

RECEIVED

FEB 24 2020

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
47-8439	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
47-134A	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
47-14037	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
Returned	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>

2. Previous Owner's Name: Morgan Hausner
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): David Funk and Shirone Funk Victory Home Restoration Center Inc. (Deed)
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- Mailing address _____ City _____ State _____ ZIP _____
- Telephone _____ Email _____
4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: 02/20/2020
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
7. This form must be signed and submitted with the following **REQUIRED** items:
☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☒ Filing fee (see instructions for further explanation):
 o \$25 per *undivided* water right.
 o \$100 per *split* water right.
 o No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: [Signature] Title, if applicable: President Date: 2-20-2020
 Signature: [Signature] Title, if applicable: Director Date: 2-20-2020

For IDWR Office Use Only:

Received by SG Date 2/24/20 Receipt No. SO 37783 Receipt Amt. \$75.00


Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9 _____ Approved by _____ Processed by SB Date 5-21-20

Returned

Name: Tony A. Lopez

Title: President

By:  _____

Name: Nicole K. Mosley

Title: Director

(Attachment to page 1 / #8. Signatures)

TWIN FALLS COUNTY

Recorded for:

MORGAN HAUSNER

9:43:03 AM 08-29-2018

2018-013587

No. Pages: 5 Fee: \$ 15.00

KRISTINA GLASCOCK

County Clerk

Deputy: SWADE

Space Above This Line for Recorder's Use Only

QUITCLAIM DEED

Date: **August 28, 2018**

For Value Received, **Morgan C. Hausner trustee of the Morgan C. Hausner Special Needs Trust**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Victory Home Restoration Center, Inc., an Idaho Corporation**, hereinafter called the Grantee, whose current address is **616 Washington Street South, Twin Falls, ID 83301**, the following described premises, situated in **Twin Falls County, Idaho**, to-wit:

SEE ATTACHED LEGAL DESCRIPTION

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

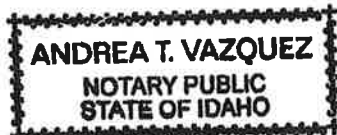
TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Morgan C. Hausner Special Needs Trust

Morgan C. Hausner
Morgan C. Hausner, Trustee

STATE OF Idaho)
SS.
COUNTY OF Twin Falls)

On this 29 day of **August, 2018**, before me, a Notary Public in and for said State, personally appeared **Morgan C. Hausner**, known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument as Trustee of the **Morgan C. Hausner Special Needs Trust**, and acknowledged to me that he executed the same as such Trustee.



Andrea T. Vazquez
Notary Public of Idaho
Residing at: **3 Twin Falls**
Commission Expires: **3/28/2020**

Date: August 28, 2018

EXHIBIT 'A'

LEGAL DESCRIPTION:

PARCEL 1

A PARCEL OF LAND LOCATED IN THE SE $\frac{1}{4}$ SE $\frac{1}{4}$ OF SECTION 26, TOWNSHIP 11 SOUTH, RANGE 18 EAST, BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 26, FROM WHICH THE EAST ONE QUARTER (E $\frac{1}{4}$) CORNER OF SAID SECTION 26 BEARS N00°04'10" W 2635.66 FEET, SAID SOUTHEAST CORNER OF SECTION 26 BEING THE TRUE POINT OF BEGINNING:

THENCE N89°22'25" W ALONG THE SOUTH BOUNDARY OF THE SE $\frac{1}{4}$ OF SAID SECTION 26 FOR A DISTANCE OF 241.92 FEET TO A POLE FENCE;

THENCE N10°04'45"E ALONG THE POLE FENCE FOR A DISTANCE OF 36.31 FEET;

THENCE N22°08'43"W ALONG THE POLE FENCE FOR A DISTANCE OF 15.40 FEET;

THENCE N40°20'57"W ALONG THE POLE FENCE FOR A DISTANCE OF 14.21 FEET;

THENCE N67°26'22"W ALONG THE POLE FENCE FOR A DISTANCE OF 15.56 FEET;

THENCE N89°34'14"W FOR A DISTANCE OF 81.22 FEET;

THENCE N00°49'25"W FOR A DISTANCE OF 92.77 FEET;

THENCE N02°42'10"E FOR A DISTANCE OF 217.74 FEET TO THE CENTER OF THE HIGHLINE CANAL;

THENCE N64°17'03"E ALONG THE CENTER OF THE HIGHLINE CANAL FOR A DISTANCE OF 50.89 FEET TO THE POINT OF CURVATURE OF A CURVE LEFT;

THENCE NORTHEASTERLY ALONG THE CENTER OF THE HIGHLINE CANAL AND ON THE ARC OF THE CURVE LEFT FOR A DISTANCE OF 103.77 FEET TO THE POINT OF TANGENCY, SAID ARC HAVING A RADIUS OF 430.00 FEET AND A LONG CHORD BEARING AND DISTANCE OF N55°34'16"E-130.27 FEET;

THENCE N46°51'33"E ALONG THE CENTER OF THE HIGHLINE CANAL FOR A DISTANCE OF 250.98 FEET TO A POINT ON THE EAST BOUNDARY OF THE SE $\frac{1}{4}$ OF SAID SECTION 26;

THENCE S00°04'10"E ALONG THE EAST BOUNDARY OF THE SE $\frac{1}{4}$ OF SAID SECTION 26 FOR A DISTANCE OF 647.68 FEET TO THE TRUE POINT OF BEGINNING.

SUBJECT TO:

1- A 25.0 FOOT WIDE ACCESS AND UTILITY EASEMENT ALONG ALL OF THE SOUTHERLY BOUNDARY OF THE BEFORE DESCRIBED PARCEL

2- A 25.0 FOOT WIDE COUNTY ROAD EASEMENT ALONG THE EAST BOUNDARY OF THE BEFORE DESCRIBED PARCEL

3- AN EASEMENT TO THE TWIN FALLS CANAL COMPANY FOR THE USE AND MAINTENANCE OF THE HIGHLINE CANAL ALONG THE NORTHERLY BOUNDARY OF THE BEFORE DESCRIBED PARCEL.

