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Rev. 07/13

JUN 25 2014

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

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) Kimberly Whittier Williams Trust c/o Kimberly Whittier**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: Kimberly Williams Trust Document

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Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

79 42 2

Name of Applicant Kimberly Whittier Williams Trust c/o Kimberly Whittier Phone (661) 599-2992 / (208) 335-2215
 Mailing Address 1801 Woody Granite Road, Bakersfield, California 93308 Email qcjkranch@gmail.com

- ☒ 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 Keith C. Wilson c/o Rocky Mountain Environmental Associates Inc. Phone (208) 524-2353 / Fax 524-1795
 Mailing address 482 Constitution Way, Ste 303, Idaho Falls, ID 83402 Email kwilson@rockymountainenvironmental.com

☐ 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.

Kimberly Whittier Trustee
Signature of Applicant or Authorized Representative

Kimberly Whittier
Print Name and Title if applicable

6/12/14
Date

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 Revise Shape file to actual Place of Use

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**:

Applicant desires to move (change) the point of diversion ≈ 2000 feet downstream to an on-stream 2.0 ac-ft pond, change the nature of use of 1.7 acres for the pond to compensate for evaporative losses and pond fill (See Pond Calculations (Attachment #8), and change the place of use to reflect the actual acres to be irrigated (Note: the legal description will not change)

Note: A check of other water rights on Midnight Creek revealed that they are upstream of the SWSW Sec 18, T08S, R34E, in addition there are no diversions between the current point of diversion and the new point of diversion.

79 42 2

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Eastern Region

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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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B. DESCRIPTION OF RIGHT(S) 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
☒ ☐	29-2237A	18.6 ac-ft	Storage for Irrigation	01/01 to 12/31	Midnight Ck Tributary
☐ ☐		18.6 ac-ft	Irrigation from Storage	04/01 to 10/31	to Rattlesnake Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
Total Authorized under rights _____ cfs and/or 18.6 ac-ft					

2. Total amount of water being transferred or changed _____ cubic feet per second and/or 18.6 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.**

No ESPA MODEL GRID LOCATED AT THESE COORDINATES.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local Name or tag #
Yes		SE	SW	SW	18	8S	34E	Power	Midnight Creek	

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	
8S	34E	18											5.3						5.3

Total Acres (for irrigation use): 5.3

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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Department of Water Resources
Water Right Division

B. DESCRIPTION OF RIGHT(S) 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
☒ ☐	29-2237A	23.6 ac-ft	Storage for Irrigation	01/01 to 12/31	Midnight Ck Tributary
☐ ☐		23.6 ac-ft	Irrigation from Storage	04/01 to 10/31	to Rattlesnake Creek
☐ ☐		0.14 cfs	Irrigation	04/01 to 10/31	"
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

AMENDED

Total Authorized under rights 0.14 cfs and/or _____ ac-ft

2. Total amount of water being transferred or changed 0.14 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**. NO ESPA MODEL GRID LOCATED AT THESE COORDINATES.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local Name or tag #
Yes		SE	SW	SW	18	8S	34E	Power	Midnight Creek	

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	
8S	34E	18											7.0						7.0

Total Acres (for irrigation use): 7.0

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHT(S) 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 ☒ ☐	29-2237A	23.6 ac-ft	Storage for Irrigation	01/01 to 12/31	Midnight Ck Tributary
☐ ☐		23.6 ac-ft	Irrigation from Storage	04/01 to 10/31	to Rattlesnake Creek
☐ ☐		0.11 cfs	Irrigation	04/01 to 10/31	"
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total Authorized under rights 0.11 cfs and/or _____ ac-ft

2. Total amount of water being transferred or changed 0.11 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.**

NO ESPA MODEL GRID LOCATED AT THESE COORDINATES.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local Name or tag #
Yes		SE	SW	SW	18	8S	34E	Power	Midnight Creek	

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	
8S	34E	18											5.3						5.3

Total Acres (for irrigation use): 5.3

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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Department of Water Resources
Eastern Region

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:

A 2.0 ac-ft on-stream diversion pond with a lockable discharge pipe, and a pump to hand lines with sprinklers. A measuring device could be attached to pump system and the electrical box could be locked and used for controlling works.

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

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

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? No ☒ **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 of use is changed pursuant to this transfer:

No change in the place of use this is to reflect the actual acres that have been irrigated under the original water right, and provides a better description.

- 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) of use:

No other water rights are appurtenant to the same place of use. Revising the shape will not change the legal description, but will better define the place of use.

- 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:

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:

A 2.0 ac-ft on-stream diversion pond with a lockable discharge pipe, and a pump to hand lines with sprinklers. A measuring device could be attached to pump system and the electrical box could be locked and used for controlling works.

b. Who owns the property at the point(s) of diversion? Applicant

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

c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? No ☒
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 of use is changed pursuant to this transfer:

There will be a reduction in the irrigated acres of 1.7 acres to accommodate for Initial fill and evaporation of the pond.

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) of use:

No other water rights are appurtenant to the same place of use. Revising the shape will not change the legal description, but will better define the place of use.

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:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

WATER RIGHT NO. 29-2237A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KIMBERLY WHITTIER WILLIAMS TRUST
	C/O GREG CUSTER, 1600 HUNTINGTON DR, SOUTH PASADENA, CA 91030

Priority Date: 12/11/1922

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MIDNIGHT CREEK	RATTLESNAKE CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.14 CFS	
Total Diversion			0.14 CFS	

Location of Point(s) of Diversion:

MIDNIGHT CREEK	NENESW	Sec. 18	Township 08S	Range 34E	POWER County
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Place of Use Legal Description: IRRIGATION POWER County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
08S	34E	18		SWSW	7									

Total Acres: 7

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.	C03	RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

Decreed Date: 03/22/2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
Part 3

A. PLAT MAP (See Part 3A for Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ 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. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☒ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemental, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on part 3B above:

N/A

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.	
Received by _____ Date _____	Preliminary check by _____ Date _____
Fee Paid <u>200 -</u> Date <u>6/26/14</u>	Received by <u>JL</u> Receipt # <u>E039977</u>
Add'l Fee Paid <u>250.00 -</u> Date <u>7.2.14</u>	Received by <u>JJ</u> Receipt # <u>E040003</u>

