

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 26 2015

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.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
85-7552	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: John G. Fitzgerald (deceased)
Name of current water right holder/claimant Patricia and Sharon Fitzgerald Revocable Living Trust
3. New Owner(s)/Claimant(s): J's M Fitzgerald 2013 Trust (Separate property of John B Fitzgerald)
New owner(s) as listed on the conveyance document John B Fitzgerald Name connector and or and/or
- 545 Crestline Circle Drive Lewiston ID 83501
Mailing address City State ZIP
- 208 413 7621 valdezz@frontier.com
Telephone Email

4. If the water rights and/or adjudication claims were split, how did the division occur? no split
☐ 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: 9/11/13
6. If the water right described herein has been rented from the Water Supply Bank, rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
- Rental payments will go to the lessor(s) of record at the beginning of the rental season.
 - If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - New lessor(s) of record will receive payment after the following rental season.
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.

8. Signature: [Signature] 5/22/15
Signature of new owner/claimant Title, if applicable Date

Signature: [Signature] 5/18/15
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by [Signature] Date 6-1-15 Receipt No. C100522 Receipt Amt. 25.00
 Approved by [Signature] Processed by [Signature] Date 6-3-15

CLEMENTS, BROWN & McNICHOLS, P.A.
LAWYERS

321 13th Street
Post Office Box 1510
Lewiston, Idaho 83501
Telephone (208) 743-6538
Fax (208) 746-0753

Robert P. Brown
Joshua D. McKarcher**
Michael E. McNichols
Cynthia L. Mosher*
Sonyalee R. Nutsch*
Bentley G. Stromberg

*Admitted in Idaho
and Washington
**Admitted in Idaho
Virginia and
Washington D.C.

12 September 2013

Mr. John B. Fitzgerald
1117 Chateau Court
Lodi, CA 95242

V.R. Clements
(1896-1982)
Reed Clements
(Retired)
Eric K. Peterson
(Retired)
Philip E. Peterson
(1922-2003)

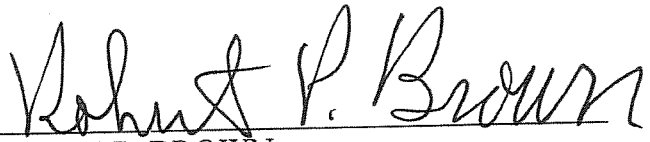
Re: Deed to J&M Fitzgerald 2013 Trust.

Dear John:

Please find enclosed the recorded original of the Deed transferring your one-half of the Lewis County property to your Trust.

Very truly yours,

CLEMENTS, BROWN & McNICHOLS, P.A.


ROBERT P. BROWN

RPB:J
Enclosure

141748
Instrument # 141748

NEZPERCE, LEWIS, IDAHO

9-11-2013 11:27:18 No. of Pages: 3

Recorded for : CLEMENTS, BROWN & MCNICHOLS, P.A

CATHY LARSON

Fee: 16.00

Ex-Officio Recorder Deputy

Anne V. O'Neil
my PO Box 1510, Lewiston, ID 83501

D E E D

THIS INDENTURE, made this 28th day of August, 2013, by and between JOHN B. FITZGERALD, a married man dealing with his sole and separate property, "Grantor", and JOHN B. FITZGERALD and MARCIA A. FITZGERALD, Trustees of the J&M FITZGERALD 2013 TRUST dated March 1, 2013: separate property of JOHN B. FITZGERALD, "Grantees", of 1117 Chateau Court, Lodi, CA 95242.

WITNESSETH:

That Grantor, for and in consideration of the sum of Ten Dollars (\$10), lawful money of the United States of America, and other good and valuable considerations to him, in hand paid by said Grantees, the receipt and sufficiency of all of which is hereby acknowledged, has bargained and sold, and, by these presents, does hereby sell, assign, transfer, convey and confirm unto Grantees, their successors and assigns, IN TRUST, AN UNDIVIDED ONE-HALF INTEREST in the following-described real property, situate in Lewis County, State of Idaho, and more particularly described as follows, to wit:

Parcel 1:

Lots 2, 3 and 6, East Half of the Northwest Quarter, North Half of the Southwest Quarter, and the Southeast Quarter of the Southwest Quarter of Section 23, Township 35 North, Range 2, East Boise Meridian.

EXCEPT:

A portion of Lots 3 and 6, Section 23, Township 35 North, Range 2, East Boise Meridian, described as follows: Beginning at a point which is S.89°42'E., 497 feet and thence S.9°00'E., 1026.96 feet from the Northwest corner of Said Lot 3; thence S.9°30'E., 499 feet; thence S.89°42'W., 200 feet; thence N.9°30'W., 499 feet; thence N.89°42'E., 200 feet to the point of beginning.

AND

Parcel 2:

Township 35 North, Range 2, East Boise Meridian, Section 14: Lot 7

EXCEPT:

A portion of Lot 7 of Section 14, described as: Commencing at the Southwest corner of Lot 2, Section 23, Township 35 North, Range 2, East Boise Meridian; thence North 2420.9 feet; thence West 776.3 feet to the point on the Westerly right-of-way line of U.S. Highway No. 12, the TRUE POINT OF BEGINNING; thence N.64°59'W., 395 feet; thence South 218 feet; thence S.64°59'E., 270 feet; thence N.35°E., 200 feet to the TRUE POINT OF BEGINNING.