PARCEL 2

A PARCEL OF LAND LOCATED IN THE SE¼SE¼ OF SECTION 26, TOWNSHIP 11 SOUTH, RANGE 18 EAST, BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 26, FROM WHICH THE EAST ONE QUARTER (E¼) CORNER OF SAID SECTION 26 BEARS N00°04'10"W-2635.66 FEET, THENCE N89° 22'25"W ALONG THE SOUTH BOUNDARY OF THE SE¼ OF SAID SECTION 26 FOR A DISTANCE OF 241.92 FEET TO A POINT ON A POLE FENCE AND BEING THE TRUE POINT OF BEGINNING:

**THENCE CONTINUING N89°22'25"W ALONG THE SOUTH BOUNDARY OF THE SE¼ OF SAID SECTION 26 FOR A DISTANCE OF 419.37 FEET TO A POINT IN THE CENTER OF THE HIGHLINE CANAL, SAID POINT BEING ON THE ARC OF A CURVE LEFT;
THENCE NORTHEASTERLY ALONG THE CENTER OF THE HIGHLINE CANAL AND ON THE ARC OF THE CURVE LEFT FOR A DISTANCE OF 93.55 FEET TO THE POINT OF TANGENCY, SAID ARC HAVING A RADIUS OF 414.62 FEET AND A LONG CHORD BEARING AND DISTANCE OF N29°41'41"E- 93.35 FEET;
THENCE N22°55'10"E ALONG THE CENTER OF THE HIGHLINE CANAL FOR A DISTANCE OF 83.58 FEET TO THE POINT OF CURVE OF A CURVE RIGHT;
THENCE NORTHEASTERLY ALONG THE CENTER OF THE HIGHLINE CANAL AND ON THE ARC OF THE CURVE RIGHT FOR A DISTANCE OF 252.68 FEET TO THE POINT OF TANGENCY, SAID ARC HAVING A RADIUS OF 350.00 FEET AND A LONG CHORD BEARING AND DISTANCE OF N43°36'07"E- 247.23 FEET;
THENCE N64°17'03"E ALONG THE CENTER OF THE HIGHLINE CANAL FOR A DISTANCE OF 82.95 FEET;
THENCE LEAVING THE CENTER OF THE HIGHLINE CANAL ON A BEARING OF S02°42'10"W FOR A DISTANCE OF 217.74 FEET;
THENCE S00°49'25"E FOR A DISTANCE OF 92.77 FEET;
THENCE S89°34'14"E FOR A DISTANCE OF 81.22 FEET TO A POINT ON A POLE FENCE;
THENCE S67°26'22"E ALONG THE POLE FENCE FOR A DISTANCE OF 15.56 FEET;
THENCE S40°20'57"E ALONG THE POLE FENCE FOR A DISTANCE OF 14.21 FEET;
THENCE S22°08'43"E ALONG THE POLE FENCE FOR A DISTANCE OF 15.40 FEET;
THENCE S10°04'45"W ALONG THE POLE FENCE FOR A DISTANCE OF 36.31 FEET TO THE**

TRUE POINT OF BEGINNING.

TOGETHER WITH:

1- A 25.0 FOOT WIDE ACCESS AND UTILITY EASEMENT ON, OVER, UNDER AND ACROSS A 25.0 FOOT WIDE STRIP OF LAND THAT IS ADJACENT TO AND ON THE EASTERLY AND NORTHERLY SIDE OF THE FOLLOWING DESCRIBED LINE:

**COMMENCING AT THE SOUTHEAST CORNER OF THE BEFORE DESCRIBED PARCEL AND BEING THE TRUE POINT OF BEGINNING:
THENCE N10°04'45"E FOR A DISTANCE OF 36.31 FEET;
THENCE N22°08'43"W FOR A DISTANCE OF 15.40 FEET;
THENCE N40°20'57"W FOR A DISTANCE OF 14.21 FEET;
THENCE N67°26'22"W FOR A DISTANCE OF 15.56 FEET TO THE TERMINUS POINT OF SAID EASEMENT.**

AND

SUBJECT TO:

1-A 25.0 FOOT WIDE ACCESS AND UTILITY EASEMENT ALONG THE SOUTHERLY BOUNDARY OF THE BEFORE DESCRIBED PARCEL

2- AN EASEMENT TO THE TWIN FALLS CANAL COMPANY FOR THE USE AND MAINTENANCE OF THE HIGHLINE CANAL ALONG THE NORTHERLY AND WESTERLY BOUNDARIES OF THE BEFORE DESCRIBED PARCEL.

PARCEL 3:

A PARCEL OF LAND LOCATED IN THE SW¼SE¼ OF SECTION 26, TOWNSHIP 11 SOUTH, RANGE 18 EAST, BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 26,
THENCE N89°23'38"W ALONG THE SOUTH BOUNDARY OF SECTION 26 FOR A DISTANCE OF 1338.11 FEET TO THE CENTER OF THE HIGHLINE CANAL AND BEING THE TRUE POINT OF BEGINNING:**

THENCE ALONG THE CENTER OF THE HIGHLINE CANAL ON THE FOLLOWING COURSES:

**N34°38'W FOR A DISTANCE OF 458.94 FEET TO THE POINT OF CURVATURE OF A CURVE LEFT, SAID CURVE HAVING A RADIUS OF 500.00 FEET AND A LONG CHORD BEARING AND DISTANCE OF N49°37'57" W-258.81 FEET;
THENCE N64°37'54"W FOR A DISTANCE OF 358.52 FEET;**

**THENCE N69°01'35"W FOR A DISTANCE OF 538.28 FEET TO THE INTERSECTION WITH THE WEST BOUNDARY OF THE SW¼SE¼ OF SECTION 26;
THENCE LEAVING THE CENTER OF THE HIGHLINE CANAL S00°14'26"W ALONG THE WEST BOUNDARY OF THE SW¼SE¼ OF SECTION 26 FOR A DISTANCE OF 877.90 FEET TO THE S¼ CORNER OF SECTION 26;
THENCE S89°23'38"E ALONG THE SOUTH BOUNDARY OF SECTION 26 FOR A DISTANCE OF 1288.33 FEET TO THE TRUE POINT OF BEGINNING. .**

TOGETHER WITH:

1-THE RIGHT OF ACCESS ALONG THE EXISTING ROAD ON THE SOUTHERLY BANK OF THE HIGHLINE CANAL.

SUBJECT TO:

1- AN EASEMENT TO THE TWIN FALLS CANAL COMPANY FOR THE HIGHLINE CANAL.



0003632014

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***ANNUAL REPORT**

Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: \$0.00

*For Office Use Only***-FILED-**

File #: 0003632014

Date Filed: 9/30/2019 11:36:48 AM

Entity Name and Mailing Address:

VICTORY HOME RESTORATION CENTER INC.

The file number of this entity on the records of the Idaho Secretary
of State is: 0000570342

Address PO BOX 5623
TWIN FALLS, ID 83303-5623

Entity Details:

Entity Status Active-Good Standing

This entity is organized under the laws of: IDAHO

If applicable, the old file number of this entity on the records of the
Idaho Secretary of State was: C188823

The registered agent on record is:

Registered Agent TONY LOPEZ
Registered Agent
Physical Address
450 3RD AVE W
TWIN FALLS, ID 83301
Mailing Address

Corporate Officers and Directors:

Name	Title	Address
TONY A LOPEZ	President	616 WASHINGTON SOUTH TWIN FALLS, ID 83301
DANIEL SOTO	Director	3972 MARION AVE LOS ALAMITOS, CA 90720
TAEMURNI LOPEZ	Vice President	594 WASHINGTON ST. SOUTH TWIN FALLS, ID 83301
ROY MEDEL	Director	406 WEST THORAIN SAN ANTONIO, TX 78212
Monique Orona	Secretary	616 WASHINGTON STREET SOUTH TWIN FALLS, ID 83301
Nicole K Mosley	Director	616 WASHINGTON STREET SOUTH TWIN FALLS, ID 83301
Raymond Orona	Director	616 WASHINGTON STREET SOUTH TWIN FALLS, ID 83301

The annual report must be signed by an authorized signer of the entity.

