE PASHLEY, the daughter of my cousin Joanne Eley. In the event the said MOLLIE PASHLEY shall predecease me, I give, devise and bequeath the said sum of $25,000.00 unto her surviving issue, in equal shares, share and share alike, and if she shall not have any surviving issue, then I give, devise and bequeath the said sum of $25,000.00 unto her two sisters, MICHELLE ELEY and ANN THOMPSON, in equal shares, share and share alike.

TWELFTH: I give, devise and bequeath the sum of $25,000.00 unto MICHELLE ELEY, the daughter of my cousin Joanne Eley. In the event the said MICHELLE ELEY shall predecease me, I give, devise and bequeath the said sum of $25,000.00 unto her surviving issue, in equal shares, share and share alike, and if she shall not have any issue surviving, then I give, devise and bequeath the said sum of $25,000.00 unto her two sisters, MOLLIE PASHLEY and ANN THOMPSON, in equal shares, share and share alike.

THIRTEENTH: I give, devise and bequeath the sum of $25,000.00 unto ANN THOMPSON, the daughter of my cousin Joanne Eley. In the event the said ANN THOMPSON shall predecease me, I give, devise and bequeath the said sum of $25,000.00 unto her surviving issue, in equal shares, share and share alike, and if she shall not have any issue surviving, then I give, devise and bequeath the said sum of $25,000.00 unto her two sisters, MOLLIE PASHLEY and MICHELLE ELEY, in equal shares, share and share alike.

FOURTEENTH: I give, devise and bequeath unto my nephew, DALLAS HOWARD, for the remainder of his natural life, and upon his death, I give, devise and bequeath the remainder

interest unto ROSS HOWARD, the son of Dallas Howard, all my right, title and interest in and to that certain property situate in Nez Perce County, State of Idaho, more particularly described as follows, to-wit:

SITUATE IN THE COUNTY OF NEZ PERCE, STATE OF IDAHO, to-wit:
Township 35 North, Range 5 West of the Boise Meridian

All of the Southeast Quarter of Section 11, EXCEPT the North 924 feet of the East 759 feet thereof.

The Southwest Quarter of Section 11, the North Half of the Northeast Quarter, and the North Half of the Northwest Quarter of Section 14, EXCEPT commencing at the Northwest corner of the Southwest Quarter of Section 11, Township 35 North, Range 5 W.B.M.; thence North 89°43' East on the centerline through said Section 11, 984.2 feet to a point marked by a stone; thence South 51°56' West, 131.5 feet to the intersection with the fence standing on the day of the date of this instrument; thence Westerly along the line of said fence, 905 feet to a point on the West line of said Section 11; thence North on the said West line of said Section 11, 86 feet to the place of beginning. ALSO EXCEPT commencing at the Northwest corner of Section 14, Township 35 North, Range 5, W.B.M.; thence South on the West line of said Section 1331 feet to the Southwest corner of the Northwest Quarter of the Northwest Quarter of said Section 14; thence North 88°50' East, 2007 feet to the centerline of the County Road; thence Northerly on said centerline of said County Road as follows: North 34°24' West, 284 feet; thence North 48°9' West, 970 feet; thence North 26°39' West, 1020 feet; thence North 28°51' West, 400 feet; thence North 12°51', 554 feet; thence North 1°50' East, 354 feet; thence North 13°50' East, 530 feet; thence leaving the said center of said County Road North 51°56' East, 474.5 feet to the fence as it stands on the day of date hereof; thence Westerly along the line of said fence 905 feet to the West line of Section 11, Township 35 North, Range 5, W.B.M. to a point 86 feet South of the Northwest corner of the Southwest Quarter of said Section 11; thence South on the West line of said Section 11, 2570 feet to the Northwest corner of said Section 14, which is the place of beginning, instruments referred to in this legal description are Book 122 of Deeds, page 97 and Book 160 of Deeds, page 526.

The South Half of the North Half of Section 14, EXCEPT Blocks 97, 98, 99 and 100, LEWISTON ORCHARDS.

