

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 79457

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) Linda Miller

RECEIVED
JUL 03 2014
Department of Water Resources
Eastern Region

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☐ * Completed Application for Transfer of Water Right form, Part 1.
- ☐ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☐ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☐ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☐ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☐ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☐ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☐ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☐ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☐ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☐ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☐ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☐ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☐ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☐ #9 Other. Please describe: _____

Transfer Proposal

This is one of two transfers, submitted simultaneously, that propose to rearrange the POU for rights 21-22, 21-60E, and 21-61A on four lots in the SW $\frac{1}{4}$ of T08N, R42E, Section 19. The PODs will remain unchanged.

This transfer proposes to rearrange the POU for both stacked rights 21-60E and 21-61A, which will result in a reduction of the POU from 70.5 acres to 60.7 acres. It proposes to increase the acres in the NESW of the above section by 7.5, and decrease the acres in the NWSW, SWSW, and SESW of the above Section by -0.6, -8.5, and -8.2, respectively.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Linda Miller Phone 208 227 3633

Mailing address P.O. Box 68, Chester, ID, 83421 Email millerl@byui.edu

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Linda Miller
Signature of Applicant or Authorized Representative

Linda Miller
Print Name and Title if applicable

7-2-2014
Date

Tim E Miller
Signature of Applicant or Authorized Representative

Tim E Miller
Print Name and Title if applicable

7-3-2014
Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.

Please see attachment

received by JB 7/3/2014
E040007 \$1000.-
\$500.- for this app.

Bell

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Linda Miller Phone 208 227 3633

Mailing address _____ Email millerl@byui.edu

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- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it Attachment #2b.
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RECEIVED

JUL 30 2014

Department of Water Resources
Eastern Region

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Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

Sharon Smith

Sharon Smith

July 30 2014

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it Part 1A.2.
Please see attached Transfer Proposal. An ownership change will be submitted upon Transfer Approval.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Linda Miller Phone 208 227 3633

Mailing address _____ Email millerl@byui.edu

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☐ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

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Verl R Miller
Signature of Applicant or Authorized Representative

Verl R Miller
Print Name and Title if applicable

6-19-14
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
☐ Change nature of use

☐ Add diversion point(s)
☐ Change period of use

☒ Change place of use
☐ Other _____
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.

Please see attached Transfer Proposal. An ownership change will be submitted upon Transfer Approval.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	21-60E	2.24	Irrigation	04/01 to 10/31	Fall River & Henry's Fork
☒ ☐	21-61A	1.76	Irrigation	04/01 to 10/31	Fall River & Henry's Fork
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 4.00 cfs and/or acre-feet.

2. Total amount of water proposed to be transferred or changed 0.56 cubic feet per second and/or acre-feet per annum.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	42E	19									17.0	13.4	17.5	12.8					60.7
Total Acres (for irrigation use)																			60.7

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

- b. Who owns the property at the point(s) of diversion? Edgar Lasson

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Historical POD

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

It will continue to be irrigated in accordance w/ the transfer of W R 21-22, filed simultaneously w/ this transfer

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
As a result of the two transfers cited in 1A.2., there will be an overlap between rights 21-22, 21-60E, and 21-61A on 12.3 acres in Lot 4(SWSW) and 8.4 acres in the SESW of Section 19, T08N, R42E upon approval of the two transfers; the two rights overlapped on 21 acres in the SESW before the transfers. The Chester canal also provides some shares to some of the new POU.