Nicole MOSley

Sign Here

09/30/2019

Date

Signer's Title: Director

B0361-9386 09/30/2019 11:36 AM Received by ID Secretary of State Lawrence Denney

TWIN FALLS COUNTY

Recorded for:

RAYBORN & RAYBORN

12:42:40 PM 01-13-2012

2012-000690

No. Pages: 5 Fee: \$ 22.00

KRISTINA GLASCOCK

County Clerk

Deputy: DWRIGHT

PERSONAL REPRESENTATIVE'S DEED

THIS DEED, made by HORST HAUSNER, as Personal Representative of the Estate of CECILIA HAUSNER, ^{/ aka Cecilia R. Hausner} deceased, Grantor, to HORST HAUSNER, a single man, hereinafter called Grantee, whose address is 2987 North 3800 East, Hansen, ID 83334.

WHEREAS, Grantor is the qualified Personal Representative of said estate, filed as Case Number CV-11-4350, Twin Falls, Idaho.

THEREFORE, for valuable consideration received, Grantor sells and conveys to Grantee all of CECILIA HAUSNER'S interest in and to the following described real property, located in Twin Falls County, Idaho:

Please see Exhibits A, B and C attached hereto

together with all appurtenances.

EXECUTED this 10th day of January, 2012.

Horst Hausner

HORST HAUSNER

Personal Representative of the Estate of
CECILIA HAUSNER, Deceased

^{/ aka Cecilia R. Hausner}

STATE OF IDAHO)

: ss.

County of Twin Falls)

On this 10th day of January, 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared HORST HAUSNER in his capacity as Personal Representative of the Estate of CECILIA HAUSNER, deceased, known to me to be the signer of the foregoing instrument, who duly acknowledged to me that he executed the same on behalf of said estate.

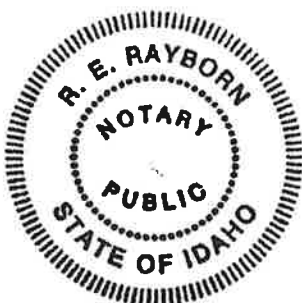
AKA aka Cecilia R. Hausner

R. E. Rayborn

NOTARY PUBLIC

Residence: Twin Falls, Ida

My Commission Expires: 11-11-12



A PARCEL OF LAND LOCATED IN THE SE ¼ SE ¼ OF SECTION 26, TOWNSHIP 11 SOUTH, RANGE 18 EAST, BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION
FOR
CECILIA HAUSNER
(3.36 ACRE PARCEL)

A PARCEL OF LAND LOCATED IN THE SE1/4SE1/4 OF SECTION 26, TOWNSHIP 11 SOUTH, RANGE 18 EAST, BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 26, FROM WHICH THE EAST ONE QUARTER (E1/4) CORNER OF SAID SECTION 26 BEARS N00°04'10"W-2635.66 FEET, SAID SOUTHEAST CORNER OF SECTION 26 BEING THE TRUE POINT OF BEGINNING:

THENCE N89°22'25"W ALONG THE SOUTH BOUNDARY OF THE SE1/4 OF SAID SECTION 26 FOR A DISTANCE OF 241.92 FEET TO A POLE FENCE:

THENCE N10°04'45"E ALONG THE POLE FENCE FOR A DISTANCE OF 36.31 FEET;
THENCE N22°08'43"W ALONG THE POLE FENCE FOR A DISTANCE OF 15.40 FEET;
THENCE N40°20'57"W ALONG THE POLE FENCE FOR A DISTANCE OF 14.21 FEET;
THENCE N67°26'22"W ALONG THE POLE FENCE FOR A DISTANCE OF 15.56 FEET;
THENCE N89°34'14"W FOR A DISTANCE OF 81.22 FEET;
THENCE N00°49'25"W FOR A DISTANCE OF 92.77 FEET;

THENCE N02°42'10"E FOR A DISTANCE OF 217.74 FEET TO THE CENTER OF THE HIGHLINE CANAL;

THENCE N64°17'03"E ALONG THE CENTER OF THE HIGHLINE CANAL FOR A DISTANCE OF 50.89 FEET TO THE POINT OF CURVATURE OF A CURVE LEFT;

THENCE NORTHEASTERLY ALONG THE CENTER OF THE HIGHLINE CANAL AND ON THE ARC OF THE CURVE LEFT FOR A DISTANCE OF 103.77 FEET TO THE POINT OF TANGENCY, SAID ARC HAVING A RADIUS OF 430.00 FEET AND A LONG CHORD BEARING AND DISTANCE OF N55°34'16"E-130.27 FEET;

THENCE N46°51'33"E ALONG THE CENTER OF THE HIGHLINE CANAL FOR A DISTANCE OF 250.98 FEET TO A POINT ON THE EAST BOUNDARY OF THE SE1/4 OF SAID SECTION 26;

THENCE S00°04'10"E ALONG THE EAST BOUNDARY OF THE SE1/4 OF SAID SECTION 26 FOR A DISTANCE OF 647.68 FEET TO THE TRUE POINT OF BEGINNING.

SUBJECT TO:

1- A 25.0 FOOT WIDE ACCESS AND UTILITY EASEMENT ALONG ALL OF THE SOUTHERLY BOUNDARY OF THE BEFORE DESCRIBED PARCEL

2- A 25.0 FOOT WIDE COUNTY ROAD EASEMENT ALONG THE EAST BOUNDARY OF THE BEFORE DESCRIBED PARCEL.

3- AN EASEMENT TO THE TWIN FALLS CANAL COMPANY FOR THE USE AND MAINTENANCE OF THE HIGHLINE CANAL ALONG THE NORTHERLY BOUNDARY OF THE BEFORE DESCRIBED PARCEL.

AND

LEGAL DESCRIPTION
FOR
CECILIA HAUSNER
(1.9 ACRE PARCEL)

A PARCEL OF LAND LOCATED IN THE SE1/4SE1/4 OF SECTION 26, TOWNSHIP 11 SOUTH, RANGE 18 EAST, BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 26, FROM WHICH THE EAST ONE QUARTER (E1/4) CORNER OF SAID SECTION 26 BEARS N00°04'10"W-2635.66 FEET, THENCE N89°22'25"W ALONG THE SOUTH BOUNDARY OF THE SE1/4 OF SAID SECTION 26 FOR A DISTANCE OF 241.92 FEET TO A POINT ON A POLE FENCE AND BEING THE TRUE POINT OF BEGINNING:

THENCE CONTINUING N89°22'25"W ALONG THE SOUTH BOUNDARY OF THE SE1/4 OF SAID SECTION 26 FOR A DISTANCE OF 419.37 FEET TO A POINT IN THE CENTER OF THE HIGHLINE CANAL, SAID POINT BEING ON THE ARC OF A CURVE LEFT;