Pond Consumptive Use Calculations

Climate Station:	POCATELLO WSO ARPT, IDAHO (107211)
Project Name:	Kimberly Whittier Williams Trust

Attachment #8.a

October 3, 2014 Pg 1 of 2

Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Annual FWS Evaporation (inches)	40	40	40	40	40	40	40	40	40	40	40	40	40
Monthly Distribution (%) #1	1.0	3.0	5.0	10.0	12.0	14.0	16.0	15.0	10.0	6.0	5.0	3.0	100.0
Monthly FWS Evaporation (in/mo)	0.40	1.20	2.00	4.00	4.80	5.60	6.40	6.00	4.00	2.40	2.00	1.20	40.00
^a Avg. Total Precipitation (in/mo) #2	1.08	0.90	1.17	1.12	1.34	1.05	0.53	0.59	0.78	0.92	1.05	1.07	11.59 ^a
Pond Loss [(Evap.) - (Precip., in.)] #3	0.00	0.30	0.83	2.88	3.46	4.55	5.87	5.41	3.22	1.48	0.95	0.13	29.08
Pond Surface Area (acres)	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6
Total Pond Loss (ac-in)	0.00	0.18	0.50	1.73	2.08	2.73	3.52	3.25	1.93	0.89	0.57	0.08	17.45
Total Pond Loss (ac-ft)	0.00	0.02	0.04	0.14	0.17	0.23	0.29	0.27	0.16	0.07	0.05	0.01	1.4540 ^{#7}

Irrigation Consumption Crop =		Open Water - Shallow Systems (Ponds, Streams)											
Precipitation Deficit P_{Def} (mm) ^b	630.28	#4 = $\{P_{Def} \text{ Growing Season, Site \& Crop Specific (mm)}\}$ (See Calculations Page 2 of 2) ^b											
Mean Irr. Requirement (ac-in/ac/seas.)	24.8	#5 = $\{[P_{Def} \text{ (\#4)}] \div (25.4) = \text{ac-in/ac/season}\}$											
Mean Irr. Requirement (ac-ft/ac/seas.)	2.07	#6 = $\{[P_{Def} \text{ (\#5)}] \div (12) = \text{ac-ft/ac/season}\}$											
Acres to dry up for pond use =	0.703	#8 = Acres to dry up for pond use, i.e. Acres Equivalent to Et Use = $\{[Pond Loss Total (\#7)] \div [Mean Irrig. Req (\#6)]\}$											

Summary						a & b - See Page 2 of 2	
Original Ground Water Right = 29-2237A		Diversion Rate (cfs)	Place of Use Acres	cfs / acre	AF / acre	#6	
		0.14	7.0	0.0200	2.07		
Amount of Water Needed For Evaporation (E _i)		Pond Surface Area (acres)	Acres Equivalent to E _i Use (#8)	Required cfs	AF (#7) Required	#7	
		0.6	0.7	0.0141	1.4540		
Amount of Water Needed for Pond Fill	Pond Depth (ft)	Pond Volume (AF)	Acres Equivalent to Pond Fill	Required cfs	AF Required		
	8.0	2.0	0.9672	0.0193	2.0		
Total Water Needed for Transfer		For Evaporation	For Pond Fill		Total		
	cfs	0.0141	0.0193		0.03 cfs		
	AF	1.4540	2.0	3.4540	3.5 Ac-Ft		
	acres	0.70	0.9672	1.6703	1.7 Acres		

#1 - Molau, Myron, Kporde, Kojo C.S., and Craine, Katherine L., 1992. Monthly shallow pond evaporation in Idaho. ASAE paper PNW 92-111.

#2 - Data collected from the Western Regional Climate Summary, Monthly Climate Summary @ <http://www.wrcc.dri.edu/summary/Climsmsid.html> - See attached:

#3 - $\{[(\text{Monthly FWS Evap.}) - (\text{Avg. Total Precip.})] = \text{Value (Value < 0 = 0)}\}$. Where Avg. Total Precipitation exceeds Monthly FWS Evaporation, the resultant pond loss (Value < 0 = 0) is set to zero.

#4 - <http://www.kimberly.uidaho.edu/ETIdaho/> - Precipitation Deficit values used synonymously w/mean irrigation requirement. Values from Allen, Richard G. & Clarence W. Robison, 2006 (Revised 2007). Evapotranspiration & Consumptive Irrigation Water Requirements - Idaho, Research Technical Completion Report, Kimberly Research & Extension Center, University of Idaho, Moscow, ID.

#5, 6, 7 & 8 - Computed values based on #1, 2, 3 & 4

Attachment #8.a

October 3, 2014 Pg 2 of 2

Pond Consumptive Use Calculations	Climate Station:	POCATELLO WSO ARPT, IDAHO (107211)											
	Project Name:	Kimberly Whittier Williams Trust											
Pocatello WSO ARPT, IDAHO (107211) - Same As - Pocatello WB AP (NWS -- 107211)													
Pocatello WB AP (NWS -- 107211)													
http://www.wrcc.dri.edu/summary/Climsmsid.html													
POCATELLO WSO ARPT, IDAHO (107211)													
Avg. Total Precipitation (in/mo) ^a	1.08	0.90	1.17	1.12	1.34	1.05	0.53	0.59	0.78	0.92	1.05	1.07	11.59
Entered in Row 4 of Data Input (# 2)													

http://data.kimberly.uidaho.edu/ETIdaho/													Precipitation Deficit PDef (mm) =		630.28 mm ^b
Pocatello WSO ARPT, IDAHO (107211) - Same As - Pocatello WB AP (NWS -- 107211)															
Irrigation Consumption Crop =	Open water - shallow systems (ponds, streams)												Growing Season		
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec			
Mean /	mm/day												mm		
Monthly ^c	-0.43	-0.07	0.61	1.90	2.41	3.62	4.33	3.76	2.49	1.47	-0.11	-0.60	593.00		
x Days/Month	31	28	31	30	31	30	31	31	30	31	30	31			
(Days/Month)x(Precip.Deficit) =	-13.33	-1.96	18.91	57.00	74.71	108.60	134.23	116.56	74.70	45.57	-3.30	-18.60	593.09		
	mm														
Negative Values = 0.0	0.00	0.00	18.91	57.00	74.71	108.60	134.23	116.56	74.70	45.57	0.00	0.00	630.28 ^b		

^a Average Total Precipitation (In/Mo) Enter on Page 1 of 2

^b Calculated Precipitation Deficit (mm) Enter Page 1 of 2

^c Mean of the average daily value for month

ⁱ This value represents the mean value for the parameter for the month over the 'normal' period of record. Generally, the 'normal' period is the last thirty years with data.