During the existence of the life estate herein devised to the said DALLAS HOWARD, the said DALLAS HOWARD shall have the right of possession of said real property and all rents, issues

and profits therefrom and he shall, during his life estate, pay all taxes levied against the said property, the insurance premiums on any improvements thereon and shall maintain the said home place in a good and efficient manner and shall not cause or allow any waste to occur to such property. Provided, however, the said DALLAS HOWARD and the said ROSS HOWARD shall not have the right to institute, cause, or participate in, any partition proceeding against the Trustee of the trust created under the Last Will and Testament of my deceased sister Marie Howard, as long as that trust owns any interest in the real property constituting the home place which is herein being bequeathed unto the said DALLAS HOWARD for and during his natural lifetime, with the remainder interest to the said ROSS HOWARD; and I hereby further provide that upon the termination of any such trust created under the Last Will and Testament of my deceased sister Marie Howard, that the said DALLAS HOWARD and ROSS HOWARD shall not have the right to institute, cause, or participate in, any partition proceeding one against the other.

FIFTEENTH: All household goods, furnishings and fixtures situate upon my residential premises at the time of my death, I give, devise and bequeath unto DALLAS HOWARD, absolutely and in fee simple.

SIXTEENTH: I give, devise and bequeath all the rest, residue and remainder of my estate, unto VIRGINIA ALINE CARGILL, IN TRUST, NEVERTHELESS, upon terms and conditions, and for the uses and purposes hereinafter set forth:

(A) The Trustee shall divide the principal of the trust estate into three separate share trusts, in the manner hereinbelow set forth, one separate share trust for my nephew DALLAS HOWARD, one separate share trust for ROSS HOWARD, the son of my nephew DALLAS HOWARD, and one separate share trust for my nephew NELSON ROBERT HOWARD.

(1) The separate share trust for the benefit of my nephew DALLAS HOWARD shall include and consist of an undivided one-half of all of my right, title and interest in and to that certain real property containing approximately sixty-one thousand (61,000) acres, situate in Nez Perce and Lewis Counties, State of Idaho, commonly referred to as the "Stock Ranch", plus an undivided forty (40%) percent interest in and to all of the rest, residue and remainder of the trust estate, excluding the "Stock Ranch".

(2) The separate share trust for the benefit of ROSS HOWARD, the son of my nephew DALLAS HOWARD, shall include and consist of an undivided one-half of all of my right, title and interest in and to that certain real property containing approximately 61,000 acres, situate in Nez Perce and Lewis Counties, State of Idaho, commonly referred to as the "Stock Ranch", plus an undivided forty (40%) percent interest in and to all of the rest, residue and remainder of the trust estate, excluding the "Stock Ranch".

(3) The separate share trust for the benefit of my nephew NELSON ROBERT HOWARD shall include and consist of an undivided twenty (20%) percent in and to all of the rest, residue and remainder of the trust estate, excluding the "Stock Ranch".

(4) In the event I may sell, prior to my death, all of my right, title and interest in and to the real property containing approximately sixty-one thousand (61,000) acres situate in Nez Perce and Lewis Counties, State of Idaho, commonly referred to as the "Stock Ranch", then in lieu thereof, I give, devise and bequeath the proceeds of said sale to the respective separate share trusts of DALLAS HOWARD and ROSS HOWARD; provided, however, that the term "proceeds" shall be net of any federal and Idaho income taxes paid, or payable, by me as the

result of my sale of my interest in said real property.

(B) The Trustee shall hold, manage and control the property comprising the trust estate, and collect all income, revenue and profits, arising from or accruing to said trust estate, and out of the same shall pay all expenses of the trust and shall dispose of the trust estate as follows:

(1) The Trustee shall pay the entire net income of the separate share trust for the benefit of DALLAS HOWARD unto DALLAS HOWARD in monthly or other convenient installments, not less frequently than annually.

(2) The Trustee shall have the full power and authority at any time during the existence of the separate share trust for ROSS HOWARD, to pay to or for the benefit of ROSS HOWARD, from the net income of said separate share trust, such sum as in the Trustee's sole discretion shall be necessary for the support of ROSS HOWARD, and for health, medical, dental, hospital and nursing expenses, and expenses of invalidism, of ROSS HOWARD, and educational expenses, including, but not limited to, expenses for tuition, books, room and board, including junior high school, high school, and higher education expenses, including college, trade school, or vocational education expenses, of the said ROSS HOWARD, provided, however, that prior to making any such disbursement to or for the benefit of ROSS HOWARD, the Trustee shall take into consideration all other income and funds of the said ROSS HOWARD and of the parent or guardian of the said ROSS HOWARD available for the payment of such expenses. Any distribution of the net income from the separate share trust for the benefit of ROSS HOWARD shall be a charge solely against such trust.