ALSO EXCEPTING:

Beginning at the Southwest corner of Lot 2 of said Section 23; thence S.89°42'E., 328 feet; thence N.2°55'W., 898.3 feet; thence N.78°45'E., 180 feet; thence N.16°W., 330 feet; thence N.24°W., 417.42 feet; thence N.36°W., 436.92 feet; thence N.47°W., 69.63 feet; thence N.61°W., 602.58 feet to the TRUE POINT OF BEGINNING; N.65°W., 200 feet; thence S.35°W., 200 feet; thence S.65°E., 200 feet; thence N.35°E., 200 feet to the TRUE POINT OF BEGINNING.

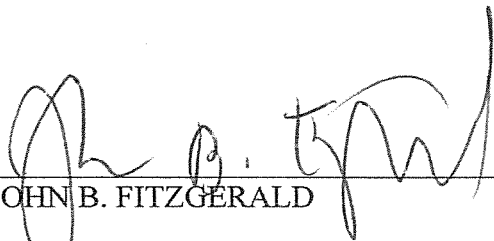
ALSO EXCEPTING FROM BOTH PARCEL 1 AND PARCEL 2 the real property taken by the State of Idaho for public highway purposes described on Exhibit A, Pages 1 of 6 through 6 of 6, in that certain Second Judgment and Decree of Condemnation recorded February 7, 2008, as Instrument No. 135815, records of Lewis County, Idaho.

THIS PROPERTY IS THE SEPARATE PROPERTY OF GRANTOR.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and all the estate, right, title, interest, claim or demand whatsoever of said Grantor, now or hereafter acquired, either at law or in equity, of, in and to the above-bargained premises.

TO HAVE AND TO HOLD the said premises above bargained and described,
with the appurtenances, unto Grantees, their successors and assigns, forever.

IN WITNESS WHEREOF, Grantor has hereunto set his hand and seal the day
and year first above written.



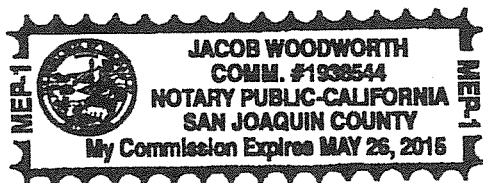
JOHN B. FITZGERALD

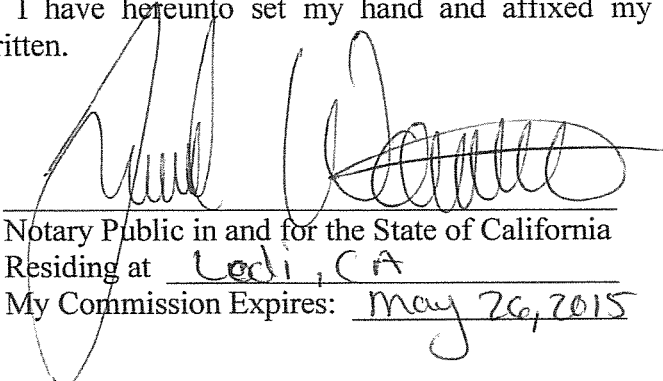
STATE OF CALIFORNIA)

: ss.
County of San Joaquin

On this 28 day of August in the year 2013, before me, a notary
public, personally appeared JOHN B. FITZGERALD, known or identified to me (or proved
to me on the oath of _____) to be the person whose name is
subscribed to the within and foregoing instrument, and acknowledged to me that he executed
the same.

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





Notary Public in and for the State of California
Residing at Lodi, CA
My Commission Expires: May 26, 2015

RECEIVED

MAY 26 2015

DEPARTMENT OF
WATER RESOURCES

D E E D

THIS INDENTURE, made this 9 day of Sept, 2013, by and between PATRICK G. FITZGERALD, a married man dealing with his sole and separate property, "Grantor", and PATRICK G. FITZGERALD and SHARON E. FITZGERALD, husband and wife, Trustees of the Patrick and Sharon Fitzgerald Revocable Living Trust dated June 1st, 2012, "Grantees", of P.O. Box 1686, Orofino, ID 83544,

WITNESSETH:

That Grantor, for and in consideration of the sum of Ten Dollars (\$10), lawful money of the United States of America, and other good and valuable considerations to him, in hand paid by said Grantees, the receipt and sufficiency of all of which is hereby acknowledged, has bargained and sold, and, by these presents, does hereby sell, assign, transfer, convey and confirm unto Grantees, their successors and assigns, IN TRUST, AN UNDIVIDED ONE-HALF INTEREST in the following-described real property, situate in Lewis County, State of Idaho, and more particularly described as follows, to wit:

Parcel 1:

Lots 2, 3 and 6, East Half of the Northwest Quarter, North Half of the Southwest Quarter, and the Southeast Quarter of the Southwest Quarter of Section 23, Township 35 North, Range 2, East Boise Meridian.

EXCEPT:

A portion of Lots 3 and 6, Section 23, Township 35 North, Range 2, East Boise Meridian, described as follows: Beginning at a point which is S.89°42'E., 497 feet and thence S.9°00'E., 1026.96 feet from the Northwest corner of Said Lot 3; thence S.9°30'E., 499 feet; thence S.89°42'W., 200 feet; thence N.9°30'W., 499 feet; thence N.89°42'E., 200 feet to the point of beginning.

AND

Parcel 2:

Township 35 North, Range 2, East Boise Meridian, Section 14: Lot 7

EXCEPT:

A portion of Lot 7 of Section 14, described as: Commencing at the Southwest corner of Lot 2, Section 23, Township 35 North, Range 2, East Boise Meridian; thence North 2420.9 feet; thence West 776.3 feet to the point on the Westerly right-of-way line of U.S. Highway No. 12, the TRUE POINT OF BEGINNING; thence N.64°59'W., 395 feet; thence South 218 feet; thence S.64°59'E., 270 feet; thence N.35°E., 200 feet to the TRUE POINT OF BEGINNING.