Pond Consumptive Use Calculations

Climate Station:	POCATELLO WSO ARP1, IDAHO (107211)
Project Name:	Kimberly Whittier Williams Trust

Attachment #8.a
Pg 1 of 2

Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Annual FWS Evaporation (Inches)	40	40	40	40	40	40	40	40	40	40	40	40	40
Monthly Distribution (%) #1	1.0	3.0	5.0	10.0	12.0	14.0	16.0	15.0	10.0	6.0	5.0	3.0	100.0
Monthly FWS Evaporation (in/mo)	0.40	1.20	2.00	4.00	4.80	5.60	6.40	6.00	4.00	2.40	2.00	1.20	40.00
Avg. Total Precipitation (in/mo) #2	1.08	0.90	1.17	1.12	1.34	1.05	0.53	0.59	0.78	0.92	1.05	1.07	11.59
Pond Loss [(Evap.) - (Precip., in.)] #3	0.00	0.30	0.83	2.88	3.46	4.55	5.87	5.41	3.22	1.48	0.95	0.13	29.08
Pond Surface Area (acres)	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6
Total Pond Loss (ac-in)	0.00	0.18	0.50	1.73	2.08	2.73	3.52	3.25	1.93	0.89	0.57	0.08	17.45
Total Pond Loss (ac-ft)	0.00	0.02	0.04	0.14	0.17	0.23	0.29	0.27	0.16	0.07	0.05	0.01	1.4540

Irrigation Consumption Crop =	Open Water - Shallow Systems (Ponds, Streams)												
Precipitation Deficit P_{def} (mm) ^b	630.28	#4 = $\{P_{def} \text{ Growing Season, Site \& Crop Specific (mm)}\}$ (See Calculations Page 2 of 2) ^b											
Mean Irr. Requirement (ac-in/ac/seas.) =	24.8	#5 = $\{P_{def} \text{ (#4)}\} \div (25.4) = \text{ac-in/ac/season}\}$											
Mean Irr. Requirement (ac-ft/ac/seas.) =	2.07	#6 = $\{P_{def} \text{ (#5)}\} \div (12) = \text{ac-ft/ac/season}\}$											
Acres to dry up for pond use =	0.703	#8 = Acres to dry up for pond use, i.e. Acres Equivalent to Et Use = $\{Pond Loss Total \text{ (#7)}\} \div [\text{Mean Irrig. Req. \text{ (#6)}}]\}$											

Summary									
Original Ground Water Right = 29-2237A		Diversion Rate (cfs)	Place of Use Acres	cfs per acre	AF per acre (#6)				
		0.14	7.0	0.0200	2.07				
Amount of Water Needed For Evaporation (E _i)		Pond Surface Area (acres)	Acres Equivalent to E _i Use (#8)	Required cfs	AF (#7) Required				
		0.6	0.7	0.0141	1.4540	(#7)			
Amount of Water Needed for Pond Fill	Pond Depth (ft)	Pond Volume (AF)	Acres Equivalent to Pond Fill	Required cfs	AF Required				
	8.0	2.0	0.9672	0.0193	2.0				
Total Water Needed for Transfer		For Evaporation	For Pond Fill			Total			
	cfs	0.0141	0.0193			0.03 cfs			
	AF	1.4540	2.0	3.4540		3.5 Ac-Ft			
	acres	0.70	0.9672	1.6703		1.7 Acres			

#1 - Mohau, Myron, Kporde, Kojo C.S., and Craine, Katherine L., 1992. Monthly shallow pond evaporation in Idaho. ASAE paper PNW 92-111.
 #2 - Data collected from the Western Regional Climate Summary, Monthly Climate Summary @ <http://www.wrcc.dri.edu/summary/climsid.html> - See attached.
 #3 - [(Monthly FWS Evap.) - (Avg. Total Precip.)] = Value (Value < 0 = 0). Where Avg. Total Precipitation exceeds Monthly FWS Evaporation, the resultant pond loss (Value < 0 = 0) is set to zero.
 #4 - <http://www.kimberly.uidaho.edu/ET/Idaho/> Precipitation Deficit values used synonymously w/mean irrigation requirement. Values from Allen, Richard G. & Clarence W. Robison, 2006 (Revised 2007). Evapotranspiration & Consumptive Irrigation Water Requirements - Idaho, Research Technical Completion Report, Kimberly Research & Extension Center, University of Idaho, Moscow, ID.
 #5, 6, 7 & 8 - Computed values based on
 a & b - See Page 2 of 2

Attachment #8.a

Pg 2 of 2

Pond Consumptive Use Calculations

Climate Station: POCATELLO WSO ARPT, IDAHO (107211)
Project Name: Kimberly Whittier Williams Trust

Pocatello WSO ARPT, IDAHO (107211) - Same As - Pocatello WB AP (NWS -- 107211)

Pocatello WB AP (NWS -- 107211)

<http://www.wrcc.dri.edu/summary/climsmsid.html> POCATELLO WSO ARPT, IDAHO (107211)

Avg. Total Precipitation (in/mo) ^a	1.08	0.90	1.17	1.12	1.34	1.05	0.53	0.59	0.78	0.92	1.05	1.07	11.59
Entered in Row 4 of Data Input (# 2)													

^a

<http://data.kimberly.uidaho.edu/ETIdaho/> Precipitation Deficit PDef (mm) = 630.28 mm ^b