The determination as to whether a distribution shall be made from the income of such trust to ROSS HOWARD shall be made in the sole and absolute discretion of the Trustee and the

Trustee's decision shall be binding upon the beneficiary of said trust.

Upon ROSS HOWARD attaining the age of twenty-one (21) years, the Trustee shall pay the entire net income from the separate share trust for the benefit of ROSS HOWARD to ROSS HOWARD in monthly or other convenient installments, not less frequently than annually.

(3) The Trustee shall have the full power and authority at any time during the existence of the separate share trust for NELSON ROBERT HOWARD, to pay to or for the benefit of NELSON ROBERT HOWARD, from the net income of said separate share trust, such sum as in the Trustee's sole discretion shall be necessary for the support of NELSON ROBERT HOWARD, and for health, medical, dental, hospital and nursing expenses, and expenses of invalidism of NELSON ROBERT HOWARD, and educational expenses, including, but not limited to, expenses for tuition, books, room and board, including all junior high school, high school, and higher education expenses, including college, trade school, or vocational education expenses of the said NELSON ROBERT HOWARD, provided, however, that prior to making any such disbursement to or for the benefit of NELSON ROBERT HOWARD, the Trustee shall take into consideration all other income and funds of the said NELSON ROBERT HOWARD, and of the parent or guardian of the said NELSON ROBERT HOWARD, available for the payment of such expenses. Any distribution of the net income from the separate share trust for the benefit of NELSON ROBERT HOWARD shall be a charge solely against such trust.

The determination as to whether a distribution shall be made from the income of such trust to NELSON ROBERT HOWARD shall be made in the sole and absolute discretion of the Trustee and the Trustee's decision shall be binding upon the beneficiary of

said trust.

(4) The Trustee shall have the full power and authority at any time during the existence of each or any of the separate share trusts to pay to or for the benefit of the respective beneficiary of each such separate share trust from the principal of such beneficiary's separate share trust, such sum as in the Trustee's sole discretion shall be necessary for the health, medical, dental, hospital and nursing expenses and expenses of invalidism of such beneficiary, provided, however, that prior to making any such disbursement, the Trustee shall take into consideration all other income and funds of such beneficiary available for the payment of such expenses. Any distribution of principal from any separate share trust to or for the benefit of any such beneficiary thereof shall be a charge solely against such beneficiary's separate share trust. The determination as to whether a distribution shall be made from the principal of such trust to any beneficiary thereof shall be made in the sole and absolute discretion of the Trustee and the Trustee's decision shall be binding upon the beneficiary of said trust.

(5) The distribtuion of net income, whether mandatory or discretionary, as hereinabove provided in Subparagraphs (1), (2) and (3) of this Subparagraph (B), shall accrue from the date of my death.

(6) Each of the separate share trusts herein created shall terminate at the time NELSON ROBERT HOWARD, son of my deceased nephew NELSON HOWARD, shall attain the age of twenty-one (21) years. In the event the said NELSON ROBERT HOWARD shall die prior to attaining the age of twenty-one (21) years, the separate share trusts herein created shall terminate at the time ROSS HOWARD attains the age of twenty-one (21) years. In the further event that both NELSON ROBERT HOWARD and ROSS HOWARD die prior to attaining the age of twenty-one (21) years, this trust

shall terminate upon the date that my nephew DALLAS HOWARD attains forty (40) years of age.

(a) Upon the termination of this trust, the Trustee shall distribute the entire principal separate share trust estate, plus any and all accumulated and undistributed income of each such respective separate share trust to the respective beneficiary of each such separate share trust estate.

(b) If any named beneficiary of any of the respective separate share trusts hereinabove created shall die prior to the termination of this trust, leaving issue surviving, it is my will that the issue of such deceased beneficiary shall share in my estate to the same extent that the deceased beneficiary would have shared, by right of representation.

If any issue of a deceased beneficiary shall be entitled to participate and share in the respective separate share trust estate then, in such event, such separate share trust estate shall be divided into as many parts as there are issue of the deceased named beneficiary. The separate share of any such issue having reached the age of twenty-one (21) years shall be paid over to them and the portion of any such issue not having reached the age of twenty-one (21) years shall be retained in the trust for the benefit of such issue until he or she reaches the age of twenty-one (21) years, at which time the separate share trust shall terminate and the corpus thereof shall be paid over and distributed to such issue upon his or her reaching the age of twenty-one (21) years.