ALSO EXCEPTING:

Beginning at the Southwest corner of Lot 2 of said Section 23; thence S.89°42'E., 328 feet; thence N.2°55'W., 898.3 feet; thence N.78°45'E., 180 feet; thence N.16°W., 330 feet; thence N.24°W., 417.42 feet; thence N.36°W., 436.92 feet; thence N.47°W., 69.63 feet; thence N.61°W., 602.58 feet to the TRUE POINT OF BEGINNING; N.65°W., 200 feet; thence S.35°W., 200 feet; thence S.65°E., 200 feet; thence N.35°E., 200 feet to the TRUE POINT OF BEGINNING.

ALSO EXCEPTING FROM BOTH PARCEL 1 AND PARCEL 2 the real property taken by the State of Idaho for public highway purposes described on Exhibit A, Pages 1 of 6 through 6 of 6, in that certain Second Judgment and Decree of Condemnation recorded February 7, 2008, as Instrument No. 135815, records of Lewis County, Idaho.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and all the estate, right, title, interest, claim or demand whatsoever of said Grantor, now or hereafter acquired, either at law or in equity, of, in and to the above-bargained premises.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto Grantees, their successors and assigns, forever.

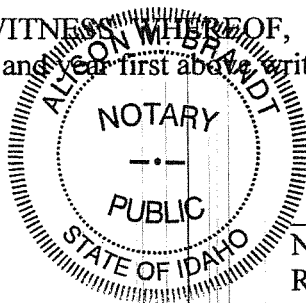
IN WITNESS WHEREOF, Grantor has hereunto set his hand and seal the day
and year first above written.

Patrick G. Fitzgerald
PATRICK G. FITZGERALD
H.

STATE OF IDAHO)
 : ss.
County of Clearwater)

On this 9th day of Sept in the year 2013, before me, a notary
public, personally appeared PATRICK G. FITZGERALD, known or identified to me (or
proved to me on the oath of _____) to be the person whose name is
subscribed to the within and foregoing instrument, and acknowledged to me that he executed
the same.

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



Alyson M. Brady
Notary Public in and for the State of Idaho
Residing at Orofino
My Commission Expires: 2-26-2016

#141438

Instrument # 141638
NEZPERCE, LEWIS, IDAHO
3-8-2013 10:31:45 No. of Pages: 5
Recorded for : CLEMENTS, BROWN & MCNICHOLS, PA
CATHY LARSON Fee: 22.00
Ex-Officio Recorder Deputy
m: Robert P. Brown PO Box 1510
Lewiston, ID 83581
C Bradley

**TRUSTEES'
DEED OF DISTRIBUTION**

THIS INDENTURE, made this 15th day of August, 2013, by and between

JOHN B. FITZGERALD, successor trustee of Trusts A and B created under the Will of Paula B. Fitzgerald, deceased, and JOHN B. FITZGERALD, as successor trustee of the John G. Fitzgerald 1992 Revocable Trust, as Grantors, to JOHN B. FITZGERALD and PATRICK G. FITZGERALD, the Grantees, married men dealing with their sole and separate property, 1117 Chateau Court, Lodi, CA 95242,

WITNESSETH:

WHEREAS, John B. Fitzgerald is the successor trustee of Trusts A and B created under the Will of Paula B. Fitzgerald, deceased, which trusts hold title to the one-half interest in the property herein conveyed which was formerly owned by Paula B. Fitzgerald, deceased, and is also the successor trustee of the John G. Fitzgerald 1992 Revocable Trust, as amended, which trust holds title to the other one-half interest in the property herein conveyed which was formerly owned by John G. Fitzgerald, deceased, and

WHEREAS, the Grantors execute this Trustees' Deed of Distribution to distribute the property herein conveyed unto Grantees, pursuant to the agreements for distribution among all parties interested in said Trusts,

NOW, THEREFORE, in consideration of the premises and to distribute the property described on Exhibit A, attached hereto, Grantor does hereby sell, assign, transfer, convey and confirm unto Grantees, in equal shares, as tenants in common, and to their

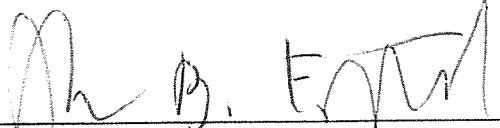
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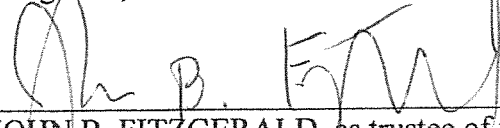
respective heirs and assigns, the real property, situate in Lewis County, State of Idaho, and more particularly described on Exhibit A, attached hereto and by reference made a part hereof, said property to be the sole and separate property of Grantees.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and all the estate, right, title, interest, claim or demand whatsoever of said Grantors, now or hereafter acquired, either at law or in equity, of, in and to the above-bargained premises.

TO HAVE AND TO HOLD all and singular the above-described premises, together with the appurtenances thereunto belonging and the rents, issues and profits therefrom unto Grantees and unto their heirs and assigns forever, the purpose of this deed being to vest title in the above-described real property and the rents, issues and profits therefrom in Grantees, in equal shares, as their sole and separate property, as defined and known by the statutes and laws of the State of Idaho.

IN WITNESS WHEREOF, said Grantors have hereunto caused these presents to be executed the day and year first above written.