Pocatello WSO ARPT, IDAHO (107211) - Same As - Pocatello WB AP (NWS -- 107211)

Irrigation Consumption Crop =													Growing Season
Open water - shallow systems (ponds, streams)													
Mean ^f	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	mm
Monthly ^c	-0.43	-0.07	0.61	1.90	2.41	3.62	4.33	3.76	2.49	1.47	-0.11	-0.60	593.00
x Days/Month	31	28	31	30	31	30	31	31	30	31	30	31	
(Days/Month)x(Precip. Deficit) =	-13.33	-1.96	18.91	57.00	74.71	108.60	134.23	116.56	74.70	45.57	-3.30	-18.60	593.09
mm													
Negative Values = 0.0	0.00	0.00	18.91	57.00	74.71	108.60	134.23	116.56	74.70	45.57	0.00	0.00	630.28

^b

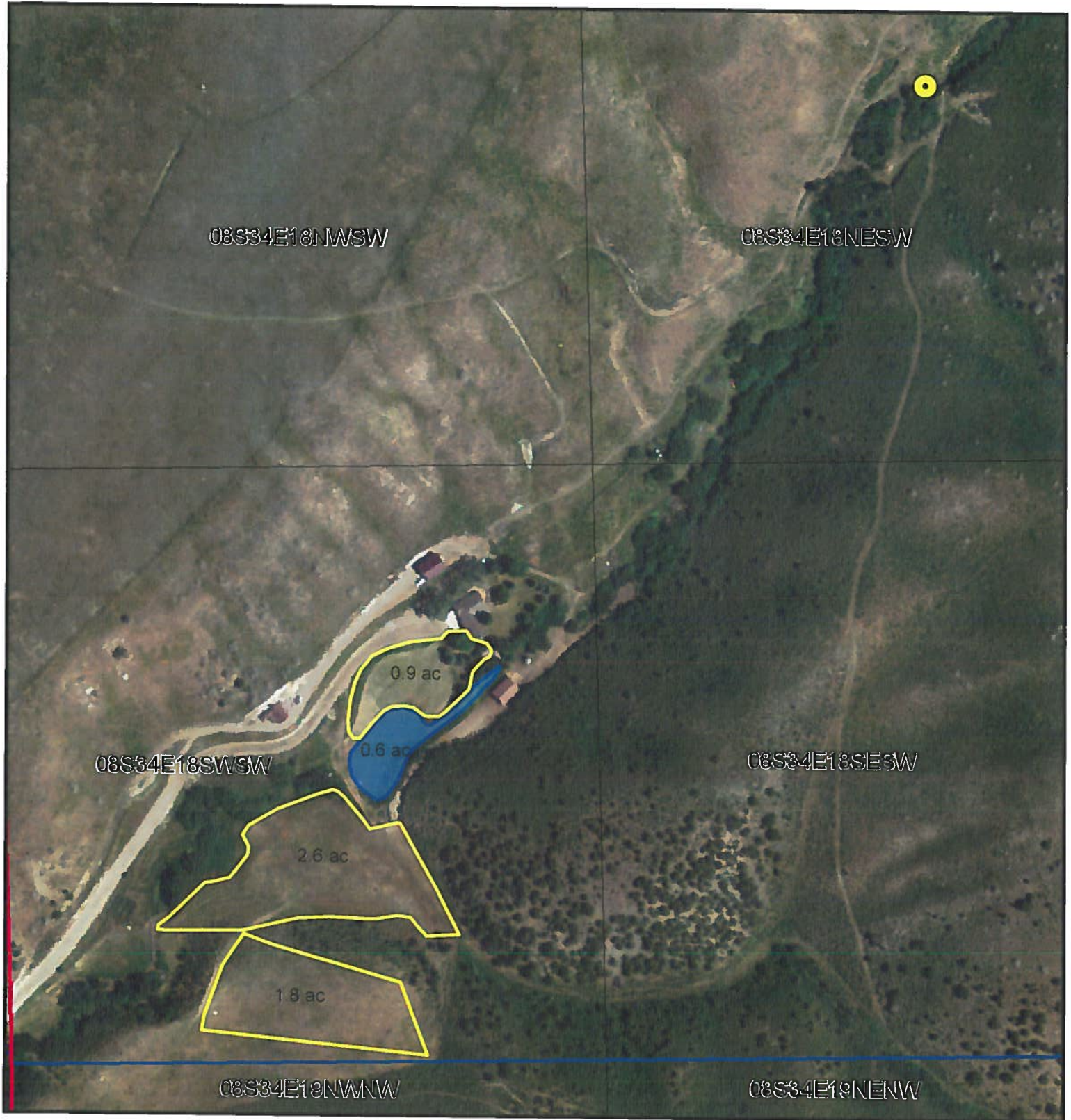
^a Average Total Precipitation (in/Mo) Enter on Page 1 of 2

^b Calculated Precipitation Deficit (mm) Enter Page 1 of 2

^c Mean of the average daily value for month

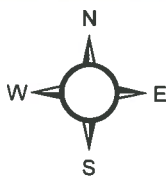
^f This value represents the mean value for the month over the 'normal' period of record. Generally, the 'normal' period is the last thirty years with data.