During the existence of any such separate share trust for any issue of a deceased beneficiary, the Trustee shall pay to, or apply for the benefit of such issue, sufficient of the income and principal of the separate share trust estate property for the care, education, and support of said issue, charging the

respective fund of each respective issue for the amount of income or principal used for his or her benefit. In the administration of any such trust, my Trustee shall have the power to pay the money to which such issue is entitled to such issue directly, to any legally appointed guardian of said issue, or my Trustee shall have the right to pay directly any expenses of the said issue, whichever in the sole and exclusive judgment and discretion of my Trustee shall be in the best interests of the said issue.

If any of my named beneficiaries so die prior to termination of the trust, without issue surviving, then the separate share trust to which such deceased named beneficiary would have been entitled at the termination of the trust, shall be paid over unto and distributed to the separate share trusts of the other two named beneficiaries.

(C) In the event VIRGINIA ALINE CARGILL shall resign, or for any other reason become unable, unwilling, or cease to act as Trustee hereunder, then I nominate and appoint IDAHO FIRST NATIONAL BANK, N.A. as successor Trustee with the same powers and authority as my original Trustee.

(D) All receipts and expenditures shall be administered by the Trustee and allocated as to principal and income as provided in the Uniform Principal and Income Act, being Chapter 10 of Title 68, Idaho Code, as now in effect and as it may hereafter be amended. Provided, however, that notwithstanding the provisions of such Act, any principal mortgage or trust aid payments, or installments thereof, and any and all real property taxes, assessments, insurance premiums, maintenance and ordinary repairs on all real property which shall become due and payable at any time during the existence of this trust, shall be paid and charged against the income of the trust estate.

(E) The Trustee is empowered to carry out the purposes of this trust and subject to the limitations stated elsewhere

herein, the Trustee is vested with all of the powers and authorities as set forth in the Uniform Trustees Powers Act, being Chapter 1 of Title 68, Idaho Code, as now in effect and as it may hereafter be amended.

(1) Provided, however, I hereby expressly authorize the Trustee to continue to operate any property management business that the trust may own in whole or in part, including payment of any and all ordinary and necessary business operating expenses, and the investment of trust corpus and capital assets for use in said business, and the Trustee shall have authority to mortgage the trust assets for the purpose of obtaining operating capital for the payment of such operating expenses or investing in capital assets for said business.

(2) I hereby expressly authorize the Trustee of this trust, in her sole discretion, to sell all, or any portion of the assets of this trust to any beneficiary thereof at the then current fair market value of such assets.

(3) The Trustee is further directed and authorized that in making any division of the trust estate into separate share trusts, the Trustee may, in the Trustee's sole discretion, make such division only on the books and records of the trust and the whole of the trust estate may be invested, operated, and managed as one trust fund.

(4) The Trustee is further directed and authorized that in making any distributions of the principal assets of the trust upon termination or upon distribution of the separate share trusts, such distribution may, at the sole discretion of the Trustee, be made by distributing an undivided interest in real property held by the whole trust estate, or by distributing full fee simple title to specific parcels of real property to any one named beneficiary, or by distributing the trust estate by using a

combination of above two methods. Provided, however, that the "Stock Ranch" shall be distributed to DALLAS HOWARD and ROSS HOWARD, by distributing to each of them an undivided one-half of all of my right, title and interest in and to said real property.

(F) Neither the principal, nor the income of the trust herein created shall be liable for the debts of any beneficiary, nor shall the same be subject to seizure by any creditor, or spouse of any beneficiary, under writ or proceedings at law, or in equity, nor bankruptcy proceedings, or other legal process. No beneficiary shall have the power to sell, assign, transfer, encumber, or in any other manner to anticipate disposition of his interest in the trust estate, or the income produced thereby.

(G) This trust shall be an Idaho trust and shall be construed according to the laws of the State of Idaho.