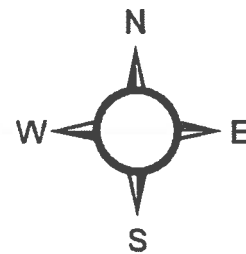
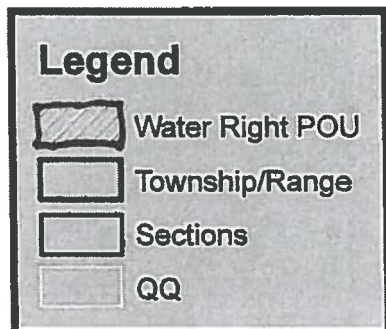
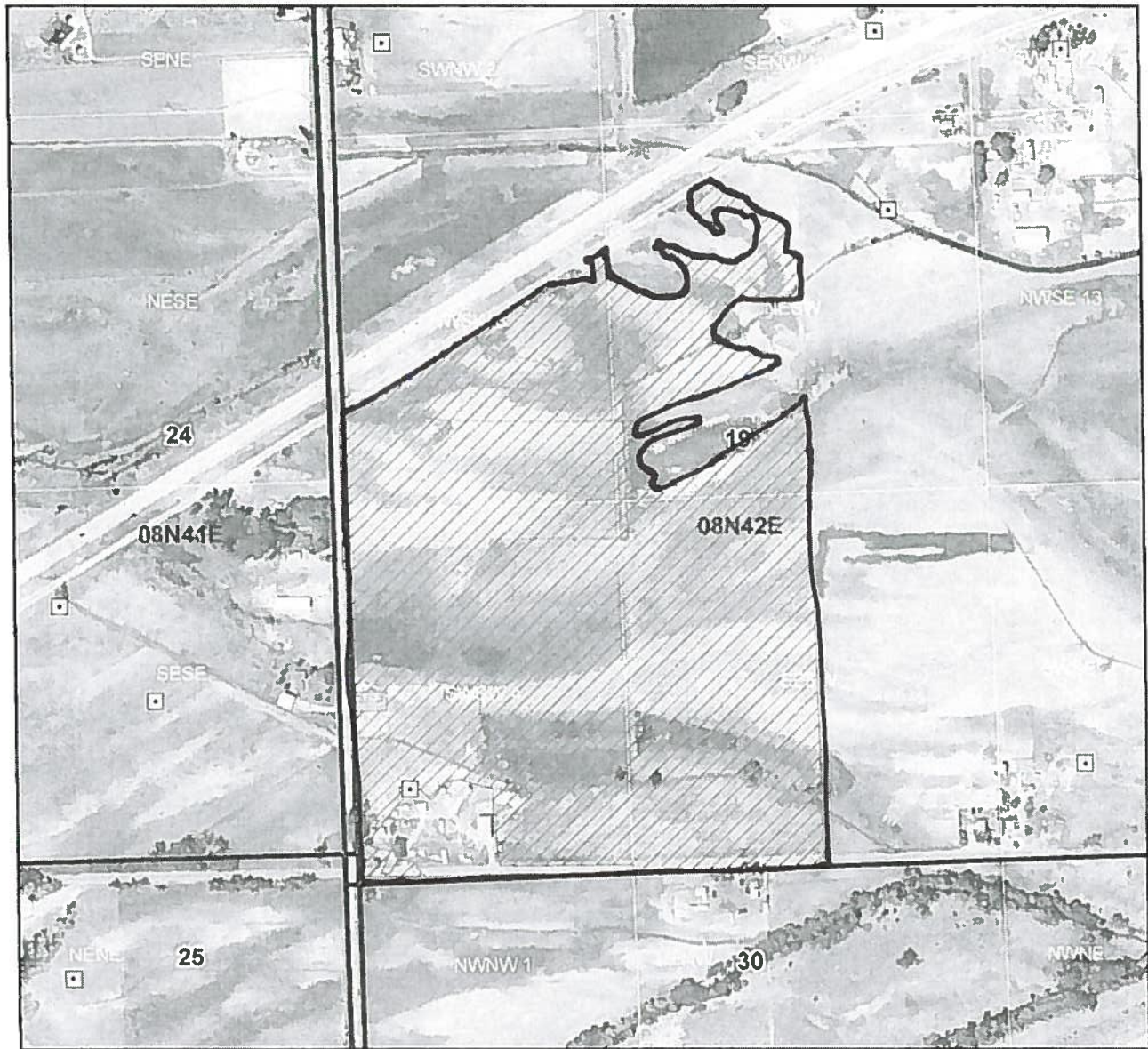
- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