Attachment #7a Whittier



2011 NAIP Photography

- Existing POD
- New POU
- Pond
- Township and Range
- Section
- QQ
- New POD



Attachment #7a Whittier



- New POD
- Township and Range
- New POU
- Section
- Pond
- QQ

2011 NAIP Photography

AMENDED

0 125 250 500 Feet

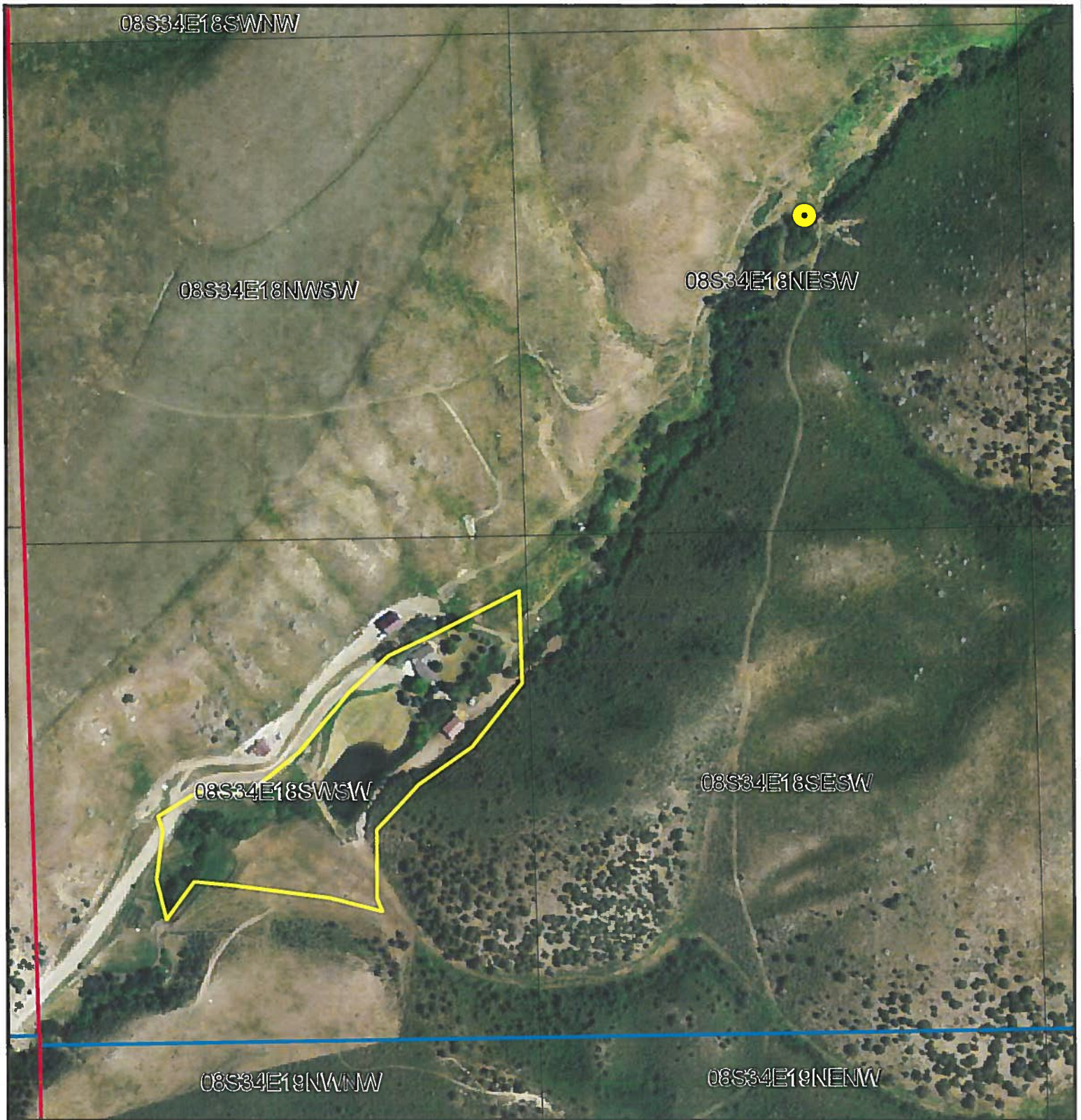
RECEIVED
AUG 28 2011



Rocky Mountain
ENVIRONMENTAL
ASSOCIATES, INC.

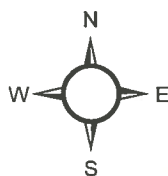
Department of Water Resources
Eastern Region

Attachment #7b



2011 NAIP Photography

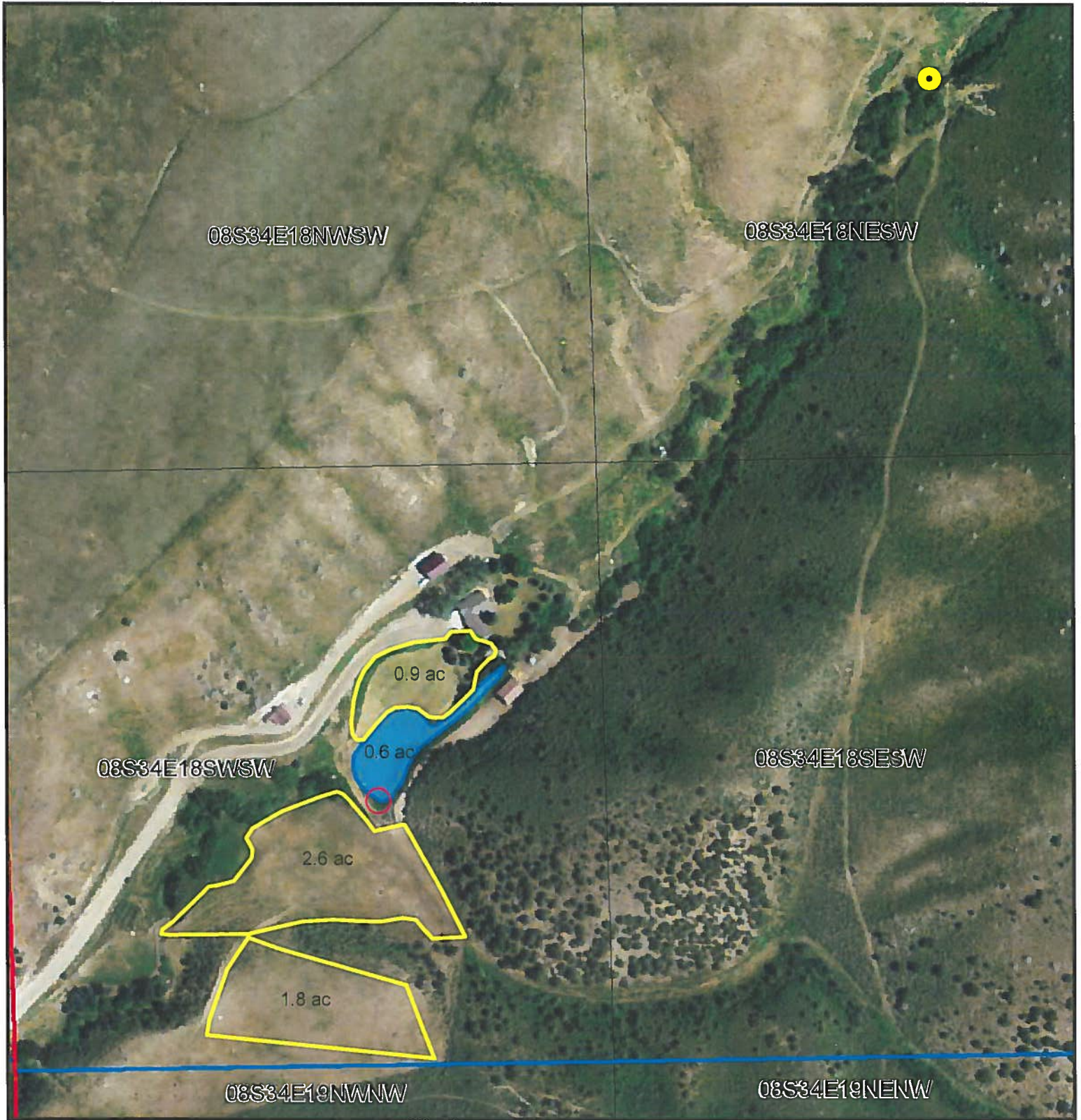
- Existing POD
- Existing POU
- Township and Range
- Section
- QQ