(H) The Trustee, VIRGINIA ALINE CARGILL, or any successor Trustee, shall be entitled to receive reasonable compensation for her services as Trustee which may be charged against the income, or charged against the principal of the trust estate, or a portion of such fees may be charged against the income and a portion charged against the principal of the trust estate. The decision of whether such fees are charged against income, principal, or both, shall be made by the Trustee and in the sole and exclusive judgment and discretion of the Trustee. All fees of the Trustee shall be charged forty (40%) percent to the separate share trust for DALLAS HOWARD, forty (40%) percent to the separate share trust for ROSS HOWARD, and twenty (20%) percent to the separate share trust for NELSON ROBERT HOWARD, provided, however, that the allocation of such fees as a charge against income or principal, or any combination thereof, may be different for each respective separate share trust and the decision as to the allocation of such fees between income, principal, or a combination thereof for each separate share trust shall be made by

the Trustee and in the sole and exclusive judgment and discretion of the Trustee.

SEVENTEENTH: It is my will that this is and shall be construed as a non-intervention will under the laws of any state in which the same may be admitted to probate, giving and granting unto my Personal Representative or alternate Personal Representative all powers and authority granted to Personal Representatives of non-intervention wills, including the power to sell, mortgage, lease, and in every other manner deal with the property of my estate the same as I could do if living, without the intervention of any court, with or without notice, at public or private sale, and without confirmation of any court except as required by law.

EIGHTEENTH: I nominate, constitute and appoint VIRGINIA ALINE CARGILL the Personal Representative of this, my Last Will and Testament, and direct she shall not be required to give bond for the faithful performance of her duties. In the event the said VIRGINIA ALINE CARGILL is unable or unwilling to so act for any reason, then I nominate, constitute and appoint IDAHO FIRST NATIONAL BANK, N.A., the Personal Representative of this, my Last Will and Testament, and direct that it shall not be required to give bond for the faithful performance of its duties.

My Personal Representative, in determining the federal estate and income tax liabilities of my estate shall have discretion to select a valuation date and to determine whether any or all of the allowable administration expenses of my estate should be used as federal estate tax deductions or as federal income tax deductions. My Personal Representative shall have the authority to elect or select any manner of payment of the federal estate tax allowable under the Internal Revenue Code and any manner of payment of any state death taxes allowable under the statutes,

rules and regulations of such state.

I hereby expressly direct the Personal Representative of my estate to engage the services of Steve R. Cox as attorney for the probate and administration of this, my Last Will and Testament.

NINETEENTH: I hereby direct that all federal estate taxes which may be due and payable by my estate, shall be paid out of the residue of my estate, excepting therefrom the "Stock Ranch", as an expense of administration and no part of such taxes shall be apportioned or prorated to the devisees of a specific bequest as set forth in Paragraphs Second through and including Fifteenth of this, my Last Will and Testament. In the event the residue of my estate, excepting the "Stock Ranch", shall not be of sufficient size to pay all such federal estate taxes, then any portion of the federal estate taxes remaining unpaid shall be prorated between all of the specific bequests made in this, my Last Will and Testament, and the "Stock Ranch" on a proportionate prorata basis. I direct that all State of Idaho and other state inheritance taxes payable by reason of my death, shall be paid by the devisee or legatee receiving the property subject to such taxes.

TWENTIETH: If any devisee, legatee or beneficiary under this Will, or any heir of mine, or person claiming under them, shall contest this Will, or attach or seek to impair or invalidate any of its provisions, or conspire with or voluntarily assist anyone attemption to do such, then, in any of such events, I specifically disinherit such person, and all legacies and bequests, devises and interest given under this Will to that person shall lapse and be forfeited and shall augment proportionately the shares of my estate going under this Will to such of my devisees, legatees and beneficiaries as shall not have participated in such acts or proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this

8th day of October, 1982.

Madeline Walter
MADELINE WALTER

I, MADELINE WALTER, the testatrix, sign my name to this instrument this 8th day of October, 1982, and, being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Last Will and I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.

Madeline Walter
Testatrix

WE, Charla A. McKenzie and Colette Hough, the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the testatrix signs and executes this instrument as her Last Will and that she signs it willingly, and that each of us, in the presence and hearing of the testatrix, hereby sign this will as witness to the testatrix' signing, and that to the best of his or her knowledge the testatrix is eighteen (18) years of age or older, of sound mind and under no constraint or undue influence.

Charla A. McKenzie
Residing at Lewiston, Idaho

Colette Hough
Residing at Lewiston, Idaho

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

SUBSCRIBED AND SWORN TO and acknowledged before me by MADELINE WALTER, the testatrix, and subscribed and sworn to before me by Sharla A. McKenzie and Colette Hough, witnesses, this 8TH day of October, 1982.