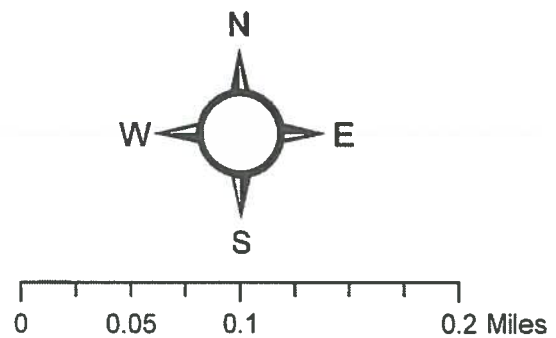
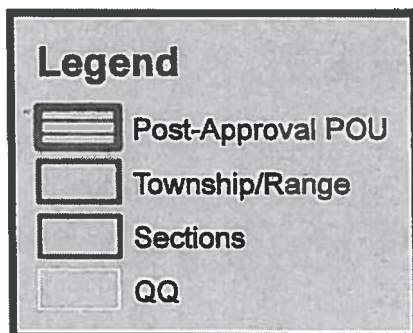
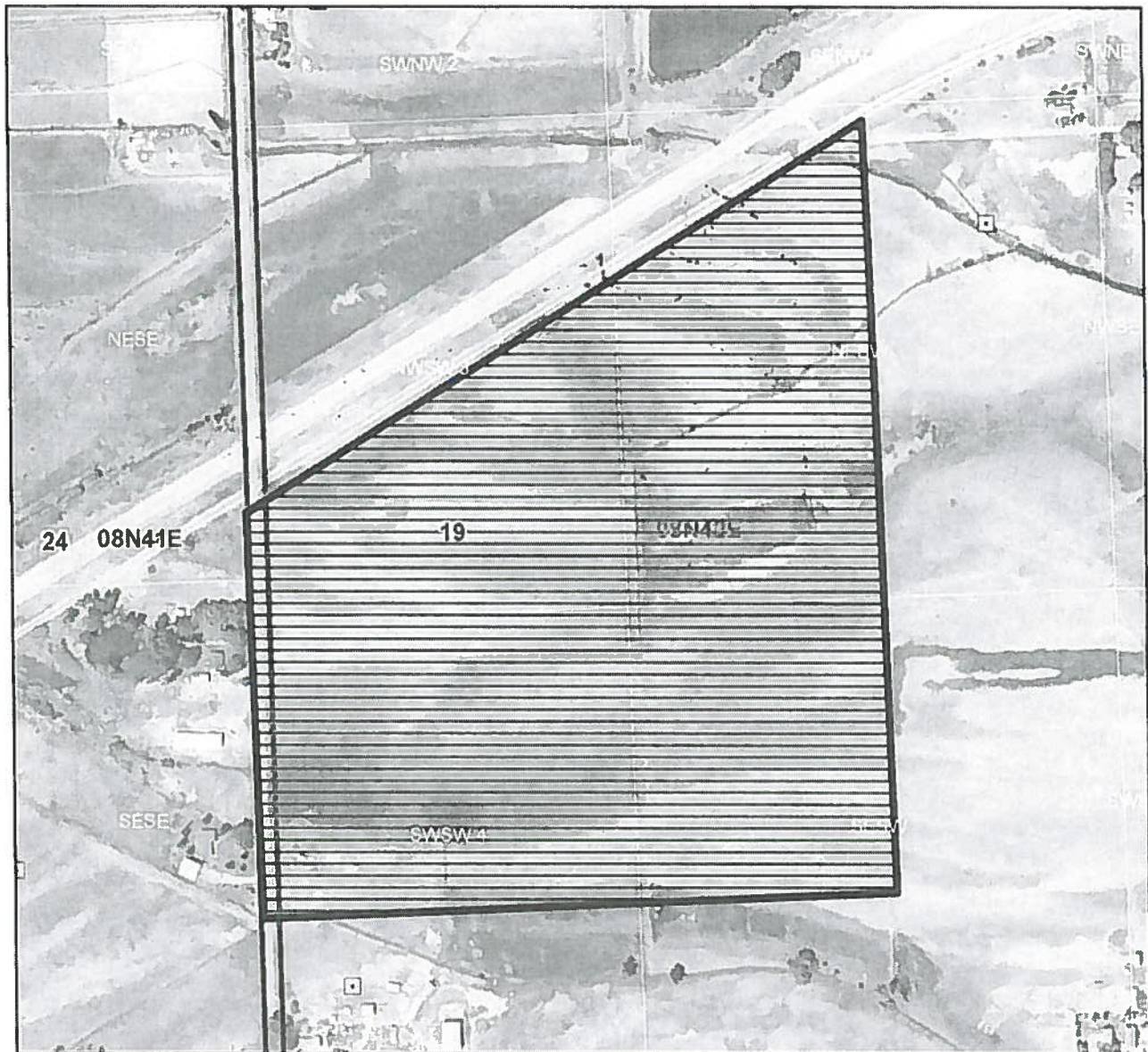
If yes, describe:

Pre-Transfer 21-60E & 21-61A POU



0 0.075 0.15 0.3 Miles

Post Approval 21-60E & 21-61A POU



IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/29/2014

Water Right 21-60E

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RALPH D MILLER PO BOX 60 CHESTER, ID 83421 (208)624-7724
Original Owner	DEBBY HATHAWAY 3714 N 3700 E KIMBERLY, ID 83341 (208)423-0992

Priority Date: 6/10/1887

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
FALL RIVER	HENRYS FORK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	01/01	10/31	2.240 CFS	
	<u>Total Diversion</u>		2.240 CFS	

Source and Point(s) of Diversion

FALL RIVER	L5(SWNWSW)	Sec. 20, Twp 08N, Rge 42E, FREMONT County
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Place Of Use

IRRIGATION within FREMONT County

T08N R42E S19	NESW	9.5
T08N R42E S19 L3	NWSW	14.0
T08N R42E S19 L4	SWSW	26.0
T08N R42E S19	SESW	21.0
POU Total Acres:		70.5

Conditions of Approval:

1. E55 Right Nos. 21-61A and 21-60E are limited to the irrigation of a combined total of 70.5 acres in a single irrigation season.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. E01 Use of this right is combined with water from the Chester Canal and Irrigation Company.

Comments:

Combined Use Limits

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

5/22/2014

WATER RIGHT NO. 21-61A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RALPH D MILLER PO BOX 60 CHESTER, ID 83421 (208)624-7724
Original Owner	WILLIAM HATHAWAY ASHTON, ID 834241

Priority Date: 06/10/1887

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
FALL RIVER	HENRYS FORK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	1.76 CFS	
Total Diversion			1.76 CFS	

Location of Point(s) of Diversion:

FALL RIVER|NWSW|Sec. 20|Township 08N|Range 42E|FREMONT County

79 457

IRRIGATION Use:

Acre Limit: 45

Place(s) of use:

Place of Use Legal Description: IRRIGATION FREMONT County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
08N	42E	19		NESW	9.5	3	NWSW	14	4	SWSW	26		SESW	21

Total Acres: 70.5

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. E55 Right Nos. 21-61A and 21-60E are limited to the irrigation of a combined total of 70.5 acres in a single irrigation season.
3. K06 This right is limited to the irrigation of 45 acres within the place of use described above in a single irrigation season.