0 200 400 800 Feet

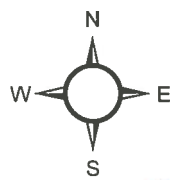
79 42 2

Attachment #7a Whittier



2011 NAIP Photography

- Existing POD
- New POU
- Pond
- New POD
- Township and Range
- Section
- QQ



0 175 350 700 Feet

79 42 2

AMENDMENT TO AND COMPLETE RESTATEMENT OF
THE KIMBERLY WHITTIER WILLIAMS TRUST
ESTABLISHED FEBRUARY 24, 1977
KIMBERLY WHITTIER WILLIAMS and
THE WHITTIER TRUST COMPANY, CO-TRUSTEES

FILING: # 2061
☒ DOC ☐ COR
☐ DIR ☐ INV.
☐ FEE ☐ INS.
☐ NOTE ☐ TAX
☐ MISC: _____

AMENDMENT TO AND COMPLETE RESTATEMENT OF
THE KIMBERLY WHITTIER WILLIAMS TRUST
ESTABLISHED FEBRUARY 24, 1977

This Amendment to and Complete Restatement of The Kimberly Whittier Williams established February 24, 1977, is entered into this 5th day of October, 2000, by and between KIMBERLY WHITTIER WILLIAMS as the Trustor of The Kimberly Whittier Williams Trust established February 24, 1977, and KIMBERLY WHITTIER WILLIAMS and THE WHITTIER TRUST COMPANY, as the Co-Trustees of The Kimberly Whittier Williams Trust established February 24, 1977. Pursuant to the right reserved to the undersigned, as Trustor, under Article III of The Kimberly Whittier Williams Trust established February 24, 1977, as amended and completely restated on September 17, 1992, the undersigned Trustor does hereby revoke all prior amendments to The Kimberly Whittier Williams Trust established February 24, 1977, and amends The Kimberly Whittier Williams Trust established February 24, 1977, and for purposes of clarity, completely restates The Kimberly Whittier Williams Trust established February 24, 1977, in its entirety to provide as follows:

"AGREEMENT ESTABLISHING

THE KIMBERLY WHITTIER WILLIAMS TRUST

This Agreement is made as of the 24th day of February, 1977, by and between KIMBERLY WHITTIER WILLIAMS, as Trustor, and KIMBERLY WHITTIER WILLIAMS and THE WHITTIER TRUST COMPANY, as Co-Trustees (hereinafter sometimes referred to collectively as the 'Trustee'). This Agreement establishes The Kimberly Whittier Williams Trust.

I

RECITALS

The Trustor is married to [REDACTED]. All references herein to 'the Trustor's spouse' are to [REDACTED]. The Trustor has three (3) children now living, namely

EXHIBIT I

A. POWERS OF THE TRUSTEE RESPECTING ALL TRUSTS
CREATED UNDER THIS AGREEMENT

The Trustee is vested with the following powers, in addition to those powers now or hereafter conferred by law, all of which shall be exercised in a fiduciary capacity:

1. General Powers

a. To continue to hold any property (including shares of the Trustee's own stock) and to operate at the risk of the Trust Estate any business that the Trustee receives or acquires under the trusts as long as the Trustee deems advisable;

b. To manage, control, grant options on, sell (for cash or on deferred payments), convey, exchange, partition, divide, improve, and repair trust property; to exercise or sell stock subscription or conversion rights; to buy, sell, and trade in commodities and in securities of any nature (including "short" sales); to write options and otherwise deal in puts and calls; and for such purposes to maintain and operate margin accounts and other accounts with brokers as security for loans and advances made to the Trustee. It is the Trustor's intention that the Trustee be able to deal with securities of any nature, commodities, and puts and calls as fully as any individual could so deal;

c. To lease trust property for terms within or beyond the term of the trusts and for any purpose, including exploration for and removal of gas, oil, other minerals, and geothermal energy; to enter into community gas, oil, other mineral, and geothermal leases; and to enter into pooling, repressurization, unitization, and other types of agreements relating to the development, operation, and conservation of gas, oil, other mineral, and geothermal properties;

d. To borrow money; to encumber or hypothecate trust property by mortgage, deed of trust, pledge, or otherwise for the debts of the Trust Estate, including joint debts of the Trust Estate and a co-owner of trust property; to pledge trust assets held or purchased as security for loans and advances made to the Trustee; and, while the Trustor is living, to guarantee the obligations of any person or entity;

e. To carry, at the expense of the Trust Estate, insurance of such kinds and in such amounts as the