Steve A. Cox
NOTARY PUBLIC in and for the State of Idaho, residing at Lewiston therein.

SRC.8

573225
and 1 of 2

573225

INST. NO. 573225
FILED FOR RECORD
FEE 4.00 BY LAM
93 JUN -3 PM 4:29
KATHY WILLEY
RECORDER NEZ PERCE CO. ID.
BY Kathy Hawkins DEPUTY

WARRANTY DEED

FOR VALUE RECEIVED, the Grantors, ALINE CARGILL TUTCHER and MARIE GEIGER, as Co-Conservators of the Estate of Madeline Walter, a Protected Person, and as Co-Trustees of the Madeline Walter Trust Dated April 23, 1987, do hereby grant, bargain, sell and convey unto DALLAS HOWARD, the duly appointed and acting Trustee of Trust "A" created under the Last Will and Testament of Marie Howard, deceased, the Grantee, whose address is: P.O. Box 2832, Christchurch, New Zealand, an undivided one-third (1/3) interest, being all of the right, title and interest of the Grantors in and to that certain real property situate in Nez Perce County, State of Idaho, more particularly described on Exhibit "A-3-Dallas" attached hereto and incorporated herein by reference subject to reservation of easements for ingress and egress more particularly described on said exhibit.

RECEPTION (✓)
INDEXED (✓)
FILMED (✓)
RETURNED (✓)
( )
A ✓

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantee, his successors and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee that they are the owners in fee simple of said premises; that the premises are free from all encumbrances, and that they will warrant and defend the same from all lawful claims whatsoever except general taxes for the second half of 1992 and

EXHIBIT 3

general taxes for the year 1993, and easements, reservations, restrictions and rights-of-way of record or in use.

DATED this 2nd day of JUNE, 1993.

Aline Cargill Tutcher
ALINE CARGILL TUTCHER
Co-Conservator of the Estate of Madeline Walter, a Protected Person and as Co-Trustee of the Madeline Walter Trust Dated April 23, 1987

Marie L. Geiger
MARIE GEIGER
Co-Conservator of the Estate of Madeline Walter, a Protected Person and as Co-Trustee of the Madeline Walter Trust Dated April 23, 1987

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

On this 2nd day of JUNE, 1993, before me, the undersigned, a Notary Public in and for said state, personally appeared ALINE CARGILL TUTCHER, known to me to be the person whose name is subscribed to the within instrument as a Co-Conservator of the Estate of Madeline Walter, a Protected Person and as a Co-Trustee of the Madeline Walter Trust Dated April 23, 1987, and acknowledged to me that she executed the same as such Co-Conservator and Co-Trustee.

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

Notary Public in and for the State of Idaho, residing at LEWISTON therein
My Commission Expires: 2-18-98

a westerly direction along the southerly section line of

WD 164-491 11-20-42 11-25-42
--- Ross + Marie Howard h+w + Madeline Walter unmarried women

WD 573224 6/2/93 6/3/93
(Aline Cargill Tutcher & Marie Geiger Co-Conservators of Estate of Madeline Walter conveys an undivided 1/3 interest to Dallas Howard Trustee of Trust B)

TERMINATION OF TRUST 663951 5/22/01 5/23/01
---TRUSTEE/DALLAS HOWARD HAS REACHED AGE OF 55 & THEREFORE THIS TRUST IS TERMINATED TRUST IS TO PAY OVER TO DALLAS HOWARD ALL REMAINDER OF CORPUS TRUST ESTATE

QCD 663952 5/11/01 5/23/01
---DALLAS HOWARD/TRUSTEE OF TRUST C AS CREATED BY LAST WILL & TEST-- OF MARIE HOWARD TO DALLAS HOWARD. MARRIED MAN S&SP

EXHIBIT 4

MICROFILM NO.

663951

INDEXED ( )
FILMED ( )
DELIVERED ( )
MAILED A ( )

TERMINATION OF TRUST

Dallas Howard as Trustee of that Trust known as the Marie Howard Trust, Trust "C" hereby declares in accordance with paragraph 2 of said trust, and the terms and conditions of said trust that Dallas Howard has reached the age of 55 years. Dallas Howard as Trustee of "Trust C", in accordance with his duties as trustee, per paragraph 2 of the Trust "C", and the terms and conditions of the trust does hereby certify and declare that, Dallas Howard, beneficiary, has reached the age of 55 years, and that the trustee in accordance with his duties as Trustee, per paragraph 2 of Trust "C", the Trust "C" is hereby terminated and that Trustee has, and/or will pay over and distribute to Dallas Howard, beneficiary, all of the remainder of the corpus of the trust estate.

