

12/15/2006

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

RIGHT NUMBER: 75-4309

NAME AND ADDRESS: PORTER TRUST F/B/O STEVEN PORTER
C/O ELIZABETH PORTER DAANE TTE
PO BOX 706
ENNIS MT 59729

RECEIVED
JAN 12 2007
IDWR/North

SOURCE: SALMON RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.500 CFS

PRIORITY DATE: 04/01/1928

POINT OF DIVERSION:

T24N R21E S34 SESE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 12/15	0.500 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T24N R21E S34 Lot 6 NWSE	9.00	T24N R21E S34 Lot 9 SWSE	14.00
--------------------------	------	--------------------------	-------

23 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

12/15/2006

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

RIGHT NUMBER: 75-4309

NAME AND ADDRESS: PORTER TRUST F/B/O STEVEN PORTER
C/O ELIZABETH PORTER DAANE TTE
PO BOX 706
ENNIS MT 59729

SOURCE: SALMON RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.500 CFS

PRIORITY DATE: 04/01/1928

POINT OF DIVERSION:

T24N R21E S34 SESE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 12/15	0.500 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T24N R21E S34 Lot 6 NWSE	9.00	T24N R21E S34 Lot 9 SWSE	14.00
--------------------------	------	--------------------------	-------

23 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

11/20/2006

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

RIGHT NUMBER: 75-4309

NAME AND ADDRESS: PORTER TRUST F/B/O STEVEN PORTER
C/O ELIZABETH PORTER DAANE TTE
29454 CHAGRIN BLVD #207
PEPPER PIKE OH 44122

SOURCE: SALMON RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.460 CFS

PRIORITY DATE: 04/01/1928

POINT OF DIVERSION: T24N R21E S34 SESE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 12/15

0.460 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T24N R21E S34 Lot 6 NWSE 9.00

T24N R21E S34 Lot 9 SWSE 14.00

23 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

10/02/2006

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

RIGHT NUMBER: 75-4309

NAME AND ADDRESS: PORTER TRUST F/B/O STEVEN PORTER
C/O ELIZABETH PORTER DAANE TTE
29454 CHAGRIN BLVD #207
PEPPER PIKE OH 44122

SOURCE: SALMON RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.460 CFS

PRIORITY DATE: 04/01/1928

POINT OF DIVERSION:

T24N R21E S34 SESE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 12/15

0.460 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T24N R21E S34 Lot 6 NWSE 9.00

T24N R21E S34 Lot 9 SWSE 14.00

23 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Void



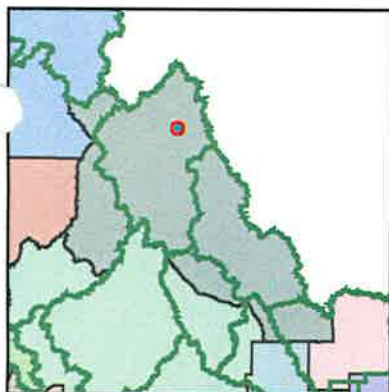
Idaho Department of Water Resources

Adjudication Claim:

75-4309

Legend

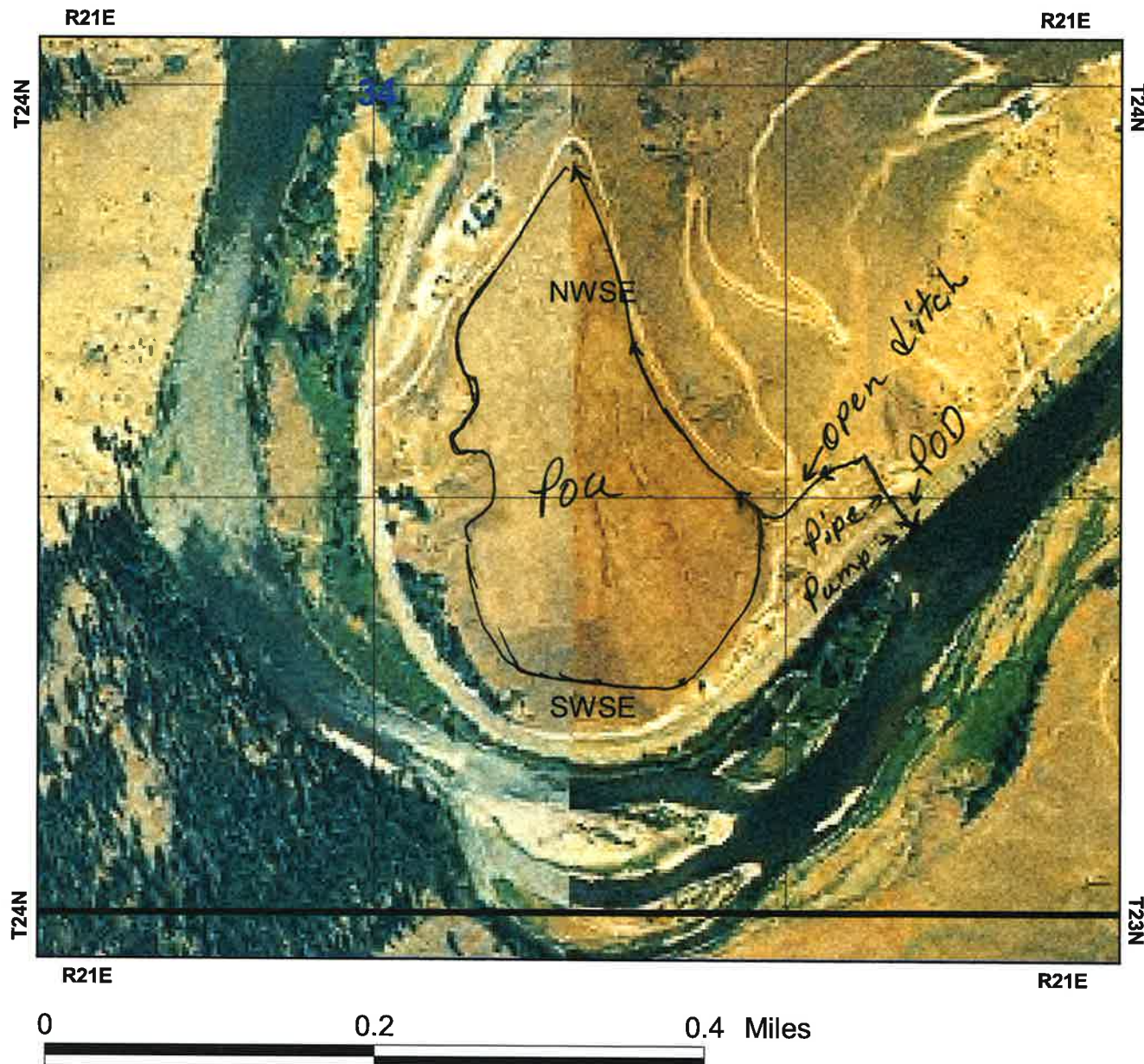
-  Townships
-  PLS Sections
-  Quarter Quarters



Lemhi County
IDWR Basin 75



Prepared by R. Brown
On Sunday, March 5, 2006
1987/88 Aerial Photography



Owner: PORTER TRUST F/B/O STEVEN PORTER

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.



Idaho Department of Water Resources

SRBA Recommendation:

75-4309

(Irrigation)

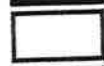
R21E

Legend

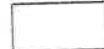
⊙ Point of Diversion
Place of Use



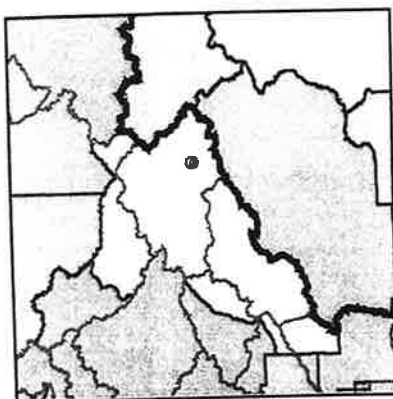
Townships



PLS Sections



Quarter Quarters



Lemhi County
IDWR Basin 75



0

0.1

0.2 Miles



Prepared by M. Ciscell
On Monday, November 20, 2006
2004 Aerial Photography

Elizabeth Porter Daane, Trustee
Main Trust of Frank H. Porter

RECEIVED

DEC 18 2006

DEPARTMENT OF
WATER RESOURCES

December 6, 2006

Mr. David R. Tuthill, Jr.
State of Idaho
Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0098

Re: Water Right Number 75-4309

Dear Mr. Tuthill:

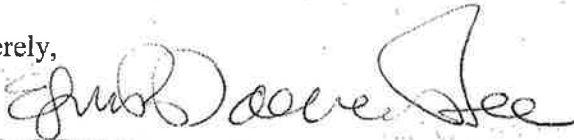
I am in receipt of the enclosed Preliminary Director's Report for water right claim on the above referenced water right number. Please notice that all invoices and correspondence pertaining to these water right numbers must be forwarded to the following address:

Jeffry L. Weiler, Trustee
Steven H. Porter Trust
2300 BP Tower
200 Public Square
Cleveland, Ohio 44114-2378

It would be appreciated if you could kindly update your records to reflect this change.

If you have any question please contact me. Thank you.

Sincerely,



Elizabeth Porter Daane, Trustee
Main Trust of Frank H. Porter

Cc: Jeffry L. Weiler

/jkr
Enclosures

29425 Chagrin Blvd., Suite 207
Pepper Pike, OH 44122

(216) 360-8690 Phone
(216) 360-8695 Fax

Elizabeth Porter Daane, Trustee

Main Trust of Frank H. Porter

December 27, 2006

Keith E. Franklin
State of Idaho
Department of Water Resources
Northern Region
7600 Mineral Drive, Suite 100
Coeur d'Alene, Idaho 83815

RECEIVED
JAN 12 2007
IDWR/North

Re: Claim 75-4309

Dear Mr. Franklin,

I am in receipt of a letter pertaining to the land for Claim 75-4309. Please notice that all invoices and correspondence pertaining to this land must be forwarded to the following address:

Jeffry L. Weiler, Trustee
Steven H. Porter Trust
2300 BP Tower
200 Public Square
Cleveland, Ohio 44114-2378

It would be appreciated if you could kindly update your records to reflect this change.

If you have any question please contact me. Thank you.

Sincerely,



Elizabeth Porter Daane, Trustee
Main Trust of Frank H. Porter

Cc: Jeffry L. Weiler

Encl/jkr

29425 Chagrin Blvd., Suite 207
Pepper Pike, OH 44122

(216) 360-8690 Phone

(216) 360-8695 Fax



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800

Fax: (208) 762-2819

Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

December 15, 2006

Porter Trust
C/o Elizabeth Porter
29454 Chagrin Blvd #207
Pepper Pike, OH 44122

RECEIVED
JAN 12 2007
IDWR/North

Re: Claim 75-4309

Gentlemen:

Enclosed is a new preliminary recommendation reflecting the comments you made on the Notice of Error Reply.

The allotted diversion to your 23 acres is based upon the statutory allotment of 0.02 cfs/acre regardless of the irrigation method. An adjustment to the diversion was made by adding 0.04 cfs, to accommodate any ditch loss from the river to the place of use.

If you disagree, you may file an objection to the court any time prior to October 17, 2007. I have also included Standard Form 1 Objection, for your convenience. If you have any questions, feel free to contact me at this office.

Sincerely,

Keith E. Franklin

Keith E. Franklin
Water Resources Agent

Encl/kf

**INSTRUCTIONS FOR FILING
OBJECTIONS TO WATER RIGHTS IN THE
SNAKE RIVER BASIN ADJUDICATION**

RECEIVED
JAN 12 2007
IDWR/North

The attached form is for your use if you file an objection to a water right. You may copy or reproduce this blank form.

To object to more than one water right, you must use a **separate form for each objection** and there must be **only one objector** for each form.

Your objection must be **received** by the court on or before the deadline specified in the notice that the Idaho Department of Water Resources mailed to you. If you are filing 25 or more objections you must contact the Clerk of the SRBA court at least 14 days before the filing deadline and arrange an appointment for filing.

You may attach any explanation or documentation that you feel is necessary to support your objection.

INSTRUCTIONS FOR COMPLETING THE OBJECTION FORM

- A. **Subcase.** Fill in the water right number to which you are objecting at the top of the form in the blank following "Subcase." The water right number will become the Subcase Number.
- B. **Name and Address of Person Objecting.** Enter your name, address and daytime telephone in the blanks provided.
- C. **Claimant of Water Right As Listed in Director's Report.** Fill in the claimant/owner blank of the water right to which you are objecting as it is listed in the Director's Report.
- D. **Elements of the Water Right.** If you disagree with one or more of the elements in the Director's Report, check the appropriate box(es) and write in the space provided what you think the element "should be." If you are objecting because you do not think a water right should exist or because a water right was not recommended and should be recommended, mark the appropriate box under No. 11 and explain your reason in paragraph E.
- E. **Reasons supporting objection.** State the reason supporting your objection(s).
- F. **Verification.** You must sign the Objection form in front of a notary. By filing this objection form, you are certifying that the objection is well-grounded in fact; that it is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needlessly increase the cost of litigation.
- G. **Certificate of Mailing.** Fill in the appropriate blanks for the date and the owner of the water right, and sign the form. Remember that the original copy of this Objection must be mailed to the Clerk of the SRBA District Court with copies mailed to the parties listed in this section.

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

In Re SRBA

Case No. 39576

A. Subcase _____

(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: _____

Address: _____

Daytime Phone: _____

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: _____

Address: _____

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

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☐ **I object because:**

☐ This water right Should not exist.

☐ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S): _____

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on _____, 200__, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

Name: _____
Address: _____

3. Copies to:

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

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

Signature of objector or attorney
mailing on Objector's behalf

F.

VERIFICATION (must be completed)

State of _____)
)ss.
County of _____)

_____, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: _____

Notary Public for _____
Residing at: _____
My Commission Expires: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.

(Please print or type)

RECEIVED
DEC 13 2006
IDWR/North

SCANNED
DEC 15 2006 ✓

[] Water Right Number(s):

75 - 4309

[] Name(s):

Porter Trust F/B/O
Steven Porter

[] Old Mailing Address:

29454 Chasrm Blvd #207
Pepper Pike, OH 44122

[] New Mailing Address:

P.O. Box 706
Ennis, MT 59729

Telephone Number:

(406) 682 - 7891

[] Signature(s) of Owner(s)

Steven H Porter

Owner

(Include your title if on behalf of company or organization)

Date:

12/11/06

Send to:

IDWR Northern Region
7600 Mineral Dr., Suite 100
Coeur d'Alene, ID 83815
(208) 762-2800

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

Elizabeth Porter Daane, Trustee

Main Trust of Frank H. Porter

RECEIVED

DEC 18 2006

DEPARTMENT OF
WATER RESOURCES

December 6, 2006

Mr. David R. Tuthill, Jr.
State of Idaho
Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0098

RECEIVED

DEC 21 2006

IDWR/North

Re: Water Right Number 75-4309

Dear Mr. Tuthill:

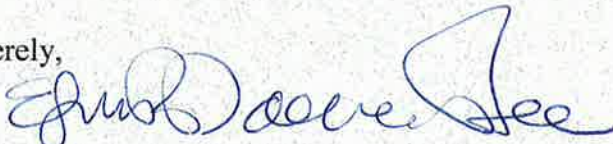
I am in receipt of the enclosed Preliminary Director's Report for water right claim on the above referenced water right number. Please notice that all invoices and correspondence pertaining to these water right numbers must be forwarded to the following address:

Jeffrey L. Weiler, Trustee
Steven H. Porter Trust
2300 BP Tower
200 Public Square
Cleveland, Ohio 44114-2378

It would be appreciated if you could kindly update your records to reflect this change.

If you have any question please contact me. Thank you.

Sincerely,



Elizabeth Porter Daane, Trustee
Main Trust of Frank H. Porter

Cc: Jeffrey L. Weiler

/jkr
Enclosures

29425 Chagrin Blvd., Suite 207
Pepper Pike, OH 44122

(216) 360-8690 Phone

(216) 360-8695 Fax

SCANNED

DEC 18 2006



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.