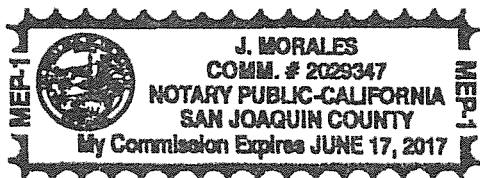

JOHN B. FITZGERALD, as trustee of Trusts A and B created under the Will of Paula B. Fitzgerald, deceased

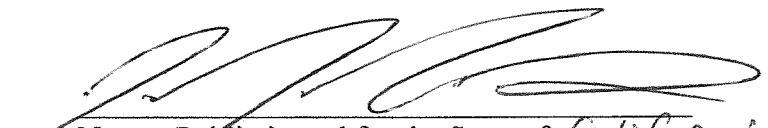

JOHN B. FITZGERALD, as trustee of the John G. Fitzgerald 1992 Revocable Trust

STATE OF California)
 : ss.
County of San Joaquin)

On this 1 day of ^{August} ~~July~~ in the year 2013, before me, a notary public, personally appeared JOHN B. FITZGERALD, known or identified to me (or proved to me on the oath of _____) to be the person whose name is subscribed to the within instrument as the trustee of Trusts A and B created under the Will of Paula B. Fitzgerald, deceased, and acknowledged to me that he executed the same as such trustee.

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

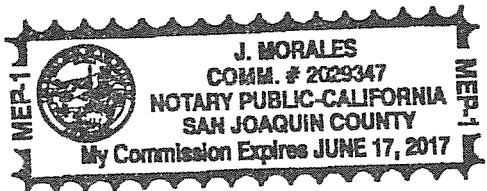



Notary Public in and for the State of California
Residing at Lodi, CA
My Commission Expires: June 17, 2017

STATE OF California)
 : ss.
County of San Joaquin)

On this 1 day of ^{August} ~~July~~ in the year 2013, before me, a notary public, personally appeared JOHN B. FITZGERALD, known or identified to me (or proved to me on the oath of _____) to be the person whose name is subscribed to the within instrument as trustee of the John G. Fitzgerald 1992 Revocable Trust, and acknowledged to me that he executed the same as such trustee.

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



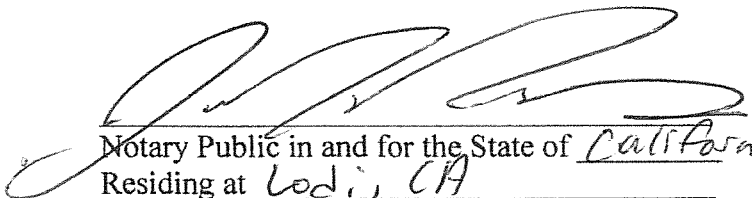

Notary Public in and for the State of California
Residing at Lodi, CA
My Commission Expires: June 17, 2017

EXHIBIT A

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

Parcel 1:

Lots 2, 3 and 6, East Half of the Northwest Quarter, North Half of the Southwest Quarter, and the Southeast Quarter of the Southwest Quarter of Section 23, Township 35 North, Range 2, East Boise Meridian.

EXCEPT:

A portion of Lots 3 and 6, Section 23, Township 35 North, Range 2, East Boise Meridian, described as follows: Beginning at a point which is S.89°42'E., 497 feet and thence S.9°00'E., 1026.96 feet from the Northwest corner of Said Lot 3; thence S.9°30'E., 499 feet; thence S.89°42'W., 200 feet; thence N.9°30'W., 499 feet; thence N.89°42'E., 200 feet to the point of beginning.

AND

Parcel 2:

Township 35 North, Range 2, East Boise Meridian, Section 14: Lot 7

EXCEPT:

A portion of Lot 7 of Section 14, described as: Commencing at the Southwest corner of Lot 2, Section 23, Township 35 North, Range 2, East Boise Meridian; thence North 2420.9 feet; thence West 776.3 feet to the point on the Westerly right-of-way line of U.S. Highway No. 12, the TRUE POINT OF BEGINNING; thence N.64°59'W., 395 feet; thence South 218 feet; thence S.64°59'E., 270 feet; thence N.35°E., 200 feet to the TRUE POINT OF BEGINNING.

ALSO EXCEPTING:

Beginning at the Southwest corner of Lot 2 of said Section 23; thence S.89°42'E., 328 feet; thence N.2°55'W., 898.3 feet; thence N.78°45'E., 180 feet; thence N.16°W., 330 feet; thence N.24°W., 417.42 feet; thence N.36°W., 436.92 feet; thence N.47°W., 69.63 feet; thence N.61°W., 602.58 feet to the TRUE POINT OF BEGINNING; N.65°W., 200 feet; thence S.35°W., 200 feet; thence S.65°E., 200 feet; thence N.35°E., 200 feet to the TRUE POINT OF BEGINNING.

ALSO EXCEPTING FROM BOTH PARCEL 1 AND PARCEL 2 the real property taken by the State of Idaho for public highway purposes described on Exhibit A, Pages 1 of 6 through 6 of 6, in that certain Second Judgment and Decree of Condemnation recorded February 7, 2008, as Instrument No. 135815, records of Lewis County, Idaho.

FITZGERALD, John (EH:NORTH AMERICA)

From: Robert Brown <rbrown@clbrmc.com>
Sent: Thursday, September 12, 2013 2:46 PM
To: joanns@lewiscountyid.org
Cc: FITZGERALD, John (EH:NORTH AMERICA); Patrick Fitzgerald
Subject: Trust information regarding the J&M Fitzgerald 2013 Trust and the Patrick and Sharon Fitzgerald Trust.
Attachments: Declaration of Trust - J&M Fitzgerald 2013 Trust.PDF; Registration of Trust - Patrick and Sharon Fitzgerald Trust - filed.PDF

JoAnn,

The Deed from John B. Fitzgerald to the J&M Fitzgerald 2013 Trust was recorded by the Lewis County Recorder as Instrument No. 141748. I am attaching herewith a pdf file containing pages 1-3 and 28 & 29 of the that Trust. These pages contain the name of the trust and identify the trustees and their successors, together with the signature pages and acknowledgments. I am assuming that this is all the information you may need but give me a call if you have any questions.