(Page 1 of Exhibit I)

Trustee deems advisable to protect the Trust Estate and the Trustee against any hazard;

f. To hold, purchase, and maintain life, accident, disability, and health insurance policies and annuities on one or more beneficiaries or persons in whom a beneficiary has an insurable interest, and to exercise all rights of ownership and control contained in such policies;

g. To commence, compromise, or defend litigation or claims with respect to the trusts or any property of the Trust Estate as the Trustee may deem advisable, at the expense of the Trust Estate;

h. To purchase assets (for cash or on terms) and invest and reinvest the Trust Estate in every kind of property, real, personal, or mixed, which persons of prudence, discretion, and intelligence acquire for their own account, specifically including, but not limited to: corporate obligations of every kind; stocks, preferred or common; limited or general partnerships; shares of investment trusts, investment companies, mutual funds, and mortgage participations; and any common trust funds administered by the Trustee;

i. To hold any or all of the property comprising the Trust Estate, including real property, stocks, bonds, or other securities, or interests therein, in the Trustee's name as Trustee hereof, the Trustee's own name, a nominee's name, or street name accounts with brokers, and to acquire and retain any of such stocks, bonds, or other securities in unregistered form so that ownership shall pass by delivery;

j. With respect to securities held in the trusts, to have all the rights, powers, and privileges of an owner, including the power to: vote, give proxies, and pay assessments; participate in voting trusts, pooling agreements, foreclosures, reorganizations, consolidations, mergers, and liquidations, and, incident to such participation, to deposit securities with and transfer title to any protective or other committee on such terms as the Trustee may deem advisable; and consent to corporate sales;

k. To invest in any common fund or other collective investment vehicle offered or managed by the Trustee or an affiliate of the Trustee and to become a limited partner of a limited partnership or a member of a limited liability company administered or managed by the Trustee or an affiliate of the Trustee. This power shall not be affected by the fact that the Trustee or an affiliate of the Trustee may receive an investment, management, administrative, or other fee from such entity.

(Page 2 of Exhibit I)

l. To pay out of the Trust Estate any and all necessary and proper debts and expenses in connection with the operation and conduct of the trusts, including the reasonable fees of attorneys, accountants, investment counsel, and other agents;

m. To abandon any property or interest therein if, in the Trustee's discretion, such abandonment is in the best interests of the beneficiaries;

n. To engage in business with the property of the trust as a sole proprietor, or as a general or limited partner, with all the powers customarily exercised by an individual so engaged in business, and to hold an undivided interest in any property as tenant in common or as tenant in partnership;

o. To employ and pay any custodian, investment advisor, or any other agents to assist the Trustee in the administration of the trust. If investment counsel is retained, the Trustee may abide by the decision of the counsel and shall not be held liable or otherwise surcharged for losses directly attributable to investments made on the advice of independent counsel. During the period independent counsel is retained, the Trustee shall not be required to conduct reviews of trust investments, and it shall not be required to take action with respect to trust investments unless it receives written instructions from the investment counsel;

p. To act hereunder through an agent or attorney-in-fact, or by or under a power of attorney duly executed by the Trustee, in carrying out any of the powers and duties herein authorized;

q. To assign, partition, divide, subdivide, repair, apply for zoning or rezoning and improve or develop any properties; and

r. To loan and reloan the Trust Estate or any part thereof.

2. Trustee's Advances

The Trustee may loan or advance the Trustee's own funds for any trust purpose to the trusts, said loans or advances to bear interest not in excess of the then current rate.

3. Budget Income and Expenses

The Trustee shall have the power to budget the estimated annual income and expenses of the trusts in such

(Page 3 of Exhibit I)

manner as to equalize as far as practicable periodic income payments to beneficiaries.

4. Preservation of Attorney-Client Privilege

Any Trustee or Co-Trustee may consult with legal counsel chosen by such Trustee on any matter relating to the administration of the trust, including but not limited to such Trustee's fiduciary duties and responsibilities with respect to the trust, and all such fees and expenses shall be charged as an expense of the trust and shall not reduce the Trustee's compensation. All such consultations and communications between a Trustee or Co-Trustee and such Trustee's or Co-Trustee's attorney in connection with trust matters shall be confidential, and shall not be subject to disclosure to any beneficiary or to any successor Trustee or Co-Trustee. Any fees or expenses incurred by the Trustee to defend any challenge to such confidentiality shall also be charged as an expense of the trust and shall not reduce such Trustee's compensation.

5. Release of Powers

The Trustee may release or restrict the scope of any power that the Trustee may hold, whether granted herein or implied by law. The Trustee shall release or restrict any powers by executing a written instrument specifying the powers to be released or restricted and the nature of the restriction. The Trustee shall deliver such instrument to any Co-Trustee and the beneficiaries who then are entitled or authorized to receive distributions of current income. Notice to a minor beneficiary may be given to the person with whom the minor resides.

6. Determination of Principal and Income

Except as otherwise provided in this Agreement, the determination of all matters with respect to what is principal and income of the Trust Estate and the apportionment and allocation of receipts and expenses between these accounts shall be governed by the provisions of the California Revised Uniform Principal and Income Act then in effect. Any such matter not provided for either in this Agreement or in such Act shall be determined by the Trustee, in the Trustee's reasonable discretion, subject to the Trustee's fiduciary obligation. Notwithstanding the foregoing, where a bond has been purchased at a premium or a discount, the Trustee shall amortize such premium or discount by making an appropriate charge or credit to income.

7. Retention of Unproductive
Tangible Personal Property

Except as otherwise provided in this Agreement, the Trustee is authorized, in the Trustee's

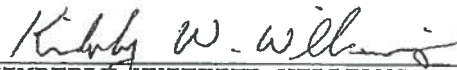
(Page 4 of Exhibit I)

EXHIBIT III

Pursuant to and in accordance with the provisions of paragraph IV.A.3.a of The Kimberly Whittier Williams Trust established February 24, 1977, as amended and completely restated on October 5th, 2000, the following described real property in Kern County, CA shall not be included in the gift provided for in paragraph IV.A.3.a of The Kimberly Whittier Williams Trust established February 24, 1977, as amended and completely restated on October 5th, 2000:

No real property in Kern County, CA shall be excluded from the gift under paragraph IV.A.3.a of The Kimberly Whittier Williams Trust at this time.

