

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED ✓

MAR 16 2020

Notice of Change in Water Right Ownership

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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? |
|-----------------------|---|------------------------------|-----------------------|------------------------------|------------------------------|
| 47-149A | Yes <input checked="" type="checkbox"/> | Yes <input type="checkbox"/> | | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 47-134A | Yes <input checked="" 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"/> |
| | 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: Horst & Cecilia Hausner
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): David & Shirlene Funk
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 3040 N 3800E Hansen ID 83334
Mailing address City State ZIP
- 208-308-5972 Funkdairy@yahoo.com
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: 3-31-2010

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):
 - ☐ \$25 per undivided water right.
 - ☐ \$100 per split water right.
 - ☐ 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.

SUPPORT DATA
IN FILE # 47-134A

8. Signature: David Funk Owner 3.11.2020
Signature of new owner/claimant Title, if applicable Date
- Signature: _____
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by DM Date 3.16.2020 Receipt No. 5031828 Receipt Amt. \$175-

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 JB Date 3-17-20

RECEIVED

FEB 24 2020

DEPT OF WATER RESOURCES
SOUTHERN REGION*** See Amended Notice
filed 3/16/2020**STATE 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? |
|-----------------------|------------------------------|------------------------------|-----------------------|------------------------------|------------------------------|
| 47-149A | 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"/> |
| | 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"/> |
| | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> | | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |

2. Previous Owner's Name: Victory Home Restoration Center, Inc.
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): David Funk and Shirlene Funk
New owner(s) as listed on the conveyance document Name connector ☒ and ☐ or ☐ and/or
3040 North 3800 East Hansen ID 83334
Mailing address City State ZIP
208-308-5972 afunkymom@hotmail.com
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: David Funk Title, if applicable: _____ Date: Feb 20-20
Signature: Shirlene Funk Title, if applicable: _____ Date: Feb 20-2020

For IDWR Office Use Only:

Received by SG Date 2/24/20 Receipt No. 5037784 Receipt Amt. 125.00
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 JB Date 3-17-20

AFTER RECORDING MAIL TO:

David Funk and Shirlene Funk
3040 North 3800 East
Hansen, ID 83334

TWIN FALLS COUNTY
RECORDED FOR:
FIRST AMERICAN TITLE - TWIN F/
11:41:33 AM 02-20-2020
2020003207
NO. PAGES 2 FEE: \$15.00
KRISTINA GLASCOCK
COUNTY CLERK
DEPUTY: CT
Electronically Recorded by Simplifile

CORPORATE WARRANTY DEED

File No.: **881024-TF (sg)**

Date: **February 13, 2020**

For Value Received, **Victory Home Restoration Center, Inc., an Idaho corporation**, a corporation duly organized and existing under the laws of the State of Idaho, Grantor, does hereby grant, bargain, sell and convey unto **David Funk and Shirlene Funk, husband and wife**, Grantee, whose address is **3040 North 3800 East, Hansen, ID 83334**, the following described real estate, to wit:

A PARCEL OF LAND LOCATED IN THE SW $\frac{1}{4}$ 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.**

SUBJECT TO current years taxes, irrigation district assessments, public utility easements, subdivision and U.S. patent reservations.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto 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, and that Grantor will warrant and defend the same from all claims whatsoever.

IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of Directors, has caused its corporate name to be hereunto subscribed by its President and director this 20th day of February, 2020.

APN: RP11S18E268400A

Warranty Deed
- continued

File No.: **881024-TF (sg)**
Date: **02/13/2020**

Victory Home Restoration Center, Inc., an Idaho corporation

By:

Name: Tony A. Lopez
Title: President

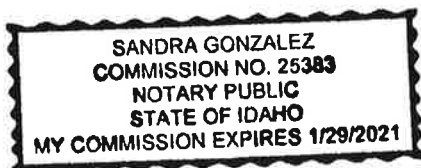
By:

Name: Nicole K. Mosley
Title: Director

STATE OF Idaho)
)
) ss.
COUNTY OF Twin Falls)

On this 20th day of February, 2020, before me, a Notary Public in and for said State, personally appeared **Tony A. Lopez and Nicole K. Moseley**, known or identified to me to be the **President and Director** of the corporation that executed the within instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Notary Public for the State of Idaho

Residing at:

My Commission Expires:

Residing at: Twin Falls, Idaho
Commission Expires: 01-29-2021

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.

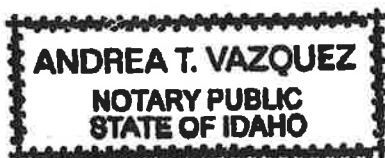
Morgan C. Hausner Special Needs Trust

Morgan C. Hausner

Morgan C. Hausner, Trustee

STATE OF Idaho)
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 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.

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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.

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**, 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.

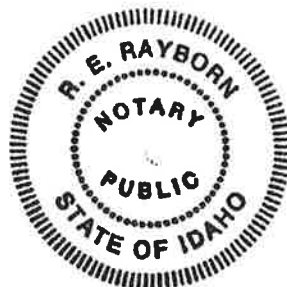
GR aka Cecilia R. Hausner

[Signature]

NOTARY PUBLIC

Residence: Twin Falls, Ida

My Commission Expires: 11-11-12



RAYBORN & RAYBORN
ATTORNEYS AT LAW
112 SHOSHONE STREET EAST
P. O. BOX 321
TWIN FALLS, ID 83303-0321
(208) 733-2600

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°1'703"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.

EXHIBIT B

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

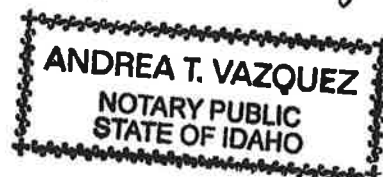
COUNTY OF Twin Falls

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, 20 18.

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 HIGHLINE 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

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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;

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

TOGETHER WITH:

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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;

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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 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,

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.

**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 DONTE 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>JS</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 | sm JSB |
| 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 McInerney 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 McInerney and Shelly A. Stucki, the witnesses, this 14 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</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

March 17, 2020

DAVID L FUNK
SHIRLENE FUNK
3040 N 3800 E
HANSEN ID 83334-5246

Re: Change in Water Right Ownership: 47-149 A (Split into 47-149 A and 47-17715), 47-134 A (Split into 47-134 A and 47-17714),

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of a portion of the above referenced water right(s) to you. The Department has modified its records based on the information received and has enclosed a computer-generated report for you.

Your portion of each water right(s) has a specified point of diversion, nature of use and place of use. If you plan to change the authorized point of diversion, nature of use, or place of use, including adding a new point of diversion, you must file an Application for Transfer of Water Right. If you do not plan to change any elements of your water right, then no further action is required at this time.

The portion of the water right retained by the original right holder retains the original water right number. The Department is sending the original right holder a copy of this letter and a computer-generated report showing the changes to the original water right.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 293-9909.

Sincerely,

Jim Bitzenburg
Senior Water Resource Agent

Enclosure(s)

CC: WD-470; First American Title Co., Twin Falls- File #881024-TF (sg)



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

DAVID & SHIRLENE FUNK
3040 N 3800 E
HANSEN ID 83334

RE: Water Right No(s): 47-149A; 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:

☒ Additional Filing Fee of \$175.00 for changes that 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, right 47-149A is combined with right 47-134A to irrigate the same 18.0 acres of ground, so you will need to add right 47-134A to the Notice (see enclosed water right reports). The deeds included in the documentation you submitted convey approximately 17.0 acres in the SWSE of Section 26, T11S, R18E. The two rights mentioned above are appurtenant to 15.0 acres in that QQ, and are also appurtenant to 3.0 acres in the SESE of Section 26, T11S, R18E (see enclosed map), so we will need to split both rights, with you taking ownership of a 15.0 acre portion of each right in the SWSE of Section 26, and the 3.0 acre portion of both rights located in the SESE will remain in the name of the current owner. Splitting two rights requires a fee of \$100.00 per split right, so, after, giving credit for the \$25.00 already paid, you will need to submit an additional fee of \$175.00 in order to process the changes for the two rights.

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 \$175.00, in order to process the splits for rights 47-149A and 47-134A.

So, in order for us to continue processing the Notice, you will need to submit a corrected Notice with right 47-134A included, and both rights marked as splits, in addition to the required extra \$175.00 in fees.

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", written in a cursive style.

Jim Bitzenburg
Senior Water Resource Agent

Enclosure(s)

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



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

RECEIVED

FEB 24 2020

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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