DATED this 22nd day of May, 2001.

Dallas Howard, Trustee, Trust "C" of Marie Howard

STATE OF IDAHO)
: ss.
County of Kootenai)

On this 22nd day of May, 2001, before me Jody A. Foote, the undersigned Notary Public, personally appeared Dallas Howard, Trustee, Trust "C" of Marie Howard, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

(SEAL)

JODY A. FOOTE NOTARY PUBLIC STATE OF IDAHO

Jody A. Foote
Notary Public for IDAHO
Residing at Coeur d'Alene
Commission Expires: 7/10/05

EXHIBIT 4

CERTIFICATE

Dallas Howard, as beneficiary of the Marie Howard Trust, Trust "C" hereby certifies that he has reached the age of 55 years as required by the terms of said Trust for the distribution of the remainder of the corpus of the trust estate.

DATED this 22nd day of May, 2001.

Dallas Howard, beneficiary Trust "C" Marie Howard Trust

STATE OF IDAHO)
: ss.
County of Kootenai)

On this 22nd day of May, 2001, before me Jody A. Foote, the undersigned Notary Public, personally appeared Dallas Howard, Beneficiary Trust "C" Marie Howard Trust, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

(SEAL)

JODY A. FOOTE NOTARY PUBLIC STATE OF IDAHO

Jody A. Foote
Notary Public for IDAHO
Residing at Coeur d'Alene
Commission Expires: 7/10/05

W:\23556\MISC\M100.wpd

STATE OF IDAHO)
COUNTY OF NEZ PERCE) ss.
I hereby certify that the foregoing instrument is a full, true and correct copy of the original on file in the office of the undersigned Clerk of the District Court and Ex-Officio Auditor & Recorder in Termination of Trust #663951

PATTY O. WEEKS

Clerk of the District Court and
Ex-Officio Auditor & Recorder,
Nez Perce County, Idaho

By Julie Latham Deputy

INST. NO. 663951
FILED FOR RECORD
FEE 6.00 REG. BY Dallas Howard 1425 21st St, Lewiston
2001 MAY 23 A 9:43
PATTY O. WEEKS
RECORDER, NEZ PERCE CO ID
BY Julie Latham DEPUTY

663952
Card 1 of 3

INDEXED ( )
FILMED ( )
DELIVERED ( )
MAILED ( )

MICROFILM NO.

INST. NO. 663952
FILED FOR RECORD
FEE 10.00 REG. BY Dallas Howard 1425 21st St, Lewiston
2001 MAY 23 A 9:44
PATTY O. WEEKS
RECORDER, NEZ PERCE CO ID
BY Judy Latham DEPUTY

QUITCLAIM DEED

For Value Received
DALLAS HOWARD, the duly appointed and acting Trustee of Trust "C" created under the Last Will and Testament of Marie Howard, deceased

the grantor , does hereby convey and quitclaim unto

DALLAS HOWARD, a married man, dealing with his sole and separate property
whose address is P.O. Box 2852 Christchurch, New Zealand
the grantee , the following described premises, in Nez Perce , County Idaho, to wit:

SEE ATTACHED EXHIBIT "A"

together with their appurtenances and after acquired title.

Dated May 11/01

DALLAS HOWARD

EXHIBIT 5

centerlines of adjacent streets and alleys, EXCEPT the South 30 feet thereof.

lying North of the county Road extending through said Southeast Quarter of the Northwest Quarter, and EXCEPTING any portion lying within Block 150, LEWISTON ORCHARDS TRACT #19, ALSO EXCEPTING

That portion of the South Half of the Northwest Quarter of Section 10, Township 35 North, Range 5 West of the Boise Meridian described as follows:

A tract of land starting at a point South 76° East 22 feet distant from the center of the Northwest Quarter of Section 10; thence South 63° East 410 feet; thence South 9°30' East 800 feet thence North 61° West 1090 feet; thence North 45° East 660 feet to the place of beginning.