DATED: October 5, 2000.


KIMBERLY WHITTIER WILLIAMS
Trustor

(Page 1 of Exhibit III)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

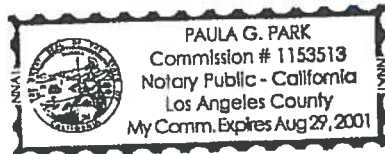
STATE OF CALIFORNIA)
) SS:
COUNTY OF LOS ANGELES)

On this 6th day of October, 2000, before me, the undersigned notary public, personally appeared KIMBERLY WHITTIER WILLIAMS,

☒ personally known to me -OR- ☐ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Paula G. Park
SIGNATURE OF NOTARY



OPTIONAL SECTION
CAPACITY CLAIMED BY SIGNER

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

- ☐ INDIVIDUAL
☐ CORPORATE OFFICER(S)

TITLE(S)

- ☐ PARTNER(S)
☐ LIMITED
☐ GENERAL
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER: _____

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

OPTIONAL SECTION

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT:

Though the data requested here is not required by law, it could prevent fraudulent reattachment of this form.

TITLE OR TYPE OF DOCUMENT _____

NUMBER OF PAGES _____

DATE OF DOCUMENT _____

SIGNER(S) OTHER THAN NAMED ABOVE

Instrument # 200626

POWER COUNTY, IDAHO
07-12-2011 11:10:21 AM No. of Pages: 3
Recorded for: PIONEER TITLE POCATELLO
CHRISTINE STEINLICH Fee: \$16.00
Ex-Officio Recorder Deputy: Linda Annen
Electronically Recorded by Simplifile

20110395SMK MH

WARRANTY DEED

FOR VALUE RECEIVED, LINDA CASHMAN-SWIM, also shown of record as LINDA C. SWIM, an individual, and LINDA L. CASHMAN-SWIM, as Personal Representative of the ESTATE OF SHERMAN H. SWIM, also shown of record as the ESTATE OF SHERMAN SWIM, deceased, whose address is 3291 Midnight Creek Road, Pocatello, Idaho 83204 (collectively "Grantor"), hereby conveys, grants and warrants to KIMBERLY WHITTIER WILLIAMS and THE WHITTIER TRUST COMPANY, as the Co-Trustees of the KIMBERLY WHITTIER WILLIAMS TRUST established February 24, 1977 and amended and restated on March 15, 2001, whose address is 1600 Huntington Drive, South Pasadena, California 91030 (collectively "Grantee") and its successors and assigns forever, the following described real property located in Power County, Idaho (hereafter the "Property"):

Parcel 1:

NENW and N1/2NE of Section 19, Township 8 South, Range 34 East, Boise Meridian Power County, Idaho

Parcel 2:

Lots 2, 3, 4 and SENW of Section 18, Township 8 South, Range 34 East, Boise Meridian Power County, Idaho

Lots 2, 3, 4; S1/2NE; E1/2SW; N1/2SE; SWSE; N1/2SESE; SENW of Section 19, Township 8 South, Range 34 East, Boise Meridian Power County, Idaho

Also a parcel of land described as: Beginning at the SW corner of the SESE of Section 19, Township 8 South, Range 34 East, Boise Meridian, Power County, Idaho, thence North 660 feet, thence East 1320 feet, thence Southwesterly to the Southwest corner of said SESE, the point of beginning.

N1/2NW, N1/2SW and SWNW of Section 20, Township 8 South, Range 34 East, Boise Meridian Power County, Idaho

Lots 1, 2 and E1/2NW of Section 30, Township 8 South, Range 34 East, Boise Meridian Power County, Idaho

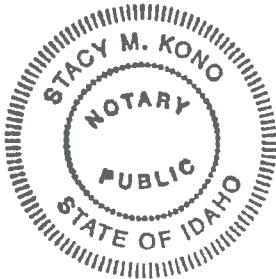


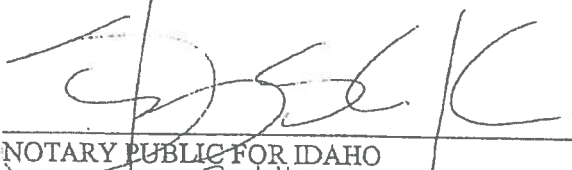
STATE OF IDAHO)

County of Bannock: ss.

On this 12th day of July, 2011, before me before me, a Notary Public in and for said state, personally appeared **LINDA CASHMAN-SWIM**, also shown of record as **LINDA C. SWIM**, an individual, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she 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.



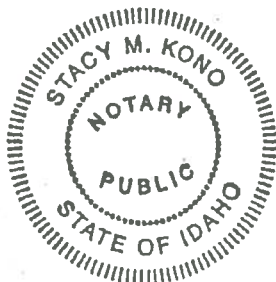

NOTARY PUBLIC FOR IDAHO
Residing at Pocatello, ID
My Commission Expires 03/01/15

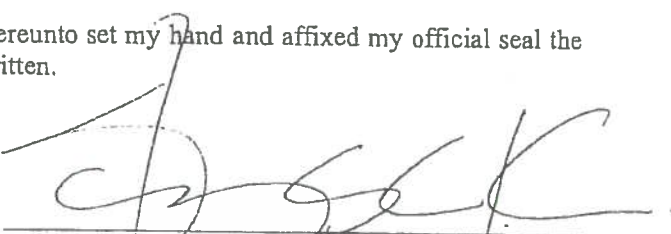
STATE OF IDAHO)

County of Bannock: ss.

On this 12th day of July, 2011, before me before me, a Notary Public in and for said state, personally appeared **LINDA L. CASHMAN-SWIM**, as Personal Representative of the **ESTATE OF SHERMAN H. SWIM**, also shown of record as the **ESTATE OF SHERMAN SWIM**, deceased, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in such capacity.

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 IDAHO
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