I expect the Recorder you will also be receiving a Deed for the other one-half of the property described in the above referenced Deed which will be executed by Patrick G. Fitzgerald in favor of the trust established by he and his wife. Attached is a pdf file containing the Registration of Trust for this Trust. As you will note, it is on file in the District Court for Lewis County. It contains the same information. If you have any questions on this, please give me a call.

Thanks for your help.

Robert P. Brown
Clements, Brown & McNichols, P.A.
P.O. Box 1510
Lewiston, ID 83501
208-743-6538
rbrown@clbrmc.com

*Copies of registration
of Trusts that now own
the property i understand*

The information contained in this e-mail and its attachments are intended only for the use of the individual or entity to which it is addressed and may contain information which is privileged, confidential, attorney's work product and/or exempt from disclosure. If the reader is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is prohibited. If you have received this communication in error, please notify us by collect telephone and delete and destroy this communication, its attachments and all copies thereof.

ALISON M. BRANDT
Attorney at Law
155 Main Street
P.O. Box 2482
Orofino, Idaho 83544
Phone: (208) 476-7212
Fax: (208) 476-4642
ISBN 4574

Lewis County District Court
FILED
AT 250 O'CLOCK PM

JUL 02 2012

CATHY LARSON
Clerk of District Court
Ali K Anderson
By _____ Deputy

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

IN THE MATTER OF THE
REGISTRATION OF THE:

PATRICK AND SHARON FITZGERALD
REVOCABLE LIVING TRUST

CASE NO. CV2012-110

REGISTRATION
OF TRUST

COMES NOW, PATRICK G. FITZGERALD and SHARON E. FITZGERALD,
Grantors/Trustees of the PATRICK AND SHARON FITZGERALD REVOCABLE LIVING
TRUST, and pursuant to Idaho Code 15-07-101 et seq., registers the above-named Trust with the
court and provides the following information:

1. The Grantors/Trustees are Patrick G. Fitzgerald and Sharon E. Fitzgerald, 22790
Highway 12, Orofino, Idaho 83544. The Beneficiaries are Patrick G. Fitzgerald and Sharon E.
Fitzgerald, however, after the death of the Grantors/Trustees, the Beneficiaries are Michael G.
Fitzgerald and Bradley A. Fitzgerald.

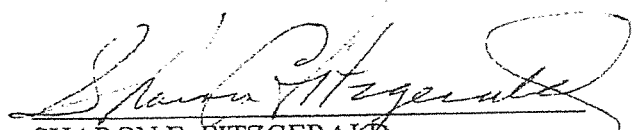
2. The said Patrick G. Fitzgerald and Sharon E. Fitzgerald herewith acknowledge
that they are the original Grantors/Trustees of the Patrick and Sharon Fitzgerald Revocable
Living Trust. The Co-Successor Trustees are Michael G. Fitzgerald and Bradley A. Fitzgerald.

3. This Trust has not been registered elsewhere.

4. This Trust is a Revocable Living and Testamentary Trust and the Grantors/Trustees are Patrick G. Fitzgerald and Sharon E. Fitzgerald; the place of probate, should there be one, is Lewis County, Idaho.

DATED this 1st day of June, 2012.


PATRICK G. FITZGERALD
Grantor/Trustee


SHARON E. FITZGERALD
Grantor/Trustee

DECLARATION OF TRUST

by

JOHN B. FITZGERALD and MARCIA A. FITZGERALD

of the

J&M FITZGERALD 2013 TRUST

(A Revocable Funded Trust)

ARTICLE FIRST: THE TRUST ESTATE

1.01. Declaration of Trust. JOHN B. FITZGERALD and MARCIA A. FITZGERALD, residents of San Joaquin County, California (referred to in this Declaration: together as "Settlors" or "Trustees," depending on the context; and individually as "Husband," "Wife," or "Spouse"), declare that they have or will transfer to themselves as Trustees, without consideration, all of the property listed on Schedules "A," "B," and "C" (which are or will be attached to this Declaration) and that they will hold the property of the trust estate in trust for the primary benefit of themselves and their family on the terms set forth in this Declaration.

1.02. Trust Estate. The trust estate consists of the property (and the proceeds and undistributed income of the property) which is listed on Schedules "A," "B," and "C," and that which is later transferred to the trust by the Settlers or their wills, as insurance proceeds or pension benefits, or (if acceptable to the Trustee) from any other person or source.

1.03. Community Property. The Settlers declare that all property listed in Schedule "A" is their community property and that such property, and any community property later transferred to the trust, shall retain its character as such notwithstanding transfer to this trust. Any power reserved to the Settlers to alter, amend, modify, or revoke this trust, in whole or in part, is held by

the Settlers during their joint lifetimes in their capacity as managers of the community property, subject to all restrictions imposed by law on their management of the community property. In no event shall the powers granted to the Trustee under this instrument during the joint lifetimes of the Settlers be more extensive than those powers possessed by Husband or Wife under the provisions of California Family Code Sections 1100 and 1102. If the trust is revoked, this community property shall be returned to the Settlers as their community property and not as the separate property of either or both Settlers.

1.04. Separate Property. The Settlers declare that all property listed in Schedule "B" was before its transfer to this trust the separate property of Wife and that all property listed in Schedule "C" was before its transfer to this trust the separate property of Husband. It is the intention of the Settlers that all separate property and the proceeds thereof, including any separate property of either Spouse later transferred to the trust, shall retain its character as such notwithstanding transfer to this trust and that it be subject to the terms and conditions of this Declaration.