Dates:

Licensed Date:

Decreed Date: 03/23/2009

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 01

Generic Max Rate per Acre:

Generic Max Volume per Acre:

79 457

STATE OF IDAHO
CERTIFICATION OF VITAL RECORD

STATE OF IDAHO
DEPARTMENT OF HEALTH AND WELFARE
BUREAU OF VITAL RECORDS AND HEALTH STATISTICS
CERTIFICATE OF DEATH

Date Filed MAY 13, 2010

State File No. 2010-03939

DECEDENT - LEGAL NAME RALPH DANIEL MILLER			
SEX MALE	SOCIAL SECURITY NUMBER 	AGE 87 YEARS	DATE OF BIRTH AUGUST 14, 1922
BIRTHPLACE PARKER, IDAHO		PLACE OF RESIDENCE CHESTER, IDAHO	
MARITAL STATUS AT TIME OF DEATH MARRIED		NAME OF SURVIVING SPOUSE (if wife, maiden name) DARLENE POTTER	WAS DECEDENT EVER IN U.S. ARMED FORCES? YES
FATHER - NAME RALPH MILLER			BIRTHPLACE IDAHO
MOTHER - MAIDEN NAME CORA ELIZABETH KNIGHT			BIRTHPLACE UTAH
METHOD OF DISPOSITION BURIAL	FUNERAL SERVICE LICENSEE GARY D. BIDWELL		
NAME AND ADDRESS OF FUNERAL FACILITY BIDWELL FUNERAL HOME, ST. ANTHONY, IDAHO			
DATE OF DEATH MAY 08, 2010	TIME OF DEATH 3:46 P.M.	CITY, TOWN OR LOCATION OF DEATH REXBURG, IDAHO	COUNTY OF DEATH MADISON
CAUSE OF DEATH (underlying cause last) a. MYOCARDIAL INFARCTION			Approximate Interval Between Onset and Death 1 HOUR
DUE TO (or as a consequence of): b. CORONARY ARTERY DISEASE			10 YEARS
DUE TO (or as a consequence of): c.			
DUE TO (or as a consequence of): d.			
OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH but not resulting in the underlying cause given above CONGESTIVE HEART FAILURE			WAS AN AUTOPSY PERFORMED? NO
MANNER OF DEATH NATURAL	NAME OF CERTIFIER MICHAEL M. PACKER, M.D.		TITLE PHYSICIAN
CORONER SUBSEQUENT CERTIFICATION IF NECESSARY			
EXTERNAL CAUSES ONLY			
DATE OF INJURY	TIME OF INJURY	PLACE OF INJURY	INJURY AT WORK?
LOCATION WHERE INJURY OCCURRED			
DESCRIPTION OF HOW INJURY OCCURRED			

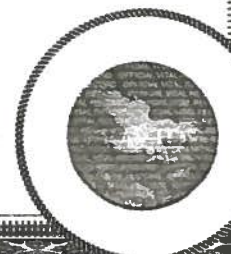
This is a true and correct reproduction of the document officially registered and placed on file with the IDAHO BUREAU OF VITAL RECORDS AND HEALTH STATISTICS.

MAY 13, 2010

DATE ISSUED: _____

This copy is not valid unless prepared on engraved border displaying state seal and signature of the Registrar.


JANE S. SMITH
STATE REGISTRAR



Last Will and Testament

OF

RALPH DANIEL MILLER

I, Ralph Daniel Miller, of Box 60, Chester, Idaho, being of sound and discriminating mind, being mindful of the certainty of death and the uncertainty of life, do hereby declare this to be my Last Will and Testament, hereby revoking any will or codicil thereto heretobefore made by me.

I hereby declare that I am a married man, and that I am married to Darlene Miller. We have four children born of this marriage, namely: Linda Miller, Verl Miller, Tim Miller, and Sharon M. Smith. I have no other children, living or dead, to be considered herein.

ITEM I: I hereby authorize my Personal Representative herein named to pay all my just debts and obligations including but not limited to the obligations against my estate incurred during my lifetime unpaid at the time of my death and costs of probate as soon after my decease as is practicable. My Personal Representative shall serve without bond.

ITEM II: I hereby nominate, constitute and appoint my wife, Darlene Miller, as Personal Representative, to carry out the conditions, terms and stipulations of this, my Last Will and Testament. If Darlene Miller be deceased, refuses to serve or is under any disability whatsoever, then and in that event, I hereby nominate Linda Miller, to serve as

alternate Personal Representative of this my Last Will and Testament, to serve in her stead.