LINE described as follows:

Beginning at the Southeast Corner of Section 10, Township 35 North, Range 5 West of the Boise Meridian; thence in a westerly direction along the southerly section line of said Section 10, 3631.47 feet to a point; thence in a northerly direction parallel to the easterly section line of said Section 10, 3862.52 feet more or less to the southerly right-of-way line of the County Road now known as Lindsay Creek Road.

Parcel A-3 F:

The West Half of the Northwest Quarter of Section 9, Township 35 North, Range 5 West of the Boise Meridian, EXCEPT the South 660 feet of the West 840 feet, and ALSO EXCEPT the County Road Right of Way

Parcel A-3 H:

Lots 3 and 4; and the South Half of the Northwest Quarter; the North Half of the Southwest Quarter, and the West Half of the Southeast Quarter, all in Section 4, Township 35 North of Range 5 West of the Boise Meridian, EXCEPTING THEREFROM the following:

The land heretofore conveyed in exception in deed bearing date January 2, 1907, executed by GUSS A. SWANSON and ROSE M. SWANSON, husband and wife, to CHARLES C. PHILLIPS, JOHN E. CHAPMAN and JOHN T. RAY, recorded in Book 87 of Deeds at page 400, records of Nez Perce County, Idaho; and ALSO EXCEPTING THEREFROM that certain tract or parcel of land deeded to STEVE REPTON by deed recorded in Book 138 of Deeds at page 195, records of Nez Perce County, Idaho.

Parcel A-

The
Town
EXCE

EASEMENT:

Reserving
width for
and A-3
described
the domi
easement

Servient

Parc

Towr
Sect
Quar
Sout
Quar

Comm
Quar
ther
Sect
a s
feet
alor
a pc
on
feet

Par

The
Ran

Dominant

Parcel 1

Tract

Parcel A-3 N:

The South half of the Southwest Quarter of Section 4, Township 35 North, Range 5 West of the Boise Meridian, EXCEPT any County Road.

EASEMENT:

Reserving unto Grantors a nonexclusive easement, sixty (60) feet in width for ingress and egress over, along and across Parcels A-3 A and A-3 B, being the servient tenements, both hereinafter described, to and from the county road to and from Parcel 1 A-2, the dominant tenement, hereinafter described and to which this easement shall be appurtenant.

Servient Tenement

Parcel A-3 A:

Township 35 North, Range 5, West of the Boise Meridian - Section 11: The Northwest Quarter, the Northeast Quarter, the North 924 feet of the East 759 feet of the Southeast Quarter and that portion of the Southwest Quarter more particularly described as follows:

Commencing at the Northwest corner of the Southwest Quarter of Section 11, Township 35 North, Range 5, WBM; thence North 89°43' East on the centerline through said Section 11, a distance of 984.2 feet to a point marked by a stone; thence South 51°56' West, a distance of 131.5 feet to the intersection with a fence; thence Westerly along the line of said fence, a distance of 905 feet to a point on the West line of said Section 11; thence North on the said West line of Section 11, a distance of 86 feet to the place of beginning.

Parcel A-3 B:

The Northwest Quarter of Section 12, Township 35 North, Range 5 West of the Boise Meridian.

Dominant Tenement

Parcel 1 A-2:

Tract 1:

Situate in the County of Nez Perce, State of Idaho, to-wit:

JAMES W. GIVENS
LAWYER
1026 F STREET — P.O. BOX 875
LEWISTON, IDAHO 83501

TELEPHONE 208/746-2374
FAX 208/746-0446

RECEIVED
SEP 15 2004
DEPARTMENT OF
WATER RESOURCES

September 13, 2004

Candice M. McHugh
Deputy Attorney General
IDWR
Natural Resources Division/Water Resources Unit
1301 N. Orchard Street
Boise, ID 83706-2237

Re: SRBA Claim No. 85-11103

Dear Candice:

Reference is made to our brief conversation when you were here in Lewiston last. In the course of which you advised the Department had a problem with the descriptions we employed in filing the Amended Water Right re the above-captioned SRBA Claim.

Recognizing you have been busy traveling, etc., as time permits, would get to me the dilemma the Department has. I would like to address it as quickly as possible so the Claim will be in a condition to be acted on by the Department.

Your help is greatly appreciated.

Very truly yours,

JAMES W. GIVENS

JWG:p
cc: Dallas Howard