THENCE NORTHEASTERLY ALONG THE CENTER OF THE HIGHLINE CANAL AND ON THE ARC OF THE CURVE LEFT FOR A DISTANCE OF 93.55 FEET TO THE POINT OF TANGENCY, SAID ARC HAVING A RADIUS OF 414.62 FEET AND A LONG CHORD BEARING AND DISTANCE OF N29°41'41"E-93.35 FEET;

THENCE N22°55'10"E ALONG THE CENTER OF THE HIGHLINE CANAL FOR A DISTANCE OF 83.58 FEET TO THE POINT OF CURVE OF A CURVE RIGHT;

THENCE NORTHEASTERLY ALONG THE CENTER OF THE HIGHLINE CANAL AND ON THE ARC OF THE CURVE RIGHT FOR A DISTANCE OF 252.68 FEET TO THE POINT OF TANGENCY, SAID ARC HAVING A RADIUS OF 350.00 FEET AND A LONG CHORD BEARING AND DISTANCE OF N43°36'07"E-247.23 FEET;

THENCE N64°17'03"E ALONG THE CENTER OF THE HIGHLINE CANAL FOR A DISTANCE OF 82.95 FEET;

THENCE LEAVING THE CENTER OF THE HIGHLINE CANAL ON A BEARING OF S02°42'10"W FOR A DISTANCE OF 217.74 FEET;

THENCE S00°49'25"E FOR A DISTANCE OF 92.77 FEET;

THENCE S89°34'14"E FOR A DISTANCE OF 81.22 FEET TO A POINT ON A POLE FENCE;

THENCE S67°26'22"E ALONG THE POLE FENCE FOR A DISTANCE OF 15.56 FEET;

THENCE S40°20'57"E ALONG THE POLE FENCE FOR A DISTANCE OF 14.21 FEET;

THENCE S22°08'43"E ALONG THE POLE FENCE FOR A DISTANCE OF 15.40 FEET;

THENCE S10°04'45"W ALONG THE POLE FENCE FOR A DISTANCE OF 36.31 FEET TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH:

1- A 25.0 FOOT WIDE ACCESS AND UTILITY EASEMENT ON, OVER, UNDER AND ACROSS A 25.0 FOOT WIDE STRIP OF LAND THAT IS ADJACENT TO AND ON THE EASTERLY AND NORTHERLY SIDE OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE SOUTHEAST CORNER OF THE BEFORE DESCRIBED PARCEL AND BEING THE TRUE POINT OF BEGINNING:

THENCE N10°04'45"E FOR A DISTANCE OF 36.31 FEET;

THENCE N22°08'43"W FOR A DISTANCE OF 15.40 FEET;

THENCE N40°20'57"W FOR A DISTANCE OF 14.21 FEET;

THENCE N67°26'22"W FOR A DISTANCE OF 15.56 FEET TO THE TERMINUS POINT OF SAID EASEMENT.

AND

SUBJECT TO:

1- A 25.0 FOOT WIDE ACCESS AND UTILITY EASEMENT ALONG THE SOUTHERLY BOUNDARY OF THE BEFORE DESCRIBED PARCEL.

2- AN EASEMENT TO THE TWIN FALLS CANAL COMPANY FOR THE USE AND MAINTENANCE OF THE HIGHLINE CANAL ALONG THE NORTHERLY AND WESTERLY BOUNDARIES OF THE BEFORE DESCRIBED PARCEL.

A PARCEL OF LAND LOCATED IN THE SE ¼ SE ¼ OF SECTION 26, TOWNSHIP 11 SOUTH, RANGE 18 EAST, BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL NO. 2

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 26, THENCE N89°23'38"W ALONG THE SOUTH BOUNDARY OF SECTION 26 FOR A DISTANCE OF 1338.11 FEET TO THE CENTER OF THE HIGHLINE CANAL AND BEING THE TRUE POINT OF BEGINNING:

THENCE ALONG THE CENTER OF THE HIGHLINE CANAL ON THE FOLLOWING COURSES:

N34°38'W FOR A DISTANCE OF 458.94 FEET TO THE POINT OF CURVATURE OF A CURVE LEFT, SAID CURVE HAVING A RADIUS OF 500.0 FEET AND A LONG CHORD BEARING AND DISTANCE OF N49°37'57"W-258.81 FEET;

THENCE N64°37'54"W FOR A DISTANCE OF 358.52 FEET;

THENCE N69°01'35"W FOR A DISTANCE OF 538.28 FEET TO THE INTERSECTION WITH THE WEST BOUNDARY OF THE SW1/4SE1/4 OF SECTION 26;

THENCE LEAVING THE CENTER OF THE HIGHLINE CANAL--S00°14'26"W ALONG THE WEST BOUNDARY OF THE SW1/4SE1/4 OF SECTION 26 FOR A DISTANCE OF 877.90 FEET TO THE S1/4 CORNER OF SECTION 26;

THENCE S89°23'38"E ALONG THE SOUTH BOUNDARY OF SECTION 26 FOR A DISTANCE OF 1288.33 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 16.87 ACRES, MORE OR LESS

TOGETHER WITH:

1- THE RIGHT OF ACCESS ALONG THE EXISTING ROAD ON THE SOUTHERLY BANK OF THE HIGHLINE CANAL.

SUBJECT TO:

1- AN EASEMENT TO THE TWIN FALLS CANAL COMPANY FOR THE HIGHLINE CANAL.

PARCEL NO. 3

A PARCEL OF LAND LOCATED IN THE NE1/4NE1/4 OF SECTION 35, TOWNSHIP 11 SOUTH, RANGE 18 EAST, BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 35 AND BEING THE TRUE POINT OF BEGINNING:

THENCE N89°23'38"W ALONG THE NORTH BOUNDARY OF SECTION 35 FOR A DISTANCE OF 230.0 FEET;

THENCE SOUTH PARALLEL WITH THE EAST BOUNDARY OF SECTION 35 FOR A DISTANCE OF 476.0 FEET;

THENCE S89°23'38"E PARALLEL WITH THE NORTH BOUNDARY OF SECTION 35 FOR A DISTANCE OF 230.0 FEET TO A POINT ON THE EAST BOUNDARY OF SECTION 35;

THENCE NORTH ALONG THE EAST BOUNDARY OF SECTION 35 FOR A DISTANCE OF 476.0 FEET TO THE NORTHEAST CORNER OF SECTION 35 AND THE TRUE POINT OF BEGINNING.

CONTAINING 2.51 ACRES, MORE OR LESS

SUBJECT TO:

1- A 25.0 FOOT WIDE COUNTY ROAD EASEMENT ALONG THE EASTERLY BOUNDARY OF THE DESCRIBED PARCEL.