ITEM III. In the event of my death, I bequeath all my property to my wife, Darlene Miller.

ITEM IV. In the event my wife be deceased at the time of my death, or be held to have predeceased me, I hereby specifically give, devise and bequeath certain items as follows:

a. I hereby specifically give to my son, Tim Miller, Forty acres of ground located in Fremont County, Idaho, more particularly described as follows: W. 40 Rods of E. 80 Rods, NW 1/4 of Section 29, Township 8 North, Range 42 East, Boise Meridian, Fremont County, Idaho; and an unsurveyed parcel of ground on which are situated the Milking barn and Hay Shed.

b. I hereby specifically give all my Farm Machinery to my sons, Verl Miller and Tim Miller, in equal shares, share and share alike.

ITEM V. In the event my wife be deceased at the time of my death, or be held to have predeceased me, I bequeath all the rest, residue, and remainder of my estate, to my children, Linda Miller, Verl Miller, Tim Miller, and Sharon M. Smith, in equal shares, share and share alike.

ITEM VI. In the event a child of mine be deceased at the time of my death, I hereby devise and bequeath such deceased child's share of my estate to the children of such deceased child who shall survive me by right of representation. In the event such deceased child has no children who survive such deceased child, such deceased child's share shall be

distributed to my children who survive me, share and share alike.

ITEM VII. I may leave a list of particular items I want to go to a particular person, which list will be left with this Will. Such list, if left, is incorporated herein and made a part hereof.

ITEM VIII: If any provision of this Will shall become or be held to become unenforceable, the remaining portions, and each of them shall be carried into effect and all questions pertaining to the validity, construction and administration of the Will shall be determined in accordance with the laws of the State of Idaho.

ITEM IX: I, Ralph Daniel Miller, the testator, sign my name to this instrument this 4/17 day of April, 2001, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Last Will 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 (18) years or older, of sound mind, and under no constraint or undue influence.

Ralph Daniel Miller
Testator

WE, Trent Grant and Carol Jensen the witnesses sign our names to this instrument, being first duly sworn, do hereby declare to the undersigned authority that the testator signs and executes this instrument as his Last Will and that he 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

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R.D.M.

eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.

[Signature]
Witness

Carol Jensen
Witness

STATE OF IDAHO)
)ss.
County of Fremont)

SUBSCRIBED, SWORN TO and ACKNOWLEDGED before me by
Ralph Daniel Miller, the testator and subscribed and sworn to before me by
Trent Grant and Carol Jensen, the witnesses, this 17 day of April,
2001.



Patricia L. Smith
Notary Public for Idaho
Residing at: St. Anthony
Commission Expires: 1-1-06

WILL

4

R.D.M.

79 457

LYNN HOSSNER
Idaho State Bar No. 1074
Attorney at Law
109 North Second West
St. Anthony, Idaho 83445
Telephone: (208) 624-3782
Fax: (208) 624-3783

Attorney for Personal Representative

DISTRICT SEVEN COURT County of Fremont State of Idaho Filed: DEC 18 2013 ABBIE MACE CLERK By: <u>[Signature]</u> Deputy Clerk

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT
MAGISTRATE DIVISION

In the Matter of the Estate of
DARLENE MILLER,
Deceased.

Case No. CV-13-520

LETTERS TESTAMENTARY
AND
APPOINTMENT OF A PERSONNEL
REPRESENTATIVE

Linda Miller is hereby appointed Personal Representative of the Estate of Darlene Miller, deceased.

WITNESS: Gilman J. Gardner, Magistrate of the above entitled court, with the seal thereof affixed this 18 day of December 2013.

STATE OF IDAHO)
County of Fremont) ss.

[Signature]
MAGISTRATE

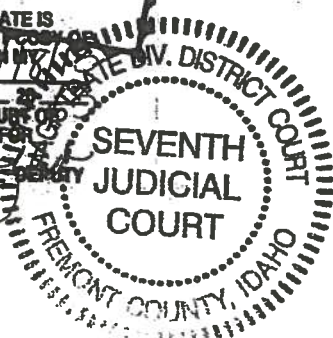
I hereby accept the duties of Personal Representative of the Estate of Darlene Miller, and do solemnly swear that I will perform, according to law, the duties of Personal Representative.