1.05. Nomination of Trustee. For all trusts under this Declaration, the Trustee(s) and successor Trustee(s) shall be those persons named below. Each successor Trustee(s) shall serve in the order designated if the prior Trustee(s) fails to qualify or ceases to act. A Trustee shall be deemed incapacitated and unqualified to so act as defined in Section 3.04 of this trust:

- (a) Initial Trustees: Husband and Wife.
- (b) First Successor: The Surviving or Remaining Settlor.
- (c) Second Successor: JOHN M. GRIMES, presently of Palo Cedro, California.
- (d) Third Successor: BRADLEY A. FITZGERALD, presently of Spokane,

Washington.

(e) Fourth Successor: KEVIN STAPLETON, presently of Pebble Beach, California.

(f) Appointment of Successor. Notwithstanding the preceding subsections of this section, should only one person of those named above be then able or willing to serve as Trustee, that person shall have the power to designate successor Trustee(s) to act when or if he or she later becomes unable or unwilling to act as Trustee of the trust(s) described in this Declaration. Any such person acting as Trustee of any trust herein may from time to time revoke any such designation of any successor to himself or herself, and that person may designate other persons or entities or all the same persons or entities previously designated in a different order, as successor Trustee(s) to him or her. All designations or revocations shall be exercised in writing and are effective on delivery to the successor Trustee and the beneficiaries of the trust(s) for which they are designated.

1.06. Summary of Essential Information. For convenient reference, the following information applies:

Settlors: JOHN B. FITZGERALD and MARCIA A. FITZGERALD

Name of Trust: J&M FITZGERALD 2013 TRUST

Date Established: March 1, 2013

Initial Trustees: JOHN B. FITZGERALD and MARCIA A. FITZGERALD

Minor Living Children: None

Adult Living Children: LIANNE RENEE FITZGERALD
MARK GARRETT FITZGERALD

Deceased Children: None

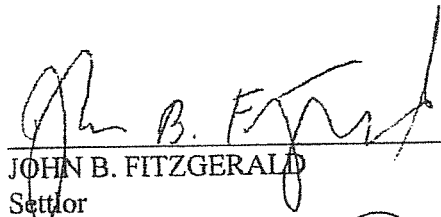
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No distribution under this instrument to or for the benefit of a minor beneficiary shall discharge the legal obligation of the beneficiary's parents to support him or her in accordance with the laws of the state of the parents' domicile from time to time, unless a court of competent jurisdiction determines that this distribution is necessary for the minor's support, health, or education.

We certify that we have read the foregoing Declaration of Trust and that it correctly states the terms and conditions under which the trust estate is to be held, managed, and disposed of by the Trustee. We approve the Declaration of Trust in all particulars and request that the Trustee execute it.

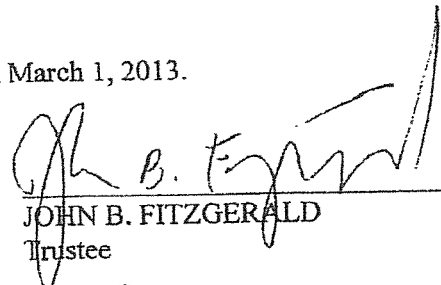
Dated: March 1, 2013.

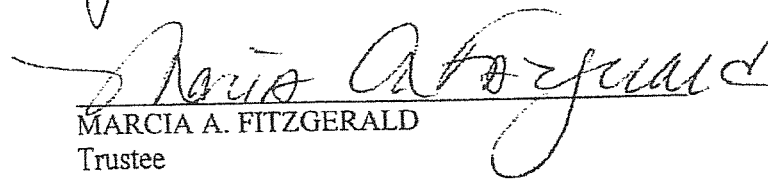

JOHN B. FITZGERALD
Settlor


MARCIA A. FITZGERALD
Settlor

We hereby acknowledge the terms of the foregoing trust agreement and agree to accept the position of Trustee of the same.

Executed at Redding, California, on March 1, 2013.


JOHN B. FITZGERALD
Trustee


MARCIA A. FITZGERALD
Trustee

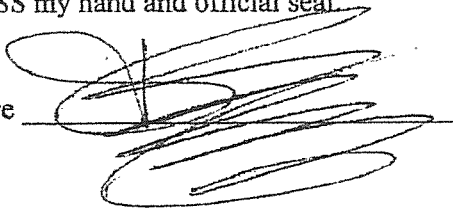
STATE OF CALIFORNIA)
)ss.
COUNTY OF SHASTA)

On March 1, 2013, before me, SOPHIA KRANIG, a notary public, personally appeared JOHN B. FITZGERALD and MARCIA A. FITZGERALD, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature



#141438

Instrument # 141638
NEZPERCE, LEWIS, IDAHO
8-8-2013 10:31:45 No. of Pages: 5
Recorded for : CLEMENTS, BROWN & MCNICHOLS, PA
CATHY LARSON Fee: 22.00
Ex-Officio Recorder Deputy
m: Robert P. Brown PO Box 1510
Lewiston, ID 83501
C Bradley

**TRUSTEES'
DEED OF DISTRIBUTION**

THIS INDENTURE, made this 15th day of August, 2013, by and between

JOHN B. FITZGERALD, successor trustee of Trusts A and B created under the Will of Paula B. Fitzgerald, deceased, and JOHN B. FITZGERALD, as successor trustee of the John G. Fitzgerald 1992 Revocable Trust, as Grantors, to JOHN B. FITZGERALD and PATRICK G. FITZGERALD, the Grantees, married men dealing with their sole and separate property, 1117 Chateau Court, Lodi, CA 95242,

WITNESSETH:

WHEREAS, John B. Fitzgerald is the successor trustee of Trusts A and B created under the Will of Paula B. Fitzgerald, deceased, which trusts hold title to the one-half interest in the property herein conveyed which was formerly owned by Paula B. Fitzgerald, deceased, and is also the successor trustee of the John G. Fitzgerald 1992 Revocable Trust, as amended, which trust holds title to the other one-half interest in the property herein conveyed which was formerly owned by John G. Fitzgerald, deceased, and

WHEREAS, the Grantors execute this Trustees' Deed of Distribution to distribute the property herein conveyed unto Grantees, pursuant to the agreements for distribution among all parties interested in said Trusts,

NOW, THEREFORE, in consideration of the premises and to distribute the property described on Exhibit A, attached hereto, Grantor does hereby sell, assign, transfer, convey and confirm unto Grantees, in equal shares, as tenants in common, and to their

-1

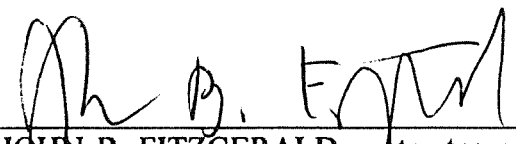


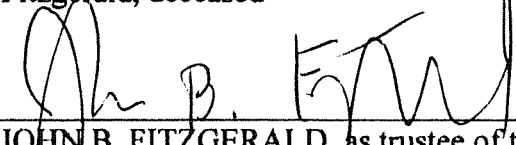
respective heirs and assigns, the real property, situate in Lewis County, State of Idaho, and more particularly described on Exhibit A, attached hereto and by reference made a part hereof, said property to be the sole and separate property of Grantees.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and all the estate, right, title, interest, claim or demand whatsoever of said Grantors, now or hereafter acquired, either at law or in equity, of, in and to the above-bargained premises.

TO HAVE AND TO HOLD all and singular the above-described premises, together with the appurtenances thereunto belonging and the rents, issues and profits therefrom unto Grantees and unto their heirs and assigns forever, the purpose of this deed being to vest title in the above-described real property and the rents, issues and profits therefrom in Grantees, in equal shares, as their sole and separate property, as defined and known by the statutes and laws of the State of Idaho.

IN WITNESS WHEREOF, said Grantors have hereunto caused these presents to be executed the day and year first above written.

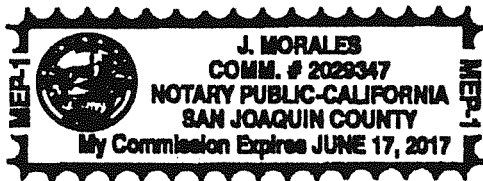

JOHN B. FITZGERALD, as trustee of Trusts A
and B created under the Will of Paula B.
Fitzgerald, deceased

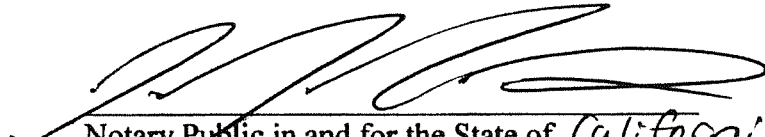

JOHN B. FITZGERALD, as trustee of the
John G. Fitzgerald 1992 Revocable Trust

STATE OF California)
 : ss.
County of San Joaquin)

On this 1 day of ^{August} July in the year 2013, before me, a notary public, personally appeared JOHN B. FITZGERALD, known or identified to me (or proved to me on the oath of _____) to be the person whose name is subscribed to the within instrument as the trustee of Trusts A and B created under the Will of Paula B. Fitzgerald, deceased, and acknowledged to me that he executed the same as such trustee.

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

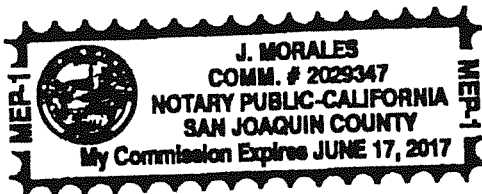



Notary Public in and for the State of California
Residing at Lodi, CA
My Commission Expires: June 17, 2017

STATE OF California)
 : ss.
County of San Joaquin)

On this 1 day of ^{August} July in the year 2013, before me, a notary public, personally appeared JOHN B. FITZGERALD, known or identified to me (or proved to me on the oath of _____) to be the person whose name is subscribed to the within instrument as trustee of the John G. Fitzgerald 1992 Revocable Trust, and acknowledged to me that he executed the same as such trustee.

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



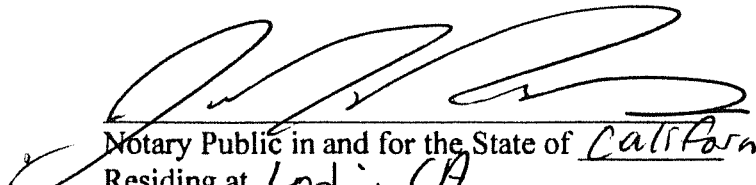

Notary Public in and for the State of California
Residing at Lodi, CA
My Commission Expires: June 17, 2017

EXHIBIT A

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

Parcel 1:

Lots 2, 3 and 6, East Half of the Northwest Quarter, North Half of the Southwest Quarter, and the Southeast Quarter of the Southwest Quarter of Section 23, Township 35 North, Range 2, East Boise Meridian.

EXCEPT:

A portion of Lots 3 and 6, Section 23, Township 35 North, Range 2, East Boise Meridian, described as follows: Beginning at a point which is S.89°42'E., 497 feet and thence S.9°00'E., 1026.96 feet from the Northwest corner of Said Lot 3; thence S.9°30'E., 499 feet; thence S.89°42'W., 200 feet; thence N.9°30'W., 499 feet; thence N.89°42'E., 200 feet to the point of beginning.