IDAHO AFFIDAVIT OF HEIRSHIP

Horst Hausner
(Decedent)

TWIN FALLS COUNTY

Recorded for:

MORGAN HAUSNER
4:26:04 PM 08-03-2018

2018-012144

No. Pages: 12 Fee: \$ 43.00

KRISTINA GLASCOCK

County Clerk

Deputy: SWADE

STATE OF IDAHO

COUNTY OF Twin Falls

Before me, the undersigned authority, on this day personally appeared Morgan Hausner hereinafter referred to as "Affiant," who is personally known to me (or, if not being personally known to me, did confirm his/her identity presenting DL 545-75-4459 identification [i.e. drivers license]), and appearing to be fully competent and of sufficient age, upon being duly sworn, stated upon Affiant's oath the following:

1. My name is Morgan Hausner (name of Affiant), and I live at 616 Washington St. South (address of Affiant's residence). I am personally familiar with the family and marital history of Horst Hausner (Decedent), and I have personal knowledge of the facts stated in this affidavit.
2. I knew Decedent from Oct 10 1969 (date) until Feb 4 2016 (date). I was personally well acquainted with the Decedent during his/her lifetime.
3. The Decedent died on Feb 4 2016 (date of death) at the following place of death: 2987 N 3800 E (City), Hansen (County), Twin Falls (State). At the time of Decedent's death, Decedent's residence was 2987 N 3800 E (Street), Hansen (City), Idaho, 83334 (Zip).
4. I was well acquainted with the family and near relatives of the Decedent, and with all those who would, under the laws of the State of Idaho, be his/her heirs. The following statements and the information contained herein, including my answers to questions below, are based upon my personal knowledge and are true and correct.

QUESTION 1: Did the Decedent leave a will?

YES X NO IF YES, please attach copy of same hereto.

QUESTION 2: If the Decedent left a will, has the will been admitted to probate?

YES NO X IF YES, at what place and when?

 County, Idaho, Case Number.

QUESTION 3: Give the name and address of the surviving widow or widower of the Decedent.

NAME	ADDRESS
<u>None</u>	

QUESTION 4: If the Decedent was married more than once, give the name(s) of the former spouse(s) and other information.

NAME	DATE OF MARRIAGE	STATUS (Dead or divorced)	ADDRESS OR DATE OF DEATH

QUESTION 5: Give the names and places of residence of all surviving children of deceased, together with the other information called for:

NAME OF CHILD	DATE OF BIRTH	ADDRESS	BY WHICH SPOUSE
Morgan Hansner	10/10/69	616 Washington St South	Cecilia Hansner

QUESTION 6: Give the name of any deceased children of the Decedent, together with the other information called for:

NAME OF CHILD	DATE OF BIRTH	DATE OF DEATH	SPOUSE'S NAME	DATE OF DEATH OF SPOUSE

QUESTION 7: Give the names and addresses of the children of any deceased son or daughter of the Decedent.

NAME OF CHILD	ADDRESS	DATE OF BIRTH	DATE OF DEATH IF DECEASED	NAME OF FATHER OR MOTHER

QUESTION 8: Did the Decedent have any adopted children or step-children taken into his/her home?

YES _____

NO X

If yes, provide their names and other information.

NAME	ADDRESS	DATE OF BIRTH	DATE OF ADOPTION

QUESTION 9: If the Decedent left no children or grandchildren, then give the names and addresses of the Decedent's surviving father, mother, and all brothers and sisters.

NAME	RELATIONSHIP	DATE OF BIRTH	ADDRESS OR DATE OF DEATH

QUESTION 10: If the Decedent left no children, grandchildren, spouse, mother, father, brother, or sister, state all other known surviving relatives, including grandparents, aunts, uncles, nieces and nephews.

NAME	RELATIONSHIP	DATE OF BIRTH	ADDRESS

QUESTION 11: What is your relationship to the Decedent?

Son

QUESTION 12: How long have you known the Decedent?

All my life

Morgan Hauser
Signature of Affiant

STATE OF IDAHO

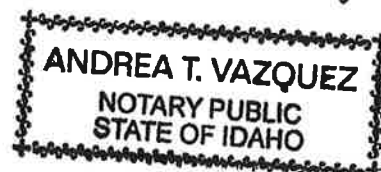
COUNTY OF Twin Falls

Morgan Hauser, of lawful age, being first duly sworn, upon his/her oath states that the information given in the above and foregoing affidavit is true to the personal knowledge of this Affiant.

Subscribed and sworn to before me this 3 day of August, 2018.

Andrea T. Vazquez
Notary Public

My Commission Expires: 3/28/2020



Morgan Hausner, being first duly sworn on oath, deposes and says:

That I am the son of Horst Hausner, who acquired title to the following real property by conveyance recorded January 13, 2012 as Instrument no. 2012-000690 records of Twin Falls, County, Idaho, to-wit:

PARCEL 1

A PARCEL OF LAND LOCATED IN THE SE¼SE¼ OF SECTION 26, TOWNSHIP 11 SOUTH, RANGE 18 EAST, BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 26, FROM WHICH THE EAST ONE QUARTER (E¼) CORNER OF SAID SECTION 26 BEARS N00°04'10" W 2635.66 FEET, SAID SOUTHEAST CORNER OF SECTION 26 BEING THE TRUE POINT OF BEGINNING:

THENCE N89°22'25" W ALONG THE SOUTH BOUNDARY OF THE SE¼ OF SAID SECTION 26 FOR A DISTANCE OF 241.92 FEET TO A POLE FENCE;

THENCE N10°04'45"E ALONG THE POLE FENCE FOR A DISTANCE OF 36.31 FEET;

THENCE N22°08'43"W ALONG THE POLE FENCE FOR A DISTANCE OF 15.40 FEET;

THENCE N40°20'57"W ALONG THE POLE FENCE FOR A DISTANCE OF 1421 FEET;

THENCE N67°26'22"W ALONG THE POLE FENCE FOR A DISTANCE OF 15.56 FEET;

THENCE N89°34'14"W FOR A DISTANCE OF 81.22 FEET;

THENCE N00°49'25"W FOR A DISTANCE OF 92.77 FEET;

THENCE N02°42'10"E FOR A DISTANCE OF 217.74 FEET TO THE CENTER OF THE HIGHLINE CANAL;

THENCE N64°17'03"E ALONG THE CENTER OF THE HIGHLINE CANAL FOR A DISTANCE OF 50.89 FEET TO THE POINT OF CURVATURE OF A CURVE LEFT;

THENCE NORTHEASTERLY ALONG THE CENTER OF THE HIGHLINE CANAL AND ON THE ARC OF THE CURVE LEFT FOR A DISTANCE OF 103.77 FEET TO THE POINT OF TANGENCY, SAID ARC HAVING A RADIUS OF 430.00 FEET AND A LONG CHORD BEARING AND DISTANCE OF N55°34'16"E-

130.27 FEET;

THENCE N46°51'33"E ALONG THE CENTER OF THE HIGHLLNE CANAL FOR A DISTANCE OF 250.98 FEET TO A POINT ON THE EAST BOUNDARY OF THE SE¼ OF SAID SECTION 26;

THENCE S00°04'10"E ALONG THE EAST BOUNDARY OF THE SE¼ OF SAID SECTION 26 FOR A DISTANCE OF 647.68 FEET TO THE TRUE POINT OF BEGINNING.