[Signature]
Linda Miller

Subscribed and sworn to before me this 20 day of December 2013.

LYNN HOSSNER
Notary Public
State of Idaho

DOCUMENT TO WHICH THIS CERTIFICATE IS
ATTACHED IS A FULL, TRUE AND CORRECT COPY OF
THE ORIGINAL ON FILE AND OF RECORD IN MY
OFFICE, SAME HAVING BEEN FILED
ATTEST
ABBIE MACE CLERK OF THE DISTRICT COURT OF
THE SEVENTH JUDICIAL DISTRICT IN AND FOR
FREMONT COUNTY, IDAHO
BY [Signature]



[Signature]
Notary Public for Idaho
Residing at Ashton, Idaho
My Comm. expires 11/14/17 05-03-16

STATE OF IDAHO
CERTIFICATION OF VITAL RECORD

STATE OF IDAHO
IDAHO DEPARTMENT OF HEALTH AND WELFARE
BUREAU OF VITAL RECORDS AND HEALTH STATISTICS
CERTIFICATE OF DEATH

Date Filed **NOVEMBER 13, 2013**

State File No. **2013-10450**

DECEDENT - LEGAL NAME DARLENE POTTER MILLER			
SEX FEMALE	SOCIAL SECURITY NUMBER [REDACTED]	AGE 85 YEARS	DATE OF BIRTH OCTOBER 20, 1928
BIRTH-PLACE CHESTER, IDAHO		PLACE OF RESIDENCE CHESTER, IDAHO	
MARITAL STATUS AT TIME OF DEATH WIDOWED		NAME OF SURVIVING SPOUSE (if wife, maiden name)	WAS DECEDENT EVER IN U.S. ARMED FORCES? NO
FATHER - NAME EARL HEBER POTTER			BIRTH-PLACE IDAHO
MOTHER - MAIDEN NAME MARGARET CURVO			BIRTH-PLACE UTAH
METHOD OF DISPOSITION BURIAL		FUNERAL SERVICE LICENSEE GARY D. BIDWELL	
NAME AND ADDRESS OF FUNERAL FACILITY BIDWELL FUNERAL HOME, ST. ANTHONY, IDAHO			
DATE OF DEATH NOV. 10, 2013	TIME OF DEATH 3:05 P.M.	CITY, TOWN OR LOCATION OF DEATH CHESTER, IDAHO	COUNTY OF DEATH FREMONT
CAUSE OF DEATH (underlying cause last) RENAL CANCER			Approximate Interval Between Onset and Death 6 MONTHS
DUE TO (or as a consequence of): a. b. c. d.			
OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH but not resulting in the underlying cause given above NONE STATED			WAS AN AUTOPSY PERFORMED? NO
MANNER OF DEATH NATURAL	NAME OF CERTIFIER STEVEN H. LOFGAN, M.D.		TITLE PHYSICIAN
CORONER SUBSEQUENT CERTIFICATION IF NECESSARY			
EXTERNAL CAUSES ONLY			
DATE OF INJURY	TIME OF INJURY	PLACE OF INJURY	INJURY AT WORK?
LOCATION WHERE INJURY OCCURRED			
DESCRIPTION OF HOW INJURY OCCURRED			

This is a true and correct reproduction of the document officially registered and placed on file with the IDAHO BUREAU OF VITAL RECORDS AND HEALTH STATISTICS.

NOVEMBER 13, 2013

DATE ISSUED: _____

This copy not valid unless prepared on engraved border displaying state seal and signature of the Registrar

JAMES B. AYDELOTTE
STATE REGISTRAR

79457

FORM 11 (2-11-82) 12



Last Will and Testament

OF

DARLENE MILLER

I, Darlene Miller, of Box 60, Chester, Idaho, being of sound and discriminating mind, being mindful of the certainty of death and the uncertainty of life, do hereby declare this to be my Last Will and Testament, hereby revoking any will or codicil thereto heretobefore made by me.