JAMES E. RISCH
Governor

KARL J. DREHER
Director

RECEIVED
DEC 21 2006
IDWR/North

November 21, 2006

To Water Users of Basin 75,

Please find enclosed the Preliminary Director's Report for your water right claims in the Snake River Basin Adjudication. This is an important opportunity to review the Idaho Department of Water Resources' (IDWR) conclusions regarding your water rights, resolve errors, and have questions answered **before** the report is finalized for the SRBA Court.

CONTENTS OF THIS MAILING:

- ❖ Preliminary Director's Report Instructions (colored page, front and back)
- ❖ Letter From Karl Dreher, Director of IDWR
- ❖ General Map of Basin 75 for vicinity reference
- ❖ **Your Water Right Recommendation(s) & Map(s)** with Notice of Error form(s)
- ❖ Letter from the Presiding Judge, Snake River Basin Adjudication Court

Please join us for an informational presentation at:

2:00 P.M. or 7:00 P.M. on Wednesday, December 6, 2006, at the Conference Room of the Stagecoach Inn, 201 Highway 93 North, Salmon, Idaho.

Additional time to discuss your claims is available by appointment on December 7th at the Conference Room of the Stagecoach Inn. You may call the Adjudication Hot Line at 1-800-451-4129 to pre-schedule an appointment for December 7th.

If you miss the informational meeting or need additional assistance then give us a call to set up an appointment in Salmon, Boise or Coeur d' Alene.

Respectfully yours,

David R. Tuthill, Jr.
Division Administrator
Idaho Department of Water Resources

(Other instructions on the back)

EXPLANATION OF ELEMENTS OF A WATER RIGHT

To assist you in reviewing the preliminary recommendation of your claim are the following explanations:

Water right number: This number is assigned by IDWR to identify your claim. The first two digits indicate the sub-basin of the Snake River Basin where your claim is located.

Name and address of claimant: This is the name and address shown on the notice of claim form, or on the most recent *Notice of Change of Water Right Ownership* (see enclosed form if you need to change this information) that was filed with IDWR as required by statute.

Source: The source is the natural water body to which the claimant has a right. For surface water sources, the natural water body to which the source is tributary is also shown.

Priority Date: This is the calendar date which is used to determine the relative priority of the right in relation to other rights from the same source, and is determined based on the method of appropriation (see basis of right, below). When there is insufficient water available to satisfy all existing rights, the water right holders with the oldest priorities are entitled to have their water rights satisfied before right holders with newer priorities are entitled to water.

Purpose of Use: Purpose of use indicates the general type of use made on the water, such as irrigation, domestic, or stockwater.

Period of Use: The period of use is the portion of the calendar year when water may be used for a particular purpose.

Quantity: The quantity of the right is the rate of diversion in cubic feet per second (CFS), the volume of water diverted in acre feet per calendar year (AFY), and/or the volume of water stored in AFY. The quantity for each purpose of use is shown, as well as the total quantity.

Non-irrigation Uses: If your preliminary recommendation includes purposes of use other than irrigation, then this element further describes the other purposes of use.

Point of Diversion: The point of diversion is the point at which water is diverted from the source, and is generally described by a legal description of the 40 acre tract (1/4 1/4 section or 1/16 section) or government lot within which the point of diversion is located. In some instances the point of diversion is described by a legal description of the 10 acre tract (1/4 1/4 1/4 section or 1/64 section) within which the point of diversion is located.

"B" and "E" suffixes indicate the beginning and ending points of an instream flow right. "I" and "R" suffixes indicate points of injection and rediversion. Points of injection and rediversion are indicated where water is diverted from one source, injected into another source, and then rediverted, or where water from one source is exchanged with water from another source.

Place of Use: The place of use is the location where water is used, which is indicated by a legal description of the 40 acre tract (1/4 1/4 section or 1/16 section) or government lot where the water is used. For irrigation rights, the number of irrigated acres in each 40 acre tract or government lot is listed.

Remarks: Remarks, if any, further describe the particular right. PLEASE REVIEW THE REMARKS CAREFULLY.

Basis of Right: The basis of right may be a decree (where the water right was previously determined by a court); posted notice (an historical method of appropriation that is no longer available); beneficial use (another historical method of appropriation that is available today only in very-limited circumstances); permit (where IDWR has granted an application seeking approval of a proposed appropriation); or license (where an appropriation has been completed pursuant to permit).



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

JAMES E. RISCH
Governor

KARL J. DREHER
Director

November 15, 2006

Dear Water Right Claimant(s):

The Idaho Department of Water Resources (IDWR) has completed its initial investigation of your water right claim(s) in the Snake River Basin Adjudication (SRBA). We have enclosed a printout showing our preliminary recommendation for reporting your claim(s) to the SRBA District Court later in 2006.

Please review the preliminary recommendation carefully. If there is any information on the printout that you believe is inaccurate, please fill out the enclosed reply form Notice of Error indicating what changes you believe should be made. Further instructions to assist you with review are enclosed. For water rights with an irrigation water use, a Geographic Information System (GIS) computerized image of the place of use for your water right is also enclosed.

You may return this reply in person to us at a public meeting IDWR will be conducting in your area that is identified in the enclosed instructions. Please take advantage of one of the public meetings, where you will have an opportunity to find out more about the SRBA process and speak with a department staff member should you have questions regarding your water right claim(s). Please bring any and all information you have which will help the Department understand your claim(s) and describe them accurately. If you want to call my office, please call (800) 451-4129 or (208) 287-4922.

This process is intended to ensure IDWR recommends your water right accurately to the SRBA District Court. This is the easiest and least costly means for you to identify corrections you believe should be made to our recommendation. Completion of this process is an important step toward the overall success of the adjudication in Idaho. Your participation is necessary for and appreciated by IDWR to provide accurate information to the SRBA District Court.

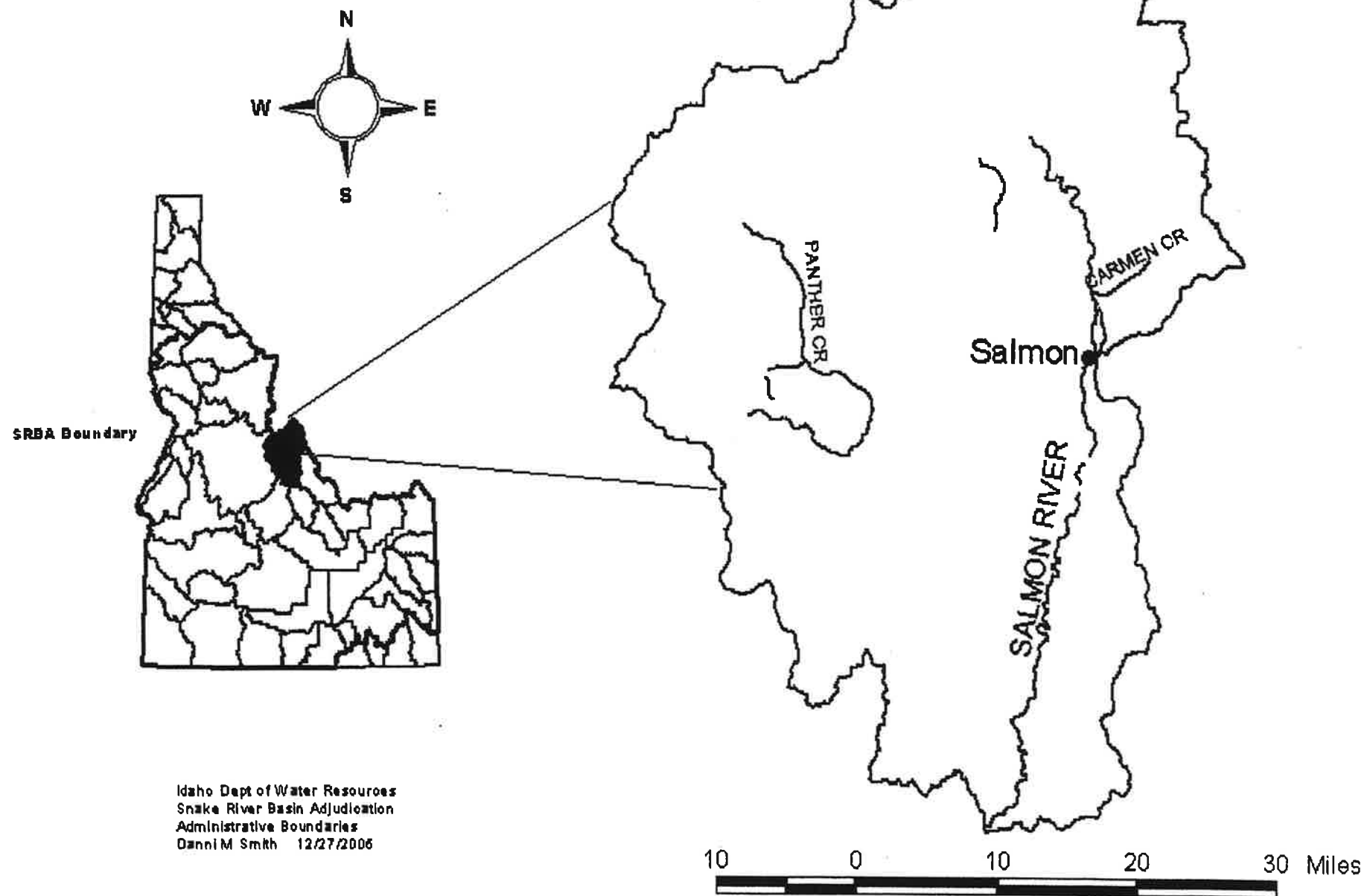
We look forward to hearing from you.

Sincerely,

Karl J. Dreher
Director

Enclosures

BASIN 75 MAP



DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



JOHN M. MELANSON
PRESIDING JUDGE
(208) 736-3011
FAX (208) 736-2121

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

Dear Water Right Claimant:

To help you with your water right claim(s) in the Snake River Basin Adjudication, this letter of explanation is being sent to you along with information sent by the Idaho Department of Water Resources (IDWR). Included are the following important documents which I ask you to please read carefully because they give you the opportunity to save a great deal of time and money:

1. **Preliminary Recommendation.** This is IDWR's *initial* finding and conclusion about your water right and how it should be reported to the SRBA Court. This preliminary recommendation is not filed with the court, but is provided to you to help correct errors or resolve any disagreement you may have over its content. This document has been prepared following IDWR's investigation and may be different than the claim(s) you actually filed.

Therefore, please review this preliminary recommendation carefully to find any errors or disagreements you have with IDWR's findings.

2. **Error Correction/Settlement Process.** This preliminary recommendation is a special service provided to you by IDWR to help you correct errors and resolve any other disagreement you have before the actual recommendations are ultimately filed with the court.

A description of how to work with IDWR is included. Our experience in the SRBA shows that by working in cooperation with IDWR most errors and differences can be addressed before coming into court. It's well worth your time to take full advantage of IDWR's helpful service. If your disagreement cannot be resolved, you will be able to file an objection to IDWR's actual recommendation when it is filed in court and have the final decision made by the Presiding Judge.

This error correction service is an important opportunity for you to work together with IDWR to make sure your water right claim(s) are decreed accurately. There is no cost to you other than your time reviewing the preliminary recommendation and talking to IDWR about any problem you see. Of course, you may always employ the services of an attorney if you wish.

The goal of the SRBA is to see that your water right(s) are decreed by the court as accurately and fairly as possible. It is important to me that this is done efficiently in order to reduce your costs and present you with your decree.

I strongly encourage you to take full advantage of this opportunity to use the fine and courteous services provided by IDWR.

Sincerely yours,

John M. Melanson
Presiding Judge
Snake River Basin Adjudication

11/20/2006

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/13/2006

Water right number: 75-4309

PORTER TRUST F/B/O STEVEN PORTER
C/O ELIZABETH PORTER DAANE TTE
29454 CHAGRIN BLVD #207
PEPPER PIKE OH 44122

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

____ I AGREE with this proposed recommendation: no changes need to be made.

DATE: _____ SIGNATURE: _____

Please print your name: _____

IDWR Regional Office, 7600 Mineral Drive, Suite 100, Coeur D' Alene, ID 83815, 2087622800

Jeffrey L. Weiler

Writer's Direct Dial (216) 363-4551

E-Mail: jweiler@bfca.com

December 21, 2006

Mr. Keith E. Franklin
Water Resources Agent
State of Idaho - Department of Water Resources
Northern Region
7600 Mineral Drive, Suite 100
Coeur d'Alene, ID 83815

Re: Claim No. 75-4309

Dear Mr. Franklin:

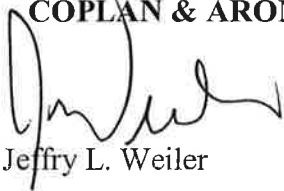
Please be advised that the undersigned is the Successor Trustee of the Porter Trust. Enclosed for your information is a copy of the document by which the undersigned has become the Successor Trustee.

Please send future correspondence concerning this matter to:

Porter Trust
c/o Jeffrey L. Weiler, Trustee
2300 BP Tower
200 Public Square
Cleveland, OH 44114

Very truly yours,

**BENESCH, FRIEDLANDER,
COPLAN & ARONOFF LLP**



Jeffrey L. Weiler

JLW:st

Encs.

UNITED STATES TREASURY DEPARTMENT CIRCULAR 230 DISCLOSURE: TO ENSURE COMPLIANCE WITH REQUIREMENTS IMPOSED BY THE IRS, WE INFORM YOU THAT, UNLESS EXPRESSLY STATED OTHERWISE, ANY U.S. FEDERAL TAX ADVICE CONTAINED IN THIS COMMUNICATION (INCLUDING ANY ATTACHMENTS) IS NOT INTENDED OR WRITTEN TO BE USED, AND CANNOT BE USED, FOR THE PURPOSE OF (i) AVOIDING PENALTIES UNDER THE INTERNAL REVENUE CODE, OR (ii) PROMOTING, MARKETING OR RECOMMENDING TO ANOTHER PARTY ANY TRANSACTION OR MATTER ADDRESSED HEREIN.

RECEIVED
DEC 26 2006
IDWR/North



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800

Fax: (208) 762-2819

Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

RECEIVED

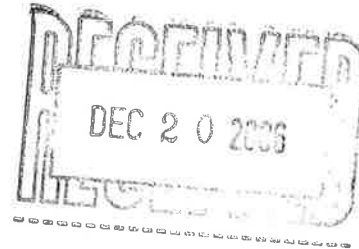
DEC 26 2006

IDWR/North

December 15, 2006

Porter Trust
C/o Elizabeth Porter
29454 Chagrin Blvd #207
Pepper Pike, OH 44122

Re: Claim 75-4309



Gentlemen:

Enclosed is a new preliminary recommendation reflecting the comments you made on the Notice of Error Reply.

The allotted diversion to your 23 acres is based upon the statutory allotment of 0.02 cfs/acre regardless of the irrigation method. An adjustment to the diversion was made by adding 0.04 cfs, to accommodate any ditch loss from the river to the place of use.

If you disagree, you may file an objection to the court any time prior to October 17, 2007. I have also included Standard Form 1 Objection, for your convenience. If you have any questions, feel free to contact me at this office.

Sincerely,

Keith E. Franklin

Keith E. Franklin
Water Resources Agent

Encl/kf

*Rec'd
9/12
12-21-06*

RECEIVED
DEC 26 2006
IDWR/North

RESIGNATION AND APPOINTMENT OF SUCCESSOR TRUSTEE

I, ELIZABETH PORTER DAANE, have been serving as the Trustee of the trust share for Steven Porter set forth at paragraph 3 of the June 7, 2000 Declaration of Trust of Frank H. Porter, as amended, also known as the Main Trust of Frank H. Porter (hereinafter referred to as the "Trust Agreement"). Steven Porter is the beneficiary of this trust share.

Attached hereto and made a part hereof is paragraph 8 of the Trust Agreement dealing with tenure, succession and compensation of Trustees. Paragraph 8.(a) permits a Trustee to resign by delivering written notice of the resignation to the beneficiary of the trust which resignation shall become effective upon the acceptance of the trust by a Successor Trustee.

Paragraph 8.(b) enumerates a preference for filling vacancies in the Trusteeship. Each of Frank H. Porter, Jr., George H.L. Porter, and Frederick S. Porter have declined to serve as successor to me as Trustee of the trust share for the benefit of Steven Porter. Item (i)(b) of paragraph 8.(b), provides that the last order of preference is an individual designated by a majority of the lineal descendants of Frank H. Porter, other than Steven Porter, after consultations with the law firm that last representing the Trustee ceasing to serve. An individual so appointed under this provision must be an independent person.

Subject to the approval of Frank H. Porter, Jr., George H.L. Porter and Frederick S. Porter, I hereby designate as my successor, Jeffry L. Weiler, of 2300 BP Tower, 200 Public Square, Cleveland, Ohio 44114. I represent that I have consulted with the law firm of Benesch Friedlander Coplan & Aronoff LLP, my attorney as Trustee of this trust, concerning the appointment of such Successor Trustee. I recognize that Jeffry L. Weiler, as Trustee, may retain the law firm of Benesch Friedlander Coplan & Aronoff LLP as his legal counsel while serving in the capacity as Successor Trustee.

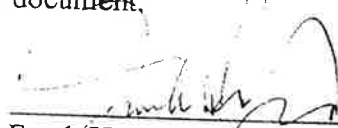
Upon approval of Frank H. Porter, Jr., George H.L. Porter, and Frederick S. Porter, notice of this resignation will be sent to Steven H. Porter. My resignation shall be effective upon delivery of this Resignation and Appointment of Successor Trustee to Steven H. Porter.


Elizabeth Porter Daane, Trustee

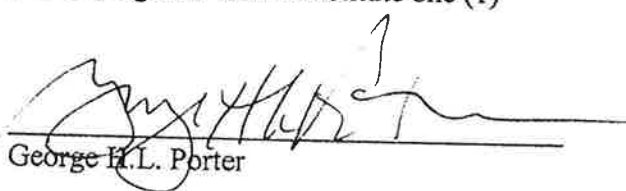
Dated: Oct. 3, 2006

CONSENT

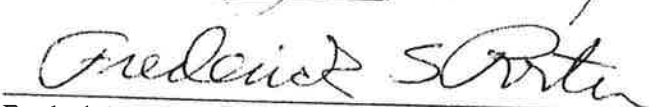
We, hereby consent to the appointment of Jeffry L. Weiler as the successor to Elizabeth Porter Daane as Trustee of the Trust for Steven H. Porter as set forth in the Trust Agreement. This consent may be signed in multiple counterparts, which together shall constitute one (1) document.


Frank H. Porter, Jr.

Dated: 9-8, 2006


George H.L. Porter

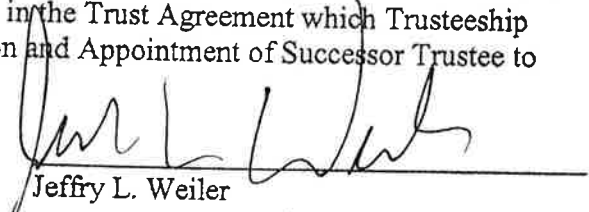
Dated: 9-6, 2006


Frederick S. Porter

Dated: 9/10, 2006

ACCEPTANCE

I, Jeffry L. Weiler, hereby accept the position of successor to Elizabeth Porter Daane as Trustee of the Trust for Steven H. Porter set forth in the Trust Agreement which Trusteeship shall be effective upon delivery of this Resignation and Appointment of Successor Trustee to Steven H. Porter.


Jeffry L. Weiler

Dated: Nov 1, 2006

Tenure, Succession, and Compensation of Trustees

8. The following provisions relate to the tenure, succession, and compensation of the Trustee and successor Trustees:

(a) Resignations. Each Trustee shall have the right to resign by delivering a written notice of resignation to the beneficiaries of the trusts then held, but no resignation shall become effective until the acceptance of the trust by a successor Trustee designated in accordance with Paragraph 8(b). In addition, any individual Trustee shall be deemed to have resigned if any such beneficiary or successor receives a written opinion from an examining physician to the effect that such individual Trustee no longer has the capacity to attend regularly to financial affairs.

(b) Succession. Any vacancy in the trusteeship, however occurring, shall be filled by one of the following in the order of preference indicated: (i) such individual as I shall designate or, if I am then incompetent, (ii) Elizabeth P. Daane, my daughter, (iii) Frank H. Porter, Jr., my son, (iv) George H.L. Porter, my son, (v) Frederick

S. Porter, my son, (vi) such individual, wherever residing as shall be designated by a majority of my lineal descendants who are then living and competent, *but excluding* Steven Porter, after consulting with the law firm that last represented me in trust and estate matters or, if different, that represented the last preceding Trustee to serve, *provided that* any successor designated under clause (vi) must be an individual who is not related or subordinate to, nor subordinate to the wishes of, any of the designators who is then a beneficiary of trust held under Paragraph 4, or who meets any other tests of independence then applicable for federal tax purposes.

(c) Status of Successors. Upon acceptance of the trusteeship, each successor Trustee shall be vested with the title to the trust property possessed by the Trustee whom such successor Trustee succeeds and shall have all powers, discretions, and duties of such predecessor Trustee.

(d) Immunities. Each successor Trustee may accept as complete and correct and may rely upon any accounting by any predecessor Trustee and upon any statement or representation by any predecessor as to the assets comprising or any other matter pertaining to the administration of each trust. No successor Trustee shall be liable for any act or omission of any predecessor or have any duty to enforce or seek to enforce any claim of any kind against any predecessor on account of any such act or omission. No successor Trustee shall be required to furnish bond.

(e) Compensation. I shall not be entitled to any compensation for my services as Trustee. Each other Trustee shall be entitled to compensation for his or her ordinary services at the rates prescribed for the similar services of testamentary trustees in applicable court rules of Cuyahoga County, Ohio, except that there shall be no distribution fees *excepting for* distributions outright to individuals who require formal accountings in connection with the same, to reasonable compensation for any extraordinary services required of such Trustee, and to reimbursement for expenses incurred in serving. Any compensation payable in respect of a distribution of principal shall be charged to remaining principal of the distributing trust or, upon a final distribution, against the principal being distributed.

Estimating Conveyance Loss using the Worstell Method

Claim No.

Formula: $S = (w)(i)(0.0667)$

Where: S = loss in cfs per mile

w = top width of the high water mark in feet

i = loss rate in feet per day (see Table)

Type of soil	i (ft/day)
medium clay loam	0.5 - 1.5
impervious clay	0.5
medium soils	1.0
somewhat pervious soils	1.5 - 2.0
gravels	2.5 - 5.0

Worksheet:

$w = 3'$ assumed

$i = 2.0$ ft/day

ditch length (mi.) = $650' = 0.12$ mile

Conveyance Loss:

$S = (3)(2)(0.0667) = 0.33 \text{ cfs/mile}$

Loss = 0.04 cfs

$(0.33 \text{ cfs/mile})(0.12 \text{ miles}) = 0.04 \text{ cfs}$

$(23 \text{ acres})(0.02 \text{ cfs/Ac}) = 0.46 \text{ cfs}$

ditch loss = $+0.04 \text{ cfs}$

0.50 cfs



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800

Fax: (208) 762-2819

Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

December 15, 2006

Porter Trust
C/o Elizabeth Porter
29454 Chagrin Blvd #207
Pepper Pike, OH 44122

Re: Claim 75-4309

Gentlemen:

Enclosed is a new preliminary recommendation reflecting the comments you made on the Notice of Error Reply.

The allotted diversion to your 23 acres is based upon the statutory allotment of 0.02 cfs/acre regardless of the irrigation method. An adjustment to the diversion was made by adding 0.04 cfs, to accommodate any ditch loss from the river to the place of use.

If you disagree, you may file an objection to the court any time prior to October 17, 2007. I have also included Standard Form 1 Objection, for your convenience. If you have any questions, feel free to contact me at this office.

Sincerely,

Keith E. Franklin
Water Resources Agent

Encl/kf

11/20/2006

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/13/2006

Water right number: 75-4309

PORTER TRUST F/B/O STEVEN PORTER
C/O ELIZABETH PORTER DAANE TTE
29454 CHAGRIN BLVD #207
PEPPER PIKE OH 44122

SCANNED
DEC 13 2006

RECEIVED
DEC 13 2006
IDWR/North

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Quantity

2. Describe the changes you wish to make in the proposed recommendation:

The .460 cfs proposed is insufficient. I need my 1.1 cfs water right as described in my original documentation.

3. Give a brief explanation as to why you disagree with these portions:

pumping This acreage has been historically and still is flood irrigated. My system is designed for my 1.1 cfs water right. This acreage must be flood irrigated because of topography.

I AGREE with this proposed recommendation: no changes need to be made.

DATE:

12/10/06

SIGNATURE:

Steven H Porter

Please print your name:

Steven H Porter

IDWR Regional Office, 7600 Mineral Drive, Suite 100, Coeur D' Alene, ID 83815, 2087622800

05/04/2007

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

RIGHT NUMBER: 75-4309

NAME AND ADDRESS: PORTER TRUST F/B/O STEVEN PORTER
C/O JEFFRY L WEILER, TRUSTEE
2300 BP TOWER 200 PUBLIC SQUARE
CLEVELAND OH 44114-2378

SOURCE: SALMON RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.500 CFS

PRIORITY DATE: 04/01/1928

POINT OF

DIVERSION: T24N R21E S34 SESE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 12/15

0.500 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T24N R21E S34 Lot 6 NWSE 9.00 T24N R21E S34 Lot 9 SWSE 14.00

23 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

PROFILED

SCANNED

MAY 11 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

APRIL 23, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

PORTER TRUST F/B/O STEVEN PORTER
C/O JEFFRY L. WEILER, TRUSTEE
2300 BP TOWER 200 PUBLIC SQUARE
CLEVELAND, OH 44114-2378

RE: Notice of Change of Address for 75-4309 and Notice of
Completed Administrative Proceeding (NCAP)

Dear Sir or Madam:

On April 23, 2007, the Idaho Department of Water Resources (IDWR) received a change of address for the above referenced water right(s). Based on this change, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree
Technical Records Specialist

Enclosure

PROFILED

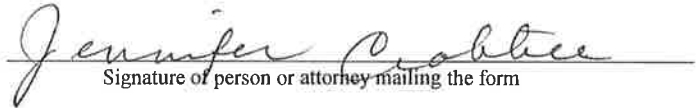
SCANNED

MAY 11 2007

CERTIFICATE OF MAILING

I certify that on May 7, 2007, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
PORTER TRUST F/B/O STEVEN PORTER
C/O JEFFRY L WEILER, TRUSTEE
2300 BP TOWER 200 PUBLIC SQUARE
CLEVELAND, OH 44114-2378
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
N/A
4. One copy to:
Each party in the subcase, or attorney of record
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

SCANNED
MAY 11 2007

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
APR 23 2007

Department of Water Resources
Eastern Region

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

[] Water Right Number(s): 75-4309

[] Name(s): Porter Trust F/B/O Steven Porter

[] Old Mailing Address: c/o Elizabeth Porter Daane TTE
P. O. Box 706
Ennis, MT 59729

[] New Mailing Address: c/o Jeffry L. Weiler, Trustee
2300 BP Tower
Cleveland, OH 44114

Telephone Number: (216) 363 - 4551

[] Signature(s) of Owner(s) Jeffry L. Weiler, Trustee

(Include your title if on behalf of company or organization)

Date: April , 2007

Send to:

IDWR Northern Region
7600 Mineral Dr., Suite 100
Coeur d'Alene, ID 83815
(208) 762-2800

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

RECEIVED

APR 17 2007

WATER RESOURCES
WESTERN REGION

SCANNED

MAY 11 2007

Needs
NCAP

Already Done
on 4-24-07

April 12, 2007

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082

RECEIVED

APR 23 2007

Department of Water Resources
Eastern Region

Re: Water Right Number 75-4309

Ladies and Gentlemen:

Please be advised that the undersigned is the currently acting Trustee of the Porter Trust F/B/O Steven Porter. Enclosed for your information is a copy of the Preliminary Recommendation of Water Rights dated November 20, 2006 and a second Preliminary Recommendation of Water Rights dated December 15, 2006. It appears that the trust beneficiary has changed the address for this matter from the address of the Trustee to his personal address. The correct address should be the address of the Trustee.

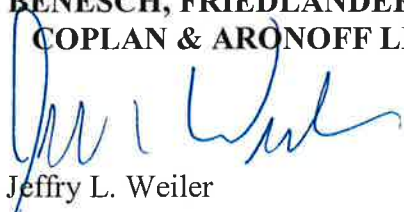
Enclosed for your information are the documents by which the undersigned became the Trustee and is currently acting as the Trustee. The undersigned is the successor to Elizabeth Porter Daane, the former Trustee.

Please process the accompanying Change in Address form so that future correspondence will be sent to the undersigned as Trustee of the Trust.

Thank you in advance for your assistance and cooperation.

Very truly yours,

**BENESCH, FRIEDLANDER,
COPLAN & ARONOFF LLP**


Jeffry L. Weiler

JLW:st
Encs.

RECEIVED

APR 17 2007

WATER RESOURCES
WESTERN REGION

SCANNED

MAY 11 2007

cc: Teresa A. Hill, Attorney at Law (w/encs.)

UNITED STATES TREASURY DEPARTMENT CIRCULAR 230 DISCLOSURE: TO ENSURE COMPLIANCE WITH REQUIREMENTS IMPOSED BY THE IRS, WE INFORM YOU THAT, UNLESS EXPRESSLY STATED OTHERWISE, ANY U.S. FEDERAL TAX ADVICE CONTAINED IN THIS COMMUNICATION (INCLUDING ANY ATTACHMENTS) IS NOT INTENDED OR WRITTEN TO BE USED, AND CANNOT BE USED, FOR THE PURPOSE OF (i) AVOIDING PENALTIES UNDER THE INTERNAL REVENUE CODE, OR (ii) PROMOTING, MARKETING OR RECOMMENDING TO ANOTHER PARTY ANY TRANSACTION OR MATTER ADDRESSED HEREIN.

RESIGNATION AND APPOINTMENT OF SUCCESSOR TRUSTEE

I, ELIZABETH PORTER DAANE, have been serving as the Trustee of the trust share for Steven Porter set forth at paragraph 3 of the June 7, 2000 Declaration of Trust of Frank H. Porter, as amended, also known as the Main Trust of Frank H. Porter (hereinafter referred to as the "Trust Agreement"). Steven Porter is the beneficiary of this trust share.

Attached hereto and made a part hereof is paragraph 8 of the Trust Agreement dealing with tenure, succession and compensation of Trustees. Paragraph 8.(a) permits a Trustee to resign by delivering written notice of the resignation to the beneficiary of the trust which resignation shall become effective upon the acceptance of the trust by a Successor Trustee.

Paragraph 8.(b) enumerates a preference for filling vacancies in the Trusteeship. Each of Frank H. Porter, Jr., George H.L. Porter, and Frederick S. Porter have declined to serve as successor to me as Trustee of the trust share for the benefit of Steven Porter. Item (i)(b) of paragraph 8.(b), provides that the last order of preference is an individual designated by a majority of the lineal descendants of Frank H. Porter, other than Steven Porter, after consultations with the law firm that last representing the Trustee ceasing to serve. An individual so appointed under this provision must be an independent person.

Subject to the approval of Frank H. Porter, Jr., George H.L. Porter and Frederick S. Porter, I hereby designate as my successor, Jeffrey L. Weiler, of 2300 BP Tower, 200 Public Square, Cleveland, Ohio 44114. I represent that I have consulted with the law firm of Benesch Friedlander Coplan & Aronoff LLP, my attorney as Trustee of this trust, concerning the appointment of such Successor Trustee. I recognize that Jeffrey L. Weiler, as Trustee, may retain the law firm of Benesch Friedlander Coplan & Aronoff LLP as his legal counsel while serving in the capacity as Successor Trustee.

SCANNED
MAY 11 2007

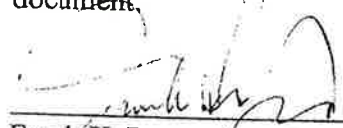
Upon approval of Frank H. Porter, Jr., George H.L. Porter, and Frederick S. Porter, notice of this resignation will be sent to Steven H. Porter. My resignation shall be effective upon delivery of this Resignation and Appointment of Successor Trustee to Steven H. Porter.


Elizabeth Porter Daane, Trustee

Dated: Oct. 3, 2006

CONSENT

We, hereby consent to the appointment of Jeffry L. Weiler as the successor to Elizabeth Porter Daane as Trustee of the Trust for Steven H. Porter as set forth in the Trust Agreement. This consent may be signed in multiple counterparts, which together shall constitute one (1) document.


Frank H. Porter, Jr.

Dated: 9-8, 2006


George H.L. Porter

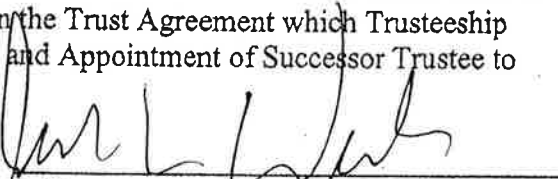
Dated: 9-6-, 2006


Frederick S. Porter

Dated: 9/10, 2006

ACCEPTANCE

I, Jeffry L. Weiler, hereby accept the position of successor to Elizabeth Porter Daane as Trustee of the Trust for Steven H. Porter set forth in the Trust Agreement which Trusteeship shall be effective upon delivery of this Resignation and Appointment of Successor Trustee to Steven H. Porter.


Jeffry L. Weiler

Dated: 1st of Nov 1, 2006

SCANNED
MAY 11 2007

Tenure, Succession, and Compensation of Trustees

8. The following provisions relate to the tenure, succession, and compensation of the Trustee and successor Trustees:

(a) Resignations. Each Trustee shall have the right to resign by delivering a written notice of resignation to the beneficiaries of the trusts then held, but no resignation shall become effective until the acceptance of the trust by a successor Trustee designated in accordance with Paragraph 8(b). In addition, any individual Trustee shall be deemed to have resigned if any such beneficiary or successor receives a written opinion from an examining physician to the effect that such individual Trustee no longer has the capacity to attend regularly to financial affairs.

(b) Succession. Any vacancy in the trusteeship, however occurring, shall be filled by one of the following in the order of preference indicated: (i) such individual as I shall designate or, if I am then incompetent, (ii) Elizabeth P. Daane, my daughter, (iii) Frank H. Porter, Jr., my son, (iv) George H.L. Porter, my son, (v) Frederick

S. Porter, my son, (vi) such individual, wherever residing as shall be designated by a majority of my lineal descendants who are then living and competent, *but excluding Steven Porter*, after consulting with the law firm that last represented me in trust and estate matters or, if different, that represented the last preceding Trustee to serve, *provided that* any successor designated under clause (vi) must be an individual who is not related or subordinate to, nor subordinate to the wishes of, any of the designators who is then a beneficiary of trust held under Paragraph 4, or who meets any other tests of independence then applicable for federal tax purposes.

(c) Status of Successors. Upon acceptance of the trusteeship, each successor Trustee shall be vested with the title to the trust property possessed by the Trustee whom such successor Trustee succeeds and shall have all powers, discretions, and duties of such predecessor Trustee.

(d) Immunities. Each successor Trustee may accept as complete and correct and may rely upon any accounting by any predecessor Trustee and upon any statement or representation by any predecessor as to the assets comprising or any other matter pertaining to the administration of each trust. No successor Trustee shall be liable for any act or omission of any predecessor or have any duty to enforce or seek to enforce any claim of any kind against any predecessor on account of any such act or omission. No successor Trustee shall be required to furnish bond.

(e) Compensation. I shall not be entitled to any compensation for my services as Trustee. Each other Trustee shall be entitled to compensation for his or her ordinary services at the rates prescribed for the similar services of testamentary trustees in applicable court rules of Cuyahoga County, Ohio, except that there shall be no distribution fees *excepting for* distributions outright to individuals who require formal accountings in connection with the same, to reasonable compensation for any extraordinary services required of such Trustee, and to reimbursement for expenses incurred in serving. Any compensation payable in respect of a distribution of principal shall be charged to remaining principal of the distributing trust or, upon a final distribution, against the principal being distributed.

SCANNED

11 2007

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)**

CLAIM NO(s).

A75-04309

216-360-8690

1. ☒ No Change NAME IS SAME
☐ NEW OWNER: Frank H. Porter % Elizabeth Porter Daane
☐ No Change ADDRESS
☐ NEW ADDRESS: 29425 Chagrin Blvd, Suite 207 Pepper Pike, Ohio 44122
2. ☐ No Change - DATE OF PRIORITY: Completed evidence submitted
☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: _____

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

3. ☒ No Change — SAME SOURCE
☐ Source is different than that claimed:

Source found: _____

4. ☐ No Change — POINT OF DIVERSION
☐ Point of diversion is different than the claim and/or new P/D's:

GPS Site Tag No.: A0017089 GPS 089

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS
☐ Incomplete description, list below:

6. ☒ No Change - WATER USES
☐ Different uses, (list uses found):

Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____

7. ☐ No Change - TOTAL VOLUME

- ☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA
☐ Changes found, the new total is, Amount _____ CFS _____ AFA

8. ☒ No Change - NON-IRRIGATION USES:

- ☐ Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

9. ☒ No Change — PLACE OF USE: (If changed, list below.)

Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____

Remarks: (Comments pertinent to field examination) ☐ See additional attachment

*Pump out of the river, under the highway
and then just about straight for about 200ft
into an open ditch - to flood irrigation.*

- ☐ SYSTEM DIAGRAM INCLUDED ☐ NA
☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM
DATE EXAM CONDUCTED: _____

FIELD EXAMINER:

Print Name _____
Jack Z Ellis
Signature _____



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

October 21, 2005

PORTER TRUST F/B/O STEVEN PORTER
C/O ELIZABETH PORTER DAANE TTE
29454 CHAGRIN BLVD #207
PEPPER PIKE OH 44122

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #75-4309

Dear Claimant:

We have processed your change in ownership of the Notice of Claim referenced above. Thank you for your patience.

Enclosed is a copy of your Notice of Claim for your file. Please refer to this record number in any future inquiries or correspondence.

If your mail delivery address changes in any form, please contact us in writing so we can update our records to assure you receive important notices concerning your claim.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Technical Section

SS:region

Enclosure:

Copy of Notice of Claim Referenced Above

C: T. A. Hill – Stoel Rives LLP

SCANNED

OCT 21 2005

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

RECEIVED

OCT 12 2005

Department of Water Resources

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
75-4309					

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) 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~~ Elizabeth Porter Daane, Successor Trustee of the Main Trust of Frank H. Porter
 Owner/Claimant(s) dated June 7, 2000 as amended
4. New Owner/Claimant(s) Elizabeth Porter Daane, Trustee of the F/B/O Steven Porter under the Main Trust of Frank H. Porter dated June 7, 2000 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address Main Trust of Frank H. Porter c/o Elizabeth Porter Daane, Trustee
- City, State and ZIP Code: 29425 Chagrin Blvd., Suite 207, Pepper Pike, Ohio 44122
- New Telephone Number (216) 360-8690
5. Date you acquired the property 08/01/2005

*D.K. To process
 10/12/2005 R. Brown*

SCANNED

OCT 21 2005

SCANNED

OCT 12 2005

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) Elin Peter Deane, Trustee
(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 _____
 Received by _____ Date _____ Receipt No. _____
 Processed by shepard Date 10-19-05 WR _____ Date _____

SCANNED

OCT 21 2005

SCANNED
OCT 12 2005

AFTER RECORDING, RETURN TO:

Dale G. Higer
STOEL RIVES LLP
101 S. Capitol Blvd., Ste. 1900
Boise, ID 83702

Sta. Idaho)
County of Lemhi) SS No. 263912
This instrument was filed for record at the request
of Stoel Rives LLP
at 12:50 clock f m 8-1 2005
and duly filed and indexed in the records of Lemhi
County Toni J. Morton
Eas. Officer/Recorder
By [Signature] Deputy
Fee 9.00
Return to Stoel Rives

AMENDED QUITCLAIM DEED
(previously recorded as Instrument No. 262674)

FOR VALUE RECEIVED, ELIZABETH PORTER DAANE, SUCCESSOR TRUSTEE OF THE MAIN TRUST OF FRANK H. PORTER DATED JUNE 7, 2000, AS AMENDED, Grantor, does hereby convey, release, remise and forever quitclaim unto ELIZABETH PORTER DAANE, TRUSTEE OF THE TRUST F/B/O STEVEN PORTER UNDER THE MAIN TRUST OF FRANK H. PORTER DATED JUNE 7, 2000, Grantee, whose address is 29425 Chagrin Boulevard, Suite 207, Pepper Pike, Ohio 44122, the real property situated in Lemhi County, Idaho and more particularly described in Exhibit A attached hereto and made a part hereof, together with its appurtenances.

DATED this 26th day of July, 2005.

[Signature]
ELIZABETH PORTER DAANE, SUCCESSOR
TRUSTEE OF THE MAIN TRUST OF
FRANK H. PORTER DATED JUNE 7, 2000

STATE OF OHIO)
) ss.
County of Cuyahoga)

On this 26th day of July, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared ELIZABETH PORTER DAANE, SUCCESSOR TRUSTEE OF THE MAIN TRUST OF FRANK H. PORTER DATED JUNE 7, 2000, known or identified to me to be the person whose name is subscribed to the within and foregoing instrument as Successor Trustee, and acknowledged to me that he executed the same as such Successor Trustee.

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

[Signature]
Notary Public for Ohio
Residing at PEPPER PIKE OHIO
My commission expires: DEC 9, 2009

ALBERT J. BARNABEI
Notary Public, State of Ohio
My Commission Expires Dec. 9, 2009

SCANNED
OCT 12 2005

EXHIBIT A**PARCEL "A"**

The following described premises, in Lemhi County Idaho, to-wit:

Lots 8, 9, 10 and 11, Section 1; and Lot 8, Section 2, Township 23 North of Range 21 East of the Boise Meridian. Consisting of approximately 191.79 acres, more or less.

Together with all water and water rights, ditch and ditch rights thereunto belonging or in anywise appertaining thereto.

Together with all mineral and mineral rights, known and unknown, if any.

Together with appurtenances thereto.

PARCEL "B"

A parcel of land located in the E ½, Section 34, T. 24 N., R. 21 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Commencing at the E ¼ Corner of said Section from which the NE Corner of Section 34 bears N 00°02'00" W, 2634.62 ft. the Basis of Bearing of this description, run thence S 00°03'26" E a distance of 446.78 ft. to a point on the right-of-way of U.S. Highway 93;

Thence S 45°36'07" W along said right-of-way a distance of 1217.88 ft. to the POINT OF BEGINNING;

Continue thence along said right-of-way the following courses:

S 45°36'07" W, 960.71 ft.; 867.20 ft. along a curve to the right having a radius of 586.62 ft., a central angle of 84°42'00" and a chord bearing N 83°19'42" W for 790.36 ft.;

Along the chord of a spiral curve to the right N 34°11'34" W, 169.10 ft.; 758.30 ft. along a curve to the right having a radius of 1223.24 ft., a central angle of 35°31'06" and a chord bearing N 11°04'09" W for 746.22 ft.;

Thence N 33°56'46" E leaving said right-of-way a distance of 505.13 ft.;

Thence N 33°28'22" E a distance of 541.20 ft.;

Thence N 87°52'56" E a distance of 76.33 ft.;

Thence S 22°33'15" E a distance of 226.01 ft.;

Thence S 11°07'22" E a distance of 407.44 ft.;

Thence S 57°43'15" E a distance of 750.03 ft.;

Thence N 71°52'50" E a distance of 197.60 ft.;

Thence S 16°48'02" E a distance of 227.27 ft. to the POINT OF BEGINNING.

**PARCEL CONTAINS 41.85 ACRES
THREE (3) SPLITS REMAIN**

SCANNED
OCT 12 2005

SUBJECT TO: A 30.00 ft. wide ingress/egress easement 15.00 ft. each side of the following described line:

Commencing at said E $\frac{1}{4}$ Corner of Section 34 from which the NE Corner of Section 34 bears N 00°02'00" W, 2634.62 ft., the Basis Of Bearing of this description, run thence S 67°28'54" W a distance of 2798.70 ft. to a point in the easterly right-of-way of U.S. Highway 93, said point being the **POINT OF BEGINNING**;

Thence along the center of an existing driveway the following courses:

N 64°22'52" E, 41.63 ft.; N 45°10'40" E, 51.19 ft.;

N 34°37'12" E, 91.23 ft.; N 25°52'09" E, 66.19 ft.;

N 18°48'21" E, 111.42 ft.; N 31°05'14" E, 61.12 ft.;

N 46°22'55" E, 191.70 ft.; N 37°35'58" E, 157.30 ft.;

N 22°41'08" E, 184.95 ft.; N 38°09'44" E, 68.77 ft.;

74.02 ft. along a curve to the right having a radius of 40.00 ft., a central angle of 106°01'35" and a chord bearing S 88°49'29" E for 63.90 ft.;

S 35°48'41" E, 42.49 ft.; S 18°20'24" E, 257.51 ft.;

S 14°31'57" E, 221.88 ft.; S 22°01'21" E, 72.92 ft.;

S 28°01'02" E, 98.09 ft.; S 36°12'49" E, 301.66 ft.;

S 53°56'25" E, 84.62 ft.; S 77°20'07" E, 203.95 ft.;

76.32 along a curve to the left having a radius of 30.00 ft., a central angle of 145°45'51" and a chord bearing N 29°46'58" E for 57.34 ft.;

N 43°05'58" W, 133.63 ft.; N 14°55'26" W, 91.16 ft. to a point on the northerly boundary of the above described parcel, said point being the **POINT OF TERMINUS**.

The sidelines of this easement being lengthened or shortened to conform with the grantor's and grantee's property lines.

Together with all water and water rights, ditch and ditch rights thereunto belonging or in anywise appertaining thereto.

Together with all mineral and mineral rights, known and unknown, if any.

Together with appurtenances thereto.



RECEIVED
OCT 12 2005
Department of Water Resources

101 S. Capitol Boulevard, Suite 1900
Boise, Idaho 83702
Main 208.389.9000
fax 208.389.9040
www.stoel.com

October 10, 2005

TERESA A. HILL
Direct (208) 387-4264
tahill@stoel.com

VIA US MAIL

Roxanne Brown, Sr. Water Resource Agent
State of Idaho - Department of Water Resources
322 Front Street
Boise, Idaho 83720

Re: Water Right No. 75-4309

Dear Ms. Brown:

Attached please find the Notice of Change in Water Right Ownership for the above referenced matter. I believe the fee for this water change is waived. If I am incorrect, please let me know and I will forward payment.

If any additional information is needed, please feel free to contact me.

Very truly yours,

Zulma Velazquez
Paralegal

Enclosures

SCANNED
OCT 12 2005



RECEIVED
AUG 26 2005
Department of Water Resources

101 S. Capitol Boulevard, Suite 1900
Boise, Idaho 83702
main 208.389.9000
fax 208.389.9040
www.stoel.com

August 26, 2005

TERESA A. HILL
Direct (208) 387-4264
tahill@stoel.com

VIA HAND DELIVERY

Roxanne Brown, Sr. Water Resource Agent
State of Idaho - Department of Water Resources
322 Front Street
Boise, Idaho 83720

Re: Evidence of Priority Date – Water Right No. 75-4309

Dear Ms. Brown:

I am writing in response to your June 29, 2005 letter requesting evidence of the priority date and historic use of Water Right No. 75-04309. The letter required a response by July 29, 2005, however, Zulma Velazquez spoke to your office on July 18, 2005 and received a thirty-day extension, which pushed our deadline to August 29, 2005. We are timely submitting the requested evidence based on the extended deadline.

Enclosed is the Affidavit of Steven H. Porter, which attaches the evidence we were able to find regarding the 1928 priority date for Water Right No. 75-04309. As noted in the affidavit, in 1927 the deed to the land associated with the water right referenced the water rights associated with the property. More specifically, tax records from 1928 show that William Hoffman, the then owner of the property associated with Water Right No. 75-04309, paid taxes on "irrigated and grazing land." See Exhibit C. Subsequent transfers of the land continue to reference the ditches, water and water rights appurtenant to the land. Mr. Porter was also able to speak to individuals who had knowledge of the historical use of the water right on the property for irrigation beginning in the late 1920s, however, the individuals were not willing to sign affidavits to submit to the Department. Regardless, the information we were able to obtain, specifically the tax records from 1928, corroborate these oral histories. Information provided on the Department's website specifically mentions "property tax documents showing property was taxed as irrigated agriculture" as an example of documents that may be evidence of the priority date. Therefore, the 1928 tax records provide sufficient proof of the priority date and historical use.

For your information, the land associated with Water Right No. 75-4309, and the water right, were recently deeded to Elizabeth Porter Daane, Trustee of the Trust F/B/O Steven Porter Under the Main Trust of Frank H. Porter. See Exhibit A (August 1, 2005 Quitclaim Deed). We will be

SCANNED
AUG 30 2005

Oregon
Washington
California
Utah
Idaho



Roxanne Brown
August 26, 2005
Page 2

filing a notice of change of ownership with the Department. In the meantime, I wanted to make you aware of this change to alleviate any confusion.

Please do not hesitate to contact me if you have any questions regarding the water right or the evidence provided. Thank you for all of your assistance in this matter.

Very truly yours,

Teresa A. Hill

Enclosures

RECEIVED

AUG 26 2005

Department of Water Resources

AFFIDAVIT OF STEVEN H. PORTER

STATE OF IDAHO)

) ss:

County of LEMHI

I, STEVEN H. PORTER, being first duly sworn, state that the following facts are true and correct and based upon my personal knowledge. If called to testify regarding these facts, I am competent to do so and would testify as follows:

1. I am the owner of the land referenced on the attached Exhibit "A" along with Water Right No. 75-4309. I make this Affidavit on belief and information gathered in response to a letter from the Idaho Department of Water Resources ("IDWR") dated June 29, 2005 requesting evidence of priority date for water right no. 75-4309.
2. On Thursday, August 11, 2005, I met with Bill Hoffman, son of William Hoffman. Bill informed me that he was born on the land in question and that his father William and his big brother Merle irrigated the hayfield and built the ditches beginning in the spring of 1928 after William Hoffman purchased the property on June 14, 1927, recorded as Instrument No. 33276 and attached hereto as Exhibit "B". The attached Exhibit B transfers all of the ditches, water and water rights appurtenant or belonging to said land. The property was first irrigated for agricultural use and grazing land in the spring of 1928.
3. On Friday, August 12, 2005, I visited the Lemhi County Tax Assessors and located hand written tax records for the year 1928 evidencing that William Hoffman paid taxes on irrigated and grazing land on this property. A copy of the tax records for 1928 is attached hereto as Exhibit "C".
4. On Thursday, August 11, 2005, I met with Roy Hoffman son of Merle Hoffman who also was born on this property. Merle H. Hoffman and Ileta A. Hoffman, purchased the property on December 31, 1937, recorded on January 17, 1938 in Book 31 of Deeds, on page 391, Records of Lemhi County and attached hereto as Exhibit "D". The attached Exhibit D transfers all of the ditches, water and water rights appurtenant or belonging to said land. Roy Hoffman told me that his father, Merle, irrigated the land for a truck garden in the 1930's and 1940's.
5. On August 15, 1947, Merle H. Hoffman and Ileta F. Hoffman sold the property to Harold J. Landon and Zelma Landon recorded as Instrument No. 66793 and attached hereto as Exhibit "E". The attached Exhibit E transfers all of the ditches, water and water rights appurtenant or belonging to said land
6. On March 29, 1949, Stanley A. Morgan and Elna Turner Morgan purchased the property recorded as Instrument No. 70918 and attached hereto as Exhibit "F". The attached Exhibit F transfers all of the ditches, water and water rights appurtenant or belonging to said land

SCANNED

AUG 30 2005

7. On November 26, 1951, Howard Nelson and Edna L. Nelson purchased the property recorded as Instrument No. 249976 and attached hereto as Exhibit "G". The attached Exhibit G

transfers all of the ditches, water and water rights appurtenant or belonging to said land

8. Claire R. Hisey and Theodore C. Hisey purchased the property on July 27, 1962, recorded as Instrument No. 97829 and attached hereto as Exhibit "H". The attached Exhibit H transfers all of the ditches, water and water rights appurtenant or belonging to said land Claire Hisey told me that she started living on the property in 1959 and irrigated the land throughout the 1960's for hay and grazing. Claire Hisey also informed me that during that time her husband Ted Hisey raised stock for the U.S.F.S.

9. On March 17, 1970, my parents, Frank H. Porter and Nancy L. Porter purchased the property attached hereto as Exhibit "I". The attached Exhibit I transfers all of the ditches, water and water rights appurtenant or belonging to said land My father, Frank Porter irrigated the fields for hay and also planted fruit trees. Frank Porter passed away in 2002.

DATED this 24 day of August, 2005.

STEVEN H. PORTER

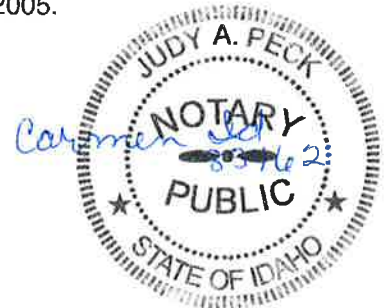


SUBSCRIBED AND SWORN to before me this 24th day of August, 2005.

NOTARY PUBLIC in and for the State

of Idaho, residing at: 348 Hwy 93 N

My Commission Expires: 6-09-06



SCANNED

AUG 30 2005

AFTER RECORDING, RETURN TO:

Dale G. Higer
STOEL RIVES LLP
101 S. Capitol Blvd., Ste. 1900
Boise, ID 83702

State of Idaho)
County of Lemhi) SS No. 263912-1
This instrument was filed for record at the request
of Stoel Rives LLP
at 12:30 o'clock p.m. 8-1 2005
and duly filed and indexed in the records of Lemhi
County Terri J. Morton
Ex-Officio Recorder
By [Signature] Deputy
Fee 9.00
Return to Stoel Rives

AMENDED QUITCLAIM DEED
(previously recorded as Instrument No. 262674)

FOR VALUE RECEIVED, ELIZABETH PORTER DAANE, SUCCESSOR TRUSTEE OF THE MAIN TRUST OF FRANK H. PORTER DATED JUNE 7, 2000, AS AMENDED, Grantor, does hereby convey, release, remise and forever quitclaim unto ELIZABETH PORTER DAANE, TRUSTEE OF THE TRUST F/B/O STEVEN PORTER UNDER THE MAIN TRUST OF FRANK H. PORTER DATED JUNE 7, 2000, Grantee; whose address is 29425 Chagrin Boulevard, Suite 207, Pepper Pike, Ohio 44122, the real property situated in Lemhi County, Idaho and more particularly described in Exhibit A attached hereto and made a part hereof, together with its appurtenances.

DATED this 26th day of July, 2005.

[Signature]
ELIZABETH PORTER DAANE, SUCCESSOR
TRUSTEE OF THE MAIN TRUST OF
FRANK H. PORTER DATED JUNE 7, 2000

STATE OF OHIO)
) ss.
County of Cuyahoga)

On this 26th day of July, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared ELIZABETH PORTER DAANE, SUCCESSOR TRUSTEE OF THE MAIN TRUST OF FRANK H. PORTER DATED JUNE 7, 2000, known or identified to me to be the person whose name is subscribed to the within and foregoing instrument as Successor Trustee, and acknowledged to me that he executed the same as such Successor Trustee.

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

[Signature]
Notary Public for Ohio
Residing at PEPPER PIKE OHIO
My commission expires: Dec 9, 2009

ALBERT J. BARNABEI
Notary Public, State of Ohio
My Commission Expires Dec. 9, 2009



EXHIBIT A**PARCEL "A"**

The following described premises, in Lemhi County Idaho, to-wit:

Lots 8, 9, 10 and 11, Section 1; and Lot 8, Section 2, Township 23 North of Range 21 East of the Boise Meridian. Consisting of approximately 191.79 acres, more or less.

Together with all water and water rights, ditch and ditch rights thereunto belonging or in anyway appertaining thereto.

Together with all mineral and mineral rights, known and unknown, if any.

Together with appurtenances thereto.

PARCEL "B"

A parcel of land located in the E ½, Section 34, T. 24 N., R. 21 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Commencing at the E ¼ Corner of said Section from which the NE Corner of Section 34 bears N 00°02'00" W, 2634.62 ft. the Basis of Bearing of this description, run thence S 00°03'26" E a distance of 446.78 ft. to a point on the right-of-way of U.S. Highway 93;

Thence S 45°36'07" W along said right-of-way a distance of 1217.88 ft. to the **POINT OF BEGINNING**;

Continue thence along said right-of-way the following courses:

S 45°36'07" W, 960.71 ft.; 867.20 ft. along a curve to the right having a radius of 586.62 ft., a central angle of 84°42'00" and a chord bearing N 83°19'42" W for 790.36 ft.;

Along the chord of a spiral curve to the right N 34°11'34" W, 169.10 ft.; 758.30 ft. along a curve to the right having a radius of 1223.24 ft., a central angle of 35°31'06" and a chord bearing N 11°04'09" W for 746.22 ft.;

Thence N 33°56'46" E leaving said right-of-way a distance of 505.13 ft.;

Thence N 33°28'22" E a distance of 541.20 ft.;

Thence N 87°52'56" E a distance of 76.33 ft.;

Thence S 22°33'15" E a distance of 226.01 ft.;

Thence S 11°07'22" E a distance of 407.44 ft.;

Thence S 57°43'15" E a distance of 750.03 ft.;

Thence N 71°52'50" E a distance of 197.60 ft.;

Thence S 16°48'02" E a distance of 227.27 ft. to the **POINT OF BEGINNING**.

**PARCEL CONTAINS 41.85 ACRES
THREE (3) SPLITS REMAIN**

SUBJECT TO: A 30.00 ft. wide ingress/egress easement 15.00 ft. each side of the following described line:

Commencing at said E ¼ Corner of Section 34 from which the NE Corner of Section 34 bears N 00°02'00" W, 2634.62 ft., the Basis Of Bearing of this description, run thence S 67°28'54" W a distance of 2798.70 ft. to a point in the easterly right-of-way of U.S. Highway 93, said point being the POINT OF BEGINNING;

Thence along the center of an existing driveway the following courses:

N 64°22'52" E, 41.63 ft.; N 45°10'40" E, 51.19 ft.;

N 34°37'12" E, 91.23 ft.; N 25°52'09" E, 66.19 ft.;

N 18°48'21" E, 111.42 ft.; N 31°05'14" E, 61.12 ft.;

N 46°22'55" E, 191.70 ft.; N 37°35'58" E, 157.30 ft.;

N 22°41'08" E, 184.95 ft.; N 38°09'44" E, 68.77 ft.;

74.02 ft. along a curve to the right having a radius of 40.00 ft., a central angle of 106°01'35" and a chord bearing S 88°49'29" E for 63.90 ft.;

S 35°48'41" E, 42.49 ft.; S 18°20'24" E, 257.51 ft.;

S 14°31'57" E, 221.88 ft.; S 22°01'21" E, 72.92 ft.;

S 28°01'02" E, 98.09 ft.; S 36°12'49" E, 301.66 ft.;

S 53°56'25" E, 84.62 ft.; S 77°20'07" E, 203.95 ft.;

76.32 along a curve to the left having a radius of 30.00 ft., a central angle of 145°45'51" and a chord bearing N 29°46'58" E for 57.34 ft.;

N 43°05'58" W, 133.63 ft.; N 14°55'26" W, 91.16 ft. to a point on the northerly boundary of the above described parcel, said point being the POINT OF TERMINUS.

The sidelines of this easement being lengthened or shortened to conform with the grantor's and grantee's property lines.

Together with all water and water rights, ditch and ditch rights thereunto belonging or in anywise appertaining thereto.

Together with all mineral and mineral rights, known and unknown, if any.

Together with appurtenances thereto.

FROM : TRANSPORTER ALASKA

FAX NO. : 406 682 3588

Aug. 15 2005 02:31PM P6

Instrument No. 33276

This Indenture, Made this 14th day of June in the year of our Lord one thousand nine hundred and twenty-seven between ALLEN C. MERRITT and INEZ M. MERRITT, husband and wife, of Salmon, Lemhi County, State of Idaho, the parties of the first part, and

WILLIAM J. HOFFMAN of Lemhi County, State of Idaho, the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of EIGHT HUNDRED DOLLARS,

lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have GRANTED, BARGAINED and SOLD and by these presents do GRANT, BARGAIN, SELL, CONVEY and CONFIRM unto the said party of the second part, and to his heirs and assigns forever, all

those certain lots, pieces or parcels of land situated, lying and being in the County of Lemhi, State of Idaho, particularly described as follows, to-wit:

Lots five and nine, the southeast quarter of the northeast quarter, the south half of the northeast quarter of the northeast quarter, and the east half of the northeast quarter of the northeast quarter of Section thirty-four (34) in Township twenty-four north, Range twenty-one East Boise Meridian; containing 125.05 acres of land according to the government survey thereof; Together with all ditches, water and water rights appurtenant or belonging to the said land or used in connection therewith;

Together with all and singular and tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining; and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and also all estate, right, title, interest in and to the said property, possession, claim and demand whatsoever, as well in law as in equity, of the said parties of the first part, of in or to the said premises, and every part and parcel thereof, with the appurtenances.

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

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

Signed, sealed and delivered in the presence of

Allen C. Merritt

Inez M. Merritt

STATE OF IDAHO,
COUNTY OF LEMHI,

On this 14th day of June, in the year 1927, before me John H. Padgham

a Notary Public in and for the said County, personally appeared Allen C. Merritt and Inez M. Merritt, husband and wife, known

to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

-Seal-

John H. Padgham

Notary Public of the State of Idaho,

Residing at Salmon, Lemhi County, Idaho.

Recorded at request of William J. Hoffman

at _____ minutes past _____

This

Lord one

the

State

the parties

of the first part, and

the party of the second part

WIT

ONE AN

Lawful

the receipt

BARGAIN

County

Quarter

Street

Said a

Quarter

Main S

the pl

in

Townsi

of the

Area

together v

the reversion

and proper

premises, a

TO H

of

the said pr

the parties

claim, the

IN W

year first a

Signed, sca

the

STAT

STATI

COUNT

On this

N

H

the to be

EXHIBIT

8

AUG 3 0 2005

SCANNED

XXXXXXXXXXXX

XXXXXX

FROM : TRANSPORTER ALASKA

FAX NO. : 406 682 3588

Aug. 15 2005 02:31PM P5

74

Instrument No. 66696

Blackfoot 044114

4--1003

THE UNITED STATES OF AMERICA,

TO ALL/WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, a Certificate of the Register of the Land Office at Blackfoot, Idaho, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of William J. Hoffman has been established and duly consummated, in conformity to law, for the Lot sixteen of Section thirty-four in Township twenty-four north of Range twenty-one east of the Boise Meridian, Idaho, containing twenty-seven acres and ninety-three hundredths of an acre, according to the Official Plat of the Survey of the said Land, on file in the GENERAL LAND OFFICE;

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Franklin D. Roosevelt, President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office, to be hereunto affixed. GIVEN under my hand, at the City of Washington, the TWENTY-THIRD day of JUNE in the year of our Lord one thousand nine hundred and THIRTY-THREE and of the Independence of the United States the one hundred and FIFTY-SEVENTH

By the President Franklin D. Roosevelt
By Leafie E. Sietz, Secretary

(SEAL)

Emma L. Warren
Recorder of the General Land
Office

RECORDED: Patent Number 1064846 6--6020

Recorded at the request of Preston Thatcher August 11, 1947 at 56 minutes past 11 o'clock A.M., in Book 40 of Deeds page 374 Records of Lemhi County, Idaho.

W. W. Simmonds, County Recorder

Fees, \$1.00 Paid

By Wanda M. W. [Signature] Deputy

T
nine hu
wife, t
Lemhi,
husband
part.

W
sum of
of Amer
of is h
grant,
their h
the Cou

Th
the part
and rec
this; th
NW1/4SE1/4

TC
unto bel
remaind
in and t
part.

TC
gether v
assigns
in the c
and assi
and ever
will WAF

IN
and seal

SIGNED,

STATE OF
County o
On
in and f
wife, kn
and ackn

IN
day and :

SCANNED

AUG 30 2005

Re.
o'clock :

The property described on this sheet is situated in Lemhi County, Idaho, in

Township 24 N Range 21 E E. B. M.

REAL PROPERTY ASSESSMENT ROLL, YEAR 1928

No. of Assessment Map	No. of Taxpayer's Receipt	NAME AND ADDRESS OF OWNER, DECEASED OWNER, AND UNKNOWN OWNER	SUBDIVISION OR TAX NUMBER	Sec.	Twp. N.	Rng. E.	CLASSIFICATION OF LANDS AND IMPROVEMENTS										TOTAL VALUE OF REAL PROPERTY	Imp. on C.L.	Equity in S.L.	CATTLE			CALVES			COWS			GRAZING HORSES		RANGE HORSES																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
							IMPROVED LAND		GRASSY LAND		WATER LAND		MINERAL LAND		Improvements	No.				K.	Value	No.	K.	Value	No.	K.	Value	No.	Value	No.	Value																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
							Acres	Value	Acres	Value	Acres	Value	Acres	Value																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																													
																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																											</

Aug. 15 2005 03:20PM P1

FAX NO. : 406 682 3588

TRANSPORTER ALASKA

tabbles

EXHIBIT

[illegible]

FROM : TRANSPORTER ALASKA

FAX NO. : 406 682 3588

Aug. 15 2005 02:32PM P7

This Indenture, Made this 31st day of December in the year of our
 one thousand nine hundred and thirty-seven between
William J. Hoffman and Esther M. Hoffman, husband and wife, of Salmon, County of Lemhi,
State of Idaho, the part 1st of the first part, and
Marle H. Hoffman and Ileta A. Hoffman of Salmon, County of Lemhi, State of Idaho
 the part 1st of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of
ONE DOLLAR and other valuable consideration DOLLARS
lawful money of the United States of America, to them in hand paid by the said parties of the second part,

receipt where of is hereby acknowledged, have GRANTED, BARGAINED and SOLD and by these presents do GRANT,
BARGAIN, SELL, CONVEY and CONFIRM unto the said parties of the second part, and to their heirs and assigns forever, all

of the following described real estate, situated in the County of Lemhi, State of Idaho,
 to-wit:

Lots 5, 9 and 6, SE $\frac{1}{4}$ of NE $\frac{1}{4}$, S $\frac{1}{2}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$, the E $\frac{1}{2}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section
Township 24 North, Range 21 East of the Boise Meridian, in Lemhi County, Idaho.
Together with all water, water rights, ditches and ditch rights thereto belonging or
in anywise appertaining.

Except that part of said lot 6 embraced in H. E. S. #50 in said Section 34.
 This conveyance is made subject to one certain mortgage given by said parties of the
 first part to John H. Coles, dated November 21, 1932, and given to secure one certain
 note of even date with said mortgage in the sum of \$2218.52, due three years after its
 date and bearing interest at the rate of 7% per annum, payable annually, which said note
 and mortgage the said parties of the second part assume and agree to pay and to hold the
 said parties of the first part harmless therefrom.

Said mortgage being recorded in the office of the County Recorder of said county of
 Lemhi in Book "N" of Mortgages at page 51.

Documentary stamp \$.50 canceled W J H, E M H 12-31-37

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and
 the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and also all estate, right, title, interest in and to the
 said property, possession, claim and demand whatsoever, as well in law as in equity, of the said parties of the first part, unto the said
 parties of the second part and their heirs and assigns forever.

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

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

Signed, sealed and delivered in the presence of

William J. Hoffman [SEAL]

Esther M. Hoffman [SEAL]

[SEAL]

STATE OF IDAHO, } ss.
 COUNTY OF LEMHI, }

On this 31st day of December in the year 1937, before me Enoch W. Whitcomb

Notary Public

in and for said County, personally appeared

William J. Hoffman and Esther M. Hoffman

known

to me to be the person whose name are subscribed to the within instrument, and acknowledged to me that they executed
 the same.

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

(SEAL)

Enoch W. Whitcomb
 Notary Public for the State of Idaho,
 Residing at Salmon, Idaho

Recorded at request of Marle H. Hoffman

at 2 minutes past 2

on this 17th day of January 1938, in Book 31 of Deeds, on page 581, Records of Lemhi County,

SCANNED
 AUG 30 2005

W. W. Simmonds

County Recorder.

EXHIBIT

tabbies

04

Instrument No. 66793

A F F I D A V I T

STATE OF IDAHO

County of Lemhi

ss.

W. H. SHOUP being first duly sworn according to law, deposes and says:

I am a natural born citizen of the United States of America over the age of twenty-one years, and a resident of Lemhi County, Idaho;

That I know of my own knowledge that Martha J. Carman, grantee of that certain Townsite Deed, dated July 22, 1885 and recorded July 29, 1885, in Book D of Deeds page 121, Records of Lemhi County, Idaho and Mrs. Martha J. Carman, grantor of that certain Deed dated March 4, 1886 and recorded March 27, 1886 in Book C of Deeds page 575, Records of Lemhi County, Idaho, was one and the same person and she was an unmarried woman as of the date of both the above described conveyances.

Further deponent sayeth not.

W. H. Shoup

Subscribed and sworn to before me this 2 day of Sept, 1947.

(SEAL)

Charles Herndon
Notary Public for the State of Idaho
Residing at Salmon, Idaho.

Recorded at the request of Charles Herndon September 2, 1947 at 45 minutes past 11 o'clock A. M., in Book 40 of Deeds page 404 Records of Lemhi County, Idaho.

W. W. Simmonds, County Recorder

Fees, \$.50 Paid

By Anthony M. McFadden, Deputy

Instrument No. 66794

WARRANTY DEED

THIS INDENTURE, Made this 15th day of August in the year of our Lord one thousand hundred and forty-seven between Merle E. Hoffman and Ileta F. Hoffman, husband and wife of the, County of Lemhi, State of Idaho the parties of the first part, and Harold J. Landon and Zelma Landon, husband and wife, of the, County of Lemhi State of Idaho the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of EIGHTY FIVE HUNDRED and No/100 DOLLARS, lawful money of the United States of America to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all of the following described real estate, situated in the County of Lemhi, State of Idaho, to wit:

Lots 5, 9, and 16 and the ~~SE~~ ^{SW} 1/4 of Section 34, Twp. 24 North, Range 21 E., B.M.; and that portion of Homestead Entry Survey No. 50, situate in said Section 34, Twp. and Range aforesaid, particularly described as follows, to-wit:

Beginning at Corner No. 5, H.E.S. No. 50 in Section 34, and Section 27, Township 24 North of Range 21 East of the Boise Meridian thence North 89 deg. 58' West 668 feet more or less, to the easterly right of way line of U.S. Highway 93; thence northeasterly along said easterly right of way line of U.S. Highway 93 925 feet; thence South 89 deg. 58' East 35 feet to the line between Corner No. 5 and Corner No. 6 of H.E.S. No. 50; thence South 0 deg. 02' East 850 feet more or less to the place of beginning, containing 9.8 acres more or less.

Together with all water rights, ditches and ditch rights, and any and all range rights belonging thereto or used in connection therewith.

DOCUMENTARY STAMPS \$9.35 CANCELLED 9-2-47 P. T.

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

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

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

STATE

Count:

in an
me to
to me

and y

STATE

Count:

Thatc
offic.

Fees,

613--1

hundre
Miller
partie
Edgar

sum of
hand p
have 2
and cc
all of
of Ida

I
C
I
I
C

A

togeth
ate on

2
1
1
1

T
unto b
mainde
and to
part.

T
togeth
assign.
in the
assign
every
WARRAN

SCANNED
AUG 30 2005

EXHIBIT

tabbier

Instrument No. 70918

WARRANTY DEED

THIS INDENTURE, Made this 29th day of March, in the year of our Lord, One Thousand Nine Hundred and forty nine., by and between Harold J Landon, and Zelma Landon husband and wife, of the County of Jefferson County, State of Idaho, the parties of the first part, and Stanley A Morgan and Elma Turner Morgan husband and wife of the County of Jefferson, State of Idaho, the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of ten and other trade values. - - - DOLLARS lawful money of the United States of America, to them in hand paid by the parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said parties of the second part and to their heirs and assigns forever, all the following described real estate, situate in the County of Lemhi, State of Idaho, to wit: lots five nine and sixteen and the S½ of section 34 twp 24 north range 21E B M. and that portion of homestead entry survey No 50, situated in said section 34, Twp and range aforesaid particularly described as follows to wit.

beginning at the corner no 5 H.E.S. no 50 in section 34 and section 27, township 24 north of range 21 E B M. thence north 89 degrees 58 west 668 feet more or less to the easterly right of way line of U S. highway 93 thence northeasterly along said easterly right of way line of U S highway 93, 925 feet thence south 89 deg. 58 east 55 feet to the line between corner no 5, and corner no 6 of E E S, no 50. thence south 0 deg 02 east 850 feet more or less to the place of beginning containing 9.8 acres more or less.

together with all water rights ditches and ditch rights and any and all range rights belonging thereto or used in connection therewith.

and to assume and pay one certain mortgage of \$3,300.00 now thereon.

DOCUMENTARY STAMPS	\$6.05	CANCELLED	10/25/49	S.M.
--------------------	--------	-----------	----------	------

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

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

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

Harold J Landon (SEAL)
Zelma Landon (SEAL)

Signed, sealed and delivered)
in the presence of)

STATE OF IDAHO,)
; ss.
County of Bonneville)

On this 8th day of April, in the year 1949 before me, S T Johnson., a Notary Public in and for State of Idaho, personally appeared Harold J Landon and Zelma Landon his wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

S. T. Johnson (((SEAL)))
Notary Public.
Residing at Idaho Falls Idaho
My commission expires January 17th, 1952.

STATE OF IDAHO,)
; ss.
County of Lemhi)

I hereby certify that this instrument was filed for record at the request of Stanley A. Morgan at 55 minutes past 11 o'clock A.M., this 25th day of October, 1949 in my of and duly recorded in Book 42 of Deeds, at page 149.

Fees, \$1.50 Pd.

W. W. Simmonds,
Ex-Officio Recorder.

SCANNED
AUG 30 2005

EXHIBIT

tabbies

by Deputy John A. Smith
Deputy

SCANNED

AUG 30 2005

Instrument No. 74976

WARRANTY DEED

THIS INDENTURE, Made this 26th. day of November in the year of our Lord one thousand nine hundred and Fifty-One, between Stanley A. Morgan and Elma Turner Morgan, his wife of Salmon, County of Lemhi State of Idaho, the parties of the first part, and Howard Nelson and Edna L. Nelson Husband and Wife of Carmon, County of Lemhi State of Idaho, the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Seventy-Seven Hundred-Fifty and No/100 DOLLARS, lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents does. grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all of the following described real estate, situated in Legal Description Below County of Lemhi, State of Idaho, to-wit:

Lots, 5, 9, 16 (Five, Nine and Sixteen) and the S $\frac{1}{2}$ -SE $\frac{1}{4}$ of Section 34, Twp. 24 North Range 21 E.B.M. and that Portion of Homestead Entry survey No. 50, situated in said Section 34, Twp. and Range aforesaid, particularly described as follows to wit:

Beginning at a corner No 5 H.E.S. No. 50 in Section 34 and Section 27, Twp. 24 North of Range 21 E.B.M. thence North 89 degrees 58', West 668 feet more or less to the Easterly Right of Way Line of U.S. Highway 93 thence Northerly, or Northeasterly along said Easterly Right of way line of U.S. Highway 93, 925 feet thence South 89 degrees, 58' East 35 feet to the line between corner No 5, and corner No 6, of H.E.S. No 50 thence South 0 deg. 02 East 850 feet more or less to the place of beginning, Containing 9.8 Acres more or less

Together with all water, water rights, ditches and ditch rights and any and all Range rights belonging there-to or used in connection therewith.

DOCUMENTARY STAMPS \$8.80 Cancelled 1/23/52 H.N.

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

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

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

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Stanley A. Morgan
Elma L. Morgan

(Seal)
(Seal)

STATE OF IDAHO,

COUNTY OF LEMHI

} ss.

On this 4th. day of December in the year 1951, before me The Undersigned, a Notary Public in and for said State, personally appeared Stanley A. Morgan & Elma L. Morgan his wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

((SEAL))

F. W. Moultrie
Notary Public for the State of Idaho
Residing at Salmon, Idaho

STATE OF IDAHO,

COUNTY OF LEMHI

} ss.

I hereby certify that this instrument was filed for record at request of F. W. Moultrie at 51 minutes past 4 o'clock P.M., this 23rd day of January, A.D. 1952 in my office, and duly entered in Book 43 of Deeds at page 403

W. W. Simmonds
Ex-Officio Recorder

By *Lin C. Stenmark*

EXHIBIT

B

SCANNED

AUG 30 2005

FROM : TRANSPORTER ALASKA

FAX NO. : 406 682 3588

Aug. 15 2005 02:34PM P11

said State, personally appeared VIRGIL M. HARRIS and FRIEDA HARRIS known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

C Walker Lyon
Notary Public for the State of Idaho
Residing at Salmon, Idaho

(SEAL)
STATE OF IDAHO,) SS.
COUNTY OF LEMHI)

I hereby certify that this instrument was filed for record at request of Hazel Schofield at 30 minutes past 3 o'clock P. M., this 26th day of September, A.D. 1962 in my office, and duly entered in Book 48 of Deeds at pages 516-17.

Paul Adams - Ex-Officio Recorder

Fee, \$1.75 Paid

By Marquitta Butler Deputy

Instrument No. 97829
WARRANTY DEED

THIS INDENTURE, Made this 27th day of July in the year of our Lord one thousand nine hundred and sixty-two, between HOWARD NELSON and EDNA L. NELSON, husband and wife, of Salmon, County of Lemhi, State of Idaho, the parties of the first part, and THEODORE G. HISEY and CLAIRE R. HISEY, husband and wife, of the County of Lemhi State of Idaho, the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of ONE DOLLAR and clearance of title, lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all of the following described real estate, situated in the County of Lemhi, State of Idaho, to-wit:

Lots 5, 6 and 9 and the $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of S. 34, T. 24 North Range 21, E.B.M. and that portion of Homestead Entry Survey No. 50, situated in said Section 34, T. and Range aforesaid, particularly described as follows, to-wit:

Beginning at a corner No. 5 H. E. S. No. 50 in S. 34 and S. 27, T. 24 N.R. 21, E.B.M., and thence North 89° 58' West 668 feet, more or less, to the easterly right of way line of U. S. Highway 93; thence Northerly, or Northeasterly along said Easterly right of way line of U.S. Highway 93, 925 feet; thence South 89° 58' East 35 feet to the line between corner No. 5 and corner No. 6 of H.E.S. No. 50; thence South 0° 02' East 850 feet, more or less, to the place of beginning, containing 9.8 acres, more or less.

EXCEPTING a fraction of Lots 6 and 9 in S. 34, T. 24 N., R. 21 E., Boise Meridian, more particularly described as follows, to-wit:

Beginning at Corner No. 4 of H.E.S. No. 50 in said Lot 6, run thence East along the South boundary of H.E.S. No. 50, a distance of 340.0 feet, more or less, to a point on the Westerly right-of-way line of U.S. Highway No. 93; thence Southeastly along said right of way line 2300.00 feet; thence South to the Northeastly bank of Salmon River; thence Northwestly along the Northeastly bank of Salmon River 2600 feet, more or less, to beginning.

This is a correction deed to correct the description appearing in that deed dated March 20, 1961, recorded June 28, 1961, in Book 48 of Deeds at page 168 in the office of the County Recorder at Salmon, Idaho, being understood that the description as set forth in this present deed is the correct description and is the description that should have appeared in the original deed.

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

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

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

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Howard Nelson (Seal)
Edna L. Nelson (Seal)

STATE OF IDAHO,)
COUNTY OF LEMHI) SS.

On this 27th day of July in the year 1962, before me the undersigned, a Notary Public in and for said State, personally appeared Howard Nelson and Edna L. Nelson, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

(SEAL)
STATE OF IDAHO,) SS.
COUNTY OF LEMHI)

I hereby certify that this instrument was filed for record at request of Fred H. Snook at 25 minutes past 3 o'clock P. M., this 27th day of September, A.D. 1962 in my office, and duly entered in Book 48 of Deeds at page 517.

Fee, \$2.25 Paid

Frederick Hughes Snook
Notary Public for the State of Idaho
Residing at Salmon, Idaho

Paul Adams - Ex-Officio Recorder

By Marquitta Butler Deputy

SCANNED

AUG 30 2005

EXHIBIT

tabbles

IN THE PROBATE COURT

OF **LEMMING**

COUNTY, STATE OF IDAHO

IN THE MATTER OF THE ESTATE OF

THEODORE C. HISEY,

Deceased.

AMENDED

DECREE OF SETTLEMENT OF FINAL
ACCOUNT AND FINAL DISTRIBUTION**Claire R. Hisey**, the **administratrix**of the estate of **Theodore C. Hisey**having on the **6th** day of **March**

, deceased,

, 19 **70**, rendered and presented forsettlement and filed in this Court **her** final account and report of **her** administration of
said estate, which account was for a final settlement, and having with said account filed a petition for the
final distribution of the estate;

And the said account and petition this day coming on regularly to be heard, and proof having been made
to the Satisfaction of the Court that notice of the day appointed for the settlement of said account and hearing
of said petition had been duly given as required by law and the order of this Court, and no exception or objec-
tion in writing to said account or petition having been filed or made; the said **administratrix**

appearing by

herattorney, **Fred H. Snook**

And it appearing to the Court after having fully examined the said account and the vouchers filed herein
and heard the testimony in support thereof, that said account is in all respects true and correct;

that the residue of money in the hands of the

administratrix

at the time of filing

said account was **the same as set forth in the inventory except for necessary**
expenses;

that the sum of **\$881.94**

administratrix

has been expended by

~~as necessary charges, and the Court~~
as necessary charges,
and the Court

IT IS ORDERED AND DECREED, That the said final account be and the same hereby is in all respects
as the same was rendered and presented for settlement, approved, allowed and settled;

And it further appearing that since the rendition of said final account there has been received by said
administratrix

the sum of **nothing;**and that there has been disbursed by **said administratrix**the sum of **nothing;**

SCANNED

AUG 30 2005

FROM : TRANSPORTER ALASKA

FAX NO. : 406 682 3588

Aug. 15 2005 02:35PM P13

that the estimated expense of closing the estate will amount to **nothing**

, leaving a

residue of **all property listed in inventory**; and it appearing that all claims and debts against the said decedent, and all State, County and Municipal taxes legally levied on the personal property of said estate, and all transfer and estate taxes that have attached to or accrued against the said estate, and all debts, expenses and charges of administration have been fully paid and discharged, and that said estate is ready for distribution and in conditions to be closed;

And it further appearing to the Court that the said **Theodore C. Hisey**

died **in** testate, in the County of **Lemhi**, State of **Idaho**
on the **10th** day of **August**, A.D. 19**69**, leaving surviving
Claire R. Hisey, surviving wife;

That the said **Claire R. Hisey is**

entitled to **all** the residue of said estate

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That the residue of said estate of **Theodore C. Hisey**, deceased, hereinafter particularly

described and now remaining in the hands of said **administratrix**
described as follows, to-wit:

SCANNED

AUG 30 2005

Certain real and personal property in Lemhi County, Idaho, described as follows, to wit:

Lots 5, 6 and 9 and the S. 34, T. 24, N.R. 21, E.B.M., and that portion of Homestead Entry Survey No. 50, situated in said S. 34, Township and Range aforesaid, particularly described as follows, to wit:

Beginning at corner No. 5, H.E.S. No. 50 in S. 34 and S. 27, T. 24 N.R. 21, E.B.M., and thence N. $89^{\circ}58'$ W. 668 feet, more or less, to the easterly right of way line of U.S. Highway 93; thence Northerly, or Northeasterly along said Easterly right of way line of U.S. Highway 93, 925 feet; thence South $89^{\circ}58'$ E. 35 feet to the line between corner No. 5 and corner No. 6 of H.E.S. No. 50; thence South $0^{\circ}02'$ E. 850 feet, more or less, to the place of beginning, containing 9.8 acres, more or less.

EXCEPTING a fraction of Lots 6 and 9 in S. 34, T. 24 N., R. 21 E., Boise Meridian, more particularly described as follows, to wit:

Beginning at Corner No. 4 of H.E.S. No. 50 in said Lot 6, run thence East along the South boundary of H.E.S. No. 50, a distance of 340.0 feet, more or less, to a point on the Westerly right of way line of U.S. Highway No. 93; thence Southeasterly along said right of way line 2300.0 feet; thence South to the Northeasterly bank of Salmon River; thence Northwesterly along the Northeasterly bank of Salmon River 2600 feet, more or less, to beginning.

Together with all water and water rights, ditch and ditch rights used in connection therewith.

Balance owing on the Nelson sales agreement;

(1) one Chevrolet station wagon and (1) one Scout motor vehicle;

All cash in the Idaho First National Bank at Salmon, Idaho;

IN THE PROBATE COURT, COUNTY OF LEMHI, STATE OF IDAHO

I, Irvin C. Robertson, Judge and Ex-Officio Clerk of the aforesaid Court, do hereby certify that the within or hereunto annexed instrument is a true and correct copy of the original *decreed*

without further hearing & distribution on file

in this Court, File No. *1660* of *Probate* Records, Lemhi County, State of Idaho.

IN WITNESS WHEREOF I have this *23rd* day of *March* 19*70*, hereunto set my hand and affixed the seal of this Court.

Irvin C. Robertson

Probate Judge

and any other property not now known or discovered, which may belong to the said estate or to which the said estate may have any interest, be and the same is

hereby distributed as follows, to-wit: to **CLAIRE R. HISEY.**

SCANNED

Aug 13 2005

113509

State of Idaho }
County of Lemhi } ss

Recorded at the request of

Fred H. Snook

March 24 19 70

at 5 minutes past 2 o'clock

P. M. in File of

Deed Records of Lemhi
County, Idaho

Eleanor Aldous

County Recorder

By Marguerite Butler
Deputy

Fee: \$ 3.00 Paid

SCANNED

AUG 30 2005

WARRANTY DEED

1 For value received, ~~CLAIRE R. HISEY~~, a widow, the grantor,
 2 does hereby grant, bargain, sell and convey unto FRANK H. PORTER
 3 and NANCY L. PORTER, husband and wife, the grantees, the following
 4 described premises in Lemhi County, State of Idaho, to wit:
 5

6 Lots 5, 6 and 9, and the ~~S 1/2~~ ^{SE 1/4} of Section 34, Township 24
 7 North, Range 21, East Boise Meridian, and that portion of Homestead
 8 Entry Survey No. 50, situated in said Section 34, Township and Range
 9 aforesaid, particularly described as follows, to wit:

10 Beginning at a corner No. 5, H.E.S. No. 50, in Section 34 and
 11 Section 27, Township 24 North, Range 21, East Boise Meridian, and
 12 thence North 89°58' West 668 feet, more or less, to the easterly
 13 right-of-way line of U.S. Highway No. 93; thence North 36°36' East,
 14 1061.0 feet, more or less; thence South 89°58' East, 35 feet to the
 15 line between corner No. 5 and corner No. 6 of H.E.S. No. 50; thence
 16 South 0°02' East 850 feet, more or less, to the place of beginning,
 17 together with all water and water rights used in connection there-
 18 with.

19 EXCEPTING a fraction of Lots 6 and 9 of Section 34, Township
 20 24 North, Range 21, East Boise Meridian, more particularly described
 21 as follows, to wit:

22 Beginning at Corner No. 4 of H.E.S. No. 50 of said Lot 6, run
 23 thence East along the South boundary of H.E.S. No. 50 a distance of
 24 340.0 feet, more or less, to a point on the Westerly right-of-way
 25 line of U.S. Highway No. 93; thence Southeasterly along said right-
 26 of-way line 2300.0 feet; thence South to the Northeasterly bank of
 27 Salmon River; thence Northwesterly along the Northeasterly bank of
 28 the Salmon River, 2600 feet, more or less, to beginning, together
 29 with all water and water rights used in connection therewith.

30 ALSO, EXCEPTING a fraction of Lot 6 and 9, in Section 34,
 31 Township 24 North, Range 21 East, Boise Meridian, more particularly
 32 described as follows, to wit:

33 Commencing at the intersection of the South boundary of H.E.S.
 34 No. 50, in said Lot 6, and the Easterly right-of-way line of U.S.
 35 Highway No. 93, run thence Southerly along the Easterly right-of-way
 36 line of U.S. Highway No. 93, on a curve to the East for a distance
 37 of 247.4 feet to the point of beginning, and the Northwesterly
 38 corner of the tract of land herein described; thence North 81°43'
 39 East 168.9 feet; thence South 15°11' East 389.0 feet; thence South
 40 78°55' West 183.8 feet to a point on the Easterly right-of-way line
 41 of U.S. Highway No. 93; thence Northerly along said right-of-way
 42 line, on a curve to the East for a distance of 395.5 feet, more or
 43 less, to the point of beginning, together with all improvements
 44 thereon and all water and water rights, ditch and ditch rights used
 45 in connection therewith.

46 The grantor hereby gives and grants to the grantees
 47 to use the existing road across the property described here
 48 the exception for purposes of ingress and egress to the pr
 49 being purchased by said grantee.

50 TO HAVE AND TO HOLD the said premises, with their ann

EXHIBIT

I

SCANNED

AUG 30 2005

1 unto the said grantees, their heirs and assigns forever. And the
 2 said grantor does hereby covenant to and with the said grantees,
 3 that she is the owner in fee simple of said premises; that said
 4 premises are free from all incumbrances and that she will warrant
 5 and defend the same from all lawful claims whatsoever.
 6

7 Dated: March 17, 1970.

8 Claire R. Hisey
 9

10
 11 STATE OF IDAHO

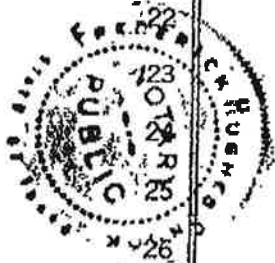
12 County of Lemhi--SS

13 On this 17th day of March, 1970, before me, a notary public
 14 in and for said state, personally appeared Claire R. Hisey, a
 15 widow, known to me to be the person whose name is subscribed to
 16 the within instrument, and acknowledged to me that she executed
 17 the same.
 18

19 Fredrick Hughes Smith
 20

21 Notary Public for Idaho, Residing at Salmon, Idaho.

22 113875



23 State of Idaho }
 24 County of Lemhi } ss

25 Recorded at the request of
 26 Lemhi Title & Abstract

27 May 25th 19 70

28 at 21 minutes past 3 o'clock

29 P.M. at the office of

30 Deed Records of Lemhi
 31 County, Idaho

32 Eleanor Aldous

County Recorder

Opal Reddington

SCANNED

AUG 30 2005

AUG 3 0 2005

SCANNED

Fees, \$2.00 Paid

2
LAWYER
JULIA M. BROWN



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 5, 2004

MAIN TRUST OF FRANK H PORTER
ELIZABETH PORTER DAANE TTE
29425 CHAGRIN BLVD STE 207
PEPPER PIKE OH 44122

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #75-4309

Dear Claimant:

We have processed the change in ownership of the Notice of Claim to a Water Right referenced above for your property in Lemhi County.

Enclosed is a copy of this water right claim. Please retain this copy for your file, and refer to this record number in any future inquiries or correspondence.

If your mail delivery address changes in any form, please contact us in writing so we can update our records to assure you receive important notices concerning your claim.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

Enclosure:

Copy of Notice of Claim Referenced Above

SCANNED
OCT - 5 2004

REFUND REQUEST

TO: S. Sherman to Log In
 FOR: D. Shaff/D. Allen
 FROM: S. Sherman Date: 10-5-04
 SUBJ: Receipt No. C074681 (Please attach ARQ2 Receipt copy immediately behind blue form)

RE: PayOR Steel River LLP
 Address attn Zulma Velazquez
101 S. Capitol Blvd. Ste. 1900
Boise ID 83702

Claimant(s) if NOT Payor Main Trust of Frank H. Porter
 Refund Amount \$ 25 Claim Location (Region/Claimant) (S.O.)
 Extension Filed? Y/N NA Copy Attached? Y/N NA
 Late Fees Paid? Y/N NA Late Fee Receipt # C074681
 S.O. Verified Ext. by n/a on n/a D.B. Query by n/a
 Refund Generated By () Agent () Claimant
 Refund Category:
 insufficient fees / claim incomplete / withdrawn 1. o-pmt

Date of Last Correspondence (copy attached) _____

Claim No.	Use*	Fees Paid	Correct Fee	Rec't #
<u>75-4309</u>	<u>01</u>	<u>\$25.-</u>	<u>0</u>	<u>C074681</u>
_____	_____	\$ _____	_____	_____
_____	_____	\$ _____	_____	_____
_____	_____	\$ _____	_____	_____
_____	_____	\$ _____	_____	_____
Total		<u>\$25.-</u>	<u>\$0</u>	

*Incomplete claims or insufficient fees for irrigation use will generally NOT be refunded. D.E. claim in AJSP1 at minimum.

Detailed Reason(s) for Refund Attached Y/N NA
no fee due for ownership change.

Region AJ Spvsr. Approval _____ S.O. AJ Spvsr. Approval _____
 Don Shaff Approval 10/5/04 Hold _____ To Fiscal 10-5-04
 Logged 10-5-04
 Data Base Modified? Y/N NA A &/or R Records By _____ on _____

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

RECEIVED
JUL 30 2004
DEPARTMENT OF
WATER RESOURCES

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
75-4309					

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) 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) FRANK H. AND NANCY L. PORTER
2801 CARNEGIE AVE., CLEVELAND, OH 44115
4. New Owner/Claimant(s) MAIN TRUST OF FRANK H. PORTER, Elizabeth Porter Deane, Trustee
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 29425 CHAGRIN BLVD., Suite 207
- City, State and ZIP Code PEPPER PIKE, OH 44122
- New Telephone Number (216) 360-8690
5. Date you acquired the property December 15, 2000

SCANNED
OCT - 5 2004

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)

Edna Deane, Trustee
Main Trust of Frank H. Porter

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 [Signature] Date 7-2-04 Fee _____
 Receipted by [Signature] Date 7-2-04 Receipt No. 0074681
 Processed by [Signature] Date 10-5-04 WR _____ Date _____

O.K. to process ✓
R Brown 10/5/04

SCANNED
OCT - 5 2004

WARRANTY DEED

Bob act

For Value Received

FRANK H. PORTER, individually,
dealing with his sole and separate property,

the Grantor does hereby grant, bargain, sell and convey unto

Main Trust of Frank H. Porter U/D 6/7/2000
Frank H Porter, Trustee and his successors in trust,
14761 County Line Road
Chagrin Falls, Ohio 44022

the Grantee, the following described premises, in Lemhi County Idaho, to-wit:

Lots 5, 6, and 9, and the S/4SE/4NE/4 of Section 34, Township 24 North, Range 21 East Boise Meridian, and that portion of Homestead Entry Survey No. 50, situated in said Section 34, Township and Range aforesaid, particularly described as follows, to-wit:

Beginning at a corner No. 5, H.E.S. No. 50, in Section 34 and Section 27, Township 24 North, Range 21, East Boise Meridian, and thence North 89°58' West 668 feet, more or less, to the easterly right-of-way line of U.S. Highway No. 93; thence North 36°36' East, 1061.0 feet, more or less; thence South 89°58' East, 35 feet to the line between corner No. 5 and Corner No. 6 of H.E.S. No. 50; thence South 0°02' East 850 Feet, more or less, to the place of beginning, together with all water and water rights used in connection therewith.

EXCEPTING a fraction of Lots 6 and 9 of Section 34, Township 24 North, Range 21, East Boise Meridian, more particularly described as follows to wit:

Beginning at Corner No. 4 of H.E.S. No. 50 of said Lot 6, run thence East along the South boundary of H.E.S. No. 50 a distance of 340.0 feet, more or less, to a point on the Westerly right-of-way line of U.S. Highway No. 93; thence Southeasterly along said right-of-way line 2300.0 feet; thence South to the Northeasterly bank of the Salmon River; thence Northwesterly along the Northeasterly bank of the Salmon River, 2600 feet, more or less, to beginning, together with all water and water rights used in connection therewith.

ALSO, EXCEPTING, a fraction of Lot 6 and 9, in Section 34, Township 24 North, Range 21 East, Boise Meridian, more particularly described as follows, to-wit:

Commencing at the intersection of the South Boundary of H.E.S. No. 50, in said Lot 6, and the Easterly right-of-way line of U.S. Highway No. 93, run thence Southerly along the Easterly right-of-way line of U.S. Highway no. 93, on a curve to the East for a distance of 247.4 feet to the point of beginning, and the Northwesterly corner of the tract of land herein described; thence North 81°43' East 168.9 feet; thence South 15°11' East 389.0 feet; thence South 78°55' West 183.8 feet to a point on the Easterly right-of-way line of U.S. Highway No 93; thence Northerly along said right-of-way line, on a curve to the East for a distance of 195.5 feet, more or less, to the point of beginning, together with all improvements thereon and all water and water rights, ditch and ditch rights used in connection therewith.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that its the owner in fee simple of said premises; they are free from all encumbrances except the lien for taxes for the current year, any liens and encumbrances of record on this date, and any liens or encumbrances suffered or created by Grantee prior to the date hereof, that he will warrant and defend the same from all lawful claims whatsoever.

DATED: the 15th day of Dec., 2000.

FRANK H. PORTER, Individually

STATE OF OHIO, COUNTY OF <u>Cuyahoga</u>	THIS SPACE RESERVED FOR COUNTY RECORDER
On this <u>15</u> day of <u>Dec</u> , 2000, before me a Notary Public in and for Said State, personally appeared	State of Idaho) SS No. 246050 County of Lemhi)
FRANK H. PORTER	This instrument was filed for record at the request of <u>Milton A. Shavini</u>
Known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.	At <u>12:27</u> o'clock <u>PM</u> on <u>12-27</u> 2000
<u>15</u>	and duly filed and indexed in the records of Lemhi County
(SEAL) Notary Public for State of Ohio Residing at <u>Cleveland</u> , OH	Toni J. Morton Ex-Officio Recorder
NOTARY PUBLIC - STATE OF OHIO	He <u>is</u> Deputy
NOTARY PUBLIC - STATE OF OHIO Commission Expires on <u>12-31-2001</u> Section 147.03 O.R.C.	Fee <u>5.00</u>

SCANNED
OCT - 5 2004





101 S. Capitol Blvd. Suite 1900
Boise Idaho 83702
phone 208 389 9000
fax 208 389 9040
www.stoel.com

Name:	Fax No.	Company/Firm	Phone No.
TO: Roxanne Brown	208-327-5400	Idaho Department of Water Resources	

Name:	Sender's Direct Dial:	Sender's Direct Email:
FROM: Zulma Velazquez	(208) 387-4219	zxvelazquez@stoel.com

Client:	Matter:

Date: **September 21, 2004**

No. of Pages (including this cover): **5**

Originals Not Forwarded Unless Checked: ☐ First Class Mail ☐ Overnight Delivery ☐ Hand Delivery

In case of error call _____ at _____

This facsimile may contain confidential information that is protected by the attorney-client or work product privilege. If the reader of this message is not the intended recipient or an employee responsible for delivering the facsimile, please do not distribute this facsimile, notify us immediately by telephone, and return this facsimile by mail. Thank you.

COMMENTS: Water Right Transfer No. 75-4309 - As per our telephone conversation of yesterday, please find attached the document requested.

If any additional information is needed, please give me a call. Thank you for your prompt attention to this matter.

Best of luck in the move!

SCANNED
OCT - 5 2004

Received at: 2:15PM, 9/21/2004

**IN THE COURT OF COMMON PLEAS
PROBATE DIVISION
GAUGA COUNTY, OHIO**

IN THE MATTER OF:

CASE NO. 02PE000329

THE ESTATE OF

JUDGE CHARLES E. HENRY

FRANK H. PORTER, DECEASED

CERTIFICATE OF APPOINTMENT
OF EXECUTOR

State of Ohio)

County of Gauga)

I, CHARLES E. HENRY, Judge and Clerk of the Probate Court, (a Court of Record), within and for said County, do hereby certify that on the ELIZABETH P. DAANE day of 13th, August A.D., 2003 was duly appointed and qualified as Executor of the estate of Frank H. Porter, deceased, late of Russell Township, in said County, and that she still lawfully remains in the full discharge of her duties as said Executor, all of which appears by record of said Court.

IN WITNESS WHEREOF, I herunto subscribe my name and affix the seal of said Court at Chardon, Ohio, this 8th day of April, A.D. 2003.

Charles E. Henry
CHARLES E. HENRY, Judge

Nicholas A. O'Malley
Probate Clerk

Received at: 2:15PM, 9/21/2004

DECLARATION OF TRUST

Main Trust of Frank H. Porter

ON THIS the day of June, 2000, I

FRANK H. PORTER, of Geauga County, Ohio, as grantor and Declarant, acknowledge and declare that I have set apart the property described in Schedule A from my other assets, that I have transferred them to myself, *IN TRUST*, and that from this day forward such property and all other trust property shall be held in trust and administered and distributed by me and successor Trustees as follows:

My Trust

1. The Trustee shall hold all trust property for my benefit as a single trust that shall be administered as follows:

(a) In General. The Trustee shall distribute to me such portions of the net income and principal, even to its exhaustion, as I from time to time direct. I presently plan to fund the trust held under Paragraph 1 with most of my assets of all kinds. I may make the necessary transfers myself or through agents.

(b) During Incapacity. During any period in which I am incapacitated, the Trustee from time to time:

(i) (As to Basic Care) shall distribute or otherwise apply such portions of the net income and principal as in the Trustee's judgment shall be appropriate to provide for my support, health, welfare, and other best interests and the health and education of my lineal decedents.

(ii) (Otherwise) is authorized from time to time to distribute to and among such one or more members of a class composed of my lineal descendants, and eligible organizations, as the Trustee shall select such portions of the net income and principal as the Trustee shall consider consistent with my past practices of giving or advisable for the reduction of estate taxes at my death or both. Such distributions may be made to any one or more of such individuals and organizations

SCANNED

OCT - 5 2004

Received at: 2:15PM, 9/21/2004

property as the Trustee shall deem advisable; (iv) to withdraw any part or all of the trust property from time to time held by such Special Trustee; and (v) to remove any Special Trustee which the Trustee has designated. Any such designation or removal shall be made by written instrument executed by the Trustee and delivered to the Special Trustee so designated or removed. Except as expressly limited by the written instrument designating a Special Trustee, such Special Trustee shall have the powers and duties with respect to the property held by such Special Trustee, which are conferred and imposed on the Trustee in Paragraph 7(a) but none of those considered in any other provision of this instrument. Any and all net income from time to time derived from trust property held by such Special Trustee shall be remitted promptly to the Trustee for disposition in accordance with the applicable provisions of this instrument. Any Special Trustee from time to time serving may at any time resign by delivering a written resignation to the Trustee, but no such resignation shall become effective until a successor Special Trustee is designated or until the Trustee is prepared to accept transfer and delivery of the trust property held by the resigning Special Trustee. If for any reason any Special Trustee ceases to serve in such capacity, the trust property then held by such Special Trustee shall be transferred and delivered to a successor Special Trustee, or to the Trustee, in accordance with the directions of the Trustee. Except as the Trustee may otherwise determine, no Special Trustee shall be required to furnish bond. Each Special Trustee from time to time serving shall be entitled to reasonable compensation for services performed. The Trustee shall be not be liable for any neglect, omission, or wrongdoing of any Special Trustee that it has been directed to designate, or of any Special Trustee designated by the Trustee if reasonable care is exercised in selecting such Special Trustee.

Tenure, Succession, and Compensation of Trustee

8. The following provisions relate to the tenure, succession, and compensation of the Trustee and successor Trustee:

(a) **Resignations.** Each Trustee shall have the right to resign by delivering a written notice of resignation to the beneficiaries of the trusts then held, but no resignation shall become effective until the acceptance of the trust by a successor Trustee designated in accordance with Paragraph 8(b). In addition, any individual Trustee shall be deemed to have resigned if any such beneficiary or successor receives a written opinion from an examining physician to the effect that such individual Trustee no longer has the capacity to attend regularly to financial affairs.

(b) **Succession.** Any vacancy in the trusteeship, however occurring, shall be filled by one of the following in the order of preference indicated: (i) such individual as I shall designate or, if I am then incompetent, (ii) Elizabeth P. Deane, my daughter, (iii) Frank H. Porter, Jr., my son, (iv) George H.L. Porter, my son, (v) Frederick

Received at: 2:15PM, 9/21/2004

(b) Revocation and Amendment. I reserve the right from time to time to revoke the settlement evidenced by this instrument in whole or part and the right to amend its provisions in any respect. Any revocation shall be made by written notice signed by me and delivered to the Trustee during my life or, if I am then serving, to the first successor Trustee named in Paragraph 8(b) who is then competent, or if none is, executed by me before two subscribing witnesses with notarial acknowledgment. Each amendment of this instrument shall be evidenced by a written modification executed by the Trustee and me or, if I am then serving, similarly signed and delivered or executed by me. Each amendment of an Exhibit shall be made by written instrument signed by me and delivered to the Trustee. No guardian of mine may exercise any rights under this Paragraph 9(b).

Interpretation

10. The construction and validity of this instrument shall be determined in accordance with the laws of the State of Ohio and without regard to titles, which are used for convenience of reference only.

IN WITNESS WHEREOF have I made, executed, published, and funded this Declaration of Trust, in duplicate, at Cleveland, Ohio, on the date first above written and have delivered one fully executed original of the same to the first successor Trustee named in Paragraph 8(b).

Signed and acknowledged in the presence of


Christine H. Aiken


Frank H. Potter
DECLARANT

SCANNED

OCT - 5 2004



RECEIVED

JUL 30 2004

DEPARTMENT OF
WATER RESOURCES

Idaho Capitol Boulevard, Suite 1900
Boise, Idaho 83702
main 208.389.9000
fax 208.389.9040
www.stoel.com

July 27, 2004

ZULMA VELAZQUEZ
Direct (208) 387-4219
zxvelazquez@stoel.com

Roxanne Brown
Idaho Department of Water Resources
1301 N. Orchard
Boise, Idaho 83706

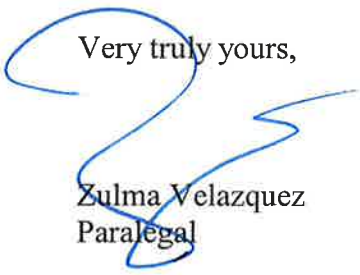
Re: Transfer of Water Rights

Dear Ms. Porter:

As per your previous telephone conversation with my co-worker Brad Ebert, please find attached the Notice of Change in Water Right Ownership for Water Right Nos. 75-10753 and 75-4309. Also please find check nos. 302833 and 303834 each in the amount of \$25.00 to cover your filing fee.

If any additional information is needed, please feel free to give me a call. Thank you for your prompt attention to this matter.

Very truly yours,


Zulma Velazquez
Paralegal

Enclosures

SCANNED
JUL - 5 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 5, 2003

STOEL RIVES LLP
ATTN ZULMA VELAZQUEZ
101 S CAPITOL BLVD STE 1900
BOISE ID 83702

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim #75-4309
Your Client: Main Trust of Frank H. Porter

The water right claim referenced above is still pending in the SRBA; therefore, no fees are due to do an ownership change. The refund process has been initiated with the State Auditor's Office for the \$25.00 fee you paid on receipt #C074681. You should receive a check in the near future.

For future reference, you can determine if a water right claim has been decreed by checking the SRBA Court's site at www.srba.state.id.us. Scroll to IWATRS Reports, then scroll down to Display a Subcase Summary Sheet, enter the adjudication claim number (xx-xxxxx). This will tell you if and when a partial decree was issued. If it HAS been decreed, there is a \$25.00 ownership change fee due with each water right. If it has NOT been reported or decreed yet, and is therefore still pending in the SRBA, there is no fee due.

Sincerely,

Donald V. Shaff
Manager
Adjudication Technical Section

DVS:ss:ref

SCANNED
OCT - 5 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV 16 2004

DEPARTMENT OF
WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.

(Please print or type)

[] Water Right Number(s): 75 - 4309

cc: W.A.
11-23-04

→ 75 - 10753

[] Name(s): Frank and Nancy Porter

[] Old Mailing Address: 14761 County Line Road
Chagrin Falls, OH 44022

[] New Mailing Address: Main Trust of Frank H. Porter
c/o Elizabeth Porter Daane, Trustee
29425 Chagrin Blvd., Suite 207
Pepper Pike, OH 44122

CHANGE OF OWNERSHIP
LETTER SENT 11-23-04

Telephone Number: (216) 360 - 8690

[] Signature(s) of Owner(s) Elizabeth Porter Daane, Trustee

(Include your title if on behalf of company or organization)

Date: Aug 23, 2004

SCANNED
NOV 16 2004



RECEIVED

NOV 16 2004

DEPARTMENT OF
WATER RESOURCES

101 S. Capitol Boulevard, Suite 1900
Boise, Idaho 83702
main 208.389.9000
fax 208.389.9040
www.stoel.com

November 15, 2004

ZULMA VELAZQUEZ
Direct (208) 387-4219
zxvelazquez@stoel.com

Idaho Department of Water Resources
322 E. Front Street
Boise, Idaho 83720-0098

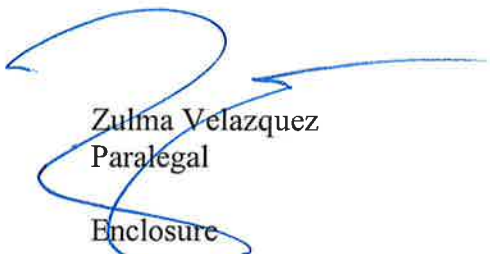
Re: Water

Dear Sir or Madam:

Please find attached a change of address notification for Water Right Nos. 75-4309 and 75-10758.

If any additional information is needed, please let me know.

Very truly yours,



Zulma Velazquez
Paralegal

Enclosure

SCANNED
NOV 16 2004

SCANNED

OCT 10 2001

\$ 73.00

X

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A75-04309
Date Received: 4/26/1990
Receipt No: E014374
Received By: SV

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
MAY 10 1990

Department of Water Resources
Eastern District Office

1. Name: FRANK H. PORTER
Address: 2801 CARNEGIE AVE.
CLEVELAND, OH

44115

Name: NANCY, L. PORTER
Address: 2801 CARNEGIE AVE.
CLEVELAND, OH

44115

2. Date of Priority: APR 01, 1928

3. Source: SALMON RIVER

Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
24N	21E	34	SW	SE		9	LEMHI

5. Description of diverting works:
PUMP, PIPELINE & MAINLINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	12/15	1.100		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
24N	21E	34	NW	SE	6	IRR	9.0

A7504309

A75-04309

Page 1

Date: 04/26/90

MICROFILMED
DEC 15 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
24N	21E	34	SW	SE	9	IRR	14.0
Section Acres							23.0
Total Acres							23.0

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): *MA Porter* Date: May 8, 1990
Nancy C Porter Date: May 8, 1990

State of Idaho)
County of _____) ss.

Subscribed and sworn (or affirmed) before me this 9th day

of May 19 90

Seal

Lynda L. Darwish
Notary Public

Residing at 4875 Columbus Rd 58 # 44070 ^{N. Columbus}

My Commission Expires LYNDA L. DARWISH, Notary Public
State of Ohio, Cuyahoga County
My commission expires April 24, 1994