SUBJECT TO:

1- A 25.0 FOOT WIDE ACCESS AND UTILITY EASEMENT ALONG ALL OF THE SOUTHERLY BOUNDARY OF THE BEFORE DESCRIBED PARCEL

2- A 25.0 FOOT WIDE COUNTY ROAD EASEMENT ALONG THE EAST BOUNDARY OF THE BEFORE DESCRIBED PARCEL

3- AN EASEMENT TO THE TWIN FALLS CANAL COMPANY FOR THE USE AND MAINTENANCE OF THE HIGHLINE CANAL ALONG THE NORTHERLY BOUNDARY OF THE BEFORE DESCRIBED PARCEL.

PARCEL 2

A PARCEL OF LAND LOCATED IN THE SE¼SE¼ OF SECTION 26, TOWNSHIP 11 SOUTH, RANGE 18 EAST, BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 26, FROM WHICH THE EAST ONE QUARTER (E¼) CORNER OF SAID SECTION 26 BEARS N00°04'10"W-2635.66 FEET,

THENCE N89° 22'25"W ALONG THE SOUTH BOUNDARY OF THE SE¼ OF SAID SECTION 26 FOR A DISTANCE OF 241.92 FEET TO A POINT ON A POLE FENCE AND BEING THE TRUE POINT OF BEGINNING:

THENCE CONTINUING N89°22'25"W ALONG THE SOUTH BOUNDARY OF THE SE¼ OF SAID SECTION 26 FOR A DISTANCE OF 419.37 FEET TO A POINT IN THE CENTER OF THE HIGHLINE CANAL, SAID POINT BEING ON THE ARC OF A CURVE LEFT;

THENCE NORTHEASTERLY ALONG THE CENTER OF THE HIGHLINE CANAL AND ON THE ARC OF THE CURVE LEFT FOR A DISTANCE OF 93.55 FEET TO THE POINT OF TANGENCY, SAID ARC HAVING A RADIUS OF 414.62 FEET AND A LONG CHORD BEARING AND DISTANCE OF N29°41'41"E- 93.35 FEET;

THENCE N22°55'10"E ALONG THE CENTER OF THE HIGHLINE CANAL FOR A DISTANCE OF 83.58 FEET TO THE POINT OF CURVE OF A CURVE RIGHT;

THENCE NORTHEASTERLY ALONG THE CENTER OF THE HIGHLINE CANAL AND ON THE ARC OF THE CURVE RIGHT FOR A DISTANCE OF 252.68 FEET TO THE POINT OF TANGENCY, SAID ARC HAVING A RADIUS OF 350.00 FEET AND A LONG CHORD BEARING AND DISTANCE OF N43°36'07"E-

247.23 FEET;

THENCE N64°17'03"E ALONG THE CENTER OF THE HIGHLINE CANAL FOR A DISTANCE OF 82.95 FEET;

THENCE LEAVING THE CENTER OF THE HIGHLINE CANAL ON A BEARING OF S02°42'10"W FOR A DISTANCE OF 217.74 FEET;

THENCE S00°49'25"E FOR A DISTANCE OF 92.77 FEET;

THENCE S89°34'14"E FOR A DISTANCE OF 81.22 FEET TO A POINT ON A POLE FENCE;

THENCE S67°26'22"E ALONG THE POLE FENCE FOR A DISTANCE OF 15.56 FEET;

THENCE S40°20'57"E ALONG THE POLE FENCE FOR A DISTANCE OF 14.21 FEET;

THENCE S22°08'43"E ALONG THE POLE FENCE FOR A DISTANCE OF 15.40 FEET;

THENCE S10°04'45"W ALONG THE POLE FENCE FOR A DISTANCE OF 36.31 FEET TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH:

1- A 25.0 FOOT WIDE ACCESS AND UTILITY EASEMENT ON, OVER, UNDER AND ACROSS A 25.0 FOOT WIDE STRIP OF LAND THAT IS ADJACENT TO AND ON THE EASTERLY AND NORTHERLY SIDE OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE SOUTHEAST CORNER OF THE BEFORE DESCRIBED PARCEL AND BEING THE TRUE POINT OF BEGINNING:

THENCE N10°04'45"E FOR A DISTANCE OF 36.31 FEET;

THENCE N22°08'43"W FOR A DISTANCE OF 15.40 FEET;

THENCE N40°20'57"W FOR A DISTANCE OF 14.21 FEET;

THENCE N67°26'22"W FOR A DISTANCE OF 15.56 FEET TO THE TERMINUS POINT OF SAID EASEMENT.

AND

SUBJECT TO:

1-A 25.0 FOOT WIDE ACCESS AND UTILITY EASEMENT ALONG THE SOUTHERLY BOUNDARY OF THE BEFORE DESCRIBED PARCEL

2- AN EASEMENT TO THE TWIN FALLS CANAL COMPANY FOR THE USE AND MAINTENANCE OF THE HIGHLINE CANAL ALONG THE NORTHERLY AND WESTERLY BOUNDARIES OF THE BEFORE DESCRIBED PARCEL.

PARCEL 3

A PARCEL OF LAND LOCATED IN THE SE $\frac{1}{4}$ SE $\frac{1}{4}$ OF SECTION 26, TOWNSHIP 11 SOUTH, RANGE 18 EAST, BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 26,

THENCE N89°23'38"W ALONG THE SOUTH BOUNDARY OF SECTION 26 FOR A DISTANCE OF 1338.11 FEET TO THE CENTER OF THE HIGHLINE CANAL AND BEING THE TRUE POINT OF BEGINNING:

THENCE ALONG THE CENTER OF THE HIGHLINE CANAL ON THE FOLLOWING COURSES:

N34°38'W FOR A DISTANCE OF 458.94 FEET TO THE POINT OF CURVATURE OF A CURVE LEFT, SAID CURVE HAVING A RADIUS OF 500.00 FEET AND A LONG CHORD BEARING AND DISTANCE OF N49°37'57"W-258.81 FEET;

THENCE N64°37'54"W FOR A DISTANCE OF 358.52 FEET;

THENCE N69°01'35"W FOR A DISTANCE OF 538.28 FEET TO THE INTERSECTION WITH THE WEST BOUNDARY OF THE SW $\frac{1}{4}$ SE $\frac{1}{4}$ OF SECTION 26;

THENCE LEAVING THE CENTER OF THE HIGHLINE CANAL S00°14'26"W ALONG THE WEST BOUNDARY OF THE SW $\frac{1}{4}$ SE $\frac{1}{4}$ OF SECTION 26 FOR A DISTANCE OF 877.90 FEET TO THE S $\frac{1}{4}$ CORNER OF SECTION 26;

THENCE S89°23'38"E ALONG THE SOUTH BOUNDARY OF SECTION 26 FOR A DISTANCE OF 1288.33 FEET TO THE TRUE POINT OF BEGINNING. .

TOGETHER WITH:

1-THE RIGHT OF ACCESS ALONG THE EXISTING ROAD ON THE SOUTHERLY BANK OF THE HIGHLINE CANAL.