I hereby declare that I am a married woman, and that I am married to Ralph Daniel Miller. We have four children born of this marriage, namely: Linda Miller, Verl Miller, Tim Miller, and Sharon M. Smith. I have no other children, living or dead, to be considered herein.

ITEM I: I hereby authorize my Personal Representative herein named to pay all my just debts and obligations including but not limited to the obligations against my estate incurred during my lifetime unpaid at the time of my death and costs of probate as soon after my decease as is practicable. My Personal Representative shall serve without bond.

ITEM II: I hereby nominate, constitute and appoint my husband, Ralph Daniel Miller, as Personal Representative, to carry out the conditions, terms and stipulations of this, my Last Will and Testament. If Ralph Daniel Miller be deceased, refuses to serve or is under any disability whatsoever, then and in that event, I hereby nominate Linda Miller, to serve

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D.M.

as alternate Personal Representative of this my Last Will and Testament, to serve in his stead.

ITEM III. In the event of my death, I bequeath all my property to my husband, Ralph Daniel Miller.

ITEM IV. In the event my husband be deceased at the time of my death, or be held to have predeceased me, I hereby specifically give, devise and bequeath certain items as follows:

a. I hereby specifically give to my son, Tim Miller, Forty acres of ground located in Fremont County, Idaho, more particularly described as follows: W. 40 Rods of E. 80 Rods, NW 1/4 of Section 29, Township 8 North, Range 42 East, Boise Meridian, Fremont County, Idaho; and an unsurveyed parcel of ground on which are situated the Milking barn and Hay Shed.

b. I hereby specifically give all my Farm Machinery to my sons, Verl Miller and Tim Miller, in equal shares, share and share alike.

ITEM V. In the event my husband be deceased at the time of my death, or be held to have predeceased me, I bequeath all the rest, residue, and remainder of my estate, to my children, Linda Miller, Verl Miller, Tim Miller, and Sharon M. Smith, in equal shares, share and share alike.

ITEM VI. In the event a child of mine be deceased at the time of my death, I hereby devise and bequeath such deceased child's share of my estate to the children of such deceased child who shall survive me by right of representation. In the event such deceased child has no children who survive such deceased child, such deceased child's share shall be

WILL

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D.M.

distributed to my children who survive me, share and share alike.

ITEM VII. I may leave a list of particular items I want to go to a particular person, which list will be left with this Will. Such list, if left, is incorporated herein and made a part hereof.

ITEM VIII: If any provision of this Will shall become or be held to become unenforceable, the remaining portions, and each of them shall be carried into effect and all questions pertaining to the validity, construction and administration of the Will shall be determined in accordance with the laws of the State of Idaho.

ITEM IX: I, Darlene Miller, the testatrix, sign my name to this instrument this 17 day of April, 2001, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Last Will 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 (18) years or older, of sound mind, and under no constraint or undue influence.

Darlene Miller
Testatrix

WE, Trent Grant and Carol Jensen the witnesses sign our names to this instrument, being first duly sworn, do hereby declare to the undersigned authority that the testatrix signs and executes this instrument as her Last Will and that she signs it willingly, and that each of us, in the presence and hearing of the testatrix, hereby signs this Will as witness to the testatrix's signing, and that to the best of our knowledge the testatrix is eighteen (18) years of age or older, of sound mind, and under no constraint or

WILL

D.M.

undue influence.

[Signature]
Witness

Carol Jensen
Witness

STATE OF IDAHO)
)ss.
County of Fremont)

SUBSCRIBED, SWORN TO and ACKNOWLEDGED before me by
Darlene Miller, the testatrix and subscribed and sworn to before me by
TRENT GRANT and Carol Jensen, the witnesses, this 17 day of April,
2001.



Patricia L. Smith
Notary Public for Idaho
Residing at: St. Anthony
Commission Expires: 1-11-06

WILL

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D.M.