AND

Parcel 2:

Township 35 North, Range 2, East Boise Meridian, Section 14: Lot 7

EXCEPT:

A portion of Lot 7 of Section 14, described as: Commencing at the Southwest corner of Lot 2, Section 23, Township 35 North, Range 2, East Boise Meridian; thence North 2420.9 feet; thence West 776.3 feet to the point on the Westerly right-of-way line of U.S. Highway No. 12, the TRUE POINT OF BEGINNING; thence N.64°59'W., 395 feet; thence South 218 feet; thence S.64°59'E., 270 feet; thence N.35°E., 200 feet to the TRUE POINT OF BEGINNING.

ALSO EXCEPTING:

Beginning at the Southwest corner of Lot 2 of said Section 23; thence S.89°42'E., 328 feet; thence N.2°55'W., 898.3 feet; thence N.78°45'E., 180 feet; thence N.16°W., 330 feet; thence N.24°W., 417.42 feet; thence N.36°W., 436.92 feet; thence N.47°W., 69.63 feet; thence N.61°W., 602.58 feet to the TRUE POINT OF BEGINNING; N.65°W., 200 feet; thence S.35°W., 200 feet; thence S.65°E., 200 feet; thence N.35°E., 200 feet to the TRUE POINT OF BEGINNING.

ALSO EXCEPTING FROM BOTH PARCEL 1 AND PARCEL 2 the real property taken by the State of Idaho for public highway purposes described on Exhibit A, Pages 1 of 6 through 6 of 6, in that certain Second Judgment and Decree of Condemnation recorded February 7, 2008, as Instrument No. 135815, records of Lewis County, Idaho.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

August 15, 2007

JOHN G FITZGERALD
C/O JOHN B FITZGERALD
1117 CHATEAU CT
LODI CA 95242-9166

*Original
Permit*

RE: License No. 85-7552

Issuance of License

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right 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. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4947.

Sincerely,

Shelley W. Keen, Manager
Water Right Permits Section

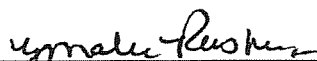
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on August 15, 2007 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person listed below:

RE: WATER RIGHT NO. 85-7552

**JOHN G FITZGERALD
C/O JOHN B FITZGERALD
1117 CHATEAU CT
LODI CA 95242-9166**

A handwritten signature in cursive script, appearing to read "Emalee Rushing", is written over a horizontal line.

**Emalee Rushing
Technical Records Specialist**

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 85-07552

Priority: August 27, 1990

Maximum Diversion Rate: 0.20 CFS
Maximum Diversion Volume: 42.0 AF

It is hereby certified that JOHN G FITZGERALD
C/O JOHN B FITZGERALD
1117 CHATEAU CT
LODI CA 95242-9166 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated August 27, 1990; and has
submitted Proof of Beneficial Use on October 30, 1992. An examination indicates that the works have a
diversion capacity of 0.2 cfs of water from:

SOURCE

CLEARWATER RIVER

Tributary: SNAKE RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	03/15 to 11/15	0.20 CFS	42.0 AF

LOCATION OF POINT(S) OF DIVERSION:

CLEARWATER RIVER L7 (SE $\frac{1}{4}$ SW $\frac{1}{4}$) Sec. 14, Twp 35N, Rge 02E, B.M. LEWIS County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
35N	02E	14												7.4			2.5		9.9
													L 7				L 7		
35N	02E	23																	
					1.6				.5										2.1
					L 2														

Total Acres: 12

CONDITIONS OF APPROVAL

1. The issuance of this right does not grant any right-of-way or easement across the land of another.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 14th day of August, 2007.


DAVID R. TUTHILL, JR.
Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

June 3, 2015

J & M FITZGERALD 2013 TRUST
PATRICK & SHARON FITZGERALD REVOCABLE LIVING TRUST
545 CRESTLINE CIRCLE DR
LEWISTON ID 83501

Re: Change of Ownership for Water Right/Permit No(s): 85-7552

Dear Water Right Holder(s):

The Department acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records to reflect this change in ownership and has enclosed a computer-generated report for your records.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been forfeited 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 § 42-222 and §42-223, Idaho.

Also note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right, to the Department. Notice of the change must be provided to the Department within 120 days of the change. Change reporting forms are available from any office of the Department, or at www.idwr.idaho.gov.

Thank you for your patience. If you have any questions concerning the enclosed information, please feel free to contact me at (208) 287-4942.

Sincerely,

A handwritten signature in black ink that reads "Jean Hersley". The signature is written in a cursive, flowing style.

Jean Hersley
Technical Records Specialist II

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

May 26, 2015

J & M FITZGERALD 2013 TRUST
PATRICK & SHARON FITZGERALD REVOCABLE LIVING TRUST
545 CRESTLINE CIRCLE DR
LEWISTON ID 83501

RE: Change of Ownership for Water Right No(s): 85-7552

Dear Water Right holder(s):

The Department of Water Resources acknowledges receipt of the Notice of Change in Water Right Ownership for the above mentioned water right. No fees were received with this request.

Effective July 1, 2000, the legislature enacted House Bill No. 545 requiring a filing fee for a change in water right ownership for rights that have been decreed in the SRBA. 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 **\$25** is needed to complete this request.

Because the Department cannot process the request for Notice of Change in Water Right Ownership without proper fees, we will hold any action on your notice pending receipt of the additional fees. If we do not receive the additional fees and within 30 days we will return your notice and all attachments and your notice will not be processed.

If you have any questions concerning this letter, feel free to contact me at 287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist II