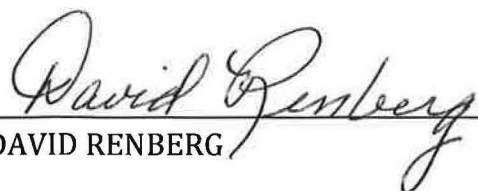


DECLARATION OF DAVID RENBERG

1. My name is David Renberg.
2. My home and farm are located at 40826 Little Canyon Road, Peck, ID 83545. I have owned this property since 1999. My deed is attached as Exhibit "A".
3. A diagram of the properties & associated water rights is attached as Exhibit "B". The diagram identifies the location of my property (Renberg) which is immediately downstream and adjacent to the property recently purchased by Jarred M Holz and Jessica R Holz.
4. The point of diversion (POD) of the irrigation water right recently transferred to the Holz's is located downstream from my spring. The point of diversion is circled and labelled on the attached Exhibit "B".
5. My spring is also circled and labelled on the attached Exhibit "B". It provides domestic water for me and for the Millers.
6. The Holz application is to move the POD for irrigation water rights to a point upstream from my spring.
7. My concern is that the diversion of water upstream from my spring will reduce or dry up my source of water.
8. I have leased and farmed (for grass hay) the property that the Holz's have purchased (associated surface water rights 85-15799 and 85-15800) and the 20 acres next to it (Ray Wargi's - associated surface water rights 85-2118A and 85-4214) continuously for the last 23 years (from 1995 to 2018). During those 23 years I did not, nor did anyone else, utilize the surface water rights associated with this property to withdraw water from Little Canyon Creek to irrigate.
9. I know that since 1999, there has been no use by Holz or anyone else of the POD as identified on the attached diagram (Exhibit "B").
10. I am informed and believe that the POD identified in Exhibit B was used by the Millers (not predecessors to Holz) no later than 1985.

I declare under penalty of perjury under the laws of the State of Idaho that the foregoing is true and correct to the best of my information, knowledge and belief.

DATE: 6-11-20


DAVID RENBERG

MICROFILM NO.

645407 (645407)

INDEXED
FILMED
DELIVERED
MAILED

Self ✓

PR. 20100972
P.R.PERSONAL REPRESENTATIVE'S DEED

THIS INDENTURE, made this 18th day of June, 1999, by and between JAMES MILLER and STEVEN G. MILLER, the duly appointed and qualified Personal Representatives of the Estate of GEORGE DONALD MILLER, also known as GEORGE DONALD MILLER, deceased, Clearwater County, Idaho, District Court Case No. SP98-00091, as Grantors, and DAVE RENBERG and DEBI RENBERG, husband and wife, as Grantees, whose current address is 1411 Burrall Ave Lewiston Id.

WITNESSETH:

Grantors, by virtue of the power and authority given to Personal Representatives under the laws of the State of Idaho, pursuant to Section 15-3-715, Idaho Code, and in consideration of Ten (\$10.00) Dollars, and other good and valuable considerations paid by Grantees, does hereby grant, bargain, sell and convey unto the Grantees, the following described property:

PARCEL ONE:

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

As set forth on Exhibit "A" attached hereto and by this reference incorporated herein.

SUBJECT TO Easement, and the terms and conditions thereof, in favor of Ray E. Jones for the purpose of ingress and egress and the right to install and maintain water supply pipelines, pumping facilities and electrical power to operate same in and to the waters of Little Canyon Creek recorded May 9, 1991 under Instrument No. 550554, records of Nez Perce County, State of Idaho.

SUBJECT TO Easement, and the terms and conditions thereof, in favor of William H. Cox and Maria Cox for the purpose of ingress and egress to the waters of Little Canyon Creek recorded May 9, 1991 under Instrument No. 550556, records of Nez Perce County, State of Idaho.

SUBJECT TO Easement, and the terms and conditions thereof, in favor of Delbert D. Walker and Marilyn L. Walker, husband and wife, for the purpose of ingress and egress, recorded August 28, 1995 under Instrument No. 600866, records of Nez Perce County, State of Idaho.

SUBJECT TO any question that may arise due to the shifting and changing in the course of Little Canyon Creek.

PARCEL TWO:

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

Township 36 North, Range 1 West, B.M.:

Section 14: That part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ situate in Lewis County, EXCEPT one acre heretofore sold to A.S. Warlick in the Southwest corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and a strip deeded to Clearwater Valley Ry. Co.

SUBJECT TO a Deed for 100 foot strip from Louis J. Herres, Grantor, to Clearwater Valley Railroad Co., Grantee, dated December 17, 1898 and recorded December 21, 1898 in Book 1 of Deeds at page 519, records of Lewis County, State of Idaho.

IT IS FURTHER UNDERSTOOD this deed is subject to that certain Spring Agreement by and between James Miller and Steven G. Miller, the duly appointed and qualified Personal Representatives of the Estate of GEORGE DONALD MILLER, also known as GEORGE DONALD MILLER, deceased, DAVE RENBERG and DEBI RENBERG, husband and wife, and JAMES R. MILLER and NANCY J. MILLER, husband and wife, which Spring Agreement was executed simultaneously with the execution of this Personal Representative's Deed.

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors, acting in their capacity as Personal Representatives of said estate, do hereby covenant to and with the said Grantees that said premises are free from all encumbrances except those set forth above, and taxes, levies and assessments for 1999 and thereafter.

IN WITNESS WHEREOF, Grantors have hereunto caused these premises to be executed the day and year hereinabove first written.

Estate of George Donal Miller, also
known as George Donald Miller,
Deceased

By James Miller
Personal Representative
By St. M. Miller
Personal Representative

STATE OF IDAHO)
: ss
County of Nez Perce)

On this ____ day of June, 1999, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared JAMES MILLER, known or identified to me to be the person whose name is subscribed to the within and foregoing instrument as Personal Representative of the Estate of George Donal Miller, also known as George Donald Miller, and acknowledged to me that he executed the same as such Personal Representative of the Estate of George Donal Miller, also known as George Donald Miller.

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



Mary K. Barker
Notary Public in and for the State
of Idaho, residing at Lewiston.

My commission expires 11/30/99.

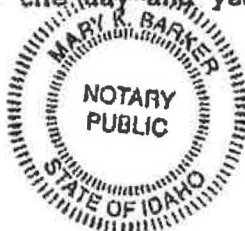
STATE OF IDAHO)

: ss

County of Nez Perce)

On this 18 day of June, 1999, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared STEVEN G. MILLER, known or identified to me to be the person whose name is subscribed to the within and foregoing instrument as Personal Representative of the Estate of George Donal Miller, also known as George Donald Miller, and acknowledged to me that he executed the same as such Personal Representative of the Estate of George Donal Miller, also known as George Donald Miller.

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



Mary K. Barker
Notary Public in and for the State
of Idaho, residing at Lamington.

My commission expires 11/30/99.

INST. NO. 645407
FILED FOR RECORD
FILED 2100 M.G. BY ALLIANCE TITLE

1999 JUN 18 P 3:39

PATY D. WEEKS
RECORDER, NEZ PERCE CO ID

BY [Signature] DEPUTY

EXHIBIT "A"

SITUATE IN THE COUNTY OF NEZ PERCE, STATE OF IDAHO, TO-WIT:

The Northeast Quarter of the Northeast Quarter of Section 14, Township 36 North, Range 1 West of the Boise Meridian, EXCEPT one acre heretofore sold to A.S. Warlick in the Southwest corner of the Northeast Quarter of the Northeast Quarter of Section 14, above described, and a strip deeded to Clearwater Valley Ry. Co., and EXCEPTING ALSO a strip 50.0 feet wide lying 25 feet on each side of the following described centerline:

Commencing at the Northeast corner of Section 14, Township 36 North, Range 1 West of the Boise Meridian; thence South 89 degrees 30' West a distance of 704.2 feet to a point on the centerline of the County Road which is the True Place of Beginning; thence along the arc of an 18 degree curve to the left, the tangential bearing of the beginning of the curve being South 25 degrees 28' West, turning through an angle of 86 degrees 57' a distance of 483.1 feet to a point on the centerline of the County Road, lying within the Northeast Quarter of the Northeast Quarter of Section 14, Township 36 North, Range 1 West of the Boise Meridian.

ALSO EXCEPT, that part of the Northeast Quarter of the Northeast Quarter of Section 14, Township 36 North, Range 1 West of the Boise Meridian, located North and West of the County Road as now located, Nez Perce County, Idaho.

ALSO EXCEPT

A portion of the Northeast Quarter of the Northeast Quarter, Section 14, Township 36 North, Range 1 West of the Boise Meridian, described as follows:

Commencing at the Northeast Corner of the Northeast Quarter of the northeast Quarter, Section 14, Township 36 North, Range 1 West of the Boise Meridian, which shall be considered the Point of Beginning; thence Westerly, along the South boundary of Little Canyon Road, a County Road within Nez Perce County, Idaho, a distance of 315 feet to a point; thence due South a distance of 860 feet to a point; thence Northeasterly, at an angle and along a straight line a distance of 336 feet to a point which is located 786 feet due South of the Point of Beginning; thence due North a distance of 786 feet to the Point of Beginning.

ALSO EXCEPT

A part of the Northeast Quarter of Section 14, Township 36 North,

Range 1 West of the Boise Meridian, more particularly described as follows:

Commencing at an iron pipe marking the Northeast corner of said Section 14; thence West a distance of 1,317.06 feet to an iron pin marking the Northwest corner of the Northeast Quarter of the Northeast Quarter of said Section 14; thence South 41 degrees 11' 11" East, a distance of 525.82 feet to a nail in the center of a County Road, said nail being the True Point of Beginning; thence South 72 degrees 30' 33" East, a distance of 124.94 feet to an iron pin; thence South 3 degrees 36' 38" East along an existing fence a distance of 450.81 feet to an iron pin in a fence corner; thence continuing along an existing fence; thence North 73 degrees 16' 42" West, 175.48 feet to an iron pin; thence North 67 degrees 56' 52" West, 168.46 feet to an iron pin; thence North 43 degrees 09' 25" West, 105.98 feet to an iron pin; thence North 28 degrees 10' 23" West, a distance of 115.86 feet to the center of a County Road; thence along the centerline of said County Road; North 68 degrees 35' 25" East, a distance of 215.16 feet to the beginning of a curve to the left having a central angle of 53 degrees 33' 36" and a radius of 172.34 feet; thence along said curve Northeasterly a distance of 161.10 feet to a nail in the center of said County Road and the True Point of Beginning.

ALSO EXCEPT

That part of the Northeast Quarter of the Northeast Quarter of Section 14, Township 36 North, Range 1 West of the Boise Meridian, being more particularly described as follows:

Commencing at an iron pin marking the Northwest corner of the Northeast Quarter of the Northeast Quarter Section 14, from which the Northeast corner of Section 14 bears East; thence South 41 degrees 11' 11" East, a distance of 525.82 feet to the center of a County Road, said point being the Northwestern corner of that parcel conveyed and described in Instrument No. 530412, records of Nez Perce County, Lewiston, Idaho, said point also being the True Point of Beginning; thence North along the centerline of the County Road a distance of 128.8 feet to the start of a tangent curve concave Southeasterly, having a radius of 236 feet; thence Northeasterly along said curve through a central angle of 39 degrees 45' 30" a distance of 163.76 feet to the start of a compound curve having a radius of 325.4 feet; thence Northeasterly along said compound curve, through a central angle of 53 degrees 22' a distance of 314.44 feet to its intersection with the North line of beforementioned Section 14; thence East along the North line of Section 14, 326.6 feet; thence South

14.00 feet to an iron pin in a fence corner marking the Northwestern corner of that parcel conveyed and described in Instrument No. 482562, records of Nez Perce County, Idaho; thence South 0 degrees 21' East, (record South-Instrument No. 482562), along the Western line of said Instrument No. 482562, a distance of 848.5 feet to an iron pin; thence North 89 degrees 37' 38" West, 318.1 feet to an iron pin; thence South 89 degrees 39' 24" West, 201.3 feet to the intersection with the Eastern line of beforementioned Instrument No. 530412; thence North 3 degrees 36' 38" West, along the Eastern line of Instrument No. 530412, a distance of 429.22 feet to an iron pin marking the Northeastern corner of Instrument No. 530412; thence North 72 degrees 30' 33" West, along the North line thereof, a distance of 124.94 feet to the Point of Beginning.

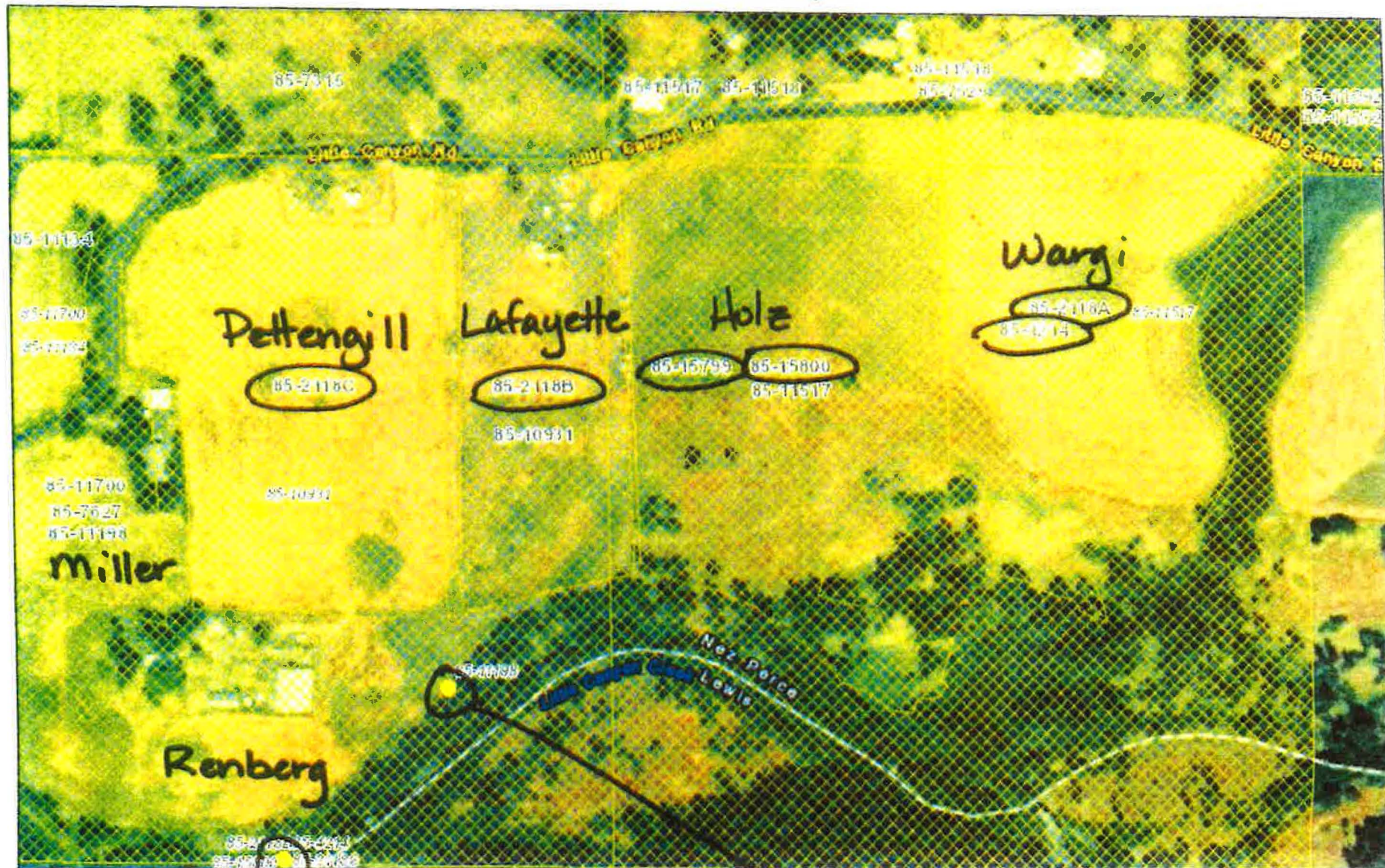
ALSO EXCEPT

A part of the Northeast Quarter of Section 14, Township 36 North, Range 1 West of the Boise Meridian, Nez Perce County, Idaho being more particularly described as follows:

Commencing at an iron pin marking the Northwest corner of the Northeast Quarter of the Northeast Quarter of said Section 14; thence South 0 degrees 08' 50" East a distance of 600 feet more or less to the center of a County Road; thence continue South 0 degrees 08' 50" East a distance of 100 feet more or less to an existing fence corner and the True Point of Beginning; thence South 67 degrees 34' East along an existing fence line marking the Southerly line of an existing driveway a distance of 397.3 feet to a point; thence South 4 degrees 16' East along an existing fence line a distance of 402.7 feet to a point; thence North 63 degrees 59' West a distance of 441.0 feet more or less to the Westerly line of the Northeast Quarter of the Northeast Quarter of said Section 14; thence North 0 degrees 08' 50" West along said Westerly line of the Northeast Quarter of the Northeast Quarter of said Section 14, a distance of 359.4 feet more or less to the True Point of Beginning.

Figure 1. Map of Little Canyon w/ water rights owners & POD.
ArcGIS Web Map

EXHIBIT B



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POU - Water Rights

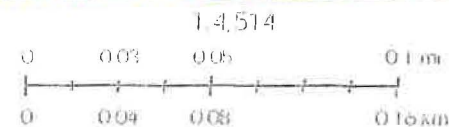
Yellow All Other POU (non-provider)

POD for circled water rights

Yellow Irrigation Providers and Municipal Service Areas

Yellow dot POD - Water Rights

Spring



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Source: Public Domain

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