SUBJECT TO:

1- AN EASEMENT TO THE TWIN FALLS CANAL COMPANY FOR THE HIGHLINE CANAL.

**FIRST CODICIL TO THE
LAST WILL AND TESTAMENT**

OF

HORST HAUSNER

McRAE LAW OFFICE, PLLC

P.O. Box 1233
161 5th Ave. South, Suite 100
Twin Falls, ID 83303-01233
T: (208) 944-0755
F: (208) 736-0041
www.magicvalleylegal.com

I, **Horst Hausner**, of Twin Falls County, Idaho, being of lawful age and of sound mind and memory and not acting under duress, menace or undue influence of any person or persons whomsoever, do hereby make, publish and declare this to be the First Codicil to my Last Will and Testament dated October 20, 2011 (my "Will"), as of this March 14, 2013.

I hereby revoke Article III of my Will. In place of this revoked provision, I substitute the following language to amend and restate Article III of my Will in its entirety:

III.

Not being unmindful of **ROBERT D. HAUSNER**, I leave all of my property and estate to **MORGAN C. HAUSNER**, as Trustee of the Morgan C. Hausner Special Needs Trust, to be held in trust for the beneficiary, **MORGAN C. HAUSNER**, in accordance with the trust provisions hereinafter set forth.

- (1) **NAME OF TRUST.** Morgan C. Hausner Special Needs Trust (the "Trust").
- (2) **TRUSTEE.** I nominate and appoint **MORGAN C. HAUSNER** to serve as trustee. Should he be unable or unwilling to serve, I nominate **MICHAEL PERKINS** to serve as trustee.
- (3) **TRUST DISTRIBUTIONS.** The trustee of the Trust may distribute some or all of the principal or net income of the trust as the trustee deems necessary for Morgan C. Hausner's health, education, maintenance, and support as his or her needs dictate. Education includes, but is not limited to, college, graduate, postgraduate and vocational studies and reasonable living expenses. In deciding whether or not to make a distribution to or on behalf of Morgan C. Hausner, the trustee may take into account Morgan C. Hausner's other income, resources and sources of support. Any trust income that is not distributed by the trustee shall be accumulated and added to the principal. I further direct that the trustee, after payment is made in accordance with the provisions, shall not be accountable for said sums so disbursed.
- (4) **TERMINATION OF TRUST.** The Trust shall terminate at the death of Morgan C. Hausner. All assets in trust at the death of Morgan C. Hausner shall be distributed **ZAKERY DONTÉ HAUSNER** or his estate.
- (5) **TRUSTEES.**

(a). Powers. With reference to the Trust established herein, the trustee shall have the following rights and powers without limitation and in addition to power conferred by law:

(i). All receipts and expenditures shall be administered by the trustee, subject to any limitations stated elsewhere herein and allocated as to principal and income as provided in the Uniform Principal and Income Act, being Chapter 10 of Title 68, Idaho Code, as now in effect and as it may hereafter be amended.

<i>Horst Hausner</i>	<i>3-14-2013</i>	<i>SM</i> <i>SJS</i>
Horst Hausner	Date	Witnesses' Initials

(ii). To carry out the purposes of any trust created under this Will, and subject to any limitations stated elsewhere herein, the trustee is vested with all of the powers and authority as set forth in the Uniform Trustee's Powers Act, being Chapter 1 of Title 68, Idaho Code, as now in effect and as it may hereafter be amended.

(iii). The trustee is specifically authorized and empowered to hold and retain in the trust estate any stock or other security issued by the trustee in its individual capacity and owned by me at the time of my death, including any stock dividends thereon and any securities issued in lieu thereof as a result of any recapitalization, consolidation or merger. The trustee is further authorized and empowered to exercise any rights issued to him or her by reason of ownership of any such security, and to retain and hold in the trust any security so acquired.

(iv). The trustee shall manage the trust estate and may sell, exchange, lease for terms either within or beyond the duration of the trust, lend, re-lend, invest and reinvest the trust estate or any part thereof in any kind of property which men or women of prudence, discretion and intelligence exercise for their own account, including without limitation, the right to acquire corporate obligations of every kind such as preferred and common stock, limited liability company membership interests and general or limited partnership interests. The trustee is authorized to retain in the trust, in the same form as that in which they were received by the trustee, assets of any kind, and to continue and operate any business or interest therein which may be received hereunder as long as the same produces a reasonable income, and it appears to be in the best interest and advantage of the trust estate.

(v). The trustee shall be entitled to receive compensation for his or her services hereunder in accordance with the schedule of compensation established from time to time by the trust department of a national bank with offices in Jerome County, Idaho for the administration of trusts of a character similar to this trust, and such compensation may be collected annually by the trustee out of the income or principal or both, and shall be shown in its annual accounting.

(b). Resignation. Any trustee of any trust created by this Will may resign from office at any time by giving written notice delivered in person or mailed to the last known address of each beneficiary then receiving or who would then be eligible in the discretion of the trustee to receive income of such trust, such resignation to be effective upon acceptance of the trusteeship by a properly designated substitute trustee. Notice shall be effectively given in the case of a beneficiary who is under a legal disability if given to the parent, guardian or other person or institution having custody of such beneficiary.

(c). Powers of Substitute Trustee. Every substitute trustee shall have all the title, rights, powers, privileges and duties herein conferred or imposed upon the original fiduciary without any act of conveyance or transfer. No substitute trustee shall be obligated to examine the accounts, records and acts of any previous trustee or any allocation of any trust estate, nor shall such substitute trustee be required to proceed against a previous trustee for any act or omission to act on the part of such previous trustee.

	3-14-2013	
Horst Hausner	Date	Witnesses' Initials

(d) Reports. Periodic reports shall be rendered by any trustee to each beneficiary of the trust. Reports to any beneficiary who is under a legal disability may be rendered directly to such beneficiary or to any parent, guardian, committee, conservator or other personal representative of such beneficiary, or to any adult person with whom such beneficiary resides. The records of any trustee with respect to each trust shall be open at all reasonable times to the inspection of the beneficiaries of such trust and their accredited representatives.

(e) Bonds Waived. I direct that any trustee shall be permitted to qualify without the necessity of giving a bond or other undertaking in this or any other jurisdiction for the faithful performance of such fiduciary's duties.

IN WITNESS WHEREOF, I, **Horst Hausner**, the testator, sign my name to this instrument this 14 day of March, 2013, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as the First Codicil to my Last Will and Testament and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Horst Hausner
Horst Hausner

We, Steven Melne and Shelly A. Stucki, the witnesses, sign our names to this instrument, and being first duly sworn, do hereby declare to the undersigned authority that the testator signs and executes this instrument as the First Codicil to her Last Will and Testament and that she signs it willingly, and that each of us, in the presence and hearing of the testator, hereby signs this Will as witness to the testator's signing, and that to the best of our knowledge the testator is eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.

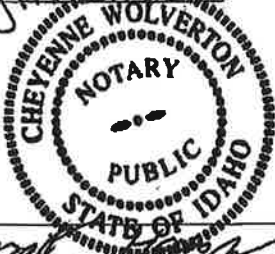
[Signature]
Residing at: Jerome, ID

[Signature]
Residing at: Kimberly, ID

STATE OF IDAHO)
)
County of Twin Falls)

ss.

Subscribed, sworn to and acknowledged before me by **Horst Hausner**, the testator, and subscribed and sworn to before me by Steven Melne and Shelly A. Stucki, the witnesses, this 14th day of March, 2013.



Cheyenne Wolverton
NOTARY PUBLIC FOR IDAHO

Residing at: Jerome, ID
Expires: 11/9/2015

<u>Horst Hausner</u>	<u>3-14-2013</u>	<u>SM JS</u>
Horst Hausner	Date	Witnesses' Initials



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858
Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

May 21, 2020

VICTORY HOME RESTORATION CENTER INC
PO BOX 5623
TWIN FALLS ID 83303-5623

RE: Water Right No(s): 47-8439, 47-134A, and 47-14037 Change in Ownership

Dear Interested Parties:

The Idaho Department of Water Resources (Department) received a Notice of Change in Water Right Ownership (Notice) from you on February 24, 2020 for the above referenced water rights. The Notice could not be processed because the wrong name was listed on item #3, New Owner. The name listed was David Funk and Shirlene Funk, and it should read: Victory Home Restoration Center, Inc. Additionally, right 47-149A should have been included on the Notice, as it is combined with right 47-134A to irrigate the same ground, so both rights need to be on the Notice. This extra right increases the fee by \$25.00.

On March 5, 2020, the Department requested the required information and additional fees from you. As of the date of this letter, the Department has not received the required information and additional fees.

The Department is returning your Notice of Change in Water Right Ownership and the attachments. A refund of \$75.00 has been requested and will be mailed to First American Title Company in Twin Falls under separate cover from the Idaho State Controller's Office. You may re-submit your request with the appropriate documents and fees. If you choose to resubmit a Notice of Change in Water Right Ownership, the fee for the four rights would be \$100.00. Rights 47-8439, 47-134A, 47-149A, and 47-14037 should be included on the Notice. The new owner should be Victory Home Restoration Center, Inc., and the form should be signed by an authorized person with the entity.

If you have any questions regarding this matter, please contact me at (208) 293-9909.

Sincerely,

Jim Bitzenburg
Senior Water Resource Agent

Enclosure(s)

CC: First American Title Co., Twin Falls- File #881024-TF

Bitzenburg, James

From: Bitzenburg, James
Sent: Thursday, May 21, 2020 4:47 PM
To: Marston, Sascha
Subject: Refund Request

Sascha-

I am returning a Notice of Change in Water Right Ownership to Victory Home Restoration Center, Inc. First American Title Company of Twin Falls submitted the Notice on February 24, 2020, and it could not be processed because additional fees and a corrected Notice have not been submitted after a deficiency letter was sent out. First American Title Company paid \$75.00 for the Ownership Change with check #79931, IDWR receipt #S037783. The address for First American Title in Twin Falls is:

**FIRST AMERICAN TITLE CO
1502 LOCUST ST N BLDG 300
TWIN FALLS ID 83301**

Let me know if you need anything more and thank you for your assistance.

Jim

**Jim Bitzenburg
Water Resource Agent
Idaho Department of Water Resources
Southern Regional Office
Phone (208)-736-3033
james.bitzenburg@idwr.idaho.gov**



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858

Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

March 5, 2020

VICTORY HOME RESTORATION CENTER INC
PO BOX 5623
TWIN FALLS ID 83303

RE: Water Right No(s): 47-8439, 47-134A, and 47-14037; Change in Ownership Deficiency Letter

Dear Interested Parties:

The Department of Water Resources (Department) acknowledges receipt of your Notice of Change in Water Right Ownership (Notice).

Our review of your Notice indicates that additional information is required before the Department can process the change. The information required is indicated below:

☒ Filing Fee of \$25.00 per water right for changes that do not need to be split.

☒ Additional information and corrections to Notice.

During our review of the documentation you submitted, we found several issues that need to be addressed. First, on page 1, item #3., the new owners are listed as David and Shirlene Funk, but the address shown is that of the Victory Home Restoration Center Inc., and the form is signed by the president and director of that entity. In a phone conversation with Sandra Gonzalez of First American Title of Twin Falls, on March 4, the intent of the notice was to change ownership of the listed rights to Victory Home Restoration Center, Inc. So, it would appear that the new owner should be Victory Home Restoration Center, Inc. Additionally, right 47-149A should also be included on the Notice, as it is combined with right 47-134A to irrigate the same ground. This would necessitate the payment of an additional \$25.00 in fees for the extra right. You could submit a corrected Notice with the changes, \$25.00 additional fee, and we could then change the ownership because the deeds appear to be sufficient to convey ownership to Victory Home Restoration Center, Inc.

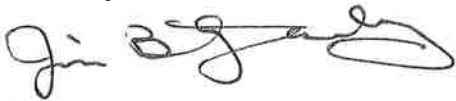
Effective July 1, 2000, the legislature enacted House Bill No. 545 requiring a filing fee for a change in water right ownership. The fee is \$25 per water right, except for ownership changes resulting in the division of a water right, which is \$100 per water right. All ownership change notices received after June 30, 2000 must include the appropriate filing fees in order to be processed. We have determined that the additional filing fee for your notice will be \$25.00, in order to process the change for right 47-149A.

Because the Department cannot process the Notice without proper fees, we will hold any action on your notice pending receipt of the necessary fees. If we do not receive the necessary fees and corrections within 30 days we will return your notice and all attachments and your notice will not be processed.

Also, please note that permit holders are required to report any change of ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Forms to assign ownership or update your address are available from any office of the Department or on the Department's website.

If you have any questions regarding this matter, please contact me at (208) 293-9909.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Bitzenburg", with a stylized flourish at the end.

Jim Bitzenburg
Senior Water Resource Agent

Enclosure(s)

CC: First American Title Co., Twin Falls- File #881024-TF



RECEIVED

FEB 24 2020

DEPT OF WATER RESOURCES
SOUTHERN REGION

First American Title Company
1502 Locust Street North, Bldg. 300, Twin Falls, ID 83301
Phone (208)734-2905 Fax (208)734-2945

Idaho Department of Water Resources
650 Addison Avenue W, Ste 500
Twin Falls, ID 83301-5858

February 20, 2020
File No.: 881024-TF (sg)

Attn: Accounts Receivable

Re:

Property: **Bareland Hansen, ID 83334**
Buyer: **David Funk and Shirlene Funk**
Seller: **Victory Home Restoration Center, Inc.**

Enclosed is a check for water fees, the signed Water Right Ownership form and the new recorded Warranty Deed for your records. Please feel free to contact us with any questions. Have a good day. Check#79931 \$75.00
Check#79932 \$25.00

Sincerely,

Estela Alvarez, Assistant for
Sandra Gonzalez, Escrow Officer